

January 1, 2024 – December 31, 2024

ANNUAL SECURITY & FIRE SAFETY REPORT 2025



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LETTER FROM THE PRESIDENT

To the Pomona College Community,

Becoming a safe and resilient community at Pomona College is just that—a becoming. Together we strive to always build toward becoming better. And together we signal that it's not just ideal, it's essential.

Members of our College community have put in a great deal of time and effort in creating this report. It is an overview of campus safety measures and crime statistics, and it looks at student substance abuse, sexual violence and misconduct. It also lays out our responses to these issues.

Pomona and The Claremont Colleges at large are together cultivating an environment that prioritizes support, cooperation and transparency. To meet our standards, we must always set our sights higher.

Please read this report and join me in committing to make this a flourishing community. Let's always work to become the best version of ourselves, and let's always seek to become an increasingly secure place to study, work and teach.

A handwritten signature in black ink, appearing to read "G. Starr", with a long horizontal flourish extending to the right.

G. Gabrielle Starr
President, Pomona
College

A LETTER FROM THE AVP AND DIRECTOR OF CAMPUS SAFETY

To the Pomona College Community

On behalf of the members of the Department of Campus Safety, I want to thank you for your interest in 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 Pomona College and all of The Claremont Colleges (TCC) safe places in which to live, work, and study.

Pomona College and TCCS Department of 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 Campus Safety 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 and 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 Pomona College in the commitment to foster a secure and supportive environment at TCC. Campus safety and security indeed requires a collaborative effort at TCC, and so we proudly partner with the many Departments at Pomona College that have a critical role in fostering campus safety, including: the Dean of Students office, Senior Administrators, Campus and Residential Life, Facilities Management and other departments.

This year, we are proud to introduce our new dedicated Pomona Officers, who are deeply committed to building strong, positive relationships with the Pomona College community. These officers are focused on providing exceptional service and ensuring the safety and well-being of all students, faculty, and staff. By fostering trust and open communication, our dedicated team aims to create a supportive environment where everyone feels secure. Their presence on campus reflects our ongoing commitment to personalized, community-oriented safety initiatives, enhancing the overall experience at Pomona College.

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.

Desiree Flores,
Interim Director of Campus Safety

ANNUAL SECURITY REPORT INTRODUCTION

Pomona College places a high priority on keeping our campus safe for our students, employees and visitors. The following information on campus security policies and campus crime statistics is provided in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, [20 U.S.C. 1092 (f)] for the purpose of (a) informing the campus community about campus security policies and procedures; (b) encouraging students and employees to take actions to lessen the chances of crime occurring on campus; and, (c) keeping Pomona College a safe and secure place to learn and work. 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 Pomona College and select public property adjacent to the campus. This report also includes institutional policies concerning campus security, such as policies regarding sexual assault, alcohol, drugs and weapons.

POLICIES FOR PREPARING THE ANNUAL SECURITY REPORT

LOCATION AND DISSEMINATION OF THE REPORT

Pomona College's Clery Officer, Associate Dean of Students Destiny Marrufo, is responsible for distributing the notice of availability of the Annual Security and Annual Fire Safety Report by the Department of Education's deadline of October 1st each year to every member of the Pomona College Community. This notice is sent in writing via email to our students, staff and faculty listserv. Anyone, including prospective students and employees, or community members may request a paper copy of this report by contacting Destiny Marrufo at 909-621-8017 or may download at <https://services.claremont.edu/campus-safety/clery-reporting/>

PREPARATION OF THE REPORT

This report has been prepared by Pomona College's Clery Officer, Associate Dean Destiny Marrufo. Destiny Marrufo joined the Pomona community in this role January 1, 2024. This report was prepared in cooperation with The Claremont Colleges Services (TCCS) Campus Safety, using information maintained by Campus Safety and information by provided TCCS Student Health and Counseling Services, the Claremont and Upland Police Departments, Police Departments whose jurisdiction falls within non-campus property controlled by the Institution, and by Pomona College Student Affairs, Dean of Students, Human Resources, Campus Life, Title IX, Residence Life, and other Campus Security Authorities. Each of these offices provided updated policy information and crime data. Campus crime statistics are reported by location and include On-Campus (owned, contiguous, educational or student-used), Residential Facility (on-campus), Non-Campus Building or Property (non-contiguous owned and student-used) and Public Property (streets, sidewalks, lots adjacent to campus).

REPORTING OF CRIMINAL OFFENSES

ACCURATE AND PROMPT REPORTING

Accurate and prompt reporting of crimes to Campus Safety and appropriate police agencies is encouraged at Pomona College. Regardless of how and where you decide to report these incidents, it is critical for the safety of the entire campus community that you immediately report crimes to 911 and/or Campus Safety to ensure an effective investigation and appropriate follow up action, including issuing a Crime Alert or Emergency Notification if necessary.

CRIMES AND EMERGENCIES

We encourage all members of the College community to report all crimes and other emergencies to Campus Safety in a timely manner. In the event that the victim is not able to or elects to not make a report, you are encouraged to report. Campus Safety has a dispatch center that is available by phone at 909-621-8170 or 909-607-2000 or in-person 24 hours a day at 101 S Mills Ave, Claremont, CA 91711. Though there are many resources, Campus Safety should be notified of any crime, whether or not an investigation continues, to assure the College can assess any and all security concerns and inform the community if there is a significant threat to 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. However, please note that the Cisco IP Phones often times still record 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”.

TCCS Campus Safety has primary responsibility for the security of Pomona College’s campus and works closely with the City of Claremont as well as the Claremont Police and Los Angeles County Fire Departments in order to provide a proactive approach to safety, in which they emphasize information, preparation, and collaboration to design effective crime prevention strategies.

EMERGENCY PHONES

The College has installed numerous emergency phones throughout the campus. Phones are located in numerous outdoor locations. Emergency phones provide direct voice communications to the Campus Safety Dispatch Center. TCCS has installed more than 200 emergency phones throughout The Claremont Colleges.

LIVESAFE APP

Pomona College community members have access to the free LiveSafe mobile app. Smartphone users can download the app (through their app store or google play).

LiveSafe provides users the opportunity to do something if/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. LiveSafe users can report tips to Campus Safety, make emergency calls, and perform other functions that help enhance their personal safety and security, including requesting a safety escort through campus safety.

During times of distress, a LiveSafe user can send a link with an accurate GPS location to alert the LiveSafe user's personal emergency contacts. Friends and family also can virtually walk an app user home. The app's SafeWalk feature uses GPS tagged monitoring to track an app user's progress on a web-based map. The feature can be deactivated once the user has reached his/her destination safely. Users have total control over whom they invite to use this feature, and they may also disable that person's access at any time.

Live Safe 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.

CAMPUS SECURITY AUTHORITIES (CSAS)

Pomona College is very concerned about the safety and welfare of all students, employees and visitors and is committed to providing a safe and secure environment.

While Pomona College prefers that community members promptly report all crimes and other emergencies directly to Campus Safety at 909- 607-2000 or 911, we also recognize that some may prefer to report to other individuals or College offices.

The Clery Act recognizes certain College officials and offices as "Campus Security Authorities (CSA)". The Clery Act defines these individuals as an "official of an institution who has significant responsibility for student and campus activities, including, but not limited to, student housing, student discipline and campus judicial proceedings. An official is defined as any person who has the authority and duty to take action or respond to particular issues on behalf of the institution."

While the College has identified several hundred CSAs (including all student affairs on-call and other deans, other student affairs staff, some academic affairs staff, coaches and RAs), we

officially designate the following offices as places where campus community members should report crimes:

Office/Official	Campus Address	Phone Number
Campus Safety	101 S. Mills Ave.	909.607.2000
Dean of Students	550 North College Avenue	909.621.8017
Assistant Vice President for Human Resources/Chief Human Resource Officer (CHRO)	150 East Eighth Street	909.607.1686
Title IX Coordinator (TIXC)	550 North College Avenue	909.621.8017
The Housing and Residence Life Office	170 East Sixth Street	909.621.8256 or 909.607.2239

PASTORAL AND PROFESSIONAL COUNSELORS

Under the Clery Act, pastoral and professional counselors who are appropriately credentialed and hired by the College to serve in a counseling role are not considered Campus Security Authorities when they are acting in the counseling role. Pastoral and professional counselors who learn about crimes in the performance of their official duties are not required to report these crimes to Campus Safety for inclusion in the annual security report or for the purposes of a Timely Warning Notice (discussed below). As a matter of policy, the College encourages pastoral and professional counselors, if and when they deem it appropriate, to inform those whom they are counseling of the voluntary, confidential reporting options available to them.

VOLUNTARY, CONFIDENTIAL REPORTING

If you are the victim of a crime or want to report a crime you are aware of but do not want to pursue action within the College or criminal justice system, we ask that you consider filing a voluntary, confidential report. A confidential report protects the reporting party's wish to keep personally identifying information confidential, while taking steps to ensure your safety and the safety of others. The confidential report also allows the College and Campus Safety to compile accurate records on the number and types of incidents on campus. Reports filed in this manner are counted and disclosed in this annual report.

Members of the Pomona College community who wish to report crime voluntarily and confidentially may speak with licensed counselors, clergy, medical providers in the context of seeking medical treatment and rape crisis counselors/victim advocates, who, except in very narrow circumstances specified by law, will not disclose confidential communications or identifiable information. An individual who wishes for the details of the incident to remain completely confidential may speak with certain designated College employees who, by law, shall maintain confidentiality and may not disclose the details of an incident, subject to certain exceptions in the law (e.g., child abuse). If an individual makes a report to these confidential resources but not to the persons or entities identified in section IV.A.1 of the Pomona College

Sexual Misconduct, Harassment, and Discrimination Policy and Procedures, then the College will not be in a position to take action because it will not have notice of the incident.

Members of the community can also report confidentially online using the [Online Reporting System](#) and **NOT** filling out the reporter's name, position/title, phone number, email, and local address.

CAMPUS-BASED STUDENT RESOURCES WITH THE LEGAL PRIVILEGE OF CONFIDENTIALITY

Monsour Counseling and Psychological Services – Professional Counselors

<https://services.claremont.edu/mcaps/>

Tranquada Student Services, 1st Floor

757 College Way, Claremont CA 91711

909.621.8202 or 909.607.2000 (after-hours emergency)

Student Health Services

<https://www.pomona.edu/students/student-health-and-safety>

Tranquada Student Services, 1st Floor

757 College Way, Claremont CA 91711

909.621.8222 or 909.607.2000

McAlister Center for Religious Activities Pastoral Counselors

<https://services.claremont.edu/chaplains/>

919 North Columbia Avenue, Claremont CA 91711

909.621.8685

**CAMPUS-BASED RESOURCES FOR STUDENTS AND EMPLOYEES THAT ARE DESIGNED BY
THE COLLEGES AS CONFIDENTIAL**

Campus Advocacy, Resources, Education, & Support (C.A.R.E.S) Office

<https://www.pomona.edu/title-ix-cares/cares/programs-services>

Cynthia Flores – Assistant Director

550 North College Avenue Claremont CA, 91711

909.607.9988

Please note that only the Assistance Director of C.A.R.E.S has been designated as a confidential resource.

EmPOWER Center

<https://www.7csupportandprevention.com/empower-center>

Rima Shah – Director

1030 Dartmouth Avenue, Claremont, CA 91711

606.607.0690

Please note that only the Director of the EmPOWER Center has been designated as a confidential resource. As noted above, there are license professional counselors from Project Sister Family Services at the EMPOWER and these counselors have the legal privilege of confidentiality.

Queer Resource Center (QRC)

<https://colleges.claremont.edu/qrc/>

Bri Carmen Sérrano –Director

35 East 6th Street, Claremont CA 91711

909.607.1817

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

Ombuds Office

<https://www.pomona.edu/administration/ombuds>

Gecole Harley

401 N. Harvard Avenue, Claremont, CA 91711

909.447.4774

Alcohol and Drug Counselor

<https://www.pomona.edu/students/wellness/alcohol-drug-use>

Jasa Cocke

120 E. Bonita Ave., Claremont CA 91711

909.607.8763

CAMPUS-BASED EMPLOYEE RESOURCE WITH THE LEGAL PRIVILEGE OF CONFIDENTIALITY

Employee Assistance Plan (EAP)

<https://www.pomona.edu/administration/human-resources/resources/work-life-balance>

Password claremontcolleges 1.800.234.5465

At no cost to Pomona College Employees, the EAP offers confidential advice and counselling services to eligible employees and their immediate family members 24/7 relating to multiple issues and concerns.

COMMUNITY-BASED RESOURCES FOR STUDENTS AND EMPLOYEES WITH THE LEGAL PRIVILEGE OF CONFIDENTIALITY

Project Sister Family Services

<https://projectsister.org/>

909.626.HELP (24/7 Crisis Hotline)

Crisis services for individuals who have been sexually assaulted or abused.

WINGS Domestic Violence Program

<https://www.ywcagv.org/>

626.967.0658 (24/7 Crisis Hotline)

Safe emergency shelter, crisis services and support groups for the victims of domestic violence and their families.

House of Ruth

<https://houseofruthinc.org/nk>

877.988.5559 (24/7 Crisis Hotline)

Safe emergency shelter, crisis services and support groups for victims of domestic violence and their families.

Rape, Abuse & Incest National Network (RAINN)

<https://www.rainn.org/>

800.656.HOPE (4673) (24/7 Crisis Hotline)

The nation's largest anti-sexual violence organization focused on supporting survivors.

CONFIDENTIALITY LIMITATIONS

Confidential resources with the legal privilege of confidentiality (such as professional and pastoral counselors, domestic violence and rape crisis counselors, community-based victim advocates, physicians, etc.) are protected by and obligated to adhere to established professional codes of ethics, relevant California state laws and the Family Educational Rights and Privacy Act (FERPA). Whenever there is any discrepancy between these guidelines, they follow the most stringent ethical standard, as advised by their respective professional code of ethics.

This means no information will be revealed to anyone outside of the confidential provider's respective practice without written permission from the client, except where disclosure is required by law (i.e. where the client is likely to harm themselves; where the client presents a serious danger of violence to another; where there is reasonable suspicion of abuse of children, dependent or elderly persons; or when records are subpoenaed through a legal and valid court order).

Resources that have been designated by the College as a confidential resource do not have Title IX reporting requirements. As such, they do not have to report disclosures of sexual assault, dating/domestic violence, stalking or harassment that they receive to the College's Title IX Coordinator. These resources do have reporting requirements under the Clery Act. As such, these resources do have to report disclosures through the CSA Incident Form. This form can be found on the Campus Safety website and is only accessible to members of the Claremont Colleges. Notably, this report does not have to include any personally identifying information, it is required for statistical purposes only. These resources do not have the legal privilege of confidentiality.

ANONYMOUS REPORTS

Any individual may make an anonymous report without disclosing some or all personally identifying information. The College's ability to respond to anonymous reports is limited by lack of information about the incident(s) and/or the individuals involved. The appropriate administrator will determine any appropriate next steps to take in response to an anonymous report, including community-wide remedies as appropriate. We highly recommend this method for the accurate and prompt reporting of crimes to campus police and appropriate police agencies when the victim of crime elects not to or is not able to make such a report.

Students and employees can also download the LiveSafe app from their mobile device for free (above on p9). Anyone may share information anonymously with Campus Safety's Silent Witness program.

By policy, Campus Safety will not attempt to trace the origin of the person who submits this form, unless such is deemed necessary for public safety. Anyone may share information anonymously through Campus Safety's Silent Witness form. It is NOT intended for reporting emergencies or crimes-in-progress.

The form provides a user the opportunity to communicate directly with the Assistant Vice President of Campus Safety. The user will submit a description of the event, date, time and location of the event. Contact information is optional. Once all pertinent information has been disclosed, the user will click the 'submit' button which in turn sends it directly to the Assistant Vice President of Campus Safety.

DAILY CRIME LOG

Campus Safety maintains a Daily Crime Log of all crime reported to the Department. The log includes criminal incidents reported to Campus Safety during the last 60 days and is available on the Campus Safety Website.

Any member of the Claremont Colleges and members of the public may also view the Clery Daily Crime Log in the lobby of Campus Safety during normal business hours at 101 S. Mills Ave, 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 the date requested for public inspection.

CAMPUS SECURITY POLICIES, CRIME PREVENTION AND SAFETY AWARENESS PROGRAMS

CRIME PREVENTION AND SAFETY AWARENESS PROGRAMS

Teal Dot – Bystander Intervention Program

Teal Dot is a 90-minute program focused on how bystanders can recognize precursors to violence and attempt to engage everyone in intervention techniques for reducing violence in our 7C community. Students review different types of power-based personal violence (stalking, partner violence, and sexual violence), learn what roles bystanders play in potential high-risk situations, learn how to recognize warning signs and precursors to violence, discuss obstacles to action and how to overcome them, and finally learn how to intervene as a Teal Dot Bystander using simple and practical solutions referred to as the 3Ds. These trainings are open to all 7C students, faculty, and staff members.

Enthusiastic YES!: A consent and boundaries workshop

Enthusiastic YES!: is a mandatory consent & boundaries workshop that aims to teach students how to establish their boundaries in various types of relationships and the importance of consent. Enthusiastic YES! discusses how students can be active bystanders when they know people who have experienced sexual violence, including intimate partner violence, stalking, sexual assault, and other forms of sexual misconduct. This workshop teaches students how to take a survivor-centered approach to support folks impacted by sexual violence and other forms of harm. Students are also taught the resources available on campus and within the consortium. The

Assistant Director of the CARES Office co-facilitates this workshop with the Pomona College Campus Advocates and Housing and Residence Life staff that support the 1st year experience. All new and transfer students are required to participate in the Enthusiastic YES workshop during their first semester at Pomona College. Prior to arriving to campus, all first year and transfer students must also take the online course, U Got This!, an educational and prevention module on sexual assault and interpersonal violence.

Binge Thinking!

Binge Thinking! is an interactive online course that uses the latest evidence-based prevention methods to create a highly engaging learning experience, inspiring students to make healthier decisions related to alcohol, cannabis, e-cigarettes, and other drugs. Course designed to inform students about how alcohol affects the body, mind, perceptions, and behaviors. Binge Thinking! is a research-based course offering education in a non-judgmental tone. Personalized feedback encourages students to consider how they, and their peers, make decisions around alcohol use. Binge Thinking! is both prevention and education. All first-year students are required to complete the full course of Binge Thinking! pre-matriculation.

LiveSafe App and Presentation

Pomona College community members have access to the free LiveSafe mobile app. Smartphone users can download the app (through their app store or Google Play). All new students receive a presentation during Orientation on how to set up and use LiveSafe. LiveSafe provides users the opportunity to do something if/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. LiveSafe users can report tips to Campus Safety, make emergency calls, and perform other functions that help enhance their personal safety and security, including requesting a safety escort through campus safety. For more information about LiveSafe, see the section above on p9.

Alcohol and Drugs Policy Overview & A Culture of Respect

The Alcohol Talk by Dr. Dan Hirsch is required during New Student Orientation and focuses on risk reduction strategies, norm-setting and prevention of alcohol and drug abuse. The Culture of Respect presentation is also required during New Student Orientation and is focused on risk reduction, bystander intervention and prevention education surrounding sexual assault, dating/domestic violence, and stalking.

The Claremont Colleges Services Resources

All new students are presented with information about Student Health Services, Monsour Counseling and Psychological Services, and Campus Safety.

Wellness at Pomona

This presentation is required of all new students and is offered during New Student Orientation. This session is focused on engaging students in conversation about and providing students with information about mental health resources and programs that exist on campus, in the community and at a national level.

In addition to the information and programs offered by Campus Safety, Campus Life, and other College offices during Orientation and beyond, Pomona has established a number of policies and procedures related to ensuring a reasonably safe campus community.

- See information on emergency preparedness.
- See the College's Sexual Misconduct, Discrimination and Harassment Policy and Procedures.
- The Student Handbook and Code of Conduct can be found online.

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

ADMINISTRATORS ON CALL & BEHAVIORAL INTERVENTION TEAM

ADMINISTRATOR ON-CALL

Pomona College has established an after-hours administrator on-call team. The administrators on-call are often the first responders to be called by Campus Safety about student situations, disruptive behaviors, or crises. The administrator on-call will determine the appropriate steps given the situation and will keep a detailed record about the interaction and intervention. If the situation involves threatening or extremely disruptive behavior, it is referred to the Tier Two Administrator on Call, the behavioral intervention team or the Senior Administrator On-Call. This team serves as the primary resource for managing student concerns, follow up services and support.

PARENTAL NOTIFICATION POLICY

The College reserves the right to report student discipline information to the parents or legal guardians of students. Federal legislation authorizes the College to disclose disciplinary records concerning violations of the College's rules and regulations governing the use or possession of alcohol or controlled substances that involve students who are under the age of 21, regardless of whether the student is a dependent. The College may also notify parents when there is grave concern for a student's health, welfare, or wellbeing, or when the status of the student at the College changes or is in danger of changing (e.g., residential probation or suspension, academic suspension or required academic withdrawal).

WEAPONS POLICY

Weapons are prohibited in the residence halls. This includes, but is not limited to, paintball guns, fireworks, firearms, tasers, stun guns, projectiles, fake guns, hunting equipment, martial arts weapons, prop-style weapons and weapon replicas, bows and arrows or crossbows, swords, any objects with an express purpose to injure or hurt individual.

Any knife that has a blade that exceeds three inches and has a sharp edge is prohibited. Students may carry pepper spray that is three ounces or less, as is permitted by California State Law. Improper usage of pepper spray, however, is prohibited.

Note: There are special circumstances when certain weapons may be authorized on campus and at campus-sponsored events. Some examples include for use of classroom instruction and events: fencing, archery, theatrical performances, and movie shoots. But they must be stored outside of residential spaces. Please work with the Office of Housing and Residence Life (housing@pomona.edu) or the appropriate Pomona College office to find storage.

MISSING STUDENT NOTIFICATION POLICY

The Clery Act requires institutions that maintain on campus housing facilities to establish a missing student notification policy and related procedures (20 USC 1092 (j), Section 488 of the Higher Education Opportunity Act of 2008). In accordance with general institutional emergency notification procedures, when a Pomona College student is thought to be missing from the campus, the Administrator On-Call and/or the Department of Campus Safety should be immediately notified so that appropriate action can be taken.

When it is determined that a residential student is missing from the College, staff at Pomona College, in collaboration with local law enforcement, will be guided by this Missing Student Notification Policy and related procedures. A residential student is officially “determined to be missing” when a missing person report investigation concludes that the student has been absent from the College for a period of 24 hours or longer without any known reason. Campus Safety, in conjunction with the Assistant Vice President for Student Affairs, will make the official determination of whether a student is deemed missing.

After a residential student has been determined to be missing, the College and/or Department of Campus Safety will, within 24 hours, notify the appropriate law enforcement agency and file a formal missing student report. If the missing student is under 18 years of age and not an emancipated individual, the College and/or Department will also notify a custodial parent or guardian. This contact will be made no later than 24 hours after the time that the student is determined to be missing.

CONFIDENTIAL CONTACT

It is made clear to all students annually, that each student at Pomona has the option to designate an individual to be contacted by the College no later than 24 hours after the time the College

determines the student is missing; otherwise, the student's general emergency contact will be notified. Students fill out the Emergency Contact information form through My Pomona Portal on an annual basis. This information is only accessible to College employees who are authorized campus officials and this information will not be disclosed to others, with the exception of law enforcement personnel in the furtherance of a missing student investigation.

Pomona College's missing student investigative procedures include communication procedures for official notification of appropriate individuals at Campus Safety and the College that a student has been missing for more than 24 hours; require an official Missing Person Report relating to a Pomona student to be referred immediately to Campus Safety; if through investigation of an official report, the Administrator On-Call and Campus Safety determines a student has been missing for more than 24 hours, they will: Notify the local police; contact the individual provided by the student as their emergency contact(s) or, if otherwise specified, the missing student contact person; if a student is under 18 years of age, and not an emancipated individual, immediately contact the custodial parent(s) or legal guardian(s) of the student, in addition to the student's missing student contact person.

SECURITY AND ACCESS TO CAMPUS FACILITIES

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

Many events held in Pomona College facilities are open to the public. Other TCCS facilities such as the bookstore, library, and performance centers are likewise open to the public.

At Pomona College, locks, landscaping and outdoor lighting are designed for safety and security. Sidewalks are designed to provide well-traveled, lighted routes from parking areas to building and from building to building.

SECURITY CONSIDERATIONS FOR THE MAINTENANCE OF CAMPUS FACILITIES

- Several parking structures, computer rooms and other areas on campus are equipped with surveillance cameras; signs announcing the use of video surveillance systems are posted in the parking structures
- Cameras are installed in many areas including coverage of entry points for residence halls and bicycle storage areas. The total number of surveillance cameras on campus is over 130
- Housekeeping staff are trained to report suspicious activity and are on campus Monday through Friday from 5am to 12am and there is on-call staff during weekends

- Maintenance, grounds and housekeeping staff members utilize hand-held radios to enhance rapid response to campus needs
- Trees and shrubbery near buildings and walkways are regularly trimmed to minimize their use for concealment
- Regular security (lighting, shrubbery and general safety) inspections are conducted by the department of facilities and campus services; deficiencies are corrected, and enhancements are instituted
- Reports of non-working lock hardware are routed to staff maintenance personnel immediately
- Housekeeping, grounds and maintenance personnel are required to wear uniforms and ID badges when working on campus
- Fire lanes are secured. Entry is provided only as necessary
- Peepholes have been installed in the north campus residence halls and in many south campus residence hall rooms
- Office computer equipment is required to have lock downs
- New/enhanced emergency phone systems are installed
- MDI card key units are installed on the entrances of eleven residence halls and on the entrances of six academic buildings; card keys are collected annually, and the system is re-programmed. The access code is changed to eliminate lost cards
- High security screens are installed on all first-floor windows with six exceptions due to fire escape regulations at Mudd-Blaisdell
- Emergency telephones connected directly to campus safety are installed across the campus and in remote areas such as: several laundry rooms, the track, tennis courts and a basement in one of the residence halls
- Eighty-two intrusion alarm systems are installed in various buildings across the campus
- Security screens with alarm capability connected to campus safety are installed on the Harwood Hall roof to prevent and deter access to the roof and upper floor rooms
- High security locks are installed on all new construction
- In most areas, campus exterior lighting is inspected monthly by electricians

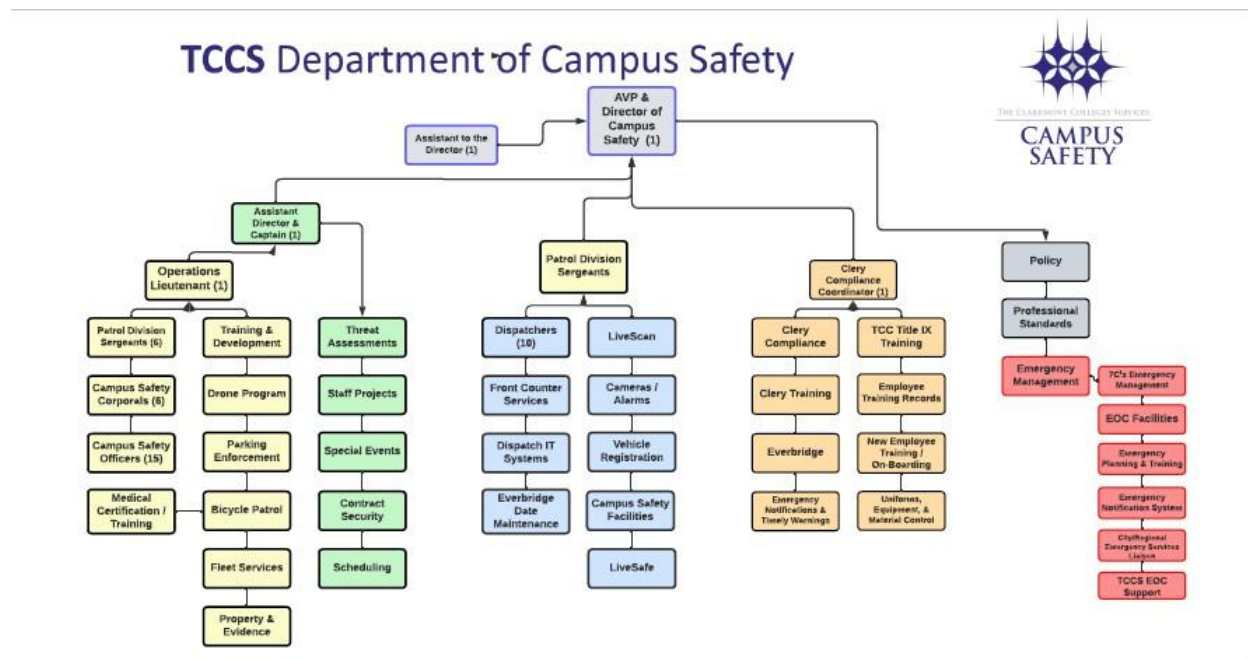
- Knox boxes have been installed throughout the campus to enhance campus safety's response time to incidents involving facilities to reduce the likelihood of lost keys
- Two computing center entrances have card access units installed
- Radios are also utilized by our Emergency Response Teams members (20) and our Disaster Assistance Response Team members (62) and the Special Task and Rescue Squad (75) for emergency situations

ADDITIONAL SECURITY CONSIDERATIONS FOR THE CAMPUS

- Student Affairs administrators are on-call after hours, throughout the academic year and summer. All residence halls are served by live-in Resident Advisers (RAs) who are available and on-call throughout the school year to provide additional community support and development. In addition, Pomona features a number of staff and faculty members who live on-campus.
- All residence hall entrances are locked 24 hours. Main entrances are maintained by card key systems. Resident Advisers check residence hall doors to be sure they are locked each night.
- All 16 residence halls are equipped with either security systems, which allow entrance only with a special card key or high security locks that require key access. Only Pomona students and authorized Pomona staff and faculty are issued card keys with access to the residence halls. Students are instructed to report lost card keys immediately, and any lost card keys are deactivated immediately.
- Escort services are available through Campus Safety, year-round.
- Students' visitor(s) must register with the Office of Campus Life/Housing and Residential Life (located in the basement of Smith Campus Center). Students are expected to be responsible for their visitors and guests at all times.
- Campus-wide security alerts are distributed in a timely manner to inform the campus community of crimes or suspected crimes that may threaten the safety of Pomona students and employees.
- All non-residential campus buildings are locked nightly by a staff member.
- Security staffing and prior notification are required at designated student parties and other events, especially when alcohol is served.

- No one other than the student who is assigned to live in a specific room may obtain the key. Only one (or two if it is a double room) key is kept for each room. If a student loses their key, the door will be re-keyed at the occupant's expense.
- Campus Safety has a set of master keys, a tight key control policy and a strict facility-access policy. Locks are changed immediately when a key is reported lost and new keys are issued.
- It's every student's responsibility to ensure that the residence halls are kept securely locked. After entering or leaving the residence hall, make sure the door relatches. Anti-door propping signs are installed on all entrances to dorms. A fine of \$100 is assessed if a residence hall exterior door is found propped and a fine of \$100 for tampering with door locking mechanisms.
- Fire extinguishers are located in every building. Fire sprinklers are in all residence halls and many non-residential buildings. There are smoke detectors in each residence hall. Fire alarms, which report directly to campus safety, are in all buildings.
- Building attendants lock and secure academic and administration buildings after regular use hours nightly. After-hours access must be approved before key service is provided.
- We encourage community members to promptly report any security concerns, including concerns about locking mechanisms, lighting or landscaping to Facilities and/or Campus Safety.

ABOUT 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 include Emergency Management, Community Safety, Security Education, and 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 Department for investigation
- Provide incident reports to student deans and maintain records of crimes, incidents, and reported activities for analysis purposes
- Assist law enforcement and other emergency service providers as needed
- Offer security survey/audit services to campus administrators
- Provide security/crime prevention presentations to students and staff

The Campus Safety Department is led by the Assistant Vice President and staffed by a Captain, Sergeants, 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. Current certification requirements for the officers include Guard Registration, Basic Life Support for Health Care Providers, which includes CPR, First-Aid, and AED. Officers are also trained in Blood Borne Pathogens, Baton usage, the administration of Oleoresin Capsicum (Pepper Spray), Auto Epinephrine Pen, Narcan (Naloxone), and receive various FEMA training. Select officers and supervisors receive Rape Aggression Defense (RAD) training, and Dignity Protection. Employees undergo continuous education and training to upgrade their skills.

Campus Safety is not a police department but is responsible for law enforcement, security, and emergency response protocols at The Claremont Colleges. Campus Safety also provides support services tailored to meet the needs of the Colleges including, high visibility patrols to prevent and detect crime, responding to suspicious activity and crime reports, as well as responding to medical emergencies, fire and intrusion alarms, traffic accidents, parking enforcement, and enforcement of college rules and regulations as outlined by each of the seven Claremont Colleges.

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

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

The exception to this is Keck Graduate Institute, which does not reside on the same parcel of land. KGI's borders include: First Street to the North, Indian Hill Boulevard to the East, Arrow Highway to the South,

and South Cambridge Avenue to the West. KGI employs their own private security company and is not serviced by TCCS Campus Safety as of 7/1/23.

Claremont McKenna College (CMC) owns the Roberts Campus East property. The Roberts Campus East Property, which encompasses a total of 75 acres, is bordered by Foothill Boulevard to the north, Monte Vista Avenue to the east, Arrow Route to the south and Claremont Boulevard to the west. The East Campus is organized into two primary areas: 8 acres on the southern end of the site adjacent to Arrow Route is undesignated for development until future uses are identified and approved. 67 acres on the northern 85% of this site are being developed as a Sports Bowl.

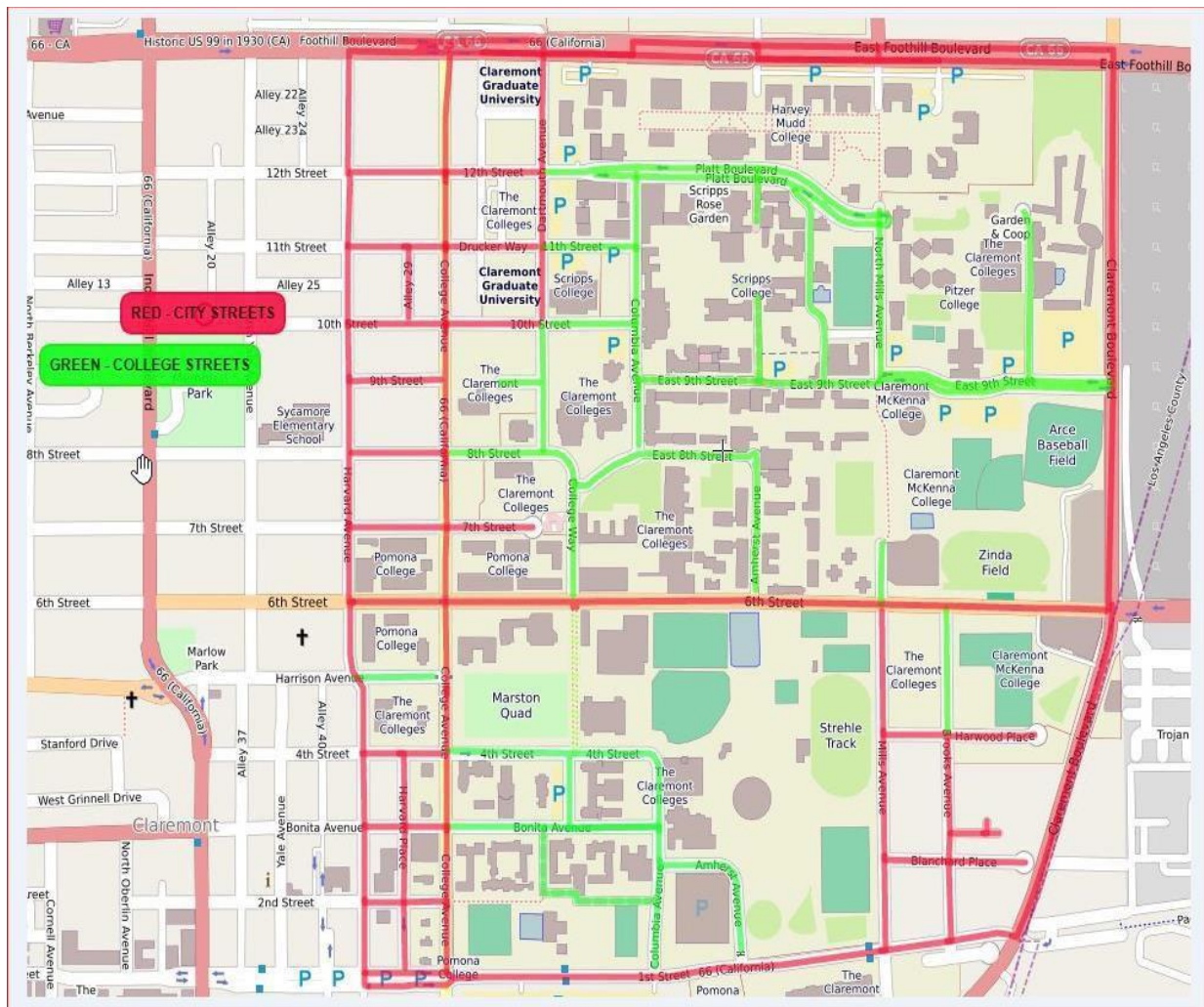
Set back off of Foothill Boulevard: Claremont Graduate University, Harvey Mudd College, Pomona College, Scripps College and TCCS own parcels of undeveloped land known as the North Campus Property. One specific parcel of North Campus Property is Pitzer College's Robert Redford Conservancy. All this land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

The California Botanic Garden is affiliated with The Claremont Colleges, although it is not owned or controlled by The Claremont Colleges.

Set back off the main street and north of Foothill Boulevard resides the Claremont Collegiate Apartments (CCA), which is Claremont Graduate University housing. CCA is bordered by TCCS undeveloped land that was formerly a golf course to the North, the California Botanic Garden to the East, the School of Theology, which is affiliated with the Claremont Colleges, but not owned or controlled by TCCS, to the Southeast, Via Los Altos to the Southwest, and Via Zurita Street to the West.

The Claremont Colleges contain both city streets and streets owned by the Colleges. However, all streets are considered public access.

The map below (on the following page) reflects the streets that are owned by the City of Claremont and those owned and controlled by The Claremont Colleges.



WORKING RELATIONSHIP WITH LOCAL, STATE AND FEDERAL LAW ENFORCEMENT AGENCIES

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

More expansively, Campus Safety and the Claremont Police department, with colleagues across the Claremont Colleges as is appropriate, convene regularly through in-person meetings, phone and electronic communication to discuss safety issues and work collaboratively and proactively. In addition, Campus Safety staff assists local fire/paramedic personnel as well as other local and county, state and federal law enforcement agencies when they respond to campus. The Campus Safety Department typically plays a supportive role in these instances.

CRIMES INVOLVING STUDENT ORGANIZATIONS AT OFF-CAMPUS LOCATIONS

Pomona College relies on its close working relationships with local law enforcement agencies to receive information about incidents involving Pomona College students and recognized student organizations, on and off campus (regardless of whether the College owns or controls the property). In coordination with local law enforcement agencies, Campus Security actively works with local police to investigate certain crimes occurring on or near campus. If Campus Safety learns of criminal activity involving students or student organizations, it will coordinate with the appropriate external law enforcement agency to forward information about the situation to the Pomona College Dean of Students office, as appropriate.

Pomona College requires all recognized student organizations to abide by federal, state, and local laws, and College regulations. As per the Pomona College Student Handbook, the College may become involved in the off campus conduct of recognized student organizations when such conduct is determined to violate College policy.

THE CLAREMONT COLLEGES (TCC) TIMELY WARNING POLICY

TIMELY WARNING NOTICES

Purpose:

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

Procedures: A Timely Warning Notice will be issued in the event any of TCC 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 TCC, or in or on non-campus buildings or property controlled by any of TCC, where Pomona College determines, in its judgment, that the allegations present a serious or continuing threat to the TCC community. For purposes of this policy, “timely” means as soon as reasonably practicable, after an incident has been reported to: Campus Safety, one of the Campus Security Authorities (CSAs) identified by each College, or a local police agency. 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 Notices are not sent by Campus Safety to the KGI community for a Clery reportable crime happening within KGI geography.

Determining which designated official from Campus Safety makes the decision to issue a Timely Warning Notice is based on availability during a 24-hour cycle. Campus Safety maintains designated individuals throughout each 24-hour cycle who are trained in determining the need for issuing a Timely Warning Notification. These designated officials are: Assistant Vice President of Campus Safety, the on-duty Lieutenant, or Watch Commanders, and the Senior Administrator 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.

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, hazing, domestic violence, dating violence, stalking and hate crimes, arrests and referrals for drug, liquor, and weapons laws violations as defined by the Clery Act. Timely Warning Notices also may be issued for other crimes as determined necessary by the Assistant Vice President of Campus Safety, or Senior Administrator on-call. TCC or TCCS Campus Safety will issue a Timely Warning Notice even if insufficient information is available if it is likely that there is an ongoing threat to the community as 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 TCC community, including, but not limited to, (a) the nature of the incident; (b) when and where the incident occurred; (c) when it was reported (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); (d) the continuing danger to TCC community; and (e) the amount of information known by TCC and TCCS Campus Safety. TCC will follow its emergency notification procedures upon the confirmation of a significant emergency or dangerous situation (including a Clery- reportable crime), involving an immediate threat to the health or safety of students or employees occurring on TCC.

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

Timely Warning Notices will be distributed in various ways via a multi-modal integrated communications system, which can mass notify students and employees by way of email, text messages and phone. Information will also be provided on the Pomona College emergency website. The particular circumstances will determine the method of notification. Generally, notification will occur through the Everbridge notification system to all Claremont Colleges students and employees, with the exception of KGI students and employees.

Timely Warning Notices will typically include, to the extent known, the date, time and nature of the offense, a brief overview of its particular circumstances, a physical description of the actor(s), law enforcement's immediate actions, a request and method for witnesses to contact local law enforcement and where applicable and appropriate, cautionary advice that would promote safety. In no instance will a Timely Warning Notice include the name of the victim or other identifying information about the victim. In developing the content of the timely warning notice, TCCS Campus Safety will take all reasonable efforts not to compromise ongoing law enforcement efforts. TCCS 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 TCCS Campus Safety by phone at 909-607-2000 or from campus phones at ext. 72000 and in person at 101 S. Mills Ave. If a report is made to another official at TCC, those officials will immediately notify TCCS Campus Safety.

EMERGENCY RESPONSE AND EVACUATION PROCEDURES

EMERGENCY MANAGEMENT AT POMONA COLLEGE

There are different types of emergencies that may present themselves to Pomona College and they may present themselves in different ways. The Pomona College Emergency Management Plan (EMP) is the framework in which the College reduces vulnerability to hazards and responds to emergencies or threats to community safety on campus, in Claremont or to its students, faculty

or staff abroad. This framework protects the College community by ensuring coordination and cooperation among multiple departments, organizations and cooperation among multiple departments, organizations and jurisdictions for small and large scale events.

The College maintains three groups of people who are responsible for preparation and response to emergencies. The group that is responsible for overall planning and preparation for emergencies is called the Emergency Response Team (ERT). The ERT is chaired by a senior staff member of the College and meets approximately bi-weekly during the academic year. This group evaluates the risks of activities and events that may happen in the future.

The ERT is the umbrella structure for 10 emergency support teams (EST). Members of the ERT and EST teams are trained, approximately monthly, during the academic year, on how to monitor for emergencies including earthquakes, fires, other natural disasters, and human threats, including civil unrest.

Information about potential threats may come to EST members through: TCCS Campus Safety, local police authorities, the other Claremont Colleges, news and media agencies or members of the Pomona College community. Members of the ERT/EST are trained on how to observe and report potential emergency situations, and they may activate an immediate assembly of a full or partial ERT, on-call group or Senior Administrator On-Call (SAOC) group using Everbridge, a multi-modal notification system.

The ERT follows the incident command model, with a designated incident manager and teams of people who are responsible for the safety, protection and recovery of the College in a serious emergency (the EST).

In addition, Pomona College features a SAOC system, with a senior staff member on call at the College on a 24/7 basis. Finally, an administrator on-call is also available after hours. The role of the administrator on-call is to respond to any student situation, disruptive behavior or crisis. The administrator on-call determines the appropriate steps given a situation and will refer the situation to the SAOC if needed.

For more information about the ERT or SAOC system, contact the Assistant Vice President, Facilities at 909.607.1764 or the Dean of Campus Life at 909.621.8611. For more information about the administrator on-call system, contact the Assistant Vice President of Student Affairs at 909.621.8017.

EMERGENCY RESPONSE AND EVACUATION PROCEDURES AND DRILLS, EXERCISE, AND TRAINING

A summary of Pomona College's emergency response and evacuation procedures is available at: <https://www.pomona.edu/emergency/emergency-preparation>. Included at this webpage is detailed information regarding the College's emergency notification policy as well as direct links to the College's emergency and evacuation procedures for earthquake, fire, bomb threat, lockdown, medical, and other emergencies.

To ensure Pomona College’s emergency response and evacuation procedures remain current and actionable, the College tests the EMP by conducting annual emergency management exercises designed to assess and evaluate emergency plans and capabilities. These exercises may consist of tabletop drills, emergency operations center exercises, or full-scale emergency response exercises.

Campus Safety in consultation with Residence Life and Housing conduct an evacuation drill and a “shelter in place” drill that the College conducts at least once each year. One of these drills is practiced during business hours for the entire community and the other is practiced in the evening, primarily for the residential community. In addition, the Campus Life Office practices at least one evacuation drills each year, in the evenings which involve the resident advisors, residence life staff and students in residence halls. Pomona College conducts after-action reviews of all emergency management exercises, in which exercise objectives are thoroughly examined for improvement focal points and future successes, as well as to ensure that actions were consistent with the EMP framework and emergency response procedures.

Type of Test Conducted	Description of test	Date	Time started	Time ended	Was the Test Announced (A) or Unannounced (U)
Evacuation drills	Fire Drills evacuation, fire alarms were pulled, strobes and alarms went off in every building	9/9/2024	7:00 pm	9:00 pm	Announced
Earthquake Drill	College wide evacuation of all buildings on campus	10/17/2024	10:40 am	11:00 am	Announced

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

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

An Emergency Notification will be issued in the event that Pomona College or Campus Safety receives notice of a situation that presents a significant emergency or dangerous situation at Pomona College or at one of the Claremont Colleges or in the local area affecting the health and/or safety of the community, in whole or in part. After an incident has been reported to Campus Safety, one of the Campus Security Authorities (CSAs) identified, or a local police agency, Pomona College will, without delay, and taking into account the safety of the community, determine the content of the notification and initiate the Emergency Notification System, in accordance with this policy.

EMERGENCY NOTIFICATION SYSTEM

Pomona College and TCCS is committed to ensuring the campus community receives timely, accurate, and useful information in the event of a significant emergency or dangerous situation on campus or in the local area, which poses an immediate threat to the health and safety of the campus community members.

Pomona College uses the emergency notification system, Everbridge. Everbridge is an emergency notification service available to students, staff, faculty, and anyone in the Pomona College community who wants to subscribe. Everbridge enables Campus Safety to send mass emergency notifications and alerts to members of the campus community within minutes of the occurrence of an incident using a variety of methods, including but not limited to: email notices, text messages, recorded messages to campus phone extensions, and social media. All of the TCC campuses have full access to Everbridge for posting local emergency alerts. Annual tests of the Everbridge system are conducted by Campus Safety.

Students, faculty and staff with a campus phone extension and college email are already in the Everbridge database. To add a cell phone number and/or home number, log on to the campus portal at my.pomona.edu and click on the Everbridge link. All contact information included in Everbridge will be used ONLY for campus emergency notification and will NOT be made available to any other service.

PROCEDURES USED TO NOTIFY THE CAMPUS COMMUNITY AND SURROUNDING COMMUNITY

In the event of an emergency, TCC have various systems in place for communicating information quickly. Some or all of these communication methods may be activated in the event an emergency notification needs to be sent to the TCC community. These methods of communication at Pomona College include the Everbridge mass notification system, the Pomona College email system, campus public address system and/or emergency messages that scroll across computer screens. Pomona College may post updates during a critical incident on its emergency website.

Pomona College is also committed to providing a safe environment for everyone in the larger campus community. In the event of an emergency or significant safety concern that would impact members of the larger community outside the college campuses, updated and ongoing emergency information is provided to the Claremont Police Department for dissemination as they feel appropriate. The Claremont Police Department is included on the Everbridge distribution list and receives all emergency notifications and alerts issued by Campus Safety. The TCCS Communication Office would liaison with local media to further distribute the details of an incident as appropriate.

CONFIRMING THE EXISTENCE OF A SIGNIFICANT EMERGENCY OR DANGEROUS SITUATION AND INITIATING THE EMERGENCY NOTIFICATION SYSTEM

Campus Safety and/or other Pomona College employees may become aware of a critical incident or other emergency situation that potentially affects the health and/or safety of TCC campuses or Pomona College communities. Generally, TCC and Pomona College employees become aware of these situations when they are reported to Campus Safety Dispatch or upon discovery during patrol or other assignments.

The TCCS Department of Campus Safety is primarily responsible for responding to all significant incidents that may involve an immediate or ongoing threat to the health and/or safety of Pomona College and the Claremont Colleges community. It is also tasked with promptly summoning the appropriate resources to mitigate and investigate such incidents. The TCCS process to initiate the Emergency Notification system is as follows:

Once an incident is reported, either on its own or with the input from these external agencies (Claremont Police Department, Los Angeles County Fire Department, Los Angeles County Emergency Management), a designated official from Campus Safety will determine if the situation does in fact pose a threat to the community. 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: Assistant Vice President of Campus Safety, Captain, or on-duty Watch Commander.

The Department of Campus Safety will consider all known factors reflecting on whether the situation represents an immediate threat to the health or safety of the College community, including, but not limited to, (a) the nature of the significant emergency or dangerous situation; (b) when and where the incident occurred; (c) when it was reported; (d) the continuing danger to the campus community; and (e) the amount of information known by the Department of Campus Safety. If it is determined that the situation does in fact pose a threat to the community, 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, unless issuing a notification will, in the professional judgment of responsible authorities, compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency.

Once the Emergency Notification has been issued, Campus Safety, in collaboration with the Dean on-call from the affected community (if applicable), 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.

DETERMINING THE APPROPRIATE SEGMENT OR SEGMENTS OF THE CAMPUS COMMUNITY TO RECEIVE AN EMERGENCY NOTIFICATION

The Claremont Colleges are a consortium of seven separate and distinct colleges that share a multitude of social, residential, dining and academic programs, among other services. Due to the nature of our configuration, once a significant emergency or dangerous situation occurring on one of the campuses has been established, and an emergency notification is deemed necessary, it is disseminated via text message to all seven Colleges' students and employees enrolled in the Everbridge emergency management system. The only exception to this is KGI no longer participates in Everbridge messages and has chosen to handle this service directly. Depending on the nature of the emergency situation, Campus Safety may work with TCCS Communications and the Claremont Police Department to issue subsequent notifications to a wider group of local community members. Pomona College will also post applicable messages about the dangerous condition on the College website, <https://www.pomona.edu/emergency>, to ensure the campus is aware of the Situation and the steps they should take to maintain personal and campus safety.

DETERMINING THE CONTENTS OF THE EMERGENCY NOTIFICATION

The Department of Campus Safety's Dispatch will choose the appropriate template in Everbridge, populate the template with the pertinent information necessary for the current emergency situation and send it out to students, faculty and staff at Pomona College and the other Claremont Colleges.

Additional Emergency Notification messages will follow as information regarding the unfolding situation is known. Campus Safety is also tasked with promptly summoning the appropriate resources to mitigate and investigate such incidents, which may include the input of the Claremont Police Department and or Los Angeles County Fire Department.

Campus Safety will use the following guidelines when determining the contents of the emergency message.

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

CRIMES OF SEXUAL ASSAULT, DATING OR DOMESTIC VIOLENCE AND STALKING

POMONA COLLEGE'S STATEMENT ON PROHIBITING CRIMES OF SEXUAL ASSAULT, DATING/DOMESTIC VIOLENCE, AND STALKING

Pomona College is committed to maintaining an environment for students, employees and visitors which is free of all forms of sex and gender- based discrimination and harassment, including sexual misconduct. Consistent with this commitment and with obligations under Title IX of the Education Amendments of 1972 and other state and federal laws, the College, along with all other Colleges part of the Claremont Colleges consortium, have adopted The Claremont Colleges Interim Policy on Title IX Sexual Harassment, Other Sex-Based Misconduct, and Retaliation, which was implemented on March 28, 2025. The Policy has been adopted by all 7Cs for addressing complaints between students involving Title IX Sexual Harassment, and other sex- based misconduct prohibited by state law. Prohibited Conduct under the TCC Policy includes sexual harassment, sexual assault, sexual battery, dating violence, domestic violence, and sexual exploitation between students. Some campuses have also adopted this Policy to address prohibited conduct involving faculty and staff. For matters involving employees of Pomona College, the College continues to maintain the Pomona College Staff and Faculty Title IX Sexual Harassment Policy and Procedures ("Pomona Policy"), approved by the College's board on October 2022. This policy reflects and maintains Pomona College's institutional values and community expectations, to provide fair procedures for determining when the Pomona Policy has been violated, and to provide recourse for individuals and the community in response to violations of the Pomona Policy. Full copies of The Claremont Colleges Interim Policy on Title IX Sexual Harassment, Other Sex-Based Misconduct and Pomona College Staff and Faculty Title IX Sexual Harassment Policy and Procedures can be reviewed in the Appendix below.

More information about the TCC Title IX Policy is available online,
<https://services.claremont.edu/titleix/>

More information about the Pomona College Sexual Misconduct, Harassment, and Discrimination Policy and Procedures for faculty and staff is available online, <https://pomona.box.com/s/idoxp64dnnokwer0hhjagv3erng5hc1s>

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

The College's Policies prohibits all forms of sex or gender-based discrimination, harassment, and sexual misconduct, including sexual assault, dating and domestic violence, sexual exploitation, and stalking. The College's Policies also prohibit retaliation against a person who reports, complains about, or who otherwise participates in good faith in, any matter related to the Policies. The College strongly encourages all members of our community to take action to maintain and facilitate a safe, welcoming, and respectful environment on campus. In particular, the College expects that all Pomona College community members will take reasonable and prudent actions to prevent or stop Prohibited Conduct. The College strongly supports individuals who choose to take such action and will protect such individuals from retaliation.

Upon receipt of a report, the College will take prompt and equitable action to eliminate the Prohibited Conduct (if any), prevent its recurrence, and remedy its effects. The College's process for investigating and responding to reported Prohibited Conduct is described within our Policy. Students and employees who are found to have violated this Policy may face disciplinary action up to and including expulsion/termination.

CALIFORNIA STATE DEFINITIONS FOR SEXUAL ASSAULT, DATING/DOMESTIC VIOLENCE, STALKING, AND CONSENT

The California State Penal Code utilizes the terms Sexual Battery, Rape, Corporal Injury on a Spouse or Cohabitant/Domestic Battery, and Stalking. Below are the definitions that pertain to California state law, including the definition for Affirmative Consent defined by Senate Bill 967.

PENAL CODE 243.4.: SEXUAL BATTERY

- (a) Any person who touches an intimate part of another person while that person is unlawfully restrained by the accused or an accomplice, and if the touching is against the will of the person touched and is for the purpose of sexual arousal, sexual gratification, or sexual abuse, is guilty of sexual battery.
- (b) Any person who touches an intimate part of another person who is institutionalized for medical treatment and who is seriously disabled or medically incapacitated, if the touching is

against the will of the person touched, and if the touching is for the purpose of sexual arousal, sexual gratification, or sexual abuse, is guilty of sexual battery.

(c) Any person who touches an intimate part of another person for the purpose of sexual arousal, sexual gratification, or sexual abuse, and the victim is at the time unconscious of the nature of the act because the perpetrator fraudulently represented that the touching served a professional purpose, is guilty of sexual battery.

(d) Any person who, for the purpose of sexual arousal, sexual gratification, or sexual abuse, causes another, against that person's will while that person is unlawfully restrained either by the accused or an accomplice, or is institutionalized for medical treatment and is seriously disabled or medically incapacitated, to masturbate or touch an intimate part of either of those persons or a third person, is guilty of sexual battery.

- (e)(1) Any person who touches an intimate part of another person, if the touching is against the will of the person touched, and is for the specific purpose of sexual arousal, sexual gratification, or sexual abuse, or any person who, for the purpose of sexual arousal, sexual gratification, or sexual abuse, causes another, against that person's will, to masturbate or touch an intimate part of either of those persons or a third person, is guilty of misdemeanor sexual battery, punishable by a fine not exceeding two thousand dollars (\$2,000), or by imprisonment in a county jail not exceeding six months, or by both that fine and imprisonment.
-
- (e)(2) As used in this subdivision, "touches" means physical contact with another person, whether accomplished directly, through the clothing of the person committing the offense, or through the clothing of the victim.
-
- (f) As used in subdivisions (a), (b), (c), and (d), "touches" means physical contact with the skin of another person whether accomplished directly or through the clothing of the person committing the offense.
-
- (g) As used in this section, the following terms have the following meanings:
- (1) "Intimate part" means the sexual organ, anus, groin, or buttocks of any person, and the breast of a female.
-
- (2) "Sexual battery" does not include the crimes defined in Section 261 or 289.
-
- (3) "Seriously disabled" means a person with severe physical or sensory disabilities.
-
- (4) "Medically incapacitated" means a person who is incapacitated as a result of prescribed sedatives, anesthesia, or other medication.
-
- (5) "Institutionalized" means a person who is located voluntarily or involuntarily in a hospital, medical treatment facility, nursing home, acute care facility, or mental hospital.
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- (6) “Minor” means a person under 18 years of age.

PENAL CODE 261: RAPE

(a) Rape is an act of sexual intercourse accomplished under any of the following circumstances:

(1) If a person who is not the spouse of the person committing the act is incapable, because of a mental disorder or developmental or physical disability, of giving legal consent, and this is known or reasonably should be known to the person committing the act. Notwithstanding the existence of a conservatorship pursuant to the provisions of the Lanterman-Petris-Short Act (Part 1, commencing with Section 5000, of Division 5 of the Welfare and Institutions Code), the prosecuting attorney shall prove, as an element of the crime, that a mental disorder or developmental or physical disability rendered the alleged victim incapable of giving consent.

(2) If it is accomplished against a person’s will by means of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the person or another.

(3) If a person is prevented from resisting by any intoxicating or anesthetic substance, or any controlled substance, and this condition was known, or reasonably should have been known by the accused.

(4) If a person is at the time unconscious of the nature of the act, and this is known to the accused. As used in this paragraph, “unconscious of the nature of the act” means incapable of resisting because the victim meets any one of the following conditions:

(A) Was unconscious or asleep.

(B) Was not aware, knowing, perceiving, or cognizant that the act occurred.

(C) Was not aware, knowing, perceiving, or cognizant of the essential characteristics of the act due to the perpetrator’s fraud in fact.

(D) Was not aware, knowing, perceiving, or cognizant of the essential characteristics of the act due to the perpetrator’s fraudulent representation that the sexual penetration served a professional purpose when it served no professional purpose.

(5) If a person submits under the belief that the person committing the act is someone known to the victim other than the accused, and this belief is induced by any artifice, pretense, or concealment practiced by the accused, with intent to induce the belief.

(6) If the act is accomplished against the victim’s will by threatening to retaliate in the future against the victim or any other person, and there is a reasonable possibility that the perpetrator will execute the threat. As used in this paragraph, “threatening to retaliate” means a threat to kidnap or falsely imprison, or to inflict extreme pain, serious bodily injury, or death.

(7) If the act is accomplished against the victim's will by threatening to use the authority of a public official to incarcerate, arrest, or deport the victim or another, and the victim has a reasonable belief that the perpetrator is a public official. As used in this paragraph, "public official" means a person employed by a governmental agency who has the authority, as part of that position, to incarcerate, arrest, or deport another. The perpetrator does not actually have to be a public official.

PENAL CODE 273.5: CORPORAL INJURY ON A SPOUSE OR COHABITANT

- (a) Any person who willfully inflicts corporal injury resulting in a traumatic condition upon a victim described in subdivision (b) is guilty of a felony, and upon conviction thereof shall be punished by imprisonment in the state prison for two, three, or four years, or in a county jail for not more than one year, or by a fine of up to six thousand dollars (\$6,000), or by both that fine and imprisonment.
- (b) Subdivision (a) shall apply if the victim is or was one or more of the following:
 - (1) The offender's spouse or former spouse.
 - (2) The offender's cohabitant or former cohabitant.
 - (3) The offender's fiancé or fiancée, or someone with whom the offender has, or previously had, an engagement or dating relationship, as defined in paragraph (10) of subdivision (f) of Section 243.
 - (4) The mother or father of the offender's child.
- (c) Holding oneself out to be the spouse of the person with whom one is cohabiting is not necessary to constitute cohabitation as the term is used in this section.
- (d) As used in this section, "traumatic condition" means a condition of the body, such as a wound, or external or internal injury, including, but not limited to, injury as a result of strangulation or suffocation, whether of a minor or serious nature, caused by a physical force. For purposes of this section, "strangulation" and "suffocation" include impeding the normal breathing or circulation of the blood of a person by applying pressure on the throat or neck.
- (e) For the purpose of this section, a person shall be considered the father or mother of another person's child if the alleged male parent is presumed the natural father under Sections 7611 and 7612 of the Family Code.

PENAL CODE 243: DOMESTIC BATTERY

- (e) (1) When a battery is committed against a spouse, a person with whom the defendant is cohabiting, a person who is the parent of the defendant's child, former spouse, fiancé, or fiancée,

or a person with whom the defendant currently has, or has previously had, a dating or engagement relationship.

PENAL CODE 646.9: STALKING

(a) 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 is guilty of the crime of stalking.

SENATE BILL NO. 967: AFFIRMATIVE CONSENT

Through its Pomona Policy and TCC Title IX Policy, the College adopts an affirmative consent standard in the determination of whether consent was given by both parties to sexual activity in compliance with SB 967. “Affirmative consent” means 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.

It shall not be a valid excuse to alleged lack of affirmative consent that the accused believed that the complainant consented to the sexual activity under either of the following circumstances:

(a) (2)(A) The accused’s belief in affirmative consent arose from the intoxication or recklessness of the accused.

(a)(2)(B) The accused did not take reasonable steps, in the circumstances known to the accused at the time, to ascertain whether the complainant affirmatively consented.

(a)(4) In addition, it shall not be a valid excuse that the accused believed that the complainant affirmatively consented to the sexual activity if the accused knew or reasonably should have known that the complainant was unable to consent to the sexual activity under any of the following circumstances:

(A) The complainant was asleep or unconscious.

(B) The complainant was incapacitated due to the influence of drugs, alcohol, or medication, so that the complainant could not understand the fact, nature, or extent of the sexual activity.

(C) The complainant was unable to communicate due to a mental or physical condition.

PROGRAMS TO PREVENT SEXUAL ASSAULT, DATING OR DOMESTIC VIOLENCE AND STALKING

BYSTANDER INTERVENTION

Bystander engagement is encouraged at Pomona College through safe and positive intervention techniques and by empowering third-party intervention and prevention such as calling for help, using intervention-based apps, identifying allies, and/or creating distractions. Bystander education highlights the need for those who intervene to ensure their own safety in the intervention techniques they choose and motivates them to intervene as stakeholders in the safety of the community.

Teal Dot Bystander Intervention Program: Teal Dot is a 90-minute program focused on how bystanders can recognize precursors to violence and attempt to engage everyone in intervention techniques for reducing violence in our 7C community. Students review different types of power-based personal violence (stalking, partner violence, and sexual violence), learn what roles bystanders play in potential high-risk situations, learn how to recognize warning signs and precursors to violence, discuss obstacles to action and how to overcome them, and finally learn how to intervene as a Teal Dot Bystander using simple and practical solutions referred to as the 3Ds. These trainings are open to all 7C students, faculty, and staff members.

Enthusiastic YES!: is a mandatory consent & boundaries workshop that aims to teach students how to establish their boundaries in various types of relationships and the importance of consent. Enthusiastic YES discusses how students can be active bystanders when they know people who have experienced sexual violence, including intimate partner violence, stalking, sexual assault, and other forms of sexual misconduct. This workshop teaches students how to take a survivor-centered approach to support folks impacted by sexual violence and other forms of harm. Students are also taught the resources available on campus and within the consortium. The Assistant Director of the CARES Office co-facilitates this workshop with the Pomona College Campus Advocates and Housing and Residence Life staff that support the 1st year experience. All new and transfer students are required to participate in the Enthusiastic YES workshop during their first semester at Pomona College. Prior to arriving to campus, all first year and transfer students must also take the online course, U Got This!, an educational and prevention module on sexual assault and interpersonal violence.

PREVENTION, AWARENESS AND RISK REDUCTION

Pomona College is committed to the prevention of and increasing awareness of sexual violence. All incoming students and new employees are provided with information, strategies and programs intended to prevent rape, sexual assault, dating/domestic violence and stalking before it occurs through the changing of social norms and other approaches; that includes a clear

statement that Pomona College prohibits such acts, the definitions of such acts, the definition of consent, options for bystander intervention, information about risk reduction and our policies and procedures for responding to these incidents. Ongoing prevention and awareness campaigns are also offered throughout the year. These programs include but are not limited to:

- **U GOT THIS!**, is an interactive online intervention training that addresses interpersonal violence (sexual assault, intimate partner violence, and stalking) and provides students tools for how to challenge harmful behavior when they witness it. All new students are required to complete this course before arriving on campus.
- **Binge Thinking!**, is an interactive online program. It addresses the effects of alcohol use and abuse, including its impact on cognition, academic success, personal relationships, as well as vulnerability to violence. All new students are required to complete this course before arriving on campus.
- Review of sexual misconduct, harassment and discrimination policies during new staff and faculty orientation.
- Training on sexual harassment is required of all faculty and staff.
- **Pomona College CARES (Campus Advocacy Resources Education and Support) Office** hosts outreach opportunities, and education/prevention workshops, programs, and events, and is the home of the CARES Campus Advocates.

PROCEDURES TO FOLLOW IF A CRIME OF SEXUAL ASSAULT, DATING/DOMESTIC VIOLENCE, AND/OR STALKING HAS OCCURRED

On January 9, 2025, a federal court vacated the new 2024 Title IX Regulations, which were adopted and implemented by The Claremont Colleges on August 1, 2024 through the consortium-wide policy, The Claremont Colleges Sexual Misconduct and Sex-Based Harassment Interim Policy (“TCC SMCBH Policy”). To be in compliance, The TCC SMSBH Interim Policy initially implemented on August 1, 2024 was revised to ensure compliance with the 2020 Title IX Final Rule issued by the US Department of Education (DOE) that went into effect on August 14, 2020, and California state law. As of March 28, 2025, the College adopted The Claremont Colleges Interim Policy on Title IX Sexual Harassment, Other Sex-Based Misconduct, and Retaliation to address sex-based harassment, sexual assault, dating violence, domestic violence, stalking and retaliation and all other forms of Prohibited Conduct will continue to be prohibited as defined.

Additionally, the TCC Policy outlines the procedures, resources, and steps an individual can take following an instance of sexual assault, dating/domestic violence, and/or stalking not governed. After receiving a report of dating violence, domestic violence, sexual assault, or stalking, whether the offense occurred on or off campus, the institution will provide the student or employee with a written explanation of the student’s or employee’s rights and options, as well as

a written explanation of the relevant policy/procedures for disciplinary action in cases of alleged sexual assault, dating violence, domestic violence and stalking.

Through these policies, Pomona College provides written notification to students and employees about existing counseling and health services, victim advocacy, legal assistance, visa and immigration assistance, student financial aid and other campus and community-based victim services and programs via email, print materials, and the College's website.

Details of what is included in the written material can be found below (full copies of the TCC Title IX Policy and Pomona Policy are available online).

THE IMPORTANCE OF PRESERVING EVIDENCE (PROVIDED IN WRITING)

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

The emergency room nearest Pomona College, which is also a County designated Sexual Assault Response Team (SART) Center, is located at:

Pomona Valley Hospital Medical Center
1798 North Garey Avenue, Pomona Ca, 91767
909.865.9500

SART is a victim-sensitive program designed to provide a team approach to responding to sexual assaults. Victims/survivors may take a support person with them to the hospital. Students who need assistance arranging for transportation or would like a Pomona College staff to accompany them to the hospital should contact Campus Safety at 909.607.2000 and ask that the Dean on-call or the Title IX Coordinator be contacted. Know that hospitals that treat any physical injury sustained during a sexual assault are required to report it to law enforcement. The victim/survivor may choose whether or not to speak to police at the hospital and do not need to make an immediate decision to press criminal charges. That decision can be made at a later time. If the victim/survivor has physical injuries, he or she should photograph or have them photographed, with a date stamp on the photo.

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

To preserve evidence, victims/survivors should not bathe, douche, smoke, brush their teeth, or change clothes (a change of clothes should be brought along). If clothes have been changed, the

original clothes should be put in a paper bag (plastic bags damage evidence) and brought to the hospital. Do not disturb the scene of the assault. If it is not possible to leave the scene undisturbed, evidence (e.g., bedding, towels, loose fabrics, prophylactics, and clothing) should be placed in separate paper bags to be preserved.

Time is a critical factor in collecting and preserving evidence. The physical evidence of an assault is most effectively collected within the first 24- 48 hours of the assault, but some evidence may be collected for up to 72 hours. If, however, a sexual assault victim/survivor chooses to report the incident days, weeks, or even months after the assault, important support systems are still available and can be arranged. Record the names of any witnesses and their contact information. This information may be helpful as proof of a crime, to obtain an order of protection, or to offer proof of a campus policy violation.

Try to memorize details (e.g., physical description, names, license plate number, car description, etc.), or even better, write notes to remind you of details, if you have time and the ability to do so.

WHO TO REPORT TO (PROVIDED IN WRITING)

A reporting party does not have to request a particular course of action, nor do they need to know the appropriate definition or label for what happened. The decision to make a report is usually one that is likely to unfold over time. Anyone who witnesses, experiences, or is otherwise aware of conduct that they believe to be in violation of this Policy, including retaliation, is encouraged to contact the College Title IX Coordinator as soon as possible via phone, email or stopping by the Title IX Office.

Destiny Marrufo
Associate Dean, Title IX Coordinator, Clery Officer
Alexander Hall – Suite 102
550 North College Avenue, Claremont, CA 91711
909.621.8017
destiny.marrufo@pomona.edu

Reports can also be made to any one of the College's Deputy TIX Coordinators

Brandon Johnson
Interim Athletics Director
900.621-8420
brandon.johnson@pomona.edu

Zachary Ward
Human Resources Business Partner
909.607.0716
Zachary.ward@pomona.edu

April J. Mayes
Associate Dean of the College, Professor of History, Coordinator of Latin American Studies
909.607.2919
April.mayes@pomna.edu

Joel Petty
Director of Campus Life Engagement
909.607.1718
Joel.petty@pomona.edu

REPORTING TO LAW ENFORCEMENT

Information about the option to report to and/or seek assistance from law enforcement is also provided to individuals who are victims of sexual violence, dating/domestic violence and stalking. In Claremont, those resources include:

Campus Safety
101 S. Mills Ave., Claremont, CA 91711
909.621.8170 or 909.607.2000 (emergency)
dispatch@Claremont.edu

Claremont Police Department
570 West Bonita Avenue Claremont, CA 91711
909.399.5411 or 911 (emergency)

Some incidents of sexual misconduct may also constitute criminal conduct. In such instances the victim/survivor is encouraged to file a report with an appropriate law enforcement agency and, if requested, the College will assist them in doing so. This is the best option to ensure the preservation of evidence and to begin a timely investigative and remedial response. Police have unique legal authority, including the power to seek and execute search warrants, collect forensic evidence, make arrests, and assist in seeking emergency protective orders. Victims, who may not want to notify such authorities for a wide variety of reasons, have a right to decline to notify law enforcement authorities.

The definitions of prohibited conduct and the burden of proof for internal processes are different from the definitions of criminal behavior and the burden of proof used in the criminal justice system. These reporting options are not mutually exclusive and may be made simultaneously or at different times.

A criminal investigation or proceeding does not relieve the College of its duty to conduct its own timely inquiry into the alleged misconduct. As a consequence, the College will not wait for the conclusion of any criminal investigation or proceedings to commence a College investigation and complaint resolution procedures outlined below. Neither law enforcement's determination of whether or not to prosecute a respondent nor the outcome of any criminal prosecution is determinative of whether conduct prohibited under this Policy occurred.

INTERIM MEASURES (SUPPORTIVE AND PROTECTIVE) (PROVIDED IN WRITING)

Upon receipt of a report of Prohibited Conduct, Pomona College will impose reasonable and appropriate supportive and protective measures (“interim measures”) designed to protect an individual’s rights and personal safety, the safety of the College community, or if determined to be necessary to ensure the integrity of the investigation or adjudication process. The College will make reasonable efforts to communicate with the parties to ensure that all safety, emotional and physical well-being concerns are being addressed. Interim support measures are offered in writing to all parties and may be imposed regardless of whether a report was made to a local law enforcement or whether formal disciplinary action or legal action is sought by the Complainant and/or the College.

The College will consider all requests for interim measures by the parties and is obliged to comply with any reasonable request for a living, academic or work situation change. Determinations regarding interim measures are made on a case-by-case basis by the Title IX Coordinator or, their designee, in consultation with appropriate members of the Student Affairs staff.

Pomona College will maintain as confidential any support measures or protective measures provided to any party, to the extent that maintaining such confidentiality would not impair the ability of the institution to provide the support measures or protective measures. Students or employees may contact the Title IX Office at (909) 607-1723, Alexander Hall – Room 102, for assistance.

RANGE OF MEASURES

Interim measures should be designed to minimize the impact on the parties involved. Potential remedies that may be taken in response to an allegation of Prohibited Conduct, and which may be applied to the Complaint and/or the Respondent, include, but are not limited to:

- 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;
- Restrictions on contact and communication applied to one or more parties, including no contact directives (which may be mutual or unilateral, and at the discretion of each Party’s Home Institution’s Title IX Coordinator as set forth below);
- Changes in class, work, housing, or extracurricular or any other activity, regardless of whether there is or is not a comparable alternative;
- Training and education programs related to Prohibited Conduct;

- Leaves of absence;
- Increased security and monitoring of certain areas of campus; and,
- Other similar measures determined by the Parties' Home Institution's Title IX Coordinator(s) based on the specific facts of each case.

Interim measures assume no determination of responsibility. Both parties will receive a written document setting forth the interim measures that have been deemed appropriate. The Title IX Coordinator reserves the right to increase, reduce or otherwise adjust interim measures as appropriate. Not all of the measures listed in this section will be necessary in every case. If an individual identifies an interim measure that is not already provided by Pomona College, the College will consider whether the request can be granted. In those instances where interim measures affect both a Complainant and Respondent, the College will minimize the burden on the Complainant wherever appropriate.

Failure by any individual to adhere to the parameters of any interim measure is a violation of Pomona College policy and may lead to disciplinary action. Individuals are encouraged to report such failures by another party to the Title IX Coordinator. Depending on timing and other circumstances, allegations that an individual has violated any interim measure may be investigated and/or adjudicated (where appropriate) separately from or as part of an ongoing matter.

PROTECTING CONFIDENTIALITY (PROVIDED IN WRITING)

Pomona College recognizes the sensitive nature of crimes involving Prohibited Conduct and is committed to protecting the privacy of any individual who reports a violation of Prohibited Conduct. Different officials on campus are able to offer varying levels of privacy protections. Reports made to law enforcement, including if criminal prosecution is pursued, may be made public and shared with the accused. Legal counsel should be consulted regarding information about specific laws. Reports made to medical professionals, licensed mental health counselors, rape crisis center counselors and victim advocates, and pastoral counselors will not be shared with anyone without the consent of the victim, with the exception of imminent threat to self or others.

Reports made to Pomona College officials will be kept private and shared only with College personnel who have a need to know. Identifying information about the survivor shall not be made public. All publicly available recordkeeping is maintained without personally identifiable information, specifically records relating to dating violence, domestic violence, sexual assault, and stalking.

Notification: In accordance with applicable law, Pomona College's annual security report includes statistics concerning reported sexual assaults and other crimes that occurred on campus; in certain off-campus buildings or property owned or controlled by the College; and on public property within, or immediately adjacent to and accessible from, the campus. These reports never include personally identifiable information (e.g., the names or addresses of victims).

Statistical Reporting: Under the Clery Act, certain College officials have a duty to report certain misconduct for federal statistical reporting purposes. All personally identifiable information is kept confidential, but statistical data must be passed along to campus safety regarding the type of incident and its general location for publication in the annual Campus Security Report. This report helps to provide the community with a clear picture of the extent and nature of campus crime, to ensure greater community safety. The information to be shared includes the date, the location of the incident (using Clery location categories), and the Clery crime category. This reporting protects the identity of the victim and may be done anonymously.

Timely Warning: Complainants should also be aware that the College and Campus Safety must issue immediate timely warnings for incidents reported to them that are confirmed to pose a substantial threat of bodily harm or danger to members of the campus community. For purposes of the Timely Warning requirement, the College/Campus Safety will not disclose a Complainant's name. However, the College/Campus Safety will provide enough information for community members to make safety decisions in light of the danger.

Location of Records: A copy of a formal complaint, investigative file (including any written materials, interview notes, and/or other items that make up the file), and the written report shall be maintained in the Title IX office. Should a violation of this Policy be found, a record of the complaint and disciplinary action taken shall be made part of the personnel or student file of the person(s) found to have violated the Policy. In the event that the investigation does not result in a finding of violation of this Policy, no record of the complaint or investigation will become a part of any individual's personnel or student file but will still remain on file within the Title IX office for the purpose of tracking trends, repeat offenders, and patterns.

SEX OFFENDER REGISTRATION – CAMPUS SEX CRIMES PREVENTION ACT

Megan's Law [34 CFR 668.46(b)(12)]

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

This database can be found at:

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

For general information, see State of California Department of Justice, Megan's Law in California.

INTERIM ANTI-HAZING POLICY – STATEMENT, DEFINITIONS, EXAMPLES, HOW TO AVOID HAZING, REPORTING, INVESTIGATION PROCESS, PREVENTION AND AWARENESS PROGRAMS, TRANSPARENCY AND ACCOUNTABILITY, AND CONTINUOUS IMPROVEMENT

INTERIM ANTI-HAZING POLICY

Effective June 23, 2025

Policy Statement

Pomona College is committed to fostering a safe and inclusive environment for all students, faculty, and staff. Towards that end, and in alignment with federal law (Section 485(f) of the Higher Education Act), and California state law (Sections 32050 (245.6) and 32051 of the California Education Code and Section 48900 q of the California Penal Code), the College strictly prohibits hazing. Hazing can be psychologically and/or physically harmful to individuals, can damage organizations and teams, and undermines the educational mission and values of Pomona College.

Accordingly, no student, College employee or volunteer, student organization, or athletic team, shall conduct or condone hazing activities. Violations of this policy will result in disciplinary action. If you have knowledge of hazing or potential hazing activities, you should contact the Dean of Students Office who will investigate and take actions to stop the conduct as appropriate.

Definitions

Hazing means any intentional, knowing, or reckless act committed by a person either actively or passively (whether individually, in concert with other persons) against another person or persons regardless of the willingness of such other person or persons to participate, that:

- is committed in the course of an initiation into, an affiliation with, or the maintenance of membership in, a student organization; and
- causes or creates a risk, above the reasonable risk encountered in the course of participation in the institution of higher education or the organization, of physical or psychological injury, including but not limited to the circumstances discussed in the “Examples” section below.

A level of coercion is often involved in hazing; an individual being hazed may not feel they can opt out of participation because of peer pressure or a desire to belong or “fit in” to the group. Because of the socially coercive nature of hazing, this definition of hazing applies regardless of the willingness of such other person or persons to participate or their actual or apparent consent.

A **student organization** is defined as “an organization at an institution of higher education (such as a club, society, association, varsity or junior varsity athletic team, club sports team, fraternity, sorority, band, or student government) in which two or more of the members are students enrolled at the institution of higher education, whether or not the organization is established or recognized by the institution.” Hazing does not generally include actions or situations that are part of officially sanctioned and supervised College activities such as athletic training and conditioning.

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

Examples

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

- Any requirement or pressure put on an individual to participate in any activity which is illegal, perverse, publicly indecent, or contrary to his/her genuine morals and/or beliefs (i.e., public profanity, lewd conduct, sexual gestures, public nudity or engaging in public stunts)
- whipping, beating, striking, electronic shocking, placing of a harmful substance on someone's body, or similar activity;
- causing, coercing, or otherwise inducing sleep deprivation, exposure to the elements, confinement in a small space, extreme calisthenics, or other similar activity;
- causing, coercing, or otherwise forcing an individual to shave, tattoo, pierce or brand any part of their body, including the hair on their head;
- causing, coercing, or otherwise inducing another person to consume food, liquid, alcohol, drugs, or other substances;
- causing, coercing, or otherwise inducing another person to perform sexual acts;
- any activity that places another person in reasonable fear of bodily harm through the use of threatening words or conduct;
- threatening to physically restrain someone or actually restraining them;
- assigning unreasonable chores or acts of servitude;
- causing excessive exercise, sleep deprivation or excessive fatigue;
- interfering with an individual's personal hygiene;
- requiring the wearing of specific apparel or acting in a way that is conspicuous and may cause the individual embarrassment or ridicule;
- degrading or humiliating games and activities, including paddling;
- activities that would unreasonably interfere with students' other activities or obligations (academic, extracurricular, family, religious, etc.);
- physical threats or abuse of any kind including throwing objects or substances at an individual Encouraging or requiring a person to consume alcohol, drugs, or foreign or unusual substances, including consumption of large quantities;
- encouraging the use of alcohol or illegal drugs;
- any activity against another person that includes a violation of school policy or criminal violation of local, State, Tribal, or Federal law; and
- any activity that induces, causes, forces or requires another person to perform a duty or task that involves a violation of school policy or criminal violation of local, State, Tribal, or Federal law.

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

- Was a person or group being singled out because of their status with the group or team?
- Was there a risk of physical or psychological discomfort or harm as a result of the activity?
- Was the activity demeaning, abusive, or dangerous?

- Was there a level of coercion and/or peer pressure involved?
- How easily was someone able to opt out of the activity?
- Did the current members refuse to do what the new members were asked to do?
- Did the activity or activities interfere with the participants' other activities or obligations (academic, extracurricular, family, religious, etc.)?
- Was alcohol involved?
- Was there a sexual element to the activity?
- Did any of the activities violate College policy or federal, state, or local law?

How to Avoid Hazing

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

Reporting Hazing Incidents

Pomona College encourages prompt reporting of any suspected hazing activities. Reports can be made through the following channels:

- Email: Josh Eisenberg, Dean of Campus Life, at josh.eisenberg@pomona.edu and/or DOS@pomona.edu
- Campus Safety: Contact at (909) 607-2000
- Dean of Students Office: Visit in person at Alexander Hall, Suite 102 or call (909) 621-8017.

All reports will be handled to protect the privacy of individuals with discretion, to the greatest extent possible.

Investigation Process

Upon receiving a hazing report, the College will:

- **Initiate a Preliminary Assessment:** Evaluate the substance and severity of the allegation.
- **Conduct a Formal Investigation:** If warranted, an investigation will be led by the Office of Student Affairs in collaboration with Campus Security.
- **Implement Interim Measures:** As necessary, to ensure the safety and well-being of students during the investigation.
- **Conclude with Findings and Actions:** Based on the investigation, the complaint may be

referred to the Judicial Council, which will reach findings and disciplinary actions where appropriate, which may include suspension or expulsion of individuals or organizations found responsible.

- **Reporting to Law Enforcement:** In cases involving potential criminal conduct, the College will refer the matter to local law enforcement while continuing its internal investigation.

Transparency and Accountability

In compliance with the SCHA, the College will:

- Publish an Annual Hazing Report: Detailing reported hazing incidents and outcomes, made publicly available on the College's website.
- Maintain a Campus Hazing Transparency Report: Regularly updated to include information on hazing incidents and prevention policies, ensuring community awareness and institutional accountability.

Continuous Improvement

The College will regularly review and update this policy to ensure effectiveness and compliance with federal and state laws, incorporating feedback from the campus community and evolving best practices in hazing prevention. Students, staff, and faculty are encouraged to provide feedback on the Anti-Hazing Policy to foster continuous improvement and inclusivity.

DISCIPLINARY PROCEDURES FOR STUDENTS AND EMPLOYEES FOR CASES INVOLVING ALLEGED SEXUAL ASSAULT, DATING/DOMESTIC VIOLENCE AND

ADVISOR/SUPPORT PERSON

Parties may elect to be accompanied by one **Advisor**, as defined in this Policy, during meetings and proceedings related to any ABR, investigation, and hearing process under this Policy. Parties are limited to one Advisor. Parties may be accompanied by one Support Person (see below) in addition to an Advisor. An Advisor can be anyone, and may be, but is not required to be, an attorney. Generally, it is not recommended that the selected Advisor be a Party or a witness in the same matter.

Unless otherwise specified in this Policy, the Advisor may not speak or write on behalf of the Party or otherwise disrupt any interviews or proceedings. TCC reserves the right to exclude or remove an Advisor who does not comply with this Policy. A Party's Advisor is expected to have reviewed this Policy to understand their role and expectations under this Policy prior to providing support to the Party. The Party's Home Institution's Title IX Coordinator and/or the TCC Title IX Administrator may require the Advisor to meet with the Party's Home Institution's Title IX Coordinator and/or the TCC Title IX Administrator to ensure the Advisor understands their role and the expectations under this Policy prior to their involvement in any process under

this Policy. A Party and their Advisor are encouraged to contact the Party's Home Institution's Title IX Coordinator with any questions regarding this Policy and its Resolution Process and procedures.

Except in cases being processed as a Title IX Formal Complaint, where an Advisor is required at the hearing, a Party is not required to have an Advisor during any part of the Investigation and Resolution Process, including meetings, ABR, the investigation, or hearing process, and a TCC Institution is not required to provide one for the Party. Upon a Party's request, however, the Party's Home Institution's Title IX Coordinator may be able to connect a Party with a trained Advisor, if available, who may be an employee at a TCC Institution.

Parties may elect to be accompanied by one **Support Person**, as defined in this Policy, during meetings and proceedings related to any ABR, investigation, and hearing process under this Policy. Parties are limited to one Support Person. A Support Person may not be a Party or a witness in the same matter. The Support Person's role is to provide emotional support throughout the process.

The Support Person may not speak or write on behalf of the Party or otherwise disrupt any interviews or proceedings. A Party's Support Person is expected to have reviewed this Policy to understand their role and expectations under this Policy prior to providing support to the Party. The Party's Home Institution's Title IX Coordinator and/or the TCC Title IX Administrator may require the Support Person to meet with the Party's Home Institution's Title IX Coordinator and/or the TCC Title IX Administrator to ensure the Support Person understands their role and the expectations under this Policy prior to their involvement in any process under this Policy. A Party and their Support Person are encouraged to contact the Party's Home Institution's Title IX Coordinator with any questions regarding this Policy and its Resolution Process and procedures. TCC reserves the right to exclude or remove a Support Person who does not comply with this Policy.

CASE MANAGER (Under the Pomona Policy)

For cases under the Pomona Policy, the Complainant and Respondent will each be offered by the Title IX Coordinator, or its designee, a separate College-appointed, trained Case Manager. The Case Manager, usually a staff or faculty member, can help the party to whom they are assigned to navigate through the Pomona Policy and related procedures, and support the party in accessing resources, accommodations, and other kinds of support. At the discretion of the party, their assigned Case Manager may accompany them to any meeting/hearing related to the Pomona Policy. The Case Manager is expected to be a silent and non-participating observer in any Pomona Policy meetings/hearings. The Title IX Coordinator will assign the Case Manager from a pool of trained individuals after the initial intake usually within seven (7) days.

INTAKE AND INITIAL REVIEW

Following receipt of a report or Complaint alleging Prohibited Conduct under this Policy, the Complainant's Home Institution's Title IX Coordinator will contact the Complainant to request to meet with them for an initial intake and assessment meeting, and will provide the following information in their outreach to Complainant:

An invitation to meet with Complainant's Home Institution's Title IX Coordinator to offer assistance and explain their rights, resources, and options under this Policy;

Access to this Policy via link or attachment;

Information regarding available campus and community-based resources for counseling, health care, mental health, or victim advocacy. Upon request, information regarding legal assistance, visa and immigration assistance, student financial aid and other available services may be provided;

The availability of Supportive Measures regardless of whether a Complaint is filed and/or any Resolution Process is initiated;

Information regarding resolution options (Support-Based, Agreement-Based, and Investigation and Hearing Resolution) under this Policy, how to initiate such Resolution Processes including how to file a Formal Complaint to invoke the Title IX Procedural Requirements; and how those procedures work, including contacting and interviewing Respondent and seeking identification and location of witnesses;

The right to notify law enforcement as well as the right not to notify law enforcement;
The importance of preserving evidence and, in the case of potential criminal misconduct, how to get assistance from TCC Campus Safety or local law enforcement in preserving evidence;

The right to have a Support Person and/or Advisor during any meetings or proceedings under this Policy, including the initial meeting with the Complainant's Home Institution's Title IX Coordinator; as well as the right to consult with an attorney, at their own expense, at any stage of the process if they wish to do so; and

A statement that Retaliation for reporting a concern, filing a Complaint, or participating in the Complaint process, is prohibited.

If the Title IX Coordinator who received the report is different from the Complainant's Home Institution's Title IX Coordinator, then the Title IX Coordinator who received the report will forward the report to the appropriate Home Institution Title IX Coordinator.

A Complainant, or another individual reporting the potential Prohibited Conduct (Reporting Party),³ may meet with their Home Institution's Title IX Coordinator for the purposes of discussing their reporting options, Supportive Measures, and resolution options under this Policy. The primary concern during the intake meeting shall be safety, and a trauma-informed approach shall be used while meeting with the Complainant.

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

1. Assistance with immediate safety concerns, care and support resources, medical providers, and law enforcement;
2. Supportive Measures; and
3. Procedures for determining next steps and appropriate resolution options under this Policy, including Agreement-Based Resolution options.

During this initial meeting, or in a separate follow-up meeting, the Complainant's Home Institution Title IX Coordinator will gather preliminary information about the nature of the circumstances or the report to determine appropriate next steps, including appropriate Supportive Measures, whether this Policy applies, and if so, which resolution option(s) may be appropriate based on the allegations and status of the Parties. Information gathered may include names of individuals involved, date of incident(s), location of incident(s), and a description of the alleged incident. The Complainant's Home Institution's Title IX Coordinator may also determine that the provision of only Supportive Measures is the appropriate response under the Policy based on the information provided. The intake meeting is not intended to serve as an exhaustive interview, but rather to provide the Complainant's Home Institution's Title IX Coordinator with sufficient contextual information to determine the appropriate next steps to support the Complainant and to guide the TCC Institution's response. The initial assessment is not a finding of fact or responsibility. If the individual bringing forward the report or Complaint is not the actual Complainant, the Complainant's Home Institution's Title IX Coordinator will limit communication to general information regarding this Policy.

Should the Complainant wish to initiate a Resolution Process, the Complainant's Home Institution's Title IX Coordinator will determine whether this Policy applies and, if so, the appropriate Resolution Process under this Policy. The Complainant's Home Institution's Title IX Coordinator will communicate to the Complainant the determination whether to initiate the Resolution Process, close the matter due to insufficient information to warrant further review under this Policy, and/or refer the matter for handling under a different policy, and/or appropriate TCC Institution office for handling, pursuant to the dismissal provisions of this Policy in Section X. The Complainant's Home Institution's Title IX Coordinator will make reasonable efforts to

clarify the allegations with the Complainant prior to any determination to close, dismiss, or refer the report or Complaint.

If the reported information involves a student or employee Respondent from a different TCC Institution, then the Complainant's Home Institution's Title IX Coordinator and Respondent's Home Institution's Title IX Coordinator will jointly make the initial assessment and determination.

NOTICE TO THE RESPONDENT

When a decision is made to initiate formal or alternative resolution procedures, to impose interim measures, or to take any other action that impacts a respondent, the Title IX Coordinator will ensure that the respondent is promptly notified and is provided with information on the respondent's rights and options under the Pomona Policy and/or the TCC Title IX Policy and related procedures, links to the relevant policy and procedures themselves, and written materials about the availability of, and contact information for, campus and off-campus support resources.

In connection with the formal resolution process, written notification will state facts sufficient to apprise the respondent of the nature of the allegations, including the complainant's name; the nature of the alleged policy violation(s); the date(s) of the alleged policy violation(s); the location(s) where the violation(s) allegedly occurred; a brief description of the allegations; and the sanctions that may be imposed if the respondent is found to have violated this Policy.

ALTERNATIVE RESOLUTION PROCEDURES

The Agreement-Based Resolution (ABR) process is an alternative resolution option where the Parties each voluntarily agree to resolve the allegations or Complaint of Prohibited Conduct through a Resolution Agreement with agreed upon resolution terms and without engaging in an investigation or proceeding to a hearing where there is a determination of responsibility. No Party may be required to participate in the ABR, and it may never be a condition of enrollment, employment, or enjoyment of any other right or privilege of TCC. The Parties' Home Institution's Title IX Coordinators must determine that ABR is an appropriate resolution option. Generally speaking, ABR may be less time intensive than the Investigation and Hearing Resolution process, while affording Parties an opportunity to actively participate in a process that seeks to provide autonomy with regard to achieving a desired outcome. ABR is a voluntary, structured interaction between or among affected Parties.

Unless the allegations are subject to the Title IX Procedural Requirements, a Complaint is not required for ABR; however, the Complainant must articulate the allegations of Prohibited Conduct they wish to resolve through the process. Allegations subject to the Title IX Procedural Requirements require a Formal Complaint to be on file before proceeding with ABR.

The ABR process is generally expected to commence as soon as possible, and within 15 business days, after receipt of the Parties' agreement in writing to engage in the process. The process of facilitating and finalizing the Resolution Agreement will generally be completed within 30 business days, depending on the form of ABR, and may be extended by the TCC Title IX

Administrator as appropriate. The length of time provided to complete the terms of the Resolution Agreement after the Agreement is finalized will vary depending on the terms and what the Parties have agreed upon. All Parties will be notified, in writing, of any extension and the reason for the extension. During the ABR process, all timeframes for any other stages under this Policy, including investigation, Evidence Review Process, or conducting the hearing will be paused to allow the Parties sufficient opportunity to engage in the ABR process.

The ABR options available under this Policy, include, but are not limited to: Facilitated Resolution Agreement, Mediation, and Restorative Justice. Each option is further described below and is led by a designated Facilitator who is appropriately trained on the ABR option and must not have any conflict of interest or bias for or against complainants or respondents generally or an individual Complainant or Respondent. The Parties' Home Institution Title IX Coordinator may serve as the Facilitator. The Investigator, Hearing Decisionmaker, or any other decisionmaker within the process for the same matter under this Policy may not serve as the Facilitator. Regardless of the elected option, the Parties may have a Support Person and/or Advisor present with them through the ABR process. The Facilitator and/or TCC reserves the right to exclude or remove a Support Person and/or Advisor who does not comply with this Policy during the ABR process. Unless they have decided to withdraw from the ABR process, the Parties are required to actively participate in the selected ABR process, including by attending the meetings, engaging with the Facilitator, providing timely responses, and completing any actions required in their ABR process.

The Facilitator will provide regular status updates to the Parties and the Home Institution's Title IX Coordinator(s), if applicable. The Home Institution Title IX Coordinator(s) will assist in managing the ABR process to the extent necessary to ensure the process is moving forward in a productive and timely manner, and they will be available to the Parties should they have any questions or concerns throughout the ABR process.

If the matter is successfully resolved, the process concludes with a written Resolution Agreement outlining the resolution terms agreed upon by the Parties. The Home Institution Title IX Coordinator(s) must review and approve the Resolution Agreement. The ABR process concludes when the Resolution Agreement is signed by all Parties and the Home Title IX Coordinator(s), and upon sufficient completion of the agreed upon terms.

ABR may be initiated at any time during the Resolution Process prior to the release of the Hearing Decision Report. ABR does not include any determination made as to whether a Respondent engaged in the alleged Prohibited Conduct and/or violated this Policy.

The Home Title IX Coordinator(s) must still take other prompt and effective steps as needed to ensure that Prohibited Conduct does not continue or recur within the TCC Institution education program or activity even if the Parties voluntarily agree to engage in ABR.

FORMAL RESOLUTION PROCEDURES

Throughout the Investigation and Hearing Resolution Process, the Home Institution Title IX Coordinator(s), as well as the TCC Title IX Administrator, will work closely and cooperatively

together. They will maintain open communication during all phases of the Investigation and Hearing Resolution Process, including the investigation, hearing, and appeal stages.

Respondents are presumed not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the Investigation and Hearing Resolution Process, and any applicable appeal process has concluded. TCC does not make determinations of responsibility prior to the completion of the Investigation and Hearing Resolution Process.

The Investigation and Hearing Resolution Process under this Policy is not an adversarial process between a Complainant, a Respondent, and the witnesses, but rather a process for TCC to comply with its obligations under existing law. The Investigation and Hearing Resolution Process shall provide all Parties with appropriate due process and will reach reasonable conclusions based on the evidence collected.

TCC has the burden of conducting an investigation that gathers sufficient evidence to determine whether Prohibited Conduct occurred. Complainant does not have the burden to prove, nor does Respondent have the burden to disprove, the underlying allegation(s) of Prohibited Conduct. Any Party may decide to limit their participation in part or all of the process, or to decline to participate. This does not shift the burden of proof away from TCC and does not indicate responsibility. See below for more information regarding Party participation in the investigation process and hearing process.

In evaluating all allegation(s) of Prohibited Conduct, and in any Investigation and Hearing Resolution Process, TCC will utilize the “Preponderance of the Evidence” standard, which means that the alleged Prohibited Conduct is more likely than not to have occurred.

Absent extensions for good cause, TCC strives to complete the entire Investigation and Hearing Resolution Process as thoroughly, equitably, and as promptly as possible within 150 business days from the issuance of the Notice of Investigation and Allegations to the Parties. This includes the initial assessment and evaluation of the allegations, issuance of notice letters initiating the process, investigation (interviews with the Parties and relevant witnesses), evidence review process, hearing, issuance of the hearing decision (and remedies and sanctions, if applicable), and any appeal process.

Allegations will constitute Title IX Sexual Harassment and will use the Title IX Procedural Requirements when:

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 a TCC Member Institution’s s Education Programs or Activities; and,
4. The alleged conduct, if true, would constitute Prohibited Conduct under Title IX, specifically, Title IX Quid Pro Quo, Title IX Hostile Environment Harassment, Title IX Dating Violence, Title IX Domestic Violence, and/or Title IX Stalking Based on Sex, as defined in this Policy.

A formal investigation into an alleged violation of the Pomona Policy and/or TCC Title IX Policy will proceed when one or both of the following are present:

- The College has information to proceed and recognizes that it is in the best interest of the campus community's safety to proceed with a formal investigation and/or:
- The College has information to proceed, and the complainant wishes to proceed with a formal investigation.

The Title IX Coordinator and Title IX Coordinator's Team will take all reasonable steps to respond to a complaint consistent with a Complainant's requests for confidentiality. However, the team's ability to do so may be limited based on the nature of a Complainant's request. For example, if a Complainant requests that the Complainant's name or other identifiable information not be shared with the Respondent or that no formal action be taken, the College may be limited in its ability to fully respond to the complaint. The College will balance the Complainant's requests with its responsibility to provide a safe and non-discriminatory environment for all College community members and to afford a Respondent fundamental fairness.

In the event that a Complainant does not wish to proceed with formal action, the Title IX Coordinator, in consultation with the Title IX Coordinator's Team, as appropriate, will decide, based on the available information, whether additional steps are required. In making this decision, the Title IX Coordinator's Team will consider following factors: whether the Complainant has requested confidentiality; whether the Complainant wants to participate in additional steps; the severity and impact of the sexual misconduct; the respective ages of the parties, including whether the Complainant is a minor under the age of 18; whether the College can undertake any action without the participation of the Complainant; whether the Respondent has a pattern of committing sexual misconduct; the existence of independent evidence; the extent of prior remedial methods taken with the Respondent; and any legal obligation to proceed based on the nature of the conduct.

The College's formal complaint resolution procedures will include a prompt, fair and impartial process from the initial investigation to the final result. Whether under the Pomona Policy or under the TCC Title IX Policy, all proceedings (initial intake/review, investigation, and adjudication hearing are conducted by officials who receive annual training on issues related to sexual assault, dating/domestic violence, and stalking and on how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability. The following overview of grievance processes under the Pomona Policy and/or the TCC Title IX Policy are summaries; for additional information, please refer to and review the entire policies.

Appointment of Investigator(s)

The TCC Title IX Administrator, in consultation with the Parties' Home Institutions' Title IX Coordinator(s), will designate a trained Investigator to conduct an adequate, reliable, and impartial investigation, in a reasonably prompt timeframe. TCC reserves the right to utilize internal or external Investigators As required by California law, the designated Investigator will have undergone a comprehensive, trauma-informed training program for campus officials

involved in investigating and adjudicating sexual assault, domestic violence, dating violence, and stalking cases.

The designated Investigator identity will be provided in the NOA. Any Party that believes that the designated Investigator has a conflict of interest or bias for or against complainants or respondents generally or an individual Complainant or Respondent, may submit an objection

Appointment of External Adjudicator

In those matters moving forward to investigation and involving a Respondent from the College under the Pomona Policy, the Title IX Coordinator will also select an External Adjudicator who will preside over any hearing of the matter to determine responsibility under the Pomona Policy, including (in consultation with the Title IX Coordinator) the determination of sanctions pursuant to the Pomona Policy's guidelines. The External Adjudicator will also review and evaluate any pre-hearing concerns raised by the parties with respect to improper investigative procedures. The External Adjudicator will be a neutral party from outside of the College, typically a retired civil jurist, experienced attorney or seasoned student conduct administrator experienced in these matters, who is trained and experienced in dispute resolution, Title IX and trauma-informed response to complaints of sexual harassment and sexual violence, the dynamics of sexual misconduct, and the College's policies and procedures, including applicable confidentiality requirements.

Under the Pomona Policy, the Title IX Coordinator will promptly notify the parties of the identity of the External Adjudicator. If a party objects to the proposed External Adjudicator's involvement based upon a conflict of interest, the party must provide written notice to the Title IX Coordinator within three (3) calendar days from the notification explaining the conflict of interest. The Title IX Coordinator will promptly rule on the objection and provide notice to the parties. If a conflict of interest is found, the Title IX Coordinator will expedite selection of another External Adjudicator and shall promptly notify the parties of the selection.

Investigation Overview

INTERVIEWS

After the Parties have been notified in writing of the confirmed Investigator, the Investigator will contact the Parties and identified witnesses to conduct their interviews. Interviews may be conducted in person, or via video conference. Recording investigative interviews, by any individual, and by any means, is prohibited.

The Investigator will provide to a Party or witness whose participation is invited or expected, advance written notice of the date, time, location, participants, and purpose of all meetings or proceedings with sufficient time to prepare to participate. The Investigator has discretion of the order in which to interview the Parties and witnesses.

A Party is permitted to have one Support Person, and one Advisor accompany them to any meetings with the Investigator and must provide at least 72-hour notice of the Support Person

and/or Advisor's planned attendance at the meeting to ensure the appropriate FERPA documentation is completed in advance of the meeting.

TCC may adopt and apply other reasonable rules regarding decorum, provided they apply equally to the Parties. TCC will share expectations of decorum to be observed at all times in any meeting or proceeding under this Policy. These expectations are applied equally to all Parties, Support Persons and Advisors. TCC has the discretion to remove, with or without prior warning, from any meeting or proceeding a Party, witness, Advisor, or Support Person who does not comply with these expectations and any other applicable TCC rules or expectations.

All Parties will be provided equal opportunity to meet with the Investigator, submit relevant evidence, and identify relevant witnesses. The Investigator will meet separately with all Parties, and any identified witnesses that are deemed relevant, and will gather relevant documentary evidence provided by the Parties and any identified witnesses.

When a Party meets with the Investigator, the Investigator will ask questions related to the allegations in the Complaint, and Notice of Allegations, and the Party is given the opportunity to speak to the allegations and related events. Parties may identify relevant fact witnesses and provide evidence that is relevant to the allegations and not otherwise impermissible. This will include inculpatory evidence (that tends to show more likely that an individual engaged in the alleged conduct) and exculpatory evidence (that tends to show less likely that an individual engaged in the alleged conduct).

The Investigator has discretion regarding whom to interview to determine the facts relevant to the Complaint and scope of the investigation, and when to conduct follow-up interviews with Parties and witnesses.

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

INVESTIGATOR DETERMINATION OF EVIDENCE RELEVANCE

The Investigator will take reasonable steps to gather relevant available evidence. The Investigator may exclude evidence they determine to be irrelevant or impermissible. Parties may provide the Investigator with any evidence they believe to be relevant. Character evidence is not relevant evidence, and therefore will not be considered.

It is ultimately the role of the Hearing Decisionmaker to determine what weight, if any, to give to the evidence gathered.

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.

IMPERMISSIBLE EVIDENCE

The following types of evidence, and questions seeking that evidence, are impermissible. This means this information will not be accessed or considered, except by the Parties' TCC Home Institution(s) to determine whether one of the exceptions listed below applies. This information must not be disclosed and must not be otherwise used, regardless of relevance:

- Evidence that is protected under a privilege recognized by Federal or State law, unless the person to whom the privilege or confidentiality is owed has voluntarily waived the privilege or confidentiality;
- Evidence provided to an employee designated by TCC as exempt from internal reporting under this Policy, unless the person who made the disclosure or otherwise provided evidence to that employee has voluntarily consented to re-disclosure;
- A Party's or witness's records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the provision of treatment to the Party or witness, unless TCC obtains that Party's or witness's voluntary, written consent for use in the Resolution Process under this Policy; and
- Evidence that relates to the Complainant's sexual interests or prior sexual conduct, unless evidence about the Complainant's prior sexual conduct is offered to prove that someone other than the Respondent committed the alleged Prohibited Conduct or is evidence about specific incidents of the Complainant's prior sexual conduct with the Respondent that is offered to prove consent to alleged Prohibited Conduct. The fact of prior consensual sexual conduct between the Parties does not by itself demonstrate or imply the Complainant's consent to other sexual activity or preclude a determination that Prohibited Conduct occurred.
- For cases of California Sex-Based Harassment the Investigator or Hearing Decisionmaker shall not consider the past sexual history of Complainant or Respondent except in the limited circumstances. Specifically, they shall not consider:
 - Prior or subsequent sexual history between Complainant and anyone other than Respondent for any reason unless directly relevant to prove that physical injuries alleged to have been inflicted by Respondent were inflicted by another individual.
 - The existence of a dating relationship or prior or subsequent consensual sexual relations between Complainant and Respondent unless the evidence is relevant to how the Parties communicated consent in prior or subsequent consensual sexual relations. Where the Investigator or Hearing Decisionmaker allows consideration of evidence about a dating relationship or prior or subsequent consensual sexual relations between Complainant and Respondent pursuant to this paragraph, the mere fact that Complainant and Respondent engaged in other consensual sexual relations with one another is never sufficient, by itself, to establish that the conduct in question was consensual.

- Before allowing the consideration of any evidence proffered pursuant to this section, the Investigator or Hearing Decisionmaker shall provide a written explanation to the Parties as to why consideration of the evidence is consistent with this paragraph. If the issue is raised at the hearing, the Hearing Decisionmaker will include their written explanation in the Hearing Decision Report.

EVIDENCE REVIEW PROCESS

At the conclusion of all fact-gathering and before issuing the Final Investigation Report, the TCC Title IX Administrator will provide the Parties access to the Preliminary Investigation Report (PIR) drafted by the Investigator, which includes all relevant evidence and not otherwise impermissible evidence gathered. The purpose of this review process is to provide the Parties with an equal opportunity to meaningfully respond to the relevant and not otherwise impermissible evidence prior to the conclusion of the investigation and issuance of the Final Investigation Report. This is known as the Evidence Review Process. This opportunity will be provided to each Party, and their Advisor and/or Support Person, if any, regardless of whether the Party made the Complaint or participated in the investigation.

Absent good cause, Parties are provided with ten (10) business days to review and provide a written response to the evidence to the Investigator should they wish to do so. Parties are not required to submit a response. The TCC Title IX Administrator has the discretion to extend the evidence review period based on the volume and nature of the evidence and/or may grant a Party's request for additional time.

The Preliminary Investigation Report will include the following:

- The identities of the Parties;
- The identities of the witnesses;
- A summary of the allegations of the Prohibited Conduct and the alleged Policy violation(s); Information about the policies and procedures used to evaluate the allegations;
- A description of the procedural steps and process taken from the receipt of the Complaint through the investigation process, including any notifications to the Parties, interviews with Parties and witnesses, and methods used to gather other evidence;
- The relevant statements of the Parties and witnesses, and evidence gathered for each allegation;
- A summary of the relevant, and not otherwise impermissible, evidence gathered by the Investigator; and
- Explanations for why evidence or witnesses submitted by the Parties were not considered or interviewed by the Investigator.

Given the sensitive nature of the information provided in the PIR, the TCC Title IX Administrator will facilitate this review in a secure manner and has the discretion to determine how to provide access to the PIR to the Parties based on the particular circumstances of the case and any Party or witness privacy concerns. Unless provided express written permission and access by the TCC Title IX Administrator, neither the Parties, Advisors, Support Persons, nor anyone on any Party's behalf may copy, remove, photograph, print, image, screenshot, videotape, record, or in any other manner duplicate or remove the information contained in the

PIR (unless a Party is describing or quoting the material in a written response to the evidence pursuant to the Evidence Review Process). Any TCC student or employee (subject to this Policy) who fails to abide by this may be subject to discipline. Any Advisor or Support Person who fails to abide by this may be subject to discipline, if applicable, and/or may be excluded from further participation in the process.

As part of this Evidence Review Process, the Parties may:

- Submit additional relevant evidence or information;
- Provide a written response to any of the relevant evidence;
- Submit proposed questions for the Investigator to ask of the other Parties or any witnesses;
- Request additional interviews and information-gathering; and/or
- Suggest additional witnesses for the Investigator to interview.

The Party's Advisor and/or Support Person may provide support to the Party during the Evidence Review Process; however, they are not permitted to speak or write on behalf of their Party. This includes any response to the Evidence Review Process.

The Evidence Review Process serves as the final opportunity to submit reasonably available evidence, or names of witnesses. Evidence, that was reasonably available, but not provided during the investigation process will not be considered by the Hearing Decisionmaker.

The Investigator has discretion to determine if the Parties' 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 submitted by the Parties, the Parties submit a written response to the evidence, or new evidence is gathered by the Investigator (through additional or follow-up interviews or additional fact- gathering), it will be included in either a Revised Preliminary Investigation Report or a separate addendum, as deemed appropriate by the Investigator.

All Parties will be provided a second reasonable opportunity to review and respond to any new evidence made available through the Revised Preliminary Report or in a separate addendum. The TCC Title IX Administrator will determine how much time is reasonable to review the new evidence. No new evidence will be accepted as part of any response to the second review and response period, except that the Investigator shall have the discretion to accept relevant evidence that was not previously available or known to exist, and that was not previously discoverable with the exercise of reasonable diligence.

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 when the Final Investigation Report is finalized.

FINAL INVESTIGATION REPORT

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

- The identities of the Parties;
- The identities of the witnesses;
- A summary of the allegations of the Prohibited Conduct and the alleged Policy violation(s);
- Information about the policies and procedures used to evaluate the allegations;
- A description of the procedural steps and process taken from the receipt of the Complaint through the investigation process, including, any notifications to the Parties, interviews with Parties and witnesses, and methods used to gather other evidence;
- The relevant statements of the Parties and witnesses, and evidence gathered for each allegation;
- A summary of the relevant, and not otherwise impermissible, evidence gathered by the Investigator;
- 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 Final Investigation Report will not include findings of fact, findings of whether there was a Policy violation(s), or credibility determinations for Parties or witnesses.

The TCC Title IX Administrator will provide the Parties with access to the Final Investigation Report, including all attachments, at least ten (10) business days prior to the scheduled hearing. The Parties may submit a written response to the Final Investigation Report within ten (10) business days from receipt of access to the Final Investigation Report, or by the deadline otherwise communicated by the TCC Title IX Administrator. Written responses are incorporated into the materials that can be reviewed and considered by the Hearing Decisionmaker. Each Party will receive a copy of any other Party's written response to the Final Investigation Report.

Post-Investigation Meetings with Parties Under the Pomona Policy

Under the Pomona Policy, the Title IX Coordinator will then meet with the Complainant and Respondent, separately, to discuss the content of the Statement of Alleged Policy Violations or the Results Notification Memorandum and to provide them with copies of the document along with copies of the Investigators' report. To protect the integrity of the College's various investigatory and/or hearing processes, these documents shall be kept confidential by the parties involved and not shared with witnesses or persons not involved in the matter. However, Complainants and Respondents are not prohibited from sharing these documents with family, counsel, or a support person/advisor. Neither the Complainant nor the Respondent are required to meet with the Title IX Coordinator and may decline to do so.

Response by the Parties to the Statement of Alleged Policy Violation or Results Notification Memorandum and Review by External Adjudicator Under the Pomona Policy

Under the Pomona Policy, after meeting with the Title IX Coordinator to review the conclusions of the investigation, and/or after receiving either the Statement of Alleged Policy Violation or Results Notification Memorandum, each party may submit a written response to the Title IX Coordinator for review by the External Adjudicator. Such written responses, if any, must be submitted within seven (7) calendar days after receipt of either the Statement of Alleged Policy

Violation or Results Notification Memorandum. Exceptions to the seven-day period will be limited and rare. Through this written response, either party may request the External Adjudicator to overturn the determination of the Title IX Coordinator's assessment based on improper investigative procedures and/or the discovery of new evidence that was not reasonably available at the time of the investigation interviews.

Under the Pomona Policy, the External Adjudicator has seven (7) calendar days to review these submitted responses and related documents and make a determination of whether there were improper investigative procedures and/or whether there is new evidence, as defined in this section of the Policy, that should be admitted for purposes of the hearing.

Respondent Takes Responsibility: Overview Under the Pomona Policy

Under the Pomona Policy, If the Respondent takes responsibility, then the Title IX Coordinator will forward the documents to the External Adjudicator (EA) for a determination of sanctions. The EA will determine sanctions in consultation with the Title IX Coordinator and in conformity with this Policy. The Complainant will be informed of the Respondent's decision to take responsibility, and has the opportunity to submit an Impact Statement for consideration by the EA. Similarly, the Respondent has the opportunity to submit a Mitigation Statement following their decision to take responsibility for the violation(s).

The Title IX Coordinator will ensure that each of the parties has an opportunity to review any statement submitted by the other party and submit any further statement.

All submissions should be sent to the Title IX Coordinator. The Title IX Coordinator will provide any statement(s) to the External Adjudicator. The External Adjudicator will then have ten (10) calendar days to reach a determination of sanctions.

Appeal of Results Notification Memorandum Under the Pomona Policy

In response to a Results Notification Memorandum, the Complainant may appeal the Title IX Investigators' determination to the External Adjudicator. Any written response to the Results Notification Memorandum will be forwarded by the Title IX Coordinator to the External Adjudicator for review and analysis, along with the Investigation Report and supporting evidence. As above, the External Adjudicator has seven calendar days to review these documents and make any of the following decisions: (i) determine that the complaint should proceed to hearing; (ii) send the case back to Title IX Coordinator for further investigation; or (iii) review and reject claims of improper investigative procedure/new evidence. The decision of the External Adjudicator may not be appealed, and any further appeals by either party may not be based on the ground of improper investigative procedures.

Hearings Before External Adjudicator Under the Pomona Policy: Overview

The EA shall hear all claims of sexual misconduct, harassment, and discrimination involving student Respondents pursuant to the procedures set forth in this Policy. The EA will determine responsibility and decide sanctions, if appropriate, after a finding of responsibility. In cases brought under the Policy, the evidentiary standard of preponderance of evidence (more likely than not) will be used for the sexual misconduct-related violations.

Role of the Title IX Coordinator Under the Pomona Policy

The Title IX Coordinator will refer the written complaint, if any, the Statement of Alleged Policy Violations, the Investigation Report, and the response, if any, to the EA. The EA is supported by the Title IX Coordinator, who will be present during the hearing, to serve as a resource for the EA on issues of policy and procedure, and to see that policy and procedure are appropriately followed throughout the hearing. The Title IX Coordinator may request that the College's legal counsel be present during any meeting or hearing. If the EA determines, by a preponderance of the evidence, that the Respondent has violated the Policy, the EA, in consultation with the Title IX Coordinator, will determine the appropriate sanction.

Scope of Hearing Under the Pomona Policy

The External Adjudicator may only find responsibility for claims or supporting allegations that appear on the Statement of Alleged Policy Violations prepared by the Title IX Coordinator. In cases involving complaints against students where related complaints are submitted to the Title IX Coordinator and the Dean of Students Office pursuant to the Student Code, the investigation and/or hearing of both the sexual misconduct, harassment and/or discrimination complaint and the Student Code violation(s) will be decided by the External Adjudicator, as discussed herein.

Hearing Protocols Under the Pomona Policy

1. **Timing:** The External Adjudicator will conduct a prompt, thorough, and unbiased hearing. Hearings will be held as soon as practicable, normally within two weeks of circulation of the Investigation Report, including between semesters due to the availability of witnesses, etc. The parties will receive notice of any delay in convening a hearing.
2. **Review and Consideration of the Evidence:** The External Adjudicator will base its determination whether behavior constitutes sexual misconduct, harassment, and/or discrimination under this Policy on the evidence presented. With respect to other violations of the Student Code, the External Adjudicator will consult with the student dean advising the Judicial Council. The External Adjudicator will invite the Complainant and Respondent to appear before it, and will hear and question witnesses, if there are any. The Complainant and Respondent may be present at the hearing if they choose or they may choose to participate in the hearing remotely. However, neither party shall be allowed to directly question or cross-examine the other during the hearing. Five (5) calendar days prior to the hearing, questions, if any, shall be submitted to the External Adjudicator by both parties in writing, who will then decide whether those questions are relevant to the matter and in compliance with Title IX requirements; this does not preclude either party from submitting additional written questions during the hearing for the External Adjudicator's consideration.
3. **Review and Consideration of "New" Evidence:** If the EA determines that "new" evidence that did not come to light during the investigation has been presented during the hearing, the EA may adjourn the hearing for a period that the EA deems appropriate to enable the Complainant and/or Respondent to respond to such evidence. Evidence is considered "new" only if the EA finds the evidence is relevant and important and could not with a reasonable effort have been discovered earlier by the party and provided to the investigator.

4. **Confidentiality of Proceedings:** The hearings will be closed, except to the Complainant and the Respondent, their respective advisor/support person and their respective Case Manager. The advisor/support person may consult with the party during the hearing but may not address the EA. Once the hearings have ended and the process of deliberation has begun, the meeting will be closed to all but the EA and the TIXC.
5. **Impact and Mitigation Statements:** Within two (2) calendar days of the close of the hearing, either party may submit a separate Impact or Mitigation statement, that will only be read and considered by the EA upon a finding of responsibility. These statements should be sent to the TIXC, who will forward the submissions to the EA upon a finding a responsibility. Upon a finding of responsibility, the TIXC will also ensure that each of the parties will receive any statement submitted by the other party. The Impact Statement is a written statement describing the impact of the Respondent's conduct on the Complainant and expressing a preference about the sanction(s) to be imposed. The Mitigation Statement is a written statement explaining any factors that the Respondent believes should mitigate or otherwise be considered in determining the sanctions(s) imposed.
6. **Decisions by External Adjudicator:** Decisions of the EA following the hearing will be limited to the following issues: (i) whether a violation of this Policy has occurred; and (ii) upon a finding of responsibility, an appropriate sanction.
7. **Determinations of Sanctions by External Adjudicator:** The EA, upon a finding of responsibility, shall determine sanctions for student Respondents. The sanctions may include remedial or corrective actions as warranted (including, but not limited to, extension of or expansion or any interim measures already in place). In general:
 - Expulsion is the expected sanction for any student who is determined to have committed sexual assault involving sexual penetration and force and/or incapacity.
 - Any determination of responsibility for committing sexual assault involving sexual penetration without force or incapacitation may result in a sanction ranging from suspension of no less than one-year or the Complainant's remaining tenure on campus (whichever is longer) to expulsion.
 - Any determination of responsibility for committing sexual assault involving sexual contact may result in a sanction ranging from conduct probation up to expulsion.
 - Any determination of responsibility for engaging in any other prohibited form of conduct may result in a sanction ranging from conduct warning to expulsion.

The EA will not deviate from the range of recommended outcomes unless compelling justification exists to do so. The EA may issue a single sanction or a combination of sanctions. In considering the appropriate sanction within the recommended outcomes, the EA will consider the following factors:

- the impact of the conduct on the Complainant;

- the impact of the conduct on the community, its members, or its property;
- the Respondent's prior discipline history;
- how the College has sanctioned similar incidents in the past;
- the nature and violence of the conduct at issue;
- whether the Respondent has accepted responsibility;
- whether the Respondent is reasonably likely to engage in the conduct in the future based on pattern and practice evidence heard and considered by the investigator and/or EA;
- the need to deter similar conduct by others; and
- any other mitigating or aggravating circumstances, including the College's values.

Possible sanctions include:

- **Conduct Warning**—A written notification that a violation of the Student Code occurred and that any further responsible finding of misconduct may result in more severe disciplinary action.
- **Conduct Probation**—A written notification that indicates a serious and active response to a violation of the Student Code.
- **Loss of Privileges**—Denial of the use of certain College facilities or the right to participate in certain activities or to exercise certain privileges for a designated period of time.
- **Residential Relocation or Suspension from Housing**—Relocation is the reassignment of a student from one living space to another. Residential Suspension is the removal of a student from on-campus housing.
- **Educational Requirements/Referrals**—The College reserves the right to impose counseling or substance assessments, training requirements or other educational sanctions (attendance at programs, readings, research papers and other educational activities related to the violation).
- **Community Service** – Performance of at a service location, pre-approved by the Title IX Coordinator, for a prescribed number of hours to the local or Pomona College community.
- **Restitution** – In cases where the respondent is found responsible for damaging or misappropriating property, they may be required to reimburse the property owner for all or some of the cost.

- **Deferred Degree** – The holding of an academic degree for a specified period of time with or without conditions.
 - **Withholding Degree** – The withholding of a student’s diploma for a specified period of time if the student has a grievance
 - pending, or as a sanction if found responsible for an alleged violation.
 - **College Suspension**—The separation of a student from the College for a specified period of time, after which the student is eligible to return.
 - **Expulsion**—Expulsion is the permanent separation of the student from the College.
8. **Other Remedial Decisions by External Adjudicator:** The EA should also consider other remedial actions that may be taken to address and resolve and to prevent the recurrence of any discrimination/harassment.
 9. **Transmission of External Adjudicator’s Decision and Report:** In the case of student Respondents, the EA will communicate their decision and hearing report in writing to the TIXC. The TIXC will inform each of the parties simultaneously and provide in writing the decision and hearing report. The Complainant’s copy of the decision, report and details of the sanction(s) imposed, if any, may be limited in the copy of the EA’s report given to Complainant due to Respondent’s FERPA or other applicable privacy rights. A copy of the decision and report will also be provided to the Vice President for Student Affairs/Dean of Students who will also enter the decision into the Respondent’s record and will be placed in permanent confidential records in the Dean of Students office and available to the TIXC and EA. The sanction(s) imposed will be implemented immediately and will be in effect pending the outcome of any appeal.

Hearing Protocols Under the TCC Title IX Policy

The purpose of a hearing is for a Hearing Decisionmaker to determine whether the conduct occurred as alleged, and if so, whether that conduct violates this Policy. The Hearing Decisionmaker will make credibility determinations, findings of fact, and will determine whether a Policy violation(s) occurred. The Hearing Decisionmaker will also determine appropriate remedies and sanctions if a Policy violation(s) is found to have occurred. The hearing is a closed proceeding and will not be open to the public.

PRIOR TO HEARING

HEARING COORDINATOR

The TCC Title IX Administrator will be responsible for designating a Hearing Coordinator who will coordinate the hearing process. The TCC Title IX Administrator, or their designee, may serve as the Hearing Coordinator. The Hearing Coordinator will ensure the Hearing Decisionmaker is provided with all necessary materials, including the Final Investigation Report and attachments, as well as any written Party responses to the Final Investigation Report. The Hearing Coordinator will arrange the logistics for the hearing, including coordination of the pre-hearing conferences, a location for the hearing (if not conducted via video conference), and

coordination of the date and time for the hearing. Other than at the pre-hearing conference, the Parties and their Advisors and/or Support Persons, if any, are prohibited from directly communicating with the Hearing Decisionmaker prior to the scheduled hearing. The Hearing Coordinator will act as a liaison between the Parties and the Hearing Decisionmaker on all procedural matters.

DESIGNATION OF THE HEARING DECISIONMAKER

The TCC Title IX Administrator, in consultation with the Parties' Home Institution's Title IX Coordinator(s), will designate a Hearing Decisionmaker distinct from the Hearing Coordinator and any Home Institution Title IX Coordinator, who will preside over the hearing and draft the Hearing Decision Report, including remedies and sanctions, if applicable. The Hearing Decisionmaker is a single individual. TCC reserves the right to utilize internal or external Decisionmakers. The Hearing Decisionmaker is responsible for overseeing the hearing, making procedural determinations, managing the questioning process (questions must be submitted by the Parties directly to the Hearing Decisionmaker or through the Hearing Coordinator), and issuing the Hearing Decision Report, as well as a Remedies and Sanctions Determination, if applicable.

The Hearing Decisionmaker will have had appropriate training in the definitions of Prohibited Conduct, the scope of the TCC Institution's education programs and activities, the Investigation and Hearing Resolution process under this Policy, bias, the ABR Process, hearing decision writing, assessing questions and evidence related to relevant and not otherwise impermissible evidence, and any technology to be used at the hearing.

The Hearing Coordinator will provide the Parties with written notice of the Hearing Decisionmaker's identity at the time of scheduling the hearing, as well as information regarding any Party's option to object to the Hearing Decisionmaker based on actual conflict of interest or bias

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:

- Confirmation of the assigned Hearing Decisionmaker;
- The time, date, and location of the hearing, including if the hearing will be conducted entirely via videoconference;
- The identity of all participants expected to participate in the hearing, including Parties, and witnesses approved by the Hearing Decisionmaker;
- A list of all documents the Hearing Decisionmaker may consider in reaching their determination;
- TCC's Hearing Expectations and Rules of Decorum; and
- A general overview of the hearing process.

PRE-HEARING CONFERENCES

Prior to the hearing, each Party and their Advisors and/or Support Person will be offered the opportunity to meet with the Hearing Decisionmaker to review what to expect at the hearing,

rules of decorum, and to provide the Parties and their Advisor and/or Support Person, if any, the opportunity to ask any procedural questions, including questions regarding the Hearing Notice. The Hearing Coordinator and the Party's Home Institution Title IX Coordinator may also be present at the pre-hearing conference. After the Hearing Decisionmaker has conducted the pre-hearing conferences with each Party, the Hearing Decisionmaker will issue a written summary of matters discussed at the pre-hearing conferences. Attending the pre-hearing conference is recommended, however, a Party may waive their opportunity for a pre-hearing conference and is not required to participate.

Parties are expected to notify the Hearing Coordinator of the identity of their Advisor and/or Support Person as soon as possible in advance of the scheduled hearing. The Hearing Coordinator will share this information with the Hearing Decisionmaker and other Parties through the Hearing Notice.

WITNESSES IDENTIFIED AND REQUESTED TO PARTICIPATE IN THE HEARING

The Parties and Hearing Decisionmaker all have the right to call witnesses. Unless notified otherwise by the Hearing Coordinator, Parties who wish to call witnesses must submit the name and contact information of the witness, as well as an explanation as to what testimony they will provide at the hearing, at least five (5) business days in advance of the hearing or upon request by the Hearing Coordinator.

Only witnesses who participated in the investigation will be permitted to participate in the hearing, unless the witness was otherwise unknown or not known to have relevant information during the course of the investigation. If the witness did not participate in the investigation, the Party must provide the reason the witness was not identified or was not interviewed by the Investigator, and what information the witness has that is relevant to the allegations. The Hearing Decisionmaker will then determine whether the witness has relevant information and if there is sufficient justification for permitting the witness to participate in the hearing after not having participated in the investigation. The Hearing Officer may instead send the case back to the Investigator to interview the newly proffered witness prior to the hearing taking place.

The Hearing Decisionmaker may determine not to call witnesses submitted by the Parties, and/or to call witnesses who were not submitted by the Parties, and who participated in the investigation.

The Hearing Decisionmaker will communicate to the Hearing Coordinator as soon as possible the witnesses they have determined should be called for the hearing. The Hearing Decisionmaker will document their explanations for determining not to call certain witnesses submitted by the Parties in the Hearing Decision Report.

With the assistance of the Parties' Home Institution Title IX Coordinator(s), the Hearing Coordinator will request the attendance of the relevant witnesses identified by the Hearing Decisionmaker, and a list of witnesses approved by the Hearing Decisionmaker will be provided to the Parties at least three (3) days prior to 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.

PROPOSED QUESTIONS SUBMITTED BY THE PARTIES IN ADVANCE OF THE HEARING

No later than three (3) business days prior to the hearing, each Party shall submit to the Hearing Coordinator a preliminary list of questions they wish the Hearing Decisionmaker to ask of the other Party, or to a witness. The Parties will also have the opportunity to submit questions to the Hearing Decisionmaker at the hearing as well (and to have advisor-led questioning in Title IX Sexual Harassment cases). If the Hearing Decisionmaker determines that any questions are not relevant or seek otherwise impermissible evidence, the Hearing Decisionmaker shall exclude the question, not ask the question of the intended Party or witness, and explain the reason for the exclusion of the question at the hearing. Questions that are unclear or harassing of a Party or witness being questioned will not be permitted. The Hearing Decisionmaker must give a Party an opportunity to clarify or revise any question that the Hearing Decisionmaker has determined is unclear or harassing and, if the Party sufficiently clarifies or revises a question, and the question is relevant, the Hearing Decisionmaker will ask the question of the intended Party or witness.

DURING THE HEARING HEARING RECORDING

The hearing will be recorded by TCC, and this recording will be considered the only official recording of the hearing. The Hearing Coordinator is responsible for ensuring the hearing is audio recorded.⁹ No other individual is permitted to record while the hearing is taking place. For the purpose of preparing an appeal, a recorded Party may request to review the hearing recording, or review the transcript of the hearing, if available, in-person or via video conference, and under supervision by a TCC representative or other designee. Requests should be made to the TCC Title IX Administrator.

Hearing audio recordings will be maintained for seven (7) years after the conclusion of the Resolution Process under this Policy, the Respondent's graduation, separation from TCC, or separation from TCC Institution 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 will participate virtually, unless all Parties request otherwise. If needed, the Party's Home Institution Title IX Coordinator may assist the Party with access to a private location to participate in the hearing. The Parties should request this assistance as soon as possible in advance of the hearing.

HEARING EXPECTATIONS AND RULES OF DECORUM

TCC expects that all participants in the hearing process do so truthfully and respectfully, and that all who have a responsibility for carrying out one or more aspects of the hearing process do so fairly and without prejudice or bias.

The Hearing Decisionmaker shall have the authority to maintain order and decorum at the hearing, including responding to disruptive or harassing conduct, and when necessary, to adjourn the hearing or exclude the disruptive person. In the event the Hearing Decisionmaker removes a Party's Advisor or Support Person, the Hearing Decisionmaker will have the discretion to appoint another Advisor for the remainder of the hearing. The Hearing Decisionmaker also has the authority to determine whether any questions are not relevant, abusive, intimidating, or disrespectful, and will not permit such questions.

PARTY AND WITNESS PARTICIPATION IN THE HEARING

While Party and witness participation is considered crucial to providing an equitable hearing process for the Parties and provides the Hearing Decisionmaker the opportunity to ask questions to inform their findings, TCC cannot compel Parties or witnesses (with the exception of the Investigator) to attend or participate in the hearing. Any Party or witness's decision not to participate will not be a reason to cancel or postpone a hearing. The TCC Title IX Administrator, in consultation with the Home Institution Title IX Coordinator(s) and Hearing Decisionmaker, may determine that the hearing will continue in the absence of any Party or any witness.

Parties or witnesses may choose to attend the hearing and not answer questions. The Hearing Decisionmaker may choose to place less or no weight upon statements by a Party or witness who refuses to respond to questions deemed relevant and not impermissible. The Hearing Decisionmaker will not draw any inference about the determination regarding responsibility solely based on a Party or witness's absence from the hearing or refusal to respond to questions deemed relevant and not impermissible, although this decision may impact the information available to the Hearing Decisionmaker in reaching their determination. However, the Hearing Decisionmaker may draw inferences if an individual selectively participates in the hearing (for example, answering some questions but declining to answer others).

The Parties, and their Advisors and/or Support Persons, if any, can be present in the hearing for the entire duration of the hearing. The witnesses will only be present in the hearing for the duration of their testimony.

Investigators who are current employees of a TCC Institution, or external investigators retained by 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.

PARTICIPATION OF THE ADVISOR AND SUPPORT PERSON DURING THE HEARING

Each Party is entitled to be accompanied by one Advisor and one Support Person at the hearing. The role of the Advisor at the hearing is to assist the Party with understanding and navigating the proceeding. Other than the limited opportunity to cross-examine the other Party and witnesses in Title IX Sexual Harassment cases, the Advisor may not advocate for, respond for, or otherwise speak or write on behalf of, a Party during the hearing. In the event that a Party does not appear for the Hearing, the Advisor for that Party may not participate in the hearing or submit questions to be asked on behalf of the Party.

The role of the Support Person is to provide emotional support to the Party during the proceeding. The Support Person may not advocate for, respond for, or otherwise speak or write on behalf of, a Party during the hearing. In the event that a Party does not appear for the Hearing, the Support Person for that Party may not participate in the hearing or submit questions to be asked on behalf of the Party.

HEARING TIMELINE

The following provides a general timeline for the Hearing; however, the Hearing Decisionmaker shall have the authority and discretion to change the order of process as necessary, to limit the time allotted to any phase of the hearing, and/or to limit the time allotted to the full hearing.

OPENING INTRODUCTORY STATEMENTS

The Hearing Decisionmaker will begin the hearing and provide information regarding the expected timeline of the hearing and allow the Parties and their Advisors, to ask any questions regarding the structure of the hearing.

Each Party will then be permitted to provide an opening introductory statement, no longer than five (5) minutes, unless otherwise extended at the discretion of the Hearing Decisionmaker. Any additional time granted to one Party must be provided to all other Parties, if requested. An Advisor and/or Support Person is not permitted to provide an opening introductory statement on behalf of their Party.

Following opening introductory statements, the Hearing Officer will call Parties and witnesses for questioning.

QUESTIONING AT THE HEARING

The Hearing Decisionmaker will determine the order of questioning at the hearing. The Hearing Decisionmaker may change the order of questioning, with appropriate verbal notice to the Parties, if the Hearing Decisionmaker determines a change is necessary to accommodate a witness' schedule, or for other procedural reasons. The rules governing Impermissible Evidence

set forth in Section XIV.C.1.c). shall be applied to all questioning. Only the Hearing Decisionmaker is permitted to ask questions of any Party or witness during the hearing. No Party may directly question the other Parties or witnesses. Advisors and/or Support Persons, if any, are not permitted to directly or indirectly question, or otherwise communicate with the other Parties or witnesses.

The Hearing Decisionmaker will pose questions to the Parties and witnesses, including the questions the Hearing Decisionmaker approved to be asked that were submitted by each Party prior to the hearing. Each Party will then be provided an opportunity to submit follow-up written questions to the Hearing Decisionmaker to be asked of the other Parties and any witnesses, including questions challenging credibility. The Parties will submit their proposed questions through the Hearing Coordinator. The questions must be relevant to the allegations and must not seek otherwise impermissible evidence, not be duplicative or repetitive of information already gathered, and/or not be harassing of any individual providing testimony. The Hearing Decisionmaker will evaluate each question submitted by the Parties. If the Hearing Decisionmaker determines the question should not be asked, the Hearing Decisionmaker will not ask the Party or witness the question will state their reasoning for this determination on the record, and offer the Party an opportunity to reframe or resubmit the question. The Hearing Decisionmaker also has the authority to ask additional follow-up questions, or as otherwise deemed necessary. All determinations made by the Hearing Decisionmaker at the hearing are final, including determinations on questioning.

A Party may choose not to submit any questions for a Party or witness, either prior to the hearing or during the hearing. A Party's waiver of their right to submit questions does not eliminate the ability of the Hearing Decisionmaker to consider the testifying individual's statements made during the hearing and/or to the Investigator during the investigation process.

CROSS-EXAMINATION AT THE HEARING BY ADVISORS

For cases of Title IX Sexual Harassment that are processed as Title IX Formal Complaints, in addition to questioning by the Hearing Decisionmaker described above, the Hearing Decisionmaker must permit each Party's Advisor to ask the other Party and any witnesses all relevant questions and follow-up questions, including those challenging credibility. If a Party does not have an advisor for the live hearing, the Party's Home Institution shall provide without fee or charge to that Party, an advisor of that Home Institution's choice, who may be, but is not required to be, an attorney, to conduct cross examination on behalf of that Party of the other Party/ies and witnesses. Each Party's Home Institution is obligated to ensure each Party has an advisor, either of the Party's or the Home Institution's choice regardless of whether or not the Party is present at the hearing. To ensure timely proceedings, a Party shall alert their Home Institution's Title IX Coordinator as soon as practicable if the Party will need an advisor for the

hearing. Only relevant questions may be asked of the other Party or witness (referred to as “cross-examination”).

Cross-examination at the live hearing must be conducted directly, orally, and in real time by the Party’s advisor of choice and never by a Party personally. TCC and/or the Hearing Decisionmaker may restrict the extent to which advisors may participate in the proceedings.

Before the Complainant, Respondent, or witness answers a cross-examination or other question, the Hearing Decisionmaker must first determine whether the question is relevant and will instruct the Party or witness being asked the question whether they may answer. The Hearing Decisionmaker must explain to the Party proposing the question(s) any decision to exclude a question as not relevant. The rules governing Impermissible Evidence set forth in Section XIV.C.1.c) shall be applied to all questioning. The questions must be relevant to the allegations and must not seek otherwise impermissible evidence, not be duplicative or repetitive of information already gathered, and/or not be harassing of any individual providing testimony.

For allegations of Title IX Sexual Harassment and other Prohibited Conduct that have been consolidated into one case, cross examination may only be used when questioning a witness regarding Title IX Sexual Harassment that is being processed under a Formal Complaint.

CLOSING STATEMENTS AND CONCLUDING THE HEARING

Following the questioning of Parties and witnesses, each Party will be permitted a reasonable opportunity, no longer than five (5) minutes, unless otherwise extended at the discretion of the Hearing Decisionmaker, to provide a closing statement. Any additional time granted to one Party must be provided to all other Parties, if requested. An Advisor and/or Support Person is not permitted to provide a closing statement on behalf of their Party. The Hearing Decisionmaker will provide closing remarks, if any, and then conclude the hearing.

AFTER THE HEARING

PARTY STATEMENTS REGARDING REMEDIES AND SANCTIONS

Within five (5) business days of the hearing, each Party may provide to the TCC Title IX Administrator a written statement, limited to three (3) pages, related to suggested remedies and sanctions, and any other relevant information specific to remedies and sanctions for the Hearing Decisionmaker to consider in making their sanctions determination. If a Party chooses not to provide a written statement in accordance with this section, they will not be provided an additional opportunity to submit a written statement to the Hearing Decisionmaker.

If the Hearing Decisionmaker determines there was a Policy violation, the Hearing Decisionmaker will notify the TCC Title IX Administrator before issuing their Hearing Decision. The TCC Title IX Administrator will provide the Hearing Decisionmaker with copies of the

Party statements, in accordance with Section XVI. The TCC Title IX Administrator will also provide copies of the Party statements to the Parties' Home Institution Title IX Coordinator(s) and appropriate administrator(s).

If the Hearing Decisionmaker determines there was not a Policy violation, the TCC Title IX Administrator will not release the Party statements to the Hearing Decisionmaker.

NOTICE OF HEARING OUTCOME AND HEARING DECISION REPORT

In reaching findings and drafting their decision, the Hearing Decisionmaker will consider the investigation record, including the Final Investigation Report and attachments, which will include all relevant and not otherwise impermissible evidence gathered by the Investigator, and evidence accepted at the hearing.

The Hearing Decisionmaker will use the preponderance of the evidence standard, which means more likely than not, to determine whether the alleged Prohibited Conduct occurred, and if so, whether a Policy violation occurred. To the extent the Hearing Decisionmaker must make credibility determinations, such determinations shall not be based on an individual's status as complainant, respondent, or witness.

The Hearing Decisionmaker will not draw any inference about the determination regarding responsibility solely based on a Party's absence from the hearing or refusal to answer questions posed, although this decision may impact the information available to the Hearing Decisionmaker in reaching their determination. However, the Hearing Decisionmaker may draw inferences if an individual selectively participates in the hearing (for example, answering some questions but declining to answer others).

The Hearing Decision Report will include the following:

A description of the Prohibited Conduct as defined in this Policy, and any other allegations, if applicable;

- A reference to the policies and procedures used to evaluate the allegations;
- A description of the procedural steps taken from receipt of the Complaint, (or TCC Institution's decision to initiate the process) through the determination;
- A list of Parties and witnesses who participated in the hearing and applicable credibility determinations;
- The Hearing Decisionmaker's evaluation of the relevant and not otherwise impermissible evidence along with the finding of facts;
- Finding for each allegation, with rationale;
- Policy findings, with rationale;
- Sanctioning determination with rationale (if applicable); and
- Remedies with rationale (if applicable).

Within fifteen (15) business days from the hearing, the TCC Title IX Administrator will issue to the Parties the Notice of Hearing Outcome and Hearing Decision Report, which will include the Hearing Decisionmaker's policy, and sanctioning, determinations, as applicable. If the Hearing Decisionmaker finds a Policy violation, the Hearing Decisionmaker and TCC shall follow the procedures set forth in Section XVI, and the Hearing Decision Report will include a Remedies and Sanctions Determination.

If the Hearing Decisionmaker does not find a violation of Policy, the Hearing Decisionmaker's Hearing Decision Report will not include sanctions. The TCC Title IX Administrator will explain the Appeal Rights and Process, including the permissible bases for appeal, in the Notice of Hearing Outcome. The Hearing Decisionmaker's determination(s) becomes final on the date on which an appeal would no longer be considered timely

REMEDIES AND SANCTIONING

This section sets forth the procedures to be followed should the Hearing Decisionmaker find a Policy violation(s) occurred. A student or employee found responsible for a Policy violation will be subject to sanction(s) regardless of whether legal proceedings involving the same incident are pending or anticipated.

If the Hearing Decisionmaker determines there was a Policy violation, prior to issuing the Hearing Decision Report, the Hearing Decisionmaker will notify the TCC Title IX Administrator of this determination. The TCC Title IX Administrator will take two steps:

- **Home Institution Written Recommendations:** They will notify the Home Institution Title IX Coordinator(s) and the appropriate administrator(s) of each Parties' Home Institution. The Parties' Home Institutions may submit a written recommendation related to remedies and sanctions, and any other relevant information that would be important for the Hearing Decisionmaker to consider in making their Remedies and Sanctions Determination. The Home Institution's written recommendation shall be completed collaboratively between each Party's Home Institution Title IX Coordinator and/or other appropriate Student Affairs administrator(s). The Parties' Home Institutions will provide those recommendations to the TCC Title IX Administrator, who will transmit them to the Hearing Decisionmaker. The Parties' Home Institution written recommendations will not be shared with the Parties; and
- **Party Statements:** Pursuant to Section XIV.C.1, they will provide the Hearing Decisionmaker with any submitted written Party statements. If a Party did not provide a written statement, the Party will not be provided an additional opportunity to submit a written statement to the Hearing Decisionmaker. Any submitted Party statement(s) will not be shared with the other Parties.

The Hearing Decisionmaker will make their Remedies and Sanctions Determination based on the factual and Policy findings, written Party statements, written Home Institution recommendations, and other factors relevant to sanctioning as outlined below. The Hearing Decisionmaker shall give significant weight to the written Home Institution recommendations in issuing remedies and

sanction(s). Expulsions and employment terminations are at the sole discretion of the Respondent's Home Institution.

The Hearing Decisionmaker will decide if remedies are appropriate in order to restore or preserve the Party's equal access to TCC's education, activity, and/or employment. Such remedies may include Supportive Measures. However, unlike Supportive Measures, remedies need not be non-disciplinary or non-punitive, and need not avoid unreasonably burdening the Respondent.

The factors a Hearing Decisionmaker (or Sanctions Decisionmaker)¹⁰ may consider in issuing sanctions include:

- **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 or impairment 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, Supportive Measures, and other interim measures in place during the Investigation and Hearing Resolution process; whether Respondent continued to engage in alleged Prohibited Conduct after commencement of the investigation process; whether Respondent engaged in conduct meant to intimidate or harass the Complainant or 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 any TCC Institution's education or employment programs and activities; the impact of Respondent's conduct on TCC's community; the impact of sanctions on Respondent's access to participation in TCC's programs, if applicable.

Possible remedies and sanctions that the Hearing Decisionmaker may issue include:

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

- **Restitution:** Reimbursement by the Respondent(s) to the TCC Institution, another TCC Institution, TCC, the Complainant(s), or a member of TCC's community to cover the cost of property damage or other loss.
- **Service Hours:** A set number of work hours the Respondent must complete. The Home Institution Title IX Coordinator(s) will determine the nature of the work to be performed. Generally, service hours are conducted within TCC.
- **Educational Program/Project:** Programs and activities designed to help the Respondent become more aware of the TCC Institution's policies and help the Respondent understand the inappropriateness of their behavior to avoid repeat offense, including, but not limited to, participation in an educational program or completion of an online program.
- **Counseling and/or Coaching Sessions:** A set number of counseling and/or coaching sessions that the Respondent must complete, as well completion of any assigned reflection essay or other assignment(s) within a specified time. The counselor, facilitator, and/or the Home Institution Title IX Coordinator(s) will review the required assignments for sufficiency.
- **Referral for Assessment:** A referral for an assessment with an appropriately trained therapist who will recommend a process for treatment. Reinstatement is conditioned upon receiving proof of completion of the recommended treatment.
- **Loss of Privileges:** Denial of specific privilege(s) for a defined period of time. Privileges include, but are not limited to, participation in extracurricular activities and events such as on-campus, or campus-sponsored or affiliated social events, intercollegiate athletics, intramural programs, student organizations, and student government, eligibility to apply for and gain on campus employment within TCC, as well as the privilege of living on campus, living in a specific residence hall, participation in commencement ceremonies, or having a vehicle on campus.
- **Restricted Access:** Conditions which specifically dictate and limit the Respondent's presence on campus and/or participation in TCC Institution-sponsored or affiliated activities and events. The restrictions will be clearly defined and may include, but are not limited to, presence in certain buildings or locations on campus, including residential and dining halls, sports and recreation fields, buildings, and courts, and classrooms. This also includes a No Contact Order, which prohibits communication, by any means, with the Complainant, and/or any other specified individual who participated in the investigation or hearing process. In cases involving Parties from different TCC Institutions restricted access may extend to exclusion from another TCC Institution's campus, programs, activities, and events.
- **Removal of Offending Cause:** Requirement to remove the item which was the subject of the Complaint.

- **Relocation or Removal from Residence Halls:** Requirement that the Respondent relocate to another residence hall, or off-campus residence, by a specified date.
- **Conduct Probation:** Formal, written notice that the Respondent's behavior is in violation of its TCC Institution's policies and an expectation that the Respondent exhibit good behavior for a defined period of time. Pursuant to the Respondent's Home Institution's policy regarding Conduct Probation, such probation may limit Respondent's on-campus privileges. Any violation during the probationary period will result in increased sanctioning, including academic 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.
- **Employment Probation:** Formal, written notice that the employee's conduct is in violation of its Institution Policies and an expectation that the employee exhibit good behavior for a defined period of time. Any further violations during the probationary period will result in increased sanctioning and may result in employment suspension without pay or termination of employment.
- **Suspension Up to One (1), Two (2), Three (3), Four (4), Five (5), Six (6), Seven (7), or Eight Semesters (8):** Separation from the Institution for one (1), two (2), three (3), four (4), five (5), six (6), seven (7), or eight (8) semesters. During the suspension period, the Respondent is not permitted on campus, is not permitted to participate in any Institution-sponsored or affiliated program or activity, or events, and is not permitted to enroll in any courses and earn any credits towards the Respondent's degree. The terms of the suspension may include the designation of special conditions affecting eligibility for re-enrollment or special conditions to be in effect upon re-enrollment, including a term of Conduct Probation. A term of suspension may also include delayed conferral of degree. Notice of Respondent's suspension will be communicated to the Registrar and other appropriate administrator(s) at the other TCC Institutions to ensure compliance. The Respondent's Home Institution will determine degree and transcript status for suspended students.
- **Employment Suspension without Pay (staff and faculty, including student-employees):** Separation of employment for a defined period of time without pay for the time of separation.
- **Employment Termination:** Permanent separation of the employee from their position. If the Respondent is a student, they may be permanently separated from their student-employee position. A staff or faculty member who is terminated from their employment is not permitted to participate in any TCC Institution-sponsored or affiliated program or activity, or event. A staff, faculty, or student-employee terminated from their TCC Institution employment is not eligible for rehire at that TCC Institution.
- **Expulsion:** Permanent separation from their Home Institution and ineligibility to apply for admission at any other Institutions in the TCC. A Respondent who has been expelled

is not permitted on any TCC Institution property and is not permitted to participate in any TCC Institution-sponsored or affiliated program, activity, or events.

The Respondent's Home Institution will determine degree and transcript status for expelled students.

Appeal Procedures Involving Student Respondents Under the TCC Title IX Policy

Except as provided in Addendum A which has its own appeal process, a Complainant or Respondent who is not satisfied with the determinations made as to closure or dismissal of a Complaint, or the dismissal of any included allegations, under this Policy, and/or the Policy findings, or sanctions imposed at the completion of the hearing process may submit an appeal (Appealing Party) to the TCC Title IX Administrator. The TCC Title IX Administrator, in consultation with the Parties' Home Institution's Title IX Coordinator(s), will identify an appropriately trained Appeal Decisionmaker to review and make a determination of the appeal(s).

When the TCC Title IX Administrator identifies an Appeal Decisionmaker, they will provide written notice of the individual's identity to the Parties, along with information regarding the process to object to the designated Appeal Decisionmaker on the basis of actual conflict of interest or bias.

APPEAL GROUNDS

Each Party has a right to appeal:

- The dismissal of a Complaint or any included allegations;
- The Hearing Decisionmaker's Policy findings; and/or
- Any sanctions.

Appeals must be submitted in writing to the TCC Title IX Administrator within five (5) business days following the issuance of the Notice of the Hearing Outcome and Hearing Decision Report (Notice of Case Dismissal, or Remedies and Sanctions Determination for Complaints where Respondent accepted responsibility). The appeal must be no longer than 10 (ten) pages, and must specify which grounds the appeal is based upon and include any arguments the Party wishes to make in support of their appeal.

A Party may appeal based on one or more of the following grounds:

- **Procedural Error:** There was a procedural error(s) that would change the outcome of the matter (i.e., failure to follow the process outlined in this Policy). The appealing party must describe in their appeal the procedural error and its impact on the decision outcome.
- **Conflict of Interest or Bias:** Any Party's Home Institution Title IX Coordinator, the TCC Title IX Administrator, Investigator(s), Hearing Decisionmaker, and/or Sanctions Decisionmaker (for cases where the Respondent has accepted responsibility) has a conflict of interest or bias for or against complainants or respondents generally or an individual Complainant or Respondent, that would change the decision outcome. The appealing party must describe in their appeal the alleged conflict of interest or bias held

by the individual and how this impacted the decision outcome.

- **New Evidence:** There is new evidence or information that would change the decision outcome that was not reasonably available or known (and could not have reasonably been known) during the investigation process or when the hearing decision or dismissal of complaint or allegations was made. Information that was known to the party during the resolution process but which they did not to present is not considered new evidence or information. The appealing party must describe in their appeal how the new evidence would change the decision outcome and why the new evidence was not reasonably available or reasonably known prior to the appeal.
- **Disproportionate Sanctions:** The sanctions are disproportionate to conduct for which the Respondent accepted responsibility, or to the Hearing Decisionmaker's findings.

The submission of an appeal pauses the implementation of any sanctions, and any change in student or employee status, during the pendency of the appeal(s). Supportive Measures remain available during the appeal process.

DESIGNATION OF APPEAL DECISIONMAKER

As noted above, the TCC Title IX Administrator will designate an appropriate Appeal Decisionmaker to conduct a prompt, thorough, and impartial review of the appeal(s). The Appeal Decisionmaker will not be the same person as the Investigator, Hearing Decisionmaker, Sanctions Decisionmaker, TCC Title IX Administrator, or any of the Parties' Home Institution's Title IX Coordinator(s).

The Appeal Decisionmaker will have had appropriate training as required by Title IX and California law, which includes but is not limited to training in the definitions of Prohibited Conduct, the scope of the TCC Institution's education programs and activities, the Investigation and Hearing Resolution process under this Policy, bias, the ABR Process, and appeal process.

APPEAL RESPONSE BY NON-APPEALING PARTY

The TCC Title IX Administrator will send a written notice of the appeal to the Non-Appealing Party or Parties and provide them with a copy of the appeal. A Non-Appealing Party or Parties may issue a response to the appeal. Any Party's decision not to submit a response to an appeal is not evidence that the Non-Appealing Party agreed with 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. Any response to the appeal must be sent to the TCC Title IX Administrator, who will provide the response to the Appeal Decisionmaker. Requests to submit an appeal response of more than ten (10) pages must be sent to the TCC Title IX Administrator, along with an explanation as to why additional pages are needed.

APPEAL CLARIFICATION

If the Appeal Decisionmaker 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 response to the Appeal Decisionmaker. The Appeal Decisionmaker may not communicate directly with the Parties. The TCC Title IX Administrator will provide copies of any written communications to the Non-Appealing Party and to the Parties' Home Institution Title IX Coordinator(s).

APPEAL RECORD

The review of an appeal will not involve any additional investigation by the Appeal Decisionmaker. The review will be based upon evidence gathered during the investigation process and presented at the hearing, including access to the hearing recording, as well as the arguments made during the appeal process. The Appeal Decisionmaker 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 REPORT

The Appeal Decisionmaker will issue an Appeal Decision Report which summarizes their decision regarding the appeal. The Appeal Decision Report 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 Decisionmaker 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, to the Investigator for additional fact-gathering, or for a new hearing based on new evidence which could change the outcome; or
- If the Appeal Decisionmaker finds that The Title IX Coordinator, TCC Title IX Administrator, Investigator(s), and/or Hearing Decisionmaker had an actual conflict of interest or bias that changed the decision outcome, the Appeal Decisionmaker may, as appropriate, remand the case for a new hearing with a new Hearing Decisionmaker, or remand the case for a new investigation with a new investigator.

NOTICE OF THE APPEAL DECISION

The TCC Title IX Administrator will send the Notice of the Appeal Decision to the 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 Report. The notice will inform the Parties that there is no further review of the matter, no further right to appeal, and if applicable, that the matter is closed.

The determination regarding responsibility and sanctioning becomes final on the date of the Appeal Decision Report, unless the Appeal Decision Report determines further investigation,

and/or a new or additional hearing or investigation is necessary based on new evidence available or actual conflict of interest or bias.

FINAL REMEDIES AND SANCTIONING DETERMINATION

After the issuance of the final decision (the Notice of Hearing Outcome and Hearing Decision Report if there is no appeal, or the Notice of Appeal Decision), the TCC Title IX Administrator will send a Notice of Final Outcome and Sanctions to the Parties, with a copy to the designated Student Affairs, faculty, or Human Resources administrator(s) within the Respondent's Home Institution, as appropriate. The designated administrator will review the issued remedies and sanctions and determine if any enhancements are warranted based on a Respondent's disciplinary history. Recommendations for 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), which may include collaboration with the appropriate Student Affairs administrator(s), as necessary.

FAILURE TO COMPLETE OR COMPLY WITH IMPOSED SANCTIONS

All Respondents are expected to comply with conduct sanctions, responsive actions, or corrective actions within the timeframe specified in the Parties' Notice of Remedies and Sanctions Determination. Respondents who need an extension to comply with their sanctions must submit a written request to their Home Institution Title IX Coordinator stating the reason(s) for needing additional time.

At the discretion of the Respondent's Home Institution, failure to follow through on conduct sanctions, responsive actions, or corrective actions by the date specified, whether by refusal, neglect or any other reason, may result in additional sanctions, responsive actions, or corrective actions, such as suspension, expulsion, termination, or transcript notations. Respondent students who fail to comply may be referred to their Home Institution's Student Conduct office, and employees who fail to comply may be referred to their Human Resource office. A student or employee Respondent who withdraws or leaves their employment prior to sanction completion may receive a notation on their transcript or employee record, respectively.

More information about the TCC Title IX Policy is available online, <https://services.claremont.edu/titleix/wp-content/uploads/sites/5/2022/06/TCC-Title-IX-Sex-Harassment-Policy-Final-June-10-2022-.pdf>.

More information about the Pomona College Sexual Misconduct, Harassment, and Discrimination Policy and Procedures for students is available online, <https://catalog.pomona.edu/content.php?catoid=46&navoid=9089>

More information about the Pomona College Sexual Misconduct, Harassment, and Discrimination Policy and Procedures for faculty and staff is available online, <https://www.pomona.edu/title-ix-cares/title-ix/faculty-staff>

POLICIES GOVERNING ALCOHOL AND OTHER DRUGS - STUDENTS

POMONA COLLEGE ALCOHOL POLICY (FOR STUDENTS)

[The Alcohol Policy](#) was written by the Student Affairs Committee on which students, faculty, and administrators serve together. The Student Affairs Committee has final authority over the regulations that govern student life at Pomona College. Pomona College complies with and enforces all federal, state, and local laws governing alcohol consumption and distribution.

- Pomona College's policies on alcohol coincide with federal and state laws. Students under 21 may not legally purchase, possess or consume alcohol. Students are not exempt from local, state, and federal law while on the Pomona College campus.
- The federal government, through the Drug Free Schools and Communities Act, requires that colleges enforce state and local laws concerning drugs and alcohol in order to remain eligible for federal funds including federal student financial aid.
- California has a strict host liability law. If a student sells or serves alcohol, they can be held responsible in a court of law for the conduct of any individual who is served if that person subsequently injures themselves, becomes ill, dies, or injures a third party. This is especially true when the person served is a minor or is already intoxicated.
- The City of Claremont prohibits public intoxication, open containers of alcohol in vehicles, possession and use of cannabis, and consuming alcohol in public parks.

In addition to enforcing state and federal laws, Pomona has also developed policies that attempt to reduce individual and community harm and allow students to be educated about alcohol use when mistakes are made.

Although the College cannot provide treatment for alcohol or drug abuse, there are numerous on- and off-campus resources Monsour Counseling Services, <https://services.claremont.edu/mcaps/> and AOD Counselor services, <https://www.pomona.edu/students/wellness/alcohol-drug-use>.

- All Pomona students are accountable for the alcohol and drug policies regardless of whether they live on or off-campus. Students studying abroad may follow the laws of the nation of residence, where applicable.
- Alcohol policies.
 - a. The legal drinking age in the United States and California is 21 years old. Students under 21 may not consume, possess, buy, or distribute alcoholic beverages.
 - b. Students 21 years of age and older are permitted to possess and drink alcoholic beverages at Pomona but may not distribute, sell, supply, or serve alcohol to people under 21 years of age.
 - c. From the arrival of Fall athletes (traditionally the second week of August), through the first two weeks of classes, no alcohol may be possessed by any Pomona students regardless of age.

- d. Hard alcohol is not allowed to be consumed, or stored, in south campus residence halls: Blaisdell Hall, Gibson Hall, Lyon Hall, Mudd Hall, and Wig Hall, Smiley, Oldenborg or Harwood.
- e. Operating a motorized vehicle (including golf carts and scooters) on Pomona College, or other Claremont College property while under the influence of alcohol is prohibited.
- f. Alcohol is not an excuse for other policy violations and can, in fact, be a compounding factor in decisions made by student code administrators, Judicial Council or the Student Affairs Committee.
- g. Drinking games are prohibited at Pomona College. Any game that requires drinking alcohol as a component, rule, outcome, or objective is a drinking game. This includes games that look like drinking games, for example “water pong.”
- h. Public drunkenness is not permitted.
- i. Students may not drink alcoholic beverages in public areas on campus, except at officially registered parties and social events.
- j. Open containers of alcohol, or cups containing alcoholic drinks, may not be carried around campus or in public spaces in the residence halls. Private gatherings in residence hall rooms or the common living room areas of student suites that violate the College’s Alcohol and Drug Policies, infringe on public space, or become a public nuisance, are not allowed and will be dispersed. Students who host or attend such parties will be sanctioned appropriately. Hosts are responsible for the behavior of those who attend.
- k. Kegs and other common containers of alcohol are prohibited in residence halls. Kegs are permitted at registered events in non-residential spaces. Common containers of alcohol include, but are not limited to kegs, kegerators, pony kegs, punch bowls, water coolers, “handles” of liquor, and other such containers meant to serve a large number of individuals.
- l. Brewing beer, distilling alcohol, or fermenting wine is not permitted on campus.

AMNESTY POLICY (FOR STUDENTS)

The Amnesty Policy is a provision that emphasizes health and safety issues take precedence over conduct. Students are encouraged to put their health and safety, or the health and safety of others, above all other concerns. The College encourages reporting of health and safety emergencies and seeks to remove any barriers to reporting by providing limited amnesty for individuals who report such emergencies. This offer of amnesty refers to isolated incidents only and does not excuse or protect those who flagrantly and/or repeatedly violate the College’s drug and alcohol standards and expectations. It applies only to suspected or actual medical emergencies due to alcohol or drug use and does not extend to related infractions such as assault or property damage.

Generally, sanctions related to alcohol or drug policy violations will not be imposed on individuals cooperating in any official college conduct process.

- If a student signs an “Against Medical Advice” (AMA) waiver they are not eligible for amnesty and will proceed through the standard Code of Conduct process. They will likely receive a warning and have to meet with a Student Code Administrator.
- If a student refuses to be transported AND refuses to sign an AMA waiver the Claremont Police Department will be contacted in order to ensure that the student does not disrupt the community. This may lead to transport and arrest.
- Federal law requires that the College contact the family of students under the age of 18 who are hospitalized for alcohol or drug use.
- The College can decide to contact students’ families or proceed with conduct violations if a student has been hospitalized two or more times. The impact on the community will be taken into account.

This policy only covers how the College will respond to students who could be involved in the student conduct process and does not cover criminal charges that could result from law enforcement based on the incident.

ALCOHOL AND SOCIAL EVENTS REGULATION (FOR STUDENTS)

The College allows student organizations and individual students to register parties and social events that serve alcohol ("registered events") in specified campus locations. The College reserves the right to revoke or alter the specific spaces in which registered events can be held and the frequency with which registration may occur.

- The following regulations apply to ALL registered events
- Students, individually or through clubs, must register alcohol events through [Engage](#).
- Liquor may not be served or consumed at registered events.
- Beers, seltzers, ciders, etc. up to 9% are allowed. Wine, champagne, and sparkling wines up to 14% are permissible. All alcohol must be served in clear cups or glasses.
- Alcohol may not be purchased with funds collected as mandatory fees by the College, including all fees turned over to the ASPC by the College for the purpose of supporting student activities.
- Alcoholic beverages may not be sold at any campus event or served at any event that requires an admission fee.
- Alcoholic beverages may not be served at registered student events that are open to the non-7C community.
- Events at which alcohol is served may not be registered during reading days or during the final examination period.
- Consumption or possession of alcohol during athletic events and in athletic venues is prohibited.
- Individuals are prohibited from bringing their own alcoholic beverages to any registered event or from taking alcoholic beverages out of events or social functions.

- The number of people attending a registered event who may legally drink will determine the amount of alcoholic beverages available. This formula is based on one drink per hour, with a maximum of three drinks per person.

The following regulations apply to all registered events with alcohol:

- Events at which alcohol is served must be registered with and approved by the Office of the Smith Campus Center and Student Programs in Suite 244 of the Smith Campus Center, through [Engage](#).
- Only students of The Claremont Colleges who present valid College identification cards and their registered guests are permitted to attend registered events. Guest passes may be obtained at the Smith Campus Center Building Manager's window on Friday and Saturday nights.
- Students of the Claremont Colleges must show their college-issued ID card, as proof of age, at the point of alcohol service. Visitors of students, who possess a valid Guest Pass, must show their Driver's License with their Guest Pass, at the point of alcohol service.
- No event with alcohol may begin or continue without a College server in charge of alcohol distribution. Servers are hired by the Office of the Campus Center and Student Programs after an event is registered.
- Advertising alcohol
- Advertising may specify the type of alcohol being served (for example, wine, champagne, sake) but it may not specify brands.
- Advertising may not specify the quantity of alcohol present.
- Advertising may not encourage drinking or make reference to drunkenness.
- Campus Safety Officers (or their designated security representatives) must be present for the duration of events at which alcohol is served. Campus Safety Officers are hired by the Office of the Campus Center and Student Programs after an event is registered.
- All registered events must have a host or hosts who are sober and present for the duration of the event. If alcohol is served, at least one host must be 21 years of age or older. Hosts contact the Office of the Campus Center and Student Programs to arrange appropriate numbers of servers and Campus Safety officers and to ensure that the party does not begin or continue without their presence. Hosts are also responsible for ending the event at the agreed upon time and for ensuring clean-up of the event site.
- Water and other hydrating non-alcoholic beverages must be provided. In addition, in quantities enough for all guests. In addition, food that is high in protein must be accessible at social events throughout the duration of the event.
- Unregistered social gatherings will be dispersed and may be sanctioned. Students who host such gatherings are responsible for the behavior of those who attend.

THE FOLLOWING REGULATIONS APPLY TO ALL REGISTERED EVENTS WITH ALCOHOL:

- Events at which alcohol is served must be registered with and approved by the Office of the Smith Campus Center and Student Programs in Suite 244 of the Smith Campus Center, "<https://claremont.campuslabs.com/engage>" or through engage, "<https://claremont.campuslabs.com/engage>"
- Only students of The Claremont Colleges who present valid College identification cards and their registered guests are permitted to attend registered events. Guest passes may be obtained at the Smith Campus Center Building Manager's window on Friday and Saturday nights.
- Students of the Claremont Colleges must show their college-issued ID card, as proof of age, at the point of alcohol service. Visitors of students, who possess a valid Guest Pass, must show their Driver's License with their Guest Pass, at the point of alcohol service.
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- Water and other hydrating non-alcoholic beverages must be provided. In addition, in quantities enough for all guests. In addition, food that is high in protein must be accessible at social events throughout the duration of the event.
- Unregistered social gatherings will be dispersed and may be sanctioned. Students who host such gatherings are responsible for the behavior of those who attend.

POMONA COLLEGE DRUG POLICY (FOR STUDENTS)

Pomona College believes that students have the right to live and work in an environment free from the effects of drugs and drug abuse. Accountability and shared responsibility serve as the overarching principles that shape this policy. In that spirit the policy aims to clarify the responsibilities of community members, define appropriate behaviors, describe the College's response to hazardous, illegal or disruptive behavior, and inform community members about the resources available for addressing drug-related concerns and problems.

In accordance with state and federal laws, Pomona College has established these priorities:

- To provide an atmosphere free from the manufacture, sale, distribution, use or abuse of illegal or prescription drugs
- To stress safety, and individual accountability for all Pomona College students
- To establish clear penalties for violating the College's drug policy
- To provide students with information about confidential on- and off-campus resources to address issues related to drug use and abuse.

All Pomona College students are expected to comply with federal, state, and local laws, to follow the requirements of the College's drug policy and to respect the right to a drug free environment shared by all members of the campus community. Violations of the Pomona College Drug Policy or of any of the state laws of California are subject to disciplinary action.

DRUG POLICY VIOLATIONS (FOR STUDENTS)

It is a violation of the Pomona College Drug Policy for students to:

- Possess, manufacture, sell, provide, distribute or use, or participate in the use of illegal drugs. Prohibited drugs include all illegal drugs such as marijuana, cocaine, heroin, LSD and other hallucinogens, designer drugs and prescription drugs (not including personally prescribed drugs) or other illegal drugs.
- Have drug paraphernalia in their residence hall rooms, on their person, or in any area under their immediate control.
- Violate state, federal or local laws concerning drug use, distribution, sale or manufacture.
- Pomona College complies with Federal law regarding the use and possession of marijuana; therefore, marijuana use on campus is prohibited even though Proposition 64 (legalization of marijuana) passed in California in 2016, and even if the student has documentation of medically prescribed marijuana. A student with documentation of medically prescribed marijuana may speak with the Dean of Campus Life or the Director of Accessibility Resources and Services regarding the application process to live off campus.

GENERAL OVERVIEW OF LOCAL, STATE AND FEDERAL DRUG LAWS

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

California State Law

Simple possession of marijuana

California law sets forth the rules for personal possession of marijuana (Health and Safety Code 11357). Possession for personal use of not more than 28.5 grams (a bit more than an ounce) of

marijuana is legal in California as of November 9, 2016, for people age 21 and older, as is possession of up to 8 grams of concentrated cannabis (hashish).

The following, however, are crimes (either misdemeanors or infractions):

- Possession of marijuana by anyone under 21
- Possession of more than 28.5 grams of marijuana or more than 8 grams of concentrated cannabis
- Possession of marijuana or concentrated cannabis on the grounds of any K-12 school while school is in session

Complete California laws on marijuana possession, cultivation, sale, and transportation; possession of and possession for sale of controlled substances; and possession with intent to manufacture may be found at: <https://leginfo.legislature.ca.gov>.

Other Laws Governing Drug Use on Campus

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

- 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 Healthy & Safe 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.

THE HEALTH RISKS OF DRUGS

The use of drugs poses significant health risks. Drugs can create psychological dependence, which is defined as a need or craving for the substance and can produce feelings of restlessness, tension or anxiety when the substance is withdrawn. Prolonged use can lead to tolerance, characterized by the need for increasing amounts of the substance to achieve the same effect. As tolerance and psychological dependence develop, judgment becomes impaired. People do not realize that they are losing control over the use of the substance and that they need help. Drugs such as LSD, amphetamines, and marijuana alter emotion, cognition, perception, physiology and behavior in a variety of ways. Serious health risks include depression, apathy, hallucination, paranoia, and impaired judgment among other things. LSD has caused psychotic breaks in a number of students. All these substances have adverse effects on pregnancy. When two or more substances are combined, there is often an effect that is stronger than their additive sum.

Students find that drug use is incompatible with high-level academic performance. The depression, apathy, and distraction that accompany drug use have resulted in poor academic performance (failing grades) and the need to take a leave from Pomona in order to receive adequate treatment for substance abuse problems.

RESPONDING TO DRUG POLICY VIOLATIONS (FOR STUDENTS)

Residence hall rooms are Pomona College property. The College respects the student's right to privacy and college officials will not enter residence hall rooms without reasonable suspicion that college policies or regulations have been violated. When a credible report of drug use or drug sale exists or when a hazardous or disruptive situation occurs, the College reserves the right of access to student rooms. For health, safety or security reasons or to determine compliance with Pomona College policies, access to students' rooms by staff may occur without notice. The College reserves the right to remove items that violate college policies. Failure to comply with the directions of College officials (including RAs) is a violation of the Student Code and will result in disciplinary action. When a student is charged with a violation of Federal, State or Local Law, a College disciplinary action may be taken if the action also violates College policies. Local, State and Federal laws apply to the Pomona College campus and law enforcement officials do patrol and police the Pomona campus.

SANCTIONS FOR VIOLATIONS OF THE ALCOHOL AND DRUG POLICY (for students)

Violation of the Alcohol and Drug policies will subject students to disciplinary actions that may range from probation, fines, loss of housing and up to suspension or expulsion.

The College may also require a student who possesses or uses illicit drugs or is found with drug paraphernalia to participate in an approved drug rehabilitation program (at the expense of the student) and to provide the College satisfactory evidence of successful completion of the program and of being drug free.

When it is not possible to determine who within a group of students is responsible for the use, possession, manufacture, sale or distribution of drugs, responsibility for the offense will fall on the occupant in whose room or automobile or social gathering the violation occurs unless another individual within the group accepts responsibility.

- **Possession of beer/wine (under 21); possession of hard alcohol on South Campus (any age); providing beer/wine to students under 21; misusing prescription drugs (not including distribution or intent to distribute):**

- First offense – Warning letter and meeting with Student Code Administrator
- Second offense – Second warning letter and meeting with Student Code Administrator and AOD counselor
- Third offense – Meeting with Dean, meeting with AOD counselor, and AOD education
- Fourth offense (or more) – Judicial Council

All student conduct administrators and Deans may include additional educational sanctions (ex. Apology letter, community service) and will be discussed with the respondent during the meeting.

- **Possession of liquor (under 21); providing liquor to students under 21; hosting an unregistered party OR possessing keg/party ball/common container/multiple cases or bottles; using or possessing marijuana (not including distribution or intent to distribute):**

- First offense – Warning letter and meeting with Student Code Administrator
- Second offense – Warning and meeting with Dean and the AOD counselor
- Third offense – Probation for one semester, meeting with Dean, meeting with AOD counselor, AOD education
- Fourth offense (or more) – Judicial Council

All student conduct administrators and Deans may include additional educational sanctions (ex. Apology letter, community service) and will be discussed with the respondent during the meeting.

- **Using false identification (any kind); attending an unregistered party; failure to comply/refusal to cooperate with a reasonable request of a Pomona College official (incl but not limited to RAs, RLCs, Campus Safety, Student Code Administrators)**

- First offense – Warning letter and meeting with Student Code Administrator
- Second offense – Second warning letter and meeting with Student Code Administrator
- Third offense – Probation for one semester, meeting with Dean, educational sanction
- Fourth offense (or more) – Judicial Council

All student conduct administrators and Deans may include additional educational sanctions (ex. Apology letter, community service) and will be discussed with the respondent during the meeting.

- **Using or possessing cocaine, heroin, methamphetamine, LSD or other hallucinogens, designer drugs or other illegal drugs**
 - First offense - Judicial Council, likely sanctions: probation, scheduled meetings with the Pomona College AOD counselor; parental notification
 - Second offense - Judicial Council, likely sanctions: suspension from the College, off-campus treatment, additional educational sanctions
- **Manufacturing, selling, distributing, or intent to distribute any illegal or prescription drug**
 - First offense - Judicial Council, likely sanctions: interim suspension from the College until a hearing is held, suspension from the College, off-campus treatment, additional educational sanctions
 - Second offense - Judicial Council, likely sanctions: interim suspension until the hearing has occurred, expulsion from the College

DRUG-FREE WORKPLACE POLICY – FACULTY & STAFF

In compliance with federal law, Pomona College maintains a drug-free workplace policy. Employees, as well as those who perform work for the College but are not employees (e.g., independent contractors, temporary agency personnel, authorized volunteers) are prohibited from unlawfully manufacturing, distributing, selling, offering to sell, dispensing, possessing, purchasing or using illegal or unauthorized controlled substances on the premises of the College, at any time either during work hours or non-work hours, including meal and break periods. The entire College campus is considered the workplace. Illegal drugs, as referred to in this policy, include drugs that are not legally obtainable, drugs that are legally obtainable but used for illegal or unauthorized purposes. Illegal drugs also include marijuana, which remains illegal under federal law and which, like alcohol, can impair judgment and work performance.

Furthermore, the College does not condone abusive or inappropriate use of alcohol, including incidence of drunkenness or any level of intoxication during normal work hours. Employees, contract workers and authorized volunteers are expected to report to work with faculties unimpaired by alcohol or illegal or unauthorized controlled substances.

The legal use of prescribed drugs is permitted on the job only if it does not impair your ability to perform the essential functions of the job effectively and in a safe manner that does not endanger other individuals in the workplace. If you are taking prescribed drugs which may affect your attentiveness, cause drowsiness, or otherwise impair your abilities, please notify your supervisor or Human Resources of this fact so modifications to job duties can be made if appropriate.

Employees who violate this policy or refuse to consent to testing, as described below, will be subject to discipline, up to and including termination of employment, termination of project,

contract or any other form of agreement, and debarment from campus, even for a first offense. Those who are not terminated from employment will be offered the voluntary option of enrolling in a rehabilitation program. Employees with a drug or alcohol problem that has not resulted in and is not the immediate subject of disciplinary action, may request approval to take unpaid time off to participate in a rehabilitation or treatment program. Employees who are eligible for FMLA/CFRA leave will be granted such leave.

If the College has a reasonable suspicion that an employee has violated this policy, it will conduct an investigation, which may include an unannounced 60 search of College premises or property and/or the employee's personal property. Employees are also subject to "probable/reasonable cause" drug/alcohol testing. This means that employees who, in the opinion of their supervisors, exhibit behavioral or physical effects of drug or alcohol intoxication during working hours may be asked to undergo drug and/or alcohol testing conducted by an independent laboratory at the College's expense. Any employee asked to undergo a test will be suspended from work until further notice. Also, employees operating a vehicle or using dangerous equipment on behalf of the College that have been involved in an accident will be sent for a post-accident drug screen. Any employee (faculty, staff, or student worker) who is injured on the job may be subject to drug and/or alcohol testing. Refusal to test may result in termination of employment, unless prohibited by law or contract.

Any questions regarding this policy should be directed to the employee's supervisor or the Assistant Vice President, Human Resources/CHRO. Information about support groups and rehabilitation programs is also available from the Assistant Vice President, Human Resources/CHRO on a confidential basis.

An Employee Assistance Program (EAP) is available at no cost to all benefits eligible employees. This employee benefit includes, among other features, counseling sessions on alcohol and drug dependency for adults, adolescents and children at no cost. The system is accessed by calling a toll-free number (1-800- 234-5465, access code: claremontcolleges). A clinical coordinator evaluates the problem and offers a choice of providers. All records are treated confidentially. Additional information is available from the HR Department.

NO-SMOKING POLICY – FACULTY & STAFF

Smoking is prohibited in all administrative and academic buildings. The College also prohibits the use of E-cigarettes and other electronic nicotine delivery systems, as well as vapor emitting devices, with or without nicotine content, that mimic the use of tobacco products, inside campus buildings. This policy has been created in recognition of the harmful effects of smoking, including "secondhand" smoke and in accordance with applicable state and local law. A copy of the [Smoking Policy](#) is available on our Pomona website.

POLICY AND ANNUAL NOTIFICATION

In compliance with the Drug-Free Workplace and Drug-Free Schools and Campuses Regulations of the Drug-Free Schools and Communities Act (DFSCA), Pomona College electronically

provides each staff member with a copy of the Staff Handbook and each faculty member with a copy of the [Faculty Handbook](#), (staff and faculty are hereafter referred to as “employees”). Moreover, each student has access to an online copy of the Student Handbook. All Handbooks contain full descriptions of the Alcohol and Other Drug Policy on campus. Hard copies of the Handbooks and policy are available upon request. Handbooks and policy are available upon request.

The College’s Drug-Free Workplace Policy describes standards of conduct by employees and students on campus or as part of any of its activities. The policy also includes: 1) a description of the applicable legal sanctions under federal and state laws for the unlawful possession or distribution of illicit drugs and alcohol, 2) a description of the health risks associated with the use of illicit drugs and abuse of alcohol, 3) a description of drug and alcohol programs (i.e., counseling, treatment, and rehabilitation) that are available to employees and students, and 4) a clear statement that the College will impose disciplinary sanctions on employees and students for violations of the standard of conduct.

DRUG AND ALCOHOL ABUSE EDUCATION, PROGRAMS, RESOURCES AND GOALS

Policy regarding Student Financial Aid and Scholarships

A federal or state drug conviction cannot disqualify a student for Federal Student Aid and state funds. The Free Application for Federal Student Aid (FAFSA) includes a question that reads: “Have you been convicted for the possession or sale of illegal drugs for an offense that occurred while you were receiving federal student aid?” However, having a drug conviction while receiving federal Title IV aid will no longer impact a student’s state or Title IV aid eligibility.

Policy and Resources Regarding Accommodations

The College’s confidential Drug and Alcohol counselor along with the Assistant Vice President of Student Affairs and the Director of Accessibility Resources and Services, can provide referrals to confidential counseling services, psychological assessment, and consultation to students who self-identify as needing help with drug and alcohol issues. The Director of Accessibility Resources and Services also determines eligibility for academic accommodations for students with the appropriate documentation.

Resources for Employees

An Employee Assistance Program (EAP) is available at no cost to all benefits-eligible employees. This employee benefit includes, among other features, counseling sessions on alcohol and drug dependency for adults, adolescents, and children at no cost. The system is accessed by calling the toll-free number: 1-800-234-5465. A clinical coordinator evaluates the problem and offers choice of providers. All records are treated confidentially. Additional information is available from the College’s Human Resources Department.

Resources for Students

The College encourages students to discuss safe alcohol use and/or the problems associated with alcohol abuse and provides a number of educational and outreach resources. These include:

- Required on-line educational courses for all incoming students (Binge Thinking).
- Beginning in 2023, all first-year students participate in an interactive session on alcohol and drug use and community standards prior to the start of classes.
- The College employs a certified Alcohol and Other Drug Counselor, with office hours five days a week, who provides services including group meetings, individual counseling (utilizing AUDIT and BASICS), crisis intervention, assessment, and referral, as well as providing resource information.
- The College provides information to all parents and guardians of incoming students to encourage them to discuss alcohol and other substance use with their students.
- In addition, as part of The Claremont Colleges, other resources available to students include health education, outreach office, student health services and counseling and psychological services.

Enforcement Consistency

Enforcement consistency is effectively documented. All campus departments involved in enforcement of alcohol and other drugs policies and sanctions have procedures in place to ensure consistent enforcement. The following highlights enforcement policy and practice in primary campus departments.

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. TCCS Campus Safety maintains a close relationship with the Claremont police department to ensure that crimes reported directly to the police department that involve Pomona College are brought to the attention of TCCS Campus Safety.

TCCS Campus Safety collects the crime statistics disclosed in the charts through a number of methods. Dispatch and officers enter all reports of crime incidents made directly to the Department through an integrated computer aided-dispatch systems/records management system. After an officer enters the report in the system, a department administrator reviews the report to ensure it is appropriately classified in the correct crime category. The Department periodically examines the data to ensure that all reported crimes are recorded in accordance with the crime definitions outlined in the FBI Uniform Crime Reporting Handbook and the FBI National Incident-Based Reporting System Handbook (sex offenses only). In addition to the crime data that TCCS Campus Safety maintains, the statistics below also include crimes that are reported to various Campus Security Authorities, as defined in this report. The statistics reported here generally reflect the number of criminal incidents reported to the various authorities. The statistics reported for the sub-categories on liquor laws, drug laws and weapons offenses represent the number of people arrested or referred to campus judicial authorities for respective violations, not the number of offenses documented.

DEFINITIONS FOR CLERY REPORTABLE CRIMES

- **Murder and Non-negligent Manslaughter** is defined as the willful (non-negligent) killing of one human being by another.
- **Manslaughter by Negligence** is defined as the killing of another person through gross negligence.
- **Sexual Assault (Sex Offenses)** - any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.
 - **Rape** is the penetration, no matter how slight, of the vagina or anus, with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.
 - **Fondling** is the touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.
 - **Incest** is sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
 - **Statutory Rape** is sexual intercourse with a person who is under the statutory age of consent.
- **Robbery** is the taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.
- **Aggravated Assault** is an unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm.
- **Burglary** is the unlawful entry of a structure to commit a felony or a theft.
- **Motor Vehicle Theft** is the theft or attempted theft of a motor vehicle.
- **Arson** is 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.
- **Hazing** is defined as any intentional, knowing, or reckless act committed by a person (whether individually or in concert with other persons) against another person or persons regardless of the willingness of such other person or persons to participate, that:

- Is committed in the course of an initiation into, an affiliation with, or the maintenance of membership in, a student organization; and
 - Causes or creates a risk, above the reasonable risk encountered in the course of participation in the institution of higher education or the organization (such as the physical preparation necessary for participation in an athletic team), of physical or psychological injury.
- **Hate Crimes** - a criminal offense that manifests evidence that the victim was intentionally selected because of the perpetrator's bias against the victim. Although there are many possible categories of bias, under the Clery Act, only the following eight categories are reported: race, religion, sexual orientation, gender, gender identity, ethnicity, national origin, and disability. Definitions of these categories of prejudice are provided below. For Clery Act purposes, Hate Crimes include any of the categories listed above and include the four additional categories below (which are only reportable if they are hate crimes):
 - Larceny/Theft (Except Motor Vehicle Theft) - The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another. Attempted larcenies are included. Embezzlement, confidence games, forgery, worthless checks, etc., are excluded.
 - Simple Assault - An unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration, or loss of consciousness.
 - Intimidation - To unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack.
 - Destruction/Damage/Vandalism of Property- To willfully or maliciously destroy, damage, deface, or otherwise injure real or personal property without the consent of the owner or the person having custody or control of it.
 - **Arrests and Disciplinary Referrals for:**
 - **Liquor Law Violations** are defined as the violation of state or local laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, or use of alcoholic beverages, not including driving under the influence and drunkenness.
 - **Drug Abuse Violations** are defined as the violation of laws prohibiting the production, distribution, and/or use of certain controlled substances and the

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

- **Illegal Weapons Possession** is defined as the violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices, or other deadly weapons. This classification encompasses weapons offenses that are regulatory in nature.

- **Dating Violence, Domestic Violence, and Stalking**

- **Dating Violence** is defined as violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, type of relationship, and 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.
- **Domestic Violence** is defined as a felony or misdemeanor crime of violence committed by a current or former spouse or intimate partner of the victim; by a person with whom the victim shares a child in common; by a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner; by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.
- **Stalking** is defined as engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others; or suffer substantial emotional distress.

Categories of Prejudice

Race

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

Gender

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

Gender Identity

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

Religion

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

Sexual Orientation

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

Ethnicity

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

National Origin

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

Disability

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

POMONA COLLEGE CRIME STATISTICS CHART

Note: *Residential Facility statistics are a subset of the on-campus totals

Note: Statistics were requested from the local police department and are included in the charts below.

Offense	Year	On-Campus	Residential Facility*	Non-campus Building or Property	Public Property
Criminal Homicide					

<i>Murder and Non- negligent Manslaughter</i>	2022	0	0	0	0
	2023	0	0	0	0
	2024	0	0	0	0
<i>Negligent Manslaughter</i>	2022	0	0	0	0
	2023	0	0	0	0
	2024	0	0	0	0
Sex Offenses					
<i>Rape</i>	2022	2	1	0	0
	2023	2	2	2	0
	2024	1	1	0	0
<i>Fondling</i>	2022	4	4	0	0
	2023	4	4	0	0
	2024	3	1	0	0
<i>Incest</i>	2022	0	0	0	0
	2023	0	0	0	0
	2024	0	0	0	0
<i>Statutory Rape</i>	2022	0	0	0	0
	2023	0	0	0	0

	2024	0	0	0	0
Robbery	2022	0	0	1	0
	2023	1	1	0	0
	2024	0	0	0	0
Aggravated Assault	2022	1	1	0	0
	2023	0	0	0	0
	2024	0	0	0	0
Burglary	2022	13	11	0	0
	2023	8	6	0	0
	2024	8	1	0	0
Motor Vehicle Theft	2022	35	10	0	0
	2023	27	8	0	0
	2024	39	2	0	0
Arson	2022	0	0	0	0
	2023	1	0	0	0
	2024	1	0	0	0

*** Motorized scooters and bikes are included in the motor vehicle theft numbers.**

		Arrest				Judicial Referral			
		On-campus	Residential Facility	Non-campus building/property	Public Property	On-campus	Residential Facility	Non-campus building/property	Public Property
Liquor Law Violations	2022	0	0	0	0	21	9	0	0
	2023	0	0	0	0	22	0	0	0
	2024	0	0	0		34	0	0	0
Drug Abuse Violations	2022	0	0	0	0	8	8	0	0
	2023	0	0	0	0	3	0	0	0
	2024	0	0	0	0	2	0	0	0
Illegal Weapons Possession	2022	0	0	0	0	0	0	0	0
	2023	0	0	0	0	1	1	0	0
	2024	0	0	0	0	0	0	0	0

*** This calendar year, the College lifted covid restrictions. This allowed for more socialization on campus, including consortium parties, which were not allowed the previous**

calendar year which resulted in an increase of alcohol violations on campus.

VAWA AMENDMENT OFFENSES

Offense	Year	On-Campus	Residential Facility*	Non-campus building or property	Public property
Dating Violence	2022	0	0	0	0
	2023	0	0	0	0
	2024	3	1	0	0
Domestic Violence	2022	0	0	0	0
	2023	0	0	0	0
	2024	0	0	0	0
Stalking	2022	1	1	0	0
	2023	6	5	1	0
	2024	4	2	0	0

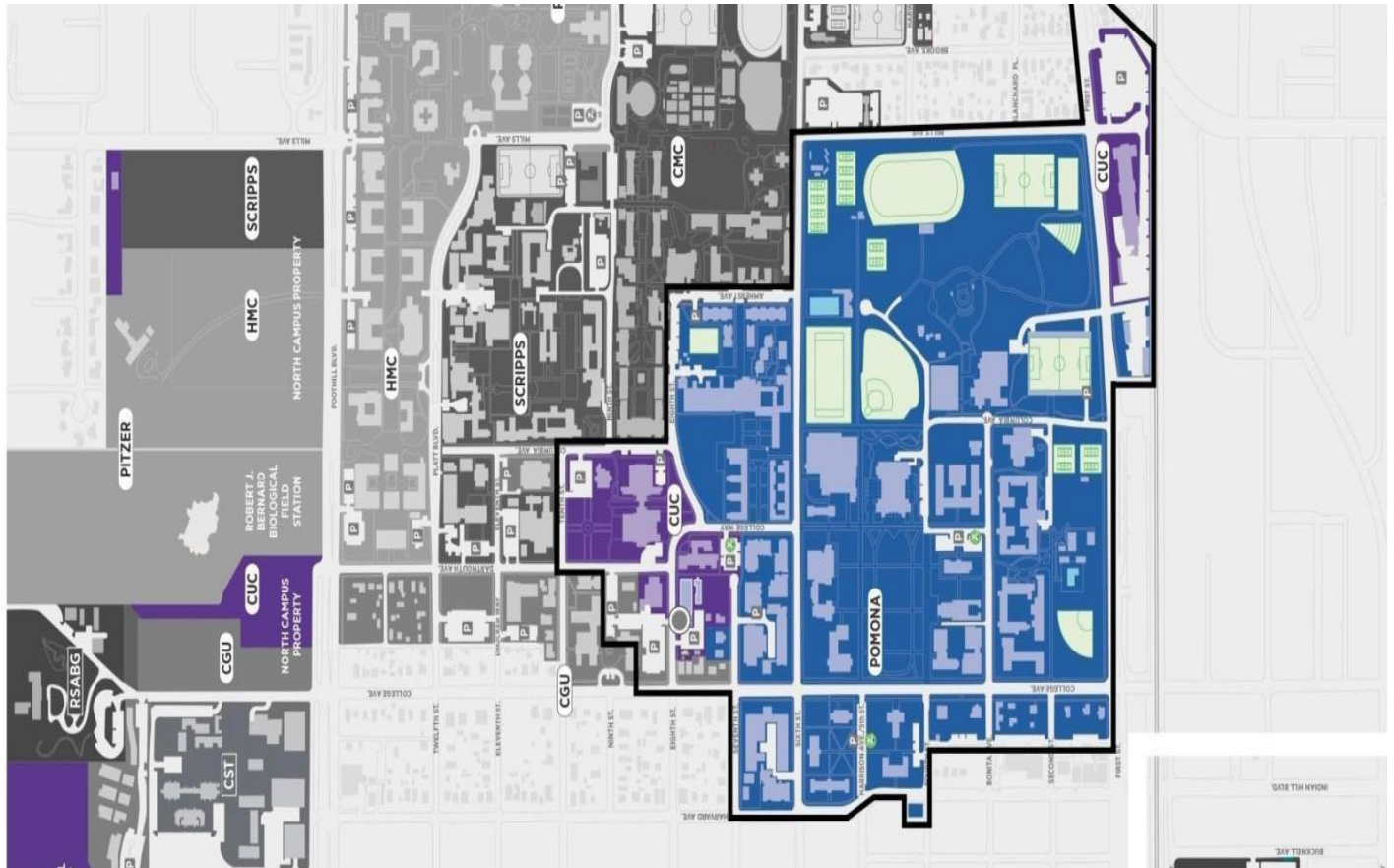
Hate Crimes

Year	Reported Hate Crimes
2022	There was 1 reportable hate crime - On-campus, political hate crime. (Vandalism of Israeli flag) this happened within the residence halls on Pomona College Campus.
2023	There was one reported hate crime in any of Pomona College's required geographic areas.
2024	There were two reported hate crimes (vandalism of item in LGBTQ+ Living Learning Community) that happened within the residence hall on Pomona College Campus.

Pomona College had no unfounded crime reports for 2022, 2023 and 2024

- **Residential Facility statistics are a subsection of the On-Campus totals**
- **Statistics were received from the Claremont Police Department and are included in the Pomona College Crime Statistics Chart**

POMONA COLLEGE MAP AND BOUNDARIES



IMPORTANT PHONE NUMBERS AND OTHER CONTACT INFORMATION

Campus Safety Office

Contact: Desiree Flores
101 S. Mills Ave., Claremont, CA
909.607.2000
dispatch@claremont.edu

Dean of Student Office

Contact: Avis Hinkson
550 N. College Avenue, Claremont, CA
909.621.8017
Avis.hinkson@pomona.edu

Dean of Campus Life

Contact: Josh Eisenberg
170th E. 6th Street, Claremont, CA
909.607.2239
Josh.eisenberg@pomona.edu

Title IX Coordinator

Contact: Destiny Marrufo
550 N. College Avenue, Claremont, CA
909.621.8017
Destiny.marrufo@pomona.edu

Human Resources Department

Contact: Alejandra Gaytan
150 E. Eight St. Claremont, CA
909.607.1686
Alejandra.gaytan@pomona.edu

ANNUAL FIRE SAFETY REPORT

The Higher Education Opportunity Act enacted on August 14, 2008, requires institutions that maintain on-campus student housing facilities to publish an annual fire safety report that contains information about campus fire safety practices and standards of the institution. The report contains the information required by the HEOA for Pomona College including, Pomona College's fire safety practices and a fire log with statistics regarding on-campus fires. The annual Fire Safety Report is available to all students, prospective students, faculty, and staff. The report is posted on the HEOA page on the Pomona College website. An email notice of its availability is sent to all current students and employees each fall.

DEFINITIONS

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

- **On-Campus Student Housing** – A student housing facility that is owned or controlled by the institution or is located on property that is owned or controlled by the institution and is within a reasonable contiguous area that makes up the campus.
- **Fire** – Any instance of open flame or other burning in a place not intended to contain the burning or in an uncontrolled manner.

All of Pomona College's residence halls have emergency evacuation plans and conduct fire drills during the school year to allow occupants to become familiar with and practice their evacuation skills. Automatic sprinkler systems and fire alarm systems are recognized engineered building features that help to provide for a fire safe living environment. All Pomona College residence halls and apartments are provided with automatic sprinkler systems, smoke detectors and building fire alarm systems to provide early detection and warning of a possible fire emergency. Additionally, Dining and Catering staff members are trained annually on hands-on use of fire extinguishers and emergency procedures in the event of a fire. In addition we utilize the Everbridge system to account for everyone in an emergency by permitting community members to identify if they are safe either on campus, off campus, or are in need of help.

Fire Alarm Systems

The purpose of our fire alarm system is to signal the need for the evacuation of a building and to notify Campus Safety automatically. False alarms and tampering with fire safety equipment is unlawful. The penal code provides that any person who sets off a false alarm is guilty of a misdemeanor punishable by a fine and/or imprisonment.

Fire Safety Equipment

Students who tamper with firefighting or safety equipment (including fire extinguishers and smoke detectors) are subject to a fine of \$200, students who pull fire alarms when there is no incident are subject to a fine of \$100, students who create false alarms are subject to a fine of \$300, plus possible expenses for necessary repairs of equipment, and/or judicial action.

Fire Sprinkler Systems

Fire sprinklers have been installed in all residential buildings. The addition of these sprinklers brings additional responsibilities to the student. Students must refrain from hanging anything from the sprinkler heads. This includes, but is not limited to, banners, flags, clothes, and hammocks. If the sprinklers are tampered with, this may activate them, and the room will flood. Tampering with the fire sprinklers is a fire code violation. Any and all damages associated with the sprinkler heads will result in vandalism charges to the student including the replacement of sprinkler heads, any water damage due to flooding, and the fire department response. Keep in mind that flooding may not be limited to your room, and you could be responsible for damages to numerous rooms.

Explosives

State law, as well as Pomona College policy, prohibits bringing firecrackers or explosive materials of any kind onto any part of the campus or into the buildings. This includes combustibles in containers such as gasoline cans. Furthermore, gasoline-powered scooters and motorcycles cannot be stored in individual rooms or elsewhere in the residence halls at any time. Vehicles found to be stored in unauthorized areas will be towed and stored at the owner's expense.

On-Campus Housing Fire Safety Systems

Pomona College complies with all local, state and national fire regulations. All of Pomona College's residential buildings have fire alarms and have redundant suppression equipment that includes automatic sprinkler systems and manual fire extinguishers. Evacuation drills of all residential buildings are conducted each semester. Fire safety systems are routinely inspected and monitored as mandated by the County of Los Angeles. A log of these inspections is maintained by the Facilities Department.

FIRE SAFETY AND CRIME PREVENTION TIPS

FIRE

1. Calmly alert people in the area of the fire and activate the nearest fire alarm.
2. Do not try to retrieve items in another area of the building.
3. Evacuate the building using the stairs. Do not use elevators!
4. Close as many doors behind you as possible. Touch doors with the back of your hand to see if they are hot. Do not open hot doors.
5. Call Campus Safety at 909-607-2000.
6. Report to the building's designated evacuation area and wait for further instructions.

If trapped in a building:

1. Close all windows and doors.
2. Wet and place cloth material around and under door to prevent smoke from entering.
3. Call Campus Safety at 909-607-2000 for help and tell them your location.

EVACUATION

- To be prepared, you should know the nearest exits and the evacuation site for each building & residence halls you visit frequently.
- When you hear a bullhorn or fire alarm, immediately stop what you are doing and exit the building.
- While leaving, take note of any hazards and any remaining occupants.
- If requested, assist anyone who appears to need direction or assistance.
- Take with you ONLY essential personal items (wallet, keys, etc.).
- Shut all doors behind you but do not lock. Closed doors can slow the spread of fire, smoke and water.
- Once outside, proceed directly to the building evacuation site
- Do not leave the evacuation site unless directed to do so by Pomona College emergency personnel.

GENERAL SAFETY

- Be aware of your surroundings and if something appears to be wrong or out of place.
- Stay in well-lighted areas and walk mid-point between curbs and buildings and away from alleys and bushes when possible.
- At night, work or study only in occupied buildings.
- Don't carry extra credit cards or large sums of money.
- Lock your valuables securely, even in your room.
- Walk with someone whenever possible.

- Do not risk personal injury if someone forcibly attempts to take your wallet, purse or property.
- Do carry a whistle or personal alarm and use it when you feel threatened. The sound won't hurt anybody.
- Keep an inventory of personal property and mark items with your driver's license number and the state.
- Distance yourself from the misuse of alcohol / drugs; it can be far worse than a bad headache the next morning.
- Do not attach your ID to your key chain or mark your keys with your name and address.
- Get to know your neighbors and share information about suspicious activities.
- Call Campus Safety at extension 72000 in an emergency or to report any crime or suspicious activity.

OFFICE SAFETY

- When working late, make sure doors are locked. Let someone know of your location and expected departure time.
- NEVER prop doors open, even for a short time. Your action could contribute to incredible harm to yourself or someone else.
- Do not loan your office keys or allow them to be copied.
- Do not hold a door open for a stranger.
- Keep your purse, wallet, or other valuables in a locked cabinet or drawer. Office thieves know where to look.

CAR SAFETY

- Auto theft is a problem nationally, take action to safeguard your vehicle.
- Lock all doors after parking.
- Help secure your car against grand theft/burglary - with an electronic alarm and/or kill switch.
- Keep a copy of your registration, title, and VIN in a safe place separate from your vehicle.

- Store your valuables out of sight.
- If you park your car but don't use it regularly, check on it daily.
- Immediately report thefts, as well as suspicious activity in parking lots or near parked cars, to Campus Safety.

BIKE SAFETY

- State law, as well as county and city ordinances and codes mandate adherence to bicycle "Rules of the road" as well as specific equipment guidelines. Learn the laws for your own safety.
- Ride defensively, with the traffic, and use hand signals.
- Please be considerate of pedestrians and drivers in vehicles.
- You can be given a "ticket" for sidewalk driving, speeding, etc. in Claremont.
- Keep your bike maintained - especially the brakes.
- Register your bike on-line at National Bike Registry www.bikeregistry.com.
- Use a U-LOCK to secure your bicycle frame and wheels to a rack. Bikes locked with cables and small chains are frequently stolen.
- Report suspicious activity or loitering around bike racks. Thieves usually carry a hidden bolt cutter or other cutting tool.
- Do not impede free use of the handicapped ramps or other access points with bikes locked to handrails, etc.

POLICIES ON PORTABLE ELECTRICAL APPLIANCES, SMOKING, AND OPEN FLAMES IN HOUSING FACILITIES

Fire safety standards make it necessary to prohibit the use of appliances that use heating elements. Students may bring their own microwave oven and mini-fridge (3.1 cubic feet or smaller), but exposed heating elements are prohibited. This includes hot plates, air fryers, electric fry pans, coffee pots without automatic shutoff, blenders, toaster ovens, and space heaters. The wiring of appliances is safe and plugged into an electrical outlet utilizing a surge protector. Appliances are turned off when not in use.

The College is committed to sustainability and encourages students to use energy efficient appliances and practices. In selecting lamps, energy-efficient lighting is preferred, such as LED and CFL bulbs. The use of surge suppressor/power strips with on/off switches is recommended to reduce phantom power consumption. In support of the College's ongoing efforts with regard to sustainability and energy conservation, students living in Dialynas and Sontag Halls are NOT permitted to have individual room refrigerators.

SAFETY & SECURITY

Safety Conditions:

No person shall create safety or health hazards in any residence hall. Examples of prohibited behavior or items include, but are not limited to:

1. Propping open outside doors, unlocking lounge windows.
2. Using unauthorized doors, windows or balconies to enter or exit buildings.
3. Excessive accumulation of garbage or filth in rooms, lounges or balconies.
4. Excessive accumulation of furniture indoor and outdoor residential spaces.
5. Furniture/bedding supported by cinder blocks.
6. Any trash/storage containers, furniture, personal items, cannot block fire equipment or exits from a living space (including doors and windows).
7. Weights (above 20 pounds) or weight benches in student bedroom/suites.
8. Satellite dishes on the roof, balcony, or outside windows.
9. Mopeds, motorcycles, or other gas-powered vehicles inside the residence hall or within 25 feet of the exterior of the building.
10. Throwing or pushing objects off balconies or out of windows or using such as a means of access/egress.
11. Using balcony for storage, barbecuing, placement of college furniture, garbage or recyclable items, etc.
12. Playing sports or using equipment that is considered, or could be considered, equipment inside of the Residence Hall. This includes in a student's room in the hallway, main lounge, floor lounges, kitchens, or any other area in the Residence Hall.
13. No item (i.e. table, flat board surface or any similar item) beyond 3ft may be allowed in residence halls.

FIRE SAFETY EDUCATION AND TRAINING PROGRAMS FOR STUDENTS, FACULTY AND STAFF

Pomona College takes Fire Safety very seriously and continues to enhance its programs to the College community through education, engineering and enforcement. Educational programs are presented throughout the year to faculty, staff and students so they are aware of the rules and safe practices. These programs, which are available at all campus locations, include identification and prevention of fire hazards, actual building evacuation procedures and drills, specific occupant response to fire emergencies and hands-on use of fire extinguishers.

Environmental Health and Safety (EHS), in coordination with Housing and Residential Life and Food Service, provides fire prevention and response training to Resident Assistants (RA), Sponsors, and Residence Life Coordinators each semester. The training consists of a classroom instruction followed by hands on application of fire extinguishers. The specific topics addressed during this training include:

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

Resident Assistants coordinate additional fire safety training and education programs for residence hall students. In addition, evacuation drills are conducted each semester to test the Resident Advisor's ability to facilitate evacuation in the event of an emergency.

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

FIRE INCIDENT REPORTING

Students, faculty and staff are instructed to call 911 to report a fire emergency and TCCS Campus Safety at 909-607-2000.

Non-emergency notifications (e.g., evidence that something burned) are made to: Students, faculty and staff are instructed to call the maintenance office during working hours at 909-607-3304, or after hours, call TCCS Campus Safety at 909-607-2000 and speak to the on-call maintenance person or use the maintenance work order form.

PLANS FOR FUTURE IMPROVEMENTS IN FIRE SAFETY

Pomona College continues to monitor trends related to residence hall fire incidents and alarms to provide a fire safe living environment for all students. New programs and policies are developed as needed to help ensure the safety of all students, faculty and staff. There are no current plans for improvement in fire safety.

RESIDENCE HALLS FIRE SAFETY SYSTEMS

RESIDENCE HALL FIRE SAFETY SYSTEMS

Description of on-campus student housing fire safety systems

Building Name	Address	Year Built/ Renovated	Fireproof Frame	Sq Fr Protected	Wet/Dry	Fire Alarm	Number of Fire Drills Conducted 2024
Blaisdell	230 E. Bonita Ave., Claremont CA 91711	1936	Yes	37,398	Wet	Yes	1
Clark I	328 E. 8th St., Claremont CA 91711	1981	Yes	116,600	Wet	Yes	1
Clark III	345 E. 6th St., Claremont CA 91711	2009	Yes		Wet	Yes	1
Clark V	225 E. 6th St., Claremont CA 91711	1999	Yes		Wet	Yes	1
Harwood	170 E. Bonita Ave., Claremont CA 91711	1974	Yes	63,100	Wet	Yes	1
Lawry	365/375/385 E. 6th St., Claremont CA 91711	1993	Yes	18,200	Wet	Yes	1
Lyon	173 E. 2nd St., Claremont CA 91711	1993	Yes	24,238	Wet	Yes	1
Mudd	230 E. Bonita Ave., Claremont CA 91711	1993	Yes	40,630	Wet	Yes	1
Norton	355 E. 6th St., Claremont CA 91711	2009	Yes	9000	Wet	Yes	1
Oldenborg	350 N. College Way, Claremont CA 91711	1989	Yes	71,000	Wet	Yes	1
Dialynas	601 N. Amherst,	2011	Yes	40,000	Wet	Yes	1

	Claremont CA 91711						
Sontag	701 N. Amherst Claremont CA 91711	2011	Yes	38,000	Wet	Yes	1
Smiley	550 N. College Way, Claremont CA 91711	1957	Yes	15,547	Wet	Yes	1
Walker	700 N. College Way, Claremont CA 91711	1986	Yes	49,000	Wet	Yes	1
Wig	120 E. Bonita Ave., Claremont CA 91711	1993	Yes	25,200	Wet	Yes	1

POMONA COLLEGE FIRE STATISTICS FOR ON-CAMPUS STUDENT HOUSING FACILITIES

POMONA COLLEGE FIRE LOG 2024

Building Name	#	Date	Cause	Injuries Requiring Treatment	Deaths related to fire	Property Damage Value \$	Report #
Blaisdell	0	N/A	N/A	0	0	\$0	N/A
Clark I	0	N/A	N/A	0	0	0	N/A
Clark III	0	N/A	N/A	0	0	0	N/A
Clark V	0	N/A	N/A	0	0	0	N/A
Gibson	0	N/A	N/A	0	0	0	N/A
Harwood	0	N/A	N/A	0	0	0	N/A
Lawry	0	N/A	N/A	0	0	0	N/A
Lyon	0	N/A	N/A	0	0	0	N/A
Mudd	0	N/A	N/A	0	0	0	N/A
Norton	0	N/A	N/A	0	0	0	N/A
Oldenborg	0	N/A	N/A	0	0	0	N/A
Dialynas	0	N/A	N/A	0	0	0	N/A
Smiley	0	N/A	N/A	0	0	0	N/A
Sontag	0	N/A	N/A	0	0	0	N/A
Walker	0	N/A	N/A	0	0	0	N/A
Wig	0	N/A	N/A	0	0	0	N/A

POMONA COLLEGE FIRE LOG 2023

Building Name	#	Date	Cause	Injuries Requiring Treatment	Deaths related to fire	Property Damage Value \$	Report #
Blaisdell	0	N/A	N/A	0	0	0	N/A
Clark I	0	N/A	N/A	0	0	0	N/A
Clark III	0	N/A	N/A	0	0	0	N/A
Clark V	0	N/A	N/A	0	0	0	N/A
Gibson	0	N/A	N/A	0	0	0	N/A
Harwood	0	N/A	N/A	0	0	0	N/A
Lawry	0	N/A	N/A	0	0	0	N/A
Lyon	0	N/A	N/A	0	0	0	N/A
Mudd	0	N/A	N/A	0	0	0	N/A
Norton	0	N/A	N/A	0	0	0	N/A
Oldenborg	0	N/A	N/A	0	0	0	N/A
Dialynas	0	N/A	N/A	0	0	0	N/A
Smiley	0	N/A	N/A	0	0	0	N/A
Sontag	0	N/A	N/A	0	0	0	N/A
Walker	0	N/A	N/A	0	0	0	N/A

Wig	0	N/A	N/A	0	0	0	N/A
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POMONA COLLEGE FIRE LOG 2022

Building Name	#	Date	Cause	Injuries Requiring Treatment	Deaths related to fire	Property Damage Value \$	Report #
Blaisdell	0	NA	N/A	0	0		
Clark I	0	N/A	N/A	0	0	0	N/A
Clark III	0	N/A	N/A	0	0	0	N/A
Clark V	0	N/A	N/A	0	0	0	N/A
Gibson	0	N/A	N/A	0	0	0	N/A
Harwood	0	N/A	N/A	0	0	0	N/A
Lawry	0	N/A	N/A	0	0	0	N/A
Lyon	0	N/A	N/A	0	0	0	N/A
Mudd	0	N/A	N/A	0	0	0	N/A
Norton	0	N/A	N/A	0	0	0	N/A
Oldenborg	0	N/A	N/A	0	0	0	N/A
Dialynas	0	N/A	N/A	0	0	0	N/A
Smiley	0	N/A	N/A	0	0	0	N/A
Sontag	0	N/A	N/A	0	0	0	N/A
Walker	0	N/A	N/A	0	0	0	N/A
Wig	0	N/A	N/A	0	0	0	N/A

APPENDIX

The Claremont Colleges Interim Policy on Title IX Sexual Harassment, Other Sex-Based Misconduct, and Retaliation

Effective March 28, 2025

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I. Introduction

The purpose of this Policy is to set forth how the Claremont Colleges (TCC) prevent and respond to Sex-Based Harassment (a form of sex-based discrimination), and related Retaliation (collectively, “Prohibited Conduct”), as defined within this Policy. Prohibited Conduct, as defined by this Policy, is prohibited within all of the programs and activities of the TCC Institutions, and as set forth in this Policy.

The Claremont Colleges is comprised of the following institutions:

- Pomona College
- Claremont Graduate University
- Scripps College
- Claremont McKenna College
- Harvey Mudd College
- Pitzer College
- Keck Graduate Institute

Collectively, the TCC Institutions are referred to as “TCC” throughout this Policy. Individually, they are referred to as “TCC Institution.”¹

Each TCC Institution has its own formal governance structure and independent board. As a consortium, the TCC Institutions work together to resolve concerns that cross the boundaries of individual Institutions (cross-campus matters).

Each TCC Institution will also respond promptly to other forms of Sex-Based Harassment or discrimination on the basis of sex, such as discrimination on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, gender identity, and gender expression that are not covered by this Policy but are prohibited by each TCC Institution in its individual nondiscrimination policies.

This Policy defines Prohibited Conduct and outlines TCC’s responsibilities and procedures related to addressing reports of Prohibited Conduct to ensure an equitable and inclusive education and employment environment. This Policy is adopted and overseen by each individual TCC Institution, consistent with each individual TCC Institution’s obligations as a recipient of federal funding under Title IX.

Allegations that involve conduct that allegedly violates this Policy, as well as other TCC Institution policies, and that are related to the same incident(s), may be joined under the same Resolution Process, including in one investigation and hearing conducted pursuant to Sections XIII - XV. The decision to join interrelated conduct will be at the discretion of the Respondent’s Home Institution’s Title IX Coordinator in consultation with the TCC Title IX Administrator.

¹ For purposes of Title IX, “Recipient” is reference to each TCC Institution.

A. Purpose of this Policy

This Policy is enacted to allow each TCC Institution to comply with Title IX of the Educational Amendments of 1972 and its subsequent accompanying regulations pertaining to Prohibited Conduct, as defined under this Policy. Title IX states:

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

This Policy also complies with California law, including conduct prohibited by California Education Code Section 212.5.5, 66262.5, and 67380. For TCC Institutions whose employees are covered under this Policy, this Policy also sets forth those TCC Institutions' obligations pertaining to Prohibited Conduct under the California Fair Employment & Housing Act and the California Education Code.

This Policy outlines the procedures TCC will follow to ensure a prompt and equitable resolution of complaints made by Complainants alleging Prohibited Conduct against Respondents, as defined in this Policy in Section XXII. A TCC Institution is not precluded from investigating other conduct that, if proven, would not constitute Prohibited Conduct under this Policy but may constitute a violation of other TCC Institution policies.

Situations involving other conduct that may be in violation of other TCC Institution student or employee conduct policies should be reported to an individual's Home Institution's Title IX Coordinator.

B. Effective Date

This Policy is effective March 28, 2025.

The procedures in this Policy for investigating and resolving allegations of Prohibited Conduct will be applied as of the effective date of this Policy.

Prohibited Conduct that is alleged to have occurred from August 14, 2020 to the effective date of this Policy will *also* use the procedures in this Policy.

Prohibited Conduct that is alleged to have occurred *before* August 14, 2020 will be investigated and adjudicated according to the applicable definitions in place at the time the incident allegedly occurred.

<u>Date of Incident</u>	<u>Policy to Be Used for Title IX Conduct</u>	<u>Policy to Be Used for Other Sex-Based Misconduct</u>
<u>August 1, 2024 – present</u>	<u>This Policy</u>	<u>This Policy</u>
<u>January 1, 2022 – July 31, 2024</u>	<u>This Policy</u>	<u>Use campus policy for definitions of Prohibited Conduct, use this Policy for procedures.</u>
<u>August 1, 2020-December 31, 2021</u>	<u>This Policy</u>	<u>Use campus policy (if any) for definitions of Prohibited Conduct, use this Policy for procedures.</u>
<u>Prior to August 14, 2020</u>	<u>See Respondent's Home Institution's applicable campus</u>	<u>See Respondent's Home Institution's applicable campus</u>

	<u>policy (if any) from this time period.</u>	<u>policy (if any) from this time period.</u>
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Please contact your Home Institution's Title IX Coordinator for questions regarding the applicable policy. The policy definitions in effect at the time of the alleged conduct will apply even if the policy is changed subsequently.

C. Application of Section 504/Americans with Disabilities Act to this Policy

Each TCC Institution adheres to the requirements of the Americans with Disabilities Act of 1990, as amended 2008 (ADAAA); Sections 504 of the Rehabilitation Act of 1973, as amended; and all other federal and state laws and regulations prohibiting discrimination on the basis of disability that are applicable to the TCC Institutions.

Parties and witnesses may request reasonable accommodations for disclosed disabilities to their Home Institution's Title IX Coordinator or Human Resources professional at any time relating to the implementation of this Policy, including making a disclosure or report, and initiating a resolution process under this Policy.

The Home Institution's Title IX Coordinator and/or Human Resources professional will not affirmatively provide disability accommodations that have not been specifically requested by an individual, even where the individual may be receiving accommodations in other TCC Institution programs and activities. With the consent of the impacted student, staff, or faculty, the individual's Home Institution's Title IX Coordinator will work collaboratively with the appropriate department at their TCC Institution for review and response to the requested accommodation. The individual's Home Institution's Title IX Coordinator will ensure that approved reasonable accommodations (disability-related) are honored as applicable throughout any process related to this Policy.

D. Revocation by Operation of Law

Should any portion of the 2020 Title IX Final Rule 85 Fed. Reg. 30026 (2020). be stayed or held invalid by a court of law, in whole or in part, or should the portions of this Policy in compliance with 2020 Title IX Final Rule be withdrawn or modified to not require specific requirements of this Policy, then this Policy, or the invalidated requirements of this Policy in compliance with the 2020 Title IX Final Rule, will be deemed modified or revoked as of the publication date of the opinion or order (or as otherwise ordered by the court) or as otherwise specified in any revisions to this Policy. In the event of a modification or revocation, TCC will provide the Parties with information regarding next steps. Should this Policy be revoked in this manner, any conduct covered under this Policy shall be investigated and adjudicated in compliance with Federal and California state law.

II. Home Institution Title IX Coordinator and the TCC Title IX Process Administrator

A. Title IX Coordinator

Each TCC Institution shall designate a Title IX Coordinator to oversee and ensure compliance with this Policy and any other TCC Institution policies prohibiting similar conduct, such as discrimination on the basis of sex. Each Title IX Coordinator is responsible for ensuring compliance with Title IX, California law, and this Policy within their TCC Institution. Each TCC Institution may designate additional Deputy

Title IX Coordinators. For purposes of this Policy, Home Institution Title IX Coordinator refers to the Title IX Coordinator designated for the Party's Home TCC Institution. For students, Home Institution refers to the TCC Institution where the student Party is admitted, regardless of enrollment of credits at any other TCC Institution. For employees subject to this Policy, Home Institution refers to the TCC Institution where the employee Party is employed.

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

Institution	Title IX Coordinator	Email/Phone	Address
Claremont Graduate University	Ann Knox, Title IX Coordinator Jalina Najera, Interim Director of Human Resources Jody Waters, Interim Executive Vice President and Provost	Deanof.Students@cgu.edu (909) 607-1887 Jaline.Najera@cgu.edu (909) 607-4404 Jody.Waters@cgu.edu (909) 621-8068	160 E. 10th Street Harper Hall East Claremont, CA 91711
Claremont McKenna College	Joanna Rosas, Title IX Coordinator	Joanna.Rosas@ClaremontMcKenna.edu (909) 607-8131	385 E. 8 th Street Marian Miner Cook Athenaeum Second Floor Claremont, CA 91711
Harvey Mudd College	Danny Ledezma, Title IX Coordinator	Dledezma@hmc.edu (909) 607-3470	301 Platt Boulevard Platt Campus Center Claremont, CA 91711
Keck Graduate Institute	Shino Simons, Title IX Coordinator Cheryl Merritt, Deputy Title IX Coordinator, Assistant Vice President of Human Resources and Employee Engagement	Titleix@kgi.edu (909) 607-0101 Cheryl_merritt@kgi.edu (909) 607-7853	535 Watson Drive Claremont, CA 91711
Pitzer College	Christine R. Guzman, Title IX Coordinator	Christine_guzman@pitzer.edu (909) 607-2958	1050 N. Mills Avenue Broad Center, Rm 212 Claremont, CA 91711

Institution	Title IX Coordinator	Email/Phone	Address
Pomona College	Destiny Marrufo, Title IX Coordinator	Destiny.Marrufo@pomona.edu (909) 621-8017	555 N. College Avenue, Alexander Hall, Ste 104 Claremont, CA 91711
Scripps College	Alyssa-Rae McGinn, Interim Title IX Coordinator	Titleix@scrippscollege.edu (909) 607-7142	919 North Columbia Avenue McAlister Center Lower Level Claremont, CA 91711

Each TCC Institution’s Title IX Coordinator, or their designee, serves as the primary point of contact for individuals from their campus involved in this Policy’s Resolution Process or for allegations of violations occurring in their TCC Institution programs and activities as defined by this Policy.

B. TCC Title IX Process Administrator

The TCC Title IX Process Administrator (referred to as the “TCC Title IX Administrator”) oversees this Policy, including the Resolution Process, to ensure equity and consistency across TCC. As outlined throughout this Policy, the TCC Title IX Administrator is responsible for a variety of tasks, including, but not limited to, the following:

- Managing the Resolution Processes under this Policy across TCC; and
- Evaluating and assigning Investigators, Sanctions Decisionmakers, Hearing Decisionmakers and Appeal Decisionmakers in the Resolution Process under this Policy. TCC reserves the right to assign internal or external investigators or decisionmakers.

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

III. Scope and Jurisdiction

A. When Title IX Procedural Requirements Apply

This Policy defines Prohibited Conduct under federal (“Title IX Sexual Harassment”) and state law (“Other Sex-Based Misconduct”) for all members of the TCC community.

This Policy also outlines the resolution procedures to address Prohibited Conduct as defined in this Policy. Specific 2020 Title IX procedural requirements (herein after referred to as “Title IX Procedural Requirements”) for Title IX Sexual Harassment will be applied if:

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 a TCC Institution’s Education Programs or Activities; and,

4. The alleged conduct, if true, would constitute Title IX Sexual Harassment, specifically, Title IX Quid Pro Quo, Title IX Hostile Environment Harassment, Title IX Dating Violence, Title IX Domestic Violence, and/or Title IX Stalking Based on Sex, as defined in this Policy.

Cases that include both Title IX Sexual Harassment and Other Sex-Based Misconduct will be addressed using the Title IX Procedural Requirements. All other cases where the allegations do not meet the above criteria will be addressed using the applicable definitions under Other Sex-Based Misconduct and will not be processed using the Title IX Procedural Requirements (unless the case has been consolidated).

This Policy applies to complaints made by a TCC student at one TCC Institution against a student at the same TCC Institution, as well as complaints made by a TCC student against a TCC student at a different TCC Institution (“Cross-Campus Complaints”).

Cases that involve an **employee**, including students in their capacity as a student-employee, of a TCC Institution, will be processed consistent with whether the TCC Institution that is the employer of the Respondent has adopted this Policy for its employees.

- If a TCC Institution has adopted this Policy for its employees, the Title IX Procedural Requirements shall be applied to resolve allegations of Title IX Sexual Harassment that occurred within the jurisdiction of Title IX occurring on or after August 14, 2020.
- All other cases of allegations that do not involve Title IX Sexual Harassment that occur after August 14, 2020 and involve an employee from a TCC Institution that has opted in to this Policy will be processed under the Resolution Options set forth in this Policy.

Institution	Applicable Policy
Claremont Graduate Institute (CGU)	<ul style="list-style-type: none"> • All cases involving CGU’s students, employees and participants in programs and activities are processed under this Policy unless the complaint is against a non-CGU employee, in which case the Policy adopted by the Respondent’s Institution for employees will be used.
Claremont McKenna College (CMC)	<ul style="list-style-type: none"> • For cases by anyone against a CMC employee, please see CMC’s policy. • For cases by a CMC employee against a CMC student, this Policy will be used. • For cases by a CMC employee against a non-CMC student or participant, this Policy will be used. • For cases by a CMC employee against a non-CMC employee, the policy adopted by the Respondent’s Institution for employees will be used.
Harvey Mudd College (HMC)	<ul style="list-style-type: none"> • For cases by anyone against an HMC employee, please see HMC’s policy. • For cases by an HMC employee against an HMC student, please see HMC’s policy. • For cases by an HMC employee against a non-HMC student or participant, this Policy will be used. • For cases by an HMC employee against a non-HMC employee, the policy adopted by the Respondent’s Institution for employees will be used.
Keck Graduate Institute (KGI)	All cases involving KGI’s students, employees and participants in programs and activities are processed under this Policy unless the complaint is against a non-KGI employee, in which case the policy adopted by the Respondent’s Institution for employees will be used.

Institution	Applicable Policy
Pitzer College	All cases involving Pitzer College’s students, employees and participants in programs and activities are processed under this Policy unless the complaint is against a non-Pitzer College employee, in which case the policy adopted by the Respondent’s Institution for employees will be used.
Pomona College	<ul style="list-style-type: none"> • For cases by anyone against a Pomona College employee, please see Pomona College’s policy. • For cases by a Pomona College employee against a Pomona College student, this Policy will be used. • For cases by a Pomona College employee against a non-Pomona College student or participant, this Policy will be used. • For cases by a Pomona College employee against a non-Pomona College employee, the policy adopted by the Respondent’s Institution for employees will be used.
Scripps College	<ul style="list-style-type: none"> • For cases by any student or participant (Scripps College or non-Scripps College) against a Scripps College employee, this Policy will be used. • For cases by a Scripps College employee against any student or participant (Scripps College or non-Scripps College), this Policy will be used. • For cases by any TCC Institution employee against a Scripps College employee, please see Scripps College’s policy. • For cases by a Scripps College employee against a non-Scripps College employee, the policy adopted by the Respondent’s Institution for employees will be used.

B. Matters Involving a Third-Party Participant(s)

This Policy may also apply to third parties, such as guests, visitors, volunteers, invitees, and alumni, when they are participating or attempting to participate in a TCC-sponsored activity, on or off-campus (referred to as “participants” for purposes of this Policy). A third-party complainant may be subject to different procedures within this Policy, depending on the individual’s status, or a TCC Institution’s internal policies.

There are instances where allegations may be reported or a Complaint may be made against a third-party individual. Any individual who is alleged to have engaged in Prohibited Conduct who is not a TCC student, faculty member, or staff member is generally considered a third-party who is not subject to the Resolution Process in this Policy. A TCC Institution’s ability to take appropriate corrective action against a third-party may be limited and will depend on the nature of the third-party’s relationship, if any, to the TCC Institution or TCC. When appropriate, the Title IX Coordinator will refer such allegations against third-party respondents to the appropriate office for further action.

The status of a party may impact which resources and remedies are available to them, as described in this Policy.

C. The Geographic Jurisdiction of This Policy

This Policy applies to the programs and activities, including the working and learning environments of the TCC Institutions. It may also apply to instances in which the conduct occurred outside of the campus or any TCC Institution-sponsored activity if the Complainant’s Home Institution’s Title IX Coordinator determines that the off-campus conduct is within the jurisdiction of this Policy, within Respondent’s Home Institution’s disciplinary authority (in consultation with the Respondent’s Home Institution Title IX Coordinator if Cross-Campus Complaint), or could interfere with access to any educational program or

activity, safety and security, compliance with applicable law, or contribute to a hostile educational environment.

D. How This Policy Impacts Other Campus Disciplinary Policies

The elements and process established in this Policy, and as required under the 2020 Title IX Final Rule and applicable California state law, have no effect on any other TCC Institution policy or Code of Conduct. This Policy does not set a precedent for other policies or processes of the TCC Institutions and may not be cited for or against any right or aspect of any other policy or process.

E. Policy Dissemination and Publication

Each TCC institution shall disseminate this Policy to:

- Each student of their TCC Institution.
- Each employee of their TCC Institution, including student employees.
- Each volunteer who regularly interacts with students.
- Each individual or entity under contract with the TCC Institution to perform any service involving regular interaction with students at the institution.

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

IV. Prohibited Conduct – Title IX Sexual Harassment, Other Sex-Based Misconduct, and Retaliation

Only allegations of Prohibited Conduct, as defined by this Policy, are addressed under this Policy.

Other forms of sex discrimination, including discrimination on the basis of sex, sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, gender identity, and gender expression are prohibited and will be addressed by each TCC Institution in its individual policies.

This section provides the definitions of Prohibited Conduct for purposes of this Policy.

Definitions of Title IX Sexual Harassment	
In accordance with its obligations under the Title IX Regulations of 2020, TCC Institutions prohibit Title IX Sexual Harassment, which is conduct based on sex (where sex is defined by the federal government as sex assigned at birth) that satisfies one or more of the following definitions and occurs on a TCC Member Institution's campus or in locations, events, or circumstances in the United States over which a TCC Member Institution exercised substantial control over both the Respondent and the context in which the Title IX Sexual Harassment occurs, and also includes any building owned or controlled by a student organization that is officially recognized by a TCC Member Institution	
Title IX Quid Pro Quo Harassment Based on Sex	An employee of a TCC Member Institution conditioning the provision of an aid, benefit, or service of the Institution on an individual's participation in unwelcome sexual conduct (also known as quid pro quo Sexual Harassment).

Definitions of Title IX Sexual Harassment In accordance with its obligations under the Title IX Regulations of 2020, TCC Institutions prohibit Title IX Sexual Harassment, which is conduct based on sex (where sex is defined by the federal government as sex assigned at birth) that satisfies one or more of the following definitions and occurs on a TCC Member Institution’s campus or in locations, events, or circumstances in the United States over which a TCC Member Institution exercised substantial control over both the Respondent and the context in which the Title IX Sexual Harassment occurs, and also includes any building owned or controlled by a student organization that is officially recognized by a TCC Member Institution	
Title IX Hostile Environment Based on Sex	<p>Unwelcome conduct that a reasonable person would determine is so severe, pervasive, and objectively offensive that it effectively denies a person equal access to TCC Member Institution’s Education Programs or Activities.</p> <ul style="list-style-type: none"> • “Unwelcome conduct” depends on a variety of factors and must be evaluated in light of the known circumstances. • “Severe, pervasive, and objectively offensive” must be evaluated in light of the known circumstances, and is dependent on the facts in each situation. However, this element must be determined from the perspective of a reasonable person standing in the shoes of the Complainant.
Title IX Sexual Assault	<p>Sexual Assault is any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent. In California, Affirmative Consent is required.¹⁶</p> <p>For the purpose of these definitions, a Sexual Act is defined as conduct between persons consisting of:</p> <ul style="list-style-type: none"> • Contact between the penis and the vulva, or between penises and vulvas; • Contact between the penis and the anus; • Contact between the mouth and the penis; • Contact between the mouth and the vulva; • Contact between the mouth and anus; • Contact between anuses; or, • Contact involving any of the above or the buttocks or breasts. <p>Sexual Assault includes:</p> <ul style="list-style-type: none"> • 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. In California, Affirmative Consent is required. Attempted Rape falls under this prohibition. (This type of conduct is not eligible for mediation as a form of agreement-based resolution in California). • Fondling—The touching of the private body parts of another for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental incapacity. In California, Affirmative Consent is required. (This type of conduct is not eligible for mediation as a form of agreement-based resolution in California).

Definitions of Title IX Sexual Harassment

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<p>Title IX Sexual Assault Continued</p>	<p>Private body parts include genitals, groin area, breasts, and buttocks.</p> <ul style="list-style-type: none"> • Incest—Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law. (This type of conduct is not eligible for mediation as a form of agreement-based resolution in California). • Statutory Rape—Sexual intercourse with a person who is under the statutory age of consent. In California the statutory age of consent is 18. (This type of conduct is not eligible for mediation as a form of agreement-based resolution in California).
<p>Title IX Dating Violence</p>	<p>Dating Violence is violence committed by a person:</p> <ul style="list-style-type: none"> • Who is or has been in a social relationship of a romantic or intimate nature with the victim; and • Where the existence of such a relationship shall be determined based on a consideration of the following factors: <ul style="list-style-type: none"> • The length of the relationship; • The type of relationship; and • The frequency of interaction between the persons involved in the relationship. <p>Emotional and psychological abuse do not constitute violence for the purposes of this definition.</p>
<p>Title IX Domestic Violence</p>	<p>Domestic violence is violence committed by a person who:</p> <ul style="list-style-type: none"> • Is a current or former spouse or intimate partner of the victim under the family or domestic violence laws of the State of California or a person similarly situated to a spouse of the victim; • Is cohabitating, or has cohabitated, with the victim as a spouse or intimate partner; • Shares a child in common with the victim; or

Definitions of Title IX Sexual Harassment In accordance with its obligations under the Title IX Regulations of 2020, TCC Institutions prohibit Title IX Sexual Harassment, which is conduct based on sex (where sex is defined by the federal government as sex assigned at birth) that satisfies one or more of the following definitions and occurs on a TCC Member Institution’s campus or in locations, events, or circumstances in the United States over which a TCC Member Institution exercised substantial control over both the Respondent and the context in which the Title IX Sexual Harassment occurs, and also includes any building owned or controlled by a student organization that is officially recognized by a TCC Member Institution	
	<ul style="list-style-type: none"> Commits acts against a youth or adult victim who is protected from those acts under the family or domestic violence laws of the State of California. <p>Emotional and psychological abuse do not constitute violence for the purposes of this definition.</p>
Title IX Stalking Based on Sex	Engaging in a course of conduct, on the basis of sex, directed at a specific person that would cause: <ul style="list-style-type: none"> a reasonable person to fear for the person’s safety or the safety of others; or suffer substantial emotional distress.

Definitions of Other Sex-Based Misconduct in Education Programs and Activities and Employment In addition to Title IX Sexual Harassment, each TCC Institution prohibits unwelcome sexual conduct, sex-based harassment, sexual violence, sexual exploitation, and retaliation for those individuals who meet the definition of Complainant and Respondent.	
Other Unwelcome Sexual Conduct	Someone from or in the work or educational setting, including an employee agent, or other person authorized by a TCC Institution to provide an aid, benefit, or service under a TCC Institution’s education program or activity, who explicitly or implicitly conditions the provision of an aid, benefit, or service of a TCC Institution on an individual’s participation in unwelcome sexual conduct, which includes but is not limited to, unwelcome sexual advances, requests for sexual favors, and other verbal, visual, or physical conduct of a sexual nature, including under any of the following conditions: <ol style="list-style-type: none"> Submission to the conduct is explicitly or implicitly made a term or a condition of an individual’s employment, academic status, or progress; <ul style="list-style-type: none"> Submission to, or rejection of, the conduct by the individual is used as the basis of employment or academic decisions affecting the individual; or, Submission to, or rejection of, the conduct by the individual is used as the basis for any decision affecting the individual regarding benefits and services, honors, programs, or activities available at or through the educational institution. Unwelcome sexual advances, requests for sexual favors, and other verbal, visual, or physical conduct of a sexual nature, made by

Definitions of Other Sex-Based Misconduct in Education Programs and Activities and Employment In addition to Title IX Sexual Harassment, each TCC Institution prohibits unwelcome sexual conduct, sex-based harassment, sexual violence, sexual exploitation, and retaliation for those individuals who meet the definition of Complainant and Respondent.	
Other Unwelcome Sexual Conduct Continued	<p>someone from or in the work or educational setting where the conduct has the purpose or effect of having a negative impact upon the individual's work or academic performance, or of creating an intimidating, hostile, or offensive work or educational environment.</p> <p>Quid Pro Quo can include situations in which an employee, or agent, or individual who purports to have authority under a TCC Institution to provide and condition an aid, benefit, or service under the TCC Institution's education program or activity on a person's participation in unwelcome sexual conduct, even if that person is unable to provide that aid, benefit, or service.</p> <p>Additionally, the threat of a detriment falls within the definition of Quid Pro Quo, whether or not the threat is actually carried out (e.g. the threat to award a poor grade to a student unless they participate in unwelcome sexual conduct could constitute Quid Pro Quo as it is a condition placed on the provision of the student's education, which is a service of a TCC Institution).</p> <p>Conditions may involve academics and/or extracurricular activities within TCC.</p>
California Sex-Based Hostile Environment Harassment in Education Programs and Activities	<p>Unwelcome sex-based conduct (where sex includes sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, gender identity and gender expression) that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person's ability to participate in or benefit from any TCC Institution's education program or activity.</p> <p>Nothing in this definition is intended to interfere with an individual's rights to freedom of speech or expression pursuant to the United States Constitution, the California Constitution, and the California Leonard Law.</p>
California Sexual Violence	<p>Physical sexual acts perpetrated against a person without the person's Affirmative Consent. Physical sexual acts include both of the following:</p> <ul style="list-style-type: none"> • Rape, defined as penetration, no matter how slight, of the vagina or anus with any part or object, or oral copulation of a sex organ by another person, without the consent of the victim. (This type of conduct is not eligible for mediation as a form of agreement-based resolution in California). • Sexual Battery, defined as the intentional touching of another person's intimate parts without their Affirmative Consent, intentionally causing a person to touch the intimate parts of another without Affirmative Consent, or using a person's own intimate part to intentionally touch

Definitions of Other Sex-Based Misconduct in Education Programs and Activities and Employment In addition to Title IX Sexual Harassment, each TCC Institution prohibits unwelcome sexual conduct, sex-based harassment, sexual violence, sexual exploitation, and retaliation for those individuals who meet the definition of Complainant and Respondent.	
California Sexual Violence Continued	<p>another person's body without Affirmative Consent.</p> <p>Intimate body parts include genitals, groin area, breasts, buttocks, anus, vulva, and mouth. (This type of conduct is not eligible for mediation as a form of agreement-based resolution in California).</p>
California Sexual Exploitation	<p>Sexual Exploitation includes a person taking sexual advantage of another person for the benefit of anyone other than that person without that person's consent, including, but not limited to, any of the following acts:</p> <ul style="list-style-type: none"> • The prostituting of another person. • The trafficking of another person, defined as the inducement of a person to perform a commercial sex act, or labor or services, through force, fraud, or coercion. • The recording of images, including video or photograph, or audio of another person's sexual activity or intimate parts, without that person's consent. • The distribution of images, including video or photograph, or audio of another person's sexual activity or intimate parts, if the individual distributing the images or audio knows or should have known that the person depicted in the images or audio did not consent to the disclosure. • The viewing of another person's sexual activity or intimate parts, in a place where that other person would have a reasonable expectation of privacy, without that person's consent, for the purpose of arousing or gratifying sexual desire. <p>Intimate body parts include genitals, groin area, breasts, buttocks, anus, vulva, and mouth.</p>
Stalking Based on Gender Identity, Gender Expression and Sexual Orientation	<p>Engaging in a course of conduct, on the basis of other sex-based protected categories (including sex, sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, gender identity and gender expression) directed at a specific person that would cause:</p> <ul style="list-style-type: none"> • a reasonable person to fear for the person's safety or the safety of others; or • suffer substantial emotional distress.

Definitions of Other Sex-Based Misconduct in Education Programs and Activities and Employment In addition to Title IX Sexual Harassment, each TCC Institution prohibits unwelcome sexual conduct, sex-based harassment, sexual violence, sexual exploitation, and retaliation for those individuals who meet the definition of Complainant and Respondent.	
Other/California Dating Violence	See the definition of Title IX Dating Violence. The conduct must occur outside of the jurisdiction of Title IX and the parties must meet the definitions of “Complainant” and “Respondent.”
Other/California Domestic Violence	See the definition of Title IX Domestic Violence. The conduct must occur outside of the jurisdiction of Title IX and the parties must meet the definitions of “Complainant” and “Respondent.”

Definitions of California Prohibited Harassment in Employment For TCC Institutions that have adopted this Policy for their employees, these TCC Institutions prohibit California Sex-Based Harassment in Employment that occurs:	
<ul style="list-style-type: none"> • In the workplace (including the remote workplace during working time) or anywhere on the TCC Institution’s property while employees are working; • Off-campus, if the Prohibited Conduct in employment occurred during a TCC Institution’s work event, activity, program, or event; or • Off-campus, if the off-duty Prohibited Conduct in employment by a supervisor has or reasonably may have the effect of creating a hostile work environment for an employee. 	
California Sex-Based Harassment in Employment	<p>Any unwelcome behavior towards an employee (which for this definition includes a student-employee in their capacity as an employee), applicant for employment, unpaid intern, contractor or volunteer, that is reasonably regarded as offensive, that is based on sex (for this definition sex includes sex, sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, gender identity and gender expression) and that:</p> <p>Sufficiently offends, humiliates, distresses, or intrudes upon its victim, so as to disrupt the victim’s emotional tranquility in the workplace, or,</p> <p>Affects the victim’s ability to perform the job as usual, or,</p> <p>Otherwise interferes with and undermines the victim’s personal sense of well-being.</p> <p>For California Sex-Based Harassment in employment, a single incident of harassing conduct based on sex may create a hostile work environment if the harassing conduct has unreasonably interfered with the victim’s work performance or created an intimidating, hostile, or offensive work environment. Whether or not the person meant to give offense or believed their comments or conduct were welcome is not significant. Rather, the Policy is violated when other individuals, whether recipients or mere observers of the conduct, are actually offended by comments or conduct based on sex and the conduct is considered offensive by a reasonable person.</p>

Definitions of California Prohibited Harassment in Employment For TCC Institutions that have adopted this Policy for their employees, these TCC Institutions prohibit California Sex-Based Harassment in Employment that occurs:	
<ul style="list-style-type: none"> • In the workplace (including the remote workplace during working time) or anywhere on the TCC Institution's property while employees are working; • Off-campus, if the Prohibited Conduct in employment occurred during a TCC Institution's work event, activity, program, or event; or • Off-campus, if the off-duty Prohibited Conduct in employment by a supervisor has or reasonably may have the effect of creating a hostile work environment for an employee. 	
California Sex-Based Harassment in Employment Continued	<p>Examples of conduct that may constitute California Sex-Based Harassment in employment may include, but are not limited to:</p> <ul style="list-style-type: none"> • Unwanted physical touching; • Telling sexually explicit jokes or stories; • Making comments or gestures reasonably regarded as lewd or offensive; • Displaying sexually suggestive objects, cartoons, or pictures; • Sending sexually explicit messages by letter, notes, electronic mail, social media posting, or telephone; • Making unwelcome comments reasonably regarded as offensive about a person's body, physical appearance, or clothing; • Frequent use of unwelcome terms of endearment; or • Repeatedly asking an individual for a date or meetings outside of working hours after they have indicated an unwillingness to go.

Definition of Prohibited Retaliation Each TCC Institution prohibits Retaliation for those individuals who meet the definition of Complainant and Respondent.	
Retaliation	<p>TCC Member Institutions prohibit retaliation against any person opposing Prohibited Conduct or participating in any Prohibited Conduct Resolution Process, including an investigation, whether internal or external to a TCC Member Institution.</p> <p>No recipient or other person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX or this Policy, or because the individual has made a report</p>

Definition of Prohibited Retaliation Each TCC Institution prohibits Retaliation for those individuals who meet the definition of Complainant and Respondent.	
Retaliation Continued	<p>or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this Policy. Intimidation, threats, coercion, or discrimination, including charges against an individual for code of conduct violations that do not involve sex discrimination or Sexual Harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or formal complaint of Sexual Harassment, for the purpose of interfering with any right or privilege secured by Title IX or this Policy, constitutes Retaliation.</p> <p>Retaliation includes threats, intimidation, harassment, coercion, discrimination, violence, or any other conduct against any person by a TCC Member Institution, a student, or an employee or other person authorized by a TCC Member Institution to provide aid, benefit, or service under any TCC Member Institution's education program or activity, for the purpose of interfering with any right or privilege secured by this Policy, or because the person has reported information, made a Complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this Policy, including the Agreement-Based Resolution Process, Investigation and Hearing Resolution Process, and in any other action taken by a TCC Member Institution to promptly and effectively end any Prohibited Conduct in its education program or activity, prevent its recurrence, and remedy its effects. Retaliation does not include perceived or petty slights, or trivial annoyances.</p> <p>This Policy also applies to peer retaliation, which is defined as retaliation by a TCC student against another TCC student.</p> <p>A TCC Member Institution may require an employee or other person authorized by the TCC Member Institution to provide aid, benefit, or service under the TCC Institution's education program or activity to participate as a witness in, or otherwise assist with, an investigation, proceeding, or hearing under this Policy.</p>

V. Conflict of Interest or Bias

Any individual responsible for carrying out any part of this Policy shall be free from any actual conflict of interest or demonstrated bias that would impact the handling of a matter.

Should any Party believe that any designated Investigator, Hearing Decisionmaker, Appeal Decisionmaker, or Sanctions Decisionmaker (for cases where Respondent has accepted responsibility pursuant to Section XIII.C.) has a conflict of interest or bias for or against complainants or respondents generally or an individual Complainant or Respondent, they must notify the TCC Title IX Administrator of their objection in writing within three (3) business days from the date the individual's identity is shared with the Parties.

If any Party believes that their Home Institution Title IX Coordinator or the TCC Title IX Administrator has a conflict of interest or bias for or against complainants or respondents generally or an individual Complainant or Respondent, they must notify the TCC Title IX Administrator (regarding Home Institution Title IX Coordinator), or the appropriate TCC official (regarding the TCC Title IX Administrator) as soon as possible upon discovery of an actual conflict of interest or bias.

The TCC Title IX Administrator will consider and resolve any objections, except any objections to the TCC Title IX Administrator, which will be assigned to the appropriate official. If the objection is substantiated with regard to an Investigator or Decisionmaker, then a new Investigator or Decisionmaker will be designated, and the Parties will be notified of this decision in writing. If the objection to a Home Institution Title IX Coordinator or the TCC Title IX Administrator is substantiated, the role will be reassigned to an appropriately designated official for purposes of completing and finalizing the matter at issue.

Should the Complainant's Home Institution Title IX Coordinator or the Respondent's Home Institution Title IX Coordinator have a conflict of interest, they shall immediately notify the designated official at their TCC Institution who will either take, or reassign, the role of their Party's Title IX Coordinator for purposes handling and finalizing the matter at issue. Should the TCC Title IX Administrator have a conflict of interest, they will notify their designated official who will reassign the role accordingly.

VI. Supportive Measures

Each Party's Home Institution's Title IX Coordinator will be responsible for implementing Supportive Measures, as defined in this Policy, as appropriate for their Party (Complainant or Respondent), which are legally available to both Parties, and as applicable to restore or preserve the Party's access to any TCC Institution program or activity or provide support during the Resolution Process, including Agreement-Based Resolution Process, under this Policy.

The Complainant's Home Institution Title IX Coordinator shall, upon becoming aware of alleged Prohibited Conduct, 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 this Policy and their Home Institution's policies. Supportive Measures shall be offered to the Complainant, and the Complainant has the right under this Policy to request Supportive Measures, regardless of whether they desire to make a report or Complaint, have their allegations investigated, or seek Agreement-Based Resolution. In implementing any Supportive Measures, the Complainant's Home Institution's 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 report or Complaint made against them, 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 TCC Institution's ability to provide the Supportive Measures. For Cross-Campus Complaints, 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 discuss with the TCC Title IX Administrator to determine best approach to balance privacy and effectiveness.

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;
- Restrictions on contact and communication applied to one or more parties, including no contact directives (which may be mutual or unilateral, and at the discretion of each Party's Home Institution's Title IX Coordinator as set forth below);
- Changes in class, work, housing, or extracurricular or any other activity, regardless of whether there is or is not a comparable alternative;
- Training and education programs related to Prohibited Conduct;
- Leaves of absence;
- Increased security and monitoring of certain areas of campus; and,
- Other similar measures determined by the Parties' Home Institution's Title IX Coordinator(s) based on the specific facts of each case.

A. Specific Requirements for No Contact Orders

A No Contact Order (NCO) is a documented directive issued by a Party's Home Institution's Title IX Coordinator that is designed to limit or prohibit contact or communications between the Parties. An NCO may be mutual or unilateral, with the exception that an NCO issued as either a sanction or remedy shall be unilateral, directing that the Respondent to not contact the Complainant.

For cases of Prohibited Conduct involving only students:

- When requested by a Complainant or otherwise determined to be appropriate, the Respondent's Home Institution's Title IX Coordinator shall issue an interim, unilateral NCO prohibiting the Respondent from contacting the Complainant during the pendency of the Resolution Process under this Policy, including any appeal.
- A Home Institution Title IX Coordinator shall not issue an interim mutual NCO automatically, but instead shall consider the specific circumstances of each case to determine whether a mutual NCO is necessary or justifiable to protect the noncomplaining Party's safety or well-being, or to respond to interference with the Resolution Process. Upon issuance of an interim mutual NCO, the Party's Home Institution's Title IX Coordinator shall provide the Parties with a written justification for the mutual NCO and an explanation of the terms of the NCO, including the circumstances, if any, under which a violation of the NCO could be subject to disciplinary action.

Any Party's non-compliance with the parameters of Supportive Measure(s), such as no contact orders, may be referred by either Party's Home Institution's Title IX Coordinator to the appropriate TCC Institution department for review and investigation as to whether the alleged conduct violates the TCC Institution's code of conduct (student), handbook policy (employee), or other applicable policies. Violations may result in sanctions or discipline.

VII. Resources

TCC students and/or employees may wish to speak with a confidential resource. Access to support, including confidential support, is available regardless of whether they make a report or Complaint, or engage in the Resolution Process under this Policy. Below is a list of the available on- and off-campus resources, both confidential and non-confidential. All resources are confidential and available to 7C students unless otherwise noted. Each TCC Institution may have additional resources available to its students and/or employees. Contact the Home Institution Title IX Coordinator for more information. More information, including disclosing Prohibited Conduct to a Confidential Resource, may be found in the following Section VIII. Reporting Prohibited Conduct.

A. On-Campus Resources

1. Resources for Students

- **EmPOWER Center**
1030 Dartmouth Avenue
(909) 607-2689
www.7csupportandprevention.com
Director, Rima Shah; RShahEmPOWER@claremont.edu
- **Monsour Counseling and Psychological Services(MCAPS)**
Tranquada Student Services Building
755 N. College Way
(909) 621-8222 (For after-hours emergency, press 1 to be connected to the on-call therapist.)
<https://services.claremont.edu/mcaps/>
Available only to the 5Cs*
- **TimelyCare**
(24/7 medical and mental telehealth care for all students, at no cost)
<https://app.timelycare.com/auth/login>
- **The Chaplains for The Claremont Colleges**
McAlister Center
919 N. Columbia Avenue
(909) 621-8685
chaplains@claremont.edu
<https://services.claremont.edu/chaplains/>
- **Queer Resource Center (the “QRC”)**
Walton Commons
395 E. 6th Street
(909) 609-1817
For confidential matters, contact the QRC’s Director, Bri Serrano (Bri.serrano@pomona.edu)
For non-confidential matters, contact qrc@claremont.edu
<https://colleges.claremont.edu/qrc/>

- **Student Health Services**
Tranquada Student Services Center – 1st Floor
757 College Way Claremont, CA 91711
(909) 621-8222
shsrecords@claremont.edu
<https://services.claremont.edu/student-health-services/>
Available only to the 5Cs and limited confidentiality²

2. Confidential Resources for Staff and Faculty

- **Employee Assistance Program (EAP)**
(800) 234-5465
www.liveandworkwell.com
Please contact your Human Resources department for access code*
- **The Chaplains for The Claremont Colleges**
McAlister Center
919 N. Columbia Avenue
(909) 621-8685
chaplains@claremont.edu
<https://services.claremont.edu/chaplains/>

B. Off-Campus and Community-Based Resources

1. Services and Support for Sexual Assault

- **Project Sister Sexual Assault 24/7 Crisis Hotline (Pomona, CA) (Sexual Violence)**
Project Sister Family Services provides services to women, men, and child survivors of sexual violence, and their families, in the East San Gabriel and Inland Valleys in Southern California. Project Sister works with local law enforcement, district attorneys, courts, hospital and health care providers, schools, churches and other community groups and agencies. Its mission is to reduce the trauma and risk of sexual violence and child abuse. All services are provided in both English and Spanish.
(800) 656-4673
(909) 626-HELP ((909) 626-4357)
<https://projectsister.org/>

² Under California law, any health practitioner employed in a health facility, clinic, physician's office, or local or state public health department or clinic is required to make a report to local law enforcement if they provide medical services for a physical condition to a person who they know or reasonably suspect is suffering from: (1) a wound or physical injury inflicted by a firearm; or (2) any wound or other physical injury where the injury is the result of assaultive or abusive conduct (including Sexual Assault, and Dating and Domestic Violence). This requirement does not apply to sexual assault and domestic violence counselors and advocates.

➤ **Peace Over Violence (Sexual Assault, Dating/Domestic Violence, & Stalking) (Los Angeles, CA)**

The Los Angeles Rape and Battering hotline is a confidential non-judgmental resource where staff and volunteers are available to provide emotional support, advocacy, information and referrals.

24/7 Hotline: English, Spanish, and ASL

(213) 626-3393 (Central Los Angeles)

(310) 392-8381 (South Los Angeles)

(626) 793-3385 (West San Gabriel Valley)

<https://www.peaceoverviolence.org/>

➤ **RAINN National Sexual Assault Crisis Hotline (Rape, Abuse & Incest National Network)**

(800) 656-HOPE ((800) 656-4673)

<https://rainn.org/about-national-sexual-assault-telephone-hotline>

2. Services and Support for Dating and Domestic Violence

➤ **House of Ruth (Dating and Domestic Violence) (Pomona, CA)**

(877) 988-5559 (toll-free hotline)

(909) 623-4364 (Pomona Outreach Office)

<https://www.houseofruthinc.org>

➤ **National Domestic Violence Hotline**

(800) 799-SAFE (7233)

(800) 787-3224 (TTY)

<https://www.thehotline.org/>

3. Medical Resources

➤ **Pomona Valley Health Center**

1798 North Garey Avenue

Pomona, CA 91767

(909) 865-9500

<https://www.pvhmc.org/>

Medical staff may have reporting obligation to law enforcement (See FN 2 above).

VIII. Reporting Prohibited Conduct

A. Reporting Prohibited Conduct Directly to the Home Institution's Title IX Coordinator

Any person may report Prohibited Conduct under this Policy. The individual reporting the Prohibited Conduct need not be the individual subjected to the alleged misconduct. However, only the following individuals have the right to make a Formal Complaint alleging Title IX Sexual Harassment, a Complaint of Other Sex-Based Harassment, or Complaint of Retaliation, as defined by this Policy in Section XXII,

requesting that the TCC Institution investigate and make a determination about alleged Prohibited Conduct under this Policy:

1. A Complainant, as defined by this Policy in Section XXII;
2. A parent, guardian, or other authorized legal representative with the legal right to act on behalf of a Complainant;
3. The Complainant's Home Institution's Title IX Coordinator upon making case-specific analysis as described in Section IX.C. and
4. For Cross-Campus allegations of Prohibited Conduct, the Respondent's Home Institution's Title IX Coordinator, and upon consultation with the Complainant's Home Institution's Title IX Coordinator.

Any person wishing to report or file a Complaint of Prohibited Conduct may do so utilizing the contact information of their Home Institution Title IX Coordinator found in Section II.A. These reports or Complaints shall be accepted when received in-person, via mail, electronic mail, telephone, electronic incident report submission, and/or by any other means clearly defined by TCC. Reporting alleged Prohibited Conduct or filing a Complaint may be done orally or in writing. A report of Prohibited Conduct does not necessarily constitute a Complaint and will not automatically initiate the resolution process procedures under this Policy. The "Resolution Process" refers to the process initiated upon receipt of information regarding allegations of Prohibited Conduct. The resolution options available in the Resolution Process under this Policy are outlined in Section XIII.

Upon receipt of a report or Complaint of Prohibited Conduct, the Complainant's Home Institution's Title IX Coordinator will respond in accordance with Section IX.

B. Disclosing Prohibited Conduct to a Confidential Resource

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

A disclosure to a Confidential Resource does not result in any report or initiation of the Resolution Process unless requested by the disclosing individual.

There are two types of Confidential Resources at TCC.

1. Confidential Resources with the Legal Privilege of Confidentiality

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

Under California law, any health practitioner employed in a health facility, clinic, physician's office, or local or state public health department or clinic is required to make a report to local law enforcement if they provide medical services for a physical condition to a person who they know or reasonably suspect is suffering from: (1) a wound or physical injury inflicted by a firearm; or (2) any wound or other physical

injury where the injury is the result of assaultive or abusive conduct (including Sexual Assault, and Dating and Domestic Violence).

This requirement does not apply to sexual assault and domestic violence counselors and advocates.

Examples of Confidential Resources with the legal privilege of confidentiality at TCC include, but are not limited to: Chaplains, Monsour Counseling and Psychological Services (MCAPS), and Student Health Services (SHS) (subject to reporting obligation above).

2. Institution-Designated Confidential Resources

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

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

Examples of Institution-designated Confidential Resources at TCC include, but are not limited to: the Director of the EmPOWER Center and the Director of the Queer Resource Center (QRC).

Some campus advocates are Institution-designated Confidential Resources. All campus Advocates, however, are private resources, and do not have an obligation to share any information with the Title IX Coordinator. Please check with your individual TCC institution for a definitive list of confidential resources.

A list of on and off-campus confidential and private resources is included in Section VII, and each TCC Home Institution's Title IX Coordinator maintains a list of additional, TCC Institution-based confidential resources available to its Institution's students and employees.

C. Reporting Prohibited Conduct to a TCC Institution Employee and Their Reporting Obligations

Employees should refer to their own TCC Institution's Responsible Employee Policy.

D. Amnesty for Student Conduct Charges when Reporting Prohibited Conduct Under this Policy

An individual who makes a report of Prohibited Conduct to the Title IX Coordinator or who participates in an investigation of Prohibited Conduct as Complainant or witness, will not be subject to disciplinary action for a violation of their Home TCC Institution's student conduct policy that occurred at or around the time of the incident, unless the Party or witness' Home TCC Institution determines that the violation was egregious, including, but not limited to, an action that placed the health or safety of any other person at risk, or involved plagiarism, cheating, or academic dishonesty. The Party or witness' Home TCC Institution may suggest an educational conference where support, resources, and educational counseling options may be

discussed and potentially require a learning action plan for an individual who has engaged in the illegal or prohibited use of alcohol or drugs.

E. Reporting to Law Enforcement and Concurrent Criminal Investigations

Some Prohibited Conduct may constitute a violation of both the law and this Policy. TCC encourages individuals to report alleged crimes promptly to local law enforcement agencies should they wish to do so. All persons have the right to file with law enforcement, as well as the right to decline to file with law enforcement. The decision not to file shall not be considered as evidence that there was not a violation of this Policy. Filing a complaint with law enforcement does not relieve TCC of its responsibility to address reported concerns or complaints under this Policy.

Criminal investigations may be useful in the gathering of relevant evidence, particularly forensic evidence. The standards for finding a violation of criminal law are different from the standards for finding a violation of this Policy. Conduct may constitute Prohibited Conduct under this Policy even if law enforcement agencies lack sufficient evidence of a crime and decline to prosecute.

Proceedings under this Policy may be carried out prior to, simultaneously with, or following civil or criminal proceedings off campus. A Complainant may make a report or Complaint under this Policy and also file a complaint with law enforcement at the same time. However, when a Complaint is made under this Policy, as well as to law enforcement, TCC may delay its process for a reasonable amount of time if a law enforcement agency requests this delay to allow law enforcement to gather evidence of criminal misconduct. Such delay would constitute good cause for extending the timeline. Criminal or legal proceedings are separate from the processes in this Policy and do not determine whether this Policy has been violated.

All investigations and determinations under this Policy will be thorough, reliable and impartial, and will seek to collect evidence and names of witnesses to gather information that is relevant to whether the alleged Policy violation occurred and will not be based on the grounds that civil or criminal charges involving the same incident have been filed or that charges have been dismissed or reduced.

In the case of an emergency, where the physical well-being of a member of the TCC community or the safety of any TCC Institution is threatened, any individual with such knowledge should promptly contact The Claremont Colleges Campus Safety at (909) 607-2000 or (909) 607-7233 (SAFE), or 911. TCC may take any immediate steps as may be necessary and appropriate under the circumstances to ensure the well-being of the TCC community and TCC as a consortium.

IX. Response to a Report or Complaint of Prohibited Conduct

A. Initial Contact by the Complainant's Home Institution's Title IX Coordinator

Following receipt of a report or Complaint alleging Prohibited Conduct under this Policy, the Complainant's Home Institution's Title IX Coordinator will contact the Complainant to request to meet with them for an initial intake and assessment meeting, and will provide the following information in their outreach to Complainant:

An invitation to meet with Complainant's Home Institution's Title IX Coordinator to offer assistance and explain their rights, resources, and options under this Policy;

Access to this Policy via link or attachment;

Information regarding available campus and community-based resources for counseling, health care, mental health, or victim advocacy. Upon request, information regarding legal assistance, visa and immigration assistance, student financial aid and other available services may be provided;

The availability of Supportive Measures regardless of whether a Complaint is filed and/or any Resolution Process is initiated;

Information regarding resolution options (Support-Based, Agreement-Based, and Investigation and Hearing Resolution) under this Policy, how to initiate such Resolution Processes including how to file a Formal Complaint to invoke the Title IX Procedural Requirements; and how those procedures work, including contacting and interviewing Respondent and seeking identification and location of witnesses;

The right to notify law enforcement as well as the right not to notify law enforcement;

The importance of preserving evidence and, in the case of potential criminal misconduct, how to get assistance from TCC Campus Safety or local law enforcement in preserving evidence;

The right to have a Support Person and/or Advisor during any meetings or proceedings under this Policy, including the initial meeting with the Complainant's Home Institution's Title IX Coordinator; as well as the right to consult with an attorney, at their own expense, at any stage of the process if they wish to do so; and

A statement that Retaliation for reporting a concern, filing a Complaint, or participating in the Complaint process, is prohibited.

If the Title IX Coordinator who received the report is different from the Complainant's Home Institution's Title IX Coordinator, then the Title IX Coordinator who received the report will forward the report to the appropriate Home Institution Title IX Coordinator.

B. Initial Intake Meeting and Assessment

A Complainant, or another individual reporting the potential Prohibited Conduct (Reporting Party),³ may meet with their Home Institution's Title IX Coordinator for the purposes of discussing their reporting options, Supportive Measures, and resolution options under this Policy. The primary concern during the intake meeting shall be safety, and a trauma-informed approach shall be used while meeting with the Complainant.

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

1. Assistance with immediate safety concerns, care and support resources, medical providers, and law enforcement;
2. Supportive Measures; and

³ Upon receipt of a report of Prohibited Conduct made by an individual other than the Complainant (referred to as the "Reporting Party" in this instance), and the Complainant's identity is disclosed within the report, or is otherwise known to the Complainant's Home Institution's Title IX Coordinator, Complainant's Home Institution's Title IX Coordinator may meet or communicate with the Reporting Party that they will contact Complainant to offer to meet with them. If Complainant's identity is not disclosed in the report, the Complainant's Home Institution's Title IX Coordinator may request that information from the Reporting Party, who may decide whether or not to disclose this information to the Complainant's Home Institution's Title IX Coordinator.

3. Procedures for determining next steps and appropriate resolution options under this Policy, including Agreement-Based Resolution options.

During this initial meeting, or in a separate follow-up meeting, the Complainant's Home Institution Title IX Coordinator will gather preliminary information about the nature of the circumstances or the report to determine appropriate next steps, including appropriate Supportive Measures, whether this Policy applies, and if so, which resolution option(s) may be appropriate based on the allegations and status of the Parties. Information gathered may include names of individuals involved, date of incident(s), location of incident(s), and a description of the alleged incident. The Complainant's Home Institution's Title IX Coordinator may also determine that the provision of only Supportive Measures is the appropriate response under the Policy based on the information provided. The intake meeting is not intended to serve as an exhaustive interview, but rather to provide the Complainant's Home Institution's Title IX Coordinator with sufficient contextual information to determine the appropriate next steps to support the Complainant and to guide the TCC Institution's response. The initial assessment is not a finding of fact or responsibility. If the individual bringing forward the report or Complaint is not the actual Complainant, the Complainant's Home Institution's Title IX Coordinator will limit communication to general information regarding this Policy.

Should the Complainant wish to initiate a Resolution Process, the Complainant's Home Institution's Title IX Coordinator will determine whether this Policy applies and, if so, the appropriate Resolution Process under this Policy. The Complainant's Home Institution's Title IX Coordinator will communicate to the Complainant the determination whether to initiate the Resolution Process, close the matter due to insufficient information to warrant further review under this Policy, and/or refer the matter for handling under a different policy, and/or appropriate TCC Institution office for handling, pursuant to the dismissal provisions of this Policy in Section X. The Complainant's Home Institution's Title IX Coordinator will make reasonable efforts to clarify the allegations with the Complainant prior to any determination to close, dismiss, or refer the report or Complaint.

If the reported information involves a student or employee Respondent from a different TCC Institution, then the Complainant's Home Institution's Title IX Coordinator and Respondent's Home Institution's Title IX Coordinator will jointly make the initial assessment and determination.

C. Request for Confidentiality or No Further Action; Complaints Initiated by the Title IX Coordinator

When a Complainant requests that their Home Institution's Title IX Coordinator not use their name as part of any Resolution Process, or that their Home Institution Title IX Coordinator not take any further action, the Complainant's Home Institution's Title IX Coordinator will take the requests seriously and generally grant the request where permitted by law, while at the same time considering the TCC Institution's responsibility to provide safe and nondiscriminatory access to TCC Institution programs and activities, including learning and work environments.

However, the Complainant's Home Institution's Title IX Coordinator and TCC Institution's ability and options to address Complainant's concerns will be limited if the Complainant's identity cannot be shared with the Respondent. For example, an equitable and fair ABR process or Investigation and Hearing Resolution process would not be feasible resolution options without disclosing the Complainant's identity to the Respondent.

Also, there are circumstances where a Complainant may not want to pursue an investigation, however, their Home Institution's Title IX Coordinator determines there is a broader obligation to the TCC community and may need to act against the wishes of the Complainant. In determining whether to disclose

Complainant's identity or proceed to an investigation or file a Formal Complaint over the objection of Complainant, the Home Institution's Title IX Coordinator and/or TCC may consider the following:

1. The Complainant's request not to proceed with initiation of a Complaint or investigation process;
2. The Complainant's reasonable safety concerns if their identity is disclosed or an investigation process is initiated;
3. The risk that additional acts of Prohibited Conduct would occur if a Complaint is not initiated;
4. Whether there are multiple or prior reports of the same or similar Prohibited Conduct against the Respondent;
5. The severity of the alleged Prohibited Conduct, including whether the Prohibited Conduct, if established, would require the removal of a Respondent from campus or imposition of another disciplinary sanction to end the Prohibited Conduct and prevent its recurrence; or if Respondent reportedly used a weapon, physical restraints, or engaged in physical assault;
6. The age and relationship of the Parties, including whether the Respondent is an employee of a TCC Institution, and whether there is an identifiable power differential between Complainant and Respondent (with regard to positional authority or employment);
7. The scope of the alleged Prohibited Conduct, including information suggesting a pattern, ongoing Prohibited Conduct, or Prohibited Conduct alleged to have impacted multiple individuals;
8. Whether the TCC Institution is able to conduct a thorough investigation under this Policy and obtain relevant evidence in the absence of Complainant's participation and cooperation;
9. The availability of evidence to assist a Hearing Decisionmaker in determining whether Prohibited Conduct occurred;
10. Whether the Parties' Home Institution's Title IX Coordinator(s) and Parties' TCC Home Institution could end the alleged Prohibited Conduct and prevent its recurrence without initiating its Investigation and Hearing Resolution procedures under this Policy; and,
11. Whether the alleged Prohibited Conduct presents an imminent and serious threat to the health or safety of the Complainant or other persons, or that the conduct as alleged prevents any TCC Institutions from ensuring equal access on the basis of sex to its education programs or activities.

If the Complainant's Home Institution's Title IX Coordinator determines that it can honor the Complainant's request for confidentiality, it shall still take reasonable steps to respond to the report, consistent with the request, to limit the effects of the alleged Prohibited Conduct and prevent its recurrence without initiating formal action against the alleged Respondent or revealing the identity of Complainant. These steps may include increased monitoring, supervision, or security at locations or activities where the alleged Prohibited Conduct occurred; providing additional training and education materials for students and employees; or conducting climate surveys regarding sexual misconduct.

The Complainant's Home Institution Title IX Coordinator and TCC Institution shall also take immediate steps to provide for the safety of Complainant while keeping Complainant's identity confidential as appropriate. These steps may include changing living arrangements or course schedules, assignments, or

tests. Complainant shall be notified that the steps TCC will take to respond to the complaint will be limited by the request for confidentiality.

If the Complainant's Home Institution's Title IX Coordinator determines that it must disclose Complainant's identity to the Respondent or proceed with an investigation, they will inform Complainant, in writing, prior to making this disclosure or initiating taking any action. The Complainant's Home Institution's Title IX Coordinator and TCC Institution shall also take immediate steps to provide for the safety of Complainant where appropriate. In the event Complainant requests that Complainant's Home Institution's Title IX Coordinator inform Respondent that Complainant asked the Complainant Home Institution's Title IX Coordinator not to investigate or seek discipline, the Complainant's Home Institution's Title IX Coordinator will honor this request.

D. Emergency Removal for Title IX Sexual Harassment

In certain circumstances, a Respondent's Home Institution may remove a Respondent from a TCC Institution's education program or activity on an emergency basis. In Cross-Campus matters where all Parties are students, the Complainant's Home Institution's Title IX Coordinator or designee, shall be consulted and given the opportunity to participate in every step of the emergency removal process, including participating in all communications, meetings, and correspondence regarding the individualized safety and risk assessment. An emergency removal is not equivalent to a determination of responsibility, nor is it a sanction for alleged behavior. The Respondent's Home Institution can pursue an emergency removal of a student and/or employee, including students in their capacity as student employees, Respondent regardless of whether a Complaint is filed, or before or after the filing of a Complaint.

Emergency removals in Title IX Sexual Harassment cases will occur only after the Respondent's Home TCC Institution has completed the following steps:

1. **Completion of an individualized safety and risk analysis.** This analysis will focus on the specific Respondent and the specific circumstances arising from the allegations of Prohibited Conduct.
2. **Determination that the following three components are present:**
 - a) An imminent and serious 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.
 - b) The threat is to the health or safety of a TCC Institution's students, employees, or other persons. This may be the Complainant, the Respondent, or any other individual.
 - c) And it is a threat arising from the allegations of Prohibited Conduct. For purposes of emergency removal under this Policy, the emergency situation must specifically arise from the allegations of Prohibited Conduct.
3. **Consideration of the appropriateness of Supportive Measures in lieu of an emergency removal.** Emergency removals should only occur when there are genuine and demonstrated emergency situations.
4. **Respondent's Home Institution provides the Respondent with notice and an**

opportunity to appeal the decision immediately following the emergency removal. The Respondent's Home Institution will provide the Respondent with a sufficiently detailed notice, notifying the Respondent of the identified imminent and serious threat of health or safety to any individuals. Pursuant to the process identified in the applicable student conduct code, employee handbook, or similar policy of the Respondent's Home Institution, Respondent's Home Institution will provide the Respondent with notice and the opportunity to appeal the emergency removal decision immediately following the removal. The Respondent may challenge the decision by notifying their Home Institution Title IX Coordinator in writing.

E. Administrative Leave (Only Employees Covered by this Policy)

For TCC Institution employees subject to this Policy, a TCC Institution may place an employee Respondent on administrative leave in response to a reported concern while a resolution is pending under this Policy. At the discretion of the Respondent's Home Institution, the Respondent's Home Institution can place an employee Respondent on administrative leave regardless of whether a Complaint is filed, or before or after the filing of a Complaint. A TCC student who is also an employee subject to this Policy can be placed on administrative leave with respect to their employment, but administrative leave cannot impact their educational access, removal from which must be pursuant to the emergency removal provisions outlined in Section IX.D.

For employees subject to this Policy, their Home Institution has its own process for implementing administrative leave.

Placement on administrative leave is not equivalent to a determination of responsibility, nor does it constitute discipline for alleged behavior prior to the conclusion of the Resolution Process under this Policy.

F. Student Withdrawal or Employee Resignation While Matters Are Pending

If a student or employee Respondent that is subject to this Policy withdraws or resigns from their TCC Institution with unresolved allegations pending, regardless of the stage of the process, the Complainant and Respondent's Home Institution Title IX Coordinators will consider whether and how to proceed with the Resolution Process. This includes the decision whether to continue with the pending Resolution Process through conclusion, to the extent possible, or to dismiss or terminate the Complaint and Resolution Process.

Each Party's Home Institution Title IX Coordinator will continue to address and remedy any systemic issues or concerns that may have contributed to the alleged violation(s) and any ongoing effects of the alleged Prohibited Conduct.

Subject to the discretion of the Respondent's Home Institution, a student Respondent who withdraws or leaves at any point during the Resolution Process may not return to their TCC Home Institution without first resolving any pending allegations of Prohibited Conduct under this Policy. Such exclusion may apply to all TCC Institutions, and any TCC Institution programs, and activities. The Respondent's TCC Institution may place a registration hold, and/or notation on their transcript, or otherwise note their record indicating that they withdrew or left TCC pending the process under this Policy.

An employee Respondent who is subject to this Policy who resigns without resolving pending allegations of Prohibited Conduct under this Policy, regardless of the stage of the process, may not be eligible for rehire with that TCC Institution and the records retained by the Home Institution Title IX Coordinator and Human Resources Office may reflect that status. Responses to future inquiries regarding employment references for employees covered by this Policy may include that the former employee resigned or left their employment during a pending process.

X. Closure or Dismissal of a Complaint

Except as provided under Mandatory Dismissal in Section XIV.A.9.d), the Complainant's Home Institution's Title IX Coordinator may dismiss a report, Complaint, or any included allegations, at any time after the report or Complaint is made, including during the Investigation and Hearing Resolution process, if it is determined that:

1. The Complainant's Home Institution's Title IX Coordinator is unable to identify the Respondent after taking reasonable steps to do so;
2. The Respondent is not participating in any TCC Institution education programs or activities, is no longer enrolled at any TCC Institution, and/or is not employed by a TCC Institution;
3. The Complainant voluntarily withdraws their Complaint in writing, and the Complainant's Home Institution's Title IX Coordinator determines they will not continue with the Complaint process against Complainant's wishes;
4. The Complainant voluntarily withdraws, in writing, some but not all allegations in a Complaint, and the Complainant's Home Institution's Title IX Coordinator determines that the conduct that remains alleged in the Complaint would not constitute Prohibited Conduct under this Policy;
5. The Complainant's Home Institution Title IX Coordinator determines the conduct alleged in the Complaint, even if proven, would not constitute Prohibited Conduct under this Policy, or
6. Specific circumstances prevent a TCC Institution or TCC from gathering evidence sufficient to reach a determination as to the allegations.

Before dismissing a Complaint, the Complainant's Home Institution's Title IX Coordinator will make reasonable efforts to clarify the allegations with the Complainant.

A decision to dismiss a Complaint or close a matter based on any of the above-listed factors is made at the discretion of the Complainant's Home Institution's Title IX Coordinator, in consultation with the TCC Title IX Administrator. The Respondent's Home Institution's Title IX Coordinator will also be consulted for decisions involving Cross-Campus Complaints.

Upon decision to dismiss the Complaint, which may effectively terminate a pending Investigation and Hearing Resolution process, the TCC Title IX Administrator will promptly notify the Complainant in writing of the basis for the dismissal. If the dismissal occurs after the Respondent has been notified of the allegations, then the TCC Title IX Administrator will notify the Parties simultaneously, in writing. If a dismissal of one or more allegations changes the appropriate Resolution Process under this Policy, then the TCC Title IX Administrator will also include that information in the notification.

The TCC Title IX Administrator will notify the Complainant that a dismissal may be appealed on any of the appeal grounds outlined in the Appeals Rights and Process Section XVII.A. If dismissal occurs after the Respondent has been notified of the allegations, then the TCC Title IX Administrator will also notify the Respondent of the dismissal and that the dismissal may be appealed on the same basis. If a dismissal is appealed by any Party, TCC will follow the appeal procedures, as applicable, outlined in Section XVII of this Policy.

Even when a Complaint is dismissed, the Complainant's Home Institution's Title IX Coordinator will, at a minimum:

1. Offer Supportive Measures to the Complainant, as appropriate;
2. If the Respondent has been notified of the Complaint or allegations, the Respondent's Home Institution's Title IX Coordinator (if different) will offer Supportive Measures to the Respondent, as appropriate; and
3. Take other prompt and effective steps, as appropriate, through the Home Institution Title IX Coordinator(s) to ensure that Prohibited Conduct does not continue or recur within the TCC Institution education programs or activities.

A Complainant who decides to withdraw a Complaint may later request to reinstate or refile the Complaint.

XI. Referrals for Other Misconduct Not Subject to this Policy

TCC has the discretion to refer complaints of misconduct not covered by or dismissed under this Policy for review under any other applicable TCC Institution-specific policy or code. As part of any such referral for further review and handling, the TCC Institution may use evidence already gathered through any process covered by this Policy.

For Complaints dismissed under this Policy, including based on the Complainant's Home Institution's Title IX Coordinator's determination that the conduct alleged in the Complaint, even if proven, would not constitute Prohibited Conduct under this Policy, the Respondent's Home Institution may continue to investigate the allegations as a potential violation of another policy of Respondent Home Institution. If the Respondent's Home Institution elects to continue the investigation outside of this Policy, the TCC Title IX Administrator shall include this information in the written notice to the Parties describing this determination.

XII. Consolidation of Complaints and Allegations

TCC may consolidate Complaints as to allegations of Prohibited Conduct under the following two circumstances:

- Where there is a Complaint involving more than one Complainant and/or more than one Respondent, that arises from the same facts or circumstances; or,
- Where a Cross Complaint has been filed by a Respondent against a Complainant, that arises from the same facts or circumstances.

Where a Complaint or report involves more than one Complainant or more than one Respondent, references in this section to the singular "Party," "Complainant," or "Respondent" include the plural, as applicable.

A decision to consolidate matters based on any of the above-listed factors is made at the discretion of the TCC Title IX Administrator in consultation with the Parties' Home Institution Title IX Coordinator(s). If the TCC Title IX Administrator determines consolidation is appropriate, written notice must be provided to all Parties.

Where multiple policies may be implicated by the same set of facts or circumstances, TCC may bifurcate the proceedings in accordance with the requirements of the individual policies or the Resolution Process

described below. Additionally, where allegations made in a Complaint include both Prohibited Conduct that falls under this Policy and conduct that is outside of this Policy but is associated with alleged Prohibited Conduct under this Policy, TCC reserves the right to join all allegations and adjudicate all charges consistent with the procedures under this Policy. The Home Institution Title IX Coordinator(s) will address these consolidated complaints in collaboration and coordination with other appropriate offices, such as Student Conduct and/or Human Resources.

XIII. Resolution Options (Support-Based, Agreement-Based, Respondent's Acceptance of Responsibility, and Investigation and Hearing Resolution)

TCC recognizes that the decision of whether to engage in the Resolution Process, and which resolution process option to pursue is an important decision. This Policy provides multiple ways to resolve a report or complaint of Prohibited Conduct, including Support-Based Resolution, Agreement-Based Resolution, Respondent's acceptance of responsibility, and Investigation and Hearing Resolution options (collectively referred to as the "Resolution Process").

In response to a reported concern or Complaint alleging Prohibited Conduct, the Complainant's Title IX Coordinator will make initial contact pursuant to Section IX. Should Complainant choose to meet for an intake with Complainant's Title IX Coordinator, Complainant's Home Institution's Title IX Coordinator will provide Complainant with information regarding their rights and options under this Policy, including the available resolution options, and access to on-campus and community-based resources and support (both confidential and non-confidential). Complainant's Home Institution's Title IX Coordinator will explain how privacy and confidentiality are handled and discuss with Complainant which Support Measures and resolution options require disclosing Complainant's identity to Respondent (for example, implementing an NCO with Respondent).

During the Complainant's intake, and throughout the resolution process of a report or Complaint of Prohibited Conduct, each Party's Home Institution's Title IX Coordinator will determine what type of support may be available and appropriate to assist the Parties, including whether to implement reasonable Supportive Measures, Section VI.

A. Support-Based Resolution

There are circumstances where a Complainant may only wish to report the conduct to their Home Institution Title IX Coordinator and/or receive information regarding their rights and options, with no further action desired. Support-Based Resolution is an option for a Complainant who does not wish to take any further steps to address their concern, and when the Complainant's Home Institution's Title IX Coordinator determines that another form of resolution, or further action, is not required. Some types of support, which are referred to as Supportive Measures, that may be appropriate under this option include, but are not limited to: adjustments or changes to class schedules; relocation from one residence hall room or residence hall to another; adjusted deadlines for projects or assignments; adjustments to work schedule; safety escorts to and around campus; implementation of an NCO with Respondent, and/or counseling (Section VI.).

Support-Based Resolution does not preclude later use of another form of resolution by the Complainant under this Policy, for example if the Complainant later decides to file a Complaint and/or pursue the Agreement-Based Resolution Process (see below) or the Investigation and Hearing Process (see following Section XIV below). Additionally, if new information becomes available to the Complainant's Home Institution's Title IX Coordinator, they may reassess the concern and determine whether additional action is needed to address the report, including initiating the Investigation and Hearing Resolution process.

B. Agreement-Based Resolution⁴

The Agreement-Based Resolution (ABR) process is an alternative resolution option where the Parties each voluntarily agree to resolve the allegations or Complaint of Prohibited Conduct through a Resolution Agreement with agreed upon resolution terms and without engaging in an investigation or proceeding to a hearing where there is a determination of responsibility. No Party may be required to participate in the ABR, and it may never be a condition of enrollment, employment, or enjoyment of any other right or privilege of TCC. The Parties' Home Institution's Title IX Coordinators must determine that ABR is an appropriate resolution option. Generally speaking, ABR may be less time intensive than the Investigation and Hearing Resolution process, while affording Parties an opportunity to actively participate in a process that seeks to provide autonomy with regard to achieving a desired outcome. ABR is a voluntary, structured interaction between or among affected Parties.

1. General Information and Requirements for Engaging in Agreement-Based Resolution

Unless the allegations are subject to the Title IX Procedural Requirements, a Complaint is not required for ABR; however, the Complainant must articulate the allegations of Prohibited Conduct they wish to resolve through the process. Allegations subject to the Title IX Procedural Requirements require a Formal Complaint to be on file before proceeding with ABR.

The ABR process is generally expected to commence as soon as possible, and within 15 business days, after receipt of the Parties' agreement in writing to engage in the process. The process of facilitating and finalizing the Resolution Agreement will generally be completed within 30 business days, depending on the form of ABR, and may be extended by the TCC Title IX Administrator as appropriate. The length of time provided to complete the terms of the Resolution Agreement after the Agreement is finalized will vary depending on the terms and what the Parties have agreed upon. All Parties will be notified, in writing, of any extension and the reason for the extension. During the ABR process, all timeframes for any other stages under this Policy, including investigation, Evidence Review Process, or conducting the hearing will be paused to allow the Parties sufficient opportunity to engage in the ABR process.

The ABR options available under this Policy, include, but are not limited to: Facilitated Resolution Agreement, Mediation, and Restorative Justice. Each option is further described below and is led by a designated Facilitator who is appropriately trained on the ABR option and must not have any conflict of interest or bias for or against complainants or respondents generally or an individual Complainant or Respondent. The Parties' Home Institution Title IX Coordinator may serve as the Facilitator. The Investigator, Hearing Decisionmaker, or any other decisionmaker within the process for the same matter under this Policy may not serve as the Facilitator. Regardless of the elected option, the Parties may have a Support Person and/or Advisor present with them through the ABR process. The Facilitator and/or TCC reserves the right to exclude or remove a Support Person and/or Advisor who does not comply with this Policy during the ABR process. Unless they have decided to withdraw from the ABR process, the Parties are required to actively participate in the selected ABR process, including by attending the meetings, engaging with the Facilitator, providing timely responses, and completing any actions required in their ABR process.

The Facilitator will provide regular status updates to the Parties and the Home Institution's Title IX Coordinator(s), if applicable. The Home Institution Title IX Coordinator(s) will assist in managing the ABR process to the extent necessary to ensure the process is moving forward in a productive and timely manner,

⁴ Also referred to as Alternative Resolution Process.

and they will be available to the Parties should they have any questions or concerns throughout the ABR process.

If the matter is successfully resolved, the process concludes with a written Resolution Agreement outlining the resolution terms agreed upon by the Parties. The Home Institution Title IX Coordinator(s) must review and approve the Resolution Agreement. The ABR process concludes when the Resolution Agreement is signed by all Parties and the Home Title IX Coordinator(s), and upon sufficient completion of the agreed upon terms.

ABR may be initiated at any time during the Resolution Process prior to the release of the Hearing Decision Report. ABR does not include any determination made as to whether a Respondent engaged in the alleged Prohibited Conduct and/or violated this Policy.

The Home Title IX Coordinator(s) must still take other prompt and effective steps as needed to ensure that Prohibited Conduct does not continue or recur within the TCC Institution education program or activity even if the Parties voluntarily agree to engage in ABR.

2. Determining Appropriateness of Agreement-Based Resolution

It is important to note that there are circumstances where ABR, or a specific option under ABR, is not available or is determined not appropriate to resolve a report or Complaint of Prohibited Conduct. For Title IX Sexual Harassment allegations, ABR involving a student and an employee is not permitted. Under California law, mediation is not a permitted resolution option to resolve reports or Complaints involving allegations of Sexual Assault or California Sexual Violence.⁵ Instead, a Facilitated Resolution Agreement or Restorative Justice process are permitted options to resolve such allegations. Also, the Complainant's Home Institution Title IX Coordinator has discretion to not offer ABR to resolve a particular matter, or to determine that the ABR process is not appropriate based on the circumstances of the report or Complaint, and that the matter must instead be resolved through an alternate resolution process option, such as the Investigation and Hearing Resolution process. In situations involving Cross-Campus Complaints when the Home Institution Title IX Coordinators do not agree on the appropriateness of ABR, they may consult with the TCC Title IX Administrator. The Complainant's Home Institution's Title IX Coordinator makes the final decision on whether ABR is appropriate. In making this determination, the Complainant's Home Institution's Title IX Coordinator may consider the following: The severity of the allegations, whether there is an ongoing threat of harm or safety, or risk of future harm, to others in the campus community, whether there is an identifiable power differential (with regard to positional authority or employment) between the Parties, and whether the Parties are participating in good faith. This determination is not subject to appeal.

3. Right to Withdraw or Discretion to Terminate the Agreement-Based Resolution Process

Any Party may withdraw from the ABR process at any point before all Parties have signed the Resolution Agreement. Additionally, the Home Title IX Coordinator(s) have discretion to terminate the process when the Parties do not agree on the terms, it is determined that the process is no longer productive or that any Party is not engaging in good faith, or upon receipt of evidence or information that would make addressing the alleged conduct via ABR no longer appropriate. The Complainant's Home Institution's Title IX Coordinator makes the final decision on whether to terminate the ABR process.

⁵ Mediation is not permitted under California law to resolve reports or Complaints of Sexual Violence. The Home Institution's Title IX Coordinator(s) must specifically determine that it is permissible, under California Law, for resolving Prohibited Conduct in Employment.

If a Party withdraws from the ABR process, they may consider other resolution options, including initiating or resuming the Investigation and Hearing Resolution process. If the Home Institution's Title IX Coordinator(s) terminates the process, the Complainant's Home Institution's Title IX Coordinator, in consultation with the TCC Title IX Administrator, will determine potential next steps under this Policy, and will notify the Parties in writing, accordingly. Complainant's wishes regarding next steps will be considered in making this determination.

4. Agreement-Based Resolution Options

This Policy offers multiple ABR options for addressing reports or Complaints of Prohibited Conduct covered under this Policy. These options include, but are not limited to:

a) Facilitated Resolution Agreement

The Facilitated Resolution Agreement is a process facilitated by the Home Institution's Title IX Coordinator(s), or other designated Facilitator, with the purpose of finding resolution that addresses the concerns and desired outcome for all Parties. The Parties meet separately with their Home Institution's Title IX Coordinator(s), and do not interact directly with the other Parties. While this option must still be approved by the Home Institution's Title IX Coordinator(s), this option allows the Parties flexibility in finding resolution as it does not have the same limitations as the other options (*e.g.*, can be used to address any Prohibited Conduct under this Policy, so long as it is approved by the Home Institution's Title IX Coordinator(s), it does not require the Respondent to acknowledge harm (Restorative Justice), and does not include any direct dialogue between the Parties (Mediation or Restorative Justice)).

When a Facilitated Resolution Agreement is being negotiated between Parties from different TCC Institutions, each Party's Home Institution Title IX Coordinator will assist with facilitating the process, including meeting with their respective Parties to provide information regarding the process, managing expectations, communicating presented terms from the other Party, and explaining any impact those terms have on their Party's access to any TCC programs and activities.

b) Mediation

Under California law, mediation is not permitted, even on a voluntary basis, to resolve allegations involving Sexual Assault and Sexual Violence as defined in this Policy.⁶ Mediation may be permitted for other situations not involving Sexual Assault or Sexual Violence, such as reports involving allegations of Hostile Environment Sexual Harassment, as defined in this Policy. Mediation may be preferable for Parties who wish to have facilitated dialogue without the condition of Respondent acknowledging harm. The purpose of mediation is for the Parties who are in conflict to identify the alleged conduct, the implications of a Respondent's actions and, with the assistance of a trained Facilitator (mediator), identify points of agreement and appropriate remedies to address the harm. Either Party can request mediation to seek resolution.

During the mediation process, the Facilitator will guide a discussion between the Parties. The Parties are not permitted to contact one another outside of the mediation process.⁷ Meetings may be held in person or

⁶ Mediation is not permitted under California law to resolve reports or Complaints of Sexual Violence. The Home Institution's Title IX Coordinator(s) must specifically determine that it is permissible, under California Law, for resolving Prohibited Conduct in Employment.

⁷ In cases where the Parties have a No Contact Order implemented, the Parties will be permitted (not required) to have limited communication with one another in the presence of the Facilitator and for the purpose of participating in the process. All other communication is prohibited.

via videoconference. In circumstances where the Parties do not wish to meet face to face, either Party can request that the Facilitator conduct separate meetings.

c) Restorative Justice

To qualify for the Restorative Justice (“RJ”) resolution option, the Respondent must acknowledge the harm experienced by Complainant and agree to take responsibility for repairing the harm, to the extent possible, experienced by the Complainant, and any other relevant, directly impacted individuals in the TCC community. Respondent’s acknowledgment of harm is not an admission of a Policy violation(s), unless Respondent has expressly accepted responsibility pursuant to the process outlined in this Policy, Section XIII.C.

The Restorative Justice resolution process, may include, but is not limited to, a Restorative Conference, or Restorative Circle, in person or via videoconference (if possible), that is facilitated by an appropriately trained Facilitator(s), and is intended to restore relationships and repair harm, to the extent possible, after a conflict has occurred. The Respondent(s), Complainant(s), and any other relevant, directly impacted individual(s) come together with the Facilitator to identify what harm was caused and, collaboratively, determine how conflict and trust might be, respectively, resolved and repaired. All Parties must agree on who is present during the discussion.

A Restorative Conference, generally, is a structured, facilitated dialogue between the individual(s) who caused harm and the individual(s) impacted by the harm.

A Restorative Circle, generally, is similar to a Restorative Conference, but utilizes a circle process to facilitate the dialogue and may include a talking piece that is passed around the circle allowing for each person in the circle, while holding the talking piece, to speak and be heard.

5. The Agreement-Based Resolution Process

a) Initiating the Agreement-Based Resolution Process

Prior to initiating the process, each eligible Party must provide their voluntary agreement to engage in the ABR process to their Home Institution Title IX Coordinator in writing and if applicable, indicate the ABR option (*i.e.*, Facilitated Resolution Agreement, Mediation, or Restorative Justice).

Upon confirmation of the Parties’ voluntary agreement to proceed with ABR and the selected option, the Home Institution Title IX Coordinator(s) will provide a written Notice of ABR to the Parties (or their respective Party for Cross-Campus matters) that explains:

- The specific allegation(s) and alleged Policy violation(s);
- The requirements of ABR;
- That the process is voluntary, and the Parties must not be required or pressured to participate;
- The Parties agree that this process is confidential related to any information including admissions of responsibility they share or receive during the ABR process concerning the allegations of the report or Complaint. No information concerning the allegations of Prohibited Conduct obtained solely within the ABR process may be disseminated to any person outside the ABR process, provided that any Party may generally discuss the allegations under investigation for the purpose of gathering evidence. Should the ABR process end or be terminated prior to reaching a Resolution

Agreement, information disclosed or obtained for purposes of the ABR process remains confidential, and shall not be used except where the Home Institution's Title IX Coordinator(s) has determined it is appropriate with regard to admission of responsibility in the same case, or to allegations of similar conduct raised against Respondent in another case;

- Any consequences resulting from participating in the ABR process, including the records that will be maintained or could be shared, and whether the Parties' Home Institution Title IX Coordinator(s) could disclose such information for use in a future TCC Resolution Process or TCC Institution-specific processes, including an Investigation and Hearing Resolution Process arising from the same or different allegations, as may be appropriate;
- Consequences should any Party fail to comply with the agreed upon terms applicable to them in the Resolution Agreement. This may include resuming or initiating the Investigation and Hearing Resolution process, and/or referral to the Party's Home Institution's Student Conduct or Human Resource office for review, which may result in new or additional discipline or sanctions, including probation, suspension, or expulsion;
- The Resolution Agreement resulting from the ABR process is binding on the Parties and is not subject to appeal;
- Once the Resolution Agreement is finalized and signed by the Parties, the Parties cannot initiate or resume an investigation process arising from the same allegations, unless it is determined that there was failure to comply with the terms of the Resolution Agreement and the matter should be resolved under a different resolution option;
- A matter is considered resolved and concluded once the agreed upon terms have been sufficiently completed;
- The decision to participate in the ABR process does not presume that the alleged Prohibited Conduct at issue has occurred;
- A statement that the Respondent is presumed not responsible for violating this Policy, unless Respondent admits to violations of this Policy;
- An explanation that all Parties may be accompanied by a Support Person, and/or an Advisor, who may be a parent, colleague, friend, or may be, but is not required to be, an attorney;
- A statement that any Party has the right to withdraw from the ABR process and may initiate or resume the Investigation and Hearing Resolution Process (if already begun), at any time before all Parties sign the Resolution Agreement. Should the Parties withdraw from the ABR process, information disclosed or obtained for purposes of the ABR process remains confidential as set forth above;
- A statement that the Home Institution Title IX Coordinator has the discretion to terminate the ABR process upon determination that the Parties are not engaging in the process in good faith, or upon receipt of evidence or information that would make addressing the alleged conduct no longer appropriate;
- A statement that participating in ABR, the Parties understand that timelines for any stages of the Resolution Process, including any pending Investigation and Hearing Resolution process, will be paused to allow the Parties full participation in the ABR Process and will only recommence if ABR

is ended, by withdrawal by a Party, or termination by the Home Institution's Title IX Coordinator(s);

- Information regarding Supportive Measures, which are equitably available to the Parties; and
- Examples of potential resolution terms that may be requested or offered in a Resolution Agreement.

b) Facilitating Agreement-Based Resolution and the Resolution Agreement

Upon confirmation that the Parties still wish to proceed with ABR after issuance of the Notice of ABR, and an option has been selected by the Parties and approved by the Home Institution's Title IX Coordinator(s), the Parties will then meet with the designated Facilitator(s) pursuant to their selected ABR option (Facilitated Resolution Agreement, Mediation, or RJ) to resolve Complainant's report or Complaint and facilitate the Resolution Agreement.

Any Party may craft or create proposed resolution terms for their Resolution Agreement and will be asked for their suggestions or ideas by their Home Institution's Title IX Coordinator. Examples of resolution terms that may be included in a Resolution Agreement include, but are not limited to:

- The Parties will not communicate or otherwise engage with one another, either directly or indirectly, by any means (Mutual No Contact Order) or agreement that Respondent will not communicate or otherwise engage with Complainant, either directly or indirectly, by any means (Unilateral No Contact Order);
- Class adjustments and/or restriction from enrolling in mutual classes with Complainant for a specified term(s);
- Housing relocation or removal, and/or restriction from living in specific residence halls for a specified term(s);
- Restriction from or limiting access to certain buildings on campus, including residence halls, dining halls, library, and recreational facilities;
- Changes in work schedules, locations, or assignments;
- Restrictions or limitations on participation in and/or presence at activities and events, such as extracurricular activities, athletics events, student organizations, social events, etc.;
- Sufficient completion of educational training or project by the Respondent, and sufficient completion of any assignments, such as a reflection paper or essay. Training or education topics may include, but are not limited to: affirmative consent, healthy relationships, bystander intervention, and drug or alcohol use (if related to the allegations);
- Sufficient completion of community service hours or project by the Respondent;
- Participation in and completion of mentoring, coaching, or counseling sessions within specified term(s), and sufficient completion of any assignments, such as a reflection paper or essay;
- An agreement to engage in a restorative justice process, such as a conference, circle, or facilitated dialogue;

- Sharing of Complainant's impact statement with Respondent, with optional reflection or response from Respondent;
- Disciplinary terms, such as agreement to serve conduct probation or suspension for a specified term(s), or to permanently separate from Respondent's Home Institution and ineligibility to re-enroll or apply for admission at any other TCC Institutions; and
- Agreement to have degree conferral delayed for specified term.

The Home Institution's Title IX Coordinator(s) may require certain resolution terms be included in the Resolution Agreement as a matter of practice, such as educational training and/or implementation or extension of a mutual or unilateral No Contact Order. Any agreed-upon remedies and disciplinary sanctions agreed to in ABR have the same effect as remedies given and disciplinary sanctions imposed following an investigation and hearing.

If a Resolution Agreement cannot be reached, either because the Parties do not agree, any Party withdraws from the process, or the Complainant Home Institution's Title IX Coordinator terminates the process for any reasons previously discussed, the Complainant's Home Institution's Title IX Coordinator may decide that the reported Prohibited Conduct will instead be addressed through the Investigation and Hearing Resolution process, and may include initiating the process, or continuing with any pending process paused for the ABR process. The Home Institution's Title IX Coordinator(s) (or TCC Title IX Administrator) will inform the Parties of such decision, in writing.

c) Finalizing the Resolution Agreement

If a Resolution Agreement is reached, the Home Institution's Title IX Coordinator(s) will review and approve the resolution terms. The Facilitator will draft the Resolution Agreement to include the resolution terms discussed with the Parties and approved by the Home Institution's Title IX Coordinator(s). The opportunity for any Party to withdraw from an ABR process concludes when the Parties and the Home Institution's Title IX Coordinator(s) sign the Resolution Agreement. Once signed, the agreed upon terms of the Resolution Agreement are binding on all Parties, and no appeal is permitted.

The TCC Title IX Administrator will provide copies of the Resolution Agreement to the Parties. The Respondent's Home Institution's Title IX Coordinator, if different from the Complainant's Home Institution's Title IX Coordinator, and/or Human Resources professional will monitor adherence and completion of the agreed upon terms and will update the Complainant accordingly. In situations involving a Cross-Campus Complaint, the Respondent's Home Institution's Title IX Coordinator and/or Human Resources professional will update the Complainant's Home Institution's Title IX Coordinator, who will update the Complainant, accordingly. The matter will be considered resolved and closed when it is determined that Respondent has sufficiently completed and/or complied with the terms of the Resolution Agreement.

The Parties' Home Institution's Title IX Coordinators and/or Human Resources professionals will keep records of all reports and timelines for any stages of the Resolution Process, Prohibited Conduct addressed through ABR consistent with their TCC Institution's record retention policies.

Records of the ABR process can be shared with other TCC Institution offices or administrators, as deemed appropriate and necessary by the Home Institution's Title IX Coordinator(s).

Any violations or unsuccessful completion of any terms of the Resolution Agreement may result in a referral for review by the appropriate office, which may result in disciplinary action. The Home Institution's Title

IX Coordinator(s), in consultation with the TCC Title IX Administrator, will determine next steps in the Resolution Process under this Policy should there be a failure to comply with the terms of the Resolution Agreement, including initiating or resuming the Investigation and Hearing Resolution process. The Complainant's wishes regarding next steps will be considered in this determination.

C. Acceptance of Responsibility by Respondent

At any point prior to the Hearing Decisionmaker issuing their Hearing Decision Report, a Respondent may accept responsibility for some, or all of the alleged Prohibited Conduct outlined in the governing Notice of Allegations document issued to the Parties. (Note: for cases processed under the Title IX Procedural Requirements, a Formal Complaint must be on file.) When Respondent accepts responsibility for the alleged Prohibited Conduct, the fact-finding hearing on the issue of whether the alleged Prohibited Conduct occurred and whether there was a Policy violation(s) is waived, and instead, the matter is referred to a Sanctions Decisionmaker to provide a Remedies and Sanctions Determination for the conduct for which Respondent has accepted responsibility. If Respondent accepts responsibility for only some of the alleged Prohibited Conduct, at the discretion Respondent's Home Institution, the matter may be forwarded to the Sanctions Decisionmaker to provide a Sanctions Determination for the accepted Prohibited Conduct, and the Investigation and Hearing Process will continue for the remaining non-accepted allegations, unless otherwise resolved through an Agreement-Based Resolution, if eligible. The Respondent's Home Institution may place any Sanctions Determination for the accepted Prohibited Conduct in abeyance until the conclusion of the Investigation and Hearing Resolution Process. If there is a Policy violation found with regard to any of the remaining allegations of Prohibited Conduct, the Sanctions Decisionmaker may consider any previously issued remedies and sanctions for conduct for which Respondent accepted responsibility, but only after a finding of responsibility has been made.

To accept responsibility for allegations of Prohibited Conduct under this Policy, a Respondent must sign a written document prepared by the TCC Title IX Administrator, that includes a statement that the Respondent is:

- Aware of the allegation(s) of Prohibited Conduct, including the factual allegations, and definitions of the Prohibited Conduct;
- Voluntarily accepting responsibility for all (or some, as explicitly specified) of the Prohibited Conduct;
- Acknowledging receipt of information regarding the implications of accepting responsibility, including a list of possible sanctions that can be imposed based on the nature of the Prohibited Conduct;
- Aware and agrees that by accepting responsibility, they have waived the fact-finding hearing, and any right to appeal the issue of their responsibility, and instead the matter will be referred to a Sanctions Decisionmaker to determine appropriate remedies and sanctions (Remedies and Sanctions Determination).

The TCC Title IX Administrator will provide a copy of Respondent's signed Acceptance of Responsibility to the Home Institution Title IX Coordinator(s).

Within five (5) business days of receiving the Respondent's signed Acceptance of Responsibility, the TCC Title IX Administrator will:

- Provide written notice to all Parties that Respondent has accepted responsibility for all (or specifically which conduct) and provide information regarding the next steps.
- In consultation with the Home Institution's Title IX Coordinator(s), designate a Sanctions Decisionmaker (internal or external to TCC), whose role will be to review the relevant documents, and issue a Remedies and Sanctions Determination. The Sanctions Decisionmaker's identity will be shared with the Parties, along with information regarding the process to object to the Sanctions Decisionmaker based on a conflict of interest or bias, pursuant Section V.

The Parties may submit a written statement, no longer than three (3) pages, related to suggested remedies or sanctions, and any other relevant information specific to remedies and sanctions for the Hearing Decisionmaker to consider in making their Remedies and Sanctions Determination. Statements must be submitted in writing to the TCC Title IX Administrator, within five (5) business days from confirmation of the Sanctions Decisionmaker. The TCC Title IX Administrator will provide copies to the Sanctions Decisionmaker and the Home Institution's Title IX Coordinator(s). The Parties will not receive a copy of any other Party's statement regarding remedies and sanctions.

The Parties' Home Institution(s) will submit written recommendations related to remedies and sanctions, and any other relevant information that would be important for the Hearing Decisionmaker to consider in making their Remedies and Sanctions Determination. The written recommendations must be submitted to the TCC Title IX Administrator within two (2) business days of receiving access to any Party statements. The TCC Title IX Administrator will provide the written recommendations to the Sanctions Decisionmaker. The Parties will not receive a copy of the Parties' Home Institutions' written recommendations regarding remedies and sanctions.

The Sanctions Decisionmaker will make their Remedies and Sanctions Determination based on review of the Prohibited Conduct accepted by the Respondent, relevant documents (limited to the Notice of Allegations, Respondent's Acceptance of Responsibility, any Party statements, and/or written recommendations by the Home Institution(s)), and any applicable information in this Policy, including factors relevant to sanctioning and possible sanctions as outlined in Section XVI. The Sanctions Decisionmaker shall give significant weight to the written Home Institution recommendations in issuing any sanction(s). The Sanctions Decisionmaker will not be provided access to any evidence that was gathered during the investigation process prior to Respondent accepting responsibility.

The Remedies and Sanctions Determination shall be issued to the Parties within ten (10) business days from receipt of the Home Institution recommendations.

1. Appealing the Sanctions Determination When Respondent Has Accepted Responsibility

The Parties have the right to appeal the Remedies and Sanctions Determination on the grounds that the Sanctions Decisionmaker has a conflict of interest or bias, and/or the sanction(s) are disproportionate to the conduct for which the Respondent accepted responsibility. Any appeal, limited to ten (10) pages, must be submitted in writing to the TCC Title IX Administrator within five (5) business days from issuance of the Remedies and Sanctions Determination to the Parties. TCC and the Parties will follow the process outlined in Section XVII. as applicable.

XIV. Investigation and Hearing Resolution Process that Applies to Title IX Sexual Harassment, Other Sex-Based Misconduct Cases, or Retaliation

Throughout the Investigation and Hearing Resolution Process, the Home Institution Title IX Coordinator(s), as well as the TCC Title IX Administrator, will work closely and cooperatively together. They will maintain open communication during all phases of the Investigation and Hearing Resolution Process, including the investigation, hearing, and appeal stages.

Respondents are presumed not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the Investigation and Hearing Resolution Process, and any applicable appeal process has concluded. TCC does not make determinations of responsibility prior to the completion of the Investigation and Hearing Resolution Process.

A. General Information

1. Nature of Process

The Investigation and Hearing Resolution Process under this Policy is not an adversarial process between a Complainant, a Respondent, and the witnesses, but rather a process for TCC to comply with its obligations under existing law. The Investigation and Hearing Resolution Process shall provide all Parties with appropriate due process and will reach reasonable conclusions based on the evidence collected.

2. Burden of Evidence

TCC has the burden of conducting an investigation that gathers sufficient evidence to determine whether Prohibited Conduct occurred. Complainant does not have the burden to prove, nor does Respondent have the burden to disprove, the underlying allegation(s) of Prohibited Conduct. Any Party may decide to limit their participation in part or all of the process, or to decline to participate. This does not shift the burden of proof away from TCC and does not indicate responsibility. See below for more information regarding Party participation in the investigation process (Section XIV.A.5) and hearing process (Section XV.B.4).

3. Evidence Standard

In evaluating all allegation(s) of Prohibited Conduct, and in any Investigation and Hearing Resolution Process, TCC will utilize the “Preponderance of the Evidence” standard, which means that the alleged Prohibited Conduct is more likely than not to have occurred.

4. Resolution Process Timeline and Extensions

Absent extensions for good cause, TCC strives to complete the entire Investigation and Hearing Resolution Process as thoroughly, equitably, and as promptly as possible within 150 business days from the issuance of the Notice of Investigation and Allegations to the Parties. This includes the initial assessment and evaluation of the allegations, issuance of notice letters initiating the process, investigation (interviews with the Parties and relevant witnesses), evidence review process, hearing, issuance of the hearing decision (and remedies and sanctions, if applicable), and any appeal process.

TCC has provided the following estimated timelines for the major stages of the Investigation and Hearing Resolution Process:

a) Timeline for Initial Assessment and Evaluation of Allegations

This phase is generally completed within 10 (ten) – 15 (fifteen) business days from submission of Complaint or request to investigate allegations, and Complainant's intake meeting with Complainant's Home Institution Title IX Coordinator. This stage includes the Complainant's Home Institution's Title IX Coordinator's assessment of the allegations, determination of whether the allegations meet the definitions of the Prohibited Conduct under this Policy, and decision of whether to dismiss or investigate the Complaint of Prohibited Conduct. This determination will be made once sufficient information has been gathered from the Complainant at the initial meeting and/or intake meeting.

b) Timeline for Investigation

This phase is generally completed within 80 (eighty) business days. This includes investigative interviews with the Parties and witnesses, gathering and reviewing any submitted or collected evidence, drafting the Preliminary Investigation Report (PIR) and providing the Parties an opportunity to review and respond to the PIR (Evidence Review Process), and issuance of the Final Investigation Report.

c) Timeline for Hearing and Hearing Decision Report (and Sanctioning, if applicable)

This phase is generally completed within 30 (thirty) to 40 (forty) business days from issuance of Final Investigation Report. This process includes scheduling the hearing, pre-hearing conference meetings, conducting the hearing, and the 15 (fifteen)-business day deadline for the Hearing Decisionmaker to issue their Hearing Decision Report. Unless the Parties agree, the hearing must be scheduled at least 10 (ten) business days from the date the Final Investigation Report was issued to the Parties. Scheduling the hearing will be completed as promptly as possible based on the Parties', any Advisors and/or Support Persons, and other participants' (Parties' Home Institution's Title IX Coordinator(s), Decisionmaker, TCC Title IX Administrator) availability and in consideration of campus closures, holidays, and exam periods.

d) Timeline for Hearing Decision and/or Sanctions Determination Appeal

This phase is generally completed within 20 (twenty) business days. This process includes any appeal submitted by one or all Parties, the assignment of an Appeal Decisionmaker, opportunity for the non-appealing Party to issue a response, and the 15 (fifteen)-business day deadline for the Appeal Decisionmaker to issue their decision.

A thorough investigation and procedurally proper hearing and appeal may necessitate one or more extensions for good cause. The timeline for any part of the Investigation and Hearing Resolution Process may be extended for good cause by the TCC Title IX Administrator. Good cause reasons for extension may include ensuring availability of the Parties, witnesses, or other participants in the process, ensuring that the Parties and witnesses have sufficient time to review and respond to materials, and ensuring the Investigator has sufficient opportunity to meet with the Parties and witnesses and gather evidence, as needed. The TCC Title IX Administrator will provide notice to all Parties of any timeline extensions. Failure to complete any specific stage, or the entirety of the Investigation and Hearing Resolution process within the estimated time period does not, in and of itself, constitute a procedural error. Any such argument of procedural error (as set forth in Section XVII.) must also include an explanation as to how the delay(s) materially impacted the outcome of the process.

For pending matters that involve a graduating student Respondent, the Respondent's Home Institution will determine degree issuance consistent with their Institution's process.

Any Party may decide to limit their participation in part or in all of the Investigation and Hearing Resolution Process under this Policy, or to decline to participate. This includes limited or no participation in the investigation, evidence review process, or hearing process.

5. Impact of Party Non-Participation in the Investigation and Hearing Resolution Process

A Party is not required to participate in any stage of the process; however, a Party's decision to limit participation may impact the process by, including but not limited to, delaying the process timeline, limiting the Party's opportunity to present or respond to relevant evidence, the available relevant evidence gathered by the Investigator, and/or available to the Hearing Decisionmaker, the Hearing Decisionmaker's opportunity to ask the Party questions regarding the allegations, and impacting the hearing outcome.

6. Privacy and Confidentiality in the Resolution Process

Parties may share confidential information received through the Investigation and Hearing Resolution Process under this Policy with their Support Person and/or Advisor consistent with the requirements of their Home TCC Institution. Each Party's TCC Institution will provide their Party a FERPA⁸ release form for their Support Person and Advisor that authorizes such sharing and participation. The Party's Home Institution's Title IX Coordinator and/or TCC is unable to share information with a Support Person and/or Advisor under this Policy until the form is sufficiently completed by the Party. The form must also be completed prior to the Support Person and/or Advisor attending any meetings or proceedings under this Policy. The Party's Home Institution's Title IX Coordinator and TCC Institution shall not restrict the ability of any Party to discuss the allegations under investigation for the purpose of gathering and presenting relevant evidence, including by speaking to witnesses, consulting with their family members, Confidential Resources, Support Person or Advisor, or otherwise to prepare for or participate in the Resolution Process under this Policy.

Parties, witnesses, Support Persons, and/or Advisors are expected to maintain the privacy of the information shared with them under this Policy. This information may not be shared with third parties, duplicated, disclosed publicly, or used for purposes not explicitly authorized by the Party's Home Institution Title IX Coordinator or TCC Institution. 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 these expectations.

Any unauthorized disclosure of information or evidence obtained solely through the Resolution Process under this Policy may be referred to the appropriate TCC Institution's Student Conduct or Human Resources office for review. Any unauthorized disclosures made by a TCC Institution student or employee (subject to this Policy), including by Parties, witnesses, Support Person, or Advisor, may be subject to sanctions or discipline at the discretion of the discloser's TCC Home Institution.

For purposes of this paragraph, disclosures of such information and evidence for purposes of administrative proceedings or litigation related to the Complaint of Prohibited Conduct are authorized.

The Party's Home Institution's Title IX Coordinator and other administrators at TCC are permitted to share confidential information amongst other TCC Institution representatives who have a reasonable need to know, and such disclosure is not a violation of FERPA. The Party's Home Institution's Title IX Coordinator

⁸ Family Educational Rights and Privacy Act.

and TCC Institution will endeavor to respect any requests for confidentiality but will also weigh those requests against the TCC Institution's responsibility to maintain a safe environment for its community. Complete confidentiality cannot be guaranteed.

7. Right to an Advisor

Parties may elect to be accompanied by one Advisor, as defined in this Policy, during meetings and proceedings related to any ABR, investigation, and hearing process under this Policy. Parties are limited to one Advisor. Parties may be accompanied by one Support Person (see below) in addition to an Advisor. An Advisor can be anyone, and may be, but is not required to be, an attorney. Generally, it is not recommended that the selected Advisor be a Party or a witness in the same matter.

Unless otherwise specified in this Policy, the Advisor may not speak or write on behalf of the Party or otherwise disrupt any interviews or proceedings. TCC reserves the right to exclude or remove an Advisor who does not comply with this Policy. A Party's Advisor is expected to have reviewed this Policy to understand their role and expectations under this Policy prior to providing support to the Party. The Party's Home Institution's Title IX Coordinator and/or the TCC Title IX Administrator may require the Advisor to meet with the Party's Home Institution's Title IX Coordinator and/or the TCC Title IX Administrator to ensure the Advisor understands their role and the expectations under this Policy prior to their involvement in any process under this Policy. A Party and their Advisor are encouraged to contact the Party's Home Institution's Title IX Coordinator with any questions regarding this Policy and its Resolution Process and procedures.

Except in cases being processed as a Title IX Formal Complaint, where an Advisor is required at the hearing, a Party is not required to have an Advisor during any part of the Investigation and Resolution Process, including meetings, ABR, the investigation, or hearing process, and a TCC Institution is not required to provide one for the Party. Upon a Party's request, however, the Party's Home Institution's Title IX Coordinator may be able to connect a Party with a trained Advisor, if available, who may be an employee at a TCC Institution.

8. Support Person

Parties may elect to be accompanied by one Support Person, as defined in this Policy, during meetings and proceedings related to any ABR, investigation, and hearing process under this Policy. Parties are limited to one Support Person. A Support Person may not be a Party or a witness in the same matter. The Support Person's role is to provide emotional support throughout the process.

The Support Person may not speak or write on behalf of the Party or otherwise disrupt any interviews or proceedings. A Party's Support Person is expected to have reviewed this Policy to understand their role and expectations under this Policy prior to providing support to the Party. The Party's Home Institution's Title IX Coordinator and/or the TCC Title IX Administrator may require the Support Person to meet with the Party's Home Institution's Title IX Coordinator and/or the TCC Title IX Administrator to ensure the Support Person understands their role and the expectations under this Policy prior to their involvement in any process under this Policy. A Party and their Support Person are encouraged to contact the Party's Home Institution's Title IX Coordinator with any questions regarding this Policy and its Resolution Process and procedures. TCC reserves the right to exclude or remove a Support Person who does not comply with this Policy.

9. Special Rules for Title IX Sexual Harassment

Cases involving Title IX Prohibited Conduct must comply with specific procedural requirements (Title IX Procedural Requirements) in compliance with the 2020 Title IX Final Rule. In addition to the specific rules identified throughout this Policy in their respective section, the below special rules apply to processing Title IX Sexual Harassment cases.

a) Title IX Criteria

Allegations will constitute Title IX Sexual Harassment and will use the Title IX Procedural Requirements when:

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 a TCC Member Institution's s Education Programs or Activities; and,
4. The alleged conduct, if true, would constitute Prohibited Conduct under Title IX, specifically, Title IX Quid Pro Quo, Title IX Hostile Environment Harassment, Title IX Dating Violence, Title IX Domestic Violence, and/or Title IX Stalking Based on Sex, as defined in this Policy.

b) Complainant Status

A Complainant must be participating or attempting to participate in a TCC Institution's Education Programs or Activities at the time the Formal Complaint is filed in order to proceed under the Title IX Procedural Requirements.

c) Formal Complaint Required

A Formal Complaint must be filed to process allegations of Title IX Sexual Harassment where the Title IX Sexual Harassment occurred on any TCC Institution's campus or in locations, events, or circumstances within the United States over which a TCC Institution exercised substantial control over both the Respondent and the context in which the Title IX Prohibited Conduct occurs, and also includes any building owned or controlled by a student organization that is officially recognized by a TCC Institution.

A Formal Complaint may be filed with the Complainant's Home Institution's Title IX Coordinator in person, by mail, by electronic means (email or by submitting an online report form via the Home Institution's Title IX Office website, if applicable), by using the contact information listed in Section II of this Policy.

Where the Home Institution's Title IX Coordinator signs a Formal Complaint, the Home Institution Title IX Coordinator is not a Complainant or otherwise a Party. Except as specified below, a Formal Complaint shall initiate the Investigation and Hearing Resolution Process outlined in this document, including the Title IX Procedural Requirements. The Formal Complaint should include the date(s) of the alleged incident(s), the name of the Respondent, the location(s), and should describe the circumstances of the incident(s), where known.

A Formal Complaint must be on file for allegations of Title IX Sexual Harassment prior to engaging in Agreement-Based Resolution.

d) Mandatory Dismissal of a Formal Complaint

The Title IX Coordinator whose Home Institution has jurisdiction over the education programs and activities where the incident is alleged to have occurred shall dismiss the Formal Complaint, or any included allegations, at any time, if it is determined that:

- the conduct alleged in the Formal Complaint would not constitute Title IX Sexual Harassment as defined by this Policy, even if proved,
- the conduct did not occur in the TCC's education program or activity, and is not within the Title IX jurisdiction;
- the Title IX Coordinator is unable to identify the Respondent after taking reasonable steps to do so;
- the alleged conduct did not occur against a person in the United States; and/or
- at the time of filing the Formal Complaint, the Complainant was not participating in or attempting to participate in a TCC Institution's education program or activity.

A complaint or allegation dismissed under this process may be addressed under other procedures under this Policy, or under a policy or procedures of the Respondent's Home Institution.

Upon a dismissal required under this section, the TCC Title IX Administrator will promptly send written notice of the dismissal and reason(s) simultaneously to the Parties. The notice will inform the Parties if the complaint or allegation(s) will be addressed under another portion of this Policy. If the allegations do not meet the procedural requirements and definitions of Prohibited Conduct under this Policy, the Respondent's Home Institution may refer the matter for further resolution under other policies and procedures at the Respondent's Home Institution.

B. Initiation of The Investigation and Hearing Resolution Process

1. Notice of Allegations (NOA)

Once TCC has accepted the Formal Complaint or the Complaint for investigation, and has confirmed the allegations to be investigated, the Parties will be provided a written Notice of Allegations, which outlines the allegations within the scope of the investigation, the alleged Policy violation(s), the identity of the Investigator, and other important information related to the process. The issuance of the NOA communicates the initiation of the investigation process.

A Revised NOA must be provided to the Parties any time during the investigation to include allegations of Prohibited Conduct raised by the Complainant against the Respondent that were not included in the initial NOA that are raised later during the investigation process and are determined to be part of the scope of the investigation.

The NOA shall include, at a minimum:

- A reminder that the date and time of the initial interview with the Investigator, will generally be scheduled with a minimum of five (5) business days' notice, unless otherwise agreed upon by the Party;
- The investigation procedures, including the applicable determination procedures that will be used in the Investigation and Hearing Resolution process under this Policy, and a link to this Policy;
- Information about the ABR options, with a link to the full procedures;
- Sufficient information available at the time to allow the Parties to respond to the allegations, including the identities of the Parties involved in the incident(s), a description of the facts alleged to constitute Prohibited Conduct, the type of Prohibited Conduct, and the date(s) and location(s) of the alleged incident(s), if known;
- A statement that Retaliation is prohibited;
- A statement indicating whether the Investigator, or another individual, shall serve as the Decisionmaker;
- A statement indicating the expected length of the major stages of the Investigation and Hearing Resolution Process, as well as any applicable deadlines;
- A statement informing the Parties that the Investigator will establish and communicate, in writing, all investigation deadlines, including the final deadlines for submitting names of witnesses and evidence. These deadlines may be extended by the TCC Title IX Administrator for good cause, and any changes will be provided, in writing, to the Parties, along with the rationale for the revised deadline(s);
- The deadline and process for identifying any conflicts of interest or bias with the Investigator. A statement that the Respondent is presumed not responsible for the alleged Prohibited Conduct until a determination is made at the conclusion of the Investigation and Hearing Resolution Process. Prior to such a determination, the Parties will have an opportunity to present relevant and not otherwise impermissible evidence to a trained, impartial Hearing Decisionmaker;
- A statement that the Parties may have an Advisor who may be a friend, parent, therapist, colleague, and who may be, but is not required to be, an attorney;
- A statement that the Parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence upon the request of any Party, and will receive an investigation report that accurately summarizes this evidence;
- A warning that the Decisionmaker may exclude evidence at the hearing that was not presented during the investigation process;
- A statement that the individual TCC Institution's Student Conduct code prohibits knowingly making false statements or knowingly submitting false information during the Resolution Process; and

- The identification of the Investigator.

2. Complaints Initiated by the Institution

In instances where an investigation process is initiated by the Complainant's Home Institution's 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.

3. Designation of the Investigator

The TCC Title IX Administrator, in consultation with the Parties' Home Institutions' Title IX Coordinator(s), will designate a trained Investigator to conduct an adequate, reliable, and impartial investigation, in a reasonably prompt timeframe. TCC reserves the right to utilize internal or external Investigators As required by California law, the designated Investigator will have undergone a comprehensive, trauma-informed training program for campus officials involved in investigating and adjudicating sexual assault, domestic violence, dating violence, and stalking cases.

The designated Investigator identity will be provided in the NOA. Any Party that believes that the designated Investigator has a conflict of interest or bias for or against complainants or respondents generally or an individual Complainant or Respondent, may submit an objection pursuant to Section V.

C. Investigation Process

1. Evidence Gathering

a) Interviews

After the Parties have been notified in writing of the confirmed Investigator, the Investigator will contact the Parties and identified witnesses to conduct their interviews. Interviews may be conducted in person, or via video conference. Recording investigative interviews, by any individual, and by any means, is prohibited.

The Investigator will provide to a Party or witness whose participation is invited or expected, advance written notice of the date, time, location, participants, and purpose of all meetings or proceedings with sufficient time to prepare to participate. The Investigator has discretion of the order in which to interview the Parties and witnesses.

A Party is permitted to have one Support Person, and one Advisor accompany them to any meetings with the Investigator and must provide at least 72-hour notice of the Support Person and/or Advisor's planned attendance at the meeting to ensure the appropriate FERPA documentation is completed in advance of the meeting.

TCC may adopt and apply other reasonable rules regarding decorum, provided they apply equally to the Parties. TCC will share expectations of decorum to be observed at all times in any meeting or proceeding under this Policy. These expectations are applied equally to all Parties, Support Persons and Advisors. TCC has the discretion to remove, with or without prior warning, from any meeting or proceeding a Party, witness, Advisor, or Support Person who does not comply with these expectations and any other applicable TCC rules or expectations.

All Parties will be provided equal opportunity to meet with the Investigator, submit relevant evidence, and identify relevant witnesses. The Investigator will meet separately with all Parties, and any identified witnesses that are deemed relevant, and will gather relevant documentary evidence provided by the Parties and any identified witnesses.

When a Party meets with the Investigator, the Investigator will ask questions related to the allegations in the Complaint, and Notice of Allegations, and the Party is given the opportunity to speak to the allegations and related events. Parties may identify relevant fact witnesses and provide evidence that is relevant to the allegations and not otherwise impermissible. This will include inculpatory evidence (that tends to show more likely that an individual engaged in the alleged conduct) and exculpatory evidence (that tends to show less likely that an individual engaged in the alleged conduct).

The Investigator has discretion regarding whom to interview to determine the facts relevant to the Complaint and scope of the investigation, and when to conduct follow-up interviews with Parties and witnesses.

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

b) Investigator Determination of Evidence Relevance

The Investigator will take reasonable steps to gather relevant available evidence. The Investigator may exclude evidence they determine to be irrelevant or impermissible. Parties may provide the Investigator with any evidence they believe to be relevant. Character evidence is not relevant evidence, and therefore will not be considered.

It is ultimately the role of the Hearing Decisionmaker to determine what weight, if any, to give to the evidence gathered.

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.

c) Impermissible Evidence

The following types of evidence, and questions seeking that evidence, are impermissible. This means this information will not be accessed or considered, except by the Parties' TCC Home Institution(s) to determine whether one of the exceptions listed below applies. This information must not be disclosed and must not be otherwise used, regardless of relevance:

- Evidence that is protected under a privilege recognized by Federal or State law, unless the person to whom the privilege or confidentiality is owed has voluntarily waived the privilege or confidentiality;

- Evidence provided to an employee designated by TCC as exempt from internal reporting under this Policy, unless the person who made the disclosure or otherwise provided evidence to that employee has voluntarily consented to re-disclosure;
- A Party's or witness's records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the provision of treatment to the Party or witness, unless TCC obtains that Party's or witness's voluntary, written consent for use in the Resolution Process under this Policy; and
- Evidence that relates to the Complainant's sexual interests or prior sexual conduct, unless evidence about the Complainant's prior sexual conduct is offered to prove that someone other than the Respondent committed the alleged Prohibited Conduct or is evidence about specific incidents of the Complainant's prior sexual conduct with the Respondent that is offered to prove consent to alleged Prohibited Conduct. The fact of prior consensual sexual conduct between the Parties does not by itself demonstrate or imply the Complainant's consent to other sexual activity or preclude a determination that Prohibited Conduct occurred.

For cases of California Sex-Based Harassment the Investigator or Hearing Decisionmaker shall not consider the past sexual history of Complainant or Respondent except in the limited circumstances. Specifically, they shall not consider:

- Prior or subsequent sexual history between Complainant and anyone other than Respondent for any reason unless directly relevant to prove that physical injuries alleged to have been inflicted by Respondent were inflicted by another individual.
- The existence of a dating relationship or prior or subsequent consensual sexual relations between Complainant and Respondent unless the evidence is relevant to how the Parties communicated consent in prior or subsequent consensual sexual relations. Where the Investigator or Hearing Decisionmaker allows consideration of evidence about a dating relationship or prior or subsequent consensual sexual relations between Complainant and Respondent pursuant to this paragraph, the mere fact that Complainant and Respondent engaged in other consensual sexual relations with one another is never sufficient, by itself, to establish that the conduct in question was consensual.

Before allowing the consideration of any evidence proffered pursuant to this section, the Investigator or Hearing Decisionmaker shall provide a written explanation to the Parties as to why consideration of the evidence is consistent with this paragraph. If the issue is raised at the hearing, the Hearing Decisionmaker will include their written explanation in the Hearing Decision Report.

2. Evidence Review Process

At the conclusion of all fact-gathering and before issuing the Final Investigation Report, the TCC Title IX Administrator will provide the Parties access to the Preliminary Investigation Report (PIR) drafted by the Investigator, which includes all relevant evidence and not otherwise impermissible evidence gathered. -The purpose of this review process is to provide the Parties with an equal opportunity to meaningfully respond to the relevant and not otherwise impermissible evidence prior to the conclusion of the investigation and issuance of the Final Investigation Report. This is known as the Evidence Review Process. This opportunity will be provided to each Party, and their Advisor and/or Support Person, if any, regardless of whether the Party made the Complaint or participated in the investigation.

Absent good cause, Parties are provided with ten (10) business days to review and provide a written response to the evidence to the Investigator should they wish to do so. Parties are not required to submit a response. The TCC Title IX Administrator has the discretion to extend the evidence review period based on the volume and nature of the evidence and/or may grant a Party's request for additional time.

The Preliminary Investigation Report will include the following:

- The identities of the Parties;
- The identities of the witnesses;
- A summary of the allegations of the Prohibited Conduct and the alleged Policy violation(s); Information about the policies and procedures used to evaluate the allegations;
- A description of the procedural steps and process taken from the receipt of the Complaint through the investigation process, including any notifications to the Parties, interviews with Parties and witnesses, and methods used to gather other evidence;
- The relevant statements of the Parties and witnesses, and evidence gathered for each allegation;
- A summary of the relevant, and not otherwise impermissible, evidence gathered by the Investigator; and
- Explanations for why evidence or witnesses submitted by the Parties were not considered or interviewed by the Investigator.

Given the sensitive nature of the information provided in the PIR, the TCC Title IX Administrator will facilitate this review in a secure manner and has the discretion to determine how to provide access to the PIR to the Parties based on the particular circumstances of the case and any Party or witness privacy concerns. Unless provided express written permission and access by the TCC Title IX Administrator, neither the Parties, Advisors, Support Persons, nor anyone on any Party's behalf may copy, remove, photograph, print, image, screenshot, videotape, record, or in any other manner duplicate or remove the information contained in the PIR (unless a Party is describing or quoting the material in a written response to the evidence pursuant to the Evidence Review Process). Any TCC student or employee (subject to this Policy) who fails to abide by this may be subject to discipline. Any Advisor or Support Person who fails to abide by this may be subject to discipline, if applicable, and/or may be excluded from further participation in the process.

As part of this Evidence Review Process, the Parties may:

- Submit additional relevant evidence or information;
- Provide a written response to any of the relevant evidence;
- Submit proposed questions for the Investigator to ask of the other Parties or any witnesses;
- Request additional interviews and information-gathering; and/or
- Suggest additional witnesses for the Investigator to interview.

The Party's Advisor and/or Support Person may provide support to the Party during the Evidence Review Process; however, they are not permitted to speak or write on behalf of their Party. This includes any response to the Evidence Review Process.

The Evidence Review Process serves as the final opportunity to submit reasonably available evidence, or names of witnesses. Evidence, that was reasonably available, but not provided during the investigation process will not be considered by the Hearing Decisionmaker.

The Investigator has discretion to determine if the Parties' 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 submitted by the Parties, the Parties submit a written response to the evidence, or new evidence is gathered by the Investigator (through additional or follow-up interviews or additional fact-gathering), it will be included in either a Revised Preliminary Investigation Report or a separate addendum, as deemed appropriate by the Investigator.

All Parties will be provided a second reasonable opportunity to review and respond to any new evidence made available through the Revised Preliminary Report or in a separate addendum. The TCC Title IX Administrator will determine how much time is reasonable to review the new evidence. No new evidence will be accepted as part of any response to the second review and response period, except that the Investigator shall have the discretion to accept relevant evidence that was not previously available or known to exist, and that was not previously discoverable with the exercise of reasonable diligence.

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 when the Final Investigation Report is finalized.

3. Final Investigation Report

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

- The identities of the Parties;
- The identities of the witnesses;
- A summary of the allegations of the Prohibited Conduct and the alleged Policy violation(s);
- Information about the policies and procedures used to evaluate the allegations;
- A description of the procedural steps and process taken from the receipt of the Complaint through the investigation process, including, any notifications to the Parties, interviews with Parties and witnesses, and methods used to gather other evidence;
- The relevant statements of the Parties and witnesses, and evidence gathered for each allegation;
- A summary of the relevant, and not otherwise impermissible, evidence gathered by the Investigator;

- 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 Final Investigation Report will not include findings of fact, findings of whether there was a Policy violation(s), or credibility determinations for Parties or witnesses.

The TCC Title IX Administrator will provide the Parties with access to the Final Investigation Report, including all attachments, at least ten (10) business days prior to the scheduled hearing. The Parties may submit a written response to the Final Investigation Report within ten (10) business days from receipt of access to the Final Investigation Report, or by the deadline otherwise communicated by the TCC Title IX Administrator. Written responses are incorporated into the materials that can be reviewed and considered by the Hearing Decisionmaker. Each Party will receive a copy of any other Party's written response to the Final Investigation Report.

XV. Hearing Process

The purpose of a hearing is for a Hearing Decisionmaker to determine whether the conduct occurred as alleged, and if so, whether that conduct violates this Policy. The Hearing Decisionmaker will make credibility determinations, findings of fact, and will determine whether a Policy violation(s) occurred. The Hearing Decisionmaker will also determine appropriate remedies and sanctions if a Policy violation(s) is found to have occurred. The hearing is a closed proceeding and will not be open to the public.

A. Prior to the Hearing

1. Hearing Coordinator

The TCC Title IX Administrator will be responsible for designating a Hearing Coordinator who will coordinate the hearing process. The TCC Title IX Administrator, or their designee, may serve as the Hearing Coordinator. The Hearing Coordinator will ensure the Hearing Decisionmaker is provided with all necessary materials, including the Final Investigation Report and attachments, as well as any written Party responses to the Final Investigation Report. The Hearing Coordinator will arrange the logistics for the hearing, including coordination of the pre-hearing conferences, a location for the hearing (if not conducted via video conference), and coordination of the date and time for the hearing. Other than at the pre-hearing conference, the Parties and their Advisors and/or Support Persons, if any, are prohibited from directly communicating with the Hearing Decisionmaker prior to the scheduled hearing. The Hearing Coordinator will act as a liaison between the Parties and the Hearing Decisionmaker on all procedural matters.

2. Designation of the Hearing Decisionmaker

The TCC Title IX Administrator, in consultation with the Parties' Home Institution's Title IX Coordinator(s), will designate a Hearing Decisionmaker distinct from the Hearing Coordinator and any Home Institution Title IX Coordinator, who will preside over the hearing and draft the Hearing Decision Report, including remedies and sanctions, if applicable. The Hearing Decisionmaker is a single individual. TCC reserves the right to utilize internal or external Decisionmakers. The Hearing Decisionmaker is responsible for overseeing the hearing, making procedural determinations, managing the questioning process (questions must be submitted by the Parties directly to the Hearing Decisionmaker or through the Hearing Coordinator), and issuing the Hearing Decision Report, as well as a Remedies and Sanctions Determination, if applicable.

The Hearing Decisionmaker will have had appropriate training in the definitions of Prohibited Conduct, the scope of the TCC Institution's education programs and activities, the Investigation and Hearing Resolution process under this Policy, bias, the ABR Process, hearing decision writing, assessing questions and evidence related to relevant and not otherwise impermissible evidence, and any technology to be used at the hearing.

The Hearing Coordinator will provide the Parties with written notice of the Hearing Decisionmaker's identity at the time of scheduling the hearing, as well as information regarding any Party's option to object to the Hearing Decisionmaker based on actual conflict of interest or bias pursuant to Section V.

3. 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:

- Confirmation of the assigned Hearing Decisionmaker;
- The time, date, and location of the hearing, including if the hearing will be conducted entirely via videoconference;
- The identity of all participants expected to participate in the hearing, including Parties, and witnesses approved by the Hearing Decisionmaker;
- A list of all documents the Hearing Decisionmaker may consider in reaching their determination;
- TCC's Hearing Expectations and Rules of Decorum; and
- A general overview of the hearing process.

4. Pre-Hearing Conferences

Prior to the hearing, each Party and their Advisors and/or Support Person will be offered the opportunity to meet with the Hearing Decisionmaker to review what to expect at the hearing, rules of decorum, and to provide the Parties and their Advisor and/or Support Person, if any, the opportunity to ask any procedural questions, including questions regarding the Hearing Notice. The Hearing Coordinator and the Party's Home Institution Title IX Coordinator may also be present at the pre-hearing conference. After the Hearing Decisionmaker has conducted the pre-hearing conferences with each Party, the Hearing Decisionmaker will issue a written summary of matters discussed at the pre-hearing conferences. Attending the pre-hearing conference is recommended, however, a Party may waive their opportunity for a pre-hearing conference and is not required to participate.

Parties are expected to notify the Hearing Coordinator of the identity of their Advisor and/or Support Person as soon as possible in advance of the scheduled hearing. The Hearing Coordinator will share this information with the Hearing Decisionmaker and other Parties through the Hearing Notice.

5. Witnesses Identified and Requested to Participate in the Hearing

The Parties and Hearing Decisionmaker all have the right to call witnesses. Unless notified otherwise by the Hearing Coordinator, Parties who wish to call witnesses must submit the name and contact information of the witness, as well as an explanation as to what testimony they will provide at the hearing, at least five (5) business days in advance of the hearing or upon request by the Hearing Coordinator.

Only witnesses who participated in the investigation will be permitted to participate in the hearing, unless the witness was otherwise unknown or not known to have relevant information during the course of the investigation. If the witness did not participate in the investigation, the Party must provide the reason the witness was not identified or was not interviewed by the Investigator, and what information the witness has that is relevant to the allegations. The Hearing Decisionmaker will then determine whether the witness has relevant information and if there is sufficient justification for permitting the witness to participate in the hearing after not having participated in the investigation. The Hearing Officer may instead send the case back to the Investigator to interview the newly proffered witness prior to the hearing taking place.

The Hearing Decisionmaker may determine not to call witnesses submitted by the Parties, and/or to call witnesses who were not submitted by the Parties, and who participated in the investigation.

The Hearing Decisionmaker will communicate to the Hearing Coordinator as soon as possible the witnesses they have determined should be called for the hearing. The Hearing Decisionmaker will document their explanations for determining not to call certain witnesses submitted by the Parties in the Hearing Decision Report.

With the assistance of the Parties' Home Institution Title IX Coordinator(s), the Hearing Coordinator will request the attendance of the relevant witnesses identified by the Hearing Decisionmaker, and a list of witnesses approved by the Hearing Decisionmaker will be provided to the Parties at least three (3) days prior to 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.

6. Proposed Questions Submitted by the Parties in Advance of the Hearing

No later than three (3) business days prior to the hearing, each Party shall submit to the Hearing Coordinator a preliminary list of questions they wish the Hearing Decisionmaker to ask of the other Party, or to a witness. The Parties will also have the opportunity to submit questions to the Hearing Decisionmaker at the hearing as well (and to have advisor-led questioning in Title IX Sexual Harassment cases). If the Hearing Decisionmaker determines that any questions are not relevant or seek otherwise impermissible evidence, the Hearing Decisionmaker shall exclude the question, not ask the question of the intended Party or witness, and explain the reason for the exclusion of the question at the hearing. Questions that are unclear or harassing of a Party or witness being questioned will not be permitted. The Hearing Decisionmaker must give a Party an opportunity to clarify or revise any question that the Hearing Decisionmaker has determined is unclear or harassing and, if the Party sufficiently clarifies or revises a question, and the question is relevant, the Hearing Decisionmaker will ask the question of the intended Party or witness.

B. During the Hearing

1. Hearing Recording

The hearing will be recorded by TCC, and this recording will be considered the only official recording of the hearing. The Hearing Coordinator is responsible for ensuring the hearing is audio recorded.⁹ No other individual is permitted to record while the hearing is taking place. For the purpose of preparing an appeal, a recorded Party may request to review the hearing recording, or review the transcript of the hearing, if

⁹ Hearings that take place via videoconference may include both an audio and visual recording. Only the audio recordings shall be retained in accordance with Section XVIII.

available, in-person or via video conference, and under supervision by a TCC representative or other designee. Requests should be made to the TCC Title IX Administrator.

Hearing audio recordings will be maintained for seven (7) years after the conclusion of the Resolution Process under this Policy, the Respondent's graduation, separation from TCC, or separation from TCC Institution employment, whichever is latest.

2. 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 will participate virtually, unless all Parties request otherwise. If needed, the Party's Home Institution Title IX Coordinator may assist the Party with access to a private location to participate in the hearing. The Parties should request this assistance as soon as possible in advance of the hearing.

3. Hearing Expectations and Rules of Decorum

TCC expects that all participants in the hearing process do so truthfully and respectfully, and that all who have a responsibility for carrying out one or more aspects of the hearing process do so fairly and without prejudice or bias.

The Hearing Decisionmaker shall have the authority to maintain order and decorum at the hearing, including responding to disruptive or harassing conduct, and when necessary, to adjourn the hearing or exclude the disruptive person. In the event the Hearing Decisionmaker removes a Party's Advisor or Support Person, the Hearing Decisionmaker will have the discretion to appoint another Advisor for the remainder of the hearing. The Hearing Decisionmaker also has the authority to determine whether any questions are not relevant, abusive, intimidating, or disrespectful, and will not permit such questions.

4. Party and Witness Participation in the Hearing

While Party and witness participation is considered crucial to providing an equitable hearing process for the Parties and provides the Hearing Decisionmaker the opportunity to ask questions to inform their findings, TCC cannot compel Parties or witnesses (with the exception of the Investigator) to attend or participate in the hearing. Any Party or witness's decision not to participate will not be a reason to cancel or postpone a hearing. The TCC Title IX Administrator, in consultation with the Home Institution Title IX Coordinator(s) and Hearing Decisionmaker, may determine that the hearing will continue in the absence of any Party or any witness.

Parties or witnesses may choose to attend the hearing and not answer questions. The Hearing Decisionmaker may choose to place less or no weight upon statements by a Party or witness who refuses to respond to questions deemed relevant and not impermissible. The Hearing Decisionmaker will not draw any inference about the determination regarding responsibility solely based on a Party or witness's absence from the hearing or refusal to respond to questions deemed relevant and not impermissible, although this decision may impact the information available to the Hearing Decisionmaker in reaching their determination. However, the Hearing Decisionmaker may draw inferences if an individual selectively participates in the hearing (for example, answering some questions but declining to answer others).

The Parties, and their Advisors and/or Support Persons, if any, can be present in the hearing for the entire duration of the hearing. The witnesses will only be present in the hearing for the duration of their testimony.

Investigators who are current employees of a TCC Institution, or external investigators retained by 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.

5. Participation of the Advisor and Support Person During the Hearing

Each Party is entitled to be accompanied by one Advisor and one Support Person at the hearing. The role of the Advisor at the hearing is to assist the Party with understanding and navigating the proceeding. Other than the limited opportunity to cross-examine the other Party and witnesses in Title IX Sexual Harassment cases, the Advisor may not advocate for, respond for, or otherwise speak or write on behalf of, a Party during the hearing. In the event that a Party does not appear for the Hearing, the Advisor for that Party may not participate in the hearing or submit questions to be asked on behalf of the Party.

The role of the Support Person is to provide emotional support to the Party during the proceeding. The Support Person may not advocate for, respond for, or otherwise speak or write on behalf of, a Party during the hearing. In the event that a Party does not appear for the Hearing, the Support Person for that Party may not participate in the hearing or submit questions to be asked on behalf of the Party.

6. Hearing Timeline

The following provides a general timeline for the Hearing; however, the Hearing Decisionmaker shall have the authority and discretion to change the order of process as necessary, to limit the time allotted to any phase of the hearing, and/or to limit the time allotted to the full hearing.

a) Opening Introductory Statements

The Hearing Decisionmaker will begin the hearing and provide information regarding the expected timeline of the hearing and allow the Parties and their Advisors, to ask any questions regarding the structure of the hearing.

Each Party will then be permitted to provide an opening introductory statement, no longer than five (5) minutes, unless otherwise extended at the discretion of the Hearing Decisionmaker. Any additional time granted to one Party must be provided to all other Parties, if requested. An Advisor and/or Support Person is not permitted to provide an opening introductory statement on behalf of their Party.

Following opening introductory statements, the Hearing Officer will call Parties and witnesses for questioning.

b) Questioning at the Hearing

The Hearing Decisionmaker will determine the order of questioning at the hearing. The Hearing Decisionmaker may change the order of questioning, with appropriate verbal notice to the Parties, if the Hearing Decisionmaker determines a change is necessary to accommodate a witness' schedule, or for other procedural reasons. The rules governing Impermissible Evidence set forth in Section XIV.C.1.c). shall be applied to all questioning. Only the Hearing Decisionmaker is permitted to ask questions of any Party or witness during the hearing. No Party may directly question the other Parties or witnesses. Advisors and/or Support Persons, if any, are not permitted to directly or indirectly question, or otherwise communicate with

the other Parties or witnesses.

The Hearing Decisionmaker will pose questions to the Parties and witnesses, including the questions the Hearing Decisionmaker approved to be asked that were submitted by each Party prior to the hearing. Each Party will then be provided an opportunity to submit follow-up written questions to the Hearing Decisionmaker to be asked of the other Parties and any witnesses, including questions challenging credibility. The Parties will submit their proposed questions through the Hearing Coordinator. The questions must be relevant to the allegations and must not seek otherwise impermissible evidence, not be duplicative or repetitive of information already gathered, and/or not be harassing of any individual providing testimony. The Hearing Decisionmaker will evaluate each question submitted by the Parties. If the Hearing Decisionmaker determines the question should not be asked, the Hearing Decisionmaker will not ask the Party or witness the question will state their reasoning for this determination on the record, and offer the Party an opportunity to reframe or resubmit the question. The Hearing Decisionmaker also has the authority to ask additional follow-up questions, or as otherwise deemed necessary. All determinations made by the Hearing Decisionmaker at the hearing are final, including determinations on questioning.

A Party may choose not to submit any questions for a Party or witness, either prior to the hearing or during the hearing. A Party's waiver of their right to submit questions does not eliminate the ability of the Hearing Decisionmaker to consider the testifying individual's statements made during the hearing and/or to the Investigator during the investigation process.

(1) Cross-Examination at the Hearing by Advisors

For cases of Title IX Sexual Harassment that are processed as Title IX Formal Complaints, in addition to questioning by the Hearing Decisionmaker described above, the Hearing Decisionmaker must permit each Party's Advisor to ask the other Party and any witnesses all relevant questions and follow-up questions, including those challenging credibility. If a Party does not have an advisor for the live hearing, the Party's Home Institution shall provide without fee or charge to that Party, an advisor of that Home Institution's choice, who may be, but is not required to be, an attorney, to conduct cross examination on behalf of that Party of the other Party/ies and witnesses. Each Party's Home Institution is obligated to ensure each Party has an advisor, either of the Party's or the Home Institution's choice regardless of whether or not the Party is present at the hearing. To ensure timely proceedings, a Party shall alert their Home Institution's Title IX Coordinator as soon as practicable if the Party will need an advisor for the hearing. Only relevant questions may be asked of the other Party or witness (referred to as "cross-examination").

Cross-examination at the live hearing must be conducted directly, orally, and in real time by the Party's advisor of choice and never by a Party personally. TCC and/or the Hearing Decisionmaker may restrict the extent to which advisors may participate in the proceedings.

Before the Complainant, Respondent, or witness answers a cross-examination or other question, the Hearing Decisionmaker must first determine whether the question is relevant and will instruct the Party or witness being asked the question whether they may answer. The Hearing Decisionmaker must explain to the Party proposing the question(s) any decision to exclude a question as not relevant. The rules governing Impermissible Evidence set forth in Section XIV.C.1.c) shall be applied to all questioning. The questions must be relevant to the allegations and must not seek otherwise impermissible evidence, not be duplicative or repetitive of information already gathered, and/or not be harassing of any individual providing testimony.

For allegations of Title IX Sexual Harassment and other Prohibited Conduct that have been consolidated into one case, cross examination may only be used when questioning a witness regarding Title IX Sexual Harassment that is being processed under a Formal Complaint.

c) Closing Statements and Concluding the Hearing

Following the questioning of Parties and witnesses, each Party will be permitted a reasonable opportunity, no longer than five (5) minutes, unless otherwise extended at the discretion of the Hearing Decisionmaker, to provide a closing statement. Any additional time granted to one Party must be provided to all other Parties, if requested. An Advisor and/or Support Person is not permitted to provide a closing statement on behalf of their Party.

The Hearing Decisionmaker will provide closing remarks, if any, and then conclude the hearing.

C. After the Hearing

1. Party Statements Regarding Remedies and Sanctions

Within five (5) business days of the hearing, each Party may provide to the TCC Title IX Administrator a written statement, limited to three (3) pages, related to suggested remedies and sanctions, and any other relevant information specific to remedies and sanctions for the Hearing Decisionmaker to consider in making their sanctions determination. If a Party chooses not to provide a written statement in accordance with this section, they will not be provided an additional opportunity to submit a written statement to the Hearing Decisionmaker.

If the Hearing Decisionmaker determines there was a Policy violation, the Hearing Decisionmaker will notify the TCC Title IX Administrator before issuing their Hearing Decision. The TCC Title IX Administrator will provide the Hearing Decisionmaker with copies of the Party statements, in accordance with Section XVI. The TCC Title IX Administrator will also provide copies of the Party statements to the Parties' Home Institution Title IX Coordinator(s) and appropriate administrator(s).

If the Hearing Decisionmaker determines there was not a Policy violation, the TCC Title IX Administrator will not release the Party statements to the Hearing Decisionmaker.

2. Notice of Hearing Outcome and Hearing Decision Report

In reaching findings and drafting their decision, the Hearing Decisionmaker will consider the investigation record, including the Final Investigation Report and attachments, which will include all relevant and not otherwise impermissible evidence gathered by the Investigator, and evidence accepted at the hearing.

The Hearing Decisionmaker will use the preponderance of the evidence standard, which means more likely than not, to determine whether the alleged Prohibited Conduct occurred, and if so, whether a Policy violation occurred. To the extent the Hearing Decisionmaker must make credibility determinations, such determinations shall not be based on an individual's status as complainant, respondent, or witness.

The Hearing Decisionmaker will not draw any inference about the determination regarding responsibility solely based on a Party's absence from the hearing or refusal to answer questions posed, although this decision may impact the information available to the Hearing Decisionmaker in reaching their determination. However, the Hearing Decisionmaker may draw inferences if an individual selectively participates in the hearing (for example, answering some questions but declining to answer others).

The Hearing Decision Report will include the following:

- A description of the Prohibited Conduct as defined in this Policy, and any other allegations, if applicable;

- A reference to the policies and procedures used to evaluate the allegations;
- A description of the procedural steps taken from receipt of the Complaint, (or TCC Institution's decision to initiate the process) through the determination;
- A list of Parties and witnesses who participated in the hearing and applicable credibility determinations;
- The Hearing Decisionmaker's evaluation of the relevant and not otherwise impermissible evidence along with the finding of facts;
- Finding for each allegation, with rationale;
- Policy findings, with rationale;
- Sanctioning determination with rationale (if applicable); and
- Remedies with rationale (if applicable).

Within fifteen (15) business days from the hearing, the TCC Title IX Administrator will issue to the Parties the Notice of Hearing Outcome and Hearing Decision Report, which will include the Hearing Decisionmaker's policy, and sanctioning, determinations, as applicable.

If the Hearing Decisionmaker finds a Policy violation, the Hearing Decisionmaker and TCC shall follow the procedures set forth in Section XVI, and the Hearing Decision Report will include a Remedies and Sanctions Determination.

If the Hearing Decisionmaker does not find a violation of Policy, the Hearing Decisionmaker's Hearing Decision Report will not include sanctions.

The TCC Title IX Administrator will explain the Appeal Rights and Process, including the permissible bases for appeal, in the Notice of Hearing Outcome. The Hearing Decisionmaker's determination(s) becomes final on the date on which an appeal would no longer be considered timely (see Section XVII).

XVI. Remedies and Sanctioning

This section sets forth the procedures to be followed should the Hearing Decisionmaker find a Policy violation(s) occurred. A student or employee found responsible for a Policy violation will be subject to sanction(s) regardless of whether legal proceedings involving the same incident are pending or anticipated.

If the Hearing Decisionmaker determines there was a Policy violation, prior to issuing the Hearing Decision Report, the Hearing Decisionmaker will notify the TCC Title IX Administrator of this determination. The TCC Title IX Administrator will take two steps:

- Home Institution Written Recommendations: They will notify the Home Institution Title IX Coordinator(s) and the appropriate administrator(s) of each Parties' Home Institution. The Parties' Home Institutions may submit a written recommendation related to remedies and sanctions, and any other relevant information that would be important for the Hearing Decisionmaker to consider in making their Remedies and Sanctions Determination. The Home Institution's written recommendation shall be completed collaboratively between each Party's Home Institution Title IX Coordinator and/or other appropriate Student Affairs administrator(s). The Parties' Home

Institutions will provide those recommendations to the TCC Title IX Administrator, who will transmit them to the Hearing Decisionmaker. The Parties' Home Institution written recommendations will not be shared with the Parties; and

- **Party Statements:** Pursuant to Section XIV.C.1, they will provide the Hearing Decisionmaker with any submitted written Party statements. If a Party did not provide a written statement, the Party will not be provided an additional opportunity to submit a written statement to the Hearing Decisionmaker. Any submitted Party statement(s) will not be shared with the other Parties.

The Hearing Decisionmaker will make their Remedies and Sanctions Determination based on the factual and Policy findings, written Party statements, written Home Institution recommendations, and other factors relevant to sanctioning as outlined below. The Hearing Decisionmaker shall give significant weight to the written Home Institution recommendations in issuing remedies and sanction(s). Expulsions and employment terminations are at the sole discretion of the Respondent's Home Institution.

The Hearing Decisionmaker will decide if remedies are appropriate in order to restore or preserve the Party's equal access to TCC's education, activity, and/or employment. Such remedies may include Supportive Measures. However, unlike Supportive Measures, remedies need not be non-disciplinary or non-punitive, and need not avoid unreasonably burdening the Respondent.

The factors a Hearing Decisionmaker (or Sanctions Decisionmaker)¹⁰ may consider in issuing sanctions 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 or impairment 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, Supportive Measures, and other interim measures in place during the Investigation and Hearing Resolution process; whether Respondent continued to engage in alleged Prohibited Conduct after commencement of the investigation process; whether Respondent engaged in conduct meant to intimidate or harass the Complainant or 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 any TCC Institution's education or employment programs and activities; the impact of Respondent's conduct on TCC's community; the impact of sanctions on Respondent's access to participation in TCC's programs, if applicable.

¹⁰ For cases where the Respondent has accepted responsibility pursuant to Section XIII.C.

Possible remedies and sanctions that the Hearing Decisionmaker may issue include:

- **Warning:** Written notice that the Respondent's behavior was in violation of this Policy and that future violations will result in more severe sanctions.
- **Restitution:** Reimbursement by the Respondent(s) to the TCC Institution, another TCC Institution, TCC, the Complainant(s), or a member of TCC's community to cover the cost of property damage or other loss.
- **Service Hours:** A set number of work hours the Respondent must complete. The Home Institution Title IX Coordinator(s) will determine the nature of the work to be performed. Generally, service hours are conducted within TCC.
- **Educational Program/Project:** Programs and activities designed to help the Respondent become more aware of the TCC Institution's policies and help the Respondent understand the inappropriateness of their behavior to avoid repeat offense, including, but not limited to, participation in an educational program or completion of an online program.
- **Counseling and/or Coaching Sessions:** A set number of counseling and/or coaching sessions that the Respondent must complete, as well completion of any assigned reflection essay or other assignment(s) within a specified time. The counselor, facilitator, and/or the Home Institution Title IX Coordinator(s) will review the required assignments for sufficiency.
- **Referral for Assessment:** A referral for an assessment with an appropriately trained therapist who will recommend a process for treatment. Reinstatement is conditioned upon receiving proof of completion of the recommended treatment.
- **Loss of Privileges:** Denial of specific privilege(s) for a defined period of time. Privileges include, but are not limited to, participation in extracurricular activities and events such as on-campus, or campus-sponsored or affiliated social events, intercollegiate athletics, intramural programs, student organizations, and student government, eligibility to apply for and gain on campus employment within TCC, as well as the privilege of living on campus, living in a specific residence hall, participation in commencement ceremonies, or having a vehicle on campus.
- **Restricted Access:** Conditions which specifically dictate and limit the Respondent's presence on campus and/or participation in TCC Institution-sponsored or affiliated activities and events. The restrictions will be clearly defined and may include, but are not limited to, presence in certain buildings or locations on campus, including residential and dining halls, sports and recreation fields, buildings, and courts, and classrooms. This also includes a No Contact Order, which prohibits communication, by any means, with the Complainant, and/or any other specified individual who participated in the investigation or hearing process. In cases involving Parties from different TCC Institutions-restricted access may extend to exclusion from another TCC Institution's campus, programs, activities, and events.
- **Removal of Offending Cause:** Requirement to remove the item which was the subject of the Complaint.
- **Relocation or Removal from Residence Halls:** Requirement that the Respondent relocate to another residence hall, or off-campus residence, by a specified date.

- **Conduct Probation:** Formal, written notice that the Respondent's behavior is in violation of its TCC Institution's policies and an expectation that the Respondent exhibit good behavior for a defined period of time. Pursuant to the Respondent's Home Institution's policy regarding Conduct Probation, such probation may limit Respondent's on-campus privileges. Any violation during the probationary period will result in increased sanctioning, including academic 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.
- **Employment Probation:** Formal, written notice that the employee's conduct is in violation of its Institution Policies and an expectation that the employee exhibit good behavior for a defined period of time. Any further violations during the probationary period will result in increased sanctioning and may result in employment suspension without pay or termination of employment.

Suspension Up to One (1), Two (2), Three (3), Four (4), Five (5), Six (6), Seven (7), or Eight Semesters (8): Separation from the Institution for one (1), two (2), three (3), four (4), five (5), six (6), seven (7), or eight (8) semesters. During the suspension period, the Respondent is not permitted on campus, is not permitted to participate in any Institution-sponsored or affiliated program or activity, or events, and is not permitted to enroll in any courses and earn any credits towards the Respondent's degree. The terms of the suspension may include the designation of special conditions affecting eligibility for re-enrollment or special conditions to be in effect upon re-enrollment, including a term of Conduct Probation. A term of suspension may also include delayed conferral of degree. Notice of Respondent's suspension will be communicated to the Registrar and other appropriate administrator(s) at the other TCC Institutions to ensure compliance. The Respondent's Home Institution will determine degree and transcript status for suspended students.

- **Employment Suspension without Pay (staff and faculty, including student-employees):** Separation of employment for a defined period of time without pay for the time of separation.
- **Employment Termination:** Permanent separation of the employee from their position. If the Respondent is a student, they may be permanently separated from their student-employee position. A staff or faculty member who is terminated from their employment is not permitted to participate in any TCC Institution-sponsored or affiliated program or activity, or event. A staff, faculty, or student-employee terminated from their TCC Institution employment is not eligible for rehire at that TCC Institution.
- **Expulsion:** Permanent separation from their Home Institution and ineligibility to apply for admission at any other Institutions in the TCC. A Respondent who has been expelled is not permitted on any TCC Institution property and is not permitted to participate in any TCC Institution-sponsored or affiliated program, activity, or events.

The Respondent's Home Institution will determine degree and transcript status for expelled students.

- **Degree Non-Conferral, Delayed Degree Conferral, or Revocation of Degree: At the discretion of the Respondent's Home Institution.**

XVII. Appeal Rights and Process

Except as provided in Addendum A which has its own appeal process, a Complainant or Respondent who is not satisfied with the determinations made as to closure or dismissal of a Complaint, or the dismissal of any included allegations, under this Policy, and/or the Policy findings, or sanctions imposed at the

completion of the hearing process may submit an appeal (Appealing Party) to the TCC Title IX Administrator. The TCC Title IX Administrator, in consultation with the Parties' Home Institution's Title IX Coordinator(s), will identify an appropriately trained Appeal Decisionmaker to review and make a determination of the appeal(s).

When the TCC Title IX Administrator identifies an Appeal Decisionmaker, they will provide written notice of the individual's identity to the Parties, along with information regarding the process to object to the designated Appeal Decisionmaker on the basis of actual conflict of interest or bias pursuant to Section V.

A. Appeal Grounds

Each Party has a right to appeal:

- The dismissal of a Complaint or any included allegations;
- The Hearing Decisionmaker's Policy findings; and/or
- Any sanctions.

Appeals must be submitted in writing to the TCC Title IX Administrator within five (5) business days following the issuance of the Notice of the Hearing Outcome and Hearing Decision Report (Notice of Case Dismissal, or Remedies and Sanctions Determination for Complaints where Respondent accepted responsibility). The appeal must be no longer than 10 (ten) pages, and must specify which grounds the appeal is based upon and include any arguments the Party wishes to make in support of their appeal.

A Party may appeal based on one or more of the following grounds:¹¹

- **Procedural Error:** There was a procedural error(s) that would change the outcome of the matter (i.e., failure to follow the process outlined in this Policy). The appealing party must describe in their appeal the procedural error and its impact on the decision outcome.
- **Conflict of Interest or Bias:** Any Party's Home Institution Title IX Coordinator, the TCC Title IX Administrator, Investigator(s), Hearing Decisionmaker, and/or Sanctions Decisionmaker (for cases where the Respondent has accepted responsibility) has a conflict of interest or bias for or against complainants or respondents generally or an individual Complainant or Respondent, that would change the decision outcome. The appealing party must describe in their appeal the alleged conflict of interest or bias held by the individual and how this impacted the decision outcome.
- **New Evidence:** There is new evidence or information that would change the decision outcome that was not reasonably available or known (and could not have reasonably been known) during the investigation process or when the hearing decision or dismissal of complaint or allegations was made. Information that was known to the party during the resolution process but which they did not to present is not considered new evidence or information. The appealing party must describe in their appeal how the new evidence would change the decision outcome and why the new evidence was not reasonably available or reasonably known prior to the appeal.

¹¹ As explained in Section XIII.C., for cases where the Respondent has accepted responsibility, a Party may only appeal on the grounds that the Sanctions Decisionmaker had a conflict of interest or bias, and/or that the sanctions are disproportionate to the Prohibited Conduct for which Respondent accepted responsibility.

- **Disproportionate Sanctions:** The sanctions are disproportionate to conduct for which the Respondent accepted responsibility, or to the Hearing Decisionmaker's findings.

The submission of an appeal pauses the implementation of any sanctions, and any change in student or employee status, during the pendency of the appeal(s). Supportive Measures remain available during the appeal process.

B. Designation of Appeal Decisionmaker

As noted above, the TCC Title IX Administrator will designate an appropriate Appeal Decisionmaker to conduct a prompt, thorough, and impartial review of the appeal(s). The Appeal Decisionmaker will not be the same person as the Investigator, Hearing Decisionmaker, Sanctions Decisionmaker, TCC Title IX Administrator, or any of the Parties' Home Institution's Title IX Coordinator(s).

The Appeal Decisionmaker will have had appropriate training as required by Title IX and California law, which includes but is not limited to training in the definitions of Prohibited Conduct, the scope of the TCC Institution's education programs and activities, the Investigation and Hearing Resolution process under this Policy, bias, the ABR Process, and appeal process.

C. Appeal Response by Non-Appealing Party

The TCC Title IX Administrator will send a written notice of the appeal to the Non-Appealing Party or Parties and provide them with a copy of the appeal. A Non-Appealing Party or Parties may issue a response to the appeal. Any Party's decision not to submit a response to an appeal is not evidence that the Non-Appealing Party agreed with 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. Any response to the appeal must be sent to the TCC Title IX Administrator, who will provide the response to the Appeal Decisionmaker. Requests to submit an appeal response of more than ten (10) pages must be sent to the TCC Title IX Administrator, along with an explanation as to why additional pages are needed.

D. Appeal Clarification

If the Appeal Decisionmaker 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 response to the Appeal Decisionmaker. The Appeal Decisionmaker may not communicate directly with the Parties. The TCC Title IX Administrator will provide copies of any written communications to the Non-Appealing Party and to the Parties' Home Institution Title IX Coordinator(s).

E. Appeal Record

The review of an appeal will not involve any additional investigation by the Appeal Decisionmaker. The review will be based upon evidence gathered during the investigation process and presented at the hearing, including access to the hearing recording, as well as the arguments made during the appeal process. The Appeal Decisionmaker 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.

F. Appeal Decision Report

The Appeal Decisionmaker will issue an Appeal Decision Report which summarizes their decision regarding the appeal. The Appeal Decision Report 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 Decisionmaker 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, to the Investigator for additional fact-gathering, or for a new hearing based on new evidence which could change the outcome; or
- If the Appeal Decisionmaker finds that The Title IX Coordinator, TCC Title IX Administrator, Investigator(s), and/or Hearing Decisionmaker had an actual conflict of interest or bias that changed the decision outcome, the Appeal Decisionmaker may, as appropriate, remand the case for a new hearing with a new Hearing Decisionmaker, or remand the case for a new investigation with a new investigator.

G. Notice of the Appeal Decision

The TCC Title IX Administrator will send the Notice of the Appeal Decision to the 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 Report. The notice will inform the Parties that there is no further review of the matter, no further right to appeal, and if applicable, that the matter is closed.

The determination regarding responsibility and sanctioning becomes final on the date of the Appeal Decision Report, unless the Appeal Decision Report determines further investigation, and/or a new or additional hearing or investigation is necessary based on new evidence available or actual conflict of interest or bias.

H. Final Remedies and Sanctioning Determination

After the issuance of the final decision (the Notice of Hearing Outcome and Hearing Decision Report if there is no appeal, or the Notice of Appeal Decision), the TCC Title IX Administrator will send a Notice of Final Outcome and Sanctions to the Parties, with a copy to the designated Student Affairs, faculty, or Human Resources administrator(s) within the Respondent's Home Institution, as appropriate. The designated administrator will review the issued remedies and sanctions and determine if any enhancements are warranted based on a Respondent's disciplinary history. Recommendations for 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), which may include collaboration with the appropriate Student Affairs administrator(s), as necessary.

For employee Respondents, the Respondent's Home Institution's designated Human Resource professional or other designated administrator is responsible for ensuring completion of the discipline or sanction(s). The Human Resource professional or other designated administrator shall update the Respondent's Home Institution Title IX Coordinator on sanction completion and/or compliance.

I. Failure to Complete or Comply with Imposed Sanctions

All Respondents are expected to comply with conduct sanctions, responsive actions, or corrective actions within the timeframe specified in the Parties' Notice of Remedies and Sanctions Determination. Respondents who need an extension to comply with their sanctions must submit a written request to their Home Institution Title IX Coordinator stating the reason(s) for needing additional time.

At the discretion of the Respondent's Home Institution, failure to follow through on conduct sanctions, responsive actions, or corrective actions by the date specified, whether by refusal, neglect or any other reason, may result in additional sanctions, responsive actions, or corrective actions, such as suspension, expulsion, termination, or transcript notations. Respondent students who fail to comply may be referred to their Home Institution's Student Conduct office, and employees who fail to comply may be referred to their Human Resource office. A student or employee Respondent who withdraws or leaves their employment prior to sanction completion may receive a notation on their transcript or employee record, respectively.

XVIII. Recordkeeping

Records of all reports and resolutions will be kept by the Home Institution's Title IX Coordinator(s) for a period of seven (7) years. All records will be afforded the confidentiality protections required by law, including but not limited to the Family Educational Rights and Privacy Act (FERPA) governing confidentiality of student information. This means that the TCC Institutions will protect the Party's privacy consistent with this Policy but may disclose information to those who have a legitimate need to know and in order to process Complaints under this Policy. Documents related to this process include: Complaints, Supportive Measures provided to the Parties, remedies provided to the Complainant, any Agreement-Based Resolution Process documents, if applicable, the Final Investigation Report and attachments, the hearing record, including any audio recording or transcript of the hearing, the Hearing Decision Report, and any sanctioning determination and appeal-related documents, if applicable.

Each Home Institution Title IX Coordinator will also retain, for a period of seven (7) years, all materials used to train their TCC Institution's Title IX administration, including Title IX Coordinators, Deputy Title IX Coordinators, Hearing Coordinators, Investigators, Decision-makers, and any person(s) facilitating the Agreement-Based Resolution process.

XIX. Crime and Incident Disclosure Obligations

The Clery Act is a federal crime and incident disclosure law. Pursuant to the Clery Act, each TCC Institution is required to include statistics about certain offenses, including some of the Prohibited Conduct in this Policy (Sexual Assault as defined by Title IX, Dating Violence, Domestic Violence, and Stalking), that occur in particular campus-related locations, in its annual security report (ASR) and provide those statistics to the United States Department of Education in a manner that does not include any personally identifying information about individuals involved in an incident. The Clery Act also requires the TCC Institution to issue timely warnings to the TCC Institution's community about certain crimes that have been reported and which may continue to pose a serious or continuing threat to campus safety. Consistent with the Clery Act, the TCC Institution withholds the names and other personally identifying information of Complainant(s) when issuing timely warnings to the TCC Institution's community.

As a condition of participation in CalGrants, the TCC Institutions state the following pursuant to section 67380 of the California Education Code:

The TCC Institutions require any report made by a victim or an employee pursuant to Section 67383 of a Part 1 violent crime, sexual assault, or hate crime, as described in Section 422.55 of the Penal Code, received by a campus security authority and made by the victim for purposes of notifying the TCC Institution or law enforcement, to be immediately, or as soon as practicably possible, disclosed to the local law enforcement agency with which the TCC Institution has a written agreement pursuant to Section 67381 without identifying the victim, unless the victim consents to being identified after the victim has been informed of the victim's right to have the victim's personally identifying information withheld. If the victim does not consent to being identified, the alleged assailant shall not be identified in the information disclosed to the local law enforcement agency, unless the TCC Institution determines both of the following, in which case the TCC Institution shall disclose the identity of the alleged assailant to the local law enforcement agency and shall immediately inform the victim of that disclosure:

(i) The alleged assailant represents a serious or ongoing threat to the safety of students, employees, or the TCC Institution.

(ii) The immediate assistance of the local law enforcement agency is necessary to contact or detain the assailant.

XX. Policy Review and Revision

This Policy, effective March 28, 2025, supersedes previous policies addressing Title IX Sexual Harassment and Retaliation, and is maintained by The Claremont Colleges Services (TCCS), and will be reviewed and updated regularly in a manner consistent with changes in federal and state law, regulations, and best practices that may require policy or procedural revisions.

XXI. Non-Discrimination Application and Additional Enforcement Information

Except where federal law requires distinctions, the requirements and protections of this Policy apply equally regardless of sex, sexual orientation, gender identity, gender expression, or other protected classes covered by federal or state law. All requirements and protections are equitably provided to individuals regardless of such status or status as a Complainant, Respondent, or witness.

Individuals who wish to file a Complaint about this Policy or process may contact the Department of Education's Office for Civil Rights using contact information available at <https://ocrcas.ed.gov/contact-ocr>.

Questions about Title IX may be referred to the individual's Home Institution Title IX Coordinator or to the assistant secretary for civil rights:

Office for Civil Rights, San Francisco Office
U.S. Department of Education
50 United Nations Plaza
San Francisco, CA 94102
Telephone: (415) 486-5555
Facsimile: (415) 486-5570
Email: OCR.SanFrancisco@ed.gov

TCC Institutions whose employees are covered by this Policy are not required to report concerns directly to their immediate supervisors at their TCC Institution. Concerns about violations of this Policy may be reported to the U.S. Equal Employment Opportunity Commission (EEOC) and California Civil Rights Division (CCRD). Each investigate reports of unlawful harassment, discrimination, and retaliation, including sex-based harassment, in employment.

U.S. Equal Employment Opportunity Commission (EEOC)

Roybal Federal Building
255 East Temple St., 4th Floor
Los Angeles, CA 90012
(213) 785-3090
<https://www.eeoc.gov/contact-eeoc>

California Civil Rights Department (formerly DFEH)

320 West 4th Street, Suite 1000, 10th Floor
Los Angeles, CA 90013
Monday to Friday: 8am to 5pm
Phone: (800) 884-1684
<https://civildrights.ca.gov/>

XXII. Important Definitions

Advisor of Choice: An Advisor of Choice (Advisor) is an individual who provides guidance to the Complainant or Respondent throughout the Resolution Process, including any Agreement-Based Resolution Process, if applicable, as set forth in this Policy. Each Party is entitled to choose and consult with an Advisor, at their own expense, through any stage of the Resolution Process (including the Agreement-Based Resolution Process, when applicable). Parties may be accompanied by an Advisor to any meeting or proceeding to which they are required or are eligible to attend. A Party can select an Advisor at any time in the process. An Advisor can be any person, including a friend, colleague, and may be, but is not required to be, an attorney. Generally, it is not recommended that the selected Advisor be a Party or a witness in the same matter.

A Party does not have to have an Advisor during the Investigation and Hearing Resolution Process except in cases being processed as a Title IX Formal Complaint, an advisor is required for the hearing.

The Advisor's role is limited. Unless otherwise specified in this Policy, an Advisor may never speak or write on behalf of a Party or otherwise disrupt any meetings or hearings in any manner. Any restrictions on Advisor participation will be applied equally.

A Party's Advisor is expected to have reviewed this Policy to understand their role and expectations under this Policy prior to providing support to the Party. The Party's Home Institution's Title IX Coordinator and/or the TCC Title IX Administrator may require the Advisor to meet with the Party's Home Institution's Title IX Coordinator and/or the TCC Title IX Administrator to ensure the Advisor understands their role and the expectations under this Policy prior to their involvement in any process under this Policy. A Party and their Advisor are encouraged to contact the Party's Home Institution's Title IX Coordinator with any questions regarding this Policy and its Resolution Process and procedures.

TCC reserves the right to exclude an Advisor who does not abide by these procedures and expectations set forth in this Policy.

Affirmative Consent: Affirmative Consent means 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

they have the Affirmative Consent of the other or others to engage in the sexual activity. Affirmative Consent must be ongoing throughout a sexual activity and can be revoked at any time.

- Lack of protest or resistance does not mean consent.
- Silence does not mean consent.
- 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.

It shall not be a valid excuse that the Respondent believed that the Complainant affirmatively consented to the sexual activity if the Respondent knew or reasonably should have known that the Complainant was unable to consent to the sexual activity under any of the following circumstances:

- The Complainant was asleep or unconscious.
- The Complainant was incapacitated, as defined below, due to the influence of drugs, alcohol, or medication, so that the Complainant could not understand the fact, nature, or extent of the sexual activity.
- The Complainant was unable to communicate due to a mental or physical condition.

In addition, it shall not be a valid excuse to alleged lack of Affirmative Consent that the Respondent believed that the Complainant consented to the sexual activity under either of the following circumstances:

- The Respondent's belief in Affirmative Consent arose from the intoxication or recklessness of the Respondent. A Respondent's own intoxication or incapacitation from drugs or alcohol does not diminish that person's responsibility to obtain Affirmative Consent before engaging in sexual activity.
- The Respondent did not take reasonable steps, in the circumstances known to the Respondent at the time, to ascertain whether the Complainant affirmatively consented.

Affirmative Consent cannot be given if any of the following are present: Incapacitation, Force, or Coercion.

Consent may not be given by an individual who has not reached the legal age of consent under applicable law, which is the age of 18 in California.

Complainant: A Complainant is any individual, including a TCC Institution student or employee (including applicants for employment, student-employees, unpaid interns, volunteers, contractors), or participant in a TCC Institution's Education Program or Activity who has reported being, or is alleged to be, impacted by Prohibited Conduct as defined by this Policy, and who was employed, or participating or attempting to participate in a program or activity offered by a TCC Institution at the time of the alleged misconduct. This Policy only applies to employees of TCC Institutions as set forth above.

Complaint: A Complaint means an oral or written request to the Complainant's Home Institution's Title IX Coordinator that objectively can be understood as a request for the TCC Institution to investigate and make a determination about alleged Prohibited Conduct under this Policy. (Title IX Sexual Harassment requires the filing of a Formal Complaint as defined below.) A Complaint may be filed with the Complainant's Home Institution's Title IX Coordinator in person, by mail, by phone, by electronic means (email or by submitting an online report form via the Home Institution's Title IX Office website, if

applicable), by using the contact information listed in Section II.A, or as otherwise described in this Policy. *(Individuals who would like more information about making a Complaint or a Formal Complaint are encouraged to contact their Home Institution's Title IX Coordinator for additional information).*

A Complaint is not required to engage in the Agreement-Based Resolution process as explained in Section XIII.B. (A Formal Complaint is required for cases being processed as Title IX Sexual Harassment.)

Education Program or Activity: For purposes of this Policy, "Education Program or Activity" refers to all the operations of each TCC Institution, including, but not limited to: in-person and online educational instruction, employment, research activities, extracurricular activities, athletics, residence life, dining services, performances, and community engagement and outreach programs. The term applies to all activity that occurs on campus or on other property owned or occupied by a TCC Institution. It also includes off-campus locations, events, or circumstances over which a TCC Institution exercises substantial control over the Respondent and the context in which the Prohibited Conduct occurs, including Prohibited Conduct occurring in any building owned or controlled by a student organization that is officially recognized by a TCC Institution. It also includes conduct subject to the Respondent's Home Institution's disciplinary authority that occurs off-campus and conduct that takes place via TCC Institution sponsored electronic devices, computer and internet networks and digital platforms operated by, or used in the operations of, the TCC Institution or TCC. Conduct that occurs outside of the education program or activity may contribute to a hostile environment within the program or activity and may be covered by this Policy.

Conduct that is not covered by this Policy may still be addressed through other policies and processes, such as those under a TCC Institution's student codes of conduct, civil rights policies, discrimination and harassment policies, and/or any other applicable policy adopted by a TCC Institution.

Formal Complaint: Formal Complaint means a document filed by a complainant or signed by the Title IX Coordinator alleging Title IX Sexual Harassment against a respondent and requesting that the recipient investigate the allegation of Sexual Harassment. At the time of filing a Formal Complaint, a complainant must be participating in or attempting to participate in the education program or activity of the recipient with which the Formal Complaint is filed. A Formal Complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information required to be listed for the Title IX Coordinator and by any additional method designated by the recipient. As used in this paragraph, the phrase "document filed by a complainant" means a document or electronic submission (such as by electronic mail or through an online portal provided for this purpose by the recipient) that contains the complainant's physical or digital signature, or otherwise indicates that the complainant is the person filing the Formal Complaint. Where the Title IX Coordinator signs a Formal Complaint, the Title IX Coordinator is not a complainant or otherwise a party.

Incapacitation: Consent cannot be given by someone who is incapacitated. Incapacitation occurs when someone cannot make rational decisions because they lack the capacity to give knowing and informed consent (e.g., to understand the "who, what, when, where, why, and how" of their sexual activity). Incapacitation is determined through consideration of all relevant indicators of a person's state and is not synonymous with intoxication, impairment, or being under the influence of drugs, including prescription drugs, or alcohol. This Policy also covers a person whose incapacity results from temporary or permanent physical or mental health condition, involuntary physical restraint, and/or the consumption of incapacitating drugs, or who are sleeping.

Consumption of alcohol or other drugs alone is insufficient to establish incapacitation. Whether an intoxicated person (as a result of using alcohol or other drugs) is incapacitated depends on the extent to which the alcohol or other drugs impact the person's decision-making ability, awareness of consequences, and ability to make rational decisions.

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

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

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

Reporting Party: An individual who makes a report of alleged Prohibited Conduct, as defined by this Policy. This can be any person, including an individual unassociated with TCC. A Reporting Party is not considered a Complainant for purposes of the Resolution Process under this Policy.

Respondent: A Respondent is an individual, or individuals, who are subject to a TCC Institution's disciplinary authority, and who has been reported to have engaged in conduct that could constitute Prohibited Conduct, as defined by this Policy. In some situations, an individual does not have to be enrolled or employed by TCC to qualify as a Respondent under this Policy and may be a third-party participant whom a TCC Institution has the ability to take corrective action against. This Policy only applies to employees of TCC Institutions as set forth above.

Responsible Employee: A Responsible Employee is designated by each TCC Institution. Please refer to your Home Institution for their Responsible Employee Policy definition of this term.

Supportive Measures: Individualized measures offered as appropriate, as reasonably available, without unreasonably burdening a Complainant or Respondent, not for punitive or disciplinary reasons, and without fee or charge to the Complainant or Respondent to:

- Restore or preserve that Party's access to any TCC Institution education program or activity, including measures that are designed to protect the safety of the Parties or the TCC Institution educational or working environment; or,
- Provide support during the TCC Resolution Process, including during an Agreement-Based Resolution process.

The range of Supportive Measures available is listed in Section VI of this Policy.

Support Person: A Support Person is an individual who provides emotional support to a Complainant or Respondent throughout the Resolution Process, including any Agreement-Based Resolution Process, if applicable, as set forth in this Policy. Each Party is entitled to one Support Person to provide them support through every stage of the Resolution Process (including the Agreement-Based Resolution Process). A Party's Support Person may not be acting as an attorney, nor may they be another Party or witness in the same matter.

The Support Person may never speak or write on behalf of a Party or otherwise disrupt any meetings or hearings in any manner.

A Party's Support Person is expected to have reviewed this Policy to understand their role and expectations under this Policy prior to providing support to the Party. The Party's Home Institution's Title IX Coordinator and/or the TCC Title IX Administrator may require the Support Person to meet with the Party's Home Institution's Title IX Coordinator and/or the TCC Title IX Administrator to ensure the Support Person understands their role and the expectations under this Policy prior to their involvement in any process under this Policy. A Party and their Support Person are encouraged to contact the Party's Home Institution's Title IX Coordinator with any questions regarding this Policy and its Resolution Process and procedures. TCC reserves the right to exclude a Support Person who does not abide by these procedures.

Pomona College Staff and Faculty Title IX Sexual Harassment Policy and Procedures

Board Approved - October 2022

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I. Introduction

Sexual Harassment, as defined by this Policy, is prohibited by the College.¹ The College will respond promptly and effectively to reports of Sexual Harassment. Other forms of sexual discrimination, sexual harassment, and sexual exploitation that do not meet the definition of Sexual Harassment under this Staff and Faculty Title IX Sexual Harassment Policy (“Staff and Faculty Title IX Policy”), remain prohibited by the College’s other applicable policies, including the College’s Discrimination and Harassment Policies and Grievance Procedures.

This Policy addresses the College’s responsibilities and procedures related to Sexual Harassment allegations against members of its staff and faculty, to ensure an equitable and inclusive education and employment environment. The Policy defines Sexual Harassment and Retaliation, and explains the administrative procedures the College uses to resolve reports of such conduct. Allegations against the College’s students are handled under different processes set forth in the TCC Title IX Policy, the College’s Sexual Misconduct, Sexual Harassment, and Gender Discrimination Policy and Procedures, the Discrimination and Harassment Policies and Grievance Procedures, the Student Code, or other applicable College policies.

This Policy does not alter any institutional obligations under federal disability laws, including the Americans with Disabilities Act of 1990, and Section 504 of the Rehabilitation Act of 1973. Parties and witnesses may request reasonable accommodations for disclosed disabilities to the Title IX Coordinator or Human Resources professional at any point before or during the Title IX Grievance Process. The Title IX Coordinator and/or Human Resources professional will submit any request for reasonable accommodation to the appropriate department for review and response. The Title IX Coordinator and/or Human Resources professional will not affirmatively provide disability accommodations that have not been specifically requested by an individual, even where the individual may be receiving accommodations in other College programs and activities.

This Policy outlines the Formal Grievance Procedures the College will follow to ensure a prompt and equitable resolution of complaints against employees alleging Sexual Harassment. The College is not precluded from investigating other conduct that, if proven, would not constitute Sexual Harassment under this Policy but may constitute a violation of other College policies.

Title IX Coordinator. The College has designated a Title IX Coordinator to oversee and ensure compliance with this Policy:

Destiny Marrufo
Associate Dean
Title IX Coordinator I Clery Officer
550 N. College Ave.
Claremont, CA 91711

¹ Title IX Sexual Harassment now refers to specific forms of sexual misconduct (see Section III). Conduct that does not meet the definition of Sexual Harassment, as defined by this Policy, may still be addressed through other College’s policies and processes, including, but not limited to the TCC Title IX Policy, the College’s Non-Title IX Sexual Misconduct, Sexual Harassment, Gender Discrimination Policy and Procedures; the College’s Discrimination and Harassment Policies and Grievance Procedures, or the Pomona College Student Code.

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Reporting Misconduct. Any person may report sex discrimination, including Sexual Harassment. The reporting party need not be the purported victim of the Sexual Harassment and/or Sex Discrimination.

Anyone wishing to report Sex Discrimination may do so utilizing the contact information of the Title IX Coordinator. These reports shall be accepted when received in-person, via mail, electronic mail, telephone, and/or by any other means clearly defined by the College. Individuals can report potential Sex Discrimination and/or Sexual Harassment verbally or in writing.

Disclosing Sexual Harassment to a Confidential Resource. Under certain circumstances, an individual may disclose Sexual Harassment without initiating the formal Title IX Grievance Process. If an individual discloses Sexual Harassment to a Confidential Resource (defined below), the disclosure will be kept confidential if requested by the disclosing individual. The College's Title IX Coordinator maintains a list of all Confidential Resources available to students, staff, and faculty.

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

In contrast, if an individual communicates with a Responsible Employee (defined below) and/or the Title IX Coordinator regarding potential Sexual Harassment, that communication is considered a **report** of Sexual Harassment.

Upon receipt of a report of Sexual Harassment, the College is required to respond. This response **may** include the initiation of the formal Title IX Grievance Process. Reports of Sexual Harassment do not automatically initiate the formal Title IX Grievance Process. The formal Title IX Grievance Process is only initiated upon receipt of a signed complaint.

Publication. This Policy shall be distributed and made available to all members of the College community. In addition, every handbook and/or catalog made available to members of the College's community shall contain a link to this policy and the Title IX Coordinator's contact information.

II. Relevant Terms

Advisor: An Advisor is one individual who provides guidance to the student throughout the complaint process, as set forth in this Policy. Parties are entitled to an Advisor through every stage of the complaint process, including the Alternative Resolution process. A party can select an Advisor of their choice at any time in the process. An Advisor can be any person, including an attorney, who is not otherwise a party or a witness.

A party does not have to have an Advisor during the investigation process. The College will not provide any party with an Advisor during the investigation process. However, as outlined below, each party is required to have an advisor during the hearing. If a party has not already obtained an Advisor prior to the start of the hearing, the College's Title IX Coordinator will be responsible for ensuring each party is

appointed an Advisor at no fee or charge to the party. The College will not pay for, nor will the College reimburse any party for the cost of, an Advisor selected by the party.

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

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

The Support Person may never speak on behalf of a party or otherwise disrupt any meetings or hearings in any manner. See Section IX.C.8 for a full description of the Support Person's role. The College reserves the right to exclude a Support Person who does not abide by these procedures.

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

Confidential Resource: A Confidential Resource is an employee within the College who is not required to report disclosures of Sexual Harassment. Confidential Resources do not report potential crimes to law enforcement, nor do they report potential violations of policy to College officials without permission from the disclosing individual. The only exception to this applies in circumstances involving a health and/or safety emergency, and/or child abuse. – In those limited circumstances, a Confidential Resource may be required to report the disclosure. The College's Title IX Coordinator maintains a list of Confidential Resources.

Consent: Consent is affirmative, clear, knowing, voluntary, conscious, and revocable permission. Consent is active, not passive. Silence, in and of itself, cannot be interpreted as consent. Consent can be given by words or actions, as long as those words or actions create mutually understandable clear permission regarding willingness to engage in sexual activity, and the physical conditions of sexual activity (i.e., use of a condom).²

Affirmative consent must be ongoing and can be revoked at any time during sexual activity. It is the responsibility of each person to ensure they have the affirmative consent of the other to engage in the sexual activity. The existence of a dating relationship between the persons involved, or the fact of past or subsequent sexual relations between them, should never by itself be presumed to be an indicator of consent.

² "Condom stealthing" refers to a person's knowing or intentional removal of, or failure to use, a condom during sexual activity without the consent of the other person(s), when consent to the sexual activity was conditioned on the use of a condom.

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

Affirmative consent cannot be given by a person who asleep, unconscious, or incapacitated. A person with a medical or mental disability may also lack the capacity to give consent. The definition of incapacitation follows.

Incapacitation. A person is unable to consent when incapacitated due to the influence of drugs, alcohol, or medication so that the person could not understand the fact, nature, or extent of the sexual activity.

Incapacitation is a state where an individual cannot make an informed and rational decision to engage in sexual activity because the individual lacks conscious knowledge of the nature of the act (e.g., to understand the who, what, when, where, why or how of the sexual interaction) or is physically unable to consent (e.g., asleep or unconscious).

Incapacitation may result from the use of alcohol or drugs. However, consumption of alcohol or other drugs alone is insufficient to establish incapacitation. Whether an intoxicated person (as a result of using alcohol or other drugs) is incapacitated depends on the extent to which the alcohol or other drugs impact the person’s decision-making ability, awareness of consequences, and ability to make informed judgments. A person’s own intoxication or incapacitation from drugs or alcohol does not diminish that person’s responsibility to obtain Affirmative Consent before engaging in sexual activity.

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

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

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

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

It shall not be a valid excuse that a person affirmatively consented to the sexual activity if the Respondent knew or reasonably should have known that the person was unable to consent to the sexual activity under any of the following circumstances:

- The person was asleep or unconscious;
- The person was incapacitated due to the influence of drugs, alcohol or medication, so that the person could not understand the fact, nature or extent of the sexual activity;
- The person was unable to communicate due to a mental or physical condition.

It shall not be a valid excuse that the Respondent believed that the person consented to the sexual activity under either of the following circumstances:

- The Respondent's belief in Affirmative Consent arose from the intoxication or recklessness of the Respondent;
- The Respondent did not take reasonable steps, in the circumstances known to the Respondent at the time, to ascertain whether the person affirmatively consented.

Education Program or Activity: Alleged Sexual Harassment is only covered under this Policy if the alleged conduct occurred within the College's "education program or activity." For purposes of this Policy, "education program or activity" means locations, events, or circumstances over which the College exercised substantial control over both the Respondent staff member or faculty member and the context in which the alleged Sexual Harassment occurred. Conduct occurring on the property of any Claremont College may constitute conduct occurring within the College's education program or activity, regardless of the institutional affiliation of the Complainant(s) or Respondent(s).

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

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

- The incident occurred as part of the College's "operations";
- the College exercised substantial control over the Respondent and the context of the alleged Sexual Harassment; or,
- The incident occurred at an off-campus building owned or controlled by an officially recognized the College student organization.

Conduct that does not occur within the College's education program or activity, as defined by this Policy, may still be addressed through the College's other policies and processes.

Conduct that occurs outside of the United States, including conduct taking place within a College-sanctioned study abroad program, cannot be investigated under this Policy. However, conduct occurring outside of the United States may still be addressed through the College's other policies and processes

Formal Complaint: A document filed and signed by a Complainant or a document signed by the Title IX Coordinator, alleging Sexual Harassment against a Respondent and requesting an investigation into the allegation. Any individual may make a complaint of Sexual Harassment. This individual is known as a Reporting Party. If the Reporting Party is not the Complainant, the Title IX Coordinator may sign the complaint. If the formal complaint is signed by the Title IX Coordinator, the Title IX Coordinator is not treated as a Complainant, nor is the Title IX Coordinator treated as a party to the complaint. At the time of filing the formal complaint, the Complainant must be participating in, or attempting to participate in, an education program or activity of the College.

"A document filed and signed by a Complainant" means a document or electronic submission (such as by electronic mail or through an online reporting system) that contains the Complainant's physical or digital signature, or otherwise indicates who is the person filing the complaint. These reports shall be accepted when received in-person, via mail, electronic mail, telephone, and/or by any other means clearly defined by the College. Individuals can report potential Sex Discrimination and/or Sexual Harassment orally or in writing.

Reporting Party: An individual who makes a report of alleged/potential Sexual Harassment. This can be any person, including an individual unassociated with the College. A Reporting Party is not considered a Complainant for purposes of this process.

Respondent: An individual who has been reported to be the perpetrator of conduct that could constitute Sexual Harassment. An individual does not have to be enrolled or employed by the College to qualify as a Respondent under this Policy. The College may dismiss a formal complaint if the

Respondent is no longer enrolled or employed by the College; however, the decision to dismiss will be made on an individual basis, by the College's Title IX Coordinator.

Responsible Employee: Responsible Employees are the College employees who cannot guarantee confidentiality upon learning of potential Sexual Harassment. These individuals are required to report the alleged conduct to the College's Title IX Coordinator, which may initiate the formal Title IX Grievance Process.

Responsible Employees will maintain confidentiality to the greatest extent possible and will relay the information disclosed only as necessary to the Title IX Coordinator or designee. The College will limit the disclosure as much as practicable, even if the Title IX Coordinator determines that the request for confidentiality cannot be granted.

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

III. Sexual Harassment

Only allegations of Sexual Harassment, alleged to have occurred within the College's education program or activity, are addressed under this Policy. Sexual Harassment, as defined by this Policy, is prohibited within all of the College. The College will respond promptly and effectively to reports of Sexual Harassment, as outlined in this policy. *Other forms of sex discrimination, sexual harassment, and sexual exploitation remain prohibited by other College policies.*³

This section provides the definition of Sexual Harassment, for purposes of this Policy.

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

- a) An employee conditioning the provision of an aid, benefit, or service of the College on an individual's participation in unwelcome sexual conduct (also known as *quid pro quo Sexual Harassment*).
 - Note: Complainant's statement that they found the conduct to be unwelcome is sufficient to constitute "unwelcome conduct."
- b) Unwelcome conduct that a reasonable person would determine is so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the College's education program or activity.
 - Note: "Unwelcome conduct" depends on a variety of factors and must be evaluated in light of the known circumstances.
 - Note: "Severe, pervasive, and objective" must be evaluated in light of the known circumstances, and is dependent on the facts in each situation. However, this element

³ Behavior which does not fall under the definition of Sexual Harassment may be addressed through other policies and processes, such as those under the College's Discrimination and Harassment Policies and Grievance Procedures.

must be determined from the perspective of a reasonable person standing in the shoes of the Complainant.

- c) Sexual assault (as defined in the Clery Act), or dating violence, domestic violence, or stalking as defined in the Violence Against Women Act (VAWA).
 - Note: A single instance of any conduct as defined below is sufficient to constitute Sexual Harassment. Any instance of any of the conduct defined below does not need to demonstrate severity, pervasiveness, objective offensiveness, or denial of equal access to education or employment, because denial of equal access is assumed.

Sexual Assault. As defined in the Clery Act (20 USC 1092(f)(6)(A)(v), Sexual Assault is: an offense that meets the definition of rape, fondling, incest, or statutory rape, as used in the FBI's Uniform Crime Reporting (UCR) Program. The relevant FBI UCR definitions are as follows:

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

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

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

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

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

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

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

- a current or former spouse or intimate partner of the Complainant;
- a person with whom the Complainant shares a child in common;

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

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

- Fear for their safety or the safety of others; or,
- Suffer substantial emotional distress.

IV. Behavior That Does Not Constitute “Sexual Harassment” Under This Policy

Behavior which does not fall under this Policy’s definition of Sexual Harassment may be addressed through other policies and processes, such as those under the College’s Discrimination and Harassment Policies and Grievance Procedures or applicable College policies.

Any conduct that constitutes Sexual Harassment, as defined by this Policy, is addressed using the process established in this Policy. Other conduct, as defined under the College’s other policies, is addressed using the processes established in or otherwise applicable to those individual policies.

V. 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 College’s 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 [campus] 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 College’s 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 College’s ability to provide the supportive measures. This information will not be shared with the other party unless it specifically impacts that party.

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

- 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 Title IX Coordinator based on the specific facts of each case.

VI. Administrative Leave

The College reserves the right to place an employee Respondent on administrative leave during the pendency of the formal grievance process.

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

The College's Chief Human Resources Officer will work in coordination with the College's Title IX Coordinator to facilitate the administrative leave process.

Nothing in this Policy alters an employee's at will employment status. Other interim steps, such as separating the Complainant and Respondent or modifying work schedules, may also be employed while the investigation is in progress. The College will also take steps to prevent recurrence of any discrimination or harassing conduct and will also take steps to correct any discriminatory effects on the Complainant(s) or other students, faculty, staff, or contractors, if appropriate.

VII. Alternative Resolution Process

The College recognizes some parties may desire resolution of their matter through an Alternative Resolution Process, instead of through the Formal Grievance Process. Accordingly, parties can mutually agree to resolve a complaint through an Alternative Resolution process, instead of undergoing the Formal Grievance Process. 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 the College 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 Formal Grievance Process. Alternative Resolution is available when there is a student Respondent.

The parties may elect to enter the College's Alternative Resolution process through an informed written consent, at any time after the filing of the Formal Complaint. This informed written consent will include all terms of the elected informal process, including a statement that any agreement reached through the process is binding on the parties.

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;
- the Title IX Coordinator has begun the process;
- the process is voluntary and will end upon either party's request;
- termination may result in initiation of the Formal 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's outcome; and
- the process is private but not confidential, the Title IX Coordinator will maintain a record of the process and may share information with others if needed to carry out the resolution, and information shared by parties may be considered in any subsequent Resolution Process.

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 formal grievance process recommences. 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 College's Title IX Coordinator or Chief Human Resources Officer 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 Title IX Coordinator or Chief Human Resources Officer 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 only permitted to address allegations of staff-on-staff or student-on-staff sexual harassment, and 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 College's Title IX Coordinator or Chief Human Resources Officer 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 formal 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 that any testimony and evidence (including admissions of responsibility) they share or receive during the Alternative Resolution process concerning the allegations of the Formal Complaint is confidential while the parties are participating in the Alternative Resolution process. 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 may be incorporated into the formal investigation and live hearing, provided that this information is disclosed and reviewed by the parties under the investigatory and hearing procedures described in the Title IX Grievance Process.

Alternative Resolution Options

The College offers the following Alternative Resolution procedures for addressing Formal Complaints of Sexual Harassment covered under this Policy:

- **Administrative Resolution.** Should the Parties mutually determine to enter the Alternative Resolution process, and the Respondent elects to accept responsibility for the allegations of the Formal Complaint at any point during the Alternative Resolution process, the College may administratively resolve the Formal Complaint.

Where the Respondent admits responsibility, the Parties will receive simultaneous written notification of the acceptance of responsibility, and the Respondent's Home Institution's applicable decision-makers will convene to determine the Respondent's sanction and other remedies, as appropriate and consistent with institutional policy. The Parties will be given an opportunity to be heard at the sanctions hearing, including but not limited to the submission of impact statements, and the Parties may be accompanied by their Advisor, but questioning of Parties or witnesses 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 below, in Section IX.E.

The College's Title IX Coordinator or Chief Human Resources Officer will keep records of all reports and conduct addressed through Alternative Resolution.

- **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 College's Title IX Coordinator or Chief Human Resources Officer 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 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 College's Title IX Coordinator or Chief Human Resources Officer. During mediation, any potential investigation will halt, and calculations for time frames will be stayed. 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 College's Title IX Coordinator or Chief Human Resources Officer to re-evaluate other options for resolution, including investigation.

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 an advisor of their choice to any meetings who may be, but is not required to be, an attorney.

At the conclusion of the mediation, the facilitator will memorialize the agreement that was reached between the parties. The College's Title IX Coordinator or Chief Human Resources Officer will monitor adherence to the proposed solution and close the matter when compliance is satisfactory.

The College's Title IX Coordinator or Chief Human Resources Officer 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 individuals 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, restorative justice 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. The harmed party must also be willing to accept an apology offered by the student accused of wrongdoing. Additionally, all involved parties must agree to and abide by measurable and timely actions within the scope of this Policy and directives. The College's Title

IX Coordinator or Chief Human Resources Officer 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 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 College's Title IX Coordinator or Chief Human Resources Officer 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 Home Institution Title IX Coordinator or Chief Human Resources Officer to re-evaluate other options for resolution.

The College's Title IX Coordinator or Chief Human Resources Officer will monitor the parties' adherence to their proposed solution and reserves the right to close the matter when compliance is satisfactory.

The College's Title IX Coordinator or Chief Human Resources Officer will keep records of all reports and conduct addressed through Alternative Resolution.

VIII. Formal Grievance Process

The Formal Grievance Process is initiated when a Complainant or Reporting Party makes a report of alleged Sexual Harassment to the College's Title IX Office. Throughout the Formal Grievance Process, the College's Chief Human Resources Officer and the College's Title IX Coordinator will work closely and cooperatively together. Where appropriate, they will maintain open communication during all phases of the Formal Grievance Process, including the investigation, hearing, and appeals stage.

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

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

A. General Information

1. Standard of Evidence

The College will utilize a "Preponderance of the Evidence" standard in evaluating allegations of Sexual Harassment. "Preponderance of the evidence" means the evidence on one side outweighs, or is more than, the evidence on the other side. This is a qualitative, not a quantitative, standard.

2. Initial Meetings and the Intake Process

Initial Meetings. A Complainant may meet with the College's Title IX Coordinator for the purposes of discussing their reporting options, Supportive Measures, etc. Below is a summary of the topics the College's Title IX Coordinator might 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 Formal Grievance Process.

The Formal Grievance Process is initiated upon receipt of a signed complaint, alleging Sexual Harassment – known as a Formal Complaint. A Formal Complaint can be signed and filed by a Complainant with the College's Title IX Coordinator. A Title IX Coordinator can also sign and file a Formal Complaint when they receive a complaint of Sexual Harassment from a Reporting Party (who is an individual other than the Complainant). A Title IX Coordinator who signs and files a complaint is not treated as a Complainant.

Intake Process. Upon receipt of such a Formal Complaint, the College's Title IX Coordinator or its designee 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 Report, and/or when the College 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 the College with sufficient contextual information to determine the appropriate next steps to support the Complainant and to guide the College's Response.

Following receipt of the Formal Complaint and Intake Report, the College's Title IX Coordinator will review and evaluate the allegations. Based on this information, the College's Title IX Coordinator will determine if the complaint will proceed under this Policy, meaning the conduct would be considered Sexual Harassment if the allegation(s) is sustained. If the College's Title IX Coordinator determines the complaint is not covered by this Policy, they will notify the Complainant or Reporting Party as appropriate. In instances where it is determined a Formal Complaint will not proceed under this Title IX Policy, this decision is appealable by **any party** under the procedures for appeal outlined in Section IX.E., below.

If the College's Title IX Coordinator determines the Formal Complaint will proceed under this Title IX Policy, it will initiate the Formal Grievance Process.⁴ A written complaint is not required for an

⁴ If the conduct alleged would not meet the definition of Sexual Harassment, even if sustained, the Title IX process will be terminated. However, the conduct may continue to be investigated under other policies and processes, such as those under the College's other applicable policies.

allegation to constitute a report of misconduct. The College's Title IX Coordinator will determine whether an investigation is warranted based on a preliminary inquiry into the allegations set forth in the Formal Complaint.

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 participating at any step of the process and notification of the outcome.

3. Notice of Allegations

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

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

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

4. Timing

Absent extensions for good cause, the entire Formal Grievance Process should be completed within 90 to 100 business days from the issuance of the Notice of Allegations to the Respondent(s). 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 College's Title IX Coordinator. The College's Title IX Coordinator will provide notice to both parties of any timeline extensions.

Failure to complete the Formal Grievance Process within this time period does not, in and of itself, constitute a procedural error. Any such argument of procedural error (as set forth in Section IX.E.) must also include an explanation as to how the delays materially impacted the outcome of the Formal Grievance Process.

5. Concurrent Criminal Investigations

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

6. Confidentiality

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

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

7. Right to an Advisor

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

Specific guidelines regarding the Advisor role at the hearing are outlined below. The College 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. The College will not provide any party with an Advisor during the investigation process. However, as outlined below, the College will provide a party with an Advisor during the hearing, if the party has not already obtained an Advisor.

8. Support Persons

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

9. Accepting Responsibility

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

10. Closure

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

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

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

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

- A Complainant notifies their Title IX Coordinator in writing that the Complainant would like to withdraw the formal complaint or any allegations therein; or
- It is determined that the Respondent is no longer enrolled or employed by the College;
- Specific circumstances prevent the College 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 College's Title IX Coordinator.

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

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

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

11. 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 the College 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. The College may require 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.

12. Consolidation of Formal Complaints

The College may consolidate Formal Complaints under two circumstances:

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

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

13. Interpretation

This Policy is intended to be self-explanatory. The Adjudicator is responsible for interpretation of policy definitions of prohibited conduct. Should a disagreement arise over interpretation of another area of Policy, exclusive authority to interpret the Policy lies with the Title IX Coordinator. Any such interpretation shall be final. In reaching a final interpretation, the Title IX Coordinator may consult with other TCC Title IX Coordinators or legal counsel at any point during the investigatory or adjudicatory process.

B. Investigation Process

1. Designation of the Investigator

The College's Title IX Coordinator will designate an Investigator to conduct a fair, thorough, and impartial investigation.

The Investigator will have had appropriate training in the definitions of Sexual Harassment, the scope of the College's education programs and activities, the investigation and hearing processes, the Alternative Resolution processes, and investigative report writing.

2. Investigation Process

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

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

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

The College 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 other and are offered to prove or disprove consent;
- The sexual history is relevant to explain an injury; and/or
- The sexual history is relevant to show a pattern of behavior.

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

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

3. Recording

The College may elect to electronically record investigative interviews. If they choose to do so, the Investigator will inform the parties and witnesses of this intent. The College 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 College representative. A party may request to review the transcript of the other party in-person and under supervision by a College representative.

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

4. Evidence Review

Before issuing the final Investigation Report, the College's Title IX Coordinator will provide a preliminary Investigation Report⁵ 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 College's Title IX Coordinator 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

⁵ Before issuing the preliminary Investigation Report, the Complainant's and Respondent's Home Institution's Title IX Coordinators will review the draft preliminary Investigation Report for approval. The purpose of this review is to ensure the preliminary Investigation Report is impartial and reliable.

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 College's Title IX Coordinator will notify the parties when the Evidence Review Process is complete and the Investigation Report is finalized.

5. Final Investigation Report

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

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

The report will not include findings of fact, findings of policy, or credibility determinations for parties or witnesses (other than to note when credibility is not disputed).⁶

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

C. Hearing

If the College's Title IX Coordinator determines, after the final Investigation Report is issued, that closure of the matter under this policy is not warranted, the matter shall proceed to a hearing. A hearing will be

⁶ As with the preliminary report, before issuing the final Investigation Report, the Complainant's and Respondent's Home Institution's Title IX Coordinators will review the draft final Investigation Report for approval.

held in which an Adjudicator will make findings of fact on disputed facts, and findings of policy on the relevant Policy the Respondent is alleged to have violated.

Individuals may choose not to participate in the hearing. In certain circumstances involving student employee respondents, if any individual – Complainant, Respondent, and/or witnesses – chooses not to participate in the hearing, the Adjudicator may not be able to consider a 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 inferences only 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 own 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 the College's Rules of Decorum. The Rules of Decorum will be shared with the parties, their Advisors, and Support People 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.

The College expects the parties will desire that the College share documentation related to the allegations with their Support Person and/or Advisor. Where applicable, the College provides a FERPA release form that authorizes such sharing and participation. The parties must complete this form before the College 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 the College. These records may not be shared with third parties, disclosed publicly, or used for purposes not explicitly authorized by the College. The College 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 the College's privacy expectations.

1. Hearing Coordinator

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

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

2. Designation of Adjudicator

The College's Title IX Coordinator will be responsible for designating an Adjudicator, distinct from the Hearing Coordinator and any Title IX Coordinator, who will preside over the hearing and draft the Hearing Decision. The Adjudicator is a single individual, either internal or external to the College. 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 the College's education programs and activities, the investigation and hearing processes, the Alternative Resolution processes, and hearing decision writing.

Additionally, the Adjudicator will be trained on the following:

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

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

After the Hearing Notice has been sent, parties will have five (5) business days to object to the selection of the Adjudicator for an actual conflict of interest or bias. An *actual conflict of interest* exists if the Adjudicator has a close personal relationship with one of the parties or witnesses. Prior work for the College, 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 College's Title IX Coordinator will consider and resolve any objections to the selection of an Adjudicator.

3. Witnesses

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

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

The College cannot compel parties or witnesses (with the exception of the Investigator) to testify in the hearing. Any witnesses' decision not to participate will not be a reason to cancel or postpone a hearing. Investigators who are current employees of the College are expected to participate in the hearing, if

requested. Non-employee investigators, including investigators who have left employment with the College, can be requested, but cannot be compelled, to participate in the hearing.

4. Hearing Notice

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

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

5. Recording

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

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

6. Separation of Parties

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

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

7. Hearing Questioning and Role of the Advisor

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

The Adjudicator will permit each party's Advisor to ask the other party(ies) 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 party. The Adjudicator will evaluate each question asked. If the Adjudicator determines the question should not be asked, the Adjudicator will direct the party/witness not to answer the question and state their reasoning on the record. 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. 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, the College will provide the party with an Advisor, for the purpose of assisting the party with questioning during the hearing. If parties know they will not have their own Advisor at the hearing, they are encouraged to notify the Hearing Coordinator of this fact as soon as possible.

Should a party not have an Advisor prior to the hearing, the College will provide an Advisor trained in the hearing process and in the development and posing of relevant questions. The party must utilize the Advisor provided by the College for purposes of questioning during the hearing.

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

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

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

8. Party Mitigation and Impact Statements

Within five (5) business days after the last day of the hearing, the parties may provide to the College's Title IX Coordinator 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 College's Title IX Coordinator before issuing their Hearing Decision. The College's Title IX Coordinator will provide

the Adjudicator with copies of the party statements, in accordance with Section IX.D, below. If the Adjudicator determines there was not a violation of policy, the College's Title IX Coordinator will not release the party statements to the Adjudicator.

9. Hearing Decision

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

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

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

If the Adjudicator does **not** find a violation of policy, the Adjudicator will finalize the Hearing Decision and submit the Hearing Decision to the College's Title IX Coordinator. The Hearing Decision will include the following:

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

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

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

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

D. Sanctioning

This section sets forth the procedures to be followed should the Adjudicator find that a Policy violation(s) occurred.

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

- They will notify the College's Chief Human Resources Officer and/or appropriate Vice President ("Designated Official").
- They will provide the Designated Official with any written party statements, as set forth in Section IX.C.8., above. If the parties did not provide written statements in accordance with Section IX.C.8., above, they will not be provided an additional opportunity to submit a written statement to the Adjudicator.
- Once the Designated Official has completed its review and sanction determination, it will provide that determination to the College's Title IX Coordinator, who will transmit them to the Adjudicator.

The Designated Official will make a sanctioning determination based on the factual and policy findings, written party statements, written College recommendations, and other factors relevant to sanctioning. These factors 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, invasion of privacy via recording, photographing, viewing, and distributing.

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

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

Retaliation: Whether Respondent complied with No Contact Orders and other interim measures in place during the investigation and hearing process; whether Respondent engaged in conduct meant to intimidate or harass participants for their participation in the investigation or hearing process; whether Respondent was forthcoming during the investigation and hearing process; whether Respondent engaged in any other conduct which would obstruct the investigation or hearing process, or impacted the fairness of the processes.

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

Possible sanctions include, but are not limited to:

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

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

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

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

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

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

Restricted Access: Conditions which specifically dictate and limit the Respondent's presence on campus and/or participation in College-sponsored activities. The restrictions will be clearly defined and may include, but are not limited to, presence in certain buildings or locations on campus or a No Contact Order. In cases involving parties from different Claremont Colleges, restricted access may extend to exclusion from another institution's campus.

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

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

Behavioral Improvement Plans: Formal, written notice that the employee's conduct is in violation of College policies and an expectation that the employee exhibit good behavior for a defined period of time. Any further violations during the probationary period will result in

increased sanctioning and may result in employment suspension without pay or termination of employment.

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

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

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

Expulsion: Permanent separation from the College for student workers. A student Respondent who has been expelled is not permitted on campus and is not permitted to participate in any College-sponsored or affiliated program or activity. A student who is expelled for the purposes of this policy is not eligible for future employment by the College in either faculty or staff positions.

Pursuant to the Faculty Handbook, termination of a tenured appointment, or of a term appointment before its expiration occurs only for adequate cause. For faculty respondents, if the Vice President, Academic Affairs/Dean of the College determines that dismissal is appropriate, they will consult the procedures of the "Pomona College Dismissal Policy" found in the Faculty Handbook, and initiate related proceedings as appropriate. In applying these procedures, the finding that the policy has been violated will not be revisited. The sole decision is whether the specific policy violation constitutes acts sufficient to support adequate cause for termination or dismissal.

If the Respondent is a member of the executive staff of the President, the President will serve as the disciplinary authority to determine sanctions. If the President is the Respondent, the Chair of the Board of Trustees will serve as the disciplinary authority to determine sanctions.

E. Appeal

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 College's Title IX Coordinator. The College's Title IX Coordinator will identify an appropriate trained Appeal Officer to review and make a determination of the appeal(s).

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

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

1. Appeal Grounds

A party may appeal based on a determination as to proceeding with a Formal Complaint under this Policy and/or closure of a Formal Complaint under this Policy under one or more of the following grounds:

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

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

New Evidence: There is new evidence which was not available or known (and could not have reasonably been known) at the time of the final 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.

2. Appeal Officer

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

The Appeal Officer will have had appropriate training in the definitions of Sexual Harassment and sexual misconduct, the scope of the College's education programs and activities, the investigation and hearing processes, the Alternative Resolution processes, and appeal decision writing.

3. Accepting an Appeal

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

4. Appeal Response

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

5. Appeal Record

The review of an appeal will not involve any additional investigation by the Appeal Officer. 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 Officer will not consider new evidence for the purposes of upholding, overturning, or modifying the findings. Appeals submitted under the ground of new evidence will be considered only to determine whether the new evidence could likely change the findings.

6. Appeal Decision

The Appeal Officer 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 Officer may decide the following:

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

7. Notice of the Appeal Decision

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

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

F. Compliance with Final Sanctioning Determination

For student Respondents, the Title IX Coordinator is responsible for ensuring completion of the sanction. For employee Respondents, the College's Designated Official is responsible for ensuring completion of the sanction.

IX. Training And Recordkeeping

The College will retain documents related to this process for a period of seven (7) years. Documents related to this process include: Formal Complaints, remedies provided to the Complainant, the Investigation Report and attachments, the Hearing Decision, any sanctioning determination, and all appeal-related documents, as well as any audio recording or transcript of the hearing.

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

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

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

X. Retaliation

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

XI. Effective Date

This Policy is effective as of _____ 2022, and only applies to Sexual Harassment alleged to have occurred on or after August 14, 2020. Incidents of Sexual Harassment alleged to have occurred before August 14,

2020, will be investigated and adjudicated according to the process in place at the time the incident allegedly occurred.