

Scripps College

Discrimination and Harassment Policies and Grievance Procedures

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INTRODUCTION

I. General Policy Statement

As a women's college committed to fostering an equitable and inclusive community, Scripps College (the "College") seeks to maintain an environment in which individuals can live, learn, and work free from discrimination and harassment, including sexual violence, sexual misconduct, dating violence, domestic violence, or stalking. The College regards such behavior as inimical to its educational purposes and to the respect for individuals that it holds to be essential in all aspects of its institutional life. Members of the Scripps community, defined as all individuals permanently or temporarily employed by, studying at, or officially connected with the College, should be aware that the College is strongly opposed to all forms of discrimination and harassment and that such behavior is prohibited by College policy and, in some instances, by civil and criminal laws.

All forms of harassment and discrimination on the basis of sex, gender identity and expression, pregnancy, religion, creed, color, race, national or ethnic origin, ancestry, immigration status, sexual orientation, medical condition, physical or mental disability, age, marital status, veteran status, family care leave status, caste, social origin, or any other basis prohibited by state or federal law destroy the foundation for respect and violate the sense of community vital to the College's educational enterprise. Sexual violence and sexual misconduct offenses are a form of sexual harassment and are strictly prohibited by the College. This policy also prohibits dating violence, domestic violence, and stalking. Retaliation against a person who reports, complains about, or participates in the investigation of a complaint of discrimination or harassment is likewise prohibited.

This policy strictly prohibits discrimination against, or the harassment of, any individual at the College or at College activities occurring away from campus, including but not limited to all individuals regularly or temporarily employed, studying, or with an official capacity at the College (such as Trustees, guest lecturers, volunteers, and contractors). Persons violating this policy will be subject to disciplinary action up to and including discharge from employment or expulsion from the College.

It is the responsibility of all faculty, staff, and students at the College to ensure compliance with this policy. Accordingly, faculty, staff, or students who believe they are being harassed or discriminated against, have observed harassment of, or discrimination against, another person at the College in violation of this policy, or believe such conduct has occurred, should immediately report the incident following the reporting procedures below.

As an educational institution, the College is committed to the principle of free expression and the exploration of ideas in an atmosphere of civility and mutual respect. The College also recognizes that the educational process can often be disturbing and unsettling,

particularly when one's current ideas or values are being challenged. This means that the learning, working, and living environments might not always be comfortable for all members of the college community. The College does not proscribe speech simply because it is offensive. In determining whether an act constitutes discrimination or harassment, the context must be carefully reviewed, and full consideration must be given to the protection of individual rights, freedom of speech, and academic freedom.

II. Jurisdiction

The policies and procedures set forth herein apply to all College faculty, staff, and students, except where otherwise noted. These policies and procedures also apply to third parties (such as campus visitors or vendors) who may have contact with members of the College community, either on the College's campus or at other College events and programs. For purposes of these policies and grievance procedures, a Complainant is a student, faculty, or staff member who is alleged to be the subject of a policy violation. The College also may be a Complainant. A Respondent under these policies and procedures is the person alleged to have engaged in conduct that constitutes a violation of these policies. If the alleged perpetrator is an employee or student from one of the other Claremont Colleges or The Claremont Colleges Services, Inc., the College will investigate the matter and take steps to stop the conduct and remedy its affects to the extent reasonably possible. However, the grievance or other relevant procedures related to any disciplinary action against the Respondent will be those of the Respondent's home institution.

On May 6, 2020, the U.S. Department of Education issued a Final Rule under Title IX of the Education Amendments of 1972 (the "Final Rule"). Based on the requirements of the Final Rule, The Claremont Colleges (TCC)* implemented a joint TCC Title IX Sexual Harassment Policy, effective August 14, 2020. Alleged conduct that is reported to have occurred before August 1, 2024, and that meets the definition of Sexual Harassment and jurisdiction outlined in the TCC Title IX Sexual Harassment Policy will be addressed under the TCC Title IX Sexual Harassment Policy. On April 19, 2024, the U.S. Department of Education issued amendments to the Final Rule, and based on these requirements, TCC implemented a revised TCC Sexual Misconduct and Sex-Based Harassment Policy, effective August 1, 2024. Alleged conduct that is reported to have occurred on or after August 1, 2024, and that meets the definition of Sex-Based Harassment or Sexual Misconduct and jurisdiction outlined in the TCC Sexual Misconduct and Sex-Based Harassment Policy will be addressed under the TCC Sexual Misconduct and Sex-Based Harassment Policy. Alleged conduct that falls outside the scope of the TCC Sexual Misconduct and Sex-Based Harassment Policy may still be addressed through other policies and processes of the Respondent's home institution.

The grievance procedures set forth below are administrative in nature and are separate and distinct from the criminal and civil legal systems. Pursuing resolution through these procedures does not preclude someone from pursuing legal action now or in the future. If the conduct in question is alleged to be a violation of both College policy and public law, the College may proceed with its normal process, regardless of action or inaction by outside authorities. Decisions made or sanctions imposed through these, or other College procedures are not subject to change because criminal or civil charges arising from the same conduct are dismissed, reduced, or rejected in favor of or against the Respondent.

In the event of a conflict with any other Scripps College policy or Claremont Colleges intercampus policy, the policies and procedures set forth below will prevail, with exception of alleged conduct that falls within the scope of the TCC Sexual Misconduct and Sex-Based Harassment Policy.

*The Claremont Colleges (TCC) is composed of seven (7) individual Institutions, including Pomona College; Claremont Graduate University; Scripps College; Claremont McKenna College; Harvey Mudd College; Pitzer College; and Keck Graduate Institute. Each of the Institutions, with the exception of Keck Graduate Institute, elected to adopt the TCC Sexual Misconduct and Sex-Based Harassment Policy.

CIVIL RIGHTS RELATED POLICIES

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

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

- Title IX of the Higher Education Amendments of 1972;
- The Violence Against Women Reauthorization Act of 2013;
- Title VI of the Civil Rights Act of 1964;
- Title VII of the Civil Rights Act of 1964;
- California SB 493;
- California SB 967 (“Yes Means Yes”);

- California Fair Employment and Housing Act (“FEHA”);
- California Unruh Civil Rights Act;
- Family Educational Rights and Privacy Act of 1974;
- Section 504 of the Rehabilitation Act of 1973;
- Americans with Disabilities Act (the “ADA”);
- Age Discrimination in Employment Act of 1967, as amended by the Older Worker’s Benefit Protection Act (“ADEA”);
- Any other applicable federal, state, or local law addressing nondiscrimination and/or equal employment opportunity.

Inquiries concerning the application of these laws to the College should be referred to the Title IX Coordinator or, if applicable, the Section 504 Coordinator.

II. Equal Employment Opportunity

The College prides itself in being an open, competitive, and equal opportunity employer. The College is committed to a policy of equal employment opportunities for all applicants and employees and complies with all applicable state and federal laws on the matter. The College does not unlawfully discriminate on the basis of race, color, creed, religion, national or ethnic origin, ancestry, immigration status, sex, age, sexual orientation, gender identity and expression, marital status, pregnancy, physical or mental disability, medical condition, family care leave status, veteran's status, caste, social origin, or any other category protected by law. The College also prohibits the harassment of any employee on any of these bases. The College also makes reasonable accommodations for disabled employees. This policy applies to all areas of employment, including recruitment, hiring, training, promotion, compensation, benefits, transfer, and social and recreational programs. It is the responsibility of every manager and employee to follow this policy conscientiously. Employees with questions regarding this policy should discuss them with the Assistant Vice President of Human Capital and Risk Management or their supervisor.

III. Discriminatory Harassment Policy Applicable to Students and Employees

- A. It is the policy of Scripps College to maintain an environment for students, faculty, and staff that is free of prohibited harassment. All members of the community should be aware that the College is concerned about such harassment and is prepared to take prompt remedial action to prevent and correct such behavior. Individuals who engage in prohibited harassment based on such factors as religion, color, race, national or ethnic origin, ancestry, immigration status, physical or mental disability, age, marital status, family care leave status, caste, social origin, or veteran status, will be subject to discipline, up to and including expulsion or termination. Retaliation against a person who reports, complains about, or participates in the investigation of such harassment is likewise prohibited. Sex-Based Harassment (including harassment on the basis of sex, sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity) involving a student as a Complainant or Respondent will be addressed by the TCC Sexual Misconduct and Sex-Based Harassment Policy.

B. Discriminatory Harassment

Prohibited harassment is conduct that creates an intimidating, offensive, or hostile working or academic environment, or that interferes with work or academic performance, including harassment based on a person's protected status, including race, color, national origin, ancestry, immigration status, age, religion, physical or mental disability, medical condition, marital status, veteran status, family care leave status, caste, social origin, or any other status protected by anti-discrimination and anti-harassment statutes, such as Titles VII or IX of the Civil Rights Act, the Americans with Disabilities Act, the Age Discrimination in Employment Act, and the California Fair Employment and Housing Act.

Harassment can be physical, verbal, or visual. Harassment can be committed by employers, coworkers, fellow students, and third parties. Generally, statements and/or conduct legitimately and reasonably related to the College's mission of education do not constitute harassment.

To be considered harassment under this policy, such conduct must:

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

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

Sex-Based Harassment (including harassment on the basis of sex, sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity) involving a student as a Complainant or Respondent will be addressed by the TCC Sexual Misconduct and Sex-Based Harassment Policy.

Examples of conduct that may constitute harassment include:

- Threatening a person;
- Physically blocking a person's movement about campus;
- Derogatory or hostile comments repeatedly directed at another person;
- Inciting others to direct hostile or derogatory comments at another person; or
- Comments about personal appearance, personal behavior, or a person's body.

Electronic Communication and Online/Social Media Activity: Social Media and electronic devices facilitate the expeditious and broad dissemination of information. Although these forms of communication may occur on websites or applications that are not a part of the Consortium computer network, items posted on social media (or other online sites) or communications through electronic devices can have an effect on a person's academic, residential, or work life at the College. Community members should know that activity on social media or communication to or about another person through electronic means can constitute harassment under this policy if the activity meets the elements described above.

IV. Discriminatory Harassment Policy Applicable to Employees Only

A. Sex-Based Harassment

Sex-based harassment is a form of sex discrimination and means sexual harassment and other harassment on the basis of sex, including on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity, that is:

1. Quid pro quo harassment. An employee, agent, or other person authorized by the College to provide an aid, benefit, or service under the College's education program or activity explicitly or impliedly conditioning the provision of such an aid, benefit, or service on a person's participation in unwelcome sexual conduct;

2. Hostile environment harassment. Unwelcome sex-based conduct 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 the College's education program or activity (i.e., creates a hostile environment). Whether a hostile environment has been created is a fact-specific inquiry that includes consideration of the following:
 - i. The degree to which the conduct affected the complainant's ability to access the recipient's education program or activity;
 - ii. The type, frequency, and duration of the conduct;
 - iii. The parties' ages, roles within the recipient's education program or activity, previous interactions, and other factors about each party that may be relevant to evaluating the effects of the conduct;
 - iv. The location of the conduct and the context in which the conduct occurred; and
 - v. Other sex-based harassment in the recipient's education program or activity.

Sex-Based Harassment includes harassment between individuals of any gender identity. Sexual misconduct offenses are specific forms of sexual harassment and are strictly prohibited by the College. Due to the unique nature of sexual misconduct, the College has a separate Sexual Misconduct Policy which is outlined below.

V. Sexual Misconduct, Relationship Misconduct, Stalking Policy Applicable to Students and Employees

A. Sex-Based Harassment includes Sexual Assault, Domestic Violence, Dating Violence, and Stalking, as defined in the TCC Sexual Misconduct and Sex-Based Harassment Policy. Sex-Based Harassment or Sexual Misconduct involving a student as a Complainant or Respondent will be addressed by the TCC Sexual Misconduct and Sex-Based Harassment Policy.

B. Other Prohibited Misconduct

1. *Relationship Abuse*: Relationship Abuse is the use of physical, sexual, or emotional abuse or threats to control another person by a current or former spouse of the victim or by a person:
 - i. who is or has been in a social relationship of a romantic or intimate nature with the victim; and
 - ii. where the existence of such a relationship shall be determined based on a consideration of:

- the length of the relationship,
- the type of the relationship, and
- the frequency of interaction between the persons involved in the relationship.

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

- i. Invasion of sexual privacy;
- ii. Prostituting another person;
- iii. Non-consensual recording of images, including video or photograph, or audio of another person's sexual activity or intimate parts;
- iv. Going beyond the boundaries of consent (such as letting your friends hide in the closet to watch you having consensual sex);
- v. Engaging in voyeurism, or viewing another person's sexual activity or intimate parts, in a place where that other person would have a reasonable expectation or privacy, without that person's consent, for the purpose of arousing or gratifying sexual desire;
- vi. Knowingly exposing another person to and/or transmitting a sexually transmitted infection (STI), a sexually transmitted disease (STD), or HIV;
- vii. Exposing one's genitals in non-consensual circumstances; inducing another to expose their genitals;
- viii. Trafficking another person by inducing them to perform a commercial sex act, or labor or services, through force, fraud, or coercion; or
- ix. Distributing 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.

C. Consent

Consent is clear, knowing and voluntary. Consent is active, not passive. Silence, in and of itself, cannot be interpreted as consent. Consent can be given by words or actions, as long as those words or actions create mutually understandable and clear permission regarding willingness to engage in sexual activity, and the physical conditions of sexual activity (e.g., consent is contingent upon use of a condom). If there is ambiguity or confusion regarding consent, it is the responsibility of the person seeking to initiate the activity to obtain clear consent. In order to give effective consent, one must be of legal age and have the capacity to give consent. The legal age of consent in the state of California is 18 years.

1. Consent to any one form of sexual activity does not imply consent to any other form(s) of sexual activity.
2. A previous relationship or prior consent does not imply consent to future sexual acts.
3. Consent can be withdrawn. Thus, even if a person agreed to sexual interaction or continued sexual interaction, that person has the right to change their mind, irrespective of how much sexual interaction may have already taken place.
4. *Force and Coercion*: Consent obtained through force is not consent. Force is the use of physical violence and/or imposing on someone physically to gain sexual access. Force includes the use of threats, intimidation (implied threats) and/or coercion to produce consent. Coercion is unreasonable pressure for sexual activity (“Have sex with me or I’ll hit you.” “Okay, don’t hit me; I’ll do what you want.”). Coercive behavior differs from seductive behavior based on the type of pressure used to get consent. When someone makes it clear that they do not want sex, that they want to stop, or that they do not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive. NOTE: There is no requirement that a party resists a sexual advance or request, but resistance is a clear demonstration of non-consent. The presence of force, however, is not demonstrated by the absence of resistance.
5. *Incapacitation*: Incapacitation is a state where someone cannot make rational, reasonable decisions because they lack the capacity to give knowing consent (e.g., to understand the “who, what, when, where, why, or how” of their sexual interaction). Sexual activity with someone who one should have known to be -- or based on the circumstances should reasonably have known to be -- mentally or physically incapacitated (i.e., by alcohol or other drug use, unconsciousness, asleep, or blacked out), constitutes a violation of this policy.
 - i. Incapacitation due to alcohol or other drugs: Because alcohol or other drug use can place an individual’s capacity to consent in question, sober sex is less likely to raise such questions. Being under the influence of alcohol or other drugs does not in and of itself indicate incapacitation. When alcohol or other drugs, including date rape drugs (such as Rohypnol, Ketamine, GHB, etc.), are involved, a person will be considered unable to give valid consent if they cannot fully understand the details of a sexual interaction (the who, what, when, where, why, or how) because they lack the capacity to reasonably understand the situation. Administering a date rape drug to another individual is a violation of this policy.

- ii. Incapacitation due to other reasons: This policy also covers a person whose incapacity results from mental or physical disabilities, sleep, unconsciousness, or involuntary physical restraint.
6. *Invalid Excuses*: The use or influence of alcohol or other drugs will never function as a defense for any behavior that violates College policy.

VI. Sexual Misconduct, Relationship Misconduct, and Stalking Policy Applicable to Employees Only

A. The expectations of our community regarding sexual consent can be summarized as follows: In order for individuals to engage in sexual activity of any type with each other, there must be clear, knowing, and voluntary consent prior to and during sexual activity. Consent is sexual permission. Sexual Misconduct is a specific form of Sex-Based Harassment and is prohibited by the College. Sexual misconduct is defined as follows.

1. **Sexual Assault: Non-Consensual Sexual Contact/Fondling** (or attempts to commit same)

Non-Consensual Sexual Contact/Fondling is:

- i. any intentional sexual touching,
- ii. however slight,
- iii. with any object,
- iv. by a person upon a person,
- v. that is without consent and/or by force,* or
- vi. the touching of the private body parts of another person for the purpose of sexual gratification without the consent of the victim.

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

*The use of physical force constitutes a stand-alone non-sexual offense, and in cases involving force, the Respondent may face additional charges for the assaultive behavior.

2. **Sexual Assault: Non-Consensual Sexual Intercourse/Rape** (or attempts to commit same)

Non-Consensual Sexual Intercourse/Rape is:

- i. any sexual intercourse (penetration of the vagina or anus) however slight,
- ii. with any body part or object,
- iii. by a person upon a person,
- iv. that is without consent of the victim and/or by force; or
- v. oral penetration by a sex organ of another person without the consent of the victim and/or by force.

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

3. **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 victim; and where the existence of such a relationship shall be determined based on a consideration of:
 - i. the length of the relationship
 - ii. the type of the relationship, and
 - iii. the frequency of interaction between the persons involved in the relationship.
4. **Domestic Violence** is the use of physical, sexual, or emotional abuse or threats to control another person who is a current or former spouse or other intimate partner. It includes felony or misdemeanor crimes of violence committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.
5. **Stalking** is engaging in a course of conduct directed at a specific person that would cause a reasonable person to:
 - i. fear for their safety or the safety of others; or
 - ii. suffer substantial emotional distress.

B. California Law

1. Conduct in violation of this policy also may constitute criminal conduct under the laws of the State of California. The following is a partial review of the California statutes covering rape, domestic violence, and stalking. In California, dating violence is included within the definition of domestic violence. This discussion,

intended only for purposes of information and guidance, does not cover all acts that may constitute criminal sexual behavior or all parts of the sex crime statutes and should not be construed as legal advice.

2. **Rape:** Under California Penal Code Section 261, “Rape” includes an act of sexual intercourse:
 - i. Where 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.
 - ii. Where 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. Under California law, a person is prevented from resisting if he or she is so intoxicated that he or she cannot give legal consent. In order to give legal consent, a person must be able to exercise reasonable judgment. In other words, the person must be able to understand and weigh the physical nature of the act, its moral character, and probable consequences. Legal consent is consent given freely by someone who knows the nature of the act involved.
 - iii. Where a person is at the time unconscious of the nature of the act, and this is known to the accused. "Unconscious of the nature of the act" includes being incapable of resisting because the victim was unconscious or asleep or was not aware, knowing, perceiving, or cognizant that the act occurred.

3. **Domestic Violence:** Under California Penal Code Section 13700, “Domestic Violence” means abuse committed against an adult or a minor who is a spouse, former spouse, cohabitant, former cohabitant, or person with whom the suspect has had a child or is having or has had a dating or engagement relationship. For purposes of this subdivision, “cohabitant” means two unrelated adult persons living together for a substantial period of time, resulting in some permanency of relationship. Factors that may determine whether persons are cohabiting include, but are not limited to,
 - i. sexual relations between the parties while sharing the same living quarters,
 - ii. sharing of income or expenses,
 - iii. joint use or ownership of property,
 - iv. whether the parties hold themselves out as husband and wife,
 - v. the continuity of the relationship, and
 - vi. the length of the relationship.

4. **Stalking:** Under California Penal Code Section 646.9, Stalking is the willful, malicious, and repeated following or willful and malicious harassing of another person and making a credible threat with the intent to place another person in reasonable fear for his or her safety, or the safety of his or her immediate family.

VII. Consenting Relationships

The College prohibits and considers inappropriate consenting sexual relationships between individuals associated with the College in the case where one of those individuals exercises institutional authority over the other.

Where such relationships involve the active and immediate exercise of authority, as in the case of a faculty member and a student currently studying under the faculty member or a staff member and an immediate subordinate, the College has the right to take disciplinary action.

In the case of a sexual relationship in which the parties believe that the restrictions of the preceding points do not apply, it is the obligation of the individual in authority to take all necessary steps to remove himself or herself from professional actions affecting the other individual. Failure to do so may result in disciplinary action. These requirements also apply where a sexual relationship occurred in the past.

VIII. Retaliation Policy

Intimidation, threats, coercion, or discrimination, or attempts to do so against any person by the College, a student, or an employee or other person authorized by the College to provide aid, benefit, or service under the College's education program or activity, for the purpose of interfering with any right or privilege secured by Title IX or 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 part, including in an informal resolution process or grievance procedures. Nothing in this definition or this part precludes the College from requiring an employee or other person authorized by the College to provide aid, benefit, or service under the College's education program or activity to participate as a witness in, or otherwise assist with, an investigation, proceeding, or hearing under this policy.

Persons who believe that they have been retaliated against for making a complaint/report or for cooperating in an investigation or other part of the grievance procedure should immediately contact the Title IX Coordinator. Any person who retaliates against a person who has cooperated in an investigation and/or any other part of the grievance procedure, or

otherwise violates this provision, is in violation of College policy and will be subject to disciplinary action.

IX. Amnesty Policy

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 minor policy violations that occur in connection to the alleged prohibited conduct, including their own personal consumption of alcohol or other drugs at or near the time of any incident, provided they did not harm another or place the health or safety of any other person, or the community, at risk. The College may suggest an educational conference where support, resources, and educational counseling options may be discussed and potentially required with a learning action plan for an individual who has engaged in the illegal or prohibited use of alcohol or drugs. This policy will be applied at the discretion of the College.

X. False Reporting Policy

It is a violation of College policy to file a knowingly false or malicious complaint of alleged discrimination, harassment and/or sexual misconduct. A complaint against such conduct may be pursued using the appropriate steps followed for discrimination, harassment, and sexual misconduct related complaints as outlined in these policies and procedures. A complaint filed in good faith under this provision shall not constitute retaliation.

GRIEVANCE PROCEDURES

I. Introduction

These grievance procedures have been adopted by the College to provide a prompt and equitable method for reporting, investigating, and resolving complaints of alleged violations of the College's discrimination, harassment, and sexual misconduct policies when they involve College faculty, staff, students, and/or third parties. In the event allegations against a Respondent also involve potential violations of other College policies, the College may consolidate the investigation and judicial process with respect to such other alleged policy violations into the process undertaken pursuant to these Grievance Procedures.

Title IX Sex-Based Harassment refers to specific forms of sexual harassment and misconduct. Alleged conduct that meets the definition of Title IX Sex-Based Harassment

and involves a student as a Complainant or Respondent will be addressed through the TCC Sexual Misconduct and Sex-Based Harassment Policy. Allegations that involve conduct that allegedly violates this policy and the TCC Sexual Misconduct and Sex-Based Harassment Policy, and that are related to the same incident(s), may be joined under the same Resolution Process under the TCC Policy. 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.

Anyone who believes they have been subjected to discrimination, harassment, sexual misconduct, dating violence, domestic violence, and/or stalking is encouraged to report such conduct pursuant to the procedures set forth below. The College will respond to any report of alleged discrimination, harassment, sexual misconduct, dating violence, domestic violence, or stalking pursuant to these grievance procedures.

A. Responsible Employees

All employees of the College other than those designated as confidential are Responsible Employees. A Responsible Employee is an employee who has the duty to report alleged discrimination, harassment, and/or sexual misconduct to an appropriate College official who has that authority. Any Responsible Employee who receives information regarding alleged discrimination, harassment, and/or sexual misconduct is required to report the matter to the Title IX Coordinator. Failure to do so may result in disciplinary action by the College.

Student employees are also deemed Responsible Employees while performing the duties of employment. Student positions that include Responsible Employee obligations include, but are not limited to:

- Resident Coordinators
- Student employees with instructional duties, including teaching lab assistants and language assistants
- New Student Program Coordinators
- Peer Mentor Team Leaders
- Tiernan Field House Coordinators
- Motley Managers

Employees designated as confidential are listed later in this policy.

When the Title IX Coordinator is notified of information about conduct that reasonably may constitute sex-based harassment or sexual misconduct that was provided by a person during a public event to raise awareness about sex-based harassment or sexual misconduct that was held on the College's campus or through an online platform sponsored by the College, the College is not obligated to act in response to the

information, unless it indicates an imminent and serious threat to the health or safety of a complainant, any students, employees, or other persons.

II. Reporting an Alleged Violation

A. Reporting to the College

1. Individuals who believe that they have been the subject of or have witnessed alleged discrimination, harassment, sexual misconduct, dating violence, domestic violence, and/or stalking are encouraged to contact the College representatives listed below. The College encourages individuals to report all such instances whether or not the alleged perpetrator is known to the reporting party. If the alleged perpetrator is not known to the reporting party, an aspect of the investigation conducted by the College may include efforts to identify the alleged perpetrator, as appropriate. A report may be made to any one of the individuals listed regardless if you are a student, faculty member, staff member, or third party. Under no circumstances is an individual required to report discrimination, harassment, and/or sexual misconduct to a supervisor or academic instructor who is the alleged perpetrator. All reports of alleged conduct that may be covered by this policy will be communicated to the Title IX Coordinator.

Interim Title IX Coordinator

Alyssa-Rae McGinn
titleix@scrippscollege.edu

Deputy Title IX Coordinator for Staff Section 504 Coordinator for Faculty and Staff

Jennifer Berklas
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Vita Nova Hall 120
909-607-7976
jberklas@scrippscollege.edu

Deputy Title IX Coordinator for Faculty

Warren Liu
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Balch Hall 134
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wliu@scrippscollege.edu

Deputy Title IX Coordinator for Students

Jamila Zuwayed
Assistant Dean/Director of Case Management Dean of Students Office

Dean of Students Office, Balch Hall
909-607-1877
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Interim Section 504 Coordinator for Students

Deborah Hebert
Interim Special Assistant to the Vice President for Student Affairs
Dean of Students Office, Balch Hall
909-607-1467
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*Reports of disability-based discrimination and/or harassment

The College encourages any member of the College community who experiences any form of violence to immediately contact the Claremont Police Department (“CPD”) by contacting Campus Safety (909-607-2000) if they are on campus or by dialing 911 if they are off campus.

A report does not automatically initiate a formal investigation process. When the Title IX Coordinator or their designee receives a report of alleged discrimination or harassment, they will reach out to the individual reported to have been impacted, known as the Complainant, and request to meet with them to gather additional information and discuss their options. The Title IX office will provide the Complainant with information about on- and off-campus support resources that are available, the applicable grievance procedures, rights and options under applicable policies, the importance of preserving evidence, coordination with law enforcement, and the identification and location of witnesses, as applicable.

The College encourages prompt reporting because facts often become more difficult to establish as time passes. However, the College will take appropriate action in response to all reports, regardless of when the alleged conduct occurred. The ability of the College to respond to the conduct may be limited if the Respondent is no longer a member of the College community. If a College staff member, faculty member, or students leaves the College with a pending complaint against them, they will not be permitted to return to the College until the case is resolved through these procedures.

In addition, anyone can receive information about these procedures, their rights under these procedures, reporting options, and support resources without disclosing facts related to the alleged incident.

2. Confidentiality of Reports to the College

The College will make all reasonable efforts to maintain the confidentiality and privacy of the parties involved in a grievance procedure, as well as the confidentiality of the details of an investigation, any hearing, and except where permitted by law, the sanctions imposed.

The College will inform all individuals involved in the grievance process of the critical importance and expectation that they maintain the confidentiality of the process and any information shared with them as a result of their participation. Complainants and Respondents are not prohibited from sharing details of complaints with family, counsel, or a support person or advisor as defined below.

If at any point the Complainant requests confidentiality with respect to the Respondent and/or decides not to pursue action by the College, the College will make all reasonable attempts to comply with this request. In these situations, the College's ability to investigate and respond to the conduct may be limited. The College will weigh the Complainant's request for confidentiality with the College's commitment to provide a reasonably safe and non-discriminatory environment. If the College cannot maintain a Complainant's confidentiality, the Complainant will be notified by the Title IX Coordinator.

As described above, certain employees of the College, known as Responsible Employees, have an obligation to report to the Title IX Coordinator information they receive about potential violations of this policy. Responsible Employees will protect the privacy of individuals and disclose the information only to the Title IX Coordinator or Deputy Title IX Coordinator.

3. Confidential Resources at the College and in the Community

An individual who wishes for the details of the incident to remain completely confidential may speak with certain College officials who may maintain confidentiality and may not disclose the details of an incident. These officials are:

Rima Shah

Director, EmPOWER Center
The Claremont Colleges
1030 N. Dartmouth Ave Claremont, CA 91711
909-607-2689

Monsour Counseling and Psychological Services

Tranquada Student Services Center, 1st floor
757 College Way
Claremont, CA 91711
909-621-8202 (during business hours and to reach on-call therapist)

Student Health Services staff

Tranquada Student Services Center, 1st floor
757 College Way
Claremont, CA 91711
909-621-8222 (During business hours)
909-607-2000 (After-hours emergency)

McAlister Center Chaplains

McAlister Center for Religious Activities
919 North Columbia Avenue Claremont, CA 91711
909-621-8685

Bri Sérráno

Director, Queer Resource Center
Walton Commons
395 E. 6th Street
Claremont, CA 91711
bri.serrano@pomona.edu

Scripps Advocates for Survivors of Sexual Assault (Peer-to-peer support)

Warm line – 909-214-2138
8:00 p.m. to 8:00 a.m., 7 days a week, when school is in session

Individuals who have experienced sexual misconduct or relationship misconduct may also seek confidential support from local community partners:

Project Sister Sexual Assault 24/7 Crisis Hotline

Pomona, CA
800-656-4673
909-626-HELP (909-626-4357)

House of Ruth

Claremont, CA
877-988-5559

B. Reporting Options Outside of the College: State and Federal Enforcement Agencies and the Claremont Police Department

1. These grievance procedures are administrative in nature and are separate and distinct from the criminal and civil legal systems. Pursuing resolution through these procedures does not preclude someone from pursuing legal action now or in the future.
2. Reporting Potential Criminal Violations to Claremont Police Department (“CPD”): In cases involving potential criminal misconduct, individuals are encouraged to file a report with the CPD. The College’s grievance procedures and the legal system work independently from one another, and the College may proceed with its process, regardless of action or inaction by outside authorities. Decisions made or sanctions imposed through these grievance procedures are not subject to change because

criminal or civil charges arising from the same conduct are dismissed, reduced, or rejected in favor of or against the Respondent.

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

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

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

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

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

C. Right to Make a Complaint of Sex Discrimination

The following persons have a right to make a complaint of sex discrimination, including complaints of sex-based harassment or sexual misconduct, requesting that the College investigate and make a determination about alleged discrimination under Title IX:

- A complainant;
- A parent, guardian, or other authorized legal representative with the legal right to act on behalf of a complainant;
- The Title IX Coordinator, after making a determination regarding the necessity of such a complaint; or
- With respect to sex discrimination other than sex-based harassment:

- Any student or employee; or
- Any person other than a student or employee who was participating or attempting to participate in the College's education program or activity at the time of the alleged sex discrimination.

Students and employees have the right to make a complaint of sex-based harassment or sexual misconduct involving a student as a Complainant or Respondent under the TCC Sexual Misconduct and Sex-Based Harassment Policy.

D. Initial Assessment

Following the report of an incident or conduct that may be a violation of this policy, the Title IX Coordinator or a Deputy Title IX Coordinator shall conduct an initial assessment of the report. The assessment shall include a preliminary interview of the subject of the conduct pursuant to an established interview protocol. Such interview may be conducted by the Title IX Coordinator, a Deputy Title IX Coordinator, or an outside professional designated by the Title IX Coordinator. The assessment shall also include a determination by the Title IX Coordinator or Deputy Title IX Coordinator as to whether there is sufficient information showing that a violation of the policy has been alleged.

III. Truthfulness

All participants in a grievance procedure are expected to cooperate fully and provide the truth in all meetings and/or written statements related to the grievance procedure.

IV. Informal Resolution Process

If both parties agree, the parties involved may participate in an informal resolution process by any means the Title IX Coordinator, Section 504 Coordinator, or assigned Deputy Coordinator may suggest. No party is required to participate in any informal resolution process, and the College may not condition enrollment, employment, or enjoyment of any other right or privilege upon agreeing to an informal resolution process.

The Title IX Coordinator, Section 504 Coordinator, or an assigned Deputy Coordinator may decline to provide means for an informal resolution process of a complaint in any circumstance in which the Coordinator determines that an informal resolution process is not an appropriate mechanism for such complaint. Factors that the Coordinator may weight in considering the appropriateness of an informal resolution process include, but are not limited to, the gravity of the allegations, whether there is an ongoing threat of harm or safety to campus, whether the Respondent is a repeat offender, and whether the parties are participating in good faith. This determination is not subject to appeal. At any time after

the commencement of an informal resolution process, the Coordinator may determine that the informal 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.

A Complainant is not required to file a formal complaint in order to request an informal resolution process.

Either party may elect to leave the alternative resolution process at any point until the alternative process is concluded.

Informal 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.

In entering the informal resolution process, the parties agree that any testimony and evidence they share or receive during the informal resolution process concerning the allegations is confidential. No evidence concerning the allegations obtained within the informal resolution process may be disseminated to any person, provided that any party to the informal resolution process may generally discuss the allegation under investigation with family, counsel, or a support person/advisor. The College reserves the right to share information from the informal resolution process if there is a reasonable concern for any individual's physical safety. No information shared during the informal resolution process will become part of any formal grievance procedure or be the basis for any disciplinary measures.

Before initiation of an informal resolution process, the recipient must provide to the parties notice that explains:

- The allegations;
- The requirements of the informal resolution process;
- That, prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and to initiate or resume the College's grievance procedures;
- That the parties' agreement to a resolution at the conclusion of the informal resolution process would preclude the parties from initiating or resuming grievance procedures arising from the same allegations;
- The potential terms that may be requested or offered in an informal resolution agreement, including notice that an informal resolution agreement is binding only on the parties; and
- What information the College will maintain and whether and how the College could disclose such information for use in grievance procedures if grievance procedures are initiated or resumed.

The facilitator for the informal resolution process will not be the same person as the investigator or the decisionmaker in the College's grievance procedures. The facilitator for the informal resolution process will not have a conflict of interest or bias for or against complainants or respondents generally or for or against an individual complainant or respondent.

A. Informal Resolution Options

Informal resolutions options include, but are not limited to, the following.

1. *Mediation*: The purpose of mediation is for the parties who are in conflict to identify the implications of their 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 Coordinator will 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. If the mediation results in a resolution, the matter will be closed. If a resolution cannot be reached, the matter will be re-evaluated for other resolution options, including investigation.

During mediation, a facilitator will guide a discussion between the parties. In most circumstances, the parties will not meet face-to-face, 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.

2. *Restorative Justice*: A Restorative Justice ("RJ") Conference is a dialogue, facilitated by a staff member or external party with appropriate training, intended to restore relationships and/or repair harm after a conflict has occurred. The involved parties come together to identify what harm was caused and, collaboratively, determine how conflict and trust might be, respectively, resolved and repaired.

A party may request to engage in RJ at any stage of the disciplinary process; however, RJ may not be an appropriate mechanism for all conflicts. To qualify for RJ, the Respondent must acknowledge the harm alleged 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. Respondent's acknowledgment of harm is not an admission of a policy violation(s), unless the Respondent has expressly accepted responsibility.

Additionally, all involved parties must agree to and abide by measurable and timely actions and directives. The Coordinator will review any request for RJ and may decline to initiate RJ based on the facts and circumstances of a particular case.

The RJ Conference proceeds only if all parties agree to participate willingly. The conference will continue until the conference is successfully concluded or until the Coordinator 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 re-evaluated for other resolution options, including investigation.

The Coordinator will monitor the parties' adherence to their proposed solution and reserves the right to close the matter when compliance is satisfactory.

3. *Agreement*: The Parties may voluntarily agree to terms they intend to abide by. If parties choose this option, the Title IX Coordinator or their designee will engage each party in discussions about proposals for terms until an agreement is reached. Examples of possible terms may include, but are not limited to:

- Agreement to implement a No Contact Order, including specific types of contact the parties will avoid
- Agreement to refrain from entering specified buildings or areas of campus
- Agreement to withdraw from participation in specified courses or activities
- Agreement to participate in education, counseling, or coaching
- Agreement to write a letter of apology or self-reflection

Once the parties have agreed upon the final terms of the agreement, the Title IX Coordinator or their designee will create a written document memorializing the agreement, which the parties will sign. The agreement becomes effective and the matter is closed on the date it is signed by all parties. The Title IX Coordinator will monitor the parties' adherence to the terms of the agreement and reserves the right to re-open the matter, including for a formal grievance procedure, if the parties fail to follow the terms.

If the parties fail to reach an agreement, the formal grievance procedure may be initiated or resumed.

V. Formal Grievance Procedures

These procedures apply to complaints involving a student as a Complainant or Respondent where the allegations are of prohibited conduct under the parts of this policy that apply to students. Complaints of Sex-Based Harassment or Sexual Misconduct involving a student

as a Complainant or Respondent will be adjudicated under the TCC Sexual Misconduct and Sex-Based Harassment Policy. These procedures also apply to complaints that do not involve students where the allegations are of prohibited conduct under any part of this policy.

The College's grievance procedures will treat complainants and respondents equally. The Title IX Coordinator, investigator(s), and decision maker(s) will not have a conflict of interest or bias for or against complainants or respondents generally or for or against an individual complainant or respondent.

The respondent is presumed not responsible for the allegations until a determination is made at the conclusion of the grievance procedures.

The College will take reasonable steps to protect the privacy of the parties and witnesses during the pendency of the grievance procedure, but these steps will not restrict the ability of the parties to: obtain and present evidence, including by speaking to witnesses; consult with their family members, confidential resources, or advisors; or otherwise prepare for or participate in the grievance procedures.

A. Investigation Procedures

If a Complainant would like to initiate a formal grievance process, as outlined below, they will file a complaint. A complaint is an oral or written request to the College that objectively can be understood as a request for the College to investigate and make a determination about allegations. The Title IX Coordinator or their designee will create a written record of the complaint if it is made orally.

In some limited circumstances, the College must initiate a formal grievance process even when the Complainant does not want to participate in order to protect the Scripps or Claremont Colleges community. This decision is not taken lightly. In these limited circumstances, the Title IX Coordinator or their designee will notify the Complainant before moving forward. To make this fact-specific determination, the Title IX Coordinator will consider:

1. The complainant's request not to proceed with initiation of a complaint;
2. The complainant's reasonable safety concerns regarding initiation of a complaint;
3. The risk that additional prohibited conduct would occur if a complaint is not initiated;
4. The severity of the alleged conduct, including whether the alleged conduct, if established, would require the removal of a respondent from campus or imposition of another disciplinary sanction to end the alleged conduct and prevent its recurrence;
5. The age and relationship of the parties, including whether the respondent is an employee of the recipient;

6. The scope of the alleged conduct, including information suggesting a pattern, ongoing prohibited conduct, or conduct alleged to have impacted multiple individuals;
7. The availability of evidence to assist a decisionmaker in determining whether the alleged conduct occurred;
8. Whether the College could end the alleged conduct and prevent its recurrence without initiating its grievance procedures; and
9. Any other relevant factors.

After acceptance of a complaint, the Title IX Coordinator will provide written notice of the allegations to the parties whose identities are known. The notice will include:

1. The grievance procedures and informal resolution procedures;
2. 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), the conduct alleged to constitute a policy violation, and the date(s) and location(s) of the alleged incident(s), to the extent that information is available to the recipient;
3. A statement that retaliation is prohibited; and
4. A statement that the parties are entitled to an equal opportunity to access the investigation report, which will contain the relevant and not otherwise impermissible evidence or an accurate description of this evidence, and that if the investigation includes only a description of the evidence, the parties are entitled to an equal opportunity to access to the relevant and not otherwise impermissible evidence upon request.

If in the course of an investigation, the College becomes aware of additional allegations that are not included in the notice, the College will provide notice of the additional allegations to the parties whose identities are known in the form of a written amended notice.

The Title IX Coordinator will assign the investigation to one or more outside professionals with experience in conducting investigations. Every complaint alleging discrimination, harassment, or sexual misconduct will be investigated promptly and thoroughly. The Investigator(s) will meet with the Complainant, the Respondent, and any witnesses the investigator determines are relevant. Participation in interviews by the Complainant, the Respondent, and any witnesses is voluntary. The investigator will also gather any pertinent evidentiary materials. The investigator may ask questions of parties and witnesses in order to adequately assess credibility, to the extent credibility is both in dispute and relevant to evaluating one or more allegations.

After concluding the investigation, the Investigator(s) will draft an Investigation Report setting forth the alleged policy violations, summarizing parties and witnesses interviewed and evidentiary materials gathered. Only relevant and not otherwise impermissible evidence will be included in the Investigation Report. Relevance means related to the

allegations under investigation, and evidence is relevant when it may aid the investigator in determining whether the allegations occurred.

1. The following types of evidence are impermissible and must be excluded from the investigation:
2. Evidence that is protected under a privilege as recognized by Federal or State law or evidence provided to a confidential employee, unless the person to whom the privilege or confidentiality is owed has voluntarily waived the privilege or confidentiality;
3. 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 the College obtains that party's or witness's voluntary, written consent for use in the grievance procedures;
4. 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 conduct or is evidence about specific incidents of the complainant's prior sexual conduct with the respondent that is offered to prove consent to the alleged sex-based harassment or sexual misconduct. The fact of prior consensual sexual conduct between the complainant and respondent does not by itself demonstrate or imply the complainant's consent to the alleged sex-based harassment or sexual misconduct or preclude determination that sex-based harassment or sexual misconduct occur; and
5. Respondent's prior conduct history, unless the information indicates a pattern of behavior by the Respondent and substantial conformity with the present allegation.
6. The burden of collecting sufficient evidence is on the College, and not the parties.
7. If the investigation report contains a description of the relevant evidence, but not the actual relevant evidence, the parties may request to inspect the relevant evidence.

The Investigator(s) will normally complete the investigation within 60 business days, except in instances where the volume and/or availability of witnesses, the proximity to a holiday break or the end of an academic term, or other circumstances compel a longer timeframe for the investigation. The Title IX Coordinator and/or the investigator will provide periodic status updates to the parties.

The Investigator(s) will provide the Draft Investigation Report to the Title IX Coordinator, who will provide this report to the parties for their review. To protect the integrity of the investigation process, these documents should be kept confidential by the parties involved and not shared with witnesses or persons not involved in the matter. However, Complainants and Respondents are not prohibited from sharing these documents with family, counsel, or a support person or advisor as defined below.

Within ten (10) days of receipt of the Draft Investigation Report, the parties may submit written responses to the evidence to the Title IX Coordinator. The investigator will consider these responses and take additional investigative steps that are determined to be relevant and necessary. The responses will also be incorporated into the report. After the investigator determines that all relevant and necessary investigative steps are complete, the investigator will provide the Final Investigation Report to the Title IX Coordinator.

The Final Investigation Report shall include a conclusion as to whether the Investigator(s) find it more likely than not that the Respondent's conduct constituted a policy violation, using the preponderance of the evidence standard of proof, which is defined as "more likely than not." The investigator will conduct an objective evaluation of all evidence that is relevant and not otherwise impermissible, including both inculpatory and exculpatory evidence. Credibility determinations will not be based on a person's status as a complainant, respondent, or witness.

The Title IX Coordinator will provide the Final Investigation Report to the parties for their review, along with information about the right to appeal. To protect the integrity of the investigation process, these documents should be kept confidential by the parties involved and not shared with witnesses or persons not involved in the matter. However, Complainants and Respondents are not prohibited from sharing these documents with family, counsel, or a support person or advisor as defined below. The Title IX Coordinator may meet with the parties separately to discuss the findings and conclusions in the Investigation Report.

If the investigation concludes that Respondent's conduct constituted a policy violation, the Respondent may elect to either (i) proceed to an Administrative Panel for determination of a sanction or (ii) proceed to an appeal of the Investigator's determination. Within five (5) business days after delivery of the Investigation Report by the Title IX Coordinator, the Respondent shall notify the Title IX Coordinator in writing of the Respondent's election. Failure of the Respondent to submit a timely election shall waive the Respondent's right to request an appeal of the Investigator's determination and shall be deemed to be an election to proceed to an Administrative Panel for determination of a sanction. If the investigation concludes that the Respondent's conduct did not constitute a policy violation, the Complainant may elect to either (i) allow the matter to be closed or (ii) proceed to an appeal of the Investigators' determination. Within five (5) business days after delivery of the Investigation Report by the Title IX Coordinator, the Complainant shall notify the Title IX Coordinator in writing of the Complainant's election. Failure of the Complainant to submit a timely election shall waive the right to request an appeal of the Investigator's determination and shall be deemed to be an election to allow the matter to be closed.

B. Sanctioning for Student Respondents

In the event the Respondent elects to proceed to a sanction determination following presentation of the Investigators' Report, the matter shall proceed to an Administrative

Panel for determination of a sanction. The Administrative Panel shall consist of the Vice President for Academic Affairs, the Vice President for Enrollment, and a designee of the Vice President for Student Affairs. In the event one of the designated Administrative Panel members is unavailable, the Assistant Vice President of Human Capital and Risk Management shall become a member of the Administrative Panel or the Title IX Coordinator shall appoint an appropriate alternate member.

Sanctions for students may include educational requirements, written reprimand, loss of housing privileges, probation, suspension, and/or dismissal from the College.

Sanctions for staff members may include educational requirements, written reprimand, probation, suspension, and/or termination of employment.

Sanctions for faculty members may include educational requirements, written reprimand, and/or initiation of a dismissal proceeding pursuant to procedures set forth in the Faculty Handbook.

The Administrative Panel (i) will have access to the complete record of the case, (ii) will determine any sanctions to be imposed or corrective action to be taken, and (iii) may consider the gravity of the offense, the Respondent's prior conduct record, the impact on and wishes of the Complainant, and the potential risk to the College's safety and environment in determining sanctions to be imposed on the Respondent.

The Administrative Panel will communicate the decision in writing to the parties within 10 business days. The Complainant's copy of the report of the details of the sanction(s) imposed on Respondent may be limited due to Respondent's FERPA or other applicable privacy rights. The Dean of Students office or the Assistant Vice President of Human Capital and Risk Management, as the case may be, will also enter the decision in the permanent record of an individual found to have violated this policy.

The sanction(s) imposed will be implemented following the Administrative Panel's decision, unless either party files an appeal of the sanction determination. Implementation of any sanction will be stayed until the conclusion of any appeal.

C. Sanctioning for Employee Respondents

If the investigation determines that a staff member Respondent more likely than not violated this policy, the sanction shall be determined by the Vice President to whom the Respondent reports, in consultation with the Assistant Vice President of Human Capital and Risk Management. Sanctions for staff members may include educational requirements, written reprimand, probation, suspension, and/or termination of employment.

If the investigation determines that a faculty member Respondent more likely than not violated this policy, the sanction shall be determined by the Vice President for Academic Affairs, in consultation with the Assistant Vice President of Human Capital and Risk Management. Sanctions for faculty members may include educational requirements, written reprimand, and/or initiation of a dismissal proceeding pursuant to procedures set forth in the Faculty Handbook.

The Vice President (i) will have access to the complete record of the case, (ii) will determine any sanctions to be imposed or corrective action to be taken, and (iii) may consider the gravity of the offense, the Respondent's prior conduct record, the impact on and wishes of the Complainant, and the potential risk to the College's safety and environment in determining sanctions to be imposed on the Respondent.

The Vice President will communicate the decision in writing to the parties within 10 business days. The Assistant Vice President of Human Capital and Risk Management will also enter the decision in the permanent record of an individual found to have violated this policy.

The sanction(s) imposed will be implemented following the sanctioning determination, unless either party files an appeal of this determination. Implementation of any sanction will be stayed until the conclusion of any appeal.

D. Remedies

Remedies are measures provided, as appropriate, to a complainant or any other person the College identifies as having had their equal access to the College's education program or activity limited or denied by a violation under this policy. These measures are provided to restore or preserve that person's access to the College's education program or activity after the College determines that a policy violation occurred.

If there is a determination that a policy violation occurred, the Title IX Coordinator will coordinate the provision and implementation of remedies.

E. Dismissal of a Complaint

The Title IX Coordinator may dismiss a complaint for any of the following reasons:

1. The College is unable to identify the respondent after taking reasonable steps to do so;
2. The respondent is not participating in the College's education program or activity and is not employed by the recipient;
3. The complainant voluntarily withdraws any or all of the allegations in the complaint, the Title IX Coordinator declines to initiate a complaint, and the College determines that, without the complainant's withdrawn allegations, the conduct that remains

alleged in the complaint, if any, would not constitute a violation of this policy even if proven; or

4. The College determines the conduct alleged in the complaint, even if proven, would not constitute a violation of this policy.

Upon dismissal, the College will promptly notify the complainant of the basis for the dismissal in writing. If the dismissal occurs after the respondent has been notified of the allegations, then the College will also notify the respondent of the dismissal and the basis for the dismissal in writing simultaneously. Upon dismissal, the College will offer appropriate supportive measures to the parties.

The parties may appeal the dismissal within five (5) days of the decision on the bases listed in Section VIII. If the dismissal is appealed, the College will notify the parties of the appeal, including notice of the allegations if not previously provided to the respondent. Appeals of dismissals will follow the same procedures described below in Section VIII. The decisionmaker for the appeal will be an individual who did not take part in an investigation of the allegations or the dismissal of the complaint.

F. Consolidation of Complaints

The College may consolidate complaints against more than one respondent, or by more than one complainant against one or more respondents, or by one party against another party, when the allegations arise out of the same facts or circumstances.

VI. Interim Measures

The College may take whatever measures are deemed necessary in response to an allegation in order to protect an individual's rights and personal safety and the safety of the College community. Such measures include, but are not limited to, an interim suspension (immediate, temporary suspension pending the outcome of grievance process), a No Contact Order (an order that an individual refrain from direct or indirect contact with another person or persons), restrictions on access to campus or areas of campus, and/or appropriate changes in academic schedule. Interim measures may include reporting the matter to the local police. Failure by the any party to adhere to the parameters of any interim measure is a violation of College policy and may lead to additional disciplinary action.

Interim measures will not unreasonably burden either party and will be designed to protect the safety of the parties or the College's educational environment, or to provide support during the College's grievance procedures or informal resolution process. The College will not impose interim measures for punitive or disciplinary reasons.

Parties may request modification or reversal of the College's decision to provide, deny, modify, or terminate interim measures applicable to them within five (5) days of the College's decision to provide, deny, modify, or terminate such measures. If a party makes a request for modification or reversal of the decision, an impartial employee designated by the Title IX Coordinator will review the request and render a decision. The impartial employee must be someone other than the employee who made the challenged decision and must have authority to modify or reverse the decision, if the impartial employee determines that the decision to provide, deny, modify, or terminate the interim measure was inconsistent with the definition of interim measures in this policy. Parties may also seek additional modification or termination of interim measures applicable to them if circumstances change materially.

Interim measures will be kept confidential and not shared with the other party or other individuals, unless necessary to provide the interim measure or restore or preserve a party's access to the College's programs and activities.

Emergency Removal. The College may remove a respondent from the College's education program or activity on an emergency basis following an individualized safety and risk analysis. In order to execute an emergency removal, this analysis must find that an imminent and serious threat to the health or safety of a complainant or any students, employees, or other persons arising from the allegations of sex discrimination justifies removal. The College will provide the respondent with notice and an opportunity to challenge the decision immediately following the removal.

Administrative Leave. The College may place an employee respondent on administrative leave from employment responsibilities during the pendency of the recipient's grievance procedures.

VII. Support Person and/or Advisor

The Complainant and Respondent may each have one support person and one advisor present with them at all meetings associated with the procedures set forth in this Policy and in which the respective individual is participating.

Support Person: A Support Person is an individual who provides emotional support to a Complainant or Respondent. A Support Person may be any person of the participant's choosing who is not otherwise a party or witness. A Support Person may attend, but shall not participate in, all meetings. The Support Person may not speak on behalf of a party or otherwise disrupt any meetings in any matter. The College reserves the right to exclude a Support Person who does not abide by these procedures.

Advisor: An Advisor is an individual who provides guidance to the Complainant or Respondent. An Advisor may be any person of the participant's choosing, including an

attorney, who is not otherwise a party or witness. If the participant chooses to have an attorney serve as their Advisor, such attorney will be at that individual's expense. An Advisor may attend, but shall not participate in, all meetings. An Advisor may not speak on behalf of a party or otherwise disrupt any meetings in any matter. The College reserves the right to exclude an Advisor who does not abide by these procedures.

VIII. Appeal Procedures

In cases handled under section V above, either the Complainant or Respondent may appeal (i) an Investigator's determination regarding responsibility for alleged policy violations, (ii) a sanction determination, or (iii) a dismissal of a complaint. The Appeal Officer will be an individual who did not take part in an investigation of the allegations, sanctioning determination, or dismissal of the complaint. Appeals shall be made to the Vice President of Student Affairs of the College, except that appeals by staff members of the Office of Student Affairs shall be made to the Vice President/Board Secretary. If these designated Appeal Officers have a conflict of interest or were substantially involved in the underlying matter, the Title IX Coordinator will appoint an appropriate Appeal Officer.

An appeal is not intended to be a new investigation or a full re-hearing of the complaint. Unless the Appeal Officer directs otherwise, an appeal is confined to a review of the written documentation and record of the investigation and/or sanctioning process and pertinent documentation regarding the grounds for appeal. Appeal decisions are to be deferential to the Investigators, the Administrative Panel, or the applicable Vice President.

A request for an appeal must be filed within five (5) days of the decision being appealed. The request must be in writing, state the grounds for the appeal, and provide an explanation for the reason the appealing party believes the grounds for appeal are met. The request must be submitted to the Title IX Coordinator, who will conduct an initial assessment to determine whether the request properly establishes grounds for appeal. The Title IX Coordinator will not decide whether the grounds for appeal are met, and will only assess whether the request establishes a claim under the allowed grounds.

If the request is accepted, the Title IX Coordinator will share the request with the opposing party. The opposing party will have five (5) days to submit a written response to the request to the Title IX Coordinator.

The Title IX Coordinator will provide the parties' statements and any other documentation from the matter to the Appeal Officer.

Within fifteen (15) days, the Appeal Officer will provide the Title IX Coordinator and the parties with written notice of the appeal decision, including the Appeal Officer's rationale for the decision. This period may be extended in necessary due to the circumstances of the matter. If further proceedings will occur as a result of the appeal decision, the Title IX

Coordinator shall so inform all participants. The Appeal Officer's decisions concerning all appeals are final.

Appeal of the decision(s) may be made on only four grounds. Any or all may be cited in the appeal.

- A. *Procedural irregularity that would change the outcome.* The party may appeal if the procedures outlined in this policy were violated. The Appeal Officer shall consider whether provisions of the policies were violated in a manner that affected the outcome. If the Appeal Officer finds that these grounds for the appeal are met, the Appeal Officer shall remand the matter to the appropriate step in the process with specific directives or explanations for guidance.
- B. *New evidence that would change the outcome and that was not reasonably available when the determination whether alleged conduct occurred or dismissal was made.* During the standard investigation process, sufficient time is allowed to gather all available evidence. However, a party may appeal if new evidence becomes available. The Appeal Officer must consider:
 - i. Whether the evidence was genuinely unavailable and could not have been made available through the investigator's diligent efforts at the time of the original investigation; and
 - ii. Whether the evidence would have led to a different conclusion had it been available.

If the Appeal Officer answers in the affirmative to both of these questions, the Appeal Officer will grant the appeal and remand the matter to the appropriate step in the process and may provide specific directives or explanations for guidance.

- C. *The Title IX Coordinator, investigator, or decisionmaker had a conflict of interest or bias for or against complainants or respondents generally or for or against the individual complainant or respondent that would change the outcome.* If the Appeal Officer finds these grounds for appeal are met, the Appeal Officer will remand the matter to the appropriate step in the process with directives to appoint a new official.
- D. *The sanctions as determined are disproportionate to the substantiated policy violation.* The Appeal Officer may adjust (increase or decrease) the sanction of a Respondent if the Appeal Officer determines that the sanction imposed for a violation of the policy was disproportionate to the conduct found to have occurred.

IX. Record Retention

Records of grievance procedures are maintained by the College for a minimum of seven (7) years as indicated below.

- A. Students: If the Respondent is a student, the records will be maintained for a minimum of seven (7) years.
- B. Faculty or Staff: If the Respondent is a faculty or staff member, the records will be maintained for a minimum of seven (7) years past the conclusion of the investigation and any hearing, or the end of employment with the College, whichever is later.

X. The College's External Reporting Obligations

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

1. *Statistical Reporting*: Certain College officials have a duty to report certain misconduct for federal statistical reporting purposes (Clery Act). All personally identifiable information is kept confidential, but statistical information must be passed along to campus law enforcement regarding the type of incident and its general location (on- or off-campus, in the surrounding area, but no addresses are given) for publication in the annual Campus Security Report. This report helps to provide the community with a clear picture of the extent and nature of campus crime and to ensure greater community safety. Campus Security Authorities include: Student Affairs staff, campus law enforcement, local police, coaches, athletic directors, residence life staff, student activities staff, human resources staff, advisors to student organizations, Senior Staff, and any other official with significant responsibility for student and campus activities. The information to be shared includes the date, the location of the incident (using Clery location categories) and the Clery crime category. This reporting protects the identity of the victim and may be done anonymously.
2. *Timely Warning*: Complainants should also be aware that College administrators must issue immediate timely warnings for incidents reported to them that are confirmed to pose a continuing threat of bodily harm or danger to members of the campus community. For purposes of the Timely Warning requirement, the College will not disclose a Complaint's name. However, the College will provide enough information for community members to make safety decisions in light of the danger. The reporters for timely warning purposes are exactly the same as detailed in the paragraph above.

B. FERPA

The outcome of a grievance procedure is part of the educational record of the Respondent, if they are a student, and the employee record if they are a faculty or staff member. The educational records of students are protected from release under a federal law, FERPA. The College complies with FERPA regulations regarding the privacy of student records and observes the following exceptions to FERPA as mandated by the Clery Act:

1. The Complainant in a non-consensual sexual contact/intercourse incident has the right to be informed of the finding, and sanction(s) of the investigation, in writing, without condition or limitation.
2. The Complainant(s) in sexual exploitation, sexual harassment, relationship violence, and any other gender-based offense have the right to be informed of the finding, in writing, and to be informed of any sanction(s) that directly relate to them, and to essential facts supporting the outcome when the outcome is a finding of responsibility for a violation.
3. The Clery Act permits the College to release publicly the name, nature of the violation, and the sanction(s) for any student who is found in violation of a College policy that is a "crime of violence," including: arson, burglary, robbery, criminal homicide, sex offenses, assault, intimidation (which may encompass stalking and/or bullying), hazing, destruction/damage/vandalism of property, and kidnapping/abduction. The College will release this information to the Complainant in any of these offenses regardless of the outcome.

APPENDIX A

Sexual Assault, Dating/Domestic Violence, and Stalking Prevention and Risk Reduction

Safety in Social Situations: Preventing sexual and dating violence is everyone's responsibility. As members of a community that cares about one another, we look out for each other by being good bystanders. An engaged bystander intervenes before, during, or after a situation when they see or hear behavior that threatens, harasses, or otherwise encourages sexual or dating violence. The following are some tips for how you can look out for your friends and other members of our community.

- Before going out, plan where you are going and how you will get home.
- Choose a meeting place with your friends in case you get separated.
- Never assume that someone found a safe way home.
- Let your friends know if you are leaving. If you see a friend leaving with someone you do not know, check to see if they are okay.
- If someone is feeling unwell, stay with them and get them to a safe place.
- Trust your instincts. If something does not feel right, say something or find someone who can safely intervene.

Clear Communication: Active, ongoing, and clear communication is an essential element of consensual sexual activity. Consent begins with understanding and respecting your partner's personal boundaries and discussing your own boundaries and desires. Below are some aspects of consent to consider prior to engaging in sexual activity.

- If you want to initiate sexual activity of any kind, clearly communicate your intentions to your potential sexual partner and give them a chance to clearly communicate their intentions to you.
- Never make assumptions about whether someone is attracted to you, what, if any, sexual acts they want to engage in (i.e., how far they want to go), or if they are physically and mentally able to consent.
- If there are any questions or ambiguities, stop and check in with the other person.
- Do not pressure a potential partner. If the other person seems uncertain or communicates in any way that they do not feel comfortable with something, stop and respect their boundaries. Do not try to "talk someone into" something they may not be comfortable with.
- Share your sexual limits with your potential partner as early as possible and encourage them to do the same.
- Silence and passivity cannot be interpreted as an indication of consent. Pay close attention to verbal and non-verbal communication and body language. If someone seems hesitant or is not actively engaging with you, stop and discuss what they feel

comfortable with. Do not proceed if either you or your partner is uncertain about either one of your boundaries.

- If you want to begin a new type of sexual activity, make sure that is something your partner also wants to engage in. For example, a partner may want to kiss but may not want you to touch other private body parts at that time. Consent to one form of sexual behavior does not automatically equal consent to another form of sexual behavior.
- Recognize that just because you are in a dating relationship with someone, or have previously engaged in sexual activity with them, does not by itself indicate that they have given consent for future sexual activity.
- Remember that you or your partner can change your mind about what you feel like doing at any time, even if you have done something before or are undressed. If someone indicates that they want to stop engaging in the sexual activity, their partner must stop.

Sexual Health: You and your partner should always respect one another's sexual health. Before beginning any sexual activity, discuss STI status and what STI prevention methods you both want to take. If applicable, discuss and agree upon contraceptive measures ahead of time. Agreeing upon STI prevention and contraceptive methods is another key element of consent.

Alcohol and Other Drugs: Consumption of alcohol and other drugs can impair someone's physical and mental abilities. Remember, it is never someone's fault if they are sexually assaulted. It is important for our community members to look out for one another when consuming alcohol or drugs. The following are some safety tips that you can consider if you or a friend choose to consume alcohol or drugs.

- Look out for your friends. When you go out with friends, plan ahead of time for how you are going to get home. Periodically check in with your friends to see how they are doing. If someone looks like they are not feeling well, step in and help them get home safely.
- Know what you're drinking or consuming and do not leave a drink or substance unattended. Avoid large batch drinks or substances, and if you have to leave a drink or substance, throw it out. Avoid using the same cup to refill your alcoholic drink.
- Do not accept drinks or drugs from someone you do not know or trust.
- Check in with yourself, too. Even if you think you "know your limits," periodically check in with yourself to assess how you feel. If you think you have had too much, ask a friend or someone you trust to help you get home safely.

Social Media: What you choose to share on social media is always your decision, but you cannot always control what others do with that information. Consider the following safety precautions when using social media.

- Turn off geolocation. Many social media sites and apps default to including your current geographic location, but this is not usually necessary to get the full user experience. If sharing where you are is important to you, consider waiting to post pictures until after an event is over, or wait to tag the location until you are no longer nearby.
- Pause before you post. Before you post to social media, consider who might be able to see the post and if you feel comfortable sharing that information with them.
- Regularly check your privacy settings. Social media sites and apps regularly update their privacy settings. Adjust your privacy settings to your comfort level and then regularly check to make sure your settings are still consistent with your comfort level.
- Regularly update your passwords, and always use a private and secure Internet connection.
- Know how to report, block, and filter content.
- Talk to your friends about what you post. You and your friends may have varying levels of comfort about what you post to social media. Make it a habit to ask friends before you post a picture of them or tag them in a post.

Dating Apps: Most dating apps include safety tips, as well as information about their privacy and security settings. The following are a few safety tips to consider.

- Wait to share personal information. Anyone scrolling through the dating app you are using can see the information you share in your profile. Consider waiting to share personal details such as the exact location you work or go to school. You may also want to avoid linking other social media. The less you share, the easier it is to block suspicious people.
- Video chat before you meet someone in person. Many dating apps allow users to video chat directly through the app for increased security.
- Before you meet with someone, tell a friend or family member where you are going. Take a screenshot of the person's profile and share that with your friend, along with the person's contact information. Have the friend check in with you at a set time.
- Meet in a public place where other people will be present and you will not be isolated.
- Do not rely on your date for transportation. Have more than one transportation option, such as a second rideshare app downloaded, in case there is an issue with your primary transportation option and you need to leave quickly.
- Trust your instincts and ask for help if you need it. A waiter or other bystander can help create a distraction if you need to get out of an uncomfortable situation.

APPENDIX B

Frequently Asked Questions: Sexual Harassment, Sexual Assault, Dating/Domestic Violence, and Stalking

1. *What is the difference between a report and a complaint?*

A report does not automatically initiate a formal investigation process. When the Title IX Coordinator receives a report, they reach out to the individual reported to have experienced sexual harassment or misconduct and ask to meet with them. However, no one is required to meet with the Title IX Office. When someone chooses to meet with the Title IX Office, they are in control of how much information they feel comfortable sharing, and they can always ask general or hypothetical questions.

If an individual wishes to initiate a formal grievance process, they will make a complaint. A complaint is an oral or written request for a formal investigation. At the Claremont Colleges, there are two types of grievance processes related to incidents of sexual misconduct: the Claremont Colleges Title IX Grievance Process and the grievance process outlined in an individual institution's policy (for Scripps respondents, the Scripps College Discrimination and Harassment Policies and Grievance Procedures). The Claremont Colleges have jointly implemented the Title IX Sexual Misconduct and Sex-Based Harassment Policy, covering a wide range of prohibited conduct by members of the TCC community. Incidents that fall outside the scope of the TCC policy are addressed under the applicable policy at the respondent's home institution.

Regardless of which policy applies, the Scripps Title IX Coordinator serves as the primary point of contact for Scripps community members.

2. *Does information about a complaint remain confidential?*

The confidentiality of all parties to a complaint of sexual misconduct must be respected, insofar as it does not interfere with the College's obligation to fully address allegations of sexual harassment or misconduct. Where confidentiality is not strictly kept, it will still be tightly controlled on a need-to-know basis. Dissemination of information and/or written materials to persons not involved in the complaint procedure is not permitted. Violations of the privacy of the Complainant or the Respondent may lead to disciplinary action by the College. In all complaints of sexual misconduct, all parties will be informed of the outcome. Certain College administrators may be informed of the outcome within the bounds of student privacy (e.g., the President, Dean of Students, Director of Campus Safety, Title IX Coordinator). If there is a report of alleged sexual misconduct to the College

and there is evidence that a felony has occurred, local police will be notified if the Complainant consents. This does not mean charges will be automatically filed or that a Complainant must speak with the police. The College also must statistically report the occurrence on campus of major violent crimes, including certain sex offenses, in an annual report of campus crime statistics. This statistical report does not include personally identifiable information.

3. *Will I have to pay for counseling/or medical care?*

Students can access Monsour Counseling and Psychological Services for one-one-one counseling, and Monsour also hosts a support group for survivors of sexual assault. In addition, counseling is provided for free by a certified sexual assault counselor at the EmPOWER Center. Pregnancy, STI testing, and counseling is available at Student Health Services, and lab fees may apply. Emergency contraception is available for \$20 at Student Health Services. If you are accessing community and non-institutional services, payment for these services may be covered by your health insurance plan; please check your coverage. If you have elected coverage under the Claremont College's Student Health Insurance Plan ("SHIP"), payment for these services may also be covered under this insurance plan.

4. *Will my parents or guardian be notified?*

Unless you are under 18, no, not unless you tell them. Whether you are the Complainant or the Respondent, the College's primary relationship is to you, and not to your parent or guardian. However, we strongly encourage you to communicate with your support network when you are in distress, whether for medical, behavioral, or academic reasons. We will contact a student's parents or guardian if we believe your health or safety is at risk or if your status at the College is at risk (due to residential or College suspension or expulsion). In addition, College officials may speak with your parents or guardian directly at your request.

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

Yes, if you want to pursue the matter through a formal grievance process. No, if you choose to respond informally and do not make a complaint. Complainants should be aware that not identifying the alleged perpetrator may limit the College's ability to respond comprehensively. If you do not know the name of your alleged perpetrator, the Title IX Coordinator may take steps to help you identify them.

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

Yes, if you make a complaint, initiating a formal grievance process. Sexual harassment and misconduct are serious offenses, and the Respondent has the right to know the identity of the complainant/alleged victim.

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

DO NOT contact the Complainant. You may want to speak with someone in the campus community or elsewhere who can act as your support person/advisor. The Title IX Coordinator can explain the College's grievance procedures for addressing sexual harassment and misconduct complaints and can discuss support options with you. For example, you may also want to seek confidential counseling through the counseling center or seek support through off campus services in the community. Respondents and Complainants are both entitled to equal support and resources through the Title IX Office.

8. *What about legal advice?*

If you are a party in a college proceeding, you are entitled to an advisor of your choosing, including an attorney. However, should you elect to have an attorney advisor, that person is not permitted to intervene in the proceeding. Complainants do not need private legal counsel to pursue criminal prosecution because representation will be handled by the District Attorney's office. However, you may want to retain an attorney if you are considering filing a civil action. Respondents may want to retain legal counsel given the potential for criminal and/or civil action.

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

You may request a room change through the Title IX Coordinator, who will facilitate a room change with the Office of Residential Life where appropriate.

Other accommodations available might include:

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

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

Physical evidence of a criminal sexual assault must be collected from the alleged victim's person within 96 hours, though evidence can often be obtained from towels, sheets, clothes, etc. for much longer periods of time. Scripps recommends that students interested in exploring evidence preservation contact Project Sister Family Services' 24/7 hotline at 909-626-4357. PSFS will explain and help guide you through process, including whether evidence preservation is an option. Of course, if you want assistance from the College, contact Campus Safety at 909-607-2000 and ask to speak to the administrator on-call.

Even if you choose not to preserve evidence for the purpose of a criminal procedure, it is encouraged that you preserve evidence if you are considering initiating a formal grievance procedure through the College. Evidence can include physical items such as clothing, sheets, etc., as well as photographs, videos, communications (messages, social media posts, phone call logs), receipts, geolocation information, and more. If you are considering pursuing a formal grievance procedure, keep this potential evidence.

11. Will the Complainant be sanctioned when reporting sexual harassment or misconduct if they have illegally used drugs or alcohol?

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

12. Will the use of drugs or alcohol change the outcome of a sexual harassment or misconduct complaint?

The use of alcohol and/or drugs by either party will not diminish the Respondent's responsibility. Use of alcohol and/or other drugs will never excuse a violation by a Respondent.

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

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

14. What should I do if I am uncertain about what happened?

If you believe that you have experienced sexual harassment or misconduct but are unsure of whether it was a violation of the College policies, you should contact the College's Title IX Coordinator who can explain the policy and resolution options. If you would like to speak with someone in confidence to explore the incident, you may want to first speak with a counselor at Monsour Counseling and Psychological Services or the EmPOWER Center, a chaplain from the McAlister Center, the Director of the Queer Resource Center, or a rape crisis hotline. Scripps Advocates for Survivors of Sexual Assault are a trained student group who are available through a warm line to assist students who have experienced sexual assault or misconduct (909-214-2138).

APPENDIX C

What to Do if You Have Experienced Sexual Assault, Dating/Domestic Violence, or Stalking

If you have experienced sexual assault, dating/domestic violence, or stalking, the sooner you seek help the more options you have available to you. The following steps are important to take as soon as possible.

1. Get away from your attacker and to a safe place as soon as possible. Call 911 or Campus Safety.
2. Seek medical attention to assess and treat any injuries, screen for pregnancy and any sexually transmitted infections, and collect evidence (if you wish to do so). Visit [here](#) for more information on evidence preservation.
3. Seek support: Don't be afraid to ask for help and support; feelings of shame, guilt, fear, and shock are normal. Remember this was not your fault and you are not alone. Call a trusted friend or family member or one of the on and off campus resources listed below:

Title IX Coordinator: titleix@scrippscollege.edu. Your Title IX Coordinator is available to talk to you about your reporting and support options. You can learn more about your options without sharing details about the incident, including the identity of the other party.

Administrator On-Call (For assistance after business hours and weekends): Call Campus Safety at 909-607-2000 and ask to speak to the administrator on-call.

EmPOWER Center (1030 Dartmouth Ave., Claremont): The Center provides year-round educational programming and free, confidential support services to 7C students impacted by sexual assault, dating/domestic violence, and stalking. Students interested in counseling or speaking with a confidential advocate, can call 909.607.2689 or email empower@claremont.edu for more information and to schedule an appointment.

Monsour Counseling and Psychological Services (including the on-call therapist): 909-621-8202.

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

Scripps Advocates for Survivors of Sexual Assault: 909-214-2138, 8:00pm-8:00am, 7 days a week, when school is in session. Scripps Advocates are students at Scripps.

Sometimes talking to a peer may feel like a comfortable first step. You may speak anonymously (in other words, you don't need to reveal who you are to the warm line) to an advocate, who will help guide you to support resources. Even if you choose to reveal your identity to an advocate, they will not need to reveal your identity to college officials in the absence of an imminent risk to self or others.

Academic Support: Experience tells us that it is not uncommon for students to discover they need academic support following incidents of sexual misconduct. If you feel such support would be helpful for you, you may contact CARE@SCRIPPS or the Title IX Coordinator.

You're not required to disclose the full circumstances of the incident in order to obtain academic support, though sometimes limiting what you disclose could interfere with their ability to fully and comprehensively assess and address your needs. If you choose instead to speak directly to your professors, please know that they are Responsible Employees and have a legal obligation to report what you disclose to them to the Title IX Coordinator.

Community Partners:

Project Sister Sexual Assault 24/7 Crisis Hotline (Pomona, CA): Provides services to survivors of sexual assault and abuse and their families in the East San Gabriel and Inland Valleys in Southern California. PSFS' services include a 24-hour hotline, as well as advocacy and accompaniment to local hospitals, law enforcement interviews and legal proceedings. Among their services, PSFS can explain and help support you through the process for evidence preservation, should that be a priority for you.

800-656-4673
909-626-HELP (909-626-4357)

House of Ruth 24/7 Hotline (for dating and domestic violence) (Claremont, CA). Confidential counseling, anonymous 24/7 hotline, emergency and transitional shelter. Free services, available in English and Spanish.

877-988-5559 (toll-free hotline)
909-623-4364 (Pomona Outreach Office)

APPENDIX D

Scripps College Prevention and Outreach

Scripps College is continually evaluating and developing prevention and outreach programs and educational materials designed to educate the community about the issues of sexual assault, dating/domestic violence and stalking, train college personnel responsible for implementing the College's Title IX policy, and train college personnel responsible for reporting instances of sexual violence. Below are some examples of the College's prevention and outreach programs and materials:

- New Student Orientation Sexual Assault, Dating Violence, Stalking, and Title IX awareness programming
- Educational and prevention programming through the EmPOWER Center
- EmPOWER Center website (7Csupportandprevention.com) with comprehensive information on resources and services
- Teal Dot Bystander Intervention Programs (coordinated by the EmPOWER Center)
- Scripps Advocates for Survivors of Sexual Assault educational programming
- Sexual Misconduct Resource Cards
- Comprehensive Title IX website with support and reporting resources
- Student Affairs First Responder Training
- Title IX Coordinators and designees Training
- Campus Security Authority Clery Act Training
- Responsible Employee Response to Sexual Violence Training
- Responsible Employee resource handout
- Responsible Employee stickers
- Claremont Colleges Title IX Working Group
- Claremont College Title IX website with support and reporting resources
- Claremont Colleges Clery Act Working Group