

Scripps College

Discrimination and Harassment Policies and Grievance Procedures

Title IX and Civil Rights Coordinator

Valerie Newcomb
McAlister Center
titleix@scrippscollege.edu

Deputy Title IX Coordinator for Staff

Section 504 Coordinator for Faculty and Staff

Jennifer Berklas
Assistant Vice President of Human Capital and Risk Management
Vita Nova Hall 120
909-607-7976
jberklas@scrippscollege.edu

Deputy Title IX Coordinator for Faculty

Warren Liu
Associate Dean of Faculty
Balch Hall 134
909-607-4026
wliu@scrippscollege.edu

Deputy Title IX Coordinator for Students

Dr. Stacey Miller
Interim Assistant Vice President
Dean of Students Office, Balch Hall
909-621-8277
smiller@scrippscollege.edu

Section 504 Coordinator for Students

Courtney Gipson
Assistant Dean & Director of Accommodations, Academic Resources & Services
Kimberly Hall 98
909-607-9380
cgipson@scrippscollege.edu

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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. 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 (including shared ancestry, such as Jewish individuals), 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. 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. Employees other than those designated as confidential resources are required to report incidents to the Title IX and Civil Rights Coordinator.

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.

Sex-based harassment, including sexual misconduct, dating violence, domestic violence, and stalking prohibited by Title IX of the Education Amendments of 1972 and California state law, shall be governed by The Claremont Colleges Interim Policy on Title IX Sexual Harassment, Other Sex-Based Misconduct, and Retaliation and/or the Scripps College Policy on Title IX Sexual Harassment, Other Sex-Based Misconduct, and Retaliation ("Title IX Policies"), or their equivalent in effect at the time of the relevant conduct.

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 the exception of alleged conduct that falls within the scope of the Title IX Policies.

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 and Civil Rights 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. Discrimination

No student shall be subjected to discrimination on the basis of gender identity and expression, pregnancy, religion, creed, color, race, national or ethnic origin, ancestry (including shared ancestry, such as Jewish individuals), 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.

[Cal FEHA definition]

IV. 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 (including shared ancestry, such as Jewish individuals), 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.

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.

V. Other Prohibited Conduct

A. Relationship Abuse

1. 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.

B. Consenting Relationships Between Certain Individuals

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.

C. Retaliation

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 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 and Civil Rights 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 and/or harassment. A complaint against such conduct may be pursued using the appropriate steps followed for discrimination or harassment 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 or harassment 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.

Alleged conduct that meets the definitions governed by the Title IX Policies be addressed through those policies. Allegations that involve conduct that allegedly violates this policy and the Title IX Policies and that are related to the same incident(s) or circumstances may be joined under the same Resolution Process under the Title IX Policies. The decision to join interrelated conduct will be at the discretion of the Title IX and Civil Rights Coordinator.

Anyone who believes they have been subjected to discrimination or harassment is encouraged to report such conduct pursuant to the procedures set forth below. The College will respond to any report of alleged discrimination or harassment 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 and/or harassment to an appropriate College official who has that authority. Any Responsible Employee who receives information regarding alleged discrimination and/or harassment is required to report the matter to the Title IX and Civil Rights 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 and Civil Rights 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 or harassment 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, but all reports will be communicated to the Title IX and Civil Rights Coordinator. Under no circumstances is an individual required to report discrimination or harassment to a supervisor or academic instructor who is the alleged perpetrator.

Title IX and Civil Rights Coordinator

Valerie Newcomb
titleix@scrippscollege.edu

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

Jennifer Berklas
Assistant Vice President of Human Capital and Risk Management
Vita Nova Hall 120
909-607-7976
jberklas@scrippscollege.edu

Deputy Title IX Coordinator for Faculty

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Associate Dean of Faculty
Balch Hall 134
909-607-4026
wliu@scrippscollege.edu

Deputy Title IX Coordinator for Students

Dr. Stacey Miller

Interim Assistant Vice President
Dean of Students Office, Balch Hall
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smiller@scrippscollege.edu

Section 504 Coordinator for Students

Courtney Gipson
Assistant Dean & Director of Accommodations, Academic Resources
& Services Kimberly Hall 98

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 and Civil Rights Coordinator 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 and Civil Rights 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 student leaves the College with a pending complaint against them, they will not be permitted to return to the College until the case is resolved through these 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 and Civil Rights Coordinator.

As described above, certain employees of the College, known as Responsible Employees, have an obligation to report to the Title IX and Civil Rights 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 and Civil Rights 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 Sérrano

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>

D. Initial Assessment

Following the report of an incident or conduct that may be a violation of this policy, the Title IX and Civil Rights Coordinator shall conduct an initial assessment of the report. The assessment shall also include a determination by the Title IX and Civil Rights Coordinator as to whether there is sufficient information showing that a violation of the policy has been alleged. This assessment shall not include any determinations regarding credibility or evidence relevance, and shall only determine whether the reported conduct, if true, would violate this policy.

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 and Civil Rights 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 and Civil Rights 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 weigh 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 to address conduct that may violate this policy.

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 verbal or written notice of:

- 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 the College; 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 for the same matter. 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 and Civil Rights 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 and Civil Rights 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 and Civil Rights 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

The College's grievance procedures will treat complainants and respondents equally. The Title IX and Civil Rights Coordinator, investigator(s), and decision maker(s) will not have a conflict of interest or 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; 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 and Civil Rights 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 and Civil Rights Coordinator or their designee will notify the Complainant before moving forward. To make this fact-specific determination, the Title IX and Civil Rights 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 and Civil Rights 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 and Civil Rights Coordinator will assign the investigation to one or more outside professionals with experience in conducting investigations. Every complaint alleging discrimination or harassment 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.

The following types of evidence are impermissible and must be excluded from the investigation:

1. 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;
2. 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; and
3. Respondent's prior conduct history, unless the information indicates a pattern of behavior by the Respondent and substantial conformity with the present allegation.

The burden of collecting sufficient evidence is on the College, and not the parties.

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 and Civil Rights 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 and Civil Rights 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 and Civil Rights 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 by the investigator. 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 and Civil Rights 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 and Civil Rights 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 and Civil Rights 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 and Civil Rights Coordinator, the Respondent shall notify the Title IX and Civil Rights 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 and Civil Rights Coordinator, the Complainant shall notify the Title IX and Civil Rights 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 and Civil Rights 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.

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.

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 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 and Civil Rights Coordinator will coordinate the provision and implementation of remedies.

E. Dismissal of a Complaint

The Title IX and Civil Rights 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 College;
3. The complainant voluntarily withdraws any or all of the allegations in the complaint, the Title IX and Civil Rights 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 or when otherwise deemed appropriate at the discretion of the Title IX and Civil Rights Coordinator.

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 and Civil Rights 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 because of alleged conduct that may violate this policy 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 discrimination or harassment 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 and Civil Rights 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 and Civil Rights Coordinator, who will conduct an initial assessment to determine whether the request properly establishes grounds for appeal. The Title IX and Civil Rights 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 and Civil Rights 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 and Civil Rights Coordinator.

The Title IX and Civil Rights 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 and Civil Rights 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 and Civil Rights 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 in a manner that would change 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 that would change the outcome. 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 and Civil Rights 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.