

Scripps College

Discrimination and Harassment Policy and Resolution Procedures

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SECTION A: INTRODUCTION

I. Policy

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 harassment of, any individual at the College or at College activities occurring away from campus, including, but not limited to, individuals regularly or temporarily employed by, studying at, or serving in 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 promptly report the incident following the reporting procedures below. Employees designated as Responsible Employees under Section VI and Appendix B are required to promptly report incidents of alleged discrimination or harassment to the Civil Rights Coordinator or one of the Deputy Civil Rights Coordinators.

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 unlawful discrimination or prohibited 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. 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");

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- 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 Civil Rights Coordinator or one of the individuals designated in this Policy.

III. 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.

IV. Scope

The policy 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 this policy and these procedures, a Complainant is a student, faculty member, or staff member who alleges they were the subject of harassment or discrimination. In some cases, the College may pursue a report of harassment or discrimination as the Complainant. A Respondent is the person alleged to have engaged in conduct that constitutes a violation of this policy. If the alleged perpetrator is an employee

or student from one of the other Claremont Colleges or The Claremont Colleges Services, Inc., Scripps College will investigate the matter and take steps to stop the conduct and remedy its effects to the extent reasonably possible. However, any procedures related to disciplinary action against the Respondent will be those of the Respondent's home institution.

SECTION B: REPORTING CONCERNS AND COMPLAINTS

V. Reporting to Scripps College

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, the College's investigation may include efforts to identify the alleged perpetrator, as appropriate. A report may be made to any one of the individuals listed, regardless of whether the individuals involved are students, faculty members, staff members, or third parties. Under no circumstances is an individual required to report discrimination or harassment to a supervisor or academic instructor who is the alleged perpetrator.

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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 at 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 Civil Rights Coordinator or one of the individuals designated in this policy receives a report of alleged discrimination or harassment, they will reach out to the Complainant and request to meet to gather additional information and discuss next steps. The Complainant will be provided information about available on- and off-campus support resources and the applicable Initial Assessment and Complaint procedures.

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 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 matter is resolved through these procedures.

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.

VI. Responsible Employees

A Responsible Employee is an employee who has the duty to report alleged discrimination or harassment to an appropriate College official with authority to receive such reports. Any Responsible Employee who receives information regarding alleged discrimination or harassment is required to report the matter to the Civil Rights Coordinator. Failure to do so may result in disciplinary action by the College.

The College annually reviews the position title and duties of each employee to determine which employees meet the definition of a Responsible Employee under applicable federal and state law. Following its annual review, the College will update the comprehensive list of job titles designated as Responsible Employees and publish it in Appendix B to this policy.

a. Confidentiality of Reports to the College

The College will make all reasonable efforts to maintain the confidentiality and privacy of the parties, as well as the confidentiality of the details of an Initial Assessment, an investigation, any hearing, and, except where permitted by law, any sanctions imposed. The College will inform all individuals involved in the process of the critical importance of maintaining confidentiality throughout the process and with respect to information shared with them as a result of their participation. Complainants and Respondents are not prohibited from sharing details with family, counsel, or a support person or advisor.

If at any point the Complainant decides not to pursue their report or Complaint, 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 against the College's commitment to provide a reasonably safe and nondiscriminatory environment. If the College determines that further investigation is required to meet this commitment and therefore cannot maintain the Complainant's confidentiality, the Complainant will be notified by the Civil Rights Coordinator, a Deputy Civil Rights Coordinator, or one of the individuals designated in this policy.

b. 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:

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

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

Queer Resource Center
Walton Commons
395 E. 6th Street
Claremont, CA 91711
grcclaremont@gmail.com | (909) 607-1817

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

These resolution 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.

Reporting Potential Criminal Violations to the Claremont Police Department (“CPD”): In cases involving potential criminal misconduct, individuals are encouraged to file a report with CPD. The College’s procedures and the legal system operate independently, and the College may proceed with its process regardless of action or inaction by outside authorities. Decisions made or sanctions imposed through these procedures are not subject to change because criminal or civil charges arising from the same conduct are dismissed, reduced, or resolved in favor of or against the Respondent.

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 Civil Rights Department (“CRD”) 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

CRD 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 of 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>

VII. Truthfulness

All participants in a resolution process are expected to cooperate fully and provide truthful information in all meetings and written statements related to these procedures. A determination that a Respondent was or was not responsible for alleged misconduct, standing alone, is not sufficient to conclude that any party made a materially false statement.

VIII. Amnesty Policy

Any individual (including a witness or 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 with the alleged prohibited conduct, including the individual's own consumption of alcohol or other drugs at or near the time of an incident, provided the individual did not harm another person or place the health or safety of any person or the community at risk. The College may suggest an educational conference at which support, resources, and educational counseling options may be discussed and may require a learning action plan for an individual who engaged in the illegal or prohibited use of alcohol or drugs. This policy will be applied at the discretion of the College.

SECTION C: PROHIBITED CONDUCT

This section sets out what conduct is prohibited under this policy. Reported behavior that does not constitute prohibited conduct under this policy but is nevertheless determined to be inappropriate may still subject the offending individual to disciplinary or other sanctions.

IX. Discrimination

Discrimination means adverse treatment of a person based on one or more protected characteristics. In the educational environment, adverse treatment means actions that may have a substantial and material adverse impact on a Complainant's participation in educational programs, activities, opportunities, or benefits. In the employment environment, adverse treatment includes, but is not limited to, decisions regarding hiring, firing, pay, job assignments, promotions, layoffs, training, benefits, and other terms or conditions of employment.

X. Harassment

Harassment in educational programs and activities means unwelcome physical, verbal, graphic, or written conduct based on a protected characteristic that, based on the totality of the circumstances, is subjectively and objectively offensive and, from the perspective of a reasonable person in the Complainant's position, is so severe or pervasive that it limits or denies a person's ability to participate in or benefit from the College's educational programs or activities.

A person may commit harassment without intending to create these outcomes. In evaluating the severity, persistence, or pervasiveness of the conduct, Scripps College considers whether the target(s) of the conduct and an objectively reasonable person considering the conduct from the perspective of the target(s) would find the conduct severe, persistent, or pervasive. Relevant factors may include, but are not limited to, the context, nature, scope, frequency, duration, and location of the conduct. Generally, the less pervasive the conduct, the more severe it must be to constitute harassment. In some instances, a single act may be sufficiently severe to be prohibited by this policy.

Harassment in any form, as defined above, is strictly prohibited at all times.

Harassment in the employment environment may include, but is not limited to, the following examples:

- Verbal, physical, and visual conduct that creates an intimidating, offensive, or hostile working environment, or that interferes with work performance, including conduct that denigrates or shows hostility or aversion toward an individual because of any protected characteristic.
- Visual or graphic images, such as offensive and/or sexually explicit posters, photographs, symbols, cartoons, drawings, computer displays, e-mails, text

messages, objects, or digital and social media activity, including blogs, forums, chat rooms, social networking sites, and other social media applications.

- Physical conduct, including touching, physical assaults or threats, blocking someone's path or normal movement.
- Sabotaging work product or performance.
- Unwanted sexual advances, invitations, or comments.
- Threats and demands to submit to sexual requests as a condition of continued employment or to avoid loss of employment benefits.
- Offers of employment benefits in return for sexual favors.
- Conversation about one's own or someone else's sex life, sex, gender, sexual orientation, gender nonconformity, and/or gender identity.
- Inappropriate conduct or comments consistently targeted at only one gender, race, or another protected characteristic.

Reports concerning Title IX sexual harassment, other sex-based misconduct, and related retaliation involving at least one student are not subject to this policy and are governed by the TCC Policy on Title IX Sexual Harassment, Other Sex-Based Misconduct, and Retaliation ("TCC Title IX Policy").

XI. Other Conduct of Concern (OCC)

The College defines OCC as conduct that does not violate College policy or local, state, or federal law but nevertheless negatively affects the learning, living, or working environment of the Scripps community. Examples of OCC include, but are not limited to, intimidation, bullying, bias, microaggressions, or other conduct that does not meet the definition of harassment in Section X because it is not severe or pervasive or is not alleged to be based on a protected characteristic.

The College will address reports of OCC regardless of race, gender, age, sexual orientation, disability, religion, or any other protected characteristic. The goal is to provide support so individuals feel heard, valued, and cared for and so conflicts may be productively resolved before they escalate into larger concerns.

How OCC is addressed depends on the nature of the conduct and its effect on the individuals involved. Conduct that can be addressed by supervisors through regular employee performance management may result in discussion, training, mentoring, coaching, or education. Mediation, supportive services, and restorative processes are voluntary and must be agreed upon by all parties. If allegations against a Respondent also involve potential violations of this or another College policy, the College may consolidate the investigation and resolution of those allegations under the Resolution Procedures in Appendix A.

XII. Retaliation

Retaliation against any member of the Scripps College community for making a report of conduct the reporter reasonably believed to be prohibited, or for participating in any manner in an investigation, proceeding, or hearing conducted by Scripps College or a state or federal agency, is strictly prohibited. Retaliation means intimidation, threats, coercion, or discrimination against any person by Scripps College, a student, an employee, or another person authorized by Scripps College to provide an aid, benefit, or service under its education program or activity, for the purpose of interfering with any right or privilege secured by applicable federal or state law, or because the person has reported information, made a complaint, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under this Policy or these procedures. Threats of retaliatory action also constitute retaliation.

The following actions do not constitute retaliation: exercising rights protected under applicable law or the College charging an individual with a policy violation for making a materially false statement in the course of a resolution process. (See Section VII, Truthfulness.)

Notwithstanding the foregoing, the College may and does require employees or other persons authorized by the College to provide an aid, benefit, or service under the College's education program or activity to participate as witnesses in, or otherwise assist with, an investigation, proceeding, or hearing under this policy.

XIII. 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:

- a. who is or has been in a social relationship of a romantic or intimate nature with the victim; and
- b. 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.

XIV. Consenting Relationships Between Certain Individuals

The College prohibits and considers inappropriate consenting sexual relationships between individuals associated with the College when 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 or another person in the reporting line, 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.

SECTION D: RESPONSE TO COMPLAINTS OF PROHIBITED CONDUCT

XV. Applicable Procedures

- Reports of discrimination, harassment, and retaliation that are not governed by the TCC Title IX Policy will be resolved under the Resolution Procedures in Appendix A, including reports involving faculty, staff, students, and/or third parties.
- Reports of Other Conduct of Concern will be addressed under Section XI. If a report of Other Conduct of Concern also involves potential violations of this or another College policy, the College may consolidate the investigation and resolution of those allegations under the Resolution Procedures in Appendix A.
- Reports concerning Title IX sexual harassment, other sex-based misconduct, and related retaliation involving at least one student are governed by the TCC Title IX Policy and its resolution procedures.

XVI. 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 Civil Rights Coordinator or one of the Deputy Civil Rights Coordinators.

XVII. Investigation

Following a report of an incident or conduct that may violate this policy, the Civil Rights Coordinator or one of the Deputy Civil Rights Coordinators will conduct an Initial Assessment. The assessment will include a preliminary interview with the Complainant to understand the allegations. The interview may be conducted by the Civil Rights Coordinator, one of the Deputy Civil Rights Coordinators, or an outside professional designated by one of these Coordinators. The purpose of the assessment is to gather sufficient information to determine whether the alleged conduct, if substantiated, would

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constitute a violation of the Discrimination and Harassment Policy. If so, the Complainant may move forward with a formal Complaint, which will initiate the investigation process.

As set forth in Appendix A, Scripps College will conduct a fair, timely, and thorough investigation of Complaints within the scope of this policy to determine what occurred and take reasonable steps to remedy the effects of any discrimination or harassment and prevent recurrence. The College provides all parties with due process and reaches conclusions based on the evidence collected. When warranted, the College takes appropriate action, including disciplinary measures up to and including termination, student expulsion, or permanent exclusion from Scripps College premises.

APPENDIX A: RESOLUTION PROCEDURES

XVIII. Introduction

Scripps College will take prompt and appropriate action to address reports of discrimination, harassment, and retaliation in accordance with these and related procedures. Scripps College takes all such reports seriously and responds appropriately.

These procedures apply to allegations of discrimination, harassment, and retaliation that are not governed by the TCC Title IX Policy. Reports concerning Title IX sexual harassment, other sex-based misconduct, and related retaliation involving at least one student are governed by the TCC Title IX Policy.

A member of the Scripps College community who wishes to report prohibited discrimination, harassment, or retaliation should do so as soon as possible, although reports may be made at any time. Reports may be made orally or in writing and should be brought to the attention of the Civil Rights Coordinator or one of the individuals designated in the Discrimination and Harassment Policy.

Any reference to a Scripps College administrator in this document is understood to include not only that administrator but also their designee.

XIX. Reporting, Initial Assessment, Formal Complaint and Investigation

Reports of discrimination, harassment, or retaliation may be made to any individual designated in the Discrimination and Harassment Policy. The Civil Rights Coordinator will be notified of all such reports and generally will directly handle matters in which at least one party is a student. At the Civil Rights Coordinator's discretion, the Coordinator may partner with or refer a matter involving at least one faculty party to the Deputy Civil Rights Coordinator for Faculty and may partner with or refer a matter involving only College staff to the Deputy Civil Rights Coordinator for Staff. These individuals will coordinate the Initial Assessment and, if applicable, the formal investigation of the Complaint.

Consistent with Scripps College's Discrimination and Harassment Policy, when the College receives a report of an incident or conduct that may violate this policy, the College will conduct an Initial Assessment. The Initial Assessment will include a preliminary interview with the Complainant to understand the allegations. The interview may be conducted by the Civil Rights Coordinator, the Deputy Civil Rights Coordinator for Staff, the Deputy Civil Rights Coordinator for Faculty, or an outside professional designated by one of these individuals. The purpose of the assessment is to gather sufficient information for the College to determine whether, assuming the allegations are true, the alleged conduct would constitute a violation of the Discrimination and Harassment Policy. If so, the Complainant may move forward with a formal Complaint, which will initiate the

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investigation process. If the Complainant does not choose to proceed, the College may close the case or, in its discretion, proceed with an investigation based on the Initial Assessment.

Scripps College will conduct a fair, timely, and thorough investigation of Complaints within the scope of this policy to determine what occurred and will take reasonable steps to remedy the effects of any substantiated discrimination or harassment and prevent recurrence of the conduct. Scripps College provides all parties with due process and reaches conclusions based on the evidence collected. Scripps College takes appropriate action, including disciplinary measures, when warranted.

The Complainant and Respondent may object to an assigned investigator only on the grounds that the investigator has a conflict of interest or cannot be impartial. Objections must be made in writing to the Civil Rights Coordinator or one of the individuals designated in the Policy within three business days after the parties are informed of the investigator's identity. The College will consider any objection and notify the parties of its decision regarding the investigator.

XX. Supportive Measures

At any time, Scripps College may put in place supportive or interim measures, as appropriate, to support the Complainant, the Respondent, and/or others.

XXI. Informal Resolution

At any point after receiving a report of conduct that may violate this policy, Scripps College may offer informal resolution options at the discretion of the Civil Rights Coordinator, the Assistant Vice President for Human Capital and Risk Management, the Dean of Faculty, the Assistant Vice President of Student Affairs, or their designees, as appropriate. Complainants are not required to accept any specific offer of informal resolution and retain the right to pursue the formal investigative process.

XXII. Investigations

If the Initial Assessment indicates that the reported conduct would constitute a violation of the Discrimination and Harassment Policy, and the Complainant or the College elects to move forward, an investigation will be initiated.

The investigation and adjudication of alleged prohibited conduct under this section is not an adversarial process among the Complainant, the Respondent, and the witnesses. The purpose of the process is to determine whether the Complainant's allegations are substantiated by a preponderance of the evidence.

- The Complainant and Respondent will be provided with a copy of the Discrimination and Harassment Policy and these procedures.
- Within a reasonable length of time after determining an investigation will be initiated, the Complainant and the Respondent will each be notified of the specific allegations to be investigated. If either party has not yet received a copy of the policy and these procedures, they will be provided with a copy at that time.
- The Complainant and Respondent will both be reminded that Scripps College does not tolerate retaliation, takes steps to prevent retaliation, and takes strong responsive action if retaliation occurs. The Complainant and Respondent will be reminded to notify Scripps College immediately if retaliation occurs.
- The investigation will be treated as private to the extent possible. Scripps College will make reasonable and appropriate efforts to preserve the Complainant's and Respondent's privacy, protect the confidentiality of information, and share information only on a need-to-know basis or as required by law.
- Parties may not engage in coercion, pressure, undue influence, or retaliation with respect to potential witnesses or other parties in the course of preparing to meet with and provide evidence to the investigator. Parties may seek guidance from the Civil Rights Coordinator, one of the individuals designated in the Discrimination and Harassment Policy, and the investigator regarding appropriate and inappropriate communications. Communications between parties and witnesses that are found to have resulted from coercion, pressure, undue influence, or retaliation may be discounted by the investigator or considered in assessing credibility and weighing the affected evidence.
- The Complainant and Respondent will be given an opportunity to be interviewed regarding the allegations and may suggest witnesses or information to the investigator(s), who will determine whether the suggestions are relevant, appropriate, or necessary to resolve disputed factual issues. The investigator(s) may also review other information and interview others who may have information relevant to investigating and resolving the Complaint.
- Legal counsel and other advisors or support persons are permitted to be present during interviews but are not permitted to participate. Investigative meetings generally may not be recorded by any party or witness involved in a case. Requests for exceptions will be reviewed on a case-by-case basis. If recording is permitted, the investigator(s) must be provided with an unaltered copy of the recording.

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- Failure or refusal to cooperate with investigations or processes under these procedures may also be a separate violation of this policy and may result in disciplinary action.
- Complaints will be investigated and resolved within a reasonably prompt time frame after initiation, although factors including, but not limited to, the complexity of the case and the availability of the parties or witnesses may affect the duration of the investigation.
- The Civil Rights Coordinator or one of the individuals designated in the Discrimination and Harassment Policy may conclude an investigation without further opportunity to provide evidence from a party or witness who fails or refuses to cooperate reasonably and in a timely manner (for example, by failing to schedule or appear for meetings, failing to provide promised evidence, or failing to respond to communications from the investigator in a timely manner).
- The investigator(s) will use the preponderance of the evidence standard in reaching findings and conclusions. A preponderance of the evidence means that it is more likely than not that the alleged misconduct occurred or did not occur.
- The investigation will not require, allow, rely upon, or use questions or evidence that constitute or seek the disclosure of information protected under a legally recognized privilege (e.g., attorney-client, doctor-patient, clergy-penitent), unless the person holding such privilege has waived the privilege.
- The investigator(s) will reach findings and conclusions regarding whether the allegations are substantiated by a preponderance of the evidence, based on the information available at the time of the decision, and will report those findings and conclusions to the appropriate administrator (“decision-maker”), who will determine responsive measures, including any appropriate discipline. The appropriate decision-makers are the manager or supervisor for staff respondents; the Dean of Faculty for faculty respondents; and the Dean of Students for student respondents.
- The Complainant and Respondent will be notified in writing of the outcome of the process. The Notice of Investigation Outcome will include a summary of the allegations; a statement that the preponderance of the evidence standard was used; a determination as to whether the Policy was violated; confirmation of the right to appeal and the applicable appeal procedures; and any remedies, if applicable, afforded to the parties. The notice may be delivered electronically or in hard-copy form.

- Either party may appeal the outcome in accordance with Section XXV below.

Investigative files are confidential and will be maintained separately from an individual's personnel or student file. Disciplinary action taken against an employee as a result of an investigation will be included in the personnel file. Disciplinary action taken against a student may or may not be included in the student's academic records.

XXIII. False Reports or Statements

Scripps College expects its members to act honestly and sincerely and to have a genuine belief that discrimination or harassment occurred when reporting concerns under this policy. Scripps College will not tolerate the intentional submission of false information, allegations, or evidence. The fact that a Complaint is not substantiated by a preponderance of the evidence does not, by itself, establish that the Complaint was a false report.

A party or witness who intentionally fabricates or knowingly misrepresents information, allegations, or evidence, or otherwise acts with intent to deceive or mislead in matters relating to Scripps College's administration of this policy may be subject to disciplinary action up to and including termination of employment or expulsion.

XXIV. Resolution

The conclusions the investigator(s) may reach include, but are not limited to, the following:

- A violation of policy or other inappropriate conduct occurred.
- Inappropriate conduct occurred, but it did not constitute a violation of policy.
- The allegations were not supported by the preponderance of the evidence.
- The allegations were a false report.

The decision-maker(s) will review the findings, conclusions, and recommendations and determine appropriate action in consultation with the Civil Rights Coordinator or one of the individuals designated in the Discrimination and Harassment Policy. The Complainant and Respondent will be notified concurrently in writing of the results of the investigation, their right to appeal, and the applicable appeal procedures. Privacy considerations may prevent Scripps College from informing a Complainant of sanctions or other remedies imposed against a Respondent.

If a violation of policy or other inappropriate conduct is found to have occurred, appropriate corrective action will be taken. Depending on the severity of the conduct, possible corrective actions include verbal counseling, a formal written warning, removal from a supervisory position, termination of employment, student probation, student suspension, or student expulsion.

XXV. Appeals of Investigation Outcomes

Appeals by either party must be in writing, no more than five pages in length, and submitted within ten (10) business days after notification of the decision. Weekends, holidays, and academic breaks are not counted as business days.

Appeals of decisions resulting from the investigation process may be made only on one or more of the following grounds:

1. a procedural error occurred that would have significantly affected the outcome of the investigation;
2. there is new evidence that would have significantly affected the outcome and was not reasonably available at the time of the proceeding; or
3. the sanction is substantially disproportionate to the findings.

A procedural error is an error in how the investigation was conducted. An appeal based on new evidence must include the new evidence and explain why it was not reasonably available during the investigation and how it would have significantly affected the outcome. Appeals that are not based on one or more of the permitted grounds will not be considered. Appeal decisions are final.

Upon receipt of an appeal, the Civil Rights Coordinator or applicable Deputy Civil Rights Coordinator will appoint an Appeal Officer to decide the appeal. The Appeal Officer's decision is final.

XXVI. Further Complaints

The Complainant should immediately report if the corrective action does not end the unlawful discrimination or harassment, or if new or continuing unlawful discrimination or harassment occurs. In such cases, the Complainant has the right to file another complaint.

XXVII. Exceptions

Exceptions to or modifications of these procedures can be made by the President of the College, the Civil Rights Coordinator, or a Deputy Civil Rights Coordinator.

APPENDIX B: RESPONSIBLE EMPLOYEE DESIGNATIONS
(CURRENT AS OF AUGUST 2026)

Responsible Employees include individuals holding any of the following positions, or positions with substantially similar duties:

- The Title IX and Civil Rights Coordinator and Deputy Title IX and Civil Rights Coordinators
- President, Vice Presidents, Deans, and Associate Deans
- President/Board Office staff
- All instructors, including full-time faculty, part-time faculty, teaching lab assistants, and language assistants
- All Student Affairs staff
- All staff in the following departments:
 - Dean of Faculty
 - Registrar
 - Study Abroad and Global Education
 - Denison Library
 - Post-Baccalaureate Premedical Program
 - Human Resources
 - Career Planning & Resources
 - Scripps College Academy
 - Financial Aid
 - Admissions
- Williamson Gallery Director, Assistant Director, and Guards
- Food Services Manager
- Facilities Director
- Director of Grounds