

## Scripps College's

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# Discrimination and Harassment Policies and Grievance Procedures

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## Table of Contents

<b>INTRODUCTION .....</b>	<b>3</b>
<b>I. General Policy Statement.....</b>	<b>3</b>
<b>II. Jurisdiction.....</b>	<b>3</b>
<b>CIVIL RIGHTS RELATED POLICIES.....</b>	<b>4</b>
<b>I. Statement on Non-Discrimination, Equal Opportunity, and Related Laws .....</b>	<b>4</b>
<b>II. Equal Employment Opportunity .....</b>	<b>5</b>
<b>III. Harassment Policy.....</b>	<b>5</b>
<b>IV. Sexual Misconduct, Relationship Misconduct, and Stalking Policy .....</b>	<b>7</b>
<b>V. California Law .....</b>	<b>11</b>
<b>VI. Consenting Relationships .....</b>	<b>11</b>
<b>VII. Retaliation Policy .....</b>	<b>12</b>
<b>VIII. False Reporting Policy .....</b>	<b>12</b>
<b>IX. Handling of Related Violations of Other College Policies .....</b>	<b>12</b>
<b>GRIEVANCE PROCEDURES .....</b>	<b>12</b>
<b>I. Introduction .....</b>	<b>12</b>
<b>II. Reporting an Alleged Violation.....</b>	<b>13</b>
<b>III. Truthfulness .....</b>	<b>17</b>
<b>IV. Informal Resolution Process.....</b>	<b>18</b>
<b>V. Investigation and Hearing Procedures for Complaints By or Against Students.....</b>	<b>19</b>
<b>VI. Investigation Procedures for Complaints of Discrimination, Harassment, or Sexual Misconduct that Do Not Involve a Student as Complainant or Respondent .....</b>	<b>22</b>
<b>VII. Interim Measures.....</b>	<b>24</b>
<b>VIII. Support Person and/or Advisor .....</b>	<b>24</b>
<b>IX. Appeal Procedures .....</b>	<b>24</b>
<b>X. Record Retention .....</b>	<b>25</b>
<b>XI. Special Provisions.....</b>	<b>25</b>
<b>XII. The College’s External Reporting Obligations .....</b>	<b>26</b>
<b>Appendix A Sexual Assault, Dating/Domestic Violence, and Stalking Prevention and Risk Reduction.....</b>	<b>28</b>
<b>Appendix B Frequently Asked Questions: Sexual Assault, Dating/Domestic Violence and Stalking.....</b>	<b>30</b>
<b>Appendix C What to Do if You Have Experienced Sexual Assault, Dating/Domestic Violence or Stalking.....</b>	<b>33</b>
<b>Appendix D Scripps College Prevention and Outreach .....</b>	<b>35</b>



## INTRODUCTION

### I. General Policy Statement

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

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

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

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

As an educational institution, the College is committed to the principle of free expression and the exploration of ideas in an atmosphere of civility and mutual respect. The College also recognizes that the educational process can often be disturbing and unsettling, particularly when one’s current ideas or values are being challenged. This means that the learning, working, and living environments might not always be comfortable for all members of the college community. The College does not proscribe speech simply because it is offensive. In determining whether an act constitutes discrimination or harassment, the context must be carefully reviewed, and full consideration must be given to the protection of individual rights, freedom of speech, and academic freedom.

### II. Jurisdiction

The policies and procedures set forth herein apply to all College faculty, staff, and students. These policies and procedures also apply to third parties (such as campus visitors or vendors) who may have contact with members of the College community, either on the College’s campus or at other College events and programs. For purposes of these policies and grievance procedures, a Complainant is a student, faculty, or staff member who is alleged to be the subject of a policy violation. The College also may be a Complainant. A Respondent under these policies and procedures is the person alleged to have engaged in conduct that

constitutes a violation of these policies. If the alleged perpetrator is an employee or student from one of the other Claremont Colleges or The Claremont Colleges Services, Inc., the College will investigate the matter and take steps to stop the conduct and remedy its affects to the extent reasonably possible. However, the grievance or other relevant procedures related to any disciplinary action against the Respondent will be those of the Respondent’s home institution.

On May 6, 2020, the U.S. Department of Education issued a Final Rule under Title IX of the Education Amendments of 1972 (the Final Rule). Based on the requirements of the Final Rule, The Claremont Colleges (TCC)\* implemented a joint TCC Title IX Sexual Harassment Policy, effective August 14, 2020. Alleged conduct that meets the definition of Sexual Harassment and jurisdiction outlined in the TCC Title IX Sexual Harassment Policy will be addressed under the TCC Title IX Sexual Harassment Policy. Alleged conduct that falls outside the scope of the TCC Title IX Sexual Harassment Policy may still be addressed through other policies and processes of the Respondent’s home institution.

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

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

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

## **CIVIL RIGHTS RELATED POLICIES**

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

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

- A. Title IX of the Higher Education Amendments of 1972;
- B. The Violence Against Women Reauthorization Act of 2013;
- C. Title VI of the Civil Rights Act of 1964;
- D. Title VII of the Civil Rights Act of 1964;
- E. California SB 493;
- F. California SB 967 (“Yes Means Yes”);
- G. California Fair Employment and Housing Act (“FEHA”);

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

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

## **II. Equal Employment Opportunity**

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

## **III. Harassment Policy**

- A. It is the policy of Scripps College to maintain an environment for students, faculty, and staff that is free of prohibited harassment. All members of the community should be aware that the College is concerned about such harassment and is prepared to take prompt remedial action to prevent and correct such behavior. Individuals who engage in sexual harassment (which includes harassment based on gender, pregnancy, childbirth, or related medical conditions), as well as other prohibited harassment based on such factors as religion, color, race, national or ethnic origin, ancestry, immigration status, sexual orientation, gender identity and expression, physical or mental disability, age, marital status, family care leave status, caste, social origin, or veteran status, will be subject to discipline, up to and including expulsion or termination. Retaliation against a person who reports, complains about, or participates in the investigation of such harassment is likewise prohibited.

### **B. Prohibited Harassment Defined**

#### **1. Prohibited Harassment in General**

Prohibited harassment is conduct that creates an intimidating, offensive, or hostile working or academic environment, or that interferes with work or academic performance, including harassment based on a person’s protected status, including race, color, national origin, ancestry, immigration status, sex (which includes harassment based on gender, pregnancy, childbirth, or

related medical conditions), sexual orientation, gender identity and expression, 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 count as 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.

## **2. *Sexual Harassment***

One form of unlawful harassment is sexual harassment. Sexual harassment may be either "quid pro quo" harassment, that is sexual advances or requests for sexual favors where submission is made an explicit or implicit term or condition of an individual's employment or education or where submission or rejection is used as the basis for making employment or educational decisions affecting an individual; or "environmental" harassment, where the individual is subjected to a hostile or intimidating environment, in which verbal or physical conduct, because of its severity and/or persistence, is likely to interfere with an individual's work or education, or to affect adversely an individual's living conditions. Occasional compliments that are generally accepted as not offensive or other generally accepted social behavior, on the other hand, do not constitute sexual harassment.

Examples of sexual harassment may include such conduct as:

- a. Physical assault or other unwelcome touching;
- b. Direct or implied threats that submission to sexual advances will be a condition of employment, work status, promotion, grades, or letters of recommendations;
- c. Direct propositions of a sexual nature;
- d. Subtle pressure for sexual activity, an element of which may be repeated requests for private meetings without an academic and employment purpose;
- e. A pattern of conduct that would discomfort or humiliate, or both, a reasonable person at whom the conduct was directed that includes one or more of the following: (1) unnecessary touching, patting, hugging, or brushing against a person's body; (2) remarks of a sexual nature about a person's clothing or body, whether or not intended to be complimentary; (3) remarks about sexual activity or speculations about previous sexual experience; or (4) other comments of a sexual nature, including sexually explicit statements, questions, jokes, or anecdotes;

- f. Certain visual displays of sexually oriented images outside the educational context;
- g. Letters, notes, electronic communication, or online activity containing comments, words or images as described in (e) above.

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

### **3. Other Forms of Harassment**

Although sexual harassment is one form of prohibited harassment, the College prohibits any harassment that meets the elements set forth in B (1) above, including but not limited to harassment based upon a person's race, ethnicity, religion, disability, or immigration status.

Examples of conduct that may constitute other forms of harassment include:

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

### **4. 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 in Section B (1).

## **IV. Sexual Misconduct, Relationship Misconduct, and Stalking Policy**

- A. The expectations of our community regarding sexual consent can be summarized as follows: In order for individuals to engage in sexual activity of any type with each other, there must be clear, knowing, and voluntary consent prior to and during sexual activity. Consent is sexual permission.

Sexual misconduct is a specific form of sexual harassment and is prohibited by the College. Sexual misconduct is defined as:

1. **Non-Consensual Sexual Contact** (or attempts to commit same)  
Non-Consensual Sexual Contact is:
  - any intentional sexual touching,
  - however slight,



- with any object,
- by a person upon a person,
- that is without consent and/or by force. \*

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

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

2. **Non-Consensual Sexual Intercourse** (or attempts to commit same)

Non-Consensual Sexual Intercourse is:

- any sexual intercourse however slight,
- with any object,
- by a person upon a person,
- that is without consent and/or by force.

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

3. **Other Conduct:** The following alleged conduct will be addressed through the Grievance Procedures outlined herein.

- a. Dating violence (as defined by the Violence Against Women Act) is violence committed 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 (1) the length of the relationship, (2) the type of the relationship, and (3) the frequency of interaction between the persons involved in the relationship.
- b. Domestic violence (as defined by the Violence Against Women Act) is the use of physical, sexual, or emotional abuse or threats to control another person who is a current or former spouse or other intimate partner. It includes felony or misdemeanor crimes of violence committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.
- c. "Stalking" means engaging in a course of conduct directed at a specific person that would cause a reasonable person to—
  - (1) fear for his or her safety or the safety of others; or
  - (2) suffer substantial emotional distress.

4. **Sexual Exploitation:** Sexual Exploitation is a form of sexual misconduct which occurs when a

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

- a. Invasion of sexual privacy;
  - b. Prostituting another person;
  - c. Non-consensual recording of images, including video or photograph, or audio of another person's sexual activity or intimate parts;
  - d. Going beyond the boundaries of consent (such as letting your friends hide in the closet to watch you having consensual sex);
  - e. Engaging in voyeurism, or viewing another person's sexual activity or intimate parts, in a place where that other person would have a reasonable expectation or privacy, without that person's consent, for the purpose of arousing or gratifying sexual desire;
  - f. Knowingly exposing another person to and/or transmitting a sexually transmitted infection (STI), a sexually transmitted disease (STD), or HIV;
  - g. Exposing one's genitals in non-consensual circumstances; inducing another to expose their genitals;
  - h. Trafficking another person by inducing them to perform a commercial sex act, or labor or services, through force, fraud, or coercion; or
  - i. Distributing images, including video or photograph, or audio of another person's sexual activity or intimate parts, if the individual distributing the images or audio knows or should have known that the person depicted in the images or audio did not consent to the disclosure.
5. **Sexual Assault:** "Sexual assault" (as defined by the Violence Against Women Act) means an offense classified as a forcible or non-forcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation. Generally, a sexual assault has been committed when an individual engages in sexual activity without the explicit consent of the other individual involved. Sexual activity is any touching of a sexual or other intimate part of a person for the purpose of gratifying sexual desire of either party. This includes coerced touching of the actor by the victim as well as the touching of the victim by the actor, whether directly or through clothing. Charges of Sexual Assault within the jurisdiction of this Policy will be processed as Non-Consensual Sexual Contact or Non-Consensual Sexual Intercourse depending upon the nature of the factual allegations.
- B. **Consent:** Consent is clear, knowing and voluntary. Consent is active, not passive. Silence, in and of itself, cannot be interpreted as consent. Consent can be given by words or actions, as long as those words or actions create mutually understandable and clear permission regarding willingness to engage in sexual activity, and the physical conditions of sexual activity (e.g., consent is contingent upon use of a condom). In order to give effective consent, one must be of legal age and have the capacity to give consent. The legal age of consent in the state of California is 18 years.
1. Consent to any one form of sexual activity does not imply consent to any other form(s) of sexual activity.
  2. A previous relationship or prior consent does not imply consent to future sexual acts.
  3. Consent can be withdrawn. Thus, even if a person agreed to sexual interaction or continued sexual interaction, that person has the right to change their mind, irrespective of how much sexual interaction may have already taken place.

4. **Force and Coercion:** Consent obtained through force is not consent. Force is the use of physical violence and/or imposing on someone physically to gain sexual access. Force includes the use of threats, intimidation (implied threats) and/or coercion to produce consent. Coercion is unreasonable pressure for sexual activity (“Have sex with me or I’ll hit you.” “Okay, don’t hit me; I’ll do what you want.”). Coercive behavior differs from seductive behavior based on the type of pressure used to get consent. When someone makes it clear that they do not want sex, that they want to stop, or that they do not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive.

**NOTE:** There is no requirement that a party resists a sexual advance or request, but resistance is a clear demonstration of non-consent. The presence of force, however, is not demonstrated by the absence of resistance.

**Capacity/Incapacitation:** Incapacitation is a state where someone cannot make rational, reasonable decisions because they lack the capacity to give knowing consent (e.g., to understand the “who, what, when, where, why, or how” of their sexual interaction). Sexual activity with someone who one should have known to be -- or based on the circumstances should reasonably have known to be -- mentally or physically incapacitated (i.e., by alcohol or other drug use, unconsciousness, asleep, or blacked out), constitutes a violation of this policy.

- a. **Incapacitation due to alcohol or other drugs:** Because alcohol or other drug use can place an individual’s capacity to consent in question, sober sex is less likely to raise such questions. Being under the influence of alcohol or other drugs does not in and of itself indicate incapacitation. When alcohol or other drugs, including date rape drugs (such as Rohypnol, Ketamine, GHB, etc.), are involved, a person will be considered unable to give valid consent if they cannot fully understand the details of a sexual interaction (the who, what, when, where, why, or how) because they lack the capacity to reasonably understand the situation. Administering a date rape drug to another individual is a violation of this policy.
  - b. **Incapacitation due to other reasons:** This policy also covers a person whose incapacity results from mental or physical disabilities, sleep, unconsciousness, or involuntary physical restraint.
5. **Invalid Excuses.** In any proceedings under these policies and procedures, a Respondent may not assert as an excuse to an alleged lack of consent that the Respondent believed that the Complainant consented under any of the following circumstances:
    - a. The Respondent’s belief in affirmative consent arose from the intoxication or recklessness of the Respondent;
    - b. The Respondent did not take reasonable steps, in the circumstances known to the Respondent at the time, to ascertain whether the Complainant affirmatively consented; or
    - c. If the Respondent knew or should reasonably have known that the Complainant was unable to consent to the sexual activity under any of the following circumstances:
      1. The Complainant was asleep or unconscious;
      2. The Complainant was incapacitated due to the influence of drugs, alcohol, or medication, so that the Complainant could not understand the fact, nature, or extent of the sexual activity; or
      3. The Complainant was unable to communicate due to a mental or physical condition.

**V. California Law**

- A. Conduct in violation of this policy also may constitute criminal conduct under the laws of the State of California. The following is a partial review of the California statutes covering rape, domestic violence, and stalking. In California, dating violence is included within the definition of domestic violence. This discussion, intended only for purposes of information and guidance, does not cover all acts that may constitute criminal sexual behavior or all parts of the sex crime statutes and should not be construed as legal advice.
  
- B. **Rape.** Under California Penal Code Section 261, “Rape” includes an act of sexual intercourse:
  - Where it is accomplished against a person's will by means of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the person or another.
  
  - Where a person is prevented from resisting by any intoxicating or anesthetic substance, or any controlled substance, and this condition was known, or reasonably should have been known by the accused. Under California law, a person is prevented from resisting if he or she is so intoxicated that he or she cannot give legal consent. In order to give legal consent, a person must be able to exercise reasonable judgment. In other words, the person must be able to understand and weigh the physical nature of the act, its moral character, and probable consequences. Legal consent is consent given freely by someone who knows the nature of the act involved.
  
  - Where a person is at the time unconscious of the nature of the act, and this is known to the accused. "Unconscious of the nature of the act" includes being incapable of resisting because the victim was unconscious or asleep or was not aware, knowing, perceiving, or cognizant that the act occurred.
  
- C. **Domestic Violence.** Under California Penal Code Section 13700, “Domestic Violence” means abuse committed against an adult or a minor who is a spouse, former spouse, cohabitant, former cohabitant, or person with whom the suspect has had a child or is having or has had a dating or engagement relationship. For purposes of this subdivision, “cohabitant” means two unrelated adult persons living together for a substantial period of time, resulting in some permanency of relationship. Factors that may determine whether persons are cohabiting include, but are not limited to, (1) sexual relations between the parties while sharing the same living quarters, (2) sharing of income or expenses, (3) joint use or ownership of property, (4) whether the parties hold themselves out as husband and wife, (5) the continuity of the relationship, and (6) the length of the relationship.
  
- D. **Stalking.** Under California Penal Code Section 646.9, Stalking is the willful, malicious, and repeated following or willful and malicious harassing of another person and making a credible threat with the intent to place another person in reasonable fear for his or her safety, or the safety of his or her immediate family.

**VI. Consenting Relationships**

- A. The College strongly discourages and considers inappropriate consenting sexual relationships between individuals associated with the College in the case where one of whom exercises institutional authority over the other.
  
- B. 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.

- C. 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.

## **VII. Retaliation Policy**

Any attempt by a student, faculty, or staff member to penalize, intimidate, or retaliate in any way against a person who makes a report of or who is otherwise involved in reporting, an investigation of, or a hearing for alleged violations of the College's discrimination, harassment and/or sexual misconduct policies is prohibited. Disregarding interim measures, no contact orders, or other orders resulting from a process under this policy or the policy of another Claremont College shall be considered retaliation. Persons who believe that they have been retaliated against for making a complaint/report or for cooperating in an investigation or hearing should immediately contact the Title IX Coordinator. Any person who retaliates against a person who has cooperated in an investigation and/or hearing, or otherwise violates this provision, is in violation of College policy and will be subject to disciplinary action.

## **VIII. False Reporting Policy**

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

## **IX. Handling of Related Violations of Other College Policies**

Any individual who participates as a Complainant or witness in an investigation of sexual assault, domestic violence, dating violence, or stalking, will not be subject to disciplinary sanctions for a violation of the College's student conduct policy at or near the time of the incident, unless the College determines that the violation was egregious, including but not limited to, an action that places the health or safety of any other person at risk or involves plagiarism, cheating, or academic dishonesty.

# **GRIEVANCE PROCEDURES**

## **I. Introduction**

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

Title IX Sexual Harassment now refers to specific forms of sexual misconduct. Alleged conduct that meets the definition of Title IX Sexual Harassment may be addressed through the TCC Title IX Sexual Harassment Policy. Interrelated conduct that includes allegations of conduct prohibited by this or other College policies, as well as the TCC Title IX Sexual Harassment Policy, may be joined in one investigation and hearing under the TCC Title IX Sexual Harassment Policy.

Anyone who believes they have been subjected to discrimination, harassment, sexual misconduct, dating violence, domestic violence, and/or stalking is encouraged to report such conduct pursuant to the

procedures set forth below. The College will respond to any report of alleged discrimination, harassment, sexual misconduct, dating violence, domestic violence, or stalking pursuant to these grievance procedures.

**Responsible Employees:** A Responsible Employee is an employee who has the authority to take action to redress sexual harassment or provide supportive measures to students, or who has the duty to report sexual harassment to an appropriate College official who has that authority. Any Responsible Employee who receives information regarding alleged discrimination, harassment, and/or sexual misconduct is required to report the matter to the Title IX Coordinator or a Deputy Title IX Coordinator. Failure to do so may result in disciplinary action by the College. Responsible employees include individuals with any of the following positions or substantially similar positions or job duties:

- The Title IX Coordinator and Deputy Title IX Coordinators
- President and Vice Presidents
- 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
- Athletic Directors, Coordinators, and Coaches
- Laboratory Directors, Coordinators, or Principal Investigators
- Internship or Externships Directors and Coordinators

Some student employees are also deemed Responsible Employees while performing the duties of employment. The following student positions also include Responsible Employee obligations:

- 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

## II. Reporting an Alleged Violation

### A. Reporting to the College

1. Individuals who believe that they have been the subject of or have witnessed alleged discrimination, harassment, sexual misconduct, dating violence, domestic violence, and/or stalking

are encouraged to contact the appropriate College representative listed below. The College encourages individuals to report all such instances whether or not the alleged perpetrator is known to the reporting party. If the alleged perpetrator is not known to the reporting party, an aspect of the investigation conducted by the College may include efforts to identify the alleged perpetrator, as appropriate. A report may be made to any one of the individuals listed regardless if you are a student, faculty member, staff member, or third party. Under no circumstances is an individual required to report discrimination, harassment, and/or sexual misconduct to a supervisor or academic instructor who is the alleged perpetrator.

**Interim Title IX Coordinator**

**Alyssa-Rae McGinn**

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**Deputy Title IX Coordinator for Staff Section**

**504 Coordinator for Faculty and Staff**

**Jennifer Berklas**

Assistant Vice President of Human Capital and Risk Management

Office of Human Resources

Vita Nova Hall 120

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**Deputy Title IX Coordinator for Faculty**

**Warren Liu**

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**Deputy Title IX Coordinator for Students**

**Jamila Zuwayed**

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**Section 504 Coordinator for Students**

**Danny Hernandez**

Assistant Dean of Academic Resources and Accessibility Services

Dean of Students Office

Balch Hall

909-607-9380

[dhernand@scrippscollege.edu](mailto:dhernand@scrippscollege.edu)

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

A report does not automatically initiate a formal investigation process. When the Title IX

Coordinator or their designee<sup>1</sup> receives a report of alleged discrimination or harassment, they will reach out to the individual reported to have been impacted, known as the Complainant, and request to meet with them to gather additional information and discuss their options. The Title IX office will provide the Complainant with information about on- and off-campus support resources that are available, the 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 investigate and take appropriate action in response to all reports, regardless of when the alleged conduct occurred. The ability of the College to respond to the conduct may be limited if the Respondent is no longer a member of the College community. If a College staff member, faculty member, or students leaves the College with a pending complaint against them, they will not be permitted to return to the College until the case is resolved through these procedures.

If the Complainant requests confidentiality or requests that the matter not be pursued, the College will take all reasonable steps to respond to the report consistent with the request for confidentiality. However, such a request for confidentiality may limit the College's ability to respond to the report. The College may also weigh the Complainant's request for confidentiality against such factors as the seriousness of the alleged conduct, whether there have been other reports of a similar nature against the same individual, the Respondent's rights to receive information about allegations if the information is maintained by the school as an "education record" under the Family Educational Rights and Privacy Act ("FERPA"), and other factors otherwise required by applicable law.

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 an investigation and/or hearing for a complaint, as well as the confidentiality of the details of an investigation, any hearing, and except where permitted by law, the sanctions imposed. The College will inform all individuals involved in the grievance process of the critical importance and expectation that they maintain the confidentiality of the process and any information shared with them as a result of their participation. Complainants and Respondents are not prohibited from sharing details of complaints with family, counsel, or a support person or advisor as defined below.

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

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

The Scripps Title IX website contains a detailed explanation of privacy, confidentiality, and

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<sup>1</sup> In matters of alleged disability discrimination or harassment based upon disability, the Section 504 Coordinators shall be responsible for managing the matter pursuant to these grievance procedures.



anonymity in the context of reporting an incident of sexual violence or seeking support as a result of an incident of sexual violence. Visit: <http://www.scrippscollege.edu/titleix/>

**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, by law, may maintain confidentiality and may not disclose the details of an incident. These officials include:

**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

**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, 4<sup>th</sup> Floor  
Los Angeles, CA 90012  
213-894-1000

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

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

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

- C. **Initial Assessment:** Following the report of an incident or conduct that may be a violation of this policy, the Title IX Coordinator or a Deputy Title IX Coordinator shall conduct an initial assessment of the report. The assessment shall include a preliminary interview of the subject of the conduct pursuant to an established interview protocol. Such interview may be conducted by the Title IX Coordinator, a Deputy Title IX Coordinator, or an outside professional designated by the Title IX Coordinator. The assessment shall also include a determination by the Title IX Coordinator or Deputy Title IX Coordinator as to whether there is probable cause to believe that a violation of the policy may have occurred.

### III. Truthfulness

All participants in an investigation and/or hearing are expected to cooperate fully and provide the truth in all meetings and/or hearings related to these grievance procedures.

#### IV. Informal Resolution Process

- A. If both parties agree, the parties involved may participate in an informal resolution process by any means the Title IX Coordinator, Section 504 Coordinator, or assigned Deputy Coordinator may suggest. No party is required to participate in any informal resolution process, and the College may not condition enrollment, employment, or enjoyment of any other right or privilege upon agreeing to an informal resolution process.
- B. The Title IX Coordinator, Section 504 Coordinator, or an assigned Deputy Coordinator may decline to provide means for an informal resolution process of a complaint in any circumstance in which the Coordinator determines that an informal resolution process is not an appropriate mechanism for such complaint. Factors that the Coordinator may weight in considering the appropriateness of an informal resolution process include, but are not limited to, the gravity of the allegations, whether there is an ongoing threat of harm or safety to campus, whether the Respondent is a repeat offender, and whether the parties are participating in good faith. This determination is not subject to appeal. At any time after the commencement of an informal resolution process, the Coordinator may determine that the informal resolution process is not an appropriate method for resolving the matter and may require that the matter be resolved through the formal process. This determination is not subject to appeal.
- C. A Complainant is not required to file a formal complaint in order to request an informal resolution process.
- D. Either party may elect to leave the alternative resolution process at any point until the alternative process is concluded.
- E. 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.
- F. 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.
- G. Informal Resolution Options: Informal resolutions options include, but are not limited to, the following.

- a. **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.

- b. **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 party accused of wrongdoing must accept responsibility and express remorse for the harm that was caused. The harmed party must also be willing to accept an apology offered by the party accused of wrongdoing. 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.

## **V. Investigation and Hearing Procedures for Complaints By or Against Students**

### **A. Investigation Procedures**

1. If a Complainant would like to initiate a formal grievance process, as outlined below, they will file a formal complaint. A formal complaint is a document requesting an investigation.
2. 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 and will be determined based on various factors including, but not limited to, the type of actions alleged in the report, prior reports received, the potential for repeated behavior, and/or the potential on-going risk to the non-participating Complainant and/or the College community. In these limited circumstances, the Title IX Coordinator or their designee will notify the Complainant before moving forward.
3. The Title IX Coordinator will assign the investigation to one or more outside professionals with experience in conducting investigations. The Investigator(s) will meet with the Complainant to review the complaint, related policies, and these grievance procedures.
4. Every complaint alleging discrimination, harassment, or sexual misconduct will be investigated promptly and thoroughly. The Investigator(s) will conduct interviews as needed with all appropriate individuals, including the Complainant and Respondent, and will gather any pertinent evidentiary materials. Such investigation, among other things, shall seek the identification and location of witnesses and whether alcohol or drugs were involved in the incident.<sup>2</sup>

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<sup>2</sup> 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 for student conduct policy violations that occur around the time of 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,

4. After concluding the investigation, the Investigator(s) will draft an Investigation Report setting forth the alleged policy violations, summarizing witnesses interviewed and evidentiary materials gathered, and stating conclusions concerning any violations of College policy. The Investigator(s) will normally complete the investigation within 30 business days<sup>3</sup>, except in instances where the volume 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.
5. The Investigator(s) will provide the Investigation Report to the Title IX Coordinator who will review the Report. The Title IX Coordinator may refer back to the Investigator(s) any questions that the Title IX Coordinator has concerning the Report's contents or conclusions. After the Investigator(s) successfully answer or resolve the Title IX Coordinator's questions or concerns, if any, the Investigator(s) shall submit a final Report to the Title IX Coordinator which 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.
6. After receipt of the final Investigation Report, the Title IX Coordinator will meet with the Complainant and Respondent, separately, to discuss the conclusion of the investigation and provide each a copy of the Investigation Report. To protect the integrity of the investigation and hearing 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.
7. 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 a hearing for an appeal of the Investigators' determination. Within 3 business days after delivery of the Investigation Report by the Title IX Coordinator, the Respondent shall notify the Title IX Coordinator in writing of the Respondent's election. Failure of the Respondent to submit a timely election shall waive the Respondent's right to request a hearing 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 a hearing for an appeal of the Investigators' determination. Within 3 business days after delivery of the Investigation Report by the Title IX Coordinator, the Complainant shall notify the Title IX Coordinator in writing of the Complainant's election. Failure of the Complainant to submit a timely election shall waive the right to request a hearing and shall be deemed to be an election to allow the matter to be closed.

## **B. Hearing Procedures**

1. The Title IX Coordinator will appoint an outside professional to serve as a Hearing Officer to hear cases concerning claims of discrimination, harassment, sexual misconduct, dating violence, domestic violence, or stalking in which a student is either the Complainant or Respondent. The Complainant and Respondent will be notified of the identity of the Hearing Officer for their hearing. Within three (3) business days of this notification, the Complainant and Respondent have the opportunity to object in writing to the Hearing Officer if they believe there to be a conflict of interest. A conflict of interest occurs where an individual's personal interests or relationships

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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.

<sup>3</sup> For purposes of the Policies and Procedures, a business day is a day on which the College holds classes or exams. For matters involving staff only, a business day also includes any day that is not a College holiday or closure.

conflict with their ability to be a neutral fact finder in a particular case. For example, if an appointed Hearing Officer has a close personal relationship with one of the parties, there may be a conflict of interest. The Title IX Coordinator will make the final determination as to whether or not such a conflict of interest exists. In the event that the Title IX Coordinator determines there is a conflict of interest, or the Hearing Officer recuses themselves, an alternative Hearing Officer will be assigned.

2. The Title IX Coordinator shall prepare a Statement of Alleged Policy Violations based upon the information provided during the investigation process by the Complainant and the Investigation Report. The Title IX Coordinator shall then refer the written complaint, the Investigation Report, and the Statement of Alleged Policy Violations to the Hearing Officer.
3. The evidentiary standard of preponderance of evidence will be used, whether it is more likely than not that the Respondent's conduct constitutes a violation of policy as set forth in the Statement of Alleged Policy Violation(s).
4. The Hearing Officer will conduct a prompt, thorough, and unbiased hearing. They will invite the Complainant and Respondent to appear before them and will hear and question witnesses, if there are any. The Complainant and Respondent may be present at the hearing, if they choose, or they may choose to participate in the hearing remotely. However, neither party shall be allowed to directly question or cross-examine the other during the hearing. Questions may be submitted to the Hearing Officer by both parties, who will then decide whether those questions are relevant to the matter. Further, the Complainant shall be offered the opportunity to participate in the hearing without being in the physical presence of the Respondent, or accommodations can be made so the Complainant may participate in the hearing without facing the Respondent. The Hearing Officer will conduct a hearing and will review whatever information it deems necessary to assist them in reaching a determination as to the merits of the charge, including information obtained by the Investigator(s) during the investigation. Within the timeframe specified by the Hearing Officer, both parties may provide, for the Chair's consideration, the names of any witnesses they suggest be called.
5. If the Hearing Officer determines that "new" evidence that did not come to light during the investigation has been presented during the hearing, the Hearing Officer may adjourn the hearing for a period that the Hearing Officer deems appropriate to enable the Complainant and/or Respondent to respond to such evidence. Evidence is considered "new" only if the Hearing Officer concludes the evidence is relevant and important and could not with a reasonable effort have been discovered earlier by the party.
6. The Hearing Officer will base its determination of whether behavior constitutes a violation of policy on the evidence presented.
7. The hearings will be closed, except to the parties. Each party may have one advisor and one support person of the participant's choosing. The advisor may consult with the party but may not address the Hearing Officer. All proceedings will be confidential and will not be discussed outside the process. Any witnesses and advisors must keep the hearing proceedings strictly confidential. To protect the integrity of the investigation and hearing process, the parties should also keep the hearing proceedings confidential. However, Complainants and Respondents are not prohibited from sharing details of the hearing proceedings with family, counsel, advisor, support person, or other advisors of their choosing. The Hearing Officer may only find responsibility for claims or portions of claims that appear on the Statement of Alleged Policy Violations prepared by the Title IX Coordinator.

8. Decisions will be limited to the issue of whether, in the Hearing Officer's judgment, a Respondent's conduct more likely than not constitutes a violation of policy as set forth in the Statement of Alleged Policy Violation. As soon as a decision on the case is reached, it will be summarized in writing. The form and content of the Hearing Officer's written decision, which shall contain factual findings and a written summary of the basis for the conclusion, shall be determined by the Hearing Officer. A confidential copy of the Hearing Officer's decision will be given to the Complainant and the Respondent and will be placed in permanent confidential records of the Title IX Coordinator. The details of the Hearing Officer's findings may be limited in the copy of the Hearing Officer's report given to Complainant due to Respondent's FERPA or other applicable privacy rights.
  9. A hearing on a complaint will normally be held within 15 business days of receipt of the Statement of Alleged Policy Violations and Investigation Report, although the process may sometimes take longer.
- C. **Sanction.** In the event (i) the Respondent elects to proceed to a sanction determination following presentation of the Investigators' Report or (ii) a Hearing Officer finds the Respondent responsible for a policy violation, 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 the Associate Dean of Students. 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. Sanctions for students may include educational requirements, written reprimand, loss of housing privileges, probation, suspension, and/or dismissal from the College. Sanctions for staff members may include educational requirements, written reprimand, probation, suspension, and/or termination of employment. Sanctions for faculty members may include educational requirements, written reprimand, and/or initiation of a dismissal proceeding pursuant to procedures set forth in the Faculty Handbook. The Administrative Panel (i) will have access to the complete record of the case, (ii) will determine any sanctions to be imposed or corrective action to be taken, and (iii) may consider both the gravity of the offense and the Respondent's prior conduct record 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 and will be in effect pending the outcome of any appeal.

**VI. Investigation Procedures for Complaints of Discrimination, Harassment, or Sexual Misconduct that Do Not Involve a Student as Complainant or Respondent:**

**A. Investigation Process**

1. If a Complainant would like to initiate a formal grievance process, as outlined below, they will file a formal complaint. A formal complaint is a document requesting an investigation.
2. 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 and will be determined based on various factors including, but not limited to, the type of actions alleged in the report, prior reports received, the potential for repeated behavior, and/or the potential on-going risk to the non-participating Complainant and/or the College community. In these limited circumstances, the Title IX Coordinator or their designee will notify the Complainant before moving forward.



3. The Title IX Coordinator or Deputy Coordinator may, after speaking with Complainant, determine that the conduct alleged clearly does not constitute harassment, discrimination, or sexual misconduct and so inform the Complainant.
  4. Subject to the considerations described in subsection 3 above, every complaint will be investigated, including any alleged instances of retaliation or intentional false claims. The Title IX Coordinator shall appoint an Investigator to conduct the investigation, which may, at the discretion of the Title IX Coordinator, be an outside professional with experience in conducting investigations.
  5. As part of the investigation process, the Complainant will submit a signed, written statement concerning the allegations. This statement should contain all relevant details, such as the names of the people involved, the names of any witnesses, and the times and locations of the alleged harassing behavior.
  6. The Investigator will conduct interviews as needed with all appropriate individuals, including the Complainant and Respondent, and will gather any pertinent evidentiary materials. The Investigators will normally complete their investigation within 30 business days, except in instances where the volume 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.
  7. Upon completion of an investigation, the Investigator will prepare an Investigation Report including a conclusion as to whether it is more likely than not that the Respondent's conduct constitutes a policy violation.
  8. To protect the integrity of the investigation, the Investigation Report 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.
  9. In cases where, after an investigation, it is determined that it is more likely than not that the Respondent violated this policy, the Title IX Coordinator shall submit the report to the appropriate Vice President for further action under section B below.
- B. **Sanction.** If the investigation determines that a staff member Respondent more likely than not violated this policy, the sanction shall be determined by the Vice President to whom the Respondent reports, in consultation with the Assistant Vice President of Human Capital and Risk Management. Sanctions for staff members may include educational requirements, written reprimand, probation, suspension, and/or termination of employment. If the investigation determines that a faculty member Respondent more likely than not violated this policy, the sanction shall be determined by the Vice President for Academic Affairs, in consultation with the Assistant Vice President of Human Capital and Risk Management. Sanctions for faculty members may include educational requirements, written reprimand, and/or initiation of a dismissal proceeding pursuant to procedures set forth in the Faculty Handbook. The Vice President (i) will have access to the complete record of the case, (ii) will determine any sanctions to be imposed or corrective action to be taken, and (iii) may consider both the gravity of the offense and the Respondent's prior conduct record 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 Complainant's copy of the report of the details of the sanction(s) imposed on Respondent may be limited due to Respondent's privacy rights. 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 Vice President's decision and will be in effect pending the outcome of any appeal.



## VII. 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 Respondent to adhere to the parameters of any interim measure is a violation of College policy and may lead to additional disciplinary action.

## VIII. Support Person and/or Advisor

The Complainant and Respondent may each have one support person and one advisor present with them at all meetings and any hearing 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 and any hearing. The Support Person may not speak on behalf of a party or otherwise disrupt any meetings or hearing 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 and any hearing. An Advisor may not speak on behalf of a party or otherwise disrupt any meetings or hearing in any matter. The College reserves the right to exclude an Advisor who does not abide by these procedures.

## IX. Appeal Procedures

A. **Appeal Rights.** In cases handled under section V above, either the Complainant or Respondent may appeal (i) an adverse ruling of the Hearing Officer or (ii) a sanction determined by the Administrative Panel. In cases handled under Section VI above, either the Complainant or Respondent may appeal (i) an adverse ruling of an Investigation Report or (ii) a sanction imposed by a Vice President. 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 ("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 hearing and pertinent documentation regarding the grounds for appeal. Appeal decisions are to be deferential to the Investigators, the Hearing Officer, the Administrative Panel, or the applicable Vice President.

Written notice of intention to appeal and written reasons for the appeal shall be provided within 10 business days of the decision from which the Complainant or Respondent is appealing.

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

1. **Improper Judicial Procedure.** The party may appeal if the procedures outlined in the Discrimination and Harassment policies were violated. The Appeal Officer shall consider whether provisions of the policies were violated in such a clear manner as to deny the appellant consideration of their position during the process. If the Appeal Officer accepts an appeal made on the grounds of

improper judicial procedure, the Appeal Officer shall remand the matter to the appropriate step in the process and may provide specific directives or explanations for guidance.

2. **New Evidence.** During the standard investigation and hearing process, sufficient time is allowed to gather all available evidence. However, in extraordinary circumstances a party may appeal if new evidence becomes available. The Appeal Officer must consider:
  - a) Whether the evidence was genuinely unavailable and could not have been made available through the appellant's diligent efforts at the time of the original investigation or hearing; and
  - b) 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 directions or explanations for the guidance.

3. **Disproportionate Sanction.** 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.

Written notice of any appeal decision shall be provided to both parties and the Title IX Coordinator, normally within 15 business days after the appeal request has been submitted by a party, unless unforeseen events or unusual circumstances compel a longer review period. If further proceedings will occur as a result of the appeal decision, the Title IX Coordinator shall so inform all participants. The Appeal Officer's decisions concerning all appeals are final.

All sanctions imposed will be in effect while an appeal is under review. A request may be made to the Appeal Officer for special consideration in exigent circumstances, but the presumptive stance of the College is that the sanctions will stand. Graduation, study abroad, internships/externships, etc. do NOT in and of themselves constitute exigent circumstances, and students may not be able to participate in those activities during an appeal. In cases where the appeal results in reinstatement to the College or of privileges, all reasonable attempts will be made to restore the individual to their prior status, recognizing that some opportunities lost may be irretrievable.

## **X. Record Retention**

- A. Records of investigations and hearings are maintained by the College for a minimum of seven (7) years as indicated below.
  1. **Students:** If the Respondent is a student, the records will be maintained for a minimum of seven (7) years.
  2. **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.

## **XI. Special Provisions**

- A. **College as Complainant:** As necessary, the College reserves the right to initiate a complaint, to serve as Complainant, and to initiate grievance proceedings without a formal complaint by the subject of the misconduct.
- B. **Alcohol and substance use:** The use of alcohol or other drugs will never function as a

defense for any behavior that violates College policy.

- C. **Past Sexual History:** The past sexual history of a party will generally not be admissible by the other party in an investigation or hearing. The past sexual interactions of the parties to the complaint will generally not be admissible by the other party in an investigation or hearing unless such information: i) is offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant; ii) concerns specific incident of the Complainant's or Respondent's prior sexual behavior with respect to one another and is offered to prove or disprove consent (with the understanding that consent to any one form of sexual activity does not automatically imply consent to any other forms of sexual activity and that previous relationships or prior consent does not imply consent to future sexual acts); iii) is relevant to explain an injury; or iv) is relevant to show a pattern of behavior. Sexual history will not be admissible as it pertains to a party's reputation or character. If the party believes the past sexual interaction of the parties to the complaint is relevant to the investigation and/or hearing they must submit a written request to the Title IX Coordinator explaining the nature of the information and why the information is relevant to the investigation and/or hearing. The Title IX Coordinator will review the request and render a decision within two (2) business days.
- D. **Respondent's Prior Conduct History:** Generally, any previous College policy violation(s) by the Respondent are not admissible as information about the present allegation. However, the Title IX Coordinator may supply information about previous behavior and/or complaints to the Investigator(s) or a Hearing Officer if:
1. The Respondent was previously found to be responsible for a similar violation; and
  2. The information indicates a pattern of behavior by the Respondent and substantial conformity with the present allegation.

A Respondent's prior conduct will be taken into consideration by the Administrative Panel or appropriate Vice President when determining what sanction to impose.

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

## Appendix A

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

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

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

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

- If you want to initiate sexual activity of any kind, clearly communicate your intentions to your potential sexual partner and give them a chance to clearly communicate their intentions to you.
- Never make assumptions about whether someone is attracted to you, what, if any, sexual acts they want to engage in (i.e., how far they want to go), or if they are physically and mentally able to consent.
- If there are any questions or ambiguities, stop and check in with the other person.
- Do not pressure a potential partner. If the other person seems uncertain or communicates in any way that they do not feel comfortable with something, stop and respect their boundaries. Do not try to "talk someone into" something they may not be comfortable with.
- Share your sexual limits with your potential partner as early as possible and encourage them to do the same.
- Silence and passivity cannot be interpreted as an indication of consent. Pay close attention to verbal and non-verbal communication and body language. If someone seems hesitant or is not actively engaging with you, stop and discuss what they feel comfortable with. Do not proceed if either you or your partner is uncertain about either one of your boundaries.
- If you want to begin a new type of sexual activity, make sure that is something your partner also wants to engage in. For example, a partner may want to kiss but may not want you to touch other private body parts at that time. Consent to one form of sexual behavior does not automatically equal consent to another form of sexual behavior.
- Recognize that just because you are in a dating relationship with someone, or have previously engaged in sexual activity with them, does not by itself indicate that they have given consent for future sexual activity.
- Remember that you or your partner can change your mind about what you feel like doing at any time, even if you have done something before or are undressed. If someone indicates that they want to stop engaging in the sexual activity, their partner must stop.

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

**Alcohol Consumption:** Alcohol consumption can impair a someone's physical and mental abilities. Remember, it is never someone's fault if they are sexually assaulted. However, it is important for our community members to look out for one another when consuming alcohol, because perpetrator's may prey on someone's impairment due to alcohol consumption. The following are some safety tips that you can consider if you or a friend choose to drink alcohol.

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

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

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

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

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

## Appendix B

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

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

A **report** does not automatically initiate a formal investigation process. When the Title IX Coordinator receives a report, they reach out to the individual reported to have experienced sexual misconduct and ask to meet with them. However, students are not *required* to meet with the Title IX Office. When someone chooses to meet with the Title IX Office, they are in control of how much information they feel comfortable sharing, and they can always ask general or hypothetical questions.

If an individual wishes to initiate a formal grievance process, they will file a **formal complaint**. A formal complaint is a document requesting a formal investigation. At the Claremont Colleges, there are two types of grievance processes related to incidents of sexual misconduct: the Claremont Colleges Title IX Grievance Process and the grievance process outlined in an individual institution's policy. On May 6, 2020, the U.S. Department of Education issued new regulations that more narrowly defined Sexual Harassment for the purposes of Title IX and created new requirements for how educational institutions must respond to reports of Sexual Harassment. In response, the Claremont Colleges jointly implemented a new Title IX Sexual Harassment Policy. Incidents that fall outside the scope of Title IX Sexual Harassment and involve a Scripps Respondent are addressed by the Scripps Discrimination and Harassment Policy. Incidents that fall outside the scope of Title IX Sexual Harassment and involve a Respondent from another Claremont College are addressed under that institution's applicable policy. Regardless of which policy applies, each the Scripps Title IX Coordinator serves as the primary point of contact for Scripps community members.

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

The confidentiality of all parties to a complaint of sexual misconduct must be respected, insofar as it does not interfere with the College's obligation to fully investigate allegations of sexual misconduct. Where confidentiality is not strictly kept, it will still be tightly controlled on a need-to-know basis. Dissemination of information and/or written materials to persons not involved in the complaint procedure is not permitted. Violations of the privacy of the Complainant or the Respondent may lead to disciplinary action by the College. In all complaints of sexual misconduct, all parties will be informed of the outcome. In some instances, the College may choose to make a brief public announcement of the nature of the violation and the action taken, without using the name or identifiable information of the alleged victim. Certain College administrators may be informed of the outcome within the bounds of student privacy (e.g., the President, Dean of Students, Director of Campus Safety, Title IX Coordinator). If there is a report of alleged sexual misconduct to the College and there is evidence that a felony has occurred, local police will be notified if the Complainant consents. This does not mean charges will be automatically filed or that a Complainant must speak with the police. The College also must statistically report the occurrence on campus of major violent crimes, including certain sex offenses, in an annual report of campus crime statistics. This statistical report does not include personally identifiable information.

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

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

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

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

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

Yes, if you want to pursue the matter under the College's Discrimination and Harassment Policies and Procedures. No, if you choose to respond informally and do not file a formal complaint. You should consult the confidentiality provisions set forth in the Policies and Procedures to better understand the College's legal obligations depending on what information you share with different College officials. Complainants should be aware that not identifying the alleged perpetrator may limit the College's ability to respond comprehensively.

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

Yes, if you file a formal complaint. Sexual misconduct is a serious offense, and the Respondent has the right to know the identity of the complainant/alleged victim. If there is a hearing, the College does provide alternative testimony options so that the parties do not have to interact with each other directly.

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

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

**8. What about legal advice?**

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

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

You may request a room change through the Title IX Coordinator, who will facilitate a room change with the Dean of Students to the first available, suitable room.

Other accommodations available might include:

- a. Assistance with or rescheduling an academic assignment (paper, exams, etc.);
- b. Assistance in requesting an incomplete in a class;
- c. Assistance with transferring class sections, if available;
- d. Temporary withdrawal;
- e. Assistance with alternative course completion options;



- f. Other accommodations for safety as necessary.

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

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

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

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

**12. Will the use of drugs or alcohol affect the outcome of a sexual misconduct complaint?**

The use of alcohol and/or drugs by either party will not diminish the Respondent's responsibility. On the other hand, alcohol and/or drug use is likely to affect the Complainant's memory and, therefore, may affect the outcome of the complaint. A person bringing a complaint of sexual misconduct must either remember the alleged incident or have sufficient circumstantial evidence, physical evidence, and/or witnesses to support their complaint. If the Complainant does not remember the circumstances of the alleged incident, it may not be possible to impose sanctions on the Respondent without further corroborating information. Use of alcohol and/or other drugs will never excuse a violation by a Respondent.

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

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

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

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

## Appendix C

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

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

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

**Title IX Coordinator:** 909-607-7142. Your Title IX Coordinator is available to talk to you about your reporting and support options. You can learn more about your options without sharing details about the incident, including the identity of the other party.

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

**Scripps Advocates for Survivors of Sexual Assault:** 909-214-2138, 8:00pm-8:00am, 7 days a week, when school is in session. Scripps Advocates are students at Scripps. Sometimes talking to a peer may feel like a comfortable first step. You may speak anonymously (in other words, you don't need to reveal who you are to the warm line) to an advocate, who will help guide you to support resources. Even if you choose to reveal your identity to an advocate, they will not need to reveal your identity to college officials in the absence of an imminent risk to self or others.

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

**EmPOWER Center** (1030 Dartmouth Ave, Claremont): The Center's mission is to create a culture where all members of The Claremont Colleges respect and look out for each other and where students impacted by sexual violence, dating/domestic violence, and stalking receive holistic support and care. The Center provides free, confidential advocacy and support to 7C students impacted by sexual violence, dating/domestic violence, and stalking. Students interested in receiving counseling may call **(909) 607-0690** to make an appointment. The Director of the EmPOWER Center, Rima Shah, is a confidential resource. She can be reached at [RShahEmPOWER@cuc.claremont.edu](mailto:RShahEmPOWER@cuc.claremont.edu) or 909-607-2689.

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

**Academic Support:** Experience tells us that it is not uncommon for students to discover they need academic support following incidents of sexual misconduct. If you feel such support would be helpful for you, you may contact your Primary Contact Dean (PCD) or the Title IX Coordinator. You're not required to disclose the full circumstances of the incident in order to obtain academic support, though sometimes limiting what you disclose could interfere with their ability to fully and comprehensively assess and address your needs. If you choose instead to speak directly to your professors, please know that they are Responsible Employees and have a legal obligation to report what you disclose to them to a member of the Title IX team.

#### **Community Partners:**

**Project Sister Sexual Assault 24/7 Crisis Hotline (Pomona, CA):** Provides services to the women, children,

and men survivors of sexual assault and abuse and their families in the East San Gabriel and Inland Valleys in Southern California. PSFS' services include a 24-hour hotline; advocacy and accompaniment to local hospitals, law enforcement interviews and legal proceedings. Among their services, PSFS can explain and help support you through the process for evidence preservation, should that be a priority for you.

800-656-4673

909-626-HELP (909-626-4357)

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

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

## **Appendix D**

### **Scripps College Prevention and Outreach**

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

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