CLAREMONT McKENNA COLLEGE

Civil Rights Grievance Procedures
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1. **GENERAL PROVISIONS**

The following Civil Rights Grievance Procedures (“Grievance Procedures” or “Process”) address the College’s commitment to providing a fair, neutral, and equitable process to investigate and resolve reports or complaints related to the following civil rights and related policies (collectively, “CMC’s Civil Rights and Related Policies”), including:

- Civil Rights Policy Statement: Equal Opportunity, Affirmative Action, and Non-Discrimination
- CMC’s Discrimination, Harassment, Sexual Harassment, and Sexual Misconduct Policy
- CMC’s Hazing Policy
- Other CMC policies as designated therein

Possible sanctions that may be imposed for policy violations pursuant to this Process include up to:

- Suspension or expulsion for students;
- Dismissal or termination of employment for faculty and staff members; and
- Banning from campus and termination of contractual arrangements for third parties.

Any sanction(s) will be structured to end the conduct, prevent its recurrence, and remedy its effects on the individual(s) affected by the conduct and the College community. Not all violations will be deemed equally serious offenses, and the College reserves the right to impose different sanctions depending on the severity of the offense and to take non-disciplinary, administrative actions as appropriate.¹

Unless otherwise provided for in this Process, all definitions and other provisions set forth in CMC’s Civil Rights and Related Policies are incorporated into this Process.

**Inquiries or complaints within the College:**

Inquiries concerning the application of these Grievance Procedures and any other civil rights related laws to the College should be referred to the College’s Chief Civil Rights Officer and Title IX Coordinator:

**Interim Chief Civil Rights Officer and Title IX Coordinator**

Mary Spellman, Ass’t VP and Dean of Students
Heggblade Center – 400 E. 9th Street
Claremont, CA 91711
909-621-8114
E-mail: mspellman@cmc.edu

**External inquiries or complaints: discrimination or harassment involving students (Title VI and Title IX):**

Inquiries or complaints concerning the College’s compliance with Title IX may be referred to the U.S. Department of Education’s Office for Civil Rights:

¹These Civil Rights Grievance Procedures were approved by the President in August 2014 and effective September 1, 2014; provided, however, that, until further action by the President, grievances against faculty members will continue to be processed pursuant to the College’s Procedures for Student and Faculty Grievances Against Faculty Members and for Faculty Grievances Against Academic Administrators: [http://www.cmc.edu/dos/pdf/CMC-Procedures-Student-FacultyGrievancesAgainstFacultyMembersandFacultyGrievancesAgainstAcademicAdministrators.03.18.09.pdf](http://www.cmc.edu/dos/pdf/CMC-Procedures-Student-FacultyGrievancesAgainstFacultyMembersandFacultyGrievancesAgainstAcademicAdministrators.03.18.09.pdf).
United State Department of Education
Office for Civil Rights
Beale Street, Suite 7200
San Francisco, CA
415-486-5555

External inquiries or complaints: discrimination or harassment in employment (Title VII and FEHA):
An employee may pursue any charge of harassment or discrimination with the California Department of Fair Employment and Housing ("DFEH") or the comparable federal agency, the Equal Opportunity Employment Commission ("EEOC"). It is unlawful to retaliate against any employee for opposing the practices prohibited by the California Fair Employment and Housing Act or comparable federal law or for filing a complaint with, or for otherwise participating in an investigation, proceeding, or hearing conducted by, the DFEH or EEOC. These agencies may be contacted at the addresses listed below:

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

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

a) Fair and Equitable Process
The Grievance Process is designed to provide a fair, neutral, and equitable process for investigating and resolving complaints of alleged Civil Rights policy violations. The College will make reasonable efforts to ensure that all parties are treated with respect, dignity, and sensitivity throughout the process, including as appropriate:

• Providing both the Complainant and the Respondent access to support services from the College, including those provided by Monsour Counseling and Psychological Services.
• For students, protecting confidentiality consistent with the Family Education Rights and Privacy Act (FERPA). For all parties, the College will making all reasonable efforts to ensure the preservation of privacy, restricting access to information to those with a legitimate need to know, consistent with the need to conduct appropriate investigations and meetings to resolve disputes under this Process.
• Informing both parties of the College’s Civil Rights Policies and this Grievance Process.
• Providing both parties the opportunity to challenge the appointment of the Investigator, Community Representative, Appeal Officer or other representative of the College if a conflict of interest or bias is present.
• Allowing the Complainant and the Respondent to choose to participate or decline to participate in the Grievance Process, with the understanding that the process will continue without their involvement and that the College will determine an outcome with the information available to it.
• Notifying both parties, in writing, of the resolution of the Grievance Process— including the outcome of any appeal.
• Notifying both parties of the option to have a Support Person.
• Understand that information collected through the Grievance Process may be subpoenaed in a criminal and/or civil proceeding.

b) Confidentiality of the Grievance Process
As part of its efforts to protect the privacy and confidentiality interests of the individuals involved, this Grievance Process is confidential and the College will inform all parties, including the Complainant, the Respondent, any Support Persons, and any witnesses involved of the importance of and expectation that they maintain the confidentiality of this process and any information shared with them as a result of their participation. Complainants and Respondents are not prohibited from sharing details of the process and information shared with them with family, counsel, or their Support Person in order to prepare for their participation in the process. Those individuals, however, are also expected to maintain the confidentiality of the information shared. In some circumstances, disciplinary consequences resulting from the Grievance Process may be shared consistent with FERPA.

All College employees involved in this process, including the CCRO/TIX, any Deputy Title IX Coordinators, Investigators, Community Representatives, and Appeal Officers, receive specific instruction about respecting and safeguarding private information and maintaining the confidentiality of this process.

c) Truthfulness / Limited Immunity for Alcohol and Other Drug Violations
All participants in the Grievance Process are expected to cooperate fully and provide the truth in all matters related to this process. Individuals may be hesitant to report conduct that they have experienced or witnessed, to participate, or to speak truthfully because they fear College disciplinary action due to their own consumption of alcohol or other drugs at or near the time of the incident. To encourage truthfulness and reporting, the College pursues a policy of offering the Complainant, the Respondent, and any witnesses limited immunity for Alcohol and Other Drug Policy violations related to conduct that is reported in good faith. While violations cannot be completely overlooked, the College will provide educational rather than punitive responses in such cases.

d) Statement against Retaliation
Any attempt by a student, faculty member, staff member, or third party to penalize, intimidate, or retaliate in any way against a person who participates in this investigation and disciplinary process is prohibited. Any person who believes that he or she has been retaliated against for making a complaint/report or for cooperating in this process should immediately contact the CCRO/TIX. Any person who retaliates against a person who has made a complaint/report or who has cooperated in an investigation and/or hearing is in violation of College policy and will be subject to disciplinary action.
2. INTERIM MEASURES

In response to a report of an alleged violation of the College’s Civil Rights Policies, the College will provide such reasonable and appropriate accommodations and impose such reasonable and appropriate interim measures deemed necessary to support and protect the health and safety of the parties and the safety of the College community.

As described in more detail in Section 6 of the College’s Discrimination, Harassment, Sexual Harassment, and Sexual Misconduct Policy, “Accommodations” generally refer to support or assistance that can be provided to either party without impacting the rights of the other party, and which may be implemented independent of this Grievance Process.

In contrast, “Interim Measures” generally refers to temporary remedies imposed and which materially impact the rights of a Respondent or a Complainant within the College. The College reserves the right to impose Interim Measures when it determines that they are necessary and appropriate to protect the safety of the CMC community (including any member of the CMC community). Unless otherwise agreed to by the Respondent as part of the Alternative Resolution Process (see Section 4 below), any Interim Measures imposed by the College will be resolved through the completion of this Grievance Process at which time:

- If the Respondent is found responsible, any Interim Measures will be incorporated into the sanctioning process; or
- If the Respondent is found not responsible, any Interim Measures will normally be suspended by the CCRO/TIX.

Potential Interim Measures, which may be applied to the Complainant and/or the Respondent include, but are not limited to:

- Issuance of mutual no-contact letters to ensure the safety of all parties and the integrity of the process;
- Implementing reasonable changes to a Respondent’s work or class schedule;
- Implementing changes to a Respondent’s housing assistance, such as: changes to on-campus housing, on-campus relocation;
- Suspending or limiting a Respondent’s access privileges to certain College facilities (e.g., Complainant’s home campus (if from another Claremont College), residence hall, etc.) or activities (e.g., student government positions, athletics, study abroad, sponsored travel, Commencement, etc.) pending resolution of the matter and,
- Implementing an interim suspension/paid leave of absence (see immediately below).

**Interim Suspension / Paid Leave of Absence**

When deemed appropriate, the College may place a Respondent on interim suspension or a faculty or staff member on a paid leave of absence. An interim suspension or paid leave of absence is the immediate, non-disciplinary temporary separation of the individual from the College pending the outcome of the investigation and disciplinary process.

An Interim Suspension or Paid Leave of Absence may be imposed:

- In instances where it is determined that the Respondent poses a potential threat to another;
- To ensure the safety and well-being of members of the College community and/or the preservation of College property;
- To ensure the Respondent’s own physical or emotional safety and well-being;
• If the Respondent poses a threat of disruption or interference with the normal operations of the College; or
• If the Respondent commits repeated violations of other College policies or Interim Measures (e.g., no-contact order).

A Respondent who has been put on interim suspension/ paid leave of absence has the right to a meeting with the CCRO/TIX to appeal the interim suspension/paid leave of absence. The CCRO/TIX will consider the appeal in consultation with the appropriate supervising Vice President, as indicated below:

• Vice President for Student Affairs, Admission and Financial Aid (or designee) if the Respondent is a student;
• Vice President for Academic Affairs (or designee) if the Respondent is a faculty member; or
• Vice President for Business and Administration (or designee) if the Respondent is a staff member or third party.

During an interim suspension or paid leave of absence, the Respondent may be denied access to campus, campus facilities and/or all other College activities or privileges for which the individual might otherwise be eligible, as the College determines appropriate. When an interim suspension or paid leave of absence is imposed, the College will make reasonable efforts to complete the investigation and disciplinary process within an expedited time frame.
3. THE INVESTIGATION AND DISCIPLINARY PROCESS

a) Time Frames
As set forth in Section 6.e.iii of the College’s Discrimination, Harassment, Sexual Harassment, and Sexual Misconduct Policy, the College seeks to resolve all complaints under this Grievance Process within sixty (60) days of the initial report.

Within this sixty day period, the College will seek to complete phases described below within the following time periods:
- Investigation - Section 3.b: Approximately 20-30 days;
- Investigation Review and Findings Meeting – Section 3.c: Approximately 7-10 days;
- Appeal – Section 3.d: Approximately 10-15 day; and,
- Sanctions – Section 3.e: Approximately 10-15 days.

All of these time frames are meant as guidelines rather than rigid requirements. Extenuating circumstances may arise that require the extension of time frames, including extension beyond sixty (60) days. Extenuating circumstances may include the complexity and scope of the allegations, the number of witnesses involved, the availability of the parties or witnesses, the effect of a concurrent criminal investigation, any intervening College break or holiday, or other unforeseen circumstances. In the event that the process exceeds these time frames, the College will notify the Complainant and Respondent of the reason(s) for the delay and the expected adjustment in time frames. Best efforts will be made to complete the process in a timely manner by balancing principles of thoroughness and fundamental fairness with promptness.

b) The Investigation
With the exception of matters resolved pursuant to the Alternative Resolution Process set forth in Section 4, below, the CCRO/TIX will appoint a trained internal or external investigator or investigative team (the “Investigator”) to conduct a reasonable, impartial, and prompt investigation of the complaint. The CCRO/TIX will appoint an Investigator based on several factors, including the parties involved, the complexity of the complaint, and the need to avoid any potential conflict of interest. The Investigator, in consultation with the CCRO/TIX, will establish a timeline and process for conducting the investigation.

The Investigator will conduct the investigation based upon the facts and circumstances reported to the College and developed through the course of the investigation, including interviews and follow-up interviews as feasible and appropriate with the Complainant, the Respondent, and any witnesses, and gathering other pertinent evidentiary materials to the extent reasonable and appropriate. The Investigator will prepare a written summary of each interview to review for accuracy with the interviewee.

When the Investigator, in consultation with the CCRO/TIX, determines that the investigation is reasonably complete (the “Preliminary Investigation”), the Investigator will schedule such separate meetings with Complainant and Respondent as are reasonably necessary to allow each party to review the information developed through the investigation, including all interview summaries and any other pertinent evidentiary materials. Given the sensitive nature of the information provided in these meetings, these meetings must occur in an office designated by...
the CCRO/TIX or pursuant to such other appropriate process as determined by the CCRO/TIX (such as protected, “read-only” posting to a secure web portal).

At the conclusion of this Preliminary Investigation review process, both parties will be notified in writing that the Preliminary Investigation has been completed, and that each party will have five (5) business days to submit a written request outlining any additional investigation steps that the party believes is necessary, including:

- Any follow-up issues or questions for any witness, including the other party;
- A request for a follow-up interview with the party and the Investigator to clarify or provide any additional information that such party believes is relevant to the investigation;
- Any new witnesses who should be interviewed (including a description of what topics / issues the witness should be asked to address and why this is necessary for the investigation); and,
- Any additional evidentiary materials that should be collected and reviewed to the extent that such items are reasonably available (e.g., text messages, social media postings, etc.)

The Investigator will review each party’s request for additional investigation, and, based on the results of this review, will conduct such additional investigative steps as the Investigator determines are reasonable and appropriate to complete the investigation.

Once the Investigator determines that the investigation process is reasonably complete, the Investigator will consult with the CCRO/TIX to review the investigation process, including the steps that the Investigator took in response to any follow-up investigation requests from the parties. Based on this review, the CCRO/TIX will determine whether the investigation is reasonably complete or whether further review or investigation is appropriate.

Once the CCRO/TIX determines that the investigation process is complete (the “Final Investigation Report”), the Investigator will schedule such follow-up meetings as the Investigator determines are reasonable and appropriate to provide each party with a full and fair opportunity to review the Final Investigation Report, including the results of any follow-up investigation activities. Given the sensitive nature of the information provided in these meetings, the review must occur in an office designated by the CCRO/TIX or pursuant to such other appropriate process as determined by the CCRO/TIX (such as protected, “read-only” posting to a secure web portal).

c) **Investigation Review and Findings Meeting**
   At the conclusion of the Final Investigation Report review process, both parties will be notified in writing that the Final Investigation has been completed, that an Investigation Review and Findings meeting will be scheduled within five (5) business days.

The Investigation Review and Findings meeting will include the Investigator, two trained Community Representatives appointed by the CCRO/TIX, and the CCRO/TIX. Community Representatives include faculty and staff members from the College who have received training by the College to serve in the role of a Community Representatives. The CCRO/TIX’s decision with respect to which Community Representatives to appoint to a particular matter will be based on several factors, including:
• The status of the parties (e.g., if both parties are students, then both Community Representatives may come from the faculty and / or student affairs area; if one party is a faculty member and one is a student, then there should be representation from each party if reasonably practicable, etc.);
• Avoiding any potential conflicts of interest; and
• The nature of the underlying complaint, including any relevant subject matter concerns (e.g., particular experience in matters related to academic freedom in a classroom harassment complaint).

The CCRO’s Investigation Review and Findings meeting notification to each party will describe that each party will have an opportunity to present a written statement in advance of the Investigation Review and Findings meeting and to make a statement at the Investigation Review and Findings meeting (if they choose to participate in person in the meeting). Any written statement submitted by a party in advance of the meeting will be shared with the other party, and each party will have an opportunity to hear any opening statement by the other party.

*Investigation Review and Findings Meeting Overview*

The CCRO/TIX will open the Investigation Review and Findings meeting with a review of the nature and purpose of the meeting. In particular, the purpose of the meeting is for the Community Representatives to review the results of the Final Investigation Report with the Investigator and, based on this review, for the Community Representatives and the Investigator to make findings of fact based on the preponderance of the evidence decision making standard with respect to whether the Respondent was responsible for the alleged misconduct.

The CCRO/TIX will be present at the meeting in an administrative oversight role only to ensure that meeting conforms to the standards for fairness, neutrality, and equity set forth in this Process, and to address any procedural questions that the Community Representatives may have.

As described above, after the CCRO/TIX’s introduction, each party will have an opportunity to make a statement to the Investigator and Community Representatives (in additional to any written statement that may also have been submitted). As reasonable and appropriate, and based on the request of the parties, the CCRO/TIX will structure the meeting format to minimize or avoid any undue stress or burden on the other party, but to allow each party to hear each other’s statement (such as participation by Skype or other means).

At the conclusion of any statements from either party, both parties will be excused from the Investigation Review and Findings meeting. The Investigator will then review the Final Investigation Report with the Community Representatives, and each Community Representative will generally be free to ask any questions that s/he believes are relevant to understanding the relevant facts and circumstances. The CCRO/TIX will monitor any questioning to insure that such questions or discussion does not violate this Process or the underlying Policy (e.g., questions related to past sexual history, etc.).

At the conclusion of this review process, the Investigator and Community Representatives will make such findings of fact by majority vote and by a preponderance of the evidence as are necessary to determine whether the Respondent was responsible for the alleged violation of this Policy. The Investigator and each Community Representative have a single vote, and a
majority vote is required to find the Respondent responsible for the alleged misconduct.

The CCRO/TIX will notify each party in writing of the outcome of the Investigation Review and Findings meeting and of their right to appeal these findings within five (5) business days following meeting.

The next steps in the Grievance Process will proceed as follows:

- If neither party appeals:
  - If the Investigation Review and Findings meeting determined that no policy violation occurred, then the complaint will be dismissed.
  - If the Investigation Review and Findings meeting determined that a policy violation occurred, then the matter will be referred for sanctions pursuant to Section 3.d below.
- If either party appeals:
  - The matter will be referred for appeal pursuant to Section 3.c below.

**d) Appeals**

Both Complainant and Respondent have a limited right to appeal the results of the Investigation Review and Findings meeting as follows:

- **Complainant:** If the Investigation Review and Findings meeting finds no policy violation occurred, the Complainant then has five (5) business days from receiving written notice of the findings to submit a written appeal to the CCRO/TIX.
- **Respondent:** If the Investigation Review and Findings meeting finds a policy violation occurred, the Respondent then has five (5) business days from receiving written notice of the findings to submit a written appeal to the CCRO/TIX.

The party who submits the written appeal shall be the “Appellant,” and the responding party shall be the “Appellee.”

**Grounds for Appeal**

The opportunity to submit a written appeal is not provided to simply refute or express dissatisfaction with the outcome of the Investigation Review and Findings meeting. Instead, the Appellant’s written appeal should address the following specific potential areas for consideration:

- **Significant Procedural Error:** A procedural error occurred that significantly impacted the outcome of the investigation as it applies to the Appellant (e.g. substantiated bias, material deviation from established procedures, etc.). A description of the error and its impact on the outcome of the case must be included in the written appeal; or
- **New Information:** New information has arisen which was not available or known to the Appellant during the investigation and that could substantially impact the findings. Information that was known to the Appellant during the investigation but which s/he chose not to present is not new information. A summary of this new evidence and its potential impact on the investigation findings must be included in the written appeal.
Appellee shall have five (5) business days to submit a response statement. At the conclusion of these time periods, the CCRO/TIX will refer the written appeal, including the Final Investigation Report, and the results of the Investigation Review and Findings meeting (the “Appeal Record”), to an Appeal Officer.

**Appeal Officer: Appointment and Deliberations**

The CCRO/TIX will appoint a trained internal or external appeal officer (“Appeal Officer”) to conduct a fair and impartial review of any appeals. Appeals are not intended to be a full or de novo rehearing of the complaint. Appeals are confined to a review of the Appeal Record. In any Request for Appeal the burden of proof lies with the party requesting the appeal, as the original findings of fact are presumed to have been decided reasonably and appropriately.

The Appeal Officer will determine, in consultation with the CCRO/TIX as appropriate, whether any grounds for the appeal are substantiated. If the Appeal Officer determines that the Request for Appeal does not meet the standards for an Appeal under this Grievance Process, the Appeal Officer will notify both parties of that outcome within ten (10) business days. If the Appeal Officer determines that the Request for Appeal does meet the standards for an Appeal under this Grievance Process, the Appeal Officer will take appropriate action as indicated below.

- **Procedural Error:** If it is determined that a procedural error occurred which was substantially prejudicial to the outcome of the investigation, the Appeal Officer may return the complaint to the Investigator with instructions to correct the error, and to reconvene the Investigation Review and Findings meeting to reconsider the findings as appropriate. In rare cases, where the procedural error cannot be corrected by the original Investigator (as in cases of bias), the Appeal Officer may order a new investigation with a new Investigator. The results of a reconvened investigation process cannot be appealed.

- **New Information:** If the Appeal Officer determines that new information should be considered, the complaint will be returned to the Investigator to reconsider the complaint in light of the new information only, and to then reconvene the Investigation Review and Findings meeting to reconsider the original findings as appropriate. The findings of the reconvened Investigation Review and Findings meeting are not appealable.

**Notification of Appeal Outcome; Dismissal or Proceeding to Sanctions**

Appellant and Appellee will generally be notified in writing of the outcome of the appeal within ten (10) business days of receipt of Appellee’s response statement. The Appeal Officer’s decision is final and is not subject to appeal.

e) **Sanctions**

If, at the conclusion of the Investigation Review and Findings process, including any appeal, Respondent is found responsible for a violation of College Policy, the CCRO/TIX will notify the parties in writing that the matter is being referred to the appropriate Sanctioning Officer or process for sanctions as follows:

- **Student Respondents: **Vice President for Student Affairs (or designee);
- **Faculty Respondents:** Vice President for Academic Affairs (or designee) or a faculty review committee appointed pursuant the Faculty Disciplinary Process set forth in the
Faculty Handbook;
• **Staff and Third Party Respondents:** Vice President for Business and Administration (or designee).

The CCRO/TIX will provide both the Complainant and the Respondent the opportunity to submit a Consideration of Sanctions statement within five (5) business days for review by the Sanctioning Officer. The Consideration of Sanctions statement should outline the sanctions the party believes should be considered by the Sanctioning Officer as well as an explanation of why the requested sanctions are reasonable and appropriate.

After the time period for submitting any Consideration of Sanctions statements has expired, the CCRO/TIX will schedule a meeting with the relevant Sanctioning Officer or will refer the matter to the relevant process to determine sanctions. As part of this process, the CCRO/TIX will review with the Sanctioning Officer or process the relevant Investigation and Findings Record, including the results of any appeal, and will also review any final Consideration of Sanctions statements submitted by the parties. The relevant Sanctioning Officer or process will then determine appropriate sanctions, up to and including (a detailed list of potential sanctions is provided below):

- Suspension or expulsion for students;
- Dismissal or termination of employment for faculty and staff members; and
- Banning from campus and termination of contractual arrangements for third parties.

Sanction(s) will be structured to end the conduct, prevent its recurrence, and remedy its effects on the Complainant and the College community. Not all violations will be deemed equally serious offenses, and the College reserves the right to impose different sanctions depending on the severity of the offense. The CCRO/TIX will communicate the sanctions outcome to the parties within five (5) days of the conclusion of the sanction decision. A complete listing of potential sanctions is set forth below.

**Possible Sanctions**

Any one or more of the sanctions listed here may be imposed on a Respondent who is found responsible for a violation under this Policy. Sanctions not listed here may be imposed in consultation with and approval by the CCRO/TIX. Sanctions are assessed in response to the specific violation(s) and any prior discipline history of the Respondent. Some of the sanctions listed are applicable only to students, as indicated.

Possible sanctions include, but are not limited to:

A. **Warning:** Written notice that the Respondent’s behavior was in violation of the College’s Civil Rights and/or other College policy and that future violations will result in more severe sanctions.

B. **Restitution:** Reimbursement by the Respondent(s) to the College, another Claremont College, the Claremont University Consortium, the Complainant(s), or a member of the Claremont colleges community to cover the cost of damage to property or other loss.

C. **Fine:** A monetary penalty assessed as appropriate to the violation.
D. **Service Hours** (students only): A set number of work hours the Respondent must complete as determined by the supervising Vice President. The CCRO will determine the nature of the work to be performed. Generally, service hours are conducted on campus.

E. **Educational Program/Project**: Programs and activities designed to help the Respondent become more aware of College policies and help the Respondent understand the inappropriateness of their conduct, including, but not limited to, participation in an educational program or completion of an online program.

F. **Referral for Counseling**: A referral for an assessment with a trained therapist and a mandate to follow any recommendations resulting from the counseling.

G. **Loss of Privileges** (students only): Denial of specific privilege(s) as defined by the supervising Vice President for a defined period of time. Privileges include, but are not limited to, participation in extra-curricular activities and events such as social events, intercollegiate athletics, intramural programs, student organizations, and student government.

H. **Restricted Access**: Conditions which specifically dictate and limit the Respondent’s presence on campus and/or participation in College-sponsored activities. The restrictions will be clearly defined and may include, but are not limited to, presence in certain buildings or locations on campus.

I. **Removal of Offending Cause**: Requirement to remove the item which was the subject of the complaint.

J. **Relocation or Removal from Residence Halls** (students only): Requirement that the Respondent relocate to another residence hall, or off-campus, by a specified date.

K. **Conduct Probation** (students only): Formal, written notice that the Respondent’s behavior is in violation of the Civil Rights Policies or other College policy and an expectation that the Respondent exhibit good behavior for a defined period of time. Any violation during the probationary period may result in suspension or expulsion from the College.

L. **Employment Probation**: Formal, written notice that the employee’s conduct is in violation of the College’s Civil Rights and/or other College policy and an expectation that the employee exhibit good behavior for a defined period of time. Any further violations during the probationary period may result in employment suspension without pay or termination of employment.

M. **Suspension** (students only): Separation from the College for a defined period of time. During the suspension period the Respondent is not permitted on campus and is not permitted to participate in any College-sponsored or affiliated program or activity. The terms of the suspension may include the designation of special conditions affecting eligibility for readmission or special conditions to be in effect upon readmission.
N. **Suspension without Pay** (employees): Separation of employment for a defined period of time without pay for the time of separation.

O. **Employment Termination**: Permanent separation of the employee from the College if the respondent is a non-student employee and permanent separation of the employee from their student position if the respondent is a student.

P. **Expulsion** (students only): Permanent separation from the College. A Respondent who has been expelled is not permitted on campus and is not permitted to participate in any College-sponsored or affiliated program or activity.

**Sanctions in Sexual Assault**\(^2\) Cases: Although it is not possible to outline the specific sanctions that will be imposed in all Sexual Misconduct cases, the following sexual assault sanctioning guidelines has been established to provide notice to the community and provide context for the Sanctioning Officer or process in determining appropriate sanctions:

- **Sexual Assault Sanctioning Guidelines**:  
  - *Students*: normally expulsion, or a minimum 1-year suspension (or duration that Complainant is enrolled at the College, whichever is longer).  
  - *Faculty/Staff*: minimum of suspension without pay and potential termination for cause.

**Sanctions in Hazing Cases**: In addition to the foregoing list of general sanctions, the following sanctions may be considered pursuant to a finding of a violation of the Hazing Policy:

- Permanent loss of organizational recognition;
- Loss of eligibility to remain a member of any club, student organization, team, or other College-affiliated student group.

**Accommodations and Non-Disciplinary, Administrative Measures**

In addition to and independent of the results of the investigation and disciplinary process, the CCRO/TIX will determine any appropriate non-disciplinary, administrative measures. Such measures may include various forms of remedial, community-based responses, such as educational initiatives and/or trainings. In addition, the CCRO/TIX will continue to provide for the care and support of the party’s as appropriate, including the ongoing provision of appropriate accommodations.

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\(^2\)“Sexual Assault” is defined as “any sexual intercourse, however slight, with any object (e.g. penis, object, finger, hand), by a person upon a person, that is without consent or by force. Sexual intercourse includes vaginal or anal penetration and oral copulation (mouth to genital contact or genital to mouth contact) no matter how slight the penetration or contact.” See Discrimination, Harassment, Sexual Harassment, and Sexual Misconduct Policy, Section 7.d.i.
4. **ALTERNATIVE RESOLUTION PROCESS**

As an alternative to the investigation and disciplinary process, and if the CCRO/TIX determines that it is appropriate and safe, the parties may choose to resolve complaints through the following alternative resolution process. If an alternative resolution process may be appropriate, the CCRO/TIX will speak with the Complainant about this option. If the Complainant agrees, the CCRO/TIX will speak with the Respondent about the complaint and the possibility of resolution through this process.

If alternative resolution is determined to be appropriate and agreed to by the parties, the CCRO/TIX will ask the Complainant to submit a written statement within five (5) days of the decision to initiate process. The CCRO/TIX will share the Complainant’s statement with the Respondent and the Respondent will have five (5) days to respond in writing to the CCRO/TIX.

The CCRO/TIX will then meet separately with both parties to present and discuss a potential alternative resolution based on the information available. In this alternative process the CCRO/TIX does not serve in the role of fact finder but rather identifies possible alternative resolution(s) to the complaint. If the CCRO/TIX is able to reach an agreed upon resolution by both parties then the matter will be closed. If the parties are unable to reach an agreed upon informal resolution, the CCRO/TIX will proceed with the investigation and disciplinary process as set forth in Section 3 above.

In addition to the alternative resolution process discussed here, the CCRO/TIX may choose another form of alternative resolution, such as mediation, when appropriate and feasible. This alternative process will adhere to relevant standards under Title IX, Title VII, FEHA, or other applicable federal or state law as appropriate.

Mediation is not an option in cases involving allegations of sexual assault. In cases where mediation is deemed to be an option, the CCRO/TIX will contact both parties to discuss the option. Mediation will be pursued only with the consent of both parties. The parties should not contact each other to discuss mediation. If the mediation results in a resolution, the matter will be closed and no further action will be taken.

If the parties are unable to reach a resolution through mediation or any other agreed upon alternative resolution process, the Grievance Process will be initiated as outlined in Section 3 above.

The CCRO/TIX will maintain records of all reports and conduct referred for alternative resolution. Alternative resolution will typically be completed within thirty (30) business days of the initial report as is reasonable and practicable. In circumstances when it is not reasonable and practicable to complete the alternative process in this time frame, both parties will be notified in writing regarding the delay and the anticipated time frame for completion.
5. MISCELLANEOUS AND SPECIAL PROVISIONS

a) Notifications
   Reasonable efforts will be made to ensure that the Complainant and the Respondent are kept apprised of the status of the investigation and disciplinary process throughout the process. Both will be notified as follows:
   • Investigation and Fact Finding Process
     o At the beginning and conclusion of the Preliminary Investigation process and Final Investigation process.
     o At the beginning and conclusion of the Investigation Review and Findings process.
   • Appeals
     o If an Appeal has been filed, and any response to such request.
     o The Appeal Officer’s decision regarding the Appeal.
   • Sanctions
     o At the beginning and conclusion of the sanctioning process.

b) Record Retention
   Records of investigations and related proceedings are maintained by the College for seven (7) years as indicated below.

   Students: If the Respondent is a student, the records will be maintained for seven (7) years past the student’s graduation or if the student leaves the College before graduation, for seven (7) years after leaving.

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

c) Special Provisions

(1) For good cause, and where not in conflict with the Grievance Process outlined herein, the CCRO/TIX retains the authority to adapt or modify the investigation and disciplinary process as part of the CCRO/TIX’s responsibility to ensure a fair, neutral and equitable process for all parties.

(2) The College reserves the right to modify or adapt the Grievance Process as needed to allow for the fair and prompt resolution of a complaint when it is received at the end of a term or during a break in the College's academic schedule.

(3) The College reserves the right to terminate the investigation and disciplinary process in circumstances in which it is able to reach a settlement with Respondent that satisfies the College’s obligations under Title IX, Title VI, Title VII, and other relevant discrimination laws to end the alleged conduct, prevent its recurrence, and remedy its effects on Complainant and the College community.
(4) The College may apply this Grievance Process as appropriate in circumstances in which the alleged conduct involves circumstances that may constitute a violation of this Policy and other College policies, or in circumstances in which no other investigation and disciplinary process is applicable.

(5) If a claim of discrimination, harassment, sexual misconduct, or other violation of this Policy is made in connection with an appeal or objection to the College’s Appointment, Promotion, and Tenure (“APT”) Policies for faculty, this Grievance Process will be utilized to determine if a policy violation occurred and to resolve any disciplinary response that may be appropriate under the circumstances. The College’s APT Appeals Procedures will govern what impact the policy violation would have, if any, on the Complainant’s APT action (e.g., no impact, provision of additional time, requesting additional references, remand for reconsideration, etc.).

(6) **Independent Investigation**: The College, at the discretion of the General Counsel, may conduct an investigation independent of, or in addition to, the investigation and disciplinary process provided herein at any time.

(7) **Alcohol and substance use**: The use of alcohol or other drugs will never function as a defense for any behavior that violates College policy.

(8) **Past Sexual History**: The past sexual history of a party will generally not considered in an investigation unless such information is determined to be highly relevant by the CCRO/TIX. If a party believes the past sexual history of the other party is highly relevant to the investigation, they must submit a written request to the CCRO/TIX explaining the nature of the information and why the information is highly relevant to the investigation. In most circumstances, the CCRO/TIX will review the request and render a decision within two (2) business days.

(9) **Respondent’s Prior Conduct History**: The Sanctioning Officer and CCRO/TIX may consider information about previous behavior and/or complaints regarding the Respondent if:
- The Respondent was previously found to be responsible for a similar violation; or
- The previous incident was substantially similar to the present allegation, even if the individual was not found responsible for a violation; or
- The information indicates a pattern of behavior by the Respondent and substantial conformity with the present allegation.

A Respondent’s prior conduct history will be taken into consideration by the Sanctioning Officer in consultation with the CCRO/TIX when determining sanction(s).

(10) **Failure to Comply with Investigation and Disciplinary Process**: If a party or other participant in the process (e.g., a Support Person) fails to comply with the procedures set forth herein, the College reserves the right to terminate the Grievance Process and/or to exclude a participant from further participation in the process.

Examples include material breaches of confidentiality and material breach of
appropriate role as a Support Person. The CCRO/TIX shall be responsible for interpreting and applying this provision, and shall not terminate a process or exclude a participant from further participation without providing advance written notice and an opportunity for the affected party to respond in writing. In such circumstances, the CCRO/TIX shall implement alternative resolution options as may be appropriate under the circumstances to insure that, notwithstanding any misconduct during the Grievance Process, that the College has taken reasonable steps to determine whether a violation of the this Policy occurred and, if so, to take prompt and appropriate remedial actions in response to such conduct.

**Responsible Office:**
*Interim Chief Civil Rights Officer and Title IX Coordinator*
Mary Spellman, Ass’t VP and Dean of Students
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Claremont, CA 91711
909-621-8114
E-mail: mspellman@cmc.edu

**Issued by:**
Hiram Chodosh, President

**Date:**
September 1, 2014