



2024 Annual Security and Fire Safety Report

(covering January 1, 2023 – December 31, 2023)



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I. Introduction: From the AVP and Director of TCCS Campus Safety

To the Claremont McKenna College Community:

On behalf of the members of the Department of Campus Safety, I want to thank you for your attention to our Annual Fire Safety and Security Report. The Claremont Colleges Services (TCCS) Department of Campus Safety is staffed by dedicated security professionals who are committed to making CMC and all of the Claremont Colleges safe places in which to live, work, and study.

Claremont McKenna College (CMC) and TCCS Department Campus Safety publish this report because it contains valuable information for our campus community. This report also complies with important provisions of the Jeanne Clery Disclosures of Campus Security Policy and Campus Crime Statistics Act. Campus safety and security, and compliance with the Clery Act, continues to be a part of everyone's responsibility at The Claremont Colleges. We encourage you to review the information made available to you in this report, where you will find information about our organization including descriptions of the services that we provide.

As you read this report, you will also become more familiar with our strong commitment to victims of crimes and the specific extensive services we make available to crime victims. Lastly, very important information about security policies and procedures on our campus, crime data, and crime prevention information is included.

As a significant part of our campus-oriented public safety programming, we join CMC in the commitment to foster a secure and supportive environment at The Claremont Colleges. Campus safety and security indeed requires a collaborative effort at The Claremont Colleges, and so we proudly partner with the many departments at CMC that have a critical role in fostering campus safety, including: the Dean of Students office, the Senior Administrators, Campus and Residential Life, Facilities Management, and other departments.

It will always remain our goal to provide the highest quality of public safety services to The Claremont Colleges community and we are honored to collaborate with each of our campuses.

Michael Hallinan
Assistant Vice President and Director, TCCS Campus Safety

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

CMC 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. Title VII of the Civil Rights Act of 1964
 - C. California Fair Employment and Housing Act ("FEHA")
 - D. California Unruh Civil Rights Act
 - E. Family Educational Rights and Privacy Act of 1974
 - F. Section 504 of the Rehabilitation Act of 1973
 - G. Americans with Disabilities Act (the "ADA")
 - H. Age Discrimination in Employment Act of 1967, as amended by the Older Worker's Benefit Protection Act ("ADEA")
 - I. Any other applicable federal, state, or local law addressing nondiscrimination and/or equal employment opportunity.
- Inquiries concerning the application of these laws to this institution should be referred to the Title IX Coordinator or the Director of Human Resources.

II. Annual Security Report

Reporting Crimes and Other Emergencies

If crimes are never reported, little can be done to help other members of the community from also being victims. We encourage CMC community members to report crimes promptly and to participate in and support crime prevention efforts. The CMC community will be much safer when all community members participate in safety and security initiatives.

As described below, CMC and the TCCS Campus Safety Department have a number of ways for campus community members and visitors to report crimes, serious incidents, and other emergencies to appropriate College officials. It is critical for the safety of the entire College community that you immediately report all incidents to Campus Safety by calling at 909-607-2000 to ensure effective investigation and appropriate follow-up actions, including issuing a Timely Warning or Emergency Notification. CMC has a department of Public Safety that supplements Campus Safety services. Campus Safety and Public Safety are in close and continual communication. All incidents reported to Campus Safety are shared with the Public Safety team, and vice versa, to coordinate an efficient response.

Reporting to Campus Safety

Members of the CMC community are encouraged to immediately and accurately report any criminal offense, suspected criminal activity, or other emergency directly to the Claremont Colleges Campus Safety Department. Campus Safety has a dispatch center that is available by phone at 909-607-2000, or community members can report incidents in person, twenty-four hours a day, at the Campus Safety Office, located in the Administrative Campus Center (ACC) at 101 S. Mills Avenue, Claremont, CA 91711. Campus Safety Dispatch will then dispatch a Public Safety or Campus Safety Officer to the location to provide prompt assistance. If the incident is taking place off-campus, immediately request law enforcement assistance by contacting the relevant jurisdiction agency where the incident is taking place or occurred, or simply dial 911. Reporting crime as quickly and as safely feasible, is a critical component of public safety, to ensure not only resources are expeditiously provided to those in need, but to also ensure the apprehension and arrest of perpetrators who might continue to pose a threat to the entire community. Campus Safety should be notified of any crime, whether or not an investigation occurs, to ensure the College can assess any and all security concerns and inform the community if there is a significant threat to the community.

Callers who wish to remain confidential should share with the Dispatcher who answered the call that they wish to keep their name private. Campus Safety Dispatch will honor that request and not press the caller for their information. However, please note that the Cisco IP phones often times still records a phone number that Dispatch may call back if additional information is necessary. Should a Campus Safety Incident Report result from the phone call, the caller information will be written as “Jane Doe” or “John Doe”.

During orientation, all students are encouraged to program their cell phones with the Campus Safety phone number and to download the [LiveSafe Application](http://colleges.claremont.edu/livesafe/)¹ to their phone. LiveSafe is a free personal safety mobile application for students, staff, faculty, and the community to engage in two-way conversation with Campus Safety.

Anonymous Reporting to Campus Safety

CMC encourages the accurate and prompt reporting of crimes to campus police and appropriate police agencies by a victim, or on a victim’s behalf when the victim of a crime is unable to make such a report. If you are interested in reporting a crime anonymously, you can utilize the Campus Safety’s Silent Witness

¹ <http://colleges.claremont.edu/livesafe/>

program that can be accessed through the [Campus Safety website](#)². By policy, we do not attempt to trace the origin of the person who submits this form, unless such is deemed necessary for public safety. The form provides a user the opportunity to communicate directly with the Director of Campus Safety. It is not intended for reporting emergencies or crimes-in-progress. The user will submit a description of the event, date, time, and location of the event. Contact information is optional. Once all pertinent information has been disclosed, the user will click the 'submit' button which in turn sends it directly to the Director of Campus Safety.

Students, faculty, and staff can download the LiveSafe app from their mobile device for free. The app is available in the [Apple app store](#)³ and in [Google Play](#)⁴. Once downloaded, the user will find their institution by clicking on 'Manage Organizations' in Settings. LiveSafe provides users the opportunity to do something when they see something. Users can send an email, make a phone call, and send pictures to Campus Safety in real time from the convenience of their mobile device. It also provides the user with updated information regarding: Emergency Procedures, Sexual Assault Assistance, Health and Wellness Assistance, Student Life Resources, and Local Resources. All messages sent to Campus Safety through the LiveSafe app give the user the option to send the transmission anonymously by simply clicking the box that asks the user if they wish to remain anonymous.

Voluntary, Confidential Reporting to CMC

If you are the victim of a crime or want to report a crime you are aware of, but do not want to pursue action within CMC or the criminal justice system, you can consider filing a voluntary, confidential report. Depending upon the circumstances of the crime you are reporting, you may be able to file a report while maintaining your confidentiality. The purpose of a confidential report is to comply with your wish to keep your personally identifying information confidential, while taking steps to ensure your safety and the safety of others. The confidential reports allow CMC to compile accurate records on the number and types of incidents occurring on campus. Reports filed in this manner are counted and disclosed in the Annual Security and Fire Safety Report. In limited circumstances, CMC may not be able to assure confidentiality and will inform you in those cases.

CMC uses a confidential reporting system called CMC-Report A Concern. Additional information about CMC-Report A Concern instruction and the portal for reporting can be [accessed online](#)⁵. CMC-Report A Concern is an anonymous program developed by a third-party vendor named EthicsPoint/NAVEX. CMC encourages the accurate and prompt reporting of crimes to campus police and appropriate police agencies on a victim's behalf when the victim of a crime is unable to make such a report; CMC-Report A Concern is a useful modality for filing such reports.

We also highly recommend this method for the accurate and prompt reporting of crimes to campus police and appropriate police agencies on a victim's behalf when the victim of a crime is unable to make such a report.

Reporting to Other Campus Security Authorities (CSAs)

While CMC prefers that community members promptly report all crimes and other emergencies directly to Campus Safety at 909-607-2000 and to the City of Claremont Police Department at 909-399-5411, we also recognize that some may prefer to report to other individuals or College offices. The Clery Act recognizes

² https://cuc.formstack.com/forms/silent_witness_incident_report

³ <https://itunes.apple.com/us/app/livesafe/id653666211>

⁴ <https://play.google.com/store/apps/details?id=com.livesafe.activities>

⁵ <https://www.cmc.edu/report-a-concern>

certain College officials and offices as “Campus Security Authorities (CSA).” The Clery Act defines these individuals as “official of an institution who has significant responsibility for student and campus activities, including, but not limited to, student housing, student discipline, and conduct proceedings. An official is defined as any person who has the authority and the duty to take action or respond to particular issues on behalf of the institution.”

While CMC has identified numerous CSAs, the following offices are common places where community members may report crimes:

Official	Campus Address	Phone Number
Campus Safety	101 S. Mills Ave.	(909) 607-2000
The Dean of Students Office (Deans & RAs)	Heggblade Center 400 E. Ninth Street	(909) 621-8114
Human Resources	528 N. Mills Ave	(909) 607-1236
Office of Civil Rights	Heggblade Center, 2 nd Fl. 400 E. Ninth Street	(909) 607-3407
Title IX Coordinator	Athenaeum 220 385 E. Eighth Street	(909) 607-3830
VP of Student Affairs	Heggblade Center 104 400 E. Ninth Street	(909) 621-8114
Director, Silicon Valley Program	N/A	(909) 293-9418
Director, Washington Program	N/A	(240) 577-2015

Pastoral and Professional Counselors

According to the Clery Act, pastoral and professional counselors who are appropriately credentialed and hired by CMC to serve in a counseling role, are not considered Campus Security Authorities when they are acting in the counseling role. As a matter of policy, CMC encourages pastoral and professional counselors to notify those whom they are counseling of the voluntary, confidential reporting options available to them. CMC designates the Chaplains in the Chaplains Office as pastoral counselors, and the Counseling staff at Monsour Counseling and Psychological Services (“MCAPS”) as the professional counselors.

It’s Up to Each of Us

CMC takes great pride in the community and offers students, faculty members, and staff members many advantages. This community is a great place to live, learn, work and study; however, this does not mean that the campus community is immune from all of the other unfortunate circumstances that arise in other communities. With that in mind, CMC has taken progressive measures to create and maintain a reasonably safe environment on campus.

Although CMC reviews its policies, programs, and education, it is up to each one of us to live with a sense of awareness and use reasonable judgment when living, working or visiting on campus.

Responding to Crime Reports

When TCCS Campus Safety or CMC’s Public Safety receives word of a serious incident or emergency that could be considered a crime or policy violation, Officers generate reports. Depending on the nature of the incident or emergency, Campus Safety and CMC Public Safety will forward information to the Claremont Police Department and/or the Dean of Students Office for further investigation and follow-up.

CMC responds promptly and effectively to all reports of incidents or emergencies which may constitute crimes or policy violations, including offering care and support, resources, and initiating a conduct process for identified policy violations. This process is also followed for incidents reported through [CMC-Report A Concern](#)⁶.

Preparation of the Annual Security Report & Disclosure of Crime Statistics

The Dean of Students Office, in consultation with the general counsel office and Campus Safety, prepares this report to comply with the Jeanne Clery Disclosure of Campus Security and Crime Statistics Act using information maintained by Campus Safety, information provided by other College offices such as the members of the Dean of Students Office, Facilities and Campus Services, other Campus Security Authorities, and information provided by local law enforcement agencies surrounding the main Claremont campus and other locations (including our spaces in Silicon Valley and Washington, DC). Each of these offices provides updated policy information and crime data.

This report provides statistics for the previous three years concerning reported crimes that occurred on campus, in certain off-campus buildings or property owned, leased or controlled by CMC. This report also includes institutional policies concerning campus security, such as policies regarding sexual assault, alcohol, and other drugs.

CMC distributes a notice of the availability of this Annual Security and Fire Safety Report by October 1 of each year to every member of CMC community. Anyone, including prospective students and employees, may obtain a paper copy of this report by contacting CMC's General Counsel's Office at 909-607-0348. Electronic copies are available on the [TCCS](#)⁷ and [CMC](#)⁸ websites. CMC also discloses the availability of this report to prospective employees on the Application for Employment. CMC also makes similar notifications to prospective students and applicants through the Admission Office.

About the TCCS Department of Campus Safety

Role, Authority, Training and Jurisdiction

TCCS Campus Safety protects and serves The Claremont Colleges community 24 hours a day, 365 days a year. The Department is responsible for a number of campus safety and security programs that includes Emergency Management, Community Safety and Security Education, Physical Security, including security technology, Behavioral Threat Assessment, and Special Event Management. Other specific tasks include but are not limited to the following:

- First responders to emergencies of any kind.
- Protect the persons and property of students, faculty, staff and visitors to The Claremont Colleges.
- Patrol by vehicle, electric carts and on foot all campus streets, byways and interior areas.
- Apprehend criminals.
- Provide first aid until the arrival of paramedics.
- Provide security and traffic control at parties, special events and performances.
- Monitor fire alarms, intrusion alarms, theft alarms, panic alarm systems and a variety of temperature alarms campus-wide.
- Enforce traffic and parking regulations.
- Take reports of crimes and incidents and forward them to the Claremont Police Dept. for investigation.

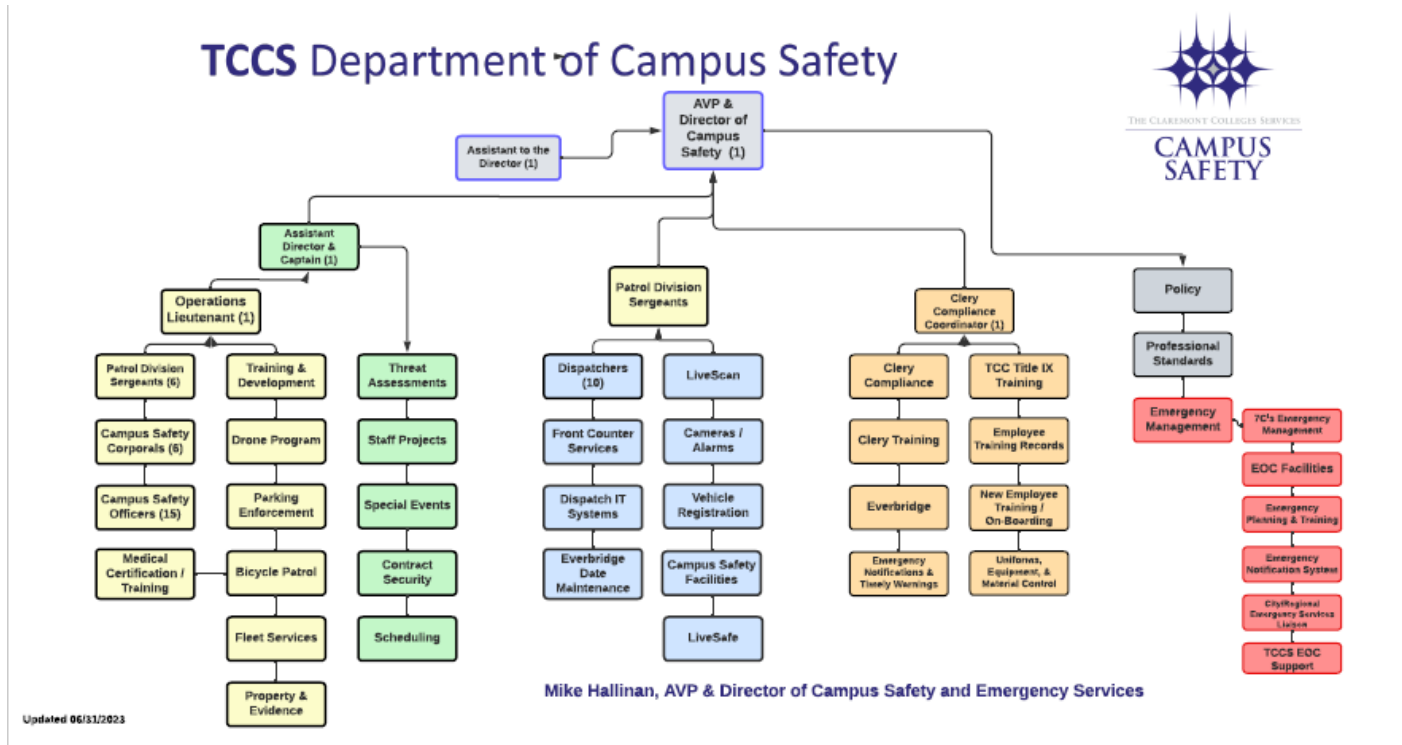
⁶ <https://www.cmc.edu/report-a-concern>

⁷ <https://services.claremont.edu/campus-safety/>

⁸ <http://cmc.edu/clery-report>

- Provide incident reports to student deans and maintain records of crimes, incidents and reported activities for analysis purposes.
- Assist law enforcement and other emergency service providers as needed.
- Offer security survey/audit services to campus administrators.
- Provide security/crime prevention presentations to students and staff.

The Campus Safety Department is led by the Assistant Vice President, and staffed by a Captain, Sergeants, Dispatchers, full-time uniformed Campus Safety Officers, an Assistant to the Director/Assistant Vice President, and a Clery Compliance Coordinator.



Campus Safety Officers are unarmed and have no police powers. Their arrest powers are identical to those of a private person, as provided in the California Penal Code section 837. Under Penal Code 837 PC, a private person is authorized to make a citizen's arrest in California when the perpetrator commits a misdemeanor in a citizen's presence or commits a felony and a citizen has reasonable cause to believe the perpetrator committed it. Current certification requirements for the Officers include Guard Registration and Basic Life Support for Health Care Providers, which includes CPR, First-Aid, and AED. Officers are also trained in Blood Borne Pathogens, Baton usage, and the administration of Oleoresin Capsicum (Pepper Spray), Auto Epinephrine Pen, and Narcan (Naloxone). Officers also receive various FEMA training. Select officers and supervisors receive Dignity Protection training. Employees undergo continuous education and training to upgrade their skills. Campus Safety is private security and not a police department, but is responsible for law enforcement, security, and emergency response protocols at the Claremont Colleges. Campus Safety also provides support services tailored to meet the needs of the Colleges including, high visibility patrols to prevent and detect crime, responding to suspicious activity and crime reports, as well as respond to: medical emergencies, fire and intrusion alarms, traffic accidents, parking enforcement, and enforcement of college rules and regulations.

Patrol Jurisdiction

There are seven separate and distinct colleges within The Claremont Colleges, with six of the colleges sharing contiguous space (Claremont Graduate University, Claremont McKenna College, Harvey Mudd College, Pitzer College, Pomona College and Scripps College). The streets that establish the perimeter of Campus Safety's patrol jurisdiction are Foothill to the north, Claremont Boulevard to the east, First Street to the south and Harvard Avenue to the west (these streets can be seen on the map directly below). Additional details of the patrol jurisdiction for each campus are described below.

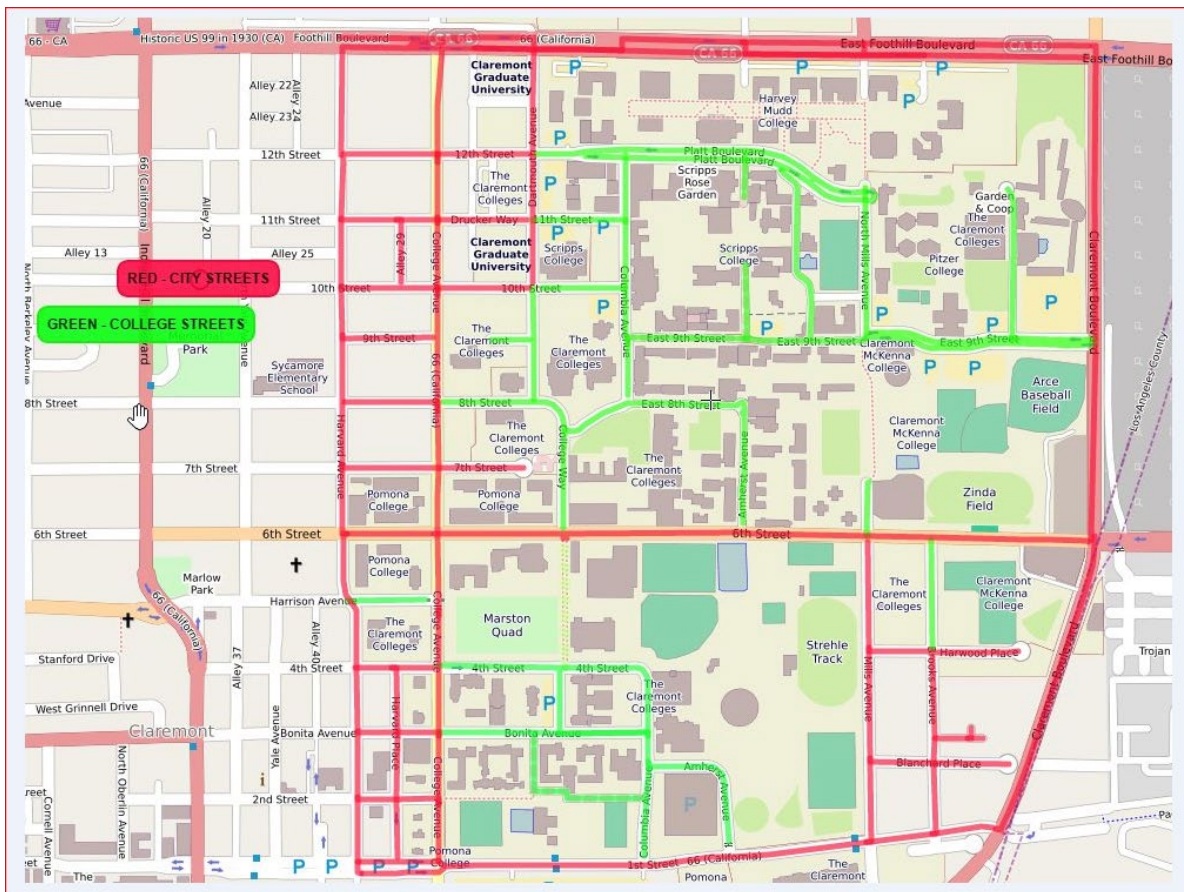
Claremont McKenna College (CMC) owns "The Pit," also known as the East Campus property, which is currently undeveloped land. This parcel of land borders Foothill Boulevard to the north, Monte Vista Avenue to the east, Arrow Route to the south and Claremont Boulevard to the west.

Claremont Graduate University, Harvey Mudd College, Pomona College, Scripps College and TCCS own parcels of undeveloped land that was formerly known as the Bernard Field Station (BFS) and is set back off Foothill Boulevard. One specific parcel of land within the BFS is Pitzer College's Robert Redford Conservancy. All this land is bordered to the north by the backyards of residential housing not affiliated with the Colleges to the North, Mills Avenue to the east, Foothill Boulevard to the south, and the Rancho Santa Ana Botanical Gardens to the west. The Rancho Santa Ana Botanical Gardens are affiliated with the Claremont Colleges, although they are not owned or controlled by The Claremont Colleges.

Set back off the main street and north of Foothill Boulevard are the Claremont Collegiate Apartments (CCA), which is Claremont Graduate University housing. CCA is bordered by TCCS undeveloped land that was formerly a golf course to the north, the California Botanical Gardens to the east, the former location of the Claremont School of Theology, to the west.

The exception to this is Keck Graduate Institute, which does not reside on the same parcel of land as the other six colleges. KGI employs their own private security company and is not serviced by TCCS Campus Safety as of 7/1/23.

The Claremont Colleges contain both city streets and streets owned by the Colleges. However, all streets are considered public access. The map below reflects the streets that are owned by the City of Claremont and those owned and/or controlled by The Claremont Colleges.



Working Relationship with Local, State, and Federal Law Enforcement Agencies

The Claremont Colleges Campus Safety enjoys a highly effective and close working relationship with the City of Claremont Police Department and the Upland Police Department. As detailed by a formal Memorandum of Understanding (MOU's) with both agencies, our local law enforcement partners ensure effective operational roles and responsibilities that directly support the mission of the Campus Safety Department and the safety and security of The Claremont Colleges. The MOU's are maintained and available at all times, pursuant to the Kristen Smart Act of 1988 (State of California).

Campus Safety immediately notifies the police about crimes against persons, including violent crimes, major felonies, crimes involving a known or identified suspect, all private persons arrests on campus, and when police presence and/or assistance is deemed appropriate for the situation. As appropriate, and in accordance with Uniform Crime Reporting (UCR) standards, crime reports initiated by Campus Safety may be forwarded to the police agencies for investigation and mandated reporting.

Campus Safety and the Claremont Police Department, with colleagues across The Claremont Colleges as appropriate, convene regularly through in-person meetings, phone and electronic communication to discuss safety issues and work collaboratively and proactively.

In addition, Campus Safety staff assists local fire/paramedic personnel as well as other local and county, state and federal law enforcement agencies when they respond to campus. The Campus Safety Department typically plays a supportive role in these instances.

Crimes Involving Student Organizations at Off-Campus Locations

CMC does not have any recognized student organizations who own or control any off-campus locations (e.g., Greek-letter housing near campus or other satellite housing) for which CMC can monitor crimes at such

locations. Nevertheless, TCCS Campus Safety relies on its close working relationships with local law enforcement agencies to receive information about incidents involving CMC students and recognized student organizations, on and off campus (regardless of whether CMC owns or controls the property). In coordination with local law enforcement agencies, TCCS Campus Safety actively works with local police to investigate certain crimes occurring on or near campus. If TCCS Campus Safety learns of criminal activity involving students or student organizations, it coordinates with the appropriate external law enforcement agency to forward information about the situation to the Dean of Students Office, as appropriate.

CMC requires all recognized student organizations to abide by federal, state, and local laws, and College regulations.

Daily Crime and Fire Log

Campus Safety maintains a Daily Crime Log of all crime reported to the Department. The log includes criminal incidents reported to Campus Safety during the last 60 days and is available on the [Campus Safety website](#)⁹. Any member of the Claremont Colleges and members of the public may also view the Daily Crime Log Campus Safety during normal business hours at 101 S. Mills Avenue, Claremont, CA 91711. This log identifies the type, location, date, time and disposition of each criminal incident reported to Campus Safety. Any portion of the log that is older than 60 days will be made available within two business days from date requested for public inspection.

CMC's Facilities Department maintains CMC's Fire Log. The log with the most current 60 days of information is available to view upon request and during normal business hours at CMC's Story House building, located at 742 North Amherst Ave. Upon request, information older than the most recent 60 days will be made available for viewing within two business days of a request.

Timely Warning Reports

Purpose

The purpose of this policy is to outline procedures The Claremont Colleges will use to issue Timely Warning Notices in compliance with the Clery Act. The Claremont Colleges are comprised of Claremont Graduate University, CMC, Harvey Mudd College, Keck Graduate Institute, Pitzer College, Pomona College, and Scripps College in concert with the TCCS. KGI utilizes their own Time Warning system and is not serviced by TCCS Campus Safety as of July 1, 2023.

Procedures

A Timely Warning Notice will be issued in the event any of The Claremont Colleges or the TCCS receives notice of an alleged Clery Act reportable crime (identified below) occurring on campus, on public property within or immediately adjacent to one of the campuses of The Claremont Colleges, or in or on non-campus buildings or property controlled by any of TCCs, where CMC determines, in its judgment, that the allegations present a serious or continuing threat to the community. For purposes of this policy, "timely" means as soon as reasonably practicable, after an incident has been reported to: Campus Safety, one of the *Campus Security Authorities* (CSAs) identified by each College, or a local police agency. The Director of Campus Safety or in his/her absence or unavailability, his/her designee (generally the Captain, Lieutenant or on-duty Watch Commander), and the Dean on-call (as designated by each of the Colleges), impacted by the reported crime, are responsible for determining whether to issue a Timely Warning Notice and the contents of a Timely Warning Notice. Please note that KGI has withdrawn from TCCS Campus Safety and has chosen to handle this service directly. As of 7/1/23, Timely Warning Notifications are not sent by Campus Safety to the KGI community for Clery reportable crime happening within KGI geography.

⁹ <https://services.claremont.edu/campus-safety/>

Whether to issue a Timely Warning Notice is determined on a case-by-case basis for Clery Act reportable crimes: arson, criminal homicide, burglary, robbery, sex offenses, aggravated assault, motor vehicle theft, domestic violence, dating violence, stalking and hate crimes, as defined by the Clery Act, as well as arrests or disciplinary referrals for violations of California liquor, drug or weapon offenses. Bulletins or alerts may also be issued for other crimes as determined necessary by the Director of Campus Safety, Dean on-call or Senior Administrator on-call. TCCS or The Claremont Colleges will issue a Timely Warning Notice even if insufficient information is available if it is likely that there is an ongoing threat to the community. The goal of a Timely Warning Notice is to aid in the prevention of similar occurrences.

The above individuals determine if an alert should be sent and are the senders of the notices. In determining whether to issue a Timely Warning Notice, the responsible individuals described above will consider any factors reflecting on whether the reported crime represents a serious or continuing threat to the community, including, but not limited to, (a) the nature of the incident; (b) when and where the incident occurred; (c) the continuing danger to the community; (d) the amount of information known by The Claremont Colleges and Campus Safety; and (e) when it was reported (as incidents reported more than 10 days after the fact will generally not result in a Timely Warning Notice unless the other factors weigh in favor of sending a Notice).

The Timely Warning Notice Decision Matrix/Timely Warning Notice Determination Form will be used in the decision-making process to document the decision to alert or not to alert the community. Once completed, the form and any and all information related to the decision will be maintained for a seven-year period.

Timely Warning Notices will be distributed via a multi-modal integrated communications system which notifies students and employees by e-mail. When appropriate, Timely Warning Notices can also be distributed via text messages and phone.

The Timely Warning Notice will typically include, to the extent known, the date, time and nature of the offense, a brief overview of its particular circumstances, a physical description of the actor(s), law enforcement's immediate actions, a request and method for witnesses to contact local law enforcement and where applicable and appropriate, cautionary advice that would promote safety. In **no instance** will a Timely Warning Notice include the name of the victim or other identifying information about the victim. In developing the content of the Timely Warning Notice, Campus Safety will take all reasonable efforts not to compromise on-going law enforcement efforts. Campus Safety will document and retain the justification for determining whether to issue a Timely Warning Notice for a seven-year period.

Anyone with information about a serious crime or incident is encouraged to report the circumstances to the Campus Safety by phone at 909-607-2000 or from campus phones at ext. 72000 and in person at 101 S. Mills Avenue. If a report is made to another official at The Claremont Colleges, that official will immediately notify Campus Safety.

Emergency Response and Evacuation Procedures

Emergency Management at CMC

The Emergency Management Program is the framework within which CMC reduces vulnerability to hazards and responds to emergencies. This framework protects the CMC community by coordinating and integrating all activities necessary to build, sustain, and improve the capability to prevent, mitigate, protect, respond and recover from all threats associated with natural conditions, technology, and human actions. CMC recognizes the following priorities:

- Protection of Life Safety
- Protection of the Environment
- Incident Stabilization
- Restoration of Essential Facilities and Services (Continuity and Recovery)

The CMC Emergency Management Program is based on the functions and principles of the Standardized Emergency Management System (SEMS), the National Incident Management System (NIMS), the National Fire Protection Association Standard 1600, the National Response Framework, Department of Education Guidelines, FEMA's Comprehensive Planning Guide 101, and the requirements of the Occupational Safety and Health Regulations.

A summary of CMC's emergency response procedures is located at www.cmc.edu/emergency. Included in this website are direct links to CMC's emergency planning documents and procedures.

The Claremont Colleges Emergency Response and Evacuation Procedures

This policy statement summarizes The Claremont Colleges and CMC's emergency response and evacuation procedures, including protocols for sending Emergency Notifications. An emergency is defined as a situation that present a significant emergency or dangerous situation at one of The Claremont Colleges' campuses or in the local area affecting the health and/or safety of the community, in whole or in part.

Campus emergency mass notification system tests are conducted regularly (generally, on a quarterly basis).

The CMC Emergency Management department should conduct a public (announced) campus-wide test at least twice annually. A reminder of testing should be sent to subscribers at least 24 hours prior to the test. The system should be exercised or used in conjunction with scheduled exercises to maintain awareness of the system by students, faculty, and staff.

The TCCS and CMC publicize the emergency response and evacuation procedures in conjunction with at least one system-wide test or exercise per calendar year, which is evaluated, documented and retained by the Executive Director of Public Safety and Emergency Management to assess exercise and system effectiveness.

For students attending the Silicon Valley Program, the Director of the Program provides a "Student Safety Resource Guide" with evacuation information.

Emergency Response Plans

Under the direction of the Executive Director of Public Safety and Emergency Preparedness, CMC has developed a comprehensive, all-hazards Emergency Response Plan which outlines the steps the College will take to prevent and mitigate, prepare for, respond to, and recover from a full range of likely hazards the community may face. Please visit CMC's Emergency website for more information at www.cmc.edu/emergency/emergency-procedures. Links to each of The Claremont Colleges' Emergency Web Sites is located at www.cmc.edu/emergency.

To ensure these plans remain current and actionable, CMC tests the emergency management program by conducting annual exercises. These exercises may include tabletop drills, emergency operations center exercises, or full-scale emergency multi-functional response exercises, which include evacuation drills of the residence halls and dorm facilities and other essential facilities at The Claremont Colleges campuses. A Hot Wash or After-action review is conducted at the conclusion of all emergency management exercises, where not only are exercise objectives thoroughly examined for improvement focal points and future successes, but to also ensure that actions were consistent with policies, procedures and protocols within the Incident Operations Plan (IOP). These documented debriefs are retained by the Executive Director of Public Safety and Emergency Management. Exercises where communication and notification software, such as the Everbridge platform are utilized, also use a polling feature, enabling recovery and retention of the number of participants and actual response times of community members. These processes are tested and evaluated during the college's Fire Safety/Evacuation and Earthquake Drills. During the Fire Safety/Evacuation Drill, audible fire alarms are activated to test immediate evacuation responses and Assembly Area utilization. CMC's notification system, the Everbridge platform, is also used to not only provide additional communication to community members, but to capture the total number of evacuees for each building and assess the total time elapsed for each evacuation. This specific drill examines coordination of effort, as Building Safety Coordinators assisted in evacuation and personnel accountability. Resident Assistants also play a key role, wearing safety vests, holding up flags and using megaphones to coordinate movement, as CMC Public Safety Officers patrol affected areas to assist those requiring additional aid, ensure full participation and a safe and orderly evacuation. The Everbridge polling feature provides real time data to consider post-test lessons learned, areas for improvement and accomplishment of goals and objectives. These types of tests have proven invaluable in the critical and transparent evaluation of CMC's emergency management plans and response capabilities.

In conjunction with at least one emergency management exercise each year, CMC will notify their community of the exercise(s) and remind the community of the information included in the publicly available information regarding Emergency Response Procedures.

Emergency Notification System and Enrollment in Same

CMC and TCCS is committed to ensuring the community receive timely, accurate, and useful information in the event of an emergency. To support this commitment, TCCS has invested in several multi-modal forms of communications that allow administrators to distribute notices in the event of a critical incident or dangerous situation. The mass notification system used by TCCS to incorporates technology consisting of e-mail, text messaging, and telephony through Everbridge, a cloud-based platform.

There are 3 layers of notification under existing policy:

1. Emergency Notification - situations that present a significant emergency or dangerous situation at one of The Claremont Colleges campuses or in the local area affecting the health and/or safety of the community
2. Advisories - situations that require increased awareness or advisories (e.g., road closures, protests, water main breaks, etc.) that may directly or indirectly affect the campus. Generally, for information only, and may include an Incident that occurs adjacent to the campuses. May involve media and public safety agencies; road closures, etc.
3. Timely Warnings

Enrollment in the Everbridge system for CMC students is automatic based on student information system enrollment data (including cell phone numbers, personal email and CMC email addresses). The Everbridge system access any updated contact information for students on a nightly basis.

Enrollment in the Everbridge system for faculty and staff occurs upon hiring when the Human Resources Department requests computer access for new faculty and staff. For faculty and staff without computer access, enrollment is entered on a monthly basis upon the Human Resources Department providing the information to CMC's Information Technology Department. Verification of this contact information is conducted every semester by CMC.

Confirming the Existence of a Significant Emergency or Dangerous Situation

Campus Safety and/or other CMC employees may become aware of a critical incident or other emergency that potentially affects the health and/or safety of The Claremont Colleges or CMC communities. Generally, CMC Public Safety Officers become aware of these situations when they are reported to the Campus Safety Communications Center, who then advise or dispatch CMC officers to respond to the incident to gather further information and address, or upon their own independent discovery during patrol or other assignments, wherein those instances CMC Public Safety Officers also communicate this information to TCCS Campus Safety via mobile radio or telephonically to ensure complete and timely dissemination of critical information.

The Campus Safety Department and/or the CMC Office of Public Safety and Emergency Management will consider all known factors reflecting on whether the situation represents an immediate threat to the health or safety of the College community, including, but not limited to, (a) the nature of the significant emergency or dangerous situation; (b) when and where the incident occurred; (c) when it was reported; (d) the continuing danger to the campus community; and (e) the amount of information known.

Campus Safety staff or CMC employees may seek confirmation of a significant emergency or dangerous situation from one or more the following sources:

- Campus Safety or CMC Public Safety staff;
- City of Claremont 9-1-1 Communications Center;
- The Claremont Colleges personnel;
- Other TCCS-affiliated personnel;
- Blue Light Phones and affiliated smartphone applications (LiveSafe);
- Los Angeles County Fire and Claremont Police Departments, EMS, and public agency partners;
- Members of the community/general public through telephone and other communication systems, including social networking;
- Media reports originating from the incident scene (television, radio, etc.);
- Social Media (Instagram, Facebook, Twitter, etc.).

In all cases, where members of the CMC community, including students, faculty, staff and visitors, discover any significant emergency or dangerous situation involving or impacting the community, they are directed to immediately contact Campus Safety, direction that is provided annually messaged and trained via messaging and training.

Determining which designated official from Campus Safety assists with Emergency Notifications is based on availability during a 24-hour cycle. Campus Safety maintains designated individuals throughout each 24-hour cycle who are trained in determining the need for issuing alerts. These designated officials are the Assistant Vice President and Director of Campus Safety, and the Lieutenant, or Watch Commander.

Once the Emergency Notification has been issued, Campus Safety, in collaboration with CMC Senior leadership, specifically the Executive Policy Group and the Executive Director of Public Safety and Emergency Management, as well as on-duty field personnel, such as the On-Call Dean and Public Safety Officers will take the initial lead in implementing the appropriate response plan, assessing the severity of the crisis, reviewing all available information, delegating responsibility where appropriate, and ensuring that the information needs of various constituencies are met.

TCCS Campus Safety protocol for disseminating Emergency Notifications specific to infectious diseases, travel warnings and other public health issues, such as COVID-19, is in alignment with the Clery Act legislation and Department of Education (ED) Guidance. A highly contagious virus *does* meet the criteria for being immediately threatening to the health and safety of our community members. Per ED Guidance, a COVID-19 specific information can be found on the [TCCS web page](#)¹⁰.

Our protocol of not sending Emergency Notifications for each confirmed COVID-19 case will continue. However, in addition to information on the website designed to share pertinent information, each of the Claremont Colleges has procedures in place to assist with mitigating the spread of COVID-19 and its variants. This information can be found on the institution's website. Therefore, an Emergency Notification may be sent out if the status of the COVID-19 emergency changes, necessitating community notification.

Initiating the Emergency Notification System

The TCCS Department of Campus Safety is responsible for responding to all significant incidents that may involve an immediate or ongoing threat to the health and/or safety of CMC and the Claremont Colleges community. It is also tasked with promptly summoning the appropriate resources to mitigate and investigate such incidents. The TCCS process to initiate the Emergency Notification system is as follows. Once an incident is reported, either on its own or with the input from these external agencies, (Claremont Police Department, Los Angeles County Fire Department, Los Angeles County Emergency Management) the Department of Campus Safety Assistant Vice President, Lieutenant, on-duty Watch Commander (or designee) will determine if the situation does in fact pose a threat to the community. Should that be the case, federal law requires that the College will, without delay, and taking into account the safety of the community, immediately notify the campus community that may be affected by the situation.

The College communicates and works closely with local police, regularly requesting their cooperation in informing the College about reported situations that may warrant an emergency response. Based on nature of information and facts available, the Director Campus Safety, Lieutenant, on-duty Watch Commander (or designee) will work with Campus Safety Dispatch to generate the notifications and whenever possible, in collaboration with the Dean on-call from the affected community (if applicable), take the initial lead in implementing the appropriate response plan, assessing the severity of the crisis, reviewing all available information, delegating responsibility where appropriate, and ensuring that the information needs of various constituencies are met.

Determining the Appropriate Segment or Segments of The Claremont Colleges Community to Receive an Emergency Notification

The Claremont Colleges are a consortium of seven separate and distinct colleges that share a multitude of social, dining and academic programs, to name a few. Due to this configuration, once a significant emergency or dangerous situation occurring on one of the campuses is established that requires an

¹⁰ <https://services.claremont.edu/covid/>

emergency notification, the notification is disseminated via text message to six of the Claremont Colleges, students and employees enrolled in the Everbridge emergency management system. Depending on the nature of the emergency, Campus Safety may work with TCCS Communications and the Claremont Police Department to issue subsequent notifications to a wider group of local community members.

Determining the Contents of the Emergency Notification

The individuals responsible for issuing the Emergency Notification (usually the Campus Safety Communications Officers and supervisors) will, with the assistance of campus and local first responders, without delay, and taking into account the safety of the community, determine the content of the notification. Campus Safety has developed a wide range of template messages addressing several different Emergency situations. The individual issuing the Emergency Notification will select the template message most appropriate to the situation and, in accordance with the following guidelines, modify it to address the specific emergency. Those issuing the notification will use the following guidelines when determining the contents of the Emergency Notification:

1. **Alerting** the community (or appropriate segment of the community) of the emergency and the actions they should take to safeguard their and their neighbor's safety. Messages distributed in this stage of a rapidly unfolding incident will generally be short, precise, and directive. Examples include:
 - "The campus is experiencing a major power outage affecting the following buildings: Brown, Red, White, and Yellow Halls. All occupants of these buildings should immediately evacuate and meet at the designated evacuation assembly area."
 - "There is a chemical spill at Brown Hall. The chemical released is extremely hazardous if inhaled. Occupants of Brown Hall should immediately evacuate the building through the northeast exits. Follow the directions of fire personnel who are on scene. Meet at the designated evacuation assembly area or other safe area as designated by emergency personnel."
2. **Informing** the community (or appropriate segment of the community) about additional details of the situation. This message is generally distributed once first responders and the Emergency Operations Center has additional information about the dangerous situation. Examples include: "The power outage affecting Brown, Red, White, and Yellow Halls was caused by a cut power line. The local utility company is responding along with facilities personnel to repair the damage. We expect the outage will last until 2:00 p.m. Refer to TCC or individual institution homepages for additional information or dial xxx-xxxx."
3. **Reassuring** the community (or appropriate segment of the community) once the situation is nearly or actually resolved. The purpose of this message is to reassure the community that TCCS or CMC is working diligently to resolve the dangerous situation and/or that the situation is resolved. It can also be used to provide additional information about the situation and where resources will be available.

Procedures Used to Notify The Claremont Colleges and Larger Community

In the event of an Emergency, TCCS have various systems in place for communicating information quickly. Some or all of these communication methods may be activated in the event an Emergency Notification needs to be sent to of the community. These methods of communication at CMC include the mass notification system (Everbridge), CMC's email system, and campus bulletin boards or digital signs. CMC may post updates during a critical incident on www.cmc.edu/emergency, as well as use fire alarms, social media posting, and runners.

CMC is also committed to providing a safe environment for everyone in the larger campus community. In the event of an emergency or significant safety concern that could impact members of the larger community

outside of the college campuses, updated and ongoing emergency information is provided to the Claremont Police Department for appropriate dissemination. The Claremont Police Department is included on the Everbridge distribution list and receives all emergency notifications and alerts issued by Campus Safety. The TCCS Communication Office would liaison with local media to further distribute the details of an incident as appropriate.

Individuals may also call the TCCS Campus Safety emergency line 909-607-2000 for information about the emergency. If the situation warrants, TCCS may establish a telephone call-in center to communicate with the campus community during the emergency.

Trained Operators

Authorized Emergency Mass Notification Staff complete an initial training and any subsequent follow up trainings to ensure they are thoroughly familiar with the Emergency Notification software operating and menu systems associated with the Emergency Notification system hardware. Emergency Notification staff shall be trained to ensure familiarization with the system components and software activation procedures at all times.

The following officials are authorized to activate mass notification systems for warnings and advisory situations, or in response to requirements outlined within the Clery Act:

Primary (TCCS)

- Director of Campus Safety
- Lieutenant & Campus Safety Watch Commander (Supervisors)
- Dispatchers

Secondary (CMC)

- CMC authorized designees who have completed training and are designated as “trained operators” may send mass notifications to the CMC college students, faculty, and staff only. The authorized designees are the Executive Director of Public Safety and Emergency Management, designees from the President’s office, the Office of Public Affairs, and the Vice President of Student Affairs and Dean of Students. In addition, the Associate Director of Information Technology Services and an additional designee have the responsibility to maintain the CMC networking operations and data within Everbridge.

Once the Emergency Notification has been issued, Campus Safety, in collaboration with the on-call Dean from the affected community (if applicable) takes the initial lead in implementing the appropriate response plan, assessing the severity of the crisis, reviewing all available information, delegating responsibility where appropriate, and ensuring that the information needs of various constituencies are met. CMC on-call Deans make notifications to the Vice President of Student Affairs, wherein additional up-channel notifications are made to senior leadership, as well as the Executive Director of Public Safety and Emergency Management. Simultaneously, CMC Public Safety Officer leadership on-duty contact the Executive Director of Public Safety and Emergency Management to ensure continuity. Based on the timing, location and severity of the event, the Emergency Policy Group and/or the Incident Operations Team may be activated.

Security of and Access to College Facilities

At CMC’s campus, administrative buildings are open from 8:00 am until 5:00 pm, Monday through Friday and closed on the weekend and College holidays, unless access is specifically requested by appropriate College officials. Some academic and administrative spaces are open longer for student, faculty, and staff

use. Access to individual classrooms and laboratories is limited to those who have an educational purpose to use those spaces after normal business hours. Similarly, access to most programs is limited to those enrolled in the program or otherwise authorized access. Only those who have a demonstrated need and approved by the Dean of Students or Dean of Faculty are issued keys or door access cards to a building.

Security/intrusion alarms are located on several College buildings, and classrooms have manual or remote lockdown systems for emergency situations. Once the administrative buildings are closed for the evening, the doors are locked to prevent access by those without permission.

Roberts Pavilion's hours for students, faculty and staff can be found at the [Pavilion's website](#)¹¹. Additionally, Roberts Pavilion has front door staff which monitor access to the building, including enforcing card swipe access for those using the facility for exercise.

Many events held in CMC facilities are open to the public. Other facilities such as Huntley Bookstore and Honnold-Mudd Library are also open to the public.

Special Considerations for Residence Hall Access

On the CMC campus, all residence halls operate under a computerized access control system 24 hours a day, 7 days per week. Identification cards are coded so that only current CMC students and authorized staff are given electronic access to enter the residence halls; the system denies entry to all unauthorized persons. When a door is malfunctioning, the staff at Facilities and Campus Services should be notified for immediate repair. During normal business hours Facilities can be contacted at 909-621-8112 or by submitting [a work order](#)¹². For contact with Facilities and Campus Services *after* normal business hours, please see a Resident Assistant or call Campus Safety at (909) 607-2000.

TCCS Campus Safety, CMC Public Safety and CMC's Facility Department regularly remind students to lock residence hall doors and windows. All residence hall and apartment exterior doors are equipped with handles and/or crash bars to ensure a quick emergency exit.

Only current students, their registered guests, and College staff with a business purpose (including housekeepers, maintenance persons, and members of the Dean of Students Office) are permitted in the residence halls. Guests are expected to be accompanied by their host. It is the host's responsibility to ensure that his/her guest is aware of College policies. Guests are not provided with room keys or door access cards. All exterior doors are locked 24 hours a day. It is the responsibility of residents and staff members to report individuals who cannot be identified as residents or the guests of residents. When Campus Safety receives a report of an unfamiliar person in a residence hall, an officer is dispatched to identify that person. The Resident Assistants live in their assigned residence halls when CMC is in session. Campus Safety personnel also make regular patrols of the exterior areas near the residence halls.

Security Considerations for the Maintenance of Campus Facilities

CMC is committed to campus safety and security. At CMC, locks, landscaping and outdoor lighting are designed for safety and security. Sidewalks are designed to provide well-traveled, lighted routes from parking areas to buildings and from building to building. Sidewalks and building entrances are illuminated to provide well-traveled, lighted routes from parking areas to buildings and from building to building.

Facilities and Campus Services, in conjunction with representatives from the Dean of Students Office, conducts a "lighting and safety walk" of College property once a year to evaluate campus lighting.

¹¹ <http://roberts-pavilion.cmc.edu/frequently-asked-questions-about-roberts-pavilion>

¹² <https://app.stackfm.com/Clients/EmployeesPortal/WorkOrdersForm/IssueSubmissionForm.aspx?pid=24&fid=650543>

We encourage community members to promptly report any security concern, including concerns about locking mechanism, lighting, or landscaping to Campus Safety.

Emergency Phones

CMC has installed 50 emergency phones throughout the campus that are easily identifiable and clearly marked via color coded red or yellow callboxes, flashing blue lights and “Emergency” and “Help” language. Phones are located in public areas of the campus including the parking lots, elevators, residence halls, administrative and classroom buildings, and also along some common walkways. Emergency phones provide direct voice communications to the Campus Safety Dispatch Center.

Campus Security Policies, Crime Prevention, & Safety Awareness Programs

In addition to the many programs offered by the Campus Safety and other CMC offices, CMC has established a number of policies and procedures related to ensuring a reasonably safe campus community. These programs include:

Behavioral Intervention by the On-Call Deans Group

In order to extend our efforts on emergency preparedness and prevention, CMC evaluates behavioral threats through the On-Call Deans (OCD) Group, which consists of staff members who have been trained in emergency response. The objective of the OCD Group is to evaluate and mitigate potentially threatening situations that may occur at CMC. Depending on the nature of the concern, the OCD group may include other stakeholders from different offices at the Colleges who have more direct knowledge of a situation. For more information about the OCD Group and behavioral interventions, please contact the Dean of Students or the Vice President for Student Affairs at (909) 621-8114.

CMC also has a Threat Assessment Team (TAT), a campus-wide team of appointed staff and faculty responsible for identifying, assessing, and responding to concerns and/or disruptive behaviors by students, college employees and community members who may present a risk to the health or safety of the College or its members. The TAT includes representatives from a number of offices and departments on campus, including but not limited to: Student Affairs, Public Safety, Counseling and Psychological Services, Academic Affairs, Title IX, Human Resources and General Counsel.

In addition, a 7C Threat Assessment Team exists at the consortial level, including representatives from each of the seven colleges. This group may convene when threats exist across the consortium. This team also gathers best practices from its members and researches professional development opportunities for staff, as necessary and appropriate.

Live Safe App

Live Safe is a free personal safety mobile application for students, staff, and faculty to engage in a two-way conversation with Campus Safety. It allows users to directly access Campus Safety and 911 emergency services. This service can create greater situational awareness and safety preparedness by educating the user on safety-related statistics and updates. For more information, please visit the [Live Safe information page](#)¹³.

Explosives, Firearms, and Other Weapons

CMC prohibits the possession and/or use of weapons and explosives on campus in accord with local and state laws. Possessing, using or storing firearms, other weapons, ammunition, explosives or dangerous chemicals is prohibited. Please review CMC’s [Safe Campus Policy](#)¹⁴. The Policy does not apply to the Physical

¹³ <http://colleges.claremont.edu/livesafe/about/>

¹⁴ <https://catalog.claremontmckenna.edu/content.php?catoid=39&navoid=8084>

Education or ROTC Programs, which may use otherwise-prohibited items as part of their courses.

Crime Prevention and Safety Awareness Programs

In an effort to promote safety awareness, the TCCS Campus Safety and CMC Public Safety Officers maintain a strong working relationship with the community. This relationship includes offering a variety of safety and security programs and services and crime prevention programming. If you or your organization would like to request a specific program, please contact Campus Safety at 909-607-2000 or the CMC Executive Director of Public Safety and Emergency Management at 909-621-8114.

Some of the special programs and services that are offered on campus which encourage community members to be responsible for their safety (and the safety of others) include:

- 24 hour per day patrolling with TCCS Campus Safety and CMC Public Safety Officers: Officers patrol the perimeter of campus as well as interior residential sectors of the campus.
- Review of Services for Resident Assistants: Twice annually (August and January), Campus Safety Officers participate in resident assistant training to familiarize RAs with how to understand and access CS services including dispatch, escort services, incident reporting, emergency response, interface with emergency personnel, and emergency assessment. In 2020, virtual training only occurred in August because of the campus closure due to COVID-19.
- CMC Public Safety facilitates an Active Shooter Training program annually for the Dean of Students staff, and calendared, more nuanced sessions for CMC Faculty. Additional annual trainings are held for the Associated Students of Claremont McKenna College, and for the full CMC staff at one of the regular monthly meetings. Active Shooter Training is also available upon request to all departments and student organizations.
- CMC's Office of Public Safety and Emergency Management and Human Resources Department offer a variety of emergency and safety trainings for new faculty and staff.
- Participation on Training Sessions for CMC's Incident Management Team: TCCS Campus Safety and CMC Public Safety Officers participate in tabletop and active simulation training sessions for CMC related to emergency response. These annual training sessions include incidents such as an active shooter or a major earthquake or fire.
- CMC Public Safety Officers are Teal Dot/Bystander Intervention trained, with several officers trained to the instructor level and provide training to students, faculty and staff throughout the Claremont Colleges.
- Safety Escort Services: TCCS Campus Safety and CMC Public Safety provide 24/7 walking escort services to students, faculty, or staff to avoid walking through campus alone at any time.
- CMC's Executive Director of Public Safety and Emergency Management teaches a semester long self-defense class twice per year. Students from any of The Claremont Colleges may register for the course. In addition, the CMC Public Safety team provides situational awareness/self-defense classes to Resident Assistants and multiple affinity groups campus-wide.
- Exterior and interior emergency telephone use: Emergency phones are located throughout the campuses for a direct, automatic connection to Campus Safety. Some phones have blue lights with attached red or yellow call boxes. The Campus Safety dispatcher has the phone locations and will immediately dispatch an officer to the location when the phone is activated, whether the person talks or not. People are asked to stay near the phone if possible and describe their urgent need while an Officer responds. Community members are encouraged to use emergency phones for danger, fire, medical emergency, crimes-in-progress, or suspicious activity.
- Fire Alarm system response: CMC Public Safety Officers immediately report to the location if a fire alarm has been activated. While CMC Public Safety Officers respond to the immediate needs/location of the alarm, other agencies (e.g., police, fire, medical) will be directed to the

location, as needed, by Campus Safety Dispatch. CMC Public Safety and TCC Campus Safety Officers will clear the way and guide other emergency service providers to the exact location. Officers know the campus streets and buildings and are trained in first aid response. Campus Safety has a close working relationship with the Claremont Police Department, the Los Angeles County Fire Department, and local ambulance providers.

- Facility Surveys: Annually each fall, CMC Public Safety, the Dean of Students Office, and CMC's Facilities Department conducts an evening safety walk to check exterior lighting, doors, windows, hardware, and grounds for possible improvements.
- Security cameras: A campus security team meets annually to review the locations of existing security cameras to suggest additional placements. Security cameras: The CMC Camera Committee is comprised of representatives from Public Safety, Facilities and IT to conduct annual assessments to review the existing security camera locations, vulnerability gaps and existing and future needs. This team also convenes bi-weekly to discuss issues such as preventative maintenance, landscape concerns impacting camera views, short term and long-term plans for replacement, and new construction additions to ensure an intentional overall security concept plan.
- Site security assessment services: TCCS Campus Safety and CMC Public Safety Officers provide security and traffic control at special events and performances.
- Free bicycle registration programming: Campus Safety Provides a free 10-year bike registry service (available at Campus Safety office from 8 a.m. to 5 p.m.).
- Free safety apps for smartphones: [LiveSafe](#)¹⁵ is a smartphone app that helps members of The Claremont Colleges find resources and information as well as communicate suspicious or hazardous activities to Campus Safety.

For students attending the Silicon Valley Program, the Director of the Program provides a "Student Safety Resource Guide" with safety awareness information.

Student Conduct

The goals of the Dean of Students Office include the promotion of a healthy and safe campus, a community of respect and belonging, and leadership development that emphasizes personal and social responsibility.

The Dean of Students Office is responsible for administering the [Student Code of Conduct](#)¹⁶ and the [Student Conduct Process](#)¹⁷, which articulate the behavioral standards and the equitable procedures employed by CMC to respond to allegations of student misconduct. On issues of student conduct, CMC does not differentiate between undergraduate and graduate students; all student conduct policies apply to all students.

The Student Code of Conduct governs conduct occurring on College property, at College-sponsored events, and may also address off-campus student misconduct when a student's behavior affects a College interest. Students who are found responsible for violations may be subject to sanctions ranging from a conduct warning up to suspension or expulsion from CMC. Students residing in College housing may also lose the privilege of living on campus for violating rules and regulations or conditions of the housing agreement. A list of sanctions can be found under Section 5 of the [Student Conduct Process](#).

¹⁵ <http://colleges.claremont.edu/livesafe/>

¹⁶ <https://catalog.claremontmckenna.edu/content.php?catoid=39&navoid=7941>

¹⁷ <https://catalog.claremontmckenna.edu/content.php?catoid=39&navoid=7975>

In many cases the Dean of Students Office will assign developmental and educational interventions designed to promote greater awareness and improved decision-making for students and to further deter future misconduct.

In instances where there is reasonable cause to believe a student is an immediate threat to the safety of their self or other persons or property or is an immediate threat to disrupt essential campus operations, a staff member from the Dean of Students Office may assign an Interim Suspension, a “no-contact order,” or other actions designed to protect the health and safety of the community and its members.

Any individual or entity may report an allegation of student misconduct to the Dean of Students Office, a Resident Assistant, or a TCCS Campus Safety or CMC Public Safety Officer.

CMC uses an anonymous reporting system called [CMC-Report A Concern](#)¹⁸ for those who wish to report misconduct anonymously. This is an option for our community to report issues or ask questions in a confidential, safe way. If you are uncomfortable approaching a CMC employee directly about an issue you find concerning, you can submit an anonymous report or question through [CMC-Report A Concern](#) by:

Filling out an [online form](#)¹⁹; or
Calling 800-461-9330 in the U.S.; or
Calling 702-514-4400 collect if outside the U.S.

Please visit the [“Policies and Procedures”](#)²⁰ section of the [Dean of Students Office website](#)²¹, where you will find many important documents related to student conduct.

Upon written request, CMC will disclose to the alleged victim of a crime of violence or a non-forcible sex offense, the report on the results of any disciplinary proceeding against a student who is the alleged perpetrator of such crime or offense. If the alleged victim is deceased as a result of such crime or offense, the next of kin of such victim shall be treated as the alleged victim for purposes of this paragraph.

If you have additional questions, special needs, or wish to request a hard copy of this information, please contact the Dean of Students Office in Heggblade Center.

Student Conduct Proceedings (for violations of the Student Code of Conduct, not the Civil Rights Policy)

From the Introductory Section of the [Student Conduct Process](#):

CMC (the “College”) maintains expectations of its community members to conduct themselves in a responsible manner. These expectations are designed to support the educational mission of CMC and constitute the framework on which others depend.

CMC advances its mission through two interdependent commitments: to the growth of our students’ intellectual strengths and to their personal and social responsibility and accountability. CMC has adopted the Student Code of Conduct , which describes CMC’s overarching expectations for student conduct and other College policies (including, but not limited to, those contained in the Guide to Student Life) to:

- support student development as responsible and mature adults;
- support positive and healthy social interactions rooted in responsible decision-making;
- promote the health and safety of CMC community members and its guests; and
- maintain an environment that facilitates and promotes the broad educational mission and

¹⁸ <https://www.cmc.edu/report-a-concern>

¹⁹ <http://convercent.com/report>

²⁰ <https://www.cmc.edu/dean-of-students/policies-and-procedures>

²¹ <https://www.cmc.edu/dean-of-students>

purpose of CMC.

Please refer to CMC's [Policy Library](#)²² to become familiar with the Student Code of Conduct and other College Policies.

CMC maintains similar but distinct expectations and procedures to respond to alleged misconduct by faculty and staff. If students have any concerns about the conduct of a faculty or staff member, a report can be made to a Deans in the Dean of Students Office or via [CMC-Report A Concern](#).²³.

Parental Notification Policy

Federal legislation authorizes CMC to disclose disciplinary records concerning violations of CMC's rules and regulations governing the use or possession of alcohol or controlled substances that involve students who are under the age of 21 regardless of whether the student is a dependent or whether the student consents to such disclosure.

The Family Education Rights and Privacy Act (FERPA) also permits CMC to report incidents or behaviors to parents or legal guardians of dependent students in cases where a student is unable to make normal decisions for themselves or when it is necessary to protect the health or safety of the student or others. Such a disclosure shall be restricted to appropriate parties and will be made on the basis of a good-faith determination based on the facts that are available at the time.

Faculty & Staff Conduct

Employees of CMC who are not students (generally "Faculty and Staff") are expected to abide by the rules of conduct presented in the [Staff Handbook](#)²⁴ and [Faculty Handbook](#)²⁵.

From the *CMC Staff Handbook*:

CMC expects that all Employees will perform to the best of their abilities at all times. There will be occasions, however, where Employees perform at unsatisfactory levels, violate policies, or commit acts that are inappropriate. As previously noted, employment may be terminated at will by the Employee or CMC at any time with or without cause and without following any system of discipline or warnings. Nevertheless, CMC may choose to exercise its discretion to utilize forms of discipline that are less severe than termination in certain cases. Examples of such less severe forms of discipline include verbal warnings, written warnings, probationary action and demotion.

Although one or more of these steps may be taken in connection with a particular Employee, no formal order or system is necessary. An Employee may, of course, resign at any time. CMC may also terminate the employment relationship, at any time, without following any particular series of steps whenever it determines, in its own discretion, that such action should occur. This policy or practice does not alter an Employee's at-will status with the College.

Information about [grievances against Faculty members and grievances by Faculty members against Academic Administrators](#)²⁶ can be found online.

Employees of The Claremont Colleges who work at the Claremont University Consortium are governed by

²²

²³ <https://www.cmc.edu/report-a-concern>

²⁴ <https://catalog.claremontmckenna.edu/content.php?catoid=39&navoid=7921>

²⁵ <https://catalog.claremontmckenna.edu/content.php?catoid=39&navoid=7935>

²⁶ <https://catalog.claremontmckenna.edu/content.php?catoid=39&navoid=8058>

TCCS conduct policies and their respective departments.

Prohibition Against Discrimination, Harassment, Dating Violence, Domestic Violence, Sexual Assault and Stalking

CMC is firmly committed to providing equal opportunity for all our community members, irrespective of an individual's background. CMC strives to maintain a community in which all people respect the rights of other people to live, work, and learn in peace and dignity; to be proud of who and what they are; and to have equal opportunity to realize their full potential as individuals and members of society.

As such, CMC strives to maintain an environment for students, faculty, staff, and visitors free from all forms of discrimination and harassment prohibited by law, including sexual assault, domestic violence, dating violence, stalking, hate crimes, and issues arising under the Rehabilitation Act and the American with Disabilities Act. CMC's Policy prohibits the crimes of dating violence, domestic violence, sexual assault, stalking, and hate crimes, among other forms of misconduct. CMC's Policy also prohibits retaliation against a person who reports, complains about, or who otherwise participates in good faith in, any matter related to the Policy.

This Civil Rights Policy extends to all categories or classifications of individuals or groups who are legally protected from discrimination or harassment, including: race, color, national origin, ancestry, religion, gender, sexual orientation, age, physical disability, mental disability, marital status, veteran status, genetic information, or any other characteristic that may be specified in such laws and regulations (Protected Status). Gender includes both the physiological sex of an individual and that person's gender identity, appearance, or behavior, regardless of whether that identity, appearance, or behavior is traditionally associated with that person's sex at birth.

CMC has adopted the Civil Rights Policy to reflect and maintain its institutional values and community expectations with respect to discrimination, harassment, hate crimes, stalking, intimate partner violence, and sexual misconduct, including:

- Taking prompt action to prevent and address such behavior and remedy its effects;
- Providing for fair and equitable procedures for determining when Prohibited Conduct has occurred and providing recourse for individuals and the community in response to such violations.

The [Civil Rights Policy](#)²⁷ can be found online.

CMC's process for investigating and responding to reports of violations of this Policy, including the procedures related to the imposition of Interim Measures or disciplinary measures against an individual alleged to be responsible for a violation, is set out in the CMC's Civil Rights Grievance Procedures ("Grievance Procedures" or "Grievance Process").

CMC maintains publicly available recordkeeping, including Clery Act reporting and disclosures without the inclusion of personally identifying information about the victim as defined in the Violence Against Women Act of 1994. Further, the accommodations that the victim received will be kept confidential, to the extent that maintaining such confidentiality would not impair the ability of the institution to provide the accommodations or protective measures.

²⁷ <https://catalog.claremontmckenna.edu/content.php?catoid=39&navoid=8135>

Education and Prevention Measures

CMC's educational efforts focus on the positive consent culture in regards to sexual assault, intimate partner violence, and stalking. CMC takes education and prevention on sexual misconduct, intimate partner violence, and stalking seriously and has programs designed to educate the community about these important issues. Prevention and education programs include an overview of the College's policies and procedures, including definitions of prohibited conduct, discussions on how to obtain Affirmative Consent, safe options of bystander intervention, resources to get further assistance, and reporting options.

All students participate annually in a web-based program about sexual assault, intimate partner violence, and stalking. This program addresses issues of consent, alcohol, and sexual violence as well as bystander intervention. Further additional resources related to the prohibited conduct are provided to first year, incoming students, and transfer students during orientation, outdoor adventure trips, and with first year guides. All new employees participate in a web-based program or in-person training on prohibited conduct such as sexual harassment, sexual assault, and intimate partner violence and bystander intervention.

First-Year Programming

CMC is aware of research indicating that incoming students are particularly vulnerable to sexual misconduct during their first several weeks on campus. As such, all incoming students are required to participate in orientation programming that relies on prevention theories and engagement strategies to help students understand the many aspects of sexual assault, alcohol issues, and violence prevention. Topics covered include common myths about sexual assault and rape culture, the definition of consent, the link between sexual assault and alcohol, warning signs of domestic violence, how to help a friend who has been affected by sexual assault or relationship violence, bystander intervention, and other issues related to sexual and dating violence. First year students were invited to participate in a presentation about prevention strategies at CMC led by current students. Staff is available during the presentation and group discussions for assistance and support.

Bystander Intervention

Trained administrators teach non-confrontational methods of intervening when a situation appears to be instinctually questionable. These trainings are available for all students and staff and are required for key student leaders such as resident assistants, orientation sponsors, and student government leaders.

When an incident of sexual or relationship violence is about to take place, bystanders can intervene simply and safely, often flipping the switch to change the outcome. Some positive ways to intervene include:

- Provide a distraction that interrupts an interaction
- Directly engage one or more of the involved parties
- Get police or other authorities involved
- Tell someone else and get help
- Ask someone in a potentially dangerous situation if he/she is okay and/or wants to leave
- Make sure he/she gets home safely
- Remind a potential perpetrator that incapacitated people can't give consent
- Help remove someone from the situation
- Provide options and a listening ear

Bystander Intervention: Teal Dot

CMC offers students the opportunity to participate in Teal Dot training. The Teal Dot program originated from another, nationally known violence prevention training program, Green Dot, a program that originated at the University of Kentucky. Teal Dot focuses on bystander intervention training to help individuals and the community address conditions that facilitate violence. The Residential Life staff and the Title IX Office are working on new programming and training for students who have completed Teal Dot training. These trainings are offered to students who want to further the conversation and learn additional tools that will help them intervene when they see signs of violence.

There are a variety of in-person educational sessions customized to specific groups and more general sessions for our general campus community. New programming is in development for ongoing training for upper class students, one of these programs is Teal Dot 2.0 created and developed by our Residential Life staff and students. Other programs consist of social media campaigns promoting sex positivity, lunch discussions discussing a positive consent culture, workshops on empowering students through recognizing their agency, discussions on disclosing STI health, and programming about healing and sex after trauma.

The web-based program that is required for first year students incorporates a module of bystander intervention. In the module, first-year students learn about approaches to intervene when they are concerned that someone may need assistance. The module gives several different options, 1) distract, 2) delegate, or 3) direct. The module allows students to determine what approach may be more appropriate for them, while making sure they understand the importance of doing something, rather than nothing.

CMC's Chief Diversity Officer and Title IX Coordinator are responsible for ongoing development and administration of CMC's various training programs related to this Policy. These trainings include, but are not limited to: annual training for Responsible Employees to remind them of their role and responsibility as a Responsible Employee, reviewing CMC's policies and procedures for responding to reports of sexual violence, and reviewing the care and support resources as well as reporting options available to students. CMC officials involved in the administration of CMC's Civil Rights Policies and Grievance Procedures (including the Chief Diversity Officer, Title IX Coordinator, Investigators, and Community Representatives) also participate in ongoing training programs as appropriate to the individuals' respective role.

The EmPOWER Center

[The EmPOWER Center](https://www.7csupportandprevention.com/)²⁸ formally opened in late fall of 2015 and is the Sexual Assault Prevention and Support Center of The Claremont Colleges. Directed by Rima Shah, The EmPOWER 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 works closely with students and collaboratively with each of the seven institutions to support well-integrated educational programs, and provide holistic and confidential support to students impacted by sexual violence, dating/domestic violence, or stalking. In addition to these services, free and confidential counseling services are offered through the center in collaboration with the Lavender Healing Collective.

Other Programs and Campaigns

Additional education and prevention programs are offered periodically during the year, including speakers and talks sponsored by CMC departments as well as student groups. Student groups such as the CMC Advocates have worked with the Dean of Students staff and Title IX Office to create a week of education

²⁸ <https://www.7csupportandprevention.com/>

and prevention workshops. These programs are offered to provide information on risk reduction and help to empower the community with options to address conditions that facilitate violence.

CMC Peer Advocates Events

During the semester, the CMC Peer Advocates continued programming for students that included Meet the Advocates event, during which the Advocates were available to meet CMC students, play get to know you games, and answer questions about the Advocates and CMC Title IX policies. The Advocates also hosted a series of Sex Week sessions that included speakers and events catered toward consent healthy relationships, survivorship, and intersectionality.

Risk Reduction

In order to increase the empowerment of those who may be at risk, the College promotes safety and supportive measures that may help individual and communities address conditions that may facilitate violence. These individual preventive measures are risk reduction behaviors designed to decrease perpetration and bystander inaction and to increase empowerment for those who may be at risk. Examples consists of establishing agreement that if you are separated from your friends at a social event that you will periodically check in with each other in person or text message. Groups could also agree not to leave an event until everyone is accounted for in the party in order to leave together. Also, student leadership has helped promote that people should not attempt to intimately engage with someone who may have over-consumed alcohol or other substances. Further, students are encouraged to consider strategies for safety and accountability when planning activities or attending events with friends and if students become uncomfortable with a situation or the people involved, they are encouraged to trust their instincts and take action or get help to increase a sense of safety and empowerment. Risk reduction programming and dialogue are provided throughout the year to new incoming students and current students. New employees also take an online training related to risk reduction and thereafter every two years.

Claremont-Mudd-Scripps Athletics

The NCAA Sexual Violence Prevention Policy requires schools to focus on sexual violence prevention each year by having each institution's president, director of athletics and Title IX coordinator attest that:

1. The athletics department is fully knowledgeable about, integrated with, and compliant with institutional policies and processes regarding sexual violence prevention and adjudication and resolution of acts of sexual violence.
2. The institutional policies and processes regarding sexual violence prevention and adjudication, and the name and contact information for the campus Title IX coordinator, are readily available within the athletics department and are provided to student-athletes.
3. All student-athletes, coaches, and staff have been educated on sexual violence prevention, intervention, and response, to the extent allowable by state law and collective bargaining agreements.
4. All incoming, continuing, and transfer student-athletes have completed an annual disclosure related to their conduct that resulted in discipline through a Title IX proceeding or in a criminal conviction for sexual, interpersonal, or other acts of violence. Transfer student-athletes must also disclose whether a Title IX proceeding was incomplete at the time of transfer.
5. Institutions have taken reasonable steps to confirm whether incoming, continuing and transfer student-athletes have been disciplined through a Title IX proceeding or criminally convicted of sexual, interpersonal, or other acts of violence. In a manner consistent with federal and state law, all NCAA member institutions must share relevant discipline information and incomplete Title IX proceedings as a result of transfer with other member institutions when a student-athlete attempts to enroll in a new college or university.

6. An institution choosing to recruit an incoming student-athlete or accept a transfer student-athlete must have a written procedure that directs its staff to gather information that reasonably yields information from the former institution(s) to put the recruiting institutional leadership on notice that the student left the institution with an incomplete Title IX proceeding, was disciplined through a Title IX proceeding or has a criminal conviction for sexual, interpersonal or other acts of violence.
7. CMS Athletics created programming around education concerning Title IX and sexual assault prevention. The three different programs available for athletics include: Teal Dot training, Title IX Jeopardy, and a Title IX workshop led by Jonathan Wicks, Equity and Social Change Manager at YWCA San Gabriel Valley.

CMS met these obligations in the 2023-2024 academic year:

1. Requiring coaches and staff to complete virtual training through the U.S. Center for SafeSport, an independent nonprofit committed to building a sports community where participants can work and learn together free of emotional, physical, and sexual abuse and misconduct.
2. In team sessions, student-athletes engaged in one of three rotating educational programs: Title IX Jeopardy, which covers Title IX policies and procedures; a workshop on fostering healthy relationships; or Teal Dot, which provides active bystander training. Those unable to attend these sessions were required to complete alternative in-person training organized by the Title IX office or other campus partners.
3. Sharing all campus policies, procedures, and contact information for all Title IX coordinators and resources with student-athletes, coaches, and staff via email and the CMS website.
4. All incoming, continuing, and transfer student-athletes completed an annual disclosure related to their conduct that resulted in discipline through a Title IX proceeding or in a criminal conviction for sexual, interpersonal, or other acts of violence.
5. Contacting the institutions previously attended by all incoming transfer student-athletes to verify if they had been disciplined through a Title IX proceeding or criminally convicted of sexual, interpersonal, or other acts of violence.
6. Maintaining procedures that outline how the department will follow the NCAA Sexual Violence Prevention Policy, and what actions will be taken based on the information gathered.

HEDS Sexual Assault Climate Survey Discussion

The Title IX Office and Institutional Research hosted a discussion with student panelists to review survey results. The HEDS Survey is taken by the community every 3 years. The Title IX Office analyzes the data to create programming and procedures that better serve the community. Resources on campus are discussed along with ideas for future programs, events, and ways to be involved on campus on these issues.

Restorative Yoga Workshops

The EmPOWER Center hosts different yoga sessions (two for students and one for employees) focused on healing for survivors of sexual assault.

Let's Talk About It Discussion

EmPOWER collaborates with House of Ruth to host a bi-weekly discussion series on topics related to healthy relationships, including setting boundaries, conflict resolution, hookup culture, and more.

Healthy Masculinity Initiative

The Initiative engages the consortium community in conversations around healthy masculinity and rape culture. Programs include Masculinity Monday discussions, Instagram Live events, workshops for athletic teams and coaches, etc.

Healthy Relationship Workshops

The Title IX Office provided students with a space to discuss “green”, “yellow” and “red” flags in romantic relationships. Green flags would indicate healthy behaviors in a relationship that were respectful and brought the other person happiness. Yellow flags would indicate some concern in a relationship. Red flags would indicate concerning behaviors in a relationship that would bring stress, dishonesty, and other unhealthy indicators. Discussion would then center on how to assert boundaries in a relationship and make sure it would be a healthy relationship and how to make sure students felt confident and happy in their relationship. Students would also be reminded of Title IX resources if they or someone they knew were in an unhealthy relationship. Another event was also hosted with the CMC Advocates to further the discussion about healthy relationships.

The Title IX Office also started a series called, “Dating on a College Campus for ____”. Each program targets a specific group on campus and how they navigate dating on campus and the different challenges they may face as being part of that group. For example, the Title IX Office has training for dating on a college campus for: women of color, queer students of color, student athletes, and LGBTQ+ students.

Title IX Jeopardy

The Title IX Office put on an interactive program where students would participate in Title IX Jeopardy game to test their knowledge on Title IX policy and resources. For each question the Title IX Office would go over the questions and address any questions or comments that students may have. The student that would win the most points would be rewarded with a prize.

Forensic Medical Exam Awareness

The Title IX Office in collaboration with the local rape crisis center and forensic nurse medical group provided students, faculty and staff with a program to discuss the importance of forensic medical exams after a sexual assault. The program discussed what forensic exams look like, how to access one, the preventative medicine the exam provides. The program also provided for a networking opportunity between the Student Health Center and the local rape crisis center in order to better support student survivors of sexual assault who frequently access the Student Health Center for support after a sexual assault.

Sexual Assault Awareness Month (SAAM) Programming

EmPOWER collaborates closely with student organizations, Advocates for Survivors of Sexual Assault, student leaders, campus departments, and community agencies to implement programs in recognition of SAAM. Events include training sessions, film screenings, survivor support workshops, and Take Back the Night.

There are a variety of virtual and in-person educational sessions customized to specific groups and more general sessions for our general campus community. New programming is in development for ongoing training for upper class students, one of these programs is Teal Dot 2.0 created and developed by our Residential Life staff and students. Other programs consist of speakers at the Athenaeum to discuss sex positivity and social isolation, social media campaigns promoting sex positivity, lunch discussions discussing a positive consent culture, workshops on empowering students through recognizing their agency, discussions on disclosing STI health, and programming about healing and sex after trauma.

CMC’s Chief Diversity Officer and Title IX Coordinator are responsible for ongoing development and administration of CMC’s various training programs related to this Policy. These trainings include, but are not limited to annual training for Responsible Employees to remind them of their role and responsibility as a Responsible Employee, reviewing CMC’s policies and procedures for responding to reports of sexual

violence, and reviewing the care and support resources as well as reporting options available to students. CMC officials involved in the administration of CMC's Civil Rights Policies and Grievance Procedures (including the Chief Diversity Officer, Title IX Coordinator, Investigators, and Community Representatives) also participate in ongoing training programs as appropriate to the individual's respective role.

Definitions

CMC has adopted definitions that are consistent with existing California law and the Violence Against Women Act (VAWA). CMC prohibits the below-described conduct and incorporates these definitions into the trainings described above.

Dating Violence

The definition of dating violence from VAWA is defined as violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For the purposes of this definition, Dating Violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of domestic violence.

CMC defines "Dating Violence" as violence (including the use of Force or threat of the use of force) committed by a person who is or has been in a social relationship of a romantic or intimate nature with the person subjected to such violence. Where the existence of such a relationship shall be determined based on a consideration of the following factors:

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

Emotional and psychological abuse do not constitute violence for the purpose of this definition.

The state of California does not define "dating violence."

Domestic Violence

VAWA defines domestic violence as a felony or misdemeanor crime of violence committed—A) By current or former spouse or intimate partner of the victim; B) By a Person with whom the victim shares a child in common; C) By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner; D) By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or E) 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 in which the crime of violence occurred.

California defines domestic violence as 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.

CMC defines domestic violence as a violence (including the use of force or the threat of the use of force) committed by a person who: (1) is a current or former spouse or intimate partner of the Complainant under the family or domestic violence laws of the State of California or a person similarly situated to a spouse of the victim; (2) is cohabitating, or has cohabitated, with the Complainant as a spouse or intimate partner; (3) shares a child in common with the Complainant or ; (4) commits acts against youth or adult Complainant who is protected from those acts under the family or domestic violence laws of the State of California. Emotional and psychological abuse do not constitute violence for the purposes of this definition.

Sexual Assault

VAWA defines sexual assault as an offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI's Uniform Crime Reporting (UCR) program. Per the National Incident-Based Reporting System User Manual from the FBI UCR Program, a sex offense is "any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent."

California defines sexual battery as harmful or offensive touching of a person's intimate areas, while she or he is restrained, institutionalized, or unconscious, for sexual gratification. This is defined under California Penal Code 243.4 and sometimes referred to as sexual assault.

CMC defines sexual assault as Sexual Assault is any sexual act directed against an individual, without the consent of that individual, including instances where the individual is incapable of giving consent. Affirmative Consent is required. This type of conduct is not eligible for mediation as a form of Agreement-Based Resolution under this Policy.

For these definitions, a Sexual Act is defined as conduct between persons consisting of:

- Contact between the penis and the vulva, or between penises and vulvas;
- Contact between the penis and the anus;
- Contact between the mouth and the penis;
- Contact between the mouth and the vulva;
- Contact between the mouth and anus;
- Contact between anuses; or,
- Contact involving any of the above with the buttocks or breasts.

For the purposes of the definition of fondling, private body parts include all of the body parts specified above, including genitals, groin area, breasts and buttocks.

Sexual Assault includes:

- Rape—The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim. In California, Affirmative Consent is required. Attempted Rape falls under this prohibition.
- Fondling—The touching of the private body parts of another for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental incapacity. Affirmative Consent is required.
- Incest—Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- Statutory Rape—Sexual intercourse with a person who is under the statutory age of consent. In California the statutory age of consent is 18.

Stalking

VAWA defines stalking as engaging in a course of conduct directed at a specific person that would cause a reasonable person to— a) fear for the person’s safety or the safety of others; or b) suffer substantial emotional distress. For the purpose of this definition:

- Course of conduct means two or more acts, including, but not limited to, acts which the stalker directly, indirectly, or through third parties, by any action, method, device, or means follows, monitors, observes, surveils, threatens, or communicates to or about, a person, or interferes with a person’s property.
- Reasonable person means a reasonable person under similar circumstances and with similar identities to the Complainant.
- Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

California defines stalking in the California Penal Code as any person who willfully, maliciously, and repeatedly follows or willfully and maliciously harasses another person and who makes a credible threat with the intent to place that person in reasonable fear for his or her safety, or the safety of his or her immediate family.

CMC defines stalking as engaging in a course of conduct directed at a specific person based on a Protected Status that would cause a reasonable person under similar circumstances and with similar identities to the targeted person to (1) fear for the person’s safety or the safety of others; or (2) suffer substantial emotional distress.

A “course of conduct” means two or more acts; acts are broadly defined to. Include conduct that is direct =, indirect, or through third Parties, by any action, method, device or means, which involves following, monitoring, observing, surveilling, threatening, or otherwise communicating to or about, or interfering with the property of, the targeted person.

“Substantial emotional distress” means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

Stalking includes, but is not limited to:

- Non-consensual communication, including face-to-face communication, telephone calls, voice messages, e-mails, texts, letters, notes, gifts, or any other communications that are undesired and place another person in fear;
- Using Global Positioning Systems (GPS) to monitor a Complainant;
- Pursuing, following, waiting, or showing up uninvited at or near a residence, workplace, classroom, or other places frequented by the Complainant;
- Surveillance or other types of observation, including staring or “peeping”;
- Trespassing;
- Vandalism;
- Non-consensual touching;
- Verbal or physical threats;
- Gathering information about an individual from friends, family, or co-workers;
- Threats to harm self or others;
- Lying to others about the Complainant; or
- Cyber-stalking, including but not limited to, the use of online, electronic, or digital technologies, including:

- Unauthorized posting of pictures, messages, or information about the Complainant on websites, Internet sites, social networking sites, or bulletin boards or in chat rooms;
- Sending unwanted/unsolicited email, texts, or talk requests; or
- Posting private or public messages on Internet sites, social networking sites, or bulletin boards.

Affirmative Consent

California law defines affirmative consent as affirmative, conscious, and voluntary agreement to engage in sexual activity. It is the responsibility of each person involved in the sexual activity to ensure that he or she has the affirmative consent of the other or others to engage in the sexual activity. Lack of protest or resistance does not mean consent, nor does silence mean consent. Affirmative consent must be ongoing throughout a sexual activity and can be revoked at any time. The existence of a dating relationship between the persons involved, or the fact of past sexual relations between them, should never by itself be assumed to be an indicator of consent.

CMC defines affirmative consent as an affirmative, conscious, and voluntary agreement to engage in sexual activity. It is the responsibility of each person involved in the sexual activity to ensure that they have the Affirmative Consent of the other or others to engage in the sexual activity. Affirmative Consent must be ongoing throughout a sexual activity and can be revoked or withdrawn at any time.

- Lack of protest or resistance does not mean consent.
- Silence does not mean consent.
- The existence of a dating relationship between the persons involved, or the fact of past sexual relations between them, should never by itself be assumed to be an indicator of consent.

It shall not be a valid excuse that the Respondent believed that the Complainant Affirmatively Consented to the sexual activity if the Respondent knew, or reasonably should have known, that the Complainant was unable to consent to the sexual activity under any of the following circumstances:

- The Complainant was asleep or unconscious.
- The Complainant was incapacitated, as defined below, 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.

The Complainant was unable to communicate due to a mental or physical condition.

In addition, it shall not be a valid excuse to alleged lack of affirmative consent that the Respondent believed that the Complainant consented to the sexual activity under either of the following circumstances:

- The Respondent's belief in Affirmative Consent arose from the intoxication or recklessness of the Respondent. A Respondent's own intoxication or incapacitation from drugs or alcohol does not diminish that person's responsibility to obtain Affirmative Consent before engaging in sexual activity.
- The Respondent did not take reasonable steps, in the circumstances known to the Respondent at the time, to ascertain whether the Complainant Affirmatively Consented.

Affirmative Consent cannot be given if any of the following are present: Incapacitation, force, or coercion. Consent may not be given by an individual who has not reached the legal age of consent under applicable law, which is the age of 18 in California.

Role of the Chief Diversity Officer and Title IX Coordinator

The Chief Civil Rights Officer and Title IX Coordinator are the designated personnel responsible for overseeing CMC's compliance with Title IX. The Coordinator also monitors the CMC's Grievance Procedures and ensuring the process is fair and neutral. The Coordinator can be contacted by telephone, email, or in person during regular office hours.

Chief Diversity Officer

Nyree Gray, Vice President for Human Resources and Chief Diversity Officer
Heggblade Center, Second Floor
400 East Ninth Street
Claremont, CA 91711
(909) 607-0347
ngray@cmc.edu

Title IX Coordinator

Joanna Rosas, Title IX Coordinator
Athenaeum, Second Floor
385 East Eighth Street
Claremont, CA 91711
(909) 607-3830
jrosas@cmc.edu

Complainant and Respondent Resources at CMC and in the Community

There are many resources available to both the Complainant and Respondent. These resources, and other supportive measures described in this Report, are available even if the Complainant chooses not to pursue a disciplinary or criminal case against an alleged Respondent.

Medical Assistance (including Evidence Collection and Confidentiality)

Individuals are encouraged to seek medical attention immediately following an incident of sexual misconduct to assess and treat any injuries, screen for pregnancy and sexually transmitted infections, and to properly collect and preserve evidence, if the patient consents to do so.

Where possible, an individual who has experienced sexual assault and is in need of medical assistance or would like to get a Sexual Assault Response Team (SART) exam should first contact the police or local law enforcement where the incident occurred in order to get instructions as to where to go for care and evidence collection.

If the incident occurs in Claremont, the Claremont Police Department is the local law enforcement and Pomona Valley Hospital Medical Center is the designated SART for this geographic area. Filing a police report is not required in order to complete the SART exam ("rape kit").

The Claremont Police Department

Emergencies: **Dial 9-1-1**

Non-Emergencies: (909) 399-5411

570 West Bonita Avenue

Claremont, CA 91711

Lobby Hours: 7:00 a.m. - 10:00 p.m., 7 days a week

Pomona Valley Hospital Medical Center
1798 North Garey Avenue
Pomona, CA 91767
909-865-9500 Phone
909-865-9600 Emergency Room

For students in the Silicon Valley Program, resources include:

Redwood City Police Department

Emergencies: **Dial 9-1-1**

Non-Emergencies: (650) 780-7100

1301 Maple Street

Redwood City, CA 94063

Lobby Hours: 8:00 a.m. – 5:30 p.m., Monday through Friday

[Keller Center for Family Violence Intervention](#)²⁹

222 West 39th Avenue

First Floor

San Mateo, CA 94403

(650) 573-2623

For students in the Washington D.C. Program, resources include:

[MedStar Washington Hospital Center](#)³⁰

110 Irving Street, NW

Washington D.C. 20010

(855) 546-1974

The disclosure of private information contained in medical records is protected by the Health Insurance Portability and Accountability Act (HIPAA). In the context of sexual violence, however, medical providers in California, including on-campus medical providers, are required to notify law enforcement if a patient tells medical personnel that they have experienced sexual violence. The patient has the right to request that a survivor advocate be present with them when they speak with the police and to request that criminal charges not be pursued. Neither on- nor off-campus medical providers will notify CMC of such a report.

Student Health Services at The Claremont Colleges

Student Health Services can provide after-incident and follow-up medical care; however, it is not an authorized SART location, and it is not equipped to collect forensic evidence. As with off-campus medical personnel, Student Health Services staff members are required by state law to notify law enforcement if a patient tells them that they have experienced a sexual assault.

These services can be found at Tranquada Student Services Center, 757 College Way, 1st Floor, Claremont, CA 91711. The phone number is 909-621-8222 (or after-hours emergency number at 909-607-2000).

For students in the Silicon Valley Program, resources include:

[Keller Center for Family Violence Intervention](#)

222 West 39th Avenue

²⁹ <http://www.smchealth.org/general-information/family-violence-services>

³⁰ <https://www.medstarwashington.org/#q={>

First Floor
San Mateo, CA 94403
(650) 573-2623

The Keller Center helps survivors of sexual assault and domestic violence. They provide medical, emotional, social, and legal care and support. They offer comprehensive services including emergency medical treatment, medical exams, forensic exams, child interview specialists, safety plans and patient follow-up, and expert witness in court cases.

Mental Health & Counseling

The following on-campus counseling and clergy resources provide strict confidentiality protections and are available to provide care and support. With the exception of the EAP resources, these counselors and chaplains can also provide information about pursuing a formal complaint with CMC or law enforcement.

Monsour Counseling and Psychological Services (for students without charge)
Tranquada Student Services Center
1st floor
757 College Way
Claremont, CA 91711
909-621-8202
909-607-2000 (after-hours emergency)

McAlister Center Chaplains (for students without charge)
McAlister Center for Religious Activities
919 North Columbia Avenue
Claremont, CA 91711
909-621-8685

Empower Center (for students without charge)
1030 N. Dartmouth Ave.
Claremont, CA 91711
909-623-1619

Employee Assistance Program (EAP)

Confidential advice and counseling is available to faculty and staff at no cost through the EAP. Employees and their legal spouses, domestic partners, and eligible dependents receive up to five (5) counseling sessions with a licensed/certified therapist by phone or in-person, per family member, per issue, each calendar year. Access to the EAP is available 24/7 year-round.

800-234-5465

www.liveandworkwell.com

Access Code: claremontcolleges

For students in the Washington DC Program, confidential counseling resources are available. Contact information will be provided upon request by the Director of the Washington DC program. The Director can be reached at (202) 607-0749.

Complainant Advocacy

There are many care and support resources available to individuals in the local community that provide strict confidentiality. All individuals are encouraged to use the resources that are best suited to their needs, whether on- or off-campus. Details can be found in the [Civil Rights Policy](#)³¹.

Assistance can also be found on the [7C Violence Prevention and Advocacy website](#)³².

Legal Assistance

Depending on what type of legal aid is desired, the Title IX Coordinator can assist in finding [low-cost legal assistance near Claremont](#)³³.

Visa/Immigration Assistance

Taivna Mills (F-1 visas)

Dean of Students Office, Heggblade Center

(909) 607-3830

tmills@cmc.edu

Supportive Measures

In response to all reports of an alleged violation of Prohibited Conduct under the Civil Rights Guide, CMC may offer Accommodations as are necessary to support and protect the health and safety of the parties and the safety of the CMC community (or any of its individual members) pending the outcome of the Grievance Process. In order to access supportive measures, a person should contact the Title IX Coordinator, via phone, email, or in person.

Supportive measures 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 the Grievance Process. Examples of such accommodations include:

- Housing assistance for Complainant or Respondent, such as: changes to on-campus housing, on-campus relocation, assistance with dissolving a housing contract in accordance with housing policies;
- Academic assistance such as: providing alternative course completion options; dropping a course without penalty, or transferring to a different class section;
- Rescheduling of exams and assignments (in conjunction with appropriate faculty);
- Assistance in accessing academic counseling or support services (e.g., tutoring);
- Protective/No-Contact Orders;
- Assistance in seeking relevant information on immigration, Visa, or financial aid status;
- Appropriate changes in work or class schedules;
- Providing an escort to ensure safe movement on campus;
- Assistance in modifying assigned parking;
- Assistance in arranging temporary transportation concerns;
- Facilitating a voluntary leave of absence; and,
- Other reasonable accommodations as the Title IX Coordinator determines are appropriate.

³¹ <https://catalog.claremontmckenna.edu/content.php?catoid=39&navoid=8135>

³² <https://www.7csupportandprevention.com/>

³³ <https://www.justia.com/lawyers/california/claremont/legal-aid-and-pro-bono-services>

The Title IX Coordinator will determine what measures to take and will comply with reasonable request for living and academic changes following a report made to the Title IX Office. The Title IX Coordinator will coordinate the implementation of any appropriate accommodations as follows:

- Academic Accommodations will be coordinated with the Registrar’s Office and the Academic Standards Committee.
- Housing/Student Activities-related Accommodations will be coordinated with the Dean of the Students.
- Financial Accommodations will be coordinated directly through the Treasurer.

The supportive measures mentioned are provided to students in writing through pamphlets that are given to students when they meet with the Title IX Office and via emails when the student requests support or they start a formal or informal process. CMC will keep supportive measures or protective measures provided to the parties confidential, to the extent that maintaining such confidentiality would not impair the ability of the institution to provide the accommodations. The Title IX Coordinator will determine what information needs to be disclosed in order to uphold the accommodations or protective measures. The Title IX Coordinator will only share to the respective office what is deemed necessary so the accommodations can be upheld.

Privacy and Confidentiality

While the words "confidentiality" and "privacy" are often used interchangeably in our daily lives, they mean different things under the law and CMC’s Policy.

Privacy generally refers to an individual’s freedom from intrusion into one’s personal matters and personal information. In contrast, in a legal setting, confidentiality most commonly refers to situations in which an individual may disclose personal information with a legally-protected third party, such as an attorney, physician, therapist, or chaplain, with the understanding that such third party **may not reveal** such information **to anyone else without** the individual’s **express permission** (unless there is an imminent threat of harm to the individual or others). This is legally-protected confidentiality.

In addition to legally-protected confidentiality, there is also the concept of confidentiality based on policy or procedure. Confidentiality based on policy or procedure (“organizational confidentiality”) generally refers to organizational settings in which an individual provides “private” information to an organization with the understanding that:

- Such information may be shared **within** the organization among those who have a reasonable “need to know;”
- Those within the organization who receive such information are trained in the expectation of privacy of such information; and,
- The organization will not disclose the information to third parties without: i) the express consent of the individual; or, ii) in response to legally-binding request to disclose, such as a lawfully issued subpoena of in order to assist in the active review, investigation or resolution of the report. This could include a subpoena by a criminal or civil court for the records of the CMC’s Grievance proceedings.

CMC proceedings are conducted in compliance with the requirements of the Family Education Rights and Privacy Act (FERPA), the Clery Act, Title IX Violence Against Women Act (VAWA), state and local law and CMC policy. No information shall be released from such proceedings except as required or permitted by law and CMC policy.

Individuals and Resources that Provide Legally-Protected Confidentiality

CMC wants to ensure that all members of the community, including particularly those who may have suffered discrimination or harassment, aware of the following resources that provide legally-protected confidentiality. The following individuals and resources *may not reveal* private information provided to them by an individual *to anyone else without* the individual's *express permission* (unless there is an imminent threat of harm to the individual or others or the report involves abuse to a minor).

- Crisis counselors;
- Hotlines;
- Licensed mental health counselors;
- Chaplains and other ordained clergy;
- Attorneys; and
- Physicians (subject to sexual violence exception discussed below)

It is important to emphasize that these legally-protected confidentiality provisions apply whether or not the individual is a representative or employee of CMC. Thus, licensed counselors at Monsour Counseling Center or Chaplains at the McAllister Center provide the same level of confidentiality as licensed counselors and clergy unaffiliated with The Claremont Colleges.

As a result, anyone who speaks to any of these resources should understand that these communications do not represent a report to CMC or to a Responsible Employee (see below) within this Policy because these resources will not tell CMC what you reported without your permission. This also means that CMC will be unable to conduct an investigation into the particular incident, pursue disciplinary action against the Respondent, or offer accommodations or apply interim measures.

Please also note, however, that a Complainant who first approaches a licensed counselor or chaplain may later decide to request that CMC activate the Grievance Process or report the incident to law enforcement, and thus have the incident fully investigated. These counselors and chaplains can provide assistance with these steps.

Exception for Sexual Violence: A report of sexual violence to a California medical provider, including on-campus medical providers, triggers a requirement to notify law enforcement of the disclosure.

Timely Warnings and Confidentiality

The Clery Act requires CMC to issue Timely Warnings to the CMC community about certain crimes that have been reported and may continue to pose a serious or continuing threat to the CMC community. The Timely Warning will not include any identifying information about the Complainant.

At no time will the CMC release the name of the Complainant to the general public without the express consent of the Complainant. The release of the Respondent's name to the general public is guided by Family Educational Rights and Privacy Act (FERPA) and the Clery Act.

Mandatory Reporting as Required by Law

In sexual misconduct cases, when there is clear and imminent danger or risk to the individual or the community, when a weapon was involved with the incident, when the alleged conduct involves sexual misconduct and the individual is a minor (under the age of 18), CMC is required under California Education Code Section 67380(a)(6) to disclose the complaint to local law enforcement. The Complainant may choose to withhold their personally identifying information. If the Complainant chooses to withhold their information, the Respondent's identity will not be revealed unless the Respondent represents a serious or

ongoing threat to the safety of students, employees, or CMC, or law enforcement's assistance is needed in detaining the Respondent. In these circumstances, CMC's decision to report an incident to law enforcement will be shared with the individual. CMC will also comply with such mandatory reporting obligations as soon as it reasonably can after receiving notice of the alleged incident.

Procedures CMC Will Follow When a Crime/Prohibited Conduct is Reported

CMC strongly encourages all individuals who are the subject of potential discrimination, harassment, hate crimes, sexual misconduct or other civil rights-related misconduct to pursue all remedies available to them, including pursuing a civil case or reporting incidents of potential criminal conduct to law enforcement. Reports, inquiries or complaints can be made to internal or external agencies (or both).

To promote timely and effective review, CMC strongly encourages individuals who have experienced or who have knowledge of a possible violation of any civil rights related policies to make reports as soon as possible following an incident. They may report the information to the Title IX Coordinator who can assist them in determining other resources and reporting options available to them on or off campus. A delay in reporting may impact CMC's ability to gather relevant and reliable information. CMC does not, however, limit the time frame for reporting alleged violations under this Policy. To the extent possible and consistent with the provisions of this Policy, CMC will take prompt and appropriate action in response to all reports in order to end the conduct, prevent its recurrence, and address its effects regardless of when the alleged conduct occurred.

If the Respondent is not a member of the CMC community, or is no longer a member of the CMC Community, CMC will still seek to meet its commitment and obligation to end any discrimination or harassment, prevent its recurrence, and address its effects. However, CMC's ability to take disciplinary or other remedial action against the Respondent will be limited. If the Respondent is a staff member, faculty member, or student and leaves CMC with a pending complaint, the Respondent will not be permitted to return to CMC until the complaint is resolved pursuant to the Grievance Process.

Depending on the crime reported, the Complainant maybe directed immediately to Campus Safety, the Claremont Police Department, or Medical Assistance.

Reporting Options: Law Enforcement, CMC, and External Agencies

- Reporting Sexual Misconduct to Law Enforcement
- Reports to CMC - Overview and Contact Information
- Reports Involving Minors or Suspected Child Abuse
- Reports to CMC - Miscellaneous Provisions
- Reporting to External Agencies - OCR, EEOC, and FEHA

CMC also strongly encourages individuals who have experienced potential discrimination, harassment, or sexual misconduct to report the incident to CMC so that CMC can assist these individuals in obtaining access to the support and resources they may need, and so CMC can respond appropriately. External and internal reporting options are not mutually exclusive and may be pursued concurrently.

If an incident of sexual assault, domestic violence, dating violence or stalking occurs it is important to preserve evidence to aid in the possibility of a successful criminal prosecution. The Complainant of a sexual assault should not wash, douche, use the toilet, or change clothing prior to a medical exam. Any clothing removed should be placed in a paper bag. Evidence of violence, such as bruising or other visible injuries, following an incident of domestic or dating violence should be documented including through the

preservation of photographic evidence. Evidence of stalking including any communication, such as written notes, voice mail or other electronic communications should be saved and not altered in any way. The Complainant is encouraged to preserve this evidence in writing.

To report an incident of sexual assault, domestic violence, dating violence or stalking, a student can contact the Title IX Coordinator through different avenues. They can call (909) 607-3830, send an email to irosas@cmc.edu or titleix@claremontmckenna.edu, or come to the Title IX office located Claremont Mckenna's campus on the second floor of the Atheneum, room 220.

Providing for the Safety of the Complainant and the Community

CMC's first priority when receiving a report of discrimination, harassment, sexual misconduct, or other conduct prohibited under this Policy is to provide for the safety of the Complainant and the community. As a result, whenever CMC receives a report of potential misconduct under this Policy that indicates an immediate threat to the Complainant or other member of the community, CMC will seek to notify appropriate first responders (medical or law enforcement) as soon as reasonably possible. CMC will also implement any Interim Measures as it determines are necessary and appropriate to provide for the safety of Complainant or the community. A complete discussion of Interim Measures is set forth in the Grievance Procedures.

Procedures Victims of Domestic Violence, Dating, Violence, Sexual Assault or Stalking Should Follow

Complainant have the choice to involve law enforcement and campus authorities. Complainant also have the option to be assisted by campus authorities in notifying law enforcement authorities if a Complainant so chooses. Complainant also have the option to decline to notify such authorities.

The Title IX Office does offer No Contact Orders. In those circumstances, the Complainant and Respondent are to have no contact with one another for a designated time period or until both parties are advised otherwise. In certain circumstances, the Mutual No Contact Orders can include area restrictions, such as residential halls.

Complainant may decide to request a court ordered restraining order or similar lawful orders issued by a criminal, civil, or tribal court. The Complainant can contact the [EmPOWER Center](#)³⁴ or the [Claremont Police Department](#)³⁵ (909-399-5411) for more information on how to obtain restraining orders. CMC will comply with these court orders. The party who obtained the order should notify Claremont Police Department of the restraining order for it to be enforced. The party who obtained the order can notify Campus Security if they need assistance notifying Claremont Police Department.

Evidence Collection

It is important to preserve evidence that may assist in proving that the alleged criminal offense occurred or may be helpful in obtaining a protection order. Therefore, it is important to preserve: clothing, text messages, photographs, or any other evidence that may be associated or useful to proving the alleged conduct occurred.

Physical evidence of a sexual assault must be collected from the Complainant person within 96 hours of the incident, although it may be possible to obtain evidence from towels, sheets, clothes, etc. for much longer periods of time. Individuals who believe they have been sexually assaulted should go to the appropriate SART location based on the location of incident (as described above) before washing their body or changing

³⁴ <https://www.7csupportandprevention.com/>

³⁵ <https://www.ci.claremont.ca.us/government/departments-divisions/police-department>

clothing. A Sexual Assault Nurse Examiner (SANE), a nurse who is specially trained to collect evidence in cases of alleged sexual assault, will be called by the hospital to properly collect and preserve any evidence as well as document any injuries. It is best not to change clothes. However, if clothes have been changed, the clothes worn at the time of the incident should be brought to the SART location in a clean, sanitary container such as a paper grocery bag or wrapped in a clean sheet (plastic containers do not breathe and may render evidence useless). Bring a change of clothing to the hospital, too, as the clothes worn at the time of the incident will likely be kept as evidence. The Title IX Office will provide a pamphlet to those interested in the exam or information about the exam in writing for them to refer to if needed.

Collecting evidence does not obligate an individual to any particular course of action but can assist the authorities should the individual decide to pursue criminal charges immediately or in the future. CMC will assist any CMC community member in seeking medical assistance or reporting an incident to the police. Taxi vouchers are available at Campus Safety and the Dean of Students Office that provide free transportation to local medical centers.

Intake and Assessment with Complainant - Developing a Support and Response Plan

Upon receipt of a report or complaint of potential misconduct under the CMC's Policy, the Chief Diversity Officer or Title IX Coordinator will request a confidential intake and assessment meeting with the Complainant to review the alleged misconduct. This meeting is not intended to serve as an exhaustive investigation interview but rather provides the Chief Diversity Officer or Title IX Coordinator with sufficient contextual information to determine appropriate next steps to support the Complainant and to guide CMC's response. This intake meeting should also not be considered as a discrete event, but rather as the beginning of an interactive process between CMC and the Complainant to develop a comprehensive response plan related to the alleged misconduct that will provide for a fair, neutral, and equitable resolution to the alleged misconduct.

The development of a support and response plan involves two categories of institutional response: i) assistance, accommodations, and other support that are independent of the activation or outcome of the Grievance Process; and ii) evaluation of the complaint to determine whether to activate the Grievance Process, including the consideration of Interim Measures, sanctions, or other remedies that may be appropriate or necessary and that are dependent upon the activation and outcome of the Grievance Process.

The Chief Diversity Officer or Title IX Coordinator will then assess whether there is sufficient information to make a determination as to which institutional response process is appropriate, or whether the Chief Diversity Officer or Title IX Coordinator needs additional information to make the response determination through a "Limited Review." It is important to highlight that the Limited Review process is not part of the Formal Resolution Process. Instead, a Limited Review is used by the Chief Diversity Officer when additional information is necessary to determine which response process is most appropriate.

Upon discovery of an allegation, regardless of whether the offense occurred on or off campus, the student or employee Complainant will receive a written explanation of the student or employee's rights and options, confidentiality, accommodations, Complainant services within the institution and in the community, and an explanation of the procedures for institutional disciplinary action. The Complainant will also receive written explanation of their continued right to make a police report and their right to be assisted by the Title IX Office in making the report and/or their right not to notify the police.

CMC will provide written notification to Complainant about options for available assistance and how to

request changes to academic, living, transportation, and working situations or protective measures. CMC will work to make such accommodations or provide such protective measures if they are reasonably available, regardless of whether the Complainant chooses to report the crime to campus police or local law enforcement. This information is also available in the [Civil Rights Policy](#)³⁶. For those who would like to start a process would have to reach out to the Title IX Coordinator by either calling them at (909)607-3830 or by sending an email to jrosas@cmc.edu or titleix@claremontmckenna.edu.

The Grievance Process

There are two formal grievance processes designed to provide a fair, equitable, and prompt process for investigating and resolving complaints of alleged CMC's Civil Rights and The Claremont Colleges Title IX Sexual Harassment Policy. CMC will make reasonable efforts to ensure that all parties are treated with respect, dignity, and sensitivity throughout the process. The process will be completed within reasonably prompt timeframe designated by CMC policy, from the initial investigation to the final results, including a process that allows for the extension of timeframes for good cause with written notice to the Complainant and the Respondent of the delay and the reason for the delay. The process is conducted consistent with the institution's policies and transparent to all parties; including timely notice of meetings to all parties. CMC will provide timely and equal access to all parties and the appropriate officials to any information that will be used during informal and formal disciplinary meetings and hearings.

The Claremont Colleges Title IX Sexual Harassment Policy

Behavior which does not fall under The Claremont Colleges Title IX Sexual Harassment Policy may be addressed through the CMC Civil Rights Policy. For conduct that did not occur within a TCCs "education program or activity," or occurred before August 14th, 2020, the conduct may be covered under CMC's Civil Rights Policy. This information and the complete policy are available at [The Claremont Colleges Title IX Sexual Harassment Policy](#).³⁷

Supportive Measures

Supportive Measures are designed to restore or preserve equal access to a Complainant's and Respondent's educational program or activity without unreasonably burdening the other party.

The Complainant's Home Institution Title IX Coordinator shall, upon becoming aware of alleged Sexual Harassment, promptly contact the Complainant if their identity is known to discuss the availability of Supportive Measures as well as other rights and options in accordance with the Institution's policies. Supportive Measures shall be offered to the Complainant regardless of whether they wish to file a Formal Complaint. In implementing any Supportive Measures, the Title IX Coordinator shall consider the Complainant's wishes.

The Respondent's Home Institution Title IX Coordinator shall offer Supportive Measures to a Respondent upon notification to the Respondent that there has been a Formal Complaint, or earlier as appropriate if a Respondent is aware of a potential complaint against them.

Supportive Measures provided to a Complainant or Respondent shall remain confidential to the extent that maintaining such confidentiality will not impair the Institution's ability to provide the Supportive Measures. For complaints involving parties from more than one Institution, each party's Home Institution Title IX Coordinator shall promptly notify the other party's Home Institution Title IX Coordinator of any Supportive

³⁶ <https://catalog.claremontmckenna.edu/content.php?catoid=39&navoid=8135>

³⁷ <https://services.claremont.edu/titleix/wp-content/uploads/sites/5/2021/09/TCC-Title-IX-Sex-Harassment-Policy-FINAL-as-of-Sept-30-2021.pdf>

Measures implemented on behalf of a party or witness. This information will not be shared with the other party unless it specifically impacts that party. If there is disagreement about whether information about a specific supportive measure for one party will be shared with the other party, the parties' Home Institution Title IX Coordinators shall confer with the TCC Assistant Vice President for Title IX.

Supportive Measures may include, but are not limited to, the following:

- Counseling;
- Extensions of deadlines or other course-related adjustments, in coordination with the relevant Faculty member;
- Modifications of work or class schedules, in coordination with the relevant Faculty member and/or supervisor;
- Campus escort services;
- Mutual restrictions on contact between the parties;
- Changes in work or housing locations;
- Leaves of absence;
- Increased security and monitoring of certain areas of campus; and,
- Other similar measures determined by the parties' Home Institution Title IX Coordinator(s) based on the specific facts of each case.

Emergency Removal

In certain circumstances, a Respondent's Home Institution may remove a Respondent from an education program or activity before the completion of the Title IX Grievance Process. Such removal will only occur on an emergency basis and will include the consultation of the Complainant's Home Institution. An emergency removal is not equivalent to a determination of responsibility, nor is it a sanction for alleged behavior. The Respondent's Home Institution can pursue an emergency removal of a student and/or employee Respondent before or after the filing of a Formal Complaint.

Emergency removals will occur only after the Respondent's Home Institution determines there is an emergency situation. This determination occurs only after the Respondent's Home Institution has completed the following steps:

- **Completion of an individualized safety and risk analysis.** This analysis will focus on the specific Respondent and the specific circumstances arising from the allegations of Sexual Harassment.
- **Determination that the following three components are present:**
 - *An "immediate threat" justifying emergency removal.* This analysis should focus on the Respondent's propensity, opportunity, and/or ability to effectuate a stated or potential threat. This determination will be fact-specific.
 - *The threat is "to the physical health or safety of any student or other individual."* This may be the Complainant, the Respondent, or any other individual.
 - *And the threat "arises from the allegations of Sexual Harassment."* The emergency situation must specifically arise from the allegations of Sexual Harassment.
- **Consideration of the appropriateness of Supportive Measures in lieu of an emergency removal.** Emergency removals should only occur when there are genuine and demonstrated emergency situations.
- **Providing the Respondent with notice and an immediate opportunity to challenge the emergency removal.** The Respondent's Home Institution will provide the Respondent with a sufficiently detailed notice, notifying the Respondent of the identified emergency threat of physical safety or harm. The Respondent is not entitled to a full evidentiary hearing (as set forth in Section IX.D.) to challenge an emergency removal.

Title IX Grievance Process

The Title IX Grievance Process is initiated upon the receipt of a Formal Complaint. Complainants are only able to file a Formal Complaint under this Policy if they are currently participating in, or attempting to participate in, the Education Programs or Activities of TCC within the United States, including as an employee.

If a Complainant does not wish to make a Formal Complaint, the Title IX Coordinator may determine a Formal Complaint is necessary. In these circumstances, the Title IX Coordinator will inform the Complainant of this decision in writing. The correspondence will include notice that the Complainant need not participate in the process further, but will receive all notices issued under this Policy and Title IX Grievance Process.

Nothing in the Title IX Policy prevents a Complainant from seeking the assistance of state or local law enforcement alongside the appropriate on-campus process.

Throughout the Title IX Grievance Process, the Complainant's and Respondent's Home Institution Title IX Coordinators, as well as the TCC Assistant Vice President for Title IX, will work closely and cooperatively together. They will maintain open communication during all phases of the Title IX Grievance Process, including the investigation, hearing, and appeal stages.

TCC does not make determinations of responsibility prior to the completion of the Title IX Grievance Process. All evidence gathered will be objectively evaluated. This includes both inculpatory and exculpatory evidence. Credibility determinations will not be made based solely on a person's status as a Complainant, Respondent, or witness. Respondents are presumed not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the Title IX Grievance Process.

It is the obligation of TCC to ensure sufficient evidence has been gathered to reach a determination of responsibility.

General Information

TCC will utilize a "Preponderance of the Evidence" standard in evaluating all allegations of Sexual Harassment (as defined by this Policy). "Preponderance of the Evidence" means the evidence on one side outweighs, or is more than, the evidence on the other side. This is a qualitative, not a quantitative, standard.

Initial Meetings

A Complainant may meet with their Home Institution's Title IX Coordinator for the purposes of discussing their reporting options, Supportive Measures, etc. Below is a summary of the topics the Complainant's Home Institution's Title IX Coordinator will address during initial meetings with the Complainant:

- Assistance with care and support resources, medical providers, and law enforcement;
- Supportive Measures;
- Procedures for determining next steps and appropriate resolution process; and,
- Options for participating in an Alternative Resolution or Title IX Grievance Process.

The Title IX Grievance Process is initiated upon receipt of a Formal Complaint.

Intake Process

Upon receipt of such a Formal Complaint, the Complainant's Home Institution's Title IX Coordinator will engage in the Intake Process, in which they meet with the Complainant, gather preliminary information about the allegation(s), and write the information gathered in an Intake Report. The Intake Process might take place during the Title IX Coordinator's initial meeting with the Complainant, or it might take place during a subsequent meeting. The Intake Process commences when a Complainant has decided to make a Formal

Complaint, and/or when the Institution has been provided sufficient information to proceed with a complaint signed by the Title IX Coordinator.

The Intake Process is not intended to serve as an exhaustive interview, but rather to provide TCC with sufficient contextual information to determine the appropriate next steps to support the Complainant and to guide TCC's response.

The Complainant's Home Institution's Title IX Coordinator will send a copy of the Formal Complaint and Intake Report to the Respondent's Home Institution's Title IX Coordinator and the TCC Assistant Vice President for Title IX.

The Complainant's and Respondent's Home Institution Title IX Coordinators will jointly make an initial determination of whether the Title IX Grievance Process is applicable to the Formal Complaint, as outlined in Section IX.B., below.

Timing

Absent extensions for good cause, the entire Title IX Grievance Process should be completed within 90 to 100 business days from the issuance of the Notice of Allegations to the Respondent(s), which shall occur upon initiation of the Title IX Grievance Process. This includes the investigation, hearing, and any appeal process. A thorough investigation and/or procedurally proper hearing and appeal may necessitate one or more extensions for good cause. Extension requests will be evaluated and denied or granted by the TCC Assistant Vice President for Title IX. The TCC Assistant Vice President for Title IX will provide notice to both parties of any timeline extensions.

Failure to complete the Title IX Grievance Process within this time period does not, in and of itself, constitute a procedural error. Any such argument of procedural error (as set forth in Section IX.F.) must also include an explanation as to how the delays materially impacted the outcome of the Title IX Grievance Process.

Concurrent Criminal Investigations

On occasion, a criminal investigation may be initiated by a law enforcement agency over the same allegations that are reported in a Formal Complaint submitted to TCC. A pending police investigation is a separate investigation and it does not relieve TCC of its responsibility to timely investigate complaints under this Policy. A temporary delay for the length of the fact-finding portion of a criminal investigation may constitute good cause for extending the timeline of TCC's investigation.

Confidentiality

Parties may share confidential information received through the process with their Support Person and Advisor. TCC shall not restrict the ability of the parties to discuss the allegations under investigation for the purpose of gathering and presenting relevant evidence.

TCC is permitted to share confidential information amongst other Institution representatives who have a reasonable need to know. TCC will endeavor to respect any requests for confidentiality, but will also weigh those requests against TCC's responsibility to maintain a safe environment for its community. Complete confidentiality cannot be guaranteed.

Right to an Advisor

Parties may elect to be accompanied by an Advisor during meetings and proceedings related to the investigation and hearing process outlined in this Policy. Parties are limited to one Advisor. Parties may be

accompanied by a Support Person (see below) in addition to an Advisor. An Advisor can be anyone, including an attorney. The Advisor may not speak on behalf of the party or otherwise disrupt any interviews or proceedings.

Specific guidelines regarding the Advisor role at the hearing are outlined in Section IX.D.7. TCC reserves the right to exclude or remove an Advisor who does not comply with this Policy.

A party does not have to have an Advisor during the investigation process. TCC will not provide any party with an Advisor during the investigation process. However, as outlined below, the party's Home Institution will provide the party with an Advisor during the hearing, if the party has not already obtained an Advisor.

Support Persons

Parties may elect to be accompanied by a Support Person during the hearing process, in addition to an Advisor. Parties are limited to one Support Person. A Support Person may not be a party or a witness in the case. The Support Person's role is to provide emotional support throughout the process. The Support Person may not speak on behalf of the party or otherwise disrupt any interviews or proceedings. TCC reserves the right to exclude or remove a Support Person who does not comply with this Policy.

Accepting Responsibility

At any time prior to the commencement of a hearing, a Respondent may waive the right to a hearing and instead accept responsibility for the alleged Policy violation. A Respondent may do so by providing the TCC Assistant Vice President for Title IX with a signed, written notice, stating the Respondent accepts responsibility for the alleged violation and waives the right to a fact-finding hearing on this issue. If a Respondent accepts responsibility in writing in advance of a hearing, the Complainant and Adjudicator shall be provided a copy of the waiver and a hearing will be conducted only on the question of sanctions. Each party retains all rights with regard to sanctioning.

The parties will be given an opportunity to be heard at the sanctions hearing, including but not limited to the submission of impact statements. The parties may be accompanied by their Advisors, but questioning of parties or witnesses by Advisors will not be permitted. The parties will receive simultaneous written notification of the decision regarding sanctions and remedies, which may be appealed according to the process described in Section IX.F.

Closure

Not all reports of alleged Sexual Harassment constitute a report of prohibited conduct that may be resolved through this Policy.

TCC must dismiss a Formal Complaint or any allegations therein if, at any time during the investigation or hearing, it is determined that:

- The conduct alleged in the Formal Complaint would not constitute Sexual Harassment as defined above, even if proved; and/or,
- The conduct did not occur in an educational program or activity controlled by TCC (including buildings or properties controlled by officially recognized student organizations); and/or,
- The alleged conduct did not occur against a person in the United States; and/or,
- At the time of filing a Formal Complaint, a Complainant was not participating in or attempting to participate in an education program or activity of TCC.

Additionally, TCC may close and dismiss a Formal Complaint or any allegations therein if, at any time during the investigation or hearing:

- A Complainant notifies their Title IX Coordinator in writing that the Complainant would like to withdraw the Formal Complaint or any allegations therein; or,
- It is determined that the Respondent is no longer enrolled in or employed by TCC; or,
- Specific circumstances prevent TCC from gathering evidence sufficient to reach a determination as to the Formal Complaint or allegations therein.

A decision to close a matter based on any of the above-listed factors is made at the discretion of the TCC Assistant Vice President for Title IX.

Upon termination of the process, the TCC Assistant Vice President for Title IX will provide written notice to the parties describing the reason for the dismissal. The Respondent's Home Institution may continue to investigate the allegations as a potential violation of another policy. If the Respondent's Home Institution elects to continue the investigation outside of this Policy, the TCC Assistant Vice President for Title IX shall provide written notice to the parties describing the determination.

The dismissal determination is appealable by any party under the procedures for appeal outlined in Section IX.F. The decision not to dismiss is also appealable by any party claiming a dismissal is required or appropriate. A Complainant who decides to withdraw a complaint may later request to reinstate or refile the complaint.

Amnesty

Any individual (including a witness or a third party) who shares information in the interest of any individual's health and safety will not be subject to disciplinary action by TCC for 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 at risk. TCC may suggest an educational conference where support, resources, and educational counseling options may be discussed and potentially required with a learning action plan for an individual who has engaged in the illegal or prohibited use of alcohol or drugs.

Consolidation of Formal Complaints

TCC may consolidate Formal Complaints under two circumstances:

1. Where there is a complaint involving more than one Complainant and/or Respondent, stemming from the same facts or circumstances; or,
2. Where a cross-complaint has been filed by a Respondent against a Complainant.

A decision to consolidate matters based on any of the above-listed factors is made at the discretion of the TCC Assistant Vice President for Title IX. If the TCC Assistant Vice President for Title IX determines consolidation is appropriate, they must send notice to all involved parties.

Step One: Initiation of the Title IX Grievance Process

The Complainant's and Respondent's Home Institution Title IX Coordinators will jointly make an initial determination of whether the Title IX Grievance Process is applicable to the Formal Complaint. The Title IX Coordinators will make a reasonable determination as to whether or not the following elements are met:

1. The conduct is alleged to have occurred on or after August 14, 2020;
2. The conduct is alleged to have occurred in the United States;
3. The conduct is alleged to have occurred in TCC's Education Programs or Activities; and,
4. The alleged conduct, if true, would constitute Sexual Harassment, as defined in this Policy.

If the Title IX Coordinators disagree whether these elements are met, the Title IX Coordinators agree to confer with the TCC Assistant Vice President for Title IX, who will make the final determination.

If it is determined all of the elements are met (either through consensus by the Title IX Coordinators or review by the TCC Assistant Vice President for Title IX), TCC will initiate the Title IX Grievance Process.

Initiation of the Title IX Grievance Process

If it is determined (through the process above) that the Formal Complaint will proceed under this Policy, the TCC Assistant Vice President for Title IX will initiate the Title IX Grievance Process.

When a Formal Complaint is filed, the TCC Assistant Vice President for Title IX will notify the parties of their option to participate in the Alternative Resolution Process (see Section IX.H). If either party declines to participate in the Alternative Resolution Process, the Title IX Grievance Process will proceed, as set forth in this Section.

In instances where a Formal Complaint is signed by the Title IX Coordinator, the person alleged to be harmed (the Complainant) will still retain all rights of a Complainant in this process, if they should choose to exercise them, including the choice to participate or not participate at any step of the process and in receiving notification of the outcome.

Finally, in instances where it is determined a Formal Complaint will not proceed under this Policy, the parties may appeal the determination using the procedures outlined in Section IX.F.

Notice of Allegations

Once an investigation has been initiated, the TCC Assistant Vice President for Title IX will send a written notice to both parties, which will include:

- The identities of the parties (if known);
- A summary of the alleged conduct, including the date(s), time(s), and location(s) of incident(s) (if known);
- Policy sections alleged to be violated by the conduct;
- An outline of the Title IX Grievance Process, including any available Alternative Resolution Processes;
- A statement that Respondent is presumed not responsible until a determination of responsibility is made following the investigation and hearing;
- A statement that TCC will not make a determination of responsibility until the conclusion of the Title IX Grievance Process;
- A notice regarding whether interviews will be recorded, and that only the Investigator is permitted to record interviews;
- A description of the parties' opportunities to present, inspect, and review evidence;
- A statement that the parties may have an Advisor of their choice, who is permitted to be an attorney;
- A statement that the parties may have a Support Person of their choice;
- A statement urging the parties to maintain discretion as to the details of the matter, both in recognition of the sensitive nature of the matter, and to ensure they do not influence other individuals' statements;
- A summary of the hearing process and a statement that the Hearing Decision will make factual and policy findings regarding the allegations;
- A statement that findings will be based on a Preponderance of the Evidence Standard;
- A notice admonishing the parties against Retaliation; and,

- A notice informing the parties they are prohibited from making false statements or knowingly submitting false information based on the Institution's conduct codes.

The Notice of Allegations shall be amended any time during the investigation to include additional allegations of Policy violations identified during the investigation. An amended Notice of Allegations should include all required information described above.

Step Two: Investigation Process

Designation of the Investigator

The TCC Assistant Vice President for Title IX, in consultation with the parties' Home Institution's Title IX Coordinators, will designate an Investigator to conduct a fair, thorough, and impartial investigation. After the Notice identifying the assigned Investigator has been sent to the parties, the parties will have five (5) business days to object to the selection of the Investigator for an actual conflict of interest or bias. An *actual conflict of interest* exists if the Investigator has a close personal relationship with one of the parties or witnesses. Prior work for TCC, prior work on Title IX-related matters, and any prior decisions regarding similar matters do not constitute bias on their own. The Investigator's sex, gender identity, race, ethnicity, religion, sexual orientation, or other identifying characteristics do not constitute a reason for bias on their own. The TCC Assistant Vice President for Title IX will consider and resolve any objections to the selection of an Investigator.

The Investigator will have had appropriate training in the definitions of Sexual Harassment, bias, the scope of TCC's education programs and activities, the investigation and hearing processes, the Alternative Resolution Process, and investigative report writing.

Investigation

Both parties will be provided equal opportunity to meet with the Investigator, submit evidence, and identify relevant witnesses. The Investigator will meet separately with the Complainant, Respondent, and witnesses. The Investigator has discretion regarding which witnesses to interview and when to conduct follow-up interviews with parties and witnesses.

The Investigator will prepare a written summary of each interview and send the same to the witness or party for a review of accuracy. Unless the individual requests additional time, the written summary will be deemed accurate if the individual does not provide feedback on the written summary within two (2) business days of the Investigator emailing it to the individual.

The Investigator will take reasonable steps to gather relevant available evidence. The Investigator may exclude evidence they determine to be irrelevant or immaterial. Parties may provide the Investigator with any evidence they believe to be relevant, including expert and polygraph evidence. It is ultimately the role of the Adjudicator (Section IX.D.) to determine what weight, if any, to give to the evidence gathered. The Investigator will not consider evidence which requires seeking information protected by a legally recognized privilege, unless the person holding the privilege has waived the privilege.

TCC shall not restrict the ability of the parties to discuss the allegations under investigation for the purpose of gathering and presenting relevant evidence. The Investigator may gather information related to prior or subsequent conduct of the Respondent in determining pattern, knowledge, intent, motive, or absence of mistake.

The Investigator will not gather evidence or ask questions related to the parties' sexual predisposition or prior sexual behavior unless:

- The evidence and/or questions are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant;
- They concern specific incidents of the Complainant's or Respondent's prior sexual behavior with respect to one another and are 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);
- The sexual history is relevant to explain an injury; and/or,
- The sexual history is relevant to show a pattern of behavior.

The Investigator will not gather sexual history as it pertains to a party's reputation or character.

Prior to any meeting, including an investigative interview meeting with a party, the Investigator shall provide the party with written notice of the date, time, location, participants, and purpose of the meeting. The Investigator shall provide the written notice with sufficient time for the party to prepare for the meeting. An Advisor and a Support Person may accompany a party to every meeting.

Recording

TCC may elect to electronically record investigative interviews. The Investigator may only record investigative interviews with the consent of each individual being recorded. TCC will retain any recordings it has made as the only authorized recording of the interviews. A recorded party may request to review the transcript or audio of their interview in-person and under supervision by a TCC representative. A party may request to review the transcript of the other party's interview in-person and under supervision by a TCC representative.

Investigation recordings will be maintained for seven (7) years after the conclusion of the Title IX Grievance Process, the Respondent's graduation, separation from TCC, or separation from Institutional employment, whichever is latest.

Evidence Review

Before issuing the final Investigation Report, the TCC Assistant Vice President for Title IX will provide a preliminary Investigation Report to the parties, and provide the parties with an equal opportunity to respond to the relevant evidence, including allowing parties to present additional relevant evidence or information. This is known as the Evidence Review Process. This opportunity should be provided to each party regardless of whether the party participated in the investigation. Absent good cause, parties are provided with ten (10) business days to review and respond to the evidence.

The TCC Assistant Vice President for Title IX will have discretion to determine how to provide access to the preliminary Investigation Report to the parties based on the particular circumstances of the case and any party or witness privacy concerns. Neither Complainant, Respondent, nor anyone on either party's behalf may copy, remove, photograph, print, record, or in any other manner duplicate the information contained in the preliminary Investigation Report (unless a party is describing the material in a written response to the evidence).

As part of this Evidence Review Process, the parties may submit proposed questions for the Investigator to ask of the other party or any witness, request additional interviews and information-gathering, and/or

suggest additional witnesses. The Investigator has discretion to determine if the responses warrant additional information-gathering. If the Investigator determines it is unnecessary to ask individuals additional questions, interview new witnesses, and/or gather additional evidence, the Investigator will explain their decision in the final Investigation Report.

If additional evidence is provided, the parties submit a written response to the evidence, or new evidence is gathered, it will be included in either a revised preliminary Investigation Report or a separate addendum, as deemed appropriate by the Investigator. Both parties will be provided a reasonable opportunity to review and respond to any new evidence. The Investigator will determine when it is appropriate to conclude the Evidence Review Process. The TCC Assistant Vice President for Title IX will notify the parties when the Evidence Review Process is complete and the Investigation Report is finalized.

Final Investigation Report

At the conclusion of the Evidence Review Process, the Investigator will prepare a final written Investigation Report that includes:

- The identities of the parties;
- The identities of the witnesses;
- The dates of conducted interviews;
- A summary of the allegations;
- The policy alleged to be violated by the conduct;
- A summary of the investigation process;
- The relevant statements of the parties and witnesses;
- A summary of the relevant evidence gathered by the Investigator;
- A description of the relevant, material undisputed facts;
- A description of the relevant, material disputed facts;
- A statement describing how and when the parties were given the opportunity to review the evidence; and,
- Explanations for why evidence or witnesses submitted by the parties were not considered.

The Investigation Report will not include findings of fact, findings of policy, or credibility determinations for parties or witnesses (other than to note when credibility is not disputed).

The TCC Assistant Vice President for Title IX will provide the parties with a final copy of the Investigation Report, including all attachments, at least ten (10) days prior to a hearing. The parties may submit a written response to the final Investigation Report. Written responses are incorporated into the materials that can be reviewed and considered by the Adjudicator. Each party will receive a copy of the other party's written response to the Investigation Report.

Step Three: Hearing

Upon receipt of the final Investigation Report, the TCC Assistant Vice President for Title IX will evaluate the evidence gathered and determine if the Title IX Grievance Process is still applicable to the Formal Complaint. The TCC Assistant Vice President for Title IX will consider if the following elements are met:

1. The conduct is alleged to have occurred on or after August 14, 2020;
2. The conduct is alleged to have occurred in the United States;
3. The conduct is alleged to have occurred in TCC's education program or activity; and,
4. The alleged conduct, if true, would constitute Sexual Harassment, as defined in this Policy.

If the TCC Assistant Vice President for Title IX determines that the required elements are met, the matter shall proceed to a hearing. A hearing will be held in which an Adjudicator will make credibility determinations, findings of fact on disputed facts, and findings of policy on the relevant Policy the Respondent is alleged to have violated. In reaching findings, the Adjudicator may consider the final Investigation Report, all evidence gathered by the Investigator, and testimony provided at the hearing.

Individuals may choose not to participate in the hearing. If any individual – Complainant, Respondent, and/or witnesses – chooses not to participate in the hearing, the Adjudicator may not consider any statement made by the individual to the Investigator. Parties (Complainants and Respondents) may also choose to attend the hearing and not answer questions. The Adjudicator will not draw any adverse inference solely from an individual’s decision to not participate in the hearing, although this decision may impact the information available to the Adjudicator in reaching their decision. However, the Adjudicator may draw adverse inferences if an individual selectively participates in the hearing (for example, answering some questions but declining to answer others).

The hearing is a closed proceeding and will not be open to the public. The witnesses will only be present in the hearing for the duration of their testimony.

The Adjudicator will permit breaks, as needed, throughout the hearing. All participants in the hearing will behave in a respectful manner, as outlined in TCC’s Rules of Decorum. The Rules of Decorum will be shared with the parties, their Advisors, and Support Persons prior to the hearing. The Adjudicator has the discretion to remove any participant or observer who is not conducting themselves according to the Rules of Decorum. TCC expects the parties will wish TCC to share documentation related to the allegations with their Support Person and/or Advisor. TCC provides a FERPA release form that authorizes such sharing and participation. The parties must complete this form before TCC is able to share records with a Support Person and/or Advisor. Parties must also complete this form before the commencement of the hearing. The parties are not otherwise restricted from discussing and sharing information relating to allegations with others who may support them or assist them in preparing and presenting. Support Persons and/or Advisors are expected to maintain the privacy of the records shared with them by TCC. These records may not be shared with third parties, disclosed publicly, or used for purposes not explicitly authorized by TCC. TCC may seek to restrict the role of any Support Person and/or Advisor who does not respect the sensitive nature of the process or who fails to abide by TCC’s privacy expectations.

Hearing Coordinator

The TCC Assistant Vice President for Title IX will be responsible for designating a Hearing Coordinator who will coordinate the hearing process. The Hearing Coordinator will ensure the Adjudicator is provided with all necessary materials, including the Investigation Report and attachments, as well as any party’s written responses to the final Investigation Report. The Hearing Coordinator will also arrange a location for the hearing and coordinate a date and time for the hearing.

The Hearing Coordinator will act as a liaison between the parties and the Adjudicator on all procedural matters.

Designation of Adjudicator

The TCC Assistant Vice President for Title IX, in consultation with the parties’ Home Institution’s Title IX Coordinators, will designate an Adjudicator, distinct from the Hearing Coordinator and any Title IX Coordinator, who will preside over the hearing and draft the Hearing Decision. The Adjudicator is a single individual, either internal or external to TCC. The Adjudicator is responsible for overseeing the hearing, making procedural determinations, managing the questioning process, and issuing the Hearing Decision.

The Adjudicator will have had appropriate training in the definitions of Sexual Harassment, the scope of TCC's education programs and activities, the investigation and hearing processes, bias, the Alternative Resolution Process, and hearing decision writing.

Additionally, the Adjudicator will be trained on the following:

- Any technology to be used at the hearing; and,
- Issues of relevance of questions and evidence, including when questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant.

The Hearing Coordinator will provide the parties with written notice of the Adjudicator's identity.

After the Hearing Notice has been sent, parties will have five (5) business days to object to the selection of the Adjudicator for an actual conflict of interest or bias. An *actual conflict of interest* exists if the Adjudicator has a close personal relationship with one of the parties or witnesses. Prior work for TCC, prior work on Title IX-related matters, and any prior decisions regarding similar matters do not constitute bias on their own. The Adjudicator's sex, gender identity, race, ethnicity, religion, sexual orientation, or other identifying characteristic do not constitute a reason for bias on their own. The TCC Assistant Vice President for Title IX will consider and resolve any objections to the selection of an Adjudicator.

Witnesses

The Adjudicator has ultimate discretion to call witnesses and may determine not to call witnesses submitted by the parties, and/or to call witnesses who were not submitted by the parties. The Adjudicator will communicate to the Hearing Coordinator the witnesses they have determined should be called for the hearing, what their expected relevant testimony will be, and their explanations for determining not to call witnesses submitted by the parties if they make such determinations.

The Hearing Coordinator will request the attendance of all the witnesses whose testimony the Adjudicator determined was within the hearing scope. The Hearing Coordinator will coordinate to have the Investigator present at the hearing for questions regarding the Investigation and the Investigation Report.

TCC cannot compel parties or witnesses (with the exception of the Investigator) to testify in the hearing. Any witness' decision not to participate will not be a reason to cancel or postpone a hearing. Investigators who are current employees of TCC are expected to participate in the hearing, if requested. Non-employee Investigators, including Investigators who have left employment with TCC, can be requested, but cannot be compelled, to participate in the hearing.

The Complainant's and Respondent's Home Institution's Title IX Coordinators can be present in a silent role during the entirety of the hearing.

Hearing Notice

At least five (5) business days prior to the scheduled hearing, the Hearing Coordinator shall send the parties written notice of the hearing. The written notice will include the following information:

- The identity of the Adjudicator;
- The time, date, and location of the hearing, including if the hearing will be conducted entirely via videoconference;
- The identity of all parties participating in the hearing, including witnesses approved by the Adjudicator;
- A list of all documents the Adjudicator may consider in reaching their determination;
- TCC's Live Hearing Expectations; and,

- A general overview of the hearing process.

Recording

The Hearing Coordinator is responsible for ensuring the hearing is audio recorded. TCC shall retain the recording as the only authorized recording of the hearing. A recorded party may request to review the transcript or audio of the hearing in-person and under supervision by a TCC representative.

Hearing recordings will be maintained for seven (7) years after the conclusion of the Title IX Grievance Process, the Respondent's graduation, separation from TCC, or separation from Institutional employment, whichever is latest.

Separation of Parties

Hearings may be conducted with any or all parties, witnesses, and other participants appearing virtually, with technology enabling participants to simultaneously see and hear one another, or with parties physically present in the same geographic location.

As standard practice, the parties will be physically separated during the hearing and participate virtually unless both parties request otherwise. The Adjudicator is responsible for making a final decision about the location of the parties during the hearing.

Hearing Questioning and Role of the Advisor

The Adjudicator will determine the order of questioning at the hearing. The Adjudicator may change the order of questioning, with appropriate verbal notice to the parties, if the Adjudicator determines a change is necessary to accommodate a witness' schedule, or for other procedural reasons. The Adjudicator may ask questions at any time of any party providing testimony during the hearing.

The Adjudicator will permit each party's Advisor to ask the other party or parties and any witnesses relevant questions, including questions challenging credibility. This questioning will be conducted directly, orally, and in real-time by the party's Advisor and never by a party personally. The questions must be relevant to the hearing scope, not be repetitive of information already gathered, and/or not be harassing of any individual providing testimony. The Adjudicator will evaluate each question asked. If the Adjudicator determines the question should not be asked, the Adjudicator will direct the party/witness not to answer the question and state their reasoning for this determination on the record. The Adjudicator also has the authority to pause questioning by an Advisor at any time to ask follow-up questions, or as otherwise deemed necessary. All determinations made by the Adjudicator are final, including determinations on questioning.

Should a party choose not to question a party or witness, the party shall affirmatively waive their right to question through a written or oral statement to the Adjudicator either before or during the hearing. A party's waiver of their right to question an individual providing testimony does not eliminate the ability of the Adjudicator to consider the testifying individual's statements made during the hearing and/or to the Investigator.

Parties are expected to notify the Hearing Coordinator of the identity of their Advisor and Support Person in advance of the Hearing. The Hearing Coordinator will share this information with the other party.

Parties are required to have an Advisor present during the hearing, even if the party does not wish to ask questions of any individual testifying. If a party does not have an Advisor at the commencement of the hearing, that party's Home Institution will provide the party with an Advisor trained in the hearing process and in the development and posing of relevant questions. The party must utilize the Advisor provided by their Home Institution for purposes of questioning during the hearing.

If parties know they will not have their own Advisor at the hearing, they are encouraged to notify the Hearing Coordinator of this fact as soon as possible. If a party does not participate in, or attend, the hearing, their Advisor may still appear at the hearing and ask questions of the other party(ies) and witnesses. Absent their role in questioning, Advisors will remain silent during the hearing. They may not answer questions on behalf of any party, nor may they make closing statements on behalf of any party. All participants at the hearing will behave in a respectful manner. The Adjudicator has discretion to remove any participant or observer who is not conducting themselves in a manner conducive to a fair, safe, and orderly hearing.

Party Mitigation and Impact Statements

Within five (5) business days after the last day of the hearing, the parties may provide to the TCC Assistant Vice President for Title IX written statements related to potential sanctions. Specifically, parties may submit a written impact and/or mitigation statement.

If the Adjudicator determines there was a violation of Policy, the Adjudicator will notify the TCC Assistant Vice President for Title IX before issuing their Hearing Decision. The TCC Assistant Vice President for Title IX will provide the Adjudicator with copies of the party statements, in accordance with Section IX.E. The TCC Assistant Vice President for Title IX will also provide copies of the statements to the parties' Home Institution Title IX Coordinators. If the Adjudicator determines there was not a violation of Policy, the TCC Assistant Vice President for Title IX will not release the party statements to the Adjudicator.

Hearing Decision

The Adjudicator will consider the investigation record, including the Investigation Report and attachments, and the evidence accepted at the hearing in drafting their Hearing Decision. The Adjudicator will use a preponderance of the evidence standard to determine whether a Policy violation occurred. The Adjudicator will make their own findings and credibility determinations based on a preponderance of the evidence.

In reaching their determination, the Adjudicator may not rely on any statement of a party who does not submit to questioning from the Adjudicator and/or the other party's Advisor; nor may the Adjudicator rely on the statement of a witness who does not submit to questioning from the Adjudicator and/or either party's Advisor. The Adjudicator will not draw an inference regarding a person's decision not to participate in the hearing, nor will they draw an inference regarding a person's decision not to answer questions posed during the hearing. However, the Adjudicator may consider a person's selective participation during the hearing in assessing credibility. Selective participation, for purposes of this Policy, means a party chooses to answer some questions and declines to answer others.

If the Adjudicator finds a violation of Policy, the Adjudicator and TCC shall follow the procedures set forth in Section IX.E. – Sanctioning.

If the Adjudicator does not find a violation of Policy (and the Appeal process, as outlined in Section IX.F has concluded), the Adjudicator will finalize the Hearing Decision and submit the Hearing Decision to the TCC Assistant Vice President for Title IX.

The final Hearing Decision will include the following:

- The allegations allegedly constituting Sexual Harassment, as defined by this Policy;
- A description of the procedural steps taken from receipt of the Formal Complaint through the determination;
- Findings of fact;
- Policy findings;

- Rationale for each finding;
- Sanctioning determination (if applicable); and,
- Rationale for the sanctioning determination (if applicable).

Within fifteen (15) business days of the hearing, the TCC Assistant Vice President for Title IX will send written notice to both parties of the Adjudicator’s policy and sanctioning determinations. The TCC Assistant Vice President for Title IX will include a copy of the Adjudicator’s decision.

The TCC Assistant Vice President for Title IX will explain the Appeal Process, including the permissible bases for appeal, in their written notice to the parties. The Adjudicator’s determination becomes final on the date on which an appeal would no longer be considered timely (see Section IX.F.).

For potential enhancements to sanctions, occurring when a Respondent has instances of prior conduct, please see Section IX.G.

Step Four: Sanctioning

This section sets forth the procedures to be followed should the Adjudicator find that a Policy violation(s) occurred. This section applies to instances involving both student and employee Respondents.

In cases involving student Respondents, if the Adjudicator determines there was a Policy violation, the Adjudicator will notify the TCC Assistant Vice President for Title IX. The TCC Assistant Vice President for Title IX will take two steps:

- They will notify the Title IX Coordinator and the appropriate Administrator of each parties’ Home Institution. The parties’ Home Institutions may submit written recommendations related to sanctions. The parties’ Home Institutions will provide those recommendations to the TCC Assistant Vice President for Title IX who will transmit them to the Adjudicator; and,
- They will provide the Adjudicator with any written party statements, as set forth in Section IX.D.8. If the parties did not provide written statements in accordance with Section IX.D.8., above, they will not be provided an additional opportunity to submit a written statement to the Adjudicator.

In cases involving employee Respondents, if the Adjudicator determines there was a Policy violation, the Adjudicator will notify the TCC Assistant Vice President for Title IX. The TCC Assistant Vice President for Title IX will take two steps:

- They will notify the Title IX Coordinator of the Complainant’s Home Institution and the appropriate Human Resources Professional (designated official) in the Respondent’s Home Institution. The Respondent’s Home Institution may submit written recommendations related to sanctions. The Respondent’s Home Institution will provide those recommendations to the TCC Assistant Vice President for Title IX, who will transmit them to the Adjudicator; and,
- They will provide the Adjudicator with any written party statements, as set forth in Section IX.D.8. If the parties did not provide written statements in accordance with Section IX.D.8., they will not be provided an additional opportunity to submit a written statement to the Adjudicator.

The Adjudicator will decide if remedies are appropriate in order to restore or preserve equal access to the party’s education and/or employment. Such remedies may include the same individualized services described as “Supportive Measures.” However, unlike Supportive Measures, remedies need not be non-disciplinary or non-punitive, and need not avoid burdening the Respondent.

The Adjudicator will make a sanctioning determination based on the factual and Policy findings, written party statements, written Institution recommendations, and other factors relevant to sanctioning. The

Adjudicator shall give significant weight to the written Institution recommendations in issuing a sanction. The factors an Adjudicator may consider include, but are not limited to:

Severity of the violation: The duration of the conduct; whether the conduct was repeated; the number of Policy violations; abuse of power; use of intimidation; use of force; level of endangerment to the Complainant; level of injury to the Complainant; presence of a weapon; deliberate embarrassment; exploitation of level of intoxication

Aggravation: Whether the Respondent used force, threat, violence, duress, or intentionally caused intoxication to engage in conduct without Complainant's consent.

Intent: Whether Respondent intended to cause harm; whether Respondent premeditated the conduct; whether Respondent pressured others to engage in the conduct or similar conduct; whether Respondent was pressured by others to engage in the conduct.

Retaliation: Whether Respondent complied with No Contact Orders and other interim measures in place during the investigation and hearing process; whether Respondent engaged in conduct meant to intimidate or harass participants for their participation in the investigation or hearing process; whether Respondent was forthcoming during the investigation and hearing process; whether Respondent engaged in any other conduct which would obstruct the investigation or hearing process, or impacted the fairness of the processes.

Impact: The impact of Respondent's conduct and presence on the Complainant's safety and participation in TCC's programs; the impact of Respondent's conduct on TCC's community; the impact of sanctions on Respondent's access to participation in TCC's programs.

Step Five: Appeal Rights

A Complainant or Respondent who is not satisfied with the determinations made as to proceeding with a Formal Complaint under this Policy, closure of a Formal Complaint under this Policy, and/or the Policy findings or sanctions imposed at the completion of the hearing process may submit an appeal to the TCC Assistant Vice President for Title IX. The TCC Assistant Vice President for Title IX, in consultation with the parties' Home Institution's Title IX Coordinators, will identify an appropriately trained Appeal Authority to review and make a determination of the appeal(s).

When the TCC Assistant Vice President for Title IX identifies an Appeal Authority, they will provide written notice of the individual's identity to the parties. After the Notice identifying the assigned Appeal Authority has been sent to the parties, the parties will have two (2) business days to object to the selection of the Appeal Authority for an actual conflict of interest or bias. An *actual conflict of interest* exists if the Appeal Authority has a close personal relationship with one of the parties or witnesses. Prior work for TCC, prior work on Title IX-related matters, and any prior decisions regarding similar matters do not constitute bias on their own. The Appeal Authority's sex, gender identity, race, ethnicity, religion, sexual orientation, or other identifying characteristic do not constitute a reason for bias on their own. The TCC Assistant Vice President for Title IX will consider and resolve any objections to the selection of an Appeal Authority.

Appeals must be submitted within five (5) business days of the Notice of the Hearing Decision to the TCC Assistant Vice President for Title IX. The appeal must specify which grounds the appeal is based upon and include any arguments the party wishes to make in support of their appeal.

Appeal Grounds

Each party has a right to appeal:

- The dismissal of a formal complaint or any included allegations;
- A determination regarding responsibility; and/or,
- Any sanctions.

To appeal, a party must electronically submit their written appeal to the TCC Assistant Vice President for Title IX within five (5) business days of the notice of the decision being appealed. The appeal must state the grounds for the appeal.

A party may appeal based on one or more of the following grounds:

Procedural Error: There was a procedural error(s) which materially affected the outcome of the matter (i.e., failure to follow the process outlined in this Policy). The appealing party must describe in their appeal how the procedural error impacted the outcome.

Conflict of Interest: The Title IX Coordinator, TCC Assistant Vice President for Title IX, Investigator(s), and/or Adjudicator(s) had a conflict of interest or bias for or against an individual party, or for or against Complainants or Respondents in general, that affected the outcome of the matter. The appealing party must describe in their appeal the alleged conflict of interest or bias held by the individual and how this altered or impacted the outcome.

New Evidence: There is new evidence which was not available or known (and could not have reasonably been known) at the time of the final determination which materially affected the outcome of the process. The appealing party must describe in their appeal how the new evidence would have altered the outcome of the process and why the new evidence was not available or reasonably known prior to the appeal.

Disproportionate Sanctions: The sanctions are disproportionate to the Adjudicator's findings. The submission of an appeal pauses the implementation of any sanctions during the pendency of the appeal(s). Supportive Measures remain available during the appeal process.

Appeal Authority

As noted above, the TCC Assistant Vice President for Title IX will designate an appropriate Appeal Authority to conduct a prompt, thorough, and impartial review of the appeal. The Appeal Authority will not be the same person as the Adjudicator, Investigator, TCC Assistant Vice President for Title IX, or the Title IX Coordinator from either parties' Home Institution. The Appeal Authority will have had appropriate training in the definitions of Sexual Harassment and sexual misconduct, bias, the scope of TCC's education programs and activities, the investigation and hearing processes, the Alternative Resolution Process, and appeal decision writing.

Appeal Response

The TCC Assistant Vice President for Title IX will send a written notice of the appeal to the non-appealing party and provide them with a copy of the appeal. The non-appealing party may issue a response to the appeal. The appeal response is limited to ten (10) pages, including attachments, and may address only the issues raised in the appeal. The non-appealing party will have five (5) business days to submit their appeal response after receiving the notice of the appeal.

Appeal Clarification

If the Appeal Authority needs clarification on any point raised in the appeal, they may make a written request for clarification from the appealing party, through the TCC Assistant Vice President for Title IX. The appealing party may respond in writing. The TCC Assistant Vice President for Title IX will transmit the written communications to the Appeal Authority. The Appeal Authority may not communicate directly with either party. The TCC Assistant Vice President for Title IX will provide copies of the written communications to the non-appealing party and to the parties' Home Institution Title IX Coordinators.

Appeal Record

The review of an appeal will not involve any additional investigation by the Appeal Authority. The review will be based upon evidence introduced during the investigation process and presented at the hearing, as well as the arguments made during the appeal process. The Appeal Authority will not consider new evidence for the purposes of upholding, overturning, or modifying the findings. Appeals submitted under the ground of new evidence will be considered only to determine whether the new evidence could likely change the determination of responsibility.

Appeal Decision

The Appeal Authority will draft a written report which summarizes their decision regarding the appeal. The Appeal Decision will include a description of the ground(s) for the appeal, a summary of the issues raised on appeal, a statement regarding the evidence considered, a statement describing the decision was made based on the preponderance of the evidence standard, and the determination regarding the appeal.

The Appeal Authority may decide to do the following:

- Uphold the findings and sanctions;
- Overturn the findings and/or sanctions;
- Modify the findings and/or sanctions; or,
- Remand the case for a second hearing based on new evidence which could likely affect the outcome of the matter.

Notice of the Appeal Decision

The TCC Assistant Vice President for Title IX send written notice of the Appeal Decision to both parties within ten (10) business days of the submission of an appeal response from the non-appealing party (or the deadline for the non-appealing party to submit a response). The Notice of the Appeal Decision will include a copy of the written Appeal Decision. The notice will inform the parties there is no further review of the matter, no further right to appeal, and that the matter is closed.

The determination regarding responsibility and sanctioning becomes final on the date of the Appeal Decision, unless the Appeal Decision determines further investigation and an additional hearing is necessary based on new evidence discovered.

Final Sanctioning Determination

After the issuance of the final decision (the Hearing Decision if there is no appeal, or the Appeal Decision), the TCC Assistant Vice President for Title IX will send matters involving findings of Policy violation(s) to the Dean of Students or designated official within the Respondent's Home Institution. The Dean of Students or designated official will review the issued sanctions and determine if any enhancements are warranted based on a Respondent's disciplinary history. Enhancements based on a prior disciplinary history are not shared with the other party. For student Respondents, the Respondent's Home Institution's Title IX Coordinator is responsible for ensuring completion of the sanction(s). For employee Respondents, the Respondent's Home Institution's designated official is responsible for ensuring completion of the sanction(s).

Alternative Resolution Process

TCC recognizes some parties may want resolution of their matter through an Alternative Resolution Process, instead of through the Title IX Grievance Process. Accordingly, parties can mutually agree to resolve a complaint through an Alternative Resolution Process, instead of undergoing the Title IX Grievance Process. Generally speaking, these resolution options are less time intensive than an investigation and live hearing, while still affording parties an opportunity to actively participate in a process led by their Home Institution for resolution of their complaints. Alternative Resolution is not available in situations involving a student Complainant and an employee Respondent(s). Any allegation of Sexual Harassment made by a student against an employee must proceed under the Title IX Grievance Process. Alternative Resolution is available when there is a student Respondent and/or when both involved parties are employees.

The parties may, in writing, elect to enter TCC's Alternative Resolution Process. This will include a statement that any agreement reached through the process is binding on the parties. This will also include a statement that the parties understand the Alternative Resolution Process will not result in a notation on either party's disciplinary record.

No party may be required to participate in Alternative Resolution, and it may never be a condition of enrollment, employment, or enjoyment of any other right or privilege. Participation in Alternative Resolution is voluntary, meaning both the Complainant and the Respondent must agree to participate. If Alternative Resolution is selected, the Title IX Coordinator will provide timely written notice to both parties that includes:

- The allegations;
- A statement that the Title IX Coordinator has begun the process;
- The process is voluntary and will end upon either party's request;
- Termination of the Alternative Resolution Process may result in initiation of the Title IX Grievance Process;
- Each party may be accompanied throughout the process by an Advisor (who may be an attorney);
- The Title IX Coordinator will notify both parties of the process' outcome; and,
- The process is confidential; however, the Title IX Coordinator will maintain a record of the process and may share information with others if needed to carry out the resolution of the Alternative Resolution Process. Should the parties withdraw from the Alternative Resolution Process, information disclosed or obtained for purposes of the Alternative Resolution Process remains confidential.

The parties may elect to leave the Alternative Resolution Process at any point until the Alternative Resolution Process is concluded. The process is considered concluded when all parties have signed the agreement. If a party elects to leave the Alternative Resolution Process, the TCC Assistant Vice President for Title IX will determine the next steps under the Title IX Grievance Process, and will notify the parties of such. In participating in the Alternative Resolution Process, the parties understand that the timeframes governing the formal process temporarily cease, and only recommence upon reentry into the formal process.

Determination to Approve Entry into Alternative Resolution Process

Even where the Parties agree to submit a matter to Alternative Resolution, the Home Institution Title IX Coordinator and/or Human Resources Professional must approve the decision to move the matter to the Alternative Resolution Process and may determine that Alternative Resolution is not appropriate under the circumstances.

Factors that the Home Institution Title IX Coordinator and/or Human Resources Professional may weigh in considering the appropriateness of the Alternative Resolution Process include, but are not limited to, the gravity of the allegations, whether there is an ongoing threat of harm or safety to the campus, whether the Respondent is a repeat offender, and whether the parties are participating in good faith. This determination is not subject to appeal.

Alternative Resolution is permitted to address allegations of student-on-student and employee-on-employee sexual harassment, as well as allegations that a student sexually harassed an employee. Alternative Resolution is never allowed as an option to resolve allegations that an employee sexually harassed a student. See, 85 Fed. Reg. 30026, 30054 (May 19, 2020).

At any time after the commencement of the Alternative Resolution Process, the Home Institution Title IX Coordinator and/or Human Resources Professional may determine that the Alternative Resolution Process is not an appropriate method for resolving the matter, and may require that the matter be resolved through the Title IX Grievance Process. This determination is not subject to appeal.

Role of the Facilitator

Alternative 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. A Title IX Coordinator may serve as the Facilitator. All Facilitators must have training in the definition of Sexual Harassment under this Policy, the scope of the Institution's education program or activity, how to conduct an Alternative Resolution Process, and how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, or bias.

Confidentiality

In entering the Alternative Resolution Process, the parties agree the process is confidential, related to any testimony and evidence (including admissions of responsibility) they share or receive during the Alternative Resolution Process concerning the allegations of the Formal Complaint. No evidence concerning the allegations obtained within the Alternative Resolution Process may be disseminated to any person, provided that any party to the Alternative Resolution Process may generally discuss the allegations under investigation with a parent, friend, advisor, or other source of emotional support, or with an advocacy organization. Should the parties withdraw from the Alternative Resolution Process, information disclosed or obtained for purposes of the Alternative Resolution Process remains confidential.

Alternative Resolution Options

TCC offers Alternative Resolution options for addressing Formal Complaints of Sexual Harassment covered under this Policy. These options include, but are not limited to:

- **Mediation.** The purpose of mediation is for the parties who are in conflict to identify the implications of a student's 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 Parties' Home Institutions' Title IX Coordinators and/or Human Resources Professionals will also 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.

The mediation process will typically commence within thirty (30) business days after the initial report is received and both parties have consented to mediation, and will continue until concluded or terminated by either party or the Parties' Home Institutions' Title IX Coordinators and/or Human Resources Professionals. During mediation, any potential investigation will halt, and calculations for time frames will be paused. If the mediation results in a resolution, the disciplinary process will be concluded and the matter will be closed. If a resolution cannot be reached, the matter will be referred to the Parties' Home Institutions' Title IX Coordinators and/or Human Resources Professionals to re-evaluate other options for resolution, including initiation of the Investigation and/or Hearing process.

During mediation, a Facilitator will guide a discussion between the parties. In circumstances where the parties do not wish to meet face to face, either party can request "caucus" mediation, 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 to any meetings an Advisor and a Support Person of their choice, who may be, but is not required to be, an attorney.

At the conclusion of the mediation, the Facilitator will memorialize in writing the agreement that was reached between the parties. The Respondent's Home Institution Title IX Coordinator and/or Human Resources Professional will monitor adherence to the proposed solution and close the matter when compliance is satisfactory.

The Parties' Home Institutions' Title IX Coordinators and/or Human Resources Professionals will keep records of all reports and conduct addressed through Alternative Resolution.

- **Restorative Justice.** A Restorative Justice ("RJ") Conference is a dialogue, facilitated by an employee or contractor with appropriate training, intended to restore relationships and repair harm after a conflict has occurred. Both the responsible party and the individual(s) affected by the conflict 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 student accused of wrongdoing must accept responsibility and express remorse for the harm that was caused. Additionally, all involved parties must agree to and abide by measurable and timely actions within the scope of this Policy and directives. The Parties' Home Institutions' Title IX Coordinators and/or Human Resources Professionals will review any request for RJ, and may decline to initiate RJ based on the facts and circumstances of the particular case.

The RJ conference proceeds only if all parties agree to participate willingly. The RJ process typically commences within thirty (30) business days after the initial report and receipt of written agreements from all involved parties. The conference will continue until the conference is successfully concluded or until the Parties' Home Institutions' Title IX Coordinators and/or Human Resources Professionals 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 referred to the Parties' Home Institutions' Title IX Coordinators and/or Human Resources Professionals to re-evaluate other options for resolution.

The Parties' Home Institutions' Title IX Coordinators and/or Human Resources Professionals will monitor the parties' adherence to their proposed solution and reserves the right to close the matter when compliance is satisfactory.

The Parties' Home Institutions' Title IX Coordinators and/or Human Resources Professionals will keep records of all reports and conduct addressed through Alternative Resolution.

CMC Civil Rights Policy*³⁸

Policy Statement

As an institution of higher education, Claremont McKenna College ("CMC" or "the College") is firmly committed to providing equal opportunity for all our community members, irrespective of an individual's background. The College strives to maintain a community in which all people respect the rights of other people to live, work, and learn in peace and dignity; to be proud of who and what they are; and to have equal opportunity to realize their full potential as individuals and members of society.

- The College has adopted this Policy (the "Policy") to reflect and maintain its institutional values and community expectations including:
- Taking necessary steps to respond appropriately to allegations of Prohibited Conduct, as defined by this Policy;
- Utilizing best practices to educate the community to reduce the likelihood of events occurring or reoccurring and addressing such behavior and remedying its effects on impacted individuals or the CMC community; and
- Providing for fair and equitable procedures for determining when Prohibited Conduct has occurred and providing recourse for individuals and the CMC community in response to such violations.

Definition of Protected Status

This Policy prohibits discrimination or harassment on the basis of legally protected categories, including: race, color, national origin, ethnicity, ancestry, creed, religion (including religious dress and appearance), gender, gender identity, sex (which includes pregnancy, childbirth, lactation, and related medical conditions), sexual orientation, sex stereotypes, sex characteristics, reproductive decision making, status as a victim of domestic violence, sexual assault, or stalking, age, physical disability, mental disability, medical condition, marital status, military status, veteran status, genetic information, or any other characteristic that may be specified in such laws and regulations, as well as the perception that a person has any of those characteristics ("Protected Status").

Sex-based harassment, sexual assault, dating and domestic violence, and stalking based on sex are forms of sex discrimination, which are prohibited under Title IX, California law, and this Policy. The TCC Title IX Policy applies to all cases involving students of CMC for conduct prohibited by that policy, whether Complainants or Respondents. All other forms of conduct prohibited by Title IX shall be processed under this Policy.

Statements of Legal Compliance

This Policy is established in compliance with the California Equity in Higher Education Act, the California Fair Employment & Housing Act, Title IX, the Clery Act, VAWA/Campus SaVE Act, Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act of 1990, and the Age Discrimination Act of 1975, among other applicable state and federal laws governing employers and private colleges. The investigation and adjudication of alleged misconduct under this Policy is not an adversarial process between Complainants, Respondents, and witnesses.

³⁸ *Please note this is an interim policy with anticipated revisions pending. As of August 28, 2024, the College has been enjoined from full implementation of the 2024 regulations.

Statement of Non-Discrimination

Except as permitted by law, CMC does not discriminate in its admissions practices, in its employment practices, or in its educational programs or activities on the basis of any Protected Status.

CMC's statements of non-discrimination shall be published as required by law and shall state:

Title IX Statement

CMC does not discriminate based on sex in any program or activity, including in the admissions process and employment, and is prohibited from such discrimination by Title IX and 34 CFR Part 106.

Section 504 Statement

CMC does not discriminate based on disability in any program or activity, including in the admissions process and employment, and is prohibited from such discrimination by Section 504 of the Rehabilitation Act. Denial of an accommodation and disability-discrimination complaints may be filed under this policy.

Complaints of disability discrimination can be directed to CMC's Section 504 Coordinator or to the U.S. Assistant Secretary of Education, or both. To make a report or complaint of discrimination please contact:

Aridai Martinez
Associate Director of Accessibility Services
Heggblade Center
850 Columbia Ave
Claremont, CA 91711
accessibilityservices@cmc.edu
(909) 607-0316

Questions or complaints about Title IX or Section 504 may be directed to the Assistant Secretary for Civil Rights:

Office for Civil Rights
San Francisco Office
U.S. Department of Education
50 United Nations Plaza
San Francisco, CA 94102
Telephone: (415) 486-5555
Facsimile: (415) 486-5570
Email: OCR.SanFrancisco@ed.gov

Title VI Statement

CMC does not discriminate based on race, color or national origin in any program or activity, including in the admissions process and employment, and is prohibited from such discrimination by Title VI. Protection from race, color or national origin discrimination extends to discrimination, including harassment, based on their actual or perceived (i) shared ancestry or ethnic characteristics or (ii) citizenship or residency in a country with a dominant religion or distinct religious identity. In cases in which an individual respondent cannot be identified, CMC reserves the right to address hostile climate claims that do not involve a particular Respondent outside of this Policy. To make a report or complaint of discrimination or for any questions related to Title VI, please contact:

Chief Diversity Officer

Nyree Gray, Vice President Human Relations and Chief Diversity Officer
Heggblade, Second Floor
400 E Ninth St.
Claremont, CA 91711
(909) 607-0347
ngray@cmc.edu

Age Discrimination Act of 1975 Statement

CMC does not discriminate based on age in any program or activity, including in the admissions process and employment and is prohibited from such discrimination by the Age Discrimination Act of 1975. To make a report or complaint of discrimination or for any questions related to the Age Discrimination Act of 1975, please contact:

Chief Diversity Officer

Nyree Gray, Vice President Human Relations and Chief Diversity Officer
Heggblade, Second Floor
400 E Ninth St.
Claremont, CA 91711
(909)607-0347
ngray@cmc.edu

Statement of Equal Access for Pregnancy and Related Conditions

CMC shall provide certain support and modifications to students, employees, and prospective students experiencing pregnancy or related conditions to ensure their equal access to CMC's programs or activities. Pregnancy or related conditions include pregnancy, childbirth, termination of pregnancy, lactation; medical conditions related to pregnancy, childbirth, termination of pregnancy, or lactation; and recovery from pregnancy, childbirth, termination of pregnancy, lactation, or related medical conditions.

CMC treats pregnancy or related conditions in the same manner and under the same policies as any other temporary medical conditions and must allow voluntary leaves of absence. Students, employees, or applicants should contact the Title IX Coordinator for more information. Employees or applicants for employment may also contact the Office of Human Resources for more information as additional workplace laws and policies apply.

Application of Section 504/Americans with Disabilities Act to this Policy

CMC is committed to providing individuals with disabilities equal access to the implementation of this Policy. Individuals may request reasonable accommodations for disabilities to the Title IX Coordinator at any point relating to the implementation of this Policy, including making a disclosure or report and initiating a Resolution procedure. Accommodations will be granted if they are reasonable and do not fundamentally alter the procedures established by this Policy. Please note that when implementing this Policy, CMC will not affirmatively provide disability accommodations that have not been specifically requested by the parties, even where the parties may be receiving accommodations in other CMC programs and activities.

With the consent of the impacted student or employee, the Title IX Coordinator or other responsible administrator will work collaboratively with the Dean of Students Office and/or the Office of Human Resources to ensure that approved reasonable accommodations (disability-related) are afforded when implementing this Policy.

Academic Freedom and Freedom of Expression

This Policy is consistent with the College's core values of academic freedom and free expression. The College has adopted the University of Chicago's Statement on Academic Freedom, which is incorporated in full here:

From its very founding, the University of Chicago has dedicated itself to the preservation and celebration of the freedom of expression as an essential element of the University's culture. In 1902, in his address marking the University's decennial, President William Rainey Harper declared that "the principle of complete freedom of speech on all subjects has from the beginning been regarded as fundamental in the University of Chicago" and that "this principle can neither now nor at any future time be called in question."

Thirty years later, a student organization invited William Z. Foster, the Communist Party's candidate for President, to lecture on campus. This triggered a storm of protest from critics both on and off campus. To those who condemned the University for allowing the event, President Robert M. Hutchins responded that "our students . . . should have freedom to discuss any problem that presents itself." He insisted that the "cure" for ideas we oppose "lies through open discussion rather than through inhibition." On a later occasion, Hutchins added that "free inquiry is indispensable to the good life, that universities exist for the sake of such inquiry, [and] that without it they cease to be universities."

In 1968, at another time of great turmoil in universities, President Edward H. Levi, in his inaugural address, celebrated "those virtues which from the beginning and until now have characterized our institution." Central to the values of the University of Chicago, Levi explained, is a profound commitment to "freedom of inquiry." This freedom, he proclaimed, "is our inheritance."

More recently, President Hanna Holborn Gray observed that "education should not be intended to make people comfortable, it is meant to make them think. Universities should be expected to provide the conditions within which hard thought, and therefore strong disagreement, independent judgment, and the questioning of stubborn assumptions, can flourish in an environment of the greatest freedom." The words of Harper, Hutchins, Levi, and Gray capture both the spirit and the promise of the University of Chicago. Because the University is committed to free and open inquiry in all matters, it guarantees all members of the University community the broadest possible latitude to speak, write, listen, challenge, and learn. Except insofar as limitations on that freedom are necessary to the functioning of the University, the University of Chicago fully respects and supports the freedom of all members of the University community "to discuss any problem that presents itself."

Of course, the ideas of different members of the University community will often and quite naturally conflict. But it is not the proper role of the University to attempt to shield individuals from ideas and opinions they find unwelcome, disagreeable, or even deeply offensive. Although the University greatly values civility, and although all members of the University community share in the responsibility for maintaining a climate of mutual respect, concerns about civility and mutual respect can never be used as a justification for closing off discussion of ideas, however offensive or disagreeable those ideas may be to some members of our community.

The freedom to debate and discuss the merits of competing ideas does not, of course, mean that individuals may say whatever they wish, wherever they wish. The University may restrict expression that violates the law, that falsely defames a specific individual, that constitutes a genuine threat or

harassment, that unjustifiably invades substantial privacy or confidentiality interests, or that is otherwise directly incompatible with the functioning of the University. In addition, the University may reasonably regulate the time, place, and manner of expression to ensure that it does not disrupt the ordinary activities of the University. But these are narrow exceptions to the general principle of freedom of expression, and it is vitally important that these exceptions never be used in a manner that is inconsistent with the University's commitment to a completely free and open discussion of ideas.

In a word, the University's fundamental commitment is to the principle that debate or deliberation may not be suppressed because the ideas put forth are thought by some or even by most members of the University community to be offensive, unwise, immoral, or wrong-headed. It is for the individual members of the University community, not for the University as an institution, to make those judgments for themselves, and to act on those judgments not by seeking to suppress speech, but by openly and vigorously contesting the ideas that they oppose. Indeed, fostering the ability of members of the University community to engage in such debate and deliberation in an effective and responsible manner is an essential part of the University's educational mission.

As a corollary to the University's commitment to protect and promote free expression, members of the University community must also act in conformity with the principle of free expression. Although members of the University community are free to criticize and contest the views expressed on campus, and to criticize and contest speakers who are invited to express their views on campus, they may not obstruct or otherwise interfere with the freedom of others to express views they reject or even loathe. To this end, the University has a solemn responsibility not only to promote a lively and fearless freedom of debate and deliberation, but also to protect that freedom when others attempt to restrict it.

As Robert M. Hutchins observed, without a vibrant commitment to free and open inquiry, a university ceases to be a university. The University of Chicago's long-standing commitment to this principle lies at the very core of our University's greatness. That is our inheritance, and it is our promise to the future.

Scope of Policy

Timing

This Policy is effective August 1, 2024.

Definitions

Where the reported Prohibited Conduct is alleged to have occurred before effective date of this Policy, the definitions of Prohibited Conduct in existence at the time of the alleged Prohibited Misconduct occurred will be used.

Resolution Procedures for Conduct Not Covered by Title IX:

Regardless of when the Prohibited Conduct Occurred, these Resolution Procedures will be used.

Title IX Conduct prior to August 14, 2020

The definitions and procedures in effect at that time will be used.

Title IX Conduct August 14, 2020 to July 31, 2024

The definitions and procedures in effect at that time will be used.

Persons Covered

This Policy applies to all members of the CMC community including: students, student organizations, faculty, staff, and administrators. It also applies to (whether on or off campus) third parties such as alumni, volunteers, vendors, contractors, interns, visitors, when they are on campus or participating in CMC's sponsored activities or programs. The procedures for resolving allegations of Prohibited Conduct may vary based on one's status, as further described in the Policy.

CMC prohibits coworkers, third parties (including students), as well as supervisors and managers with whom a CMC employee (including a student-employee, applicant for employment, contractor, volunteer or intern) comes into contact, from engaging in conduct prohibited by the California Fair Employment and Housing Act or this Policy.

Geographic Coverage

In Programs and Activities or Off-Campus

CMC shall take reasonable steps to respond to each incident of Prohibited Conduct involving individuals subject to CMC's policies that occur in connection with any educational activity or other program of CMC as well as incidents that occurred outside of those educational programs or activities, whether they occurred on or off campus to a student, if, based on the allegations, there is any reason to believe that the incident could contribute to a hostile educational environment or otherwise interfere with a student's access to education.

Relating to Employment

This policy applies to Prohibited Conduct in employment that occurs:

- In the workplace (including the remote workplace during working time) or anywhere on CMC's property while employees are working;
- Off-campus, if the Prohibited Conduct in employment occurred in connection with a CMC work event, activity, program, or event; or
- Off-campus, if the off-duty Prohibited Conduct in employment by a supervisor has or reasonably may have the effect of creating a hostile work environment for an employee.

Reporting of Concerns

The College strongly encourages reports of Prohibited Conduct regardless of who engaged in the conduct. Even if the College does not have the ability to initiate a process against the Respondent under this policy, the College will take prompt action to provide for the safety and well-being of the individual reporting the Prohibited Conduct and the broader campus community.

Relationship to the Other Claremont Colleges

In circumstances involving parties from more than one campus within The Claremont Colleges, the following guidelines apply:

- The Respondent's home institution will be responsible for administering any Resolution or other disciplinary process that falls outside of this Policy or the TCC Policy as it applies to CMC students.
- The College will coordinate with the Respondent's home institution in the investigation of the matter and will take steps to stop the conduct and remedy its effects to the extent reasonably possible.
- The College maintains its authority to take action to ensure safety on its own campus.

The Claremont Colleges Title IX Policy

This Policy covers Prohibited Conduct that occurs on the basis of sex that does not fall within the definitional or jurisdictional requirements of the federal regulations essential to the TCC Title IX Policy. The conduct covered in this Policy may also be covered under The Claremont Colleges (TCC) Title IX Policy. Alleged Prohibited Conduct involving a CMC student that is covered under TCC Title IX Policy will be referred to the TCC Title IX Resolution Procedures, unless it also involves a CMC employee as a Respondent, in which case it will be processed under this Policy.

Contacts

CMC Office of Civil Rights

Nyree Gray, Vice President for Human Relations and Chief Diversity Officer

Heggblade, Second Floor

Claremont, CA 91711

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Joanna Rosas, Title IX Coordinator

Athenaeum, Second Floor

Claremont, CA 91711

(909)607-3830

TitleIX@claremontmckenna.edu

Definitions

- **Age:** with respect to employment discrimination, refers to the chronological age of any individual who has reached a 40th birthday. With respect to discrimination in non-employment programs and activities, Age means how old a person is, or the number of years from the date of a person's birth. In both instances, Age is a Protected Status.
- **Business days:** means Monday through Friday, excluding state, federal, and College holidays.
- **Complainant:** Any individual who has reported being or is alleged to be impacted by Prohibited Conduct as defined by this Policy and who was participating in a CMC program or activity (or attempting to participate) at the time of the alleged Prohibited Conduct, including students, employees (including student employees in their capacity as employees), interns (paid and unpaid), applicants for employment and admission, volunteers, and contractors.
 - **Institution as Complainant:** a designated College official/office who acts in the capacity of a Complainant when a Complainant is unavailable or unwilling to participate in the Resolution Process and it has been determined that the matter must nevertheless proceed through the Resolution Process.
- **Complaint:** A complaint means an oral or written request to the Title IX Coordinator that objectively can be understood as a request for CMC to investigate and make a determination about alleged Prohibited Conduct under this Policy. A complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information listed on the Title IX/Equal Opportunity website or as described in this Policy. Individuals who would like more information about filing a complaint are invited to contact the Title IX Coordinator for additional information.
- **Conflict of Interest:** Generally, a conflict of interest occurs when someone's personal interests may compromise-or be reasonably seen as compromising-the person's impartial exercise of duties under this policy. Personal interests (including adverse personal relationships) may arise from relationships (familial, friendships/social circles), financial connections, or otherwise. No one list can provide for every circumstance that may pose a conflict of interest, but the following common-sense guidelines may help:

CMC is a small, tight-knit community. Individuals involved in this process may know the parties, may know other members of the College community who provide information bearing on the resolution of a Complaint, and may have a general prior knowledge of the Complaint. Acquaintance with the parties or others involved and general knowledge of the Complaint do not in themselves constitute conflicts of interest, for this Policy presumes that the individuals implementing the Policy will conscientiously discharge their duties, acting in good faith. Similarly, providing procedural information to one or both parties prior to the submission of a Complaint does not by itself constitute a cause for recusal, though advice that indicates a prejudgment or that does not maintain impartiality creates a conflict of interest and would constitute cause for recusal. More generally, public or private statements suggesting a pre-judgment of the facts involved in the Complaint always constitute a conflict of interest. Familial relationship with one or more of the parties or direct involvement, including but not limited to involvement as an immediate party, a third party (e.g., as a witness), or as a participant in rendering a decision related to the Complaint, also constitutes a conflict of interest.

- **Confidential Resource:** a campus- or community-based resource that has the duty of confidentiality. The duty of confidentiality is an obligation on the part of the resource provider to keep a person's information private and confidential unless consent to release or share the information is provided by the disclosing person. The Title IX Coordinator maintains a list of Confidential Resources.

There are two types of Confidential Resources:

- **Confidential Resources with the legal privilege of confidentiality.** Communications with these resources have legal protections from disclosure in court. These resources also possess professional obligations (the duty of confidentiality) to hold such communications in confidence and they cannot divulge information about an individual seeking their services to a third party without that individual's consent. There are established limits to confidentiality and these must be communicated to the individual seeking services. Examples include, but are not limited to: Chaplains, and Monsour Counseling and Psychological Services (MCAPS).
- **Institution-designated Confidential Resources.** Communications with these resources do not have legal privilege and as such are not provided legal protections from disclosure in court. These individuals and/or offices do possess professional obligations (the duty of confidentiality) to hold communications in confidence and they cannot divulge information about an individual seeking their services to a third party without that individual's consent. In addition to established limits to confidentiality that must be communicated to the individual seeking services, Institution designated Confidential Resources also have limited reporting responsibilities federally mandated by the Clery Act. Under the Clery Act, their reporting obligation arises when they become aware of information or allegations of criminal behavior and must report the information regarding an incident to the Institution's Clery Coordinator. They do not have to report identifying information about the individuals involved in an incident. Institution-designated Confidential Resources are not obligated to inform the Title IX Coordinator of a report/disclosure unless requested by the individual seeking their services.

Examples of Institution-designated Confidential Resources include, but are not limited to: the Director of the EmPOWER Center and the Director of the Queer Resource Center (QRC).

CMC Campus Advocates are Institution-designated Confidential Resources. All campus Advocates, however, are private resources, and do not have an obligation to share any information with the Title IX Coordinator

- **Chief Diversity Officer:** the designated College official responsible for the development and implementation of a comprehensive program for compliance with civil rights laws, including but not limited to the oversight and administration of this Policy. The Chief Diversity Officer oversees all matters dealing with discrimination, harassment, hate crimes, and Faculty/Staff Title IX matters.
- **Disability:** is a Protected Status and, as defined in California Government Code § 12926 and the federal Americans with Disabilities Act (ADA), 2008 Amendments, means:
 - Having a physical or mental condition that limits a major life activity. “Limits” means making the achievement of a major life activity difficult. “Limits” is determined without regard to mitigating measures such as medications, assistive devices, prosthetics, or reasonable accommodations, unless the mitigating measure itself limits a major life activity. A “major life activity” is broadly construed and includes physical, mental, and social activities (such as walking, talking, seeing, hearing) and working; or
 - Having a known history of a qualifying impairment; or
 - Being regarded or treated as having or having had a qualifying impairment; or
 - Being regarded or treated as having or having had such an impairment that has not presently disabling effects but may become a qualifying impairment in the future.

The College provides reasonable accommodations to qualified individuals with a Disability based on an interactive process with those involved to identify the nature and extent of the impairment or limitation and the appropriate accommodation.

- **Disparate Treatment:** means the different treatment of someone because of their inclusion in a protected class.
- **Faculty or "Faculty Member":** means any employee of the College holding any type of appointment to the faculty, however titled (including, but not limited to all tenured, tenure-track, visiting, and part-time appointments). This includes head coaches on renewable contracts in the Department of Athletics, Physical Education, and Recreation.
- **Force or threat of force:** means the use of force or violence, or the threat of force or violence, including but not limited to (1) when the Respondent threatens to use force or violence on the Complainant or on any other person, and the Complainant under the circumstances reasonably believes that the Respondent has the ability to execute that threat or (2) when the Respondent has overcome the Complainant by use of superior strength or size, physical restraint or physical confinement.
- **Gender:** includes a person’s gender identity and gender expression. Gender expression means a person’s gender-related appearance and behavior whether or not stereotypically associated with the person’s assigned sex at birth.
- **Genetic Information:** is a Protected Status and means:
 - The Student’s genetic tests.
 - The genetic tests of the Student’s family members.
 - The manifestation of a disease or disorder in the Student’s family members.
 - Any request for, or receipt of genetic services, or participation in clinical research that includes genetic services, by a Student or any Student’s family member.
 - Genetic Information does not include information about any Student’s sex or age.
- **Resolution Procedures:** the rules the College will follow when adjudicating an allegation of Prohibited Conduct.
- **Investigator:** means the person tasked by the Title IX Coordinator with investigating a Complaint.

- **Marital Status:** is a Protected Status and means an individual's state of marriage, non-marriage, divorce or dissolution, separation, widowhood, annulment, or other marital state.
- **Medical Condition:** is a Protected Status and means either of the following:
 - Any health impairment related to or associated with a diagnosis of cancer or a record of history of cancer; or
 - Genetic characteristics, which includes any scientifically or medically identifiable gene or chromosome, or combination or alteration thereof, that is known to be a cause of the disease or disorder in a person or that person's offspring, or that is determined to be associated with a statistically increased risk of development of a disease or disorder, and that is presently not associated with any symptoms of any disease or disorder, as well as inherited characteristics that may derive from the individual or family member, that are known to be a cause of a disease or disorder in a person or that person's offspring, or that are determined to be associated with a statistically increased risk of development of a disease or disorder, and that are presently not associated with any symptoms of any disease or disorder.
- **National Origin:** includes an individual's citizenship of a country of a predominant religion or their country of origin and is a Protected Status.
- **Parties:** to a Complaint are Complainant(s) and Respondent(s).
- **Physical abuse:** includes sexual abuse and means any of the following: (i) the knowing or reckless use of physical force, confinement, or restraint; (ii) knowing, repeated, and unnecessary sleep deprivation; and/or (iii) knowing or reckless behavior that creates an immediate risk of physical harm.
- **Preponderance of the Evidence:** means the greater weight of the evidence; i.e., that the evidence on one side outweighs, preponderates over, or is more than, the evidence on the other side. The Preponderance of the Evidence is the applicable standard for determining facts and reaching conclusions in an investigation conducted pursuant to this Policy.
- **Race or Ethnicity:** includes ancestry, color, ethnic group identification, and ethnic background and is a Protected Status. Race is inclusive of traits historically associated with race, including, but not limited to, hair texture and protective hairstyles.
- **Religion:** is a Protected Status and includes all aspects of religious belief, observance, and practice and includes agnosticism and atheism. Religious dress and grooming practices, such as wearing religious clothing, head or face covering, jewelry, and artifacts, are part of a Complainant's religious observance or belief.
- **Reasonable Person:** means a reasonable person under similar circumstances and with the same Protected Status(es) as Complainant.
- **Respondent:** an individual student, employee, or other individual over whom CMC exercises disciplinary authority, or group of individuals such as a student organization, who has been reported to have engaged in conduct that could constitute Prohibited Conduct under this policy.
- **Responsible Employee:** a College employee or agent who is generally required to take immediate and appropriate responsive action when they know, or in the exercise of reasonable care, should have known about discrimination, harassment, sexual misconduct, or other Prohibited Conduct. Except for Confidential Resources, all College employees—even if not Responsible Employees—are trained to report alleged Prohibited Conduct to the Title IX Coordinator.

A Responsible Employee includes any employee who:

- Has the authority to take action to redress the discrimination or harassment; or,
- Has the duty to report incidents of potential discrimination or harassment to appropriate College officials; or

- A student or employee could reasonably believe has the authority or responsibility to take action.

Employees with supervisory and leadership responsibilities on campus are considered Responsible Employees. All exempt employees are considered Responsible Employees. These employees include faculty, coaches, administrators, resident advisors, and others with a responsibility for the welfare of our students, faculty, staff, and visitors. The Chief Civil Rights Officer, Title IX Coordinator, Deputy Title IX Coordinators, Deans or Assistant Deans in the Dean of Students Office, and Campus Safety Officers are all Responsible Employees. This list is not exhaustive.

- **Sanctions:** means any disciplinary action taken to correct a violation of Prohibited Conduct as set forth in this Policy.
- **Student:** means any student enrolled at the College, including any student currently serving a suspension or interim suspension, on a leave of absence, or any who withdraws from the College while a disciplinary matter (including investigation) is pending.
- **Title IX Coordinator/Deputy Title IX Coordinators:** designated College personnel responsible for overseeing the College's compliance with Title IX, the VAWA Amendments to the Clery Act, and California Education Code Sections 67380-67386.
- **VAWA:** means the Violence Against Women Reauthorization Act of 2013 (which amends the Jeanne Clery Disclosure of Campus Crimes Statistics Act, commonly known as the Clery Act) (20 U.S.C. 1092(f)), under its Campus Sexual Violence Elimination Act provision (Campus SaVE Act).
- **Veteran or Military Status:** may be Protected Statuses and means service in the uniformed services.
- **Witness:** a person asked to give information about a complaint pursuant to the Resolution Process.

Prohibited Conduct

This section provides the definitions of Prohibited Conduct for purposes of this Policy. For the purposes of this Policy, as defined by Title IX, sex includes sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity and expression.

Discrimination on the Basis of a Protected Status

Except as permitted by law, such as in the case of housing which permits sex-separated residential arrangements, CMC prohibits discrimination on the basis of a Protected Status/Protected Category. There are two forms of discrimination prohibited by this Policy:

1. Disparate Treatment Discrimination

Disparate impact discrimination occurs in CMC's education programs or activities or employment, when:

1. Complainant was subjected to an Adverse Action and was harmed;
2. Complainant's Protected Status/Protected Category was Respondent's substantial motivating reason for the Adverse Action;
3. Respondent's conduct was a substantial factor in causing the harm.

For the purposes of this definition Adverse Action means:

An action or a course or pattern of conduct that, taken as a whole, materially and adversely affected the terms, conditions, or privileges of employment or causes student or participant in an education program or activity to be excluded from participation in, be denied the benefits of CMC's education programs or activities, including any academic, extracurricular, research, occupational training, or other education program or activity operated by CMC. However, minor or trivial actions or conduct that is not reasonably likely to do more than anger or upset an individual cannot constitute an Adverse Action.

2. **Disparate Impact Discrimination**

Disparate impact discrimination occurs in CMC's education programs or activities or employment, when CMC:

1. Has a policy or practice that has a disproportionate adverse effect on a specific Protected Status/Protected Category;
2. A Complainant identifies as having the specific Protected Category/Protected Status and was harmed by the CMC's policy or practice; and
3. The CMC's policy or practice was a substantial factor in causing the harm.

For the purposes of this definition, unless permitted by Title IX, adopting a policy or engaging in a practice that prevents a person from participating in an education program or activity consistent with the person's gender identity subjects a person to more than de minimis harm on the basis of sex and will be considered prohibited discrimination.

In the employment setting, discrimination on the basis of Protected Status includes, but is not limited to, hiring, firing, pay, job assignments, promotions, layoff, training, fringe benefits, and making decision regarding other terms or conditions of employment on the basis of a Protected Status. Minor or trivial actions or conduct, although frustrating or offensive, do not constitute prohibited Discrimination.

Examples of Discrimination:

A supervisor refuses to promote a qualified employee of a certain ethnicity without a valid business purpose.

A professor refuses to allow a colleague on a committee due to a belief that the colleague's recent marriage or divorce will impact the colleague's availability for committee duties.

Sex-Based Harassment in Education Programs and Activities and Employment

Sex-Based Harassment is a form of sex discrimination and means sexual harassment and other harassment on the basis of sex. Sex-Based Harassment includes the following:

- **Quid Pro Quo** Harassment

Quid Pro Quo Harassment is defined as:

Someone from or in the work or educational setting, including an employee, agent, or other person authorized by CMC to provide an aid, benefit, or service under a CMC program or activity, who explicitly or implicitly conditions the provision of an aid, benefit, or service of a CMC on an individual's participation in unwelcome sexual conduct, which includes but is not limited to, unwelcome sexual advances, requests for sexual favors, and other verbal, visual, or physical conduct of a sexual nature, including under any of the following conditions:

- Submission to the conduct is explicitly or implicitly made a term or a condition of an individual's employment, academic status, or progress;
- Submission to, or rejection of, the conduct by the individual is used as the basis of employment or academic decisions affecting the individual; or,
- Submission to, or rejection of, the conduct by the individual is used as the basis for any decision affecting the individual regarding benefits and services, honors, programs, or activities available at or through the educational institution.

Quid Pro Quo Harassment can include situations in which an employee, agent, or individual who purports to have authority from CMC to provide and condition an aid, benefit, or service under CMC's

education program or activity on a person's participation in unwelcome sexual conduct, even if that person is unable to provide that aid, benefit, or service.

Sex-Based Hostile Environment Harassment

Sex-Based Hostile Environment Harassment is defined as:

- Unwelcome sex-based conduct (where sex includes sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, gender identity and gender expression) that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person's ability to participate in or benefit from any CMC education program or activity; or
- Unwelcome sexual advances, requests for sexual favors, and other verbal, visual, or physical conduct of a sexual nature, made by someone from or in the work or educational setting where the conduct has the purpose or effect of having a negative impact upon the individual's work or academic performance, or of creating an intimidating, hostile, or offensive work or educational environment.

Sexual Assault under Title IX

Sexual Assault is any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent. In California, Affirmative Consent is required.

For the purpose of these definitions, a Sexual Act is defined as conduct between persons consisting of:

- Contact between the penis and the vulva, or between penises and vulvas;
- Contact between the penis and the anus;
- Contact between the mouth and the penis;
- Contact between the mouth and the vulva;
- Contact between the mouth and anus;
- Contact between anuses; or,
- Contact involving any of the above or the buttocks or breasts.

Private body parts include all of the body parts specified above, including genitals, groin area, breasts and buttocks.

Sexual Assault includes:

Rape—The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim. In California, Affirmative Consent is required. Attempted Rape falls under this prohibition. (This type of conduct is not eligible for mediation as a form of agreement-based resolution in California.)

Fondling—The touching of the private body parts of another for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental incapacity. In California, affirmative consent is required. (This type of conduct is not eligible for mediation as a form of agreement-based resolution in California.)

Incest—Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law. (This type of conduct is not eligible for mediation as a form of agreement-based resolution in California.)

Statutory Rape—Sexual intercourse with a person who is under the statutory age of consent. In California the statutory age of consent is 18. (This type of conduct is not eligible for mediation as a form of agreement-based resolution in California).

Sexual Violence under the California Education Code

CMC also prohibits Sexual Violence as defined by the California Education Code.

Sexual Violence means physical sexual acts perpetrated against a person without the person's Affirmative Consent. Physical sexual acts include both of the following:

Rape is penetration, no matter how slight, of the vagina or anus with any part or object, or oral copulation of a sex organ by another person, without the Affirmative Consent of the victim. (This type of conduct is not eligible for mediation as a form of agreement-based resolution in California).

Sexual Battery is the intentional touching of another person's intimate parts without their Affirmative Consent, intentionally causing a person to touch the intimate parts of another without Affirmative Consent, or using a person's own intimate part to intentionally touch another person's body without Affirmative Consent. (This type of conduct is not eligible for mediation as a form of agreement-based resolution in California).

Sexual Exploitation under the California Education Code

CMC also prohibits Sexual Exploitation as defined by the California Education Code. Sexual Exploitation includes a person taking sexual advantage of another person for the benefit of anyone other than that person without that person's Affirmative Consent, including, but not limited to, any of the following acts:

- The prostituting of another person.
- The trafficking of another person, defined as the inducement of a person to perform a commercial sex act, or labor or services, through force, fraud, or coercion.
- The recording of images, including video or photograph, or audio of another person's sexual activity or intimate parts, without that person's consent.
- The distribution of 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.
- The viewing of another person's sexual activity or intimate parts, in a place where that other person would have a reasonable expectation of privacy, without that person's consent, for the purpose of arousing or gratifying sexual desire.
- Surreptitiously observing another individual's nudity or sexual activity or allowing another to observe consensual sexual activity without the knowledge and consent of all parties involved;
- Non-consensual possession, sharing, or streaming of images, photography, video, or audio recording of sexual activity or nudity, or distribution of such without the knowledge and consent of all parties involved;
- Exposing one's genitals or inducing another to expose their own genitals in non-consensual circumstances;
- Knowingly exposing another individual to a sexually transmitted disease, virus, or infection without the other party's knowledge; or
- Inducing incapacitation for the purpose of making another person vulnerable to non-consensual sexual activity.

Intimate body parts include genitals, groin area, breasts, buttocks, anus, vulva, and mouth.

Dating Violence

Dating Violence is violence committed by a person:

- Who is or has been in a social relationship of a romantic or intimate nature with the Complainant; and
- Where the existence of such a relationship shall be determined based on a consideration of the following factors:
 - The length of the relationship;
 - The type of relationship; and
 - The frequency of interaction between the persons involved in the relationship.

Emotional and psychological abuse do not constitute violence for the purposes of this definition.

Domestic Violence

Domestic violence is violence committed by a person who:

- Is a current or former spouse or intimate partner of the Complainant under the family or domestic violence laws of the State of California or a person similarly situated to a spouse of the victim;
- Is cohabitating, or has cohabitated, with the Complainant as a spouse or intimate partner;
- Shares a child in common with the Complainant; or
- Commits acts against a youth or adult Complainant who is protected from those acts under the family or domestic violence laws of the State of California.

Emotional and psychological abuse do not constitute violence for the purposes of this definition.

Stalking

Stalking means engaging in a course of conduct directed at a specific person based on a protected status that would cause a reasonable person under similar circumstances and with similar identities to the targeted person to (1) fear for the person's safety or the safety of others; or (2) suffer substantial emotional distress. A "course of conduct" means two or more acts; acts are broadly defined to include conduct that is direct, indirect, or through third parties, by any action, method, device, or means, which involves following, monitoring, observing, surveilling, threatening, or otherwise communicating to or about, or interfering with the property of, the targeted person. "Substantial emotional distress" means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

Stalking may include, but is not limited to:

- Non-consensual communication, including face-to-face communication, telephone calls, voice messages, e-mails, texts, letters, notes, gifts, or any other communications that are undesired and place another person in fear;
- Using Global Positioning Systems (GPS) to monitor a victim;
- Pursuing, following, waiting, or showing up uninvited at or near a residence, workplace, classroom, or other places frequented by the victim;
- Surveillance or other types of observation, including staring or "peeping";
- Trespassing;
- Vandalism;
- Verbal or physical threats;
- Gathering information about an individual from friends, family, or co-workers;
- Threats to harm self or others;
- Lying to others about the victim; or
- Cyber-stalking, including but not limited to, the use of online, electronic, or digital technologies, including:

- Unauthorized posting of pictures, messages, or information about the Complainant on websites, Internet sites, social networking sites, or bulletin boards or in chat rooms;
- Sending unwanted/unsolicited email, texts, or talk requests; or
- Posting private or public messages on Internet sites, social networking sites, or bulletin boards.

Affirmative Consent and Incapacitation

Affirmative Consent: Affirmative Consent means affirmative, conscious, and voluntary agreement to engage in sexual activity. It is the responsibility of each person involved in the sexual activity to ensure that they have the affirmative consent of the other or others to engage in the sexual activity. Affirmative consent must be ongoing throughout a sexual activity and can be revoked at any time.

- Lack of protest or resistance does not mean consent.
- Silence does not mean consent.
- The existence of a dating relationship between the persons involved, or the fact of past sexual relations between them, should never by itself be assumed to be an indicator of consent.

It shall not be a valid excuse that the Respondent believed that the Complainant affirmatively consented to the sexual activity if the Respondent knew or reasonably should have known that the Complainant was unable to consent to the sexual activity under any of the following circumstances:

- The Complainant was asleep or unconscious.
- The Complainant was incapacitated, as defined below, 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.
- The Complainant was unable to communicate due to a mental or physical condition.

In addition, it shall not be a valid excuse to alleged lack of affirmative consent that the Respondent believed that the Complainant consented to the sexual activity under either of the following circumstances:

- The Respondent's belief in affirmative consent arose from the intoxication or recklessness of the Respondent. A Respondent's own intoxication or incapacitation from drugs or alcohol does not diminish that person's responsibility to obtain Affirmative Consent before engaging in sexual activity.
- The Respondent did not take reasonable steps, in the circumstances known to the Respondent at the time, to ascertain whether the Complainant affirmatively consented.

Affirmative Consent cannot be given if any of the following are present: Incapacitation, force, or coercion. Consent may not be given by an individual who has not reached the legal age of consent under applicable law, which is the age of 18 in California.

Incapacitation: Consent cannot be given by someone who is incapacitated. Incapacitation occurs when someone cannot make rational decisions because they lack the capacity to give knowing and informed consent (e.g., to understand the "who, what, when, where, why, and how" of their sexual activity). Incapacitation is determined through consideration of all relevant indicators of a person's state and is not synonymous with intoxication, impairment, or being under the influence of drugs, including prescription drugs, or alcohol. This Policy also covers a person whose incapacity results from temporary or permanent physical or mental health condition, involuntary physical restraint, and/or the consumption of incapacitating drugs, or who are sleeping.

Consumption of alcohol or other drugs alone is insufficient to establish incapacitation. Whether an intoxicated person (as a result of using alcohol or other drugs) is incapacitated depends on the extent to which the alcohol or other drugs impact the person's decision-making ability, awareness of consequences, and ability to make rational decisions.

In general, sexual contact while under the influence of alcohol or other drugs poses a risk to all parties. Alcohol and drugs impair a person's decision-making capacity, awareness of consequences, and ability to make informed judgments. It is especially important, therefore, that anyone engaging in sexual activity be aware of the other person's level of intoxication. If there is any doubt as to the level or extent of the other individual's intoxication or impairment, the prudent course of action is to forgo or cease any sexual contact or activity.

The impact of alcohol and drugs varies from person to person, and evaluating incapacitation requires an assessment of how the consumption of alcohol or drugs impacts an individual's:

- Decision-making ability;
- Awareness of consequences;
- Ability to make rational decisions; and/or,
- Capacity to appreciate the nature and the quality of the act.

California Harassment in Employment

Any unwelcome behavior towards an employee (which for this definition includes a student-employee in their capacity as an employee, applicant for employment, unpaid intern, contractor or volunteer), that is reasonably regarded as offensive, that is based on the Complainant's Protected Status and that:

- Sufficiently offends, humiliates, distresses, or intrudes upon its victim, so as to disrupt the victim's emotional tranquility in the workplace, or,
- Affects the victim's ability to perform the job as usual, or,
- Otherwise interferes with and undermines the victim's personal sense of well-being.

For California Harassment in employment, a single incident of harassing conduct based on a Protected Status may create a hostile work environment if the harassing conduct has unreasonably interfered with the victim's work performance or created an intimidating, hostile, or offensive work environment. Whether or not the person meant to give offense or believed their comments or conduct were welcome is not significant. Rather, the Policy is violated when other individuals, whether recipients or mere observers of the conduct, are actually offended by comments or conduct based on Protected Status and the conduct is considered offensive by a reasonable person.

Examples of conduct that may constitute California Harassment in employment (based on Sex) may include, but are not limited to:

- Unwanted physical touching;
- Telling sexually explicit jokes or stories;
- Making comments or gestures reasonably regarded as lewd or offensive;
- Displaying sexually suggestive objects, cartoons, or pictures;
- Sending sexually explicit messages by letter, notes, electronic mail, social media posting, or telephone;
- Making unwelcome comments reasonably regarded as offensive about a person's body, physical appearance, or clothing;
- Frequent use of unwelcome terms of endearment; or
- Repeatedly asking an individual for a date or meetings outside of working hours after they have indicated an unwillingness to go.

Other Forms of Harassment Based on Protected Statuses Other than Sex

Harassment in educational programs and activities means any unwelcome behavior (physical, verbal, graphic, or written) based on a Protected Status (other than sex which is separately defined), that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person's ability to participate in or benefit from CMC's education programs or activities.

A person can commit harassment without intending to create these outcomes.

In evaluating the severity, persistence, or pervasiveness of the conduct, the College considers whether the target(s) of the conduct, as well as an objectively reasonable person considering the conduct from the perspective of the target(s), would find the conduct to be severe, persistent, or pervasive. Relevant factors for consideration may include, but are not limited to, the context, nature, scope, frequency, duration, and location of the harassment based on Protected Status, as well as the identity, number, age, and relationships of the persons involved. Generally, the less pervasive the harassing conduct, the more severe it must be to establish a hostile environment. In some instances, a single act may be sufficiently severe as to be prohibited by this Policy.

Academic Freedom. Without diluting any of the protections set out above, the College recognizes the uniqueness of the Educational Environment and the importance of encouraging and protecting academic freedom. For this reason, expression which occurs in the context of academics, education, and/or research are broadly protected by the principles of academic freedom.

Examples of Possible Harassment:

- A professor's derogatory comments, slurs, or jokes during class about a particular race which makes it too difficult for a student of that racial background to attend or participate in class.
- A coach continually denigrating a particular student athlete due to the student's inability to practice at certain times because of the student's religious beliefs.

Retaliation

CMC prohibits retaliation against any person opposing Prohibited Conduct or participating in any Prohibited Conduct Resolution Process, including an investigation, whether internal or external to CMC. Retaliation includes threats, intimidation, harassment, coercion, discrimination, violence, or any other conduct against any person by CMC, a student, or an employee or other person authorized by CMC to provide aid, benefit, or service under any CMC education program or activity, for the purpose of interfering with any right or privilege secured by this Policy, or because the person has reported information, made a Complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this Policy, including the Agreement-Based Resolution Process, Investigation and Hearing Resolution Process, and in any other action taken by CMC to promptly and effectively end any Prohibited Conduct in its education program or activity, prevent its recurrence, and remedy its effects. Retaliation does not include perceived or petty slights or trivial annoyances.

This Policy also applies to peer retaliation, which is defined as retaliation by a CMC student against another CMC student.

CMC may require an employee or other person authorized by CMC to provide aid, benefit, or service under CMC's education program or activities to participate as a witness in, or otherwise assist with, an investigation, proceeding, or hearing under this Policy.

Hate Crimes

A hate crime is a specific form of discrimination linked to criminal act involving one or more of the following crimes:

- Murder, manslaughter, sexual offense (forcible or non-forcible), theft, simple assault, intimidation, stalking, or vandalism, or any other crime involving bodily injury.
- Where such criminal act was motivated by bias against any person or group of persons, or the property of any person or group of persons because of the actual or perceived Protected Status of the person or group.

Prohibited Relationships

Engaging in a sexual or other intimate relationships in which one party maintains a direct supervisory or evaluative role over the other party do not necessarily constitute a form of Prohibited Conduct under this Policy. However, such relationships do present special concerns related to the potential for such misconduct and are therefore prohibited as described below.

In general, this prohibition includes all sexual or other intimate relationships between students and their employers, supervisors, professors, coaches, advisors or other College employees.

Similarly, College employees (faculty and staff) who supervise or otherwise hold positions of authority over others are prohibited from having a sexual or other intimate relationship with an individual under their direct supervision.

The College does not wish to interfere with private choices regarding personal relationships when such relationships do not interfere with the goals and policies of the College. However, faculty, administrators, and others who educate, supervise, evaluate, employ, counsel, coach or otherwise guide students or directly supervise subordinates should understand the fundamentally asymmetrical nature of the relationship they have with students or subordinates.

Intimate or sexual relationships where there is differential in power or authority produce risks for every member of our community and undermine the professionalism of faculty and supervisors. In either context, the unequal position of the parties presents an inherent element of risk and may raise sexual harassment concerns if one person in the relationship has the actual or apparent authority to supervise, evaluate, counsel, coach, or otherwise make decisions or recommendations as to the other person in connection with their employment or education at the college.

In addition, sexual relations between persons occupying asymmetrical positions of power, even when both consent, raise suspicions that the person in authority has violated standards of professional conduct and potentially subject the person in authority to charges of sexual harassment based on changes in the perspective of the individuals as to the consensual nature of the relationship. Similarly, these relationships may impact third parties based on perceived or actual favoritism or special treatment based on the relationship.

Therefore, persons with direct supervisory or evaluative responsibilities who contemplate beginning or are involved in such relationships are required to promptly:

- Disclose the circumstances to their own supervisor.
- Where feasible and practicable, coordinate with the supervisor to develop, implement, and maintain any appropriate reassignment or other protocols to have the effect of discontinuing or eliminating any direct role as a supervisor of the subordinate employee.

- When not feasible or practicable, avoiding or discontinuing the relationship.

Failure to fully or timely comply with these requirements is a violation of this Policy by the person in authority, who may be subject to disciplinary action, up to and including termination for cause.

Finally, any member of the CMC community who was subjected to discrimination or harassment based on a person of authority's failure to abide by the terms of this Policy may file a complaint under this Policy.

False Reporting

It is a violation of College Policy to file a *knowingly false or malicious* complaint of Prohibited Conduct under this Policy. A report or complaint alleging false reporting by another individual may be pursued pursuant to the procedures set forth in this Policy for reporting Prohibited Conduct. A report or complaint that was made in good faith does not constitute either False Reporting or Retaliation under this Policy.

Violations of Terms of Supportive Measures

Any failure to follow a condition imposed upon a Party as a "Supportive Measure" under this Policy.

Reporting

The College encourages all individuals who are subject to Prohibited Conduct to pursue all remedies available to them, including:

- *Internally* at the College through the Resolution Procedures set forth in this Policy, or
- *Externally* by reporting the matter to law enforcement, the relevant administrative agency, or pursuing the matter through civil litigation.

External and internal reporting options are not mutually exclusive and maybe pursued concurrently. However, if a report or complaint implicates both College Policy and law enforcement or other external agency, the College will proceed pursuant to the procedures set forth in this Policy, regardless of action or inaction by outside authorities; provided, however, that the College may temporarily suspend or take other reasonable steps of limited duration to avoid interfering or obstructing law enforcement or other legal process.

Decisions made or sanctions imposed through these or other College procedures are not subject to change because criminal, civil or administrative charges arising from the same conduct are pursued, dismissed, reduced, or rejected.

To promote timely and effective review, the College strongly encourages individuals make reports as soon as is reasonably possible following an incident involving Prohibited Conduct. Delays in reporting may impact the College's ability to gather relevant and reliable information. The College does not, however, limit the time frame for reporting alleged Prohibited Conduct. To the extent reasonably possible the College will take prompt and appropriate action in response to all reports of Prohibited Conduct.

If the Respondent is not a member of the CMC community, or is no longer a member of the CMC Community, the College will follow its procedures to the extent reasonably practicable. However, the ability of the College to take disciplinary or other remedial action against the Respondent will be limited. If the Respondent leaves the College with a pending complaint, the Respondent will not be permitted to return to the College until the complaint is resolved pursuant to this Policy.

Internal Reporting

All members of the CMC community are strongly encouraged to report information regarding any potential incident of Prohibited Conduct to the Chief Diversity Officer, the Title IX Coordinator, or other representative designated below; provided that under no circumstances is an individual required to report Prohibited Conduct to an individual who is the alleged perpetrator.

Chief Diversity Officer

Nyree Gray, Vice President Human Relations and Chief Diversity Officer
Heggblade, Second Floor
400 E Ninth St.
Claremont, CA 91711
(909) 607-0347
ngray@cmc.edu

Title IX Coordinator

Joanna Rosas, Title IX Coordinator
Athenaeum, Second Floor
385 East Eighth Street
Claremont, CA 91711
(909) 607-3830
jrosas@cmc.edu or,
titleix@claremontmckenna.edu

In addition to the foregoing College representatives, an individual may report Prohibited Conduct to a Responsible Employee or the Title IX Coordinator at the College. Information shared or reported to a Responsible Employee about potential Prohibited Conduct will only be shared with a limited circle of College representatives. The use of this information is limited to those College employees or other representatives who "need to know" in order to assist in the review, investigation, or resolution of the report. In addition, and the within the context of any appropriate investigation and related procedures under the Resolution Process, information may also need to be shared with other parties, including the Respondent and any witnesses.

External Reports to Law Enforcement

The College always encourages individuals who have experienced sexual assault or other potential crimes to contact law enforcement. The Claremont Police Department is the local law enforcement agency with jurisdiction in the City of Claremont and The Claremont Colleges.

The Claremont Police Department

Emergencies: **Dial 9-1-1**
Non-Emergencies: (909) 399-5411
570 West Bonita Avenue
Claremont, CA 91711
Lobby Hours: 7:00 a.m. - 10:00 p.m., 7 days a week

External Reports to Administrative Agencies

Any individual may pursue any charge of harassment, discrimination, or related retaliation based on sex, national origin, race, color, ethnicity, ancestry, disability or age with the United States Department of

Education's Office for Civil Rights ("OCR"). As stated in the definition of Prohibited Conduct, it is a violation of this Policy and is also unlawful to retaliate against any individual for filing a complaint with, or for otherwise participating in an investigation, proceeding, or hearing conducted by, OCR.

United State Department of Education
Office for Civil Rights
Beale Street, Suite 7200
San Francisco, CA
(415) 486-5555

An employee (including an applicant for employment, student-employee, volunteer, unpaid intern, or contractor) may pursue any charge of harassment, discrimination, or related retaliation with the California Department of Fair Employment and Housing ("DFEH") or the comparable federal agency, the Equal Opportunity Employment Commission ("EEOC"). As stated in the definition of Prohibited Conduct, it is a violation of this Policy and is also 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.

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

DFEH Los Angeles Office
320 W. 4th St.
Los Angeles, CA 90013
(213) 439-6799

The College's Legally Mandated Reporting Obligations

Although the College will normally follow an individual's wishes with respect to contacting law enforcement, there are certain instances in which the College and/or Campus Safety may be required to report conduct to law enforcement authorities even when an individual has not decided to do so. Such circumstances include:

- Pursuant to its responsibilities under the Clery Act, the College includes statistics about certain offenses in its Annual Security Report and provides those statistics to the United States Department of Education in a manner that does not include any personally-identifying information about individuals involved in an incident. The Clery Act also requires the College to issue timely warnings to the College community about certain crimes that have been reported and may continue to pose a serious or continuing threat to the College community. The timely warning will not include any identifying information about the Complainant. At no time will the College release the name of the Complainant to the general public without the express consent of the Complainant. The release of the Respondent's name to the general public is guided by Family Educational Rights and Privacy Act (FERPA) and the Clery Act.
- In sexual misconduct cases, when there is clear and imminent danger or risk to the individual or the community, when a weapon was involved with the incident, when the alleged conduct involves sexual misconduct and the individual is a minor (under the age of 18), the College is required under California Education Code Section 67380(a)(6) to disclose the complaint to local law enforcement.

The Complainant may choose to withhold their personally identifying information. If the Complainant chooses to withhold their information, the Respondent's identity will not be revealed unless the Respondent represents a serious or ongoing threat to the safety of students, employees or the College or law enforcement's assistance is needed in detaining the Respondent. In these circumstances, the College's decision to report an incident to law enforcement will be shared with the individual.

- In cases involving hate crimes, pursuant to Education Code 67383(a), the College and/or Campus Safety will immediately report certain hate crimes which occur on or off campus or on non-campus property and which was reported to a campus security authority. The Complainant may choose to withhold their personally identifying information. The College will disclose hate crimes as defined in Penal Code Section 422.55 (a criminal act committed, in whole or in part, because of a person's actual or perceived disability, gender, nationality, race or ethnicity, religion, sexual orientation, or association with a person with those actual or perceived characteristics).
- Certain members of the CMC community are designated by California law as "mandated reporters" with legal obligations to report known or suspected abuse or neglect of children (those under age 18). For detailed information about the legal requirements, see the Child Abuse and Neglect Reporting Act (Penal Code Sections 11164-11174.3, or "the Act"). The Act encourages others not otherwise obligated by law to voluntarily report known or suspected abuse of children (Penal Code 11166(g)). More information is also available by reading the Policy on Reporting Child Abuse and Neglect.

Other Reporting Policies

Amnesty for Alcohol or Other Drug Use

The College encourages the reporting of Prohibited Conduct under this Policy. It is in the best interest of this community that as many Complainants as possible choose to report to the College, and that witnesses come forward to share what they know. To encourage reporting, individuals who report conduct prohibited under this Policy, either as Complainants or third-party witnesses, will not be subject to disciplinary action by the College for their personal consumption of alcohol or drugs at or near the time of the incident, provided that any such violations did not and do not place the health or safety of any person at risk. The College may, however, initiate an educational discussion or pursue other educational remedies regarding alcohol or other drugs.

For cases involving Sexual Assault, Dating Violence, Domestic Violence, Stalking or California Sexual Violence, a student who makes a report of these types of Prohibited Conduct to the Title IX Coordinator or who participates in an investigation of these types of Prohibited Conduct as Complainant or witness, will not be subject to disciplinary action for a violation of CMC's Student Conduct Policy that occurred at or around the time of the incident, unless the Party or CMC determines that the violation was egregious, including, but not limited to, an action that placed the health or safety of any other person at risk or involved plagiarism, cheating, or academic dishonesty. CMC may require an educational conference where support, resources, and educational counseling options may be discussed and potentially require a learning action plan for an individual who has engaged in the illegal or prohibited use of alcohol or drugs.

Anonymous Reporting

Any individual may make an anonymous report concerning any alleged Prohibited Conduct. An individual may report the incident without disclosing their name, identifying the Respondent, or requesting any action. Depending on the extent of information available about the incident or the individuals involved, however, the College's ability to respond to an anonymous report may be limited.

Public Awareness Events

Employees are required to report to the Title IX Coordinator information about sex discrimination they learn about at public awareness events such as "Take Back the Night," the Clothesline Project, candlelight vigils, protests, "survivor speak outs," or other forums in which individuals within the community disclose incidents of sexual misconduct.

The Title IX Coordinator is not obligated to respond directly to any identified Complainant in a report of sex-based harassment disclosed at a public awareness event that takes place on-campus or in a CMC-sponsored online platform unless there is an imminent and serious threat to someone's health or safety.

The Title IX Coordinator must respond to reports of conduct that could constitute sex discrimination other than Sex-Based Harassment if disclosed at public awareness events, wherever they occur. In all cases, CMC must use the information to inform its efforts to prevent Sex-Based Harassment, including by providing tailored training to address alleged Sex-Based Harassment in a particular part of its education program or activity or at a specific location when information indicates there may be multiple incidents of Sex-Based Harassment.

College's Response to Reports of Prohibited Conduct

General Provisions

Role and Neutrality of Chief Civil Rights Officer and Title IX Coordinator

The College's President has delegated comprehensive oversight of the College's rights-related policies, including this Policy, to the College's Chief Diversity Officer and has designated specific responsibility for oversight of Title IX compliance to the Title IX Coordinator. The Chief Diversity Officer may designate Deputy Civil Rights Officers or Deputy Title IX Coordinators. These employees collectively have the following responsibilities:

- Being knowledgeable and trained with respect to relevant federal, state and other laws or regulations related to civil rights matters;
- Developing and maintaining the College's comprehensive civil rights compliance program, including policy review, development, administration, and enforcement as well as training, education and awareness programs;
- Overseeing the intake, assessment and resolution of all reports of Prohibited Conduct to ensure a Complainant understands the reporting options, providing a prompt and fair process for all participants, and providing care and support to all parties;
- Implementing remedies to a complainant or any other person the College identifies as having had their equal access to the College's education program or activity limited or denied by Prohibited Conduct. Remedies are provided to restore or preserve access to the education program or activity after the College determines that sex discrimination occurred (and are separate from any sanctions imposed on a Respondent) An example could be a housing relocation and class schedule.
- Fundamental responsibility to oversee the College's compliance with federal and state civil rights-related laws.

In view of these overarching responsibilities, the Chief Diversity Officer and the Title IX Coordinator are not able to provide direct advocacy on behalf of any Complainant or Respondent.

Whenever a document or Policy indicates that the Title IX Coordinator is responsible for a certain action, that same authority is vested in the Chief Diversity Officer and Deputy Title IX Coordinators.

Relationship to the College's Other Procedures

If there are other procedures while the College is processing a Complaint under this policy the other process will be held in abeyance until the completion of the Resolution procedures set forth in this Policy, provided that the Complaint, as alleged, meets a definition of Prohibited Conduct if found true. This abeyance provision includes, but is not limited to, academic standards matters, student conduct matters, grade appeals, employment disciplinary matters, and the Academic Promotion and Tenure (APT) processes.

Agreement-Based Resolution

As discussed further below in the Policy, the College makes available many different forms of Agreement-Based Resolution for Complaints of Prohibited Conduct. This is an alternative path to resolving Complaints of Prohibited Conduct as compared to the formal Resolution procedures outlined below. Agreement-Based Resolution is always voluntary for the parties, and it is available any time before a final finding of responsibility/non-responsibility for a policy violation and so long as general community safety is not negatively affected by an Agreement-Based Resolution (as determined by the Title IX Coordinator).

Relationship to the College's Other Procedures

If there are other procedures while the College is processing a Complaint under this policy the other process will be held in abeyance until the completion of the Resolution procedures set forth in this Policy, provided that the Complaint, as alleged, meets a definition of Prohibited Conduct if found true. This abeyance provision includes, but is not limited to, academic standards matters, student conduct matters, grade appeals, employment disciplinary matters, and the Academic Promotion and Tenure (APT) processes.

Agreement-Based Resolution

As discussed further below in the policy, the College makes available many different forms of Agreement-Based Resolution for complaints of prohibited conduct. This is an alternative path to resolving complaints of prohibited conduct as compared to the formal Resolution procedures outlined below. Agreement-Based Resolution is always voluntary for the parties, and it is available any time before a final finding of responsibility/non-responsibility for a policy violation and so long as general community safety is not negatively affected by an Agreement-Based Resolution (as determined by the Title IX Coordinator).

Protections for All Parties

As part of its commitment to providing a prompt and equitable process, the College will:

- Treat all parties with respect, dignity, and sensitivity throughout the process.
- Take appropriate action in response to Complaints or knowledge of such behaviors while preserving the rights of those against whom allegations have been made to receive procedural protections in the fact-finding and decision-making process.
- Acknowledge all Complaints promptly and resolved timely. Supportive Measures shall be considered on a case-by-case basis.
- Ensure that the investigation and adjudication of alleged Prohibited Conduct under this Policy is not an adversarial process between a Complainant, a Respondent, and the witnesses, but rather a process for the College to comply with its obligations under existing law.
- Provide all parties with appropriate due process and reach reasonable conclusions based on the evidence collected.
- Ensure that all resolution processes under this Policy will be conducted by qualified, impartial personnel in a manner that is fair, equitable, and timely to all parties.
- Track cases to ensure reasonable progress, and close cases in a reasonably timely manner.
- Ensure that the Respondent is presumed not responsible for Prohibited Conduct until a determination is made at the conclusion of the investigation and decision-making procedures.

- Have the burden of conducting a Resolution Process that gathers sufficient evidence to determine whether Prohibited Conduct occurred. Complainant does not have the burden to prove, nor does Respondent have the burden to disprove, the underlying allegation or allegations of Prohibited Conduct. Any party may decide to limit their participation in part or all of the process, or to decline to participate. This does not shift the burden of proof away from the College and does not indicate responsibility.
- Provide an equal opportunity for the parties to present fact witnesses and other inculpatory and exculpatory evidence that are relevant and not otherwise impermissible.
- Provide both the Complainant and the Respondent access to support services, including those provided by Monsour Counseling and Psychological Services for students and the Employee Assistance Program for faculty and staff.
- For students, protect confidentiality consistent with the Family Education Rights and Privacy Act (FERPA).
- For all parties, make all reasonable efforts to protect confidentiality consistent with relevant legal requirements and with the need to conduct a fair and equitable investigation, including by restricting access to information to those with a legitimate need to know, consistent with the requirements of Confidentiality and Privacy as set forth below.
 - All parties should understand that information collected through the Resolution Procedures may be subpoenaed in a criminal and/or civil proceeding.
- Provide written notice of the policies implicated by the complaint, these Resolution Processes, the alleged facts related to any potential Policy violation, and the maximum possible sanctions that may be imposed if Respondent is found responsible.
- Provide both parties the opportunity to challenge the appointment of the Title IX Coordinator, the Investigator, the Hearing Officer, Appeal Officer, a Panel Member, or the Sanctioning Officer if there is a possible or actual conflict of interest or bias.
- Allow the Complainant and the Respondent to choose to participate or decline to participate in the event the Resolution Procedures are activated, with the understanding that the Resolution Procedures may continue without their involvement and that the College will determine an outcome based on the information available.
- Notify both parties of the option to have a Support Person and Advisor of their choice present at any meeting related to a complaint and at any point during the Response or Resolution Procedures.
- Provide written notice of the resolution of any Resolution Procedures, including any appeal.
- Seek to complete the Response Procedures and any Resolution Procedures within a timely manner as described in the Time Frames section below, when feasible, recognizing that this time frame will vary based upon the nature of the case and the need for an equitable process.

Confidentiality and Privacy

To ensure an equitable process and to minimize the possibility of Retaliation, all proceedings initiated under this Policy are designated as confidential, which means:

- Complainants, Respondents, and witnesses may be provided with confidential access to written materials or other confidential information throughout the Resolution Procedures. The parties may share such confidential information with individuals within a party's support group, such as a Support Person, or other close family members, as may be reasonably necessary and appropriate to promote an equitable process. However, confidential information that is obtained by a party through any proceeding initiated under this Policy may not be shared outside these parameters. In the absence of obtaining relevant written consent, this duty of confidentiality shall continue after the conclusion of these Resolution Processes. The purpose of sharing evidence under these procedures is to allow each party the equal opportunity to meaningfully respond to the evidence prior to conclusion of the

process, to submit any additional relevant evidence and questions for parties or witnesses, and the names of any additional witnesses with relevant information. Given the sensitive nature of the information provided, CMC will facilitate this review in a secure manner. None of the parties nor their Advisors may copy, remove, photograph, print, image, videotape, record, or in any manner otherwise duplicate or remove the information provided.

- College representatives are permitted to share confidential information within the organization among those who have a reasonable need to know in order to assist in the active review, investigation or resolution of the report pursuant to these Procedures. The College will not disclose the information to third parties who are not serving as College agents without: i) the express consent of the individual; ii) compliance with its FERPA responsibilities; or, iii) in response to a legally-binding request to disclose.
- A violation of these confidentiality provisions can subject a person to discipline with a maximum possible sanction of separation from the College (for students) or termination from the College (for staff or faculty). Any advisor who fails to abide by this may be subject to discipline and/or may be excluded from further participation in the process.

See Appendix B for more background information related to confidential and privacy considerations.

Addressing Conflicts of Interest

Any individual carrying out any part of this Policy shall be free from any actual conflict of interest (as defined in Section III of this Policy) or demonstrated bias that would impact the handling of a matter. Should the Title IX Coordinator have a conflict of interest, the Title IX Coordinator shall immediately notify the Executive Vice President/Chief Operating Officer who will reassign the role of Title IX Coordinator for purposes of carrying out the handling and finalization of the matter at issue.

- Bias or a conflict of interest is not presumed. In order to establish bias or conflict of interest, the party making the assertion must demonstrate facts that support an unacceptable likelihood of partiality.

Should any individual with a role in the process believe they have a conflict of interest, they shall notify the Title IX Coordinator upon discovery of the conflict so that the Title IX Coordinator may reassign the role as appropriate. This Policy will note where parties have the opportunity to challenge the participation of any individual implementing this Policy based on actual conflict of interest or demonstrated bias.

Advisors of Choice

Advisor: An Advisor is an individual who provides guidance to the Complainant or Respondent throughout the Resolution Procedures, as set forth in this Policy. Each party is entitled to choose and consult with an Advisor, at their own expense, through every stage of the Resolution Procedures. A party can select any Advisor they choose at any time in the process. If the party does not have an Advisor at the evidence review stage of the process, the College will provide the student with an Advisor until the end of the process at the Appeal stage, if necessary. An Advisor can be any person, including a friend, colleague, or an attorney. The selected Advisor should not be a party or a witness in the same matter.

A party does not have to have an Advisor during the investigation and Alternative Resolution process. Parties in this process may be accompanied by an Advisor to any meeting or proceeding to which they are required or are eligible to attend.

The Advisor's role is limited. Except where explicitly stated by this Policy, Advisors shall not participate directly in the process. An Advisor may never speak on behalf of a party or otherwise disrupt any meetings or hearings in any manner. Any restrictions on Advisor participation will be applied equally.

A Party's Advisor is expected to have reviewed this Policy to understand their role and expectations under this Policy prior to providing support to the Party. The College's Title IX Coordinator may require the Advisor to meet with the Title IX Coordinator and ensure the Advisor understands their role and the expectations under this Policy prior to their involvement in any process under this Policy. A Party and their Advisor are encouraged to contact the College's Title IX Coordinator with any questions regarding this Policy and its Resolution Procedures.

The College reserves the right to exclude an Advisor who does not abide by these procedures.

Support Persons

Support Person: A Support Person is an individual who provides emotional support to a Complainant or Respondent throughout the Resolution and Alternative Resolution process, as set forth in this Policy. Parties are entitled to one Support Person through every stage of the Resolution and Alternative Resolution process. If a party has a difficult time obtaining a Support Person, the Title IX Coordinator may work with the party to identify a Support Person. A Party's Support Person may not be another Party or witness in the same matter.

The Support Person may never speak on behalf of a Party or otherwise disrupt any meetings or hearings in any manner.

A Party's Support Person is expected to have reviewed this Policy to understand their role and expectations under this Policy prior to providing support to the Party. The College's Title IX Coordinator may require the Support Person to meet with the Title IX Coordinator to ensure the Support Person understands their role and the expectations under this Policy prior to their involvement in any process under this Policy. A Party and their Support Person are encouraged to contact the College's Title IX Coordinator with any questions regarding this Policy and its Resolution Procedures. The College reserves the right to exclude a Support Person who does not abide by these procedures.

Time Frames

As a general guide, the College seeks to resolve all reports of Prohibited Conduct in a timely manner when in receipt of the report. Time frames expressly outlined in these Response and Resolution Procedures are meant as guidelines rather than rigid requirements. Extenuating circumstances may arise that require the extension of time frames. Extenuating circumstances may include the complexity and scope of the allegations, the number of witnesses, the availability of the parties or witnesses, the effect of a concurrent criminal investigation, any intervening College closure 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. In the event that the delay is caused by the lack of response of either party the College will move forward with the process with the information available at that time.

Absent extensions for extenuating circumstances, the entire Resolution process for cases under this Policy should be completed within the anticipated timeframes described below (business days exclude weekends, recognized holidays, and College closures):

1. Intake: ten (10) business days
2. Investigation Phase One: fifty (50) business days
3. Response to Preliminary Investigation Report: ten (10) business days
4. Investigation Plan and Final Investigation Report: thirty (30) business days

5. Preparation of Hearing and Hearing: forty-five (45) business days
6. Hearing Determination: fifteen (15) business days
7. Appeal: fifteen (15) business days

The parties will be provided with timeline information and status updates on (i) the investigation period, (ii) the date by which the parties shall be notified of the outcome of any investigation, and (iii) deadlines and process for an appeal.

The parties may make extension requests to the Title IX Coordinator. The Title IX Coordinator will provide notice to both parties of any timeline extensions and the reasons for the extensions (consistent with appropriate confidentiality and privacy laws based on the party's status as a student or employee.) The College will not unreasonably delay a party's request for an extension of a deadline during periods of examinations or College closures. Failure to complete the process within this time period does not, in and of itself, constitute a procedural error. Any such argument of procedural error on appeal must also include an explanation as to how the delay materially impacted the outcome.

The Title IX Coordinator may adjust the timeframes in cases where there may be safety concerns to either party or the community.

Supportive Measures

In response to all reports of Prohibited Conduct, the College may implement Supportive Measures as necessary to support and protect the health and safety of the parties, the safety of the College community/its members, and fairness of any process activated under this Policy. In general, Supportive Measures are individualized measures offered as appropriate, as reasonably available, without unreasonably burdening a Complainant or Respondent, not for punitive or disciplinary reasons, and without fee or charge to the Complainant and Respondent to (1) Restore or preserve the party's access to the recipient's education program or activity, including measures that are designed to protect the safety of the parties or the recipient's educational environment; or (2) Provide support during the Resolution Process.

Supportive Measures may vary depending on what the College deems to be reasonably available. These measures may include but are not limited to: counseling; extensions of deadlines and other course-related adjustments; campus escort services; restrictions on contact applied to one or more parties; leaves of absence; changes in class, work, housing, or extracurricular or any other activity.

Supportive Measures designed to minimize the impact on the parties and to provide for a fair and equitable process.

With the exception of Non-Academic or Academic suspensions (for students), Paid Leave of Absence (for staff), or Emergency Suspension with Pay (for faculty), which are discussed below, Supportive Measures determinations may be appealed.

Students may appeal to the Vice President for Student Affairs. Staff may appeal to the Executive Vice President and Chief Operating Officer of the College. Faculty may appeal to the Dean of Faculty. Appeals must be submitted within three business (3) days upon notice of the Supportive Measure. After submission of an appeal, the decision will be issued within five (5) business days.

The Title IX Coordinator has the authority to adjust a Supportive Measure during the Resolution Procedure process. The Title IX Coordinator is also charged with the responsibility of ensuring that Supportive

Measures are designed to preserve or restore access to the College's education programs and activities and that they remain in place only for so long as is reasonably necessary past the pendency of the process provided, they are not punitive.

Alleged Violations of Terms of Supportive Measures

In the event of being notified of a possible violation of any term of a Supportive Measures by any Respondent, the Title IX Coordinator will promptly arrange a meeting with the Respondent to discuss the possible violation. The Title IX Coordinator will decide, based on a preponderance of evidence, whether the Respondent violated any term of an Interim Suspension, and if so, the appropriate sanction for the violation. Typically, the Title IX Coordinator will use graduated sanctions, but a single serious violation or one that threatens the integrity of this process, such as an attempt to intimidate or otherwise influence a witness, can result in the imposition of a full Academic Suspension or leave without pay or termination for staff. Faculty will be referred to the Faculty Handbook section [4.3. for Grounds for Dismissal and Suspension without Pay for Cause](#).³⁹

Emergency Removals and Administrative Leaves

The Title IX Coordinator may place a student Respondent on Interim Suspension (Non-Academic or Academic) or a staff Respondent (in consultation with the Office of Human Resources) on a Paid Leave of Absence. An Interim Suspension (Academic or Non-Academic) is the immediate, non-disciplinary, temporary separation of a student from the College pending the outcome of the Resolution Procedures. A Respondent placed on Non-Academic Interim Suspension is permitted to continue her or his academic program at the College, although the Title IX Coordinator may restrict the Respondent's privileges at the College (including, but not limited to, removing the Respondent from student housing, restricting participation in athletics or student government, prohibiting attendance at on or off-campus College events, and participating in sponsored internships or work study programs).

A Respondent placed on Academic Interim Suspension is prohibited from participation in any College activities/privileges described immediately above as well as prohibited from taking classes at any of The Claremont Colleges. Academic Interim Suspensions will only be considered in circumstances in which the Title IX Coordinator determines that Respondent presents a material threat of disruption or violence to the College community. The Respondent will receive notice and an opportunity to appeal the decision immediately following the emergency removal.

For cases of sex discrimination and sex-based harassment only, the College retains the authority to remove a Respondent from the College's education program or activity on an emergency basis, where the College:

1. Undertakes an individualized safety and risk analysis;
2. Determines that an immediate and serious threat to the health or safety of a Complainant or any student, employee, or other individual arising from the allegations of sex discrimination justifies a removal; and
3. Provides the Respondent with notice of and an opportunity to challenge the decision immediately following the removal.

The Respondent may challenge the decision immediately following the removal, by notifying the Title IX Coordinator in writing. CMC will designate an impartial individual, not otherwise involved in the case, to consider the challenge to the removal and determine if the emergency removal was reasonable.

³⁹ <https://catalog.claremontmckenna.edu/content.php?catoid=37&navoid=7647#dismissal-and-suspension-without-pay>

A Paid Leave of Absence for staff is the immediate, non-disciplinary, and temporary removal of a staff member from campus pending the outcome of the Resolution Procedures.

Emergency Suspensions with Pay for Faculty

The Title IX Coordinator will notify the Dean of Faculty when they believe an emergency suspension with pay of a faculty member is warranted and provide sufficient information for the Dean of Faculty to evaluate the matter. An emergency suspension with pay of a faculty member may be ordered by the Dean of the Faculty and remains in place until a final determination of the matter is reached by the College. An emergency suspension with pay will be based on a determination by the Dean of the Faculty and/or the President that serious harm to the faculty member, to others in the community, or to the educational program would ensue from continuation of the faculty member's duties and or presence on campus. Such a suspension is not intended for disciplinary purposes, but is instead intended to facilitate a proper handling of the investigation and to minimize risks to the College. When practicable, the Dean should consult with the Appointment, Promotion, and Tenure Executive Committee on the propriety, length, and other conditions of the emergency suspension.

Appealing Emergency Removals and Administrative Leaves

A Respondent has the right to appeal the Emergency Removal/Paid Leave of Absence/Emergency Suspension with Pay. An appeal must be submitted within three (3) business days upon notice of removal. The Appeal officer will issue a decision within five (5) business days. The Chief Diversity Officer will receive the appeal and consult with the appropriate supervising Vice President, who has the final authority on ruling on the appeal:

- Vice President of Student Affairs (or designee) for student Respondents;
- Executive Vice President and Chief Operating Officer (or designee) for staff member, third party, or faculty member Respondents.

Alleged Violations of Terms of Supportive Measures

In the event of being notified of a possible violation of any term of a Supportive Measures by any Respondent, the Title IX Coordinator will promptly arrange a meeting with the Respondent to discuss the possible violation. The Title IX Coordinator will decide, based on a preponderance of evidence, whether the Respondent violated any term of an Interim Suspension, and if so, the appropriate sanction for the violation. Typically, the Title IX Coordinator will use graduated sanctions, but a single serious violation or one that threatens the integrity of this process, such as an attempt to intimidate or otherwise influence a witness, can result in the imposition of a full Academic Suspension or leave without pay or termination for staff. Faculty will be referred to the Faculty Handbook section 4.3.

Emergency Removals and Administrative Leaves

The Title IX Coordinator may place a student Respondent on Interim Suspension (Non-Academic or Academic) or a staff Respondent (in consultation with the Office of Human Resources) on a Paid Leave of Absence. An Interim Suspension (Academic or Non-Academic) is the immediate, non-disciplinary, temporary separation of a student from the College pending the outcome of the Resolution Procedures. A Respondent placed on Non-Academic Interim Suspension is permitted to continue her or his academic program at the College, although the Title IX Coordinator may restrict the Respondent's privileges at the College (including, but not limited to, removing the Respondent from student housing, restricting participation in athletics or student government, prohibiting attendance at on or off-campus College events, and participating in sponsored internships or work study programs).

A Respondent placed on Academic Interim Suspension is prohibited from participation in any College activities/privileges described immediately above as well as prohibited from taking classes at any of The Claremont Colleges. Academic Interim Suspensions will only be considered in circumstances in which the Title IX Coordinator determines that Respondent presents a material threat of disruption or violence to the College community. The Respondent will receive notice and an opportunity to appeal the decision immediately following the emergency removal.

For cases of sex discrimination and sex-based harassment only, the College retains the authority to remove a Respondent from the College's education program or activity on an emergency basis, where the College:

1. Undertakes an individualized safety and risk analysis;
2. Determines that an immediate and serious threat to the health or safety of a Complainant or any student, employee, or other individual arising from the allegations of sex discrimination justifies a removal; and
3. Provides the Respondent with notice of and an opportunity to challenge the decision immediately following the removal.

The Respondent may challenge the decision immediately following the removal, by notifying the Title IX Coordinator in writing. CMC will designate an impartial individual, not otherwise involved in the case, to consider the challenge to the removal and determine if the emergency removal was reasonable.

A Paid Leave of Absence for staff is the immediate, non-disciplinary, and temporary removal of a staff member from campus pending the outcome of the Resolution Procedures.

Emergency Suspensions with Pay for Faculty

The Title IX Coordinator will notify the Dean of Faculty when they believe an emergency suspension with pay of a faculty member is warranted and provide sufficient information for the Dean of Faculty to evaluate the matter. An emergency suspension with pay of a faculty member may be ordered by the Dean of the Faculty and remains in place until a final determination of the matter is reached by the College. An emergency suspension with pay will be based on a determination by the Dean of the Faculty and/or the President that serious harm to the faculty member, to others in the community, or to the educational program would ensue from continuation of the faculty member's duties and or presence on campus. Such a suspension is not intended for disciplinary purposes, but is instead intended to facilitate a proper handling of the investigation and to minimize risks to the College. When practicable, the Dean should consult with the Appointment, Promotion, and Tenure Executive Committee on the propriety, length, and other conditions of the emergency suspension.

Appealing Emergency Removals and Administrative Leaves

A Respondent has the right to appeal the Emergency Removal/Paid Leave of Absence/Emergency Suspension with Pay. An appeal must be submitted within three (3) business days upon notice of removal. The Appeal officer will issue a decision within five (5) business days. The Chief Diversity Officer will receive the appeal and consult with the appropriate supervising Vice President, who has the final authority on ruling on the appeal:

- Vice President of Student Affairs (or designee) for student Respondents;
- Executive Vice President and Chief Operating Officer (or designee) for staff member, third party, or faculty member Respondents.

Alleged Violations of Terms of Supportive Measures

In the event of being notified of a possible violation of any term of a Supportive Measures by any Respondent, the Title IX Coordinator will promptly arrange a meeting with the Respondent to discuss the possible violation. The Title IX Coordinator will decide, based on a preponderance of evidence, whether the Respondent violated any term of an Interim Suspension, and if so, the appropriate sanction for the violation. Typically, the Title IX Coordinator will use graduated sanctions, but a single serious violation or one that threatens the integrity of this process, such as an attempt to intimidate or otherwise influence a witness, can result in the imposition of a full Academic Suspension or leave without pay or termination for staff. Faculty will be referred to the Faculty Handbook section 4.3.

Providing for the Safety of the Complainant, Respondent, and the Community

In reviewing all initial and subsequent reports of Prohibited Conduct, the College (in consultation with all relevant parties) will assess as appropriate any risk of harm to the Complainant, Respondent or to the broader campus community and will take steps necessary to address those risks. These steps will include any Accommodations and/or Supportive Measures to provide for the safety of the Complainant, Respondent, and the College community.

In addition, whenever the College receives a report of potential misconduct that indicates an immediate threat to Complainant, Respondent, or other member of the community, the College will seek to notify appropriate first responders (including law enforcement and emergency medical responders) as soon as reasonably possible. The College will also implement any Supportive Measures as it determines are necessary and appropriate to provide for the safety of Complainant, Respondent or the College community.

Intake and Assessment of a Report of Prohibited Conduct

Intake and Assessment occurs whenever the College receives a report or complaint of Prohibited Conduct under this Policy. A Complaint means an oral or written request to the College that objectively can be understood as a request for the College to investigate and make a determination about alleged discrimination. In order to proceed to the Resolution Process, the Complaint must contain allegations that, if true, would meet all of the elements of a definition of Prohibited Conduct under this Policy. The College will attempt to clarify the allegations with the Complainant prior to dismissing.

A Complainant can be:

1. a student or employee who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX or other prohibited conduct; or
2. a person other than a student or employee who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX or other prohibited conduct and who was participating or attempting to participate in the College's education program or activity at the time of the alleged sex discrimination.

Intake and Assessment is designed to develop a comprehensive response plan with respect to the report.

Outreach to Potential Complainant. Upon receiving a report of an alleged policy violation, the Title IX Coordinator will assess the report and provide outreach, as appropriate, to each identifiable student who is alleged to be the victim of the reported conduct. The outreach will include all of the following information:

- The College has received a report of conduct that may have violated the Civil Rights Policy.
- A statement that retaliation for filing a Complaint or participating in a Complaint process, or both, under this Policy is prohibited;
- Counseling resources within the College or in the community;

- Where a crime may have occurred, notice that the student has the right, but not the obligation, to report the matter to law enforcement;
- The College's investigation procedures established pursuant to the requirements of this Policy;
- Potential supportive measures, such as no-contact directives, housing changes, and academic schedule changes, where applicable;
- The importance of preserving evidence;
- A request for the student to meet with the Title IX Coordinator to discuss options for responding to the report; and
- The manner in which the College responds to reports of a potential policy violation and a description of potential disciplinary consequences.

Intake Meeting with Complainant or Reporting Party

Upon receipt of a report of Prohibited Conduct, the Title IX Coordinator will request a confidential meeting with the Complainant to review the alleged policy violation and advise on the Complainant's ability to bring an Advisor and/or Support Person.

This meeting is not intended to serve as an exhaustive interview, but rather to provide the Title IX Coordinator with sufficient contextual information to determine the appropriate next steps to support the Complainant and to guide the College's response.

Below is a summary of the topics that the Title IX Coordinator will address in the meeting:

Assistance with care and support resources, medical providers, and law enforcement;

- Accommodations;
- Supportive Measures;
- Options for participating in Agreement Based Resolutions or Resolution Procedures; and
- Appropriate Non-Disciplinary Administrative Measures

College Response to Requests by Complainants Not to Proceed or Reveal Their Identities

If a Complainant indicates that they wish to maintain confidentiality or requests that no investigation into a particular incident be conducted or disciplinary action taken, the College's general policy is to respect such request *unless* certain overriding factors are present related to the College's obligation to provide a safe, non-discriminatory environment for all members of the community, including the Complainant. When evaluating this request, the College must also consider its obligations to employees and is generally obligated to investigate under applicable employment laws.

If the College honors a student Complainant's request for confidentiality, the College's ability to meaningfully investigate the incident, pursue Supportive Measures, and impose discipline against the Respondent may be limited.

There are circumstances in which the College may not be able to honor a student Complainant's request in order to provide a safe, nondiscriminatory environment for all members of the community.

In evaluating these requests, the Title IX Coordinator will consider a range of factors, including the following:

- Whether there have been other sexual misconduct complaints about the same individual;
- The Complainant's reasonable safety concerns regarding initiation of a Complaint;
- The risk that additional acts of Prohibited Conduct would occur if a Complaint is not initiated;

- The severity of the alleged Prohibited Conduct, including whether the Prohibited Conduct if established, would require the removal of a Respondent from campus or imposition of another disciplinary sanction to end the Prohibited Conduct and prevent its recurrence;
- The scope of the alleged Prohibited Conduct, including information suggesting a pattern, ongoing Prohibited Conduct, or Prohibited Conduct alleged to have impacted multiple individuals;
- Whether the College could end the alleged Prohibited Conduct and prevent its recurrence without initiating its Resolution procedures;
- Whether the individual has a history of arrests or records from a prior institution indicating a history of violence;
- Whether the individual threatened further sexual violence or other violence against the Complainant or others;
- Whether the sexual misconduct was committed by multiple alleged perpetrators;
- Whether the Respondent reportedly used a weapon or physical restraints or engaged in battery;
- Whether the Complainant is a minor;
- Whether the Respondent is a faculty or staff member with oversight of students;
- Whether there is a power imbalance between the Complainant and Respondent;
- Whether the Complainant believes that the Complainant will be less safe if the Complainant's name is disclosed or an investigation is conducted; and
- Whether the College is able to conduct a thorough investigation and obtain relevant evidence in the absence of the Complainant's cooperation

The Title IX Coordinator will inform the Complainant if factors require the College to activate the Resolution Procedures against a Complainant 's wishes and will explain that the Complainant is not required to participate in the Resolution Procedures. If the Complainant does not want to participate, the Title IX Coordinator will appoint a representative from the College to serve in the role of Institution as Complainant.

If the Title IX Coordinator determines that it can honor the Complainant's request for confidentiality and not file a Complaint, the College shall still take reasonable steps to respond to the report, consistent with the request, to limit the effects of the alleged sexual misconduct and prevent its recurrence without initiating formal action against the Respondent or revealing the identity of the Complainant. These steps may include increased monitoring, supervision, or security at locations or activities where the alleged misconduct occurred; providing additional training and education materials for students and employees; or conducting climate surveys regarding sexual violence. CMC shall also take immediate steps to provide for the safety of the Complainant while keeping the Complainant's identity confidential as appropriate. These steps may include changing living arrangements or course schedules, assignments, or tests.

The steps the College takes may not include the imposition of disciplinary sanctions or other actions against the Respondent. The Complainant shall be notified that the steps the College will take to respond to the report will be limited by the request for confidentiality.

If the Title IX Coordinator determines that it must disclose the Complainant's identity to the Respondent and/or proceed with an investigation, the Title IX Coordinator shall inform the Complainant prior to making this disclosure or initiating the investigation. The College shall also take immediate steps to provide for the safety of the Complainant where appropriate. In the event the Complainant requests that the College inform the Respondent that the Complainant asked the College not to investigate or seek discipline, the College shall honor this request.

Dismissal of a Complaint

CMC may dismiss a complaint if:

- CMC is unable to identify the Respondent after taking reasonable steps to do so;
- The Respondent is not participating in CMC's education programs or activities and/or is not employed by CMC;
- The Complainant voluntarily withdraws their Complaint in writing and the Title IX Coordinator declines to initiate a Complaint;
- The Complainant voluntarily withdraws some but not all allegations in a Complaint in writing, and CMC determines that, the conduct that remains alleged in the complaint would not constitute Prohibited Conduct under this Policy; or
- CMC determines the conduct alleged in the Complaint, even if proven, would not constitute Prohibited Conduct under this Policy.

Upon dismissal, CMC will promptly notify the Complainant in writing of the basis for the dismissal. If the dismissal occurs after the Respondent has been notified of the allegations, then CMC will notify the parties simultaneously, in writing. If a dismissal of one or more allegations changes the appropriate decision-making process under these procedures, the Title IX Coordinator will include that information in the notification.

CMC will notify the Complainant that a dismissal may be appealed on the basis outlined in the Appeals section. If dismissal occurs after the Respondent has been notified of the allegations, then CMC will also notify the Respondent that the dismissal may be appealed on the same bases. If a dismissal is appealed, CMC will follow the procedures outlined in the Appeals section of these procedures.

Initiation of Formal Resolution Procedures

The Title IX Coordinator will determine (consistent with the section above) whether to open an investigation after making a determination as to whether the allegations on their face present a potential violation of this Policy and/or the TCC Title IX Policy and which resolution process is appropriate. These determinations will be promptly documented in writing by the Title IX Coordinator.

- Where the Title IX Coordinator determines that the allegations on their face do not present a potential violation of this Policy or the TCC Title IX Policy, the Title IX Coordinator will within ten (10) business days notify the Complainant in writing that the complaint will not be investigated under this Policy without further information. The Title IX Coordinator will refer the Complainant to another College office if appropriate and will notify the Complainant of any referral.
- Where the Title IX Coordinator determines that the allegations on their face present a potential violation of this Policy and that a formal investigation under this Policy is appropriate, the Title IX Coordinator will within ten (10) business days (or as reasonable if there are any safety concerns) conduct an intake meeting with the Respondent (see below) and then send a Notice of Referral for Formal Resolution to the Complainant and Respondent.
- Where the Title IX Coordinator determines that the allegations on their face present a potential violation of the TCC Title IX Policy and that a formal investigation under the TCC Title IX Policy is appropriate, the Title IX Coordinator will **within ten (10) business days** meet with the Respondent (see below) and then refer the matter to the TCC Title IX Resolution Procedures.

Intake Meeting with the Respondent

If the Title IX Coordinator determines that the Complainant's Complaint on its face presents a potential violation of this Policy and/or the TCC Title IX Policy, the Title IX Coordinator will contact the Respondent to request a confidential meeting to review the alleged misconduct and advise the Respondent of the ability to bring a Support Person.

- In the Title IX Coordinator's meeting with the Respondent, the Respondent will be notified of the nature of the alleged misconduct and the facts which give rise to the alleged violation based on the limited information available to the Title IX Coordinator at that time. The Title IX Coordinator will not interview the Respondent during this meeting.
- The Title IX Coordinator will discuss the same topics with Respondent during the Intake meeting as is detailed for the Complainant, with the addition of describing Respondent's choice to participate or not in an Alternative Resolution or Formal Resolution Procedures.

Agreement-Based Resolution

The Agreement-Based Resolution (ABR) process is an alternative resolution option where the Parties each voluntarily agree to resolve the allegations or Complaint of Prohibited Conduct through a Resolution Agreement with agreed upon resolution terms and without engaging in an investigation or proceeding to a hearing where there is a determination of responsibility. No Party may be required to participate in the ABR. The Chief Diversity Officer or Title IX Coordinator must determine that ABR is an appropriate resolution option. ABR may be less time intensive than the Formal Resolution process, while affording Parties an opportunity to actively participate in a process that seeks to provide autonomy with regard to achieving a desired outcome. ABR is a voluntary, structured interaction between or among affected Parties.

General Information and Requirements for Engaging in Agreement-Based Resolution

A Complaint is not required for ABR; however, the Complainant must articulate the allegations of Prohibited Conduct they wish to resolve through the process.

The ABR process is generally expected to commence as soon as possible, and within fifteen (15) business days, after receipt of the Parties' agreement in writing to engage in the process. The process of facilitating and finalizing the Resolution Agreement will generally be completed within thirty (30) business days, depending on the form of ABR. The length of time provided to complete the terms of the Resolution Agreement after the Agreement is finalized will vary depending on the terms and what the Parties have agreed upon. During the ABR process, all timeframes for any other stages under this Policy, including investigation, Evidence Review Process, or conducting the hearing will be paused to allow the Parties sufficient opportunity to engage in the ABR process.

The ABR options available under this Policy, include, but are not limited to: Facilitated Resolution Agreement, Mediation, and Restorative Focused Options. Each option is further described below and is led by a designated Facilitator who is appropriately trained on the ABR option and must not have any conflict of interest or bias for or against complainants or respondents generally or an individual Complainant or Respondent. The Chief Diversity Officer or Title IX Coordinator may serve as the Facilitator or designate another external or internal Facilitator. The Investigator, Hearing Decisionmaker, or any other decisionmaker within the process for the same matter under this Policy may not serve as the Facilitator. Regardless of the elected option, the Parties may have a Support Person and/or Advisor present with them through the ABR process. The Facilitator and/or the College reserve the right to exclude or remove a Support Person and/or Advisor who does not comply with this Policy during the ABR process. Unless they have decided to withdraw from the ABR process, the Parties are required to actively participate in the selected ABR process, including by attending the meetings, engaging with the Facilitator, providing timely responses, and completing any actions required in their ABR process.

The Facilitator will provide regular status updates to the Parties and Title IX Coordinator, if applicable. The Title IX Coordinator will assist in managing the ABR process to the extent necessary to ensure the process is

moving forward in a productive and timely manner, and they will be available to the Parties should they have any questions or concerns throughout the ABR process.

If the matter is successfully resolved, the process concludes with a written Resolution Agreement outlining the resolution terms agreed upon by the Parties. The Title IX Coordinator must review and approve the Resolution Agreement. The ABR process concludes when the Resolution Agreement is signed by all Parties and the Title IX Coordinator, and upon sufficient completion of the agreed upon terms.

ABR may be initiated at any time during the Resolution Process prior to the release of the Hearing Decision Report. ABR does not include any determination made as to whether a Respondent engaged in the alleged Prohibited Conduct and/or violated this, Policy.

The Title IX Coordinator must still take other prompt and effective steps as needed to ensure that Prohibited Conduct does not continue or recur within the College education program or activity even if the Parties voluntarily agree to engage in ABR.

Determining Appropriateness of Agreement-Based Resolution

It is important to note that there are circumstances where ABR, or a specific option under ABR, is not available or is determined not appropriate to resolve a report or Complaint of Prohibited Conduct. Under California law, mediation is not a permitted resolution option to resolve reports or Complaints involving allegations of Sexual Assault or Sexual Violence. Instead, a Facilitated Resolution Agreement or Restorative Justice process are permitted options to resolve such allegations. Also, the Title IX Coordinator has discretion to not offer ABR to resolve a particular matter, or to determine that the ABR process is not appropriate based on the circumstances of the report or Complaint, and that the matter must instead be resolved through an alternate resolution process option, such as the Formal Resolution process. In making this determination, the Title IX Coordinator may consider the following: The severity of the allegations, whether there is an ongoing threat of harm or safety, or risk of future harm, to others in the campus community, whether there is an identifiable power differential (with regard to positional authority or employment) between the Parties, and whether the Parties are participating in good faith. This determination is not subject to appeal.

Right to Withdraw or Discretion to Terminate the Agreement-Based Resolution Process

Any Party may withdraw from the ABR process at any point before all Parties have signed the Resolution Agreement. Additionally, the Title IX Coordinator has discretion to terminate the process when the Parties do not agree on the terms, it is determined that the process is no longer productive or that any Party is not engaging in good faith, or upon receipt of evidence or information that would make addressing the alleged conduct via ABR no longer appropriate. The Title IX Coordinator makes the final decision on whether to terminate the ABR process.

If a Party withdraws from the ABR process, they may consider other resolution options, including initiating or resuming the Formal Resolution process. The Title IX Coordinator will notify Parties in writing if they determine they need to terminate the ABD process. Complainant's wishes regarding next steps will be considered in making this determination.

Agreement-Based Resolution Options

This Policy offers multiple ABR options for addressing reports or Complaints of Prohibited Conduct covered under this Policy. These options include, but are not limited to:

Facilitated Resolution Agreement

The Facilitated Resolution Agreement is a process facilitated by the Title IX Coordinator, or other designated Facilitator, with the purpose of finding resolution that addresses the concerns and desired outcome for all Parties. The Parties meet separately with the Title IX Coordinator, and do not interact directly with the other Parties. While this option must still be approved by the Title IX Coordinator, this option allows the Parties flexibility in finding resolution as it does not have the same limitations as the other options (*e.g.*, can be used to address any Prohibited Conduct under this Policy, so long as it is approved by the Title IX Coordinator, it does not require the Respondent to acknowledge harm (Restorative Justice), and does not include any direct dialogue between the Parties (Mediation or Restorative Justice).

Mediation

Under California law, mediation is not permitted, even on a voluntary basis, to resolve allegations involving Sexual Assault and Sexual Violence as defined in this Policy. Mediation may be permitted for other situations not involving Sexual Assault or Sexual Violence, such as reports involving allegations of other Prohibited Conduct defined in this Policy. Mediation may be preferable for Parties who wish to have facilitated dialogue without the condition of Respondent acknowledging harm. The purpose of mediation is for the Parties who are in conflict to identify the alleged conduct, the implications of a Respondent's actions and, with the assistance of a trained Facilitator (mediator), identify points of agreement and appropriate remedies to address the harm. Either Party can request mediation to seek resolution.

During the mediation process, the Facilitator will guide a discussion between the Parties. The Parties are not permitted to contact one another outside of the mediation process. Meetings may be held in person or via videoconference. In circumstances where the Parties do not wish to meet face to face, either Party can request that the Facilitator conduct separate meetings.

Restorative Options

To qualify for the Restorative Options ("RO") resolution option, the Respondent must acknowledge the harm experienced by Complainant and agree to take responsibility for repairing the harm, to the extent possible, experienced by the Complainant, and any other relevant, directly impacted individuals in the College community. Respondent's acknowledgment of harm is not an admission of a Policy violation(s), unless Respondent has expressly accepted responsibility pursuant to the process outlined in this Policy.

The Restorative resolution process, may include, but is not limited to, a Restorative Conference, or Restorative Circle, in person or via videoconference (if possible), that is facilitated by an appropriately trained Facilitator(s), and is intended to restore relationships and repair harm, to the extent possible, after a conflict has occurred. The Respondent(s), Complainant(s), and any other relevant, directly impacted individual(s) come together with the Facilitator to identify what harm was caused and, collaboratively, determine how conflict and trust might be, respectively, resolved and repaired. All Parties must agree on who is present during the discussion.

A Restorative Conference, generally, is a structured, facilitated dialogue between the individual(s) who caused harm and the individual(s) impacted by the harm.

A Restorative Circle, generally, is similar to a Restorative Conference, but utilizes a circle process to facilitate the dialogue and may include a talking piece that is passed around the circle allowing for each person in the circle, while holding the talking piece, to speak and be heard.

The Agreement-Based Resolution Process

Initiating the Agreement-Based Resolution Process

Prior to initiating the process, each Party must provide their voluntary agreement to engage in the ABR process to the Title IX Coordinator in writing and if applicable, indicate the ABR option (*i.e.*, Facilitated Resolution Agreement, Mediation, or Restorative Justice).

Upon confirmation of the Parties' voluntary agreement to proceed with ABR and the selected option, the Title IX Coordinator will provide a written Notice of ABR to the Parties that explains:

- The specific allegation(s) and alleged Policy violation(s);
- The requirements of ABR process;
- That the process is voluntary, and the Parties must not be required or pressured to participate;
- The Parties agree that this process is confidential related to any information including admissions of responsibility they share or receive during the ABR process concerning the allegations of the report or Complaint. No information concerning the allegations of Prohibited Conduct obtained solely within the ABR process may be disseminated to any person outside the ABR process, provided that any Party may generally discuss the allegations under investigation for the purpose of gathering evidence. Should the ABR process end or be terminated prior to reaching a Resolution Agreement, information disclosed or obtained for purposes of the ABR process remains confidential, and shall not be used except where the Title IX Coordinator has determined it is appropriate with regard to admission of responsibility in the same case, or to allegations of similar conduct raised against Respondent in another case;
- Any consequences resulting from participating in the ABR process, including the records that will be maintained or could be shared, and whether the Title IX Coordinator could disclose such information for use in a future Resolution Processes, including a Formal Resolution Process arising from the same or different allegations, as may be appropriate;
- Consequences should any Party fail to comply with the agreed upon terms applicable to them in the Resolution Agreement. This may include resuming or initiating the Formal Resolution process, and/or referral to the Dean of Students Office, Human Resource Office, or Dean of Faculty Office for review, which may result in new or additional discipline or sanctions, including probation, suspension, or expulsion;
- The Resolution Agreement resulting from the ABR process is binding on the Parties and is not subject to appeal;
- Once the Resolution Agreement is finalized and signed by the Parties, the Parties cannot initiate or resume an investigation process arising from the same allegations, unless it is determined that there was failure to comply with the terms of the Resolution Agreement and the matter should be resolved under a different resolution option;
- A matter is considered resolved and concluded once the agreed upon terms have been sufficiently completed;
- The decision to participate in the ABR process does not presume that the alleged Prohibited Conduct at issue has occurred;
- A statement that the Respondent is presumed not responsible for violating this Policy, unless Respondent admits to violations of this Policy;

- An explanation that all Parties may be accompanied by a Support Person, and/or an Advisor, who may be a parent, colleague, friend, or may be, but is not required to be, an attorney;
- A statement that any Party has the right to withdraw from the ABR process and may initiate or resume the Formal Resolution Process (if already begun), at any time before all Parties sign the Resolution Agreement. Should the Parties withdraw from the ABR process, information disclosed or obtained for purposes of the ABR process remains confidential as set forth above;
- A statement that the Title IX Coordinator has the discretion to terminate the ABR process upon determination that the Parties are not engaging in the process in good faith, or upon receipt of evidence or information that would make addressing the alleged conduct no longer appropriate;
- A statement that participating in ABR, the Parties understand that timelines for any stages of the Resolution Process, including any pending Formal Resolution process, will be paused to allow the Parties full participation in the ABR Process and will only recommence if ABR is ended, by withdrawal by a Party, or termination by the Title IX Coordinator;
- Information regarding Supportive Measures, which are equitably available to the Parties; and
- Examples of potential resolution terms that may be requested or offered in a Resolution Agreement.

Facilitating Agreement-Based Resolution and the Resolution Agreement

Upon confirmation that the Parties still wish to proceed with ABR after issuance of the Notice of ABR, and an option has been selected by the Parties and approved by the Title IX Coordinator, the Parties will then meet with the designated Facilitator(s) pursuant to their selected ABR option (Facilitated Resolution Agreement, Mediation, or RJ) to resolve Complainant's report or Complaint and facilitate the Resolution Agreement.

Any Party may craft or create proposed resolution terms for their Resolution Agreement and will be asked for their suggestions or ideas by the Title IX Coordinator. Examples of resolution terms that may be included in a Resolution Agreement include, but are not limited to:

- The Parties will not communicate or otherwise engage with one another, either directly or indirectly, by any means (Mutual No Contact Order) or agreement that Respondent will not communicate or otherwise engage with Complainant, either directly or indirectly, by any means (Unilateral No Contact Order);
- Class adjustments and/or restriction from enrolling in mutual classes with Complainant for a specified term(s);
- Housing relocation or removal, and/or restriction from living in specific residence halls for a specified term(s);
- Restriction from or limiting access to certain buildings on campus, including residence halls, dining halls, library, and recreational facilities;
- Changes in work schedules, locations, or assignments;
- Restrictions or limitations on participation in and/or presence at activities and events, such as extracurricular activities, athletics events, student organizations, social events, etc.;
- Sufficient completion of educational training or project by the Respondent, and sufficient completion of any assignments, such as a reflection paper or essay. Training or education topics may include, but are not limited to: affirmative consent, healthy relationships, bystander intervention, and drug or alcohol use (if related to the allegations);
- Sufficient completion of community service hours or project by the Respondent;
- Participation in and completion of mentoring, coaching, or counseling sessions within specified term(s), and sufficient completion of any assignments, such as a reflection paper or essay;

- An agreement to engage in a restorative justice process, such as a conference, circle, or facilitated dialogue;
- Sharing of Complainant's impact statement with Respondent, with optional reflection or response from Respondent;
- Disciplinary terms, such as agreement to serve conduct probation or suspension for a specified term(s), or to permanently separate from the College and ineligibility to re-enroll, or be employed, or apply for admission at any other TCC Institutions; and
- Agreement to have degree conferral delayed for specified term.

The Title IX Coordinator may require certain resolution terms be included in the Resolution Agreement as a matter of practice, such as educational training and/or implementation or extension of a mutual or unilateral No Contact Order. Any agreed-upon remedies and disciplinary sanctions agreed to in ABR have the same effect as remedies given and disciplinary sanctions imposed following an investigation and hearing.

If a Resolution Agreement cannot be reached, either because the Parties do not agree, any Party withdraws from the process, or the Title IX Coordinator terminates the process for any reasons previously discussed, the Title IX Coordinator may decide that the reported Prohibited Conduct will instead be addressed through the Formal Resolution process, and may include initiating the process, or continuing with any pending process paused for the ABR process. The Title IX Coordinator will inform the Parties of such decision, in writing.

Finalizing the Resolution Agreement

If a Resolution Agreement is reached, the Title IX Coordinator will review and approve the resolution terms. The Facilitator will draft the Resolution Agreement to include the resolution terms discussed with the Parties and approved by the Title IX Coordinator. The opportunity for any Party to withdraw from an ABR process concludes when the Parties and the Title IX Coordinator sign the Resolution Agreement. Once signed, the agreed upon terms of the Resolution Agreement are binding on all Parties, and no appeal is permitted.

The Title IX Coordinator will provide copies of the Resolution Agreement to the Parties. The Title IX Coordinator, Dean of Faculty, and/or Human Resources professional will monitor adherence and completion of the agreed upon terms and will update the Complainant accordingly. The matter will be considered resolved and closed when it is determined that Respondent has sufficiently completed and/or complied with the terms of the Resolution Agreement.

The Title IX Coordinators and/or Human Resources professionals will keep records of all reports and timelines for any stages of the Resolution Process, Prohibited Conduct addressed through ABR consistent with the College's record retention policies.

Any violations or unsuccessful completion of any terms of the Resolution Agreement may result in a referral for review by the appropriate office, which may result in disciplinary action. The Title IX Coordinator will determine next steps in the Resolution Process under this Policy should there be a failure to comply with the terms of the Resolution Agreement, including initiating or resuming the Formal Resolution process. The Complainant's wishes regarding next steps will be considered in this determination.

Resolution Procedures

Introduction and General Provisions

The Civil Rights Resolution Procedures ("Resolution Procedures") address the College's commitment to providing an adequate, reliable, and impartial investigation of complaints to investigate and resolve reports

or complaints of Prohibited Conduct defined above. In addition, if the same set of alleged facts for a matter reviewed by these Procedures also implicate any other College Policy, that other Policy violation will be integrated into and resolved by these Procedures.

The maximum possible sanctions for Policy violations pursuant to this Resolution Procedure include:

- Suspension or expulsion for students;
- Dismissal or termination of employment for staff members;
- Dismissal or termination for adequate cause for faculty members; and
- Banning from campus and terminating contracts with third parties.

The College exercises its judgment in designing reasonable sanctions. 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 Measures as appropriate. Non-Disciplinary, Administrative Measures may include, but are not limited to, delaying the conferral of a degree until the conclusion of the Resolution Process where allegations, if true, may result in a student's suspension or expulsion. The following provisions apply to all formal Resolution Procedures.

Written Notice

The Title IX Coordinator will provide each party with a written Notice of Allegations for Formal Resolution, The Notice shall include, at a minimum:

- The College resolution procedures, including the applicable determination procedure, and any alternative resolution process, with a link to the full procedures;
- The specific allegations, including the identity of the parties, and dates and location if known;
- Sufficient information available at the time to allow the parties to respond to the allegations, including the identities of the parties involved in the incident(s), a description of the facts alleged to constitute Prohibited Conduct, the type of Prohibited Conduct, and the date(s) and location(s) of the alleged incident(s);
- A statement that Retaliation is prohibited;
- Contact information for the assigned Investigator and Decisionmaker, as well as the process for raising a challenge to the appointed Investigator, Decisionmaker, or Title IX Coordinator, and the deadline for doing so;
- A statement indicating the expected length of the major stages of the resolution process, as well as any applicable deadlines
- Whether the Investigator, or another individual, shall serve as the Decisionmaker
- A statement that the Respondent is presumed not responsible for Prohibited Conduct until a determination is made at the conclusion of the investigation and decision-making procedures. Prior to such a determination, the parties will have an opportunity to present relevant and not otherwise impermissible evidence to a trained, impartial Decisionmaker;
- A statement indicating that the parties may have an advisor of their choice who may be a friend, colleague, therapist, or attorney;
- A statement that the parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence, and to provide a response;
- A statement that CMC prohibits knowingly making false statements or knowingly submitting false information during the Resolution procedures, with a link to the relevant policy(ies); and
- The date and time of the initial interview with the Investigator, with a minimum of five (5) days' notice.
-

The Title IX Coordinator will provide an updated notice in the event of new allegations of Prohibited Conduct that arise during the course of the investigation that could subject either party to new or additional sanctions under this Policy. The updated notice will include the specific Prohibited Conduct and related Policy violations at issue. If the College has reasonable concerns for the safety of any person as a result of providing notice, the College may reasonably delay providing written notice of the allegations in order to address the safety concern appropriately. Reasonable concerns will be based on an individualized safety and risk analysis and not on mere speculation or stereotypes.

Decision-Making Standard

In order to determine whether a Respondent is responsible for violating this Policy, the College applies a Preponderance of the Evidence decision-making standard. This standard applies to both findings of fact as well as to whether any facts found to have occurred establish a Policy violation.

Evidentiary Considerations

While these Formal Resolution Procedures are not governed by civil or criminal rules of evidence, it should include only information that is relevant, non-repetitive and the sort of information a reasonable person would find reliable. Evidence is relevant in cases of Prohibited Conduct if it is related to the allegations of Prohibited Conduct under investigation as part of the Resolution procedures.

Within that framework, the Investigator and Decision Makers will adhere to the following:

- Questions of either party or any witness that are repetitive, irrelevant, or harassing will not be permitted.
- Questions are relevant when they seek evidence that may aid in showing whether the alleged Prohibited Conduct occurred, and evidence is relevant when it may aid a Decision Maker in determining whether the alleged Prohibited Conduct occurred.
- The Decision Makers may not make an adverse inference from a Respondent's decision not to participate in the Formal Resolution Procedures and will make a determination of Responsibility or Non-Responsibility based solely upon the information presented.

The following types of evidence, and questions seeking that evidence, are impermissible. This means this information will not be accessed or considered, except by the College to determine whether one of the exceptions listed below applies. This information will not be disclosed or otherwise used, regardless of relevance:

1. Evidence that is protected under a privilege recognized by Federal or State law, unless the person to whom the privilege or confidentiality is owed has voluntarily waived the privilege or confidentiality;
2. Evidence provided to an employee designated by the College as exempt from internal reporting under this Policy, unless the person who made the disclosure or otherwise provided evidence to that employee has voluntarily consented to re-disclosure;
3. A party's or witness's records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the provision of treatment to the party or witness, unless the College obtains that party's or witness's voluntary, written consent for use in its Resolution procedures; and
4. Evidence that relates to the Complainant's sexual interests or prior sexual conduct, unless evidence about the Complainant's prior sexual conduct is offered to prove that someone other than the Respondent committed the alleged conduct or is evidence about specific incidents of the Complainant's prior sexual conduct with the Respondent that is offered to prove consent to alleged sex-based harassment. The fact of prior consensual sexual conduct between the parties does not by

itself demonstrate or imply the Complainant's consent to other sexual activity or preclude a determination that Prohibited Conduct occurred.

Information about the past sexual history of the Complainant or the Respondent shall not be considered except in these limited circumstances:

- Prior or subsequent sexual history between the Complainant and anyone other than the Respondent will only be considered if directly relevant to prove that physical injuries alleged to have been inflicted by the Respondent were inflicted by another individual.
- The existence of a dating relationship or prior or subsequent consensual sexual relations between the Complainant and the Respondent will only be considered if the evidence is relevant to how the parties communicated consent in prior or subsequent consensual sexual relations.
- Where consideration of evidence about a dating relationship or prior or subsequent consensual sexual relations between the Complainant and the Respondent is permitted, the mere fact that the Complainant and the Respondent engaged in other consensual sexual relations with one another will not be sufficient, by itself, to establish that the conduct in question was consensual.
- Before allowing consideration of any evidence of sexual history, the Investigator or Decision Makers will provide a written explanation to the parties as to why consideration of the evidence is consistent with this Policy.
- Information about the good or bad character of the Complainant or Respondent is generally not relevant except in the unusual circumstance when such information could prove or disprove a relevant pattern of conduct or knowledge of wrongdoing. Information that shows a pattern of similar behavior may be included if the Investigator deems it relevant, regardless of whether the prior behavior was the subject of any disciplinary proceeding.
- In cases where Faculty is the Respondent, the Chief Diversity Officer will consult with the Chair of the faculty review panel, to determine the admissibility of evidence.
- The Title IX Coordinator will determine if the Investigator and the Decision Makers will have access to prior Complaints involving either party if there is a pattern of similar behavior or if a prior complaint may be deemed material in the current investigation.

Advisors and the parties may, in written form, note objections to questions posed during the hearing. The Decision Makers has no obligation to respond to the objections other than to include them in the record.

Alcohol or Substance Use

The use of alcohol or other drugs will never be a defense for or mitigate any behavior that violates College Policy.

Accepting Responsibility

At any point during a Formal Resolution Process, a Respondent can accept Responsibility for the identified Policy violation(s) and proceed directly to Sanctions. In doing so, the Respondent waives any right to appeal the determination of Responsibility.

No Communication Amongst Participants During the Formal Process

To promote an equitable process, the Complainant, Respondent and witnesses should not discuss the matter amongst themselves during the pendency of the Formal Resolution Process other than as needed for the Complainant and Respondent to prepare for or participate in the Resolution Process.

To preserve impartiality, any administrator with a role in a process (e.g., sanctioning officer, appeal officer) may not discuss the matter with any participant during the pendency of the Formal Resolution Process, except as specifically outlined in this Policy.

Any Advisor or Support Person who fails to adhere to the requirements set out in this Policy may be prohibited from further participation in the Resolution Process. The Chief Diversity Officer will seek to provide reasonable warnings and opportunities to conform prior to prohibiting an individual from further participation as a Support Person.

Formal Resolution Procedures for Staff or Third-Party Respondents

After having conducted an initial assessment of a Complaint of Prohibited Conduct to determine whether the allegations meet a definition of Prohibited Conduct under this Policy, the Chief Diversity Officer will appoint a trained internal or external investigator (the "Investigator") to conduct an equitable and prompt investigation of the complaint. For investigations under this section each party shall receive a Notice of Allegations.

The Investigator will interview all parties and relevant witnesses and gather relevant documentary evidence provided by the parties and any identified witnesses. Interviews may be conducted in person, or via video conference. When a party meets with an Investigator, the Investigator will ask questions related to the allegations in the complaint and a party is given the opportunity speak to the allegations and related events. Parties may identify fact witnesses and provide evidence that is relevant to the allegations and not otherwise impermissible. This will include inculpatory evidence (that tends to show it more likely that someone committed a violation) and exculpatory evidence (that tends to show it less likely that someone committed a violation). The Investigator ultimately determines whom to interview to determine the facts relevant to the Complaint.

The Investigator will hold individual interviews with parties and witnesses to ask relevant and not otherwise impermissible questions and follow-up questions, including questions exploring credibility. Only the Investigator and the party or witness may attend each individual interview, and a party may be accompanied by their advisor. A party's advisor may attend these meetings, subject to the rules described above in this Policy. Additional attendees may be permitted at the discretion of the Title IX Coordinator in connection with an approved disability-related accommodation. All persons present at any time during any part of the investigation or resolution process are expected to maintain the privacy of the proceedings and not discuss or otherwise share any information learned as part of those proceedings and may be subject to further discipline for failure to do so.

The individual interviews may be conducted with all participants physically present in the same geographic location, or, at CMC's discretion, with all participants joining virtually through a video conferencing option. For cases of Title IX Sex-Based Harassment against an employee by a student, all interviews will be recorded, and an audio record, or transcript of these meetings will be provided to the parties during evidence review.

CMC may also adopt and apply other reasonable rules regarding decorum, provided they apply equally to the parties. CMC will share expectations of decorum to be observed at all times in any meeting or proceeding under this Policy. These expectations are applied equally to all parties and advisors. CMC has the discretion to remove, with or without prior warning, from any meeting or proceeding an involved party, witness, or advisor who does not comply with these expectations and any other applicable CMC rules.

Evidence Review

At the conclusion of all fact-gathering, the Investigator will provide each party and their advisor, if any, the opportunity to review all relevant and not otherwise impermissible evidence gathered.

The purpose of the inspection and review process is to allow each party the equal opportunity to meaningfully respond to the evidence prior to conclusion of the investigation, to submit any additional relevant evidence and questions for parties or witnesses, and the names of any additional witnesses with relevant information. This is the final opportunity to offer evidence, or names of witnesses. Given the sensitive nature of the information provided, CMC will facilitate this review in a secure manner. None of the parties nor their advisors may copy, remove, photograph, print, image, videotape, record, or in any manner otherwise duplicate or remove the information provided. Any party who fails to abide by this may be subject to discipline. Any advisor who fails to abide by this may be subject to discipline and/or may be excluded from further participation in the process.

The parties will have a minimum of 5 business days to inspect and review the evidence and submit a written response in writing to the Investigator. CMC will provide access to copies of the parties' written responses to the Investigator to all parties and their advisors, if any. The Title IX Coordinator shall have the discretion to extend the evidence review period based on the volume and nature of the evidence. At the conclusion of the evidence review, when deemed appropriate by the Investigator, the Investigator shall then conduct any additional fact-gathering as may be necessary. If new, relevant evidence is gathered during this second fact-gathering period, the new evidence will be made available for review by the parties and their advisors. The parties shall have 5 business days to provide a response to the newly-gathered evidence. No new evidence will be accepted as part of any response, except that the Investigator shall have the discretion to accept relevant evidence that was not previously available or known to exist, and that was not previously discoverable with the exercise of reasonable diligence.

The Investigator will consider the parties' written responses before finalizing the investigation report. At the conclusion of the investigation, the Investigator will prepare an Investigation Report, which will contain a summary of issues, key findings of fact, credibility assessment, and an analysis of disputed facts based on all available evidence. The Investigation Report will include recommended findings of fact based on a preponderance of the evidence standard, and an assessment of any Policy violations based on such findings of fact. Although not required, the Investigation Report may contain such underlying investigation materials as the Investigator determines is reasonably appropriate in view of the nature of the complaint and the investigation.

The Investigation Report will be made available to both parties for review, who will then have five (5) business days for them to submit a response to the Chief Diversity Officer. Except for good cause shown and accepted at the discretion of the Chief Diversity Officer, late responses or responses of more than five (5) pages (including any exhibits or appendices) will not be considered.

The Chief Diversity Officer may allow exceptions to these timing and length requirements upon written request by a Party and for good cause shown. The Chief Diversity Officer's determination with respect to whether to allow any exception is discretionary and is not subject to appeal.

The Chief Diversity Officer will then review the Report and any responses with the relevant Sanctioning Officer as identified in the Sanctions section of this Policy, based on the Respondent's status. The Sanctioning Officer can accept the recommendation, remand to the Investigator for further fact-finding, or reject for procedural error that substantially affected the outcome and remand for correction.

As to staff and third parties, the determination of Responsibility and sanctions are final and are not subject to appeal, except for cases of Title IX sex-based harassment involving a student, in which case the Appeal

Procedures applicable to student shall be followed. Nothing in this Policy or these Resolution Procedures alters an employee's at will employment status.

For the purposes of these Formal Resolution Procedures, coaches (excluding head coaches on renewable contracts in the Department of Athletics, Physical Education, and Recreation), and all other employees with the Department of Athletics, Physical Education, and Recreation, and teachers and all other employees with The Children's School are considered staff. Students are always treated as students under the Formal Resolution Procedures, even if the conduct giving rise to the alleged Policy violation occurred while the student was working for the College.

In cases involving sexual misconduct, the College may, within the sole discretion of the Title IX Coordinator, utilize a hearing appropriate to the circumstances to address such conduct.

In cases involving Sex-based harassment, Discrimination based on Sex, and related Retaliation only, the College will provide written notice to both parties of the outcome of the complaint, including whether a policy violation was found to have occurred, including the rationale and any remedies or discipline imposed (as relevant to each Party).

For all other cases, the Parties shall be notified of the outcome as it relates to them.

Formal Resolution Procedures for Student and Faculty Respondents

Formal Procedures for Student Respondents

Appointment of Investigator: The Title IX Coordinator will appoint a trained internal or external investigator or investigative team (the "Investigator") to conduct an adequate, reliable, confidential, and impartial investigation of the Complaint. The Title IX Coordinator's choice of Investigator will be based on several factors, including the parties involved, the complexity of the Complaint, and the need to avoid any potential conflict of interest. Where appropriate, and at the discretion of the Investigator, the Investigator may engage the independent assistance of professional experts, such as case involving an unusual or otherwise complex question (e.g., academic freedom, mental health or trauma issues).

Appointment of Hearing Officer: The Title IX Coordinator will appoint a trained internal or external Hearing Officer or Hearing Officer team (the "Hearing Officer") to conduct a reasonable, impartial, and prompt adjudication meeting of the complaint. The Title IX Coordinator's choice of Hearing Officer will be based on several factors, including the parties involved, the complexity of the Complaint, and the need to avoid any potential conflict of interest.

The Hearing Officer is responsible for maintaining an orderly, fair, and respectful hearing and has the authority to respond to disruptive or harassing behavior. The Hearing Officer can adjourn or exclude the offending person at any time during the Hearing proceedings.

Investigation Phase One: The Investigator will establish an Investigation Plan. The Investigator will brief the Title IX Coordinator and Hearing Officer on the preliminary investigation plan in writing or orally. The Investigator will then conduct an 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 relevant materials (i.e., text messages, social media posts, pictures) to the extent reasonable and appropriate.

Complainant, Respondent, and witnesses are expected to respond to the Investigator's request to schedule an interview or to provide other evidentiary materials within a timely manner, generally within five business days of the Investigator's request. If a party or witness fails to respond in a reasonable time, the Investigator may continue the investigation without the benefit of this information.

The Investigator will prepare a written summary of each interview and send the same to the witness for a review of accuracy. Unless the witness requests additional time, the witness statement will be deemed accurate if the witness does not provide feedback on the statement within two (2) business days of the Investigator emailing it to the witness.

Information may be developed during the course of the investigation that indicates additional potential Policy violations in addition to those identified in the Notice of Referral for Formal Resolution. In such circumstances, the Investigator shall review such additional potential violations with the Title IX Coordinator, who shall assess whether reasonable cause exists to believe the Respondent engaged in the newly-discovered Prohibited Conduct. If so, the Title IX Coordinator shall send a written Amended Notice of Referral for Formal Resolution to include the relevant information.

When the Investigator determines that the investigation is reasonably complete, the Investigator will prepare a Preliminary Investigation Report, which will include:

- A summary of the incident, alleged Policy violations from the initial notice, the Complainant's allegations, and the Respondent's response;
- Identification of any new potential Policy violations raised by the information developed through the investigation and as authorized for incorporation by the Title IX Coordinator;
- A description of relevant, material undisputed facts; and
- A description of relevant, material facts in dispute.

The Investigator will notify the Title IX Coordinator once the Preliminary Investigation Report is available for review. The Investigator will share the Preliminary Investigation Report with the Title IX Coordinator for approval. Once approved, prior to any hearing, the Title IX Coordinator will notify the parties and Hearing Officer when the Preliminary Investigation Report is available by confidential access (such as a protected, "read-only" posting to a secure web portal) to view the Report. Neither the Complainant nor Respondent (nor anyone on their behalf) may copy, remove, photograph, print, image, videotape, record, or in any manner otherwise duplicate or remove the information provided.

Response to Preliminary Investigation Report: The parties will have five business days to submit a written request outlining any additional investigation steps that they believe are necessary or objections to the information included the Report, including:

- Posing any follow-up issues or questions for any witness, the Complainant or Respondent;
- Requesting a follow-up interview with the Investigator to clarify or provide any additional information that such party believes is relevant to the investigation or to seek clarification from the Investigator on aspects of the Preliminary Investigation Report;
- Identifying 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);
- Identifying 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.), understanding that the Investigator lacks the power to subpoena evidence; and,

- Identifying and objecting to any information that such party believes was inappropriately included in the Preliminary Report.

After considering these requests, the Investigator will develop a Final Investigation Plan that outlines any additional investigatory steps to be taken and briefly explains any denied requests. The Investigator will also address any objections to the information included in the Preliminary Report. To the extent such objections are accepted, the Investigator will redact the Preliminary Investigation Report and investigation materials accordingly. The Investigator will maintain copies of both the complete and redacted investigation materials. To the extent such objections are not accepted, the Investigator will summarize these reasons but also note the party's objection(s).

The Investigator will brief the Title IX Coordinator on the Final Investigation Plan in writing or orally. The Title IX Coordinator will share the Final Investigation Plan with the parties. If no one requests any further investigation or otherwise objects to the Preliminary Investigation Report, such Report shall be deemed the Final Investigation Report.

Investigation Plan and Final Investigation Report

Investigation Phase 2: The Investigator will complete the investigation as outlined in the Final Investigation Plan. After the Investigator determines that the final investigation is reasonably complete, the Investigator will prepare a Final Investigation Report. The Investigator will share the Final Investigation Report with the Title IX Coordinator for approval. Once approved the Title IX Coordinator will notify the parties and Hearing Officer when the Final Investigation Report is available to review and will provide confidential access (such as a protected, "read-only" posting to a secure web portal) to view the Final Investigation Report. The Final Investigation Report will highlight any additions or modifications from the Preliminary Investigation Report for ease of reference.

Neither the Complainant nor Respondent (nor anyone on their behalves) may copy, remove, photograph, print, image, videotape, record, or in any manner otherwise duplicate or remove the information provided.

The Hearing Officer will have the opportunity to review the Final Investigation Report. The Hearing Officer can make requests for additional investigation or clarification to the Title IX Coordinator on aspects of the Final Investigation Report. The Title IX Coordinator will relay the request to the Investigator. If the Hearing Officer makes additional requests, the Title IX Coordinator will notify the parties.

Hearing

A Hearing will be held in which the Hearing Officer will make findings of fact on disputed facts and determine if a Policy violation occurred based on the facts the Hearing Officer determined to have occurred.

Questioning: All questions during the Hearing shall be asked by the Hearing Officer. The Hearing Officer will question the parties and whichever witnesses the Hearing Officer deem necessary to make their decision. The Hearing Officer will also pose all pre-approved questions from the parties. Neither the parties, their advisor, or support person will be able to ask questions of the witnesses or the other parties through the duration of the Hearing. All questions must be asked through the Hearing Officer.

Five (5) business days before the Hearing, each party must submit questions to the Title IX Coordinator that they request the Hearing Officer to pose to the witnesses and party at the Hearing. Questions will be limited to facts developed during investigation. The Title IX Coordinator will share those questions with the Hearing Officer. The Hearing Officer will permit any relevant and not otherwise impermissible question (including

questions that are unclear or harassing). The Hearing Officer must give a party an opportunity to clarify or revise a question that was deemed unclear or harassing. If the Hearing Officer allows questions related to the existence of a dating relationship or prior or subsequent consensual sexual relations between the complainant and the respondent, they must first provide a written explanation to the Parties as to why consideration of this evidence is being admitted. This explanation shall be consistent with this Policy.

During the Hearing, a party may submit additional questions to the Hearing Officer. The Hearing Officer will determine during the Hearing which questions will be accepted or denied and must explain any decision to exclude a question as not relevant or otherwise impermissible. The Hearing Officer will then pose approved questions to the witnesses or the parties. No request will be accepted after the witness or party has been dismissed. The parties will generally be able to submit questions once for each witness and party. It is at the discretion of the Hearing Officer to determine if they will allow more than one set of questions.

Scheduling: The Hearing date will be scheduled no sooner than ten (10) business days after the release of the Final Investigation Report. The Title IX Coordinator will notify the parties and witnesses of the Hearing date in writing. The Investigator must be available during the Hearing and may be called upon as a witness. All parties and witnesses must attend the Hearing.

Participation of Parties and Witnesses: If either Party participates in the Investigation, they must also answer questions during the Hearing in order for the information they provided during the investigation to be considered during the Hearing so that the Hearing Officer may adequately assess the Party's credibility. If a Complainant chooses not to participate in the Hearing, the College's ability to fully investigate and respond to the complaint will be limited. The College may not be able to move forward to determine if a Policy violation occurred.

If a Party who participates in the investigation wishes to attend the Hearing but not answer any questions, they will be permitted to do so. However, the party's participation will be limited to attendance only. The Party will not be permitted to submit questions for any of the witnesses or parties. The Hearing Officer may choose to place less or no weight upon statements by a party or witness who refuses to respond to questions deemed relevant and not impermissible. The Hearing Officer will not draw an inference about whether the conduct occurred based solely on a Party's or witness's refusal to respond to such questions.

If a Party does not participate in the Investigation but wishes to attend the Hearing, the Party cannot testify during the Hearing, answer questions at the Hearing, or otherwise present new information at the Hearing. The Party will be limited to only submitting questions for the Hearing Officer to pose about facts developed during the Investigation or during the Hearing.

The Hearing is closed and not open to the public. The Investigator and witnesses will only be in the Hearing room when they are called as a witness. A party or witness may make a request to participate in the Hearing in an alternative, remote meeting room or with a partition screen in the Hearing room (while not providing testimony.) The alternative meeting room will be equipped with videoconferencing capabilities so that they can participate in the Hearing. The parties must make their request at least 48 hours before the date of the Hearing, and witnesses shall do so as well to the extent they have 48 hours advance notice. The parties' Advisors may remain in the Hearing room for the duration of the Hearing.

The Hearing will be audio recorded and later transcribed by a transcription service. Audio recordings will be maintained by the College consistent with its record retention policies. Transcripts of the Hearing will be made available upon parties' request.

Hearing Procedures

The Chief Diversity Officer and Title IX Coordinator will be present for the duration of the Hearing. The Hearing Officer will oversee the Hearing Meeting, which will generally follow the format below. The Hearing Officer in consultation with the Title IX Coordinator may change the order of the witnesses and parties if they deem it necessary.

- The Title IX Coordinator will make opening introductions.
- The Hearing Officer will explain the rules for the Hearing.
- Witnesses called
 - The Hearing Officer will determine the order of witnesses and ask questions of the witnesses,
 - Parties may submit additional questions to Hearing Officer
 - Hearing Officer will ask approved questions.
- Complainant called
 - Hearing Officer will ask questions of the Complainant
 - Parties may submit additional questions to Hearing Officer
 - Hearing Officer will ask approved questions.
- Respondent called
 - Hearing Officer will ask questions of the Respondent
 - Parties may submit additional questions to Hearing Officer
 - Hearing Officer will ask approved questions.
- The Complainant will have five (5) minutes to give an oral closing statement.
- The Respondent will have five (5) minutes to give an oral closing statement.

Hearing Officer will adjourn the Hearing.

Notice of Hearing Decision

The Title IX Coordinator will send the written Hearing Officer's decision simultaneously to the parties within fifteen (15) business days of end of the Hearing. The decision will include whether a policy violation was found to have occurred and the basis for that determination, including factual findings. The written determination will include:

- A description of the alleged conduct;
- Information about the policies and procedures that the College used to evaluate the allegations;
- An evaluation of the relevant and not otherwise impermissible evidence and determination whether the conduct occurred;
- The College's procedures for the parties to appeal.

If Neither Party Appeals

- If the Hearing Officer does not find Respondent Responsible for any Prohibited Conduct or other violation of College Policy, the Resolution Process will be closed.
- If the Hearing Officer finds Respondent Responsible for the alleged Prohibited Conduct or other violation of College Policy, the matter will be referred for Sanctioning.

If Either Party Appeals

- Sanctioning will take place after the Appeal for Students in Formal Procedures are completed.

Appeals for Students in Formal Procedures

The following provisions apply to Appeals for Students in Formal Procedures pursuant to these Resolution Procedures. Appeals are confined to a review of the case record. They are not a de novo hearing. In any

request for Appeal, the burden of proof lies with the party requesting the Appeal, as the original determination and any findings of fact are presumed to have been decided reasonably and appropriately.

Complainant and Respondent each may appeal an adverse finding or a dismissal of a Complaint. For a Complainant, an "adverse finding" is a decision by the Title IX Coordinator that no reasonable cause existed to pursue any or all alleged Policy violations or a Hearing Officer's finding that the Respondent was not Responsible for any or all alleged Policy violations. For a Respondent, an "adverse finding" is the Hearing Officer's finding that the Respondent is Responsible for any or all alleged Policy violations.

The party who first submits the written appeal shall be the "Appellant," and the responding party shall be the "Appellee." The grounds for appeal are limited to the following categories:

- **Procedural Error:** A procedural error occurred that would change the outcome. A description of the error and its impact on the outcome of the case must be included in the written appeal; or
- **New Evidence:** New evidence or information has arisen that was not available or known to the party during the investigation, that would change the outcome. Information that was known to the party during the resolution process but which they chose not to present is not considered new information. The new evidence, an explanation as to why the evidence was not previously available or known, and an explanation of its potential impact on the investigation findings must be included in the written appeal; or
- **Actual Conflict of Interest or Demonstrated Bias:** The Title IX Coordinator, Investigator, or others with a role in the process with an actual conflict of interest or demonstrated bias for or against Complainants or Respondents generally, or the individual Complainant or Respondent, that would change the outcome. Any evidence supporting the alleged conflict of interest or demonstrated bias must be included in the written appeal.

An Appeal is not allowed simply to express dissatisfaction with the findings. If an Appeal does not state one of the permissible grounds for Appeal, it will be rejected by the Chief Diversity Officer. The Chief Diversity Officer will notify the party if they can cure the impermissible grounds for Appeal and give a new deadline to submit the corrected Appeal.

The Complainant has five (5) business days from receiving either the written notice of the Chief Diversity Officer's decision not to proceed with the Resolution Process or the written notice of the Hearing Officer's decision to submit a written Appeal to the Chief Diversity Officer.

The Respondent has five (5) business days from receiving the written notice of the Hearing Officer's decision to submit a written Appeal to the Chief Diversity Officer.

The Chief Diversity Officer will share the request for Appeal with the Appellee, who shall have five (5) business days to submit a response statement. The Appeal and Appeal Response are limited to ten (10) pages (including any attachments or exhibits that are not part of the Final Investigation Report). Except for good cause shown and accepted at the discretion of the Chief Diversity Officer, late responses or responses of more than ten (10) pages will not be considered.

The Appeal Record consists of the Final Investigation Report (with attachments), the Hearing transcript, the Hearing Officer's decision, the Appeal, the Appeal Response, and, when called into question by an Appeal, the Investigator's Final Investigation Plan.

During the pendency of the appeal, Respondent's relationship with the College will maintain the status quo (e.g., if Respondent was on Interim Suspension or Leave pending the Process, the Interim Suspension or Leave remains in place).

The Chief Diversity Officer will refer the Appeal Record to an Appeal Officer. The Chief Diversity Officer will appoint a trained internal or external Appeal Officer (such as a retired judicial officer, student affairs officer, or similarly experienced professional) ("Appeal Officer") to conduct a fair and impartial review of any appeals submitted by a Complainant or Respondent.

In cases of Appeals of Dismissals, if the Appeal Officer determines that the allegations, if true, would establish that Respondent engaged in Prohibited Conduct and the Title IX Coordinator declined to initiate the Formal Resolution Process for that violation (either in total or in part), the Appeal Officer will send the case back to the Title IX Coordinator with instructions to initiate the Formal Resolution Process for the allegation(s).

If the Appeal Officer determines that a Procedural Error significantly impacted the decision or determination, the Appeal Officer will return the case to the Title IX Coordinator with instructions to correct the error. In rare cases when the procedural error cannot be corrected (as in cases of bias), the Appeal Officer may order a new Hearing or other appropriate procedural relief.

If the Appeal Officer determines that New Information (or previously excluded information) should have been considered, the Appeal Officer will return the case to the Title IX Coordinator with instructions for the Investigator to include the information in the Final Investigation Report and to allow the Parties to respond consistent with the review process. The Appeal Officer may also order a new Hearing.

Appellant and Appellee will be notified in writing by the Title IX Coordinator 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 not subject to appeal.

Sanctions for Students

See Sanctions section below.

Formal Procedures for Faculty Respondents

Appointment of Investigator: The Title IX Coordinator will appoint a trained internal or external investigator or investigative team (the "Investigator") to conduct a reasonable, impartial, confidential, and prompt investigation of the Complaint. The Title IX Coordinator's choice of Investigator will be based on several factors, including the parties involved, the complexity of the Complaint, and the need to avoid any potential conflict of interest. The appointed investigator or investigators must have experience in higher education conducting investigations involving Civil Rights. Where appropriate, and at the discretion of the Investigator, the Investigator may engage the independent assistance of professional experts, such as in a case involving an unusual or otherwise complex questions (e.g., academic freedom, mental health or trauma issues, or collection of electronic evidence). The Title IX Coordinator and Chair of the Investigation Review Panel may offer suggestions on this engagement to the Investigator.

Appointment of Investigation Review Panel and Panel Chair:

The Title IX Coordinator will also assemble an Investigation Review Panel. All Investigation Review Panel members receive training with respect to the College's Civil Rights Policies. The principal functions of the Investigation Review Panel are to:

- Provide an independent, community-based procedural check to help ensure an equitable Process; and;
- Following a confidential deliberation, make ultimate findings of fact as to Responsibility for the alleged Policy violation(s) by a preponderance of the evidence.

Composition of Review Panel for Faculty Respondents

The Chief Diversity Officer will select five (5) faculty members by lot from a pool of faculty members who have been elected to the Administration Committee over the previous seven years provided that all Panel members shall be faculty of equal or higher rank than the faculty Respondent. The panel will elect its Chair. If any prospective Panel Member discloses a potential or actual conflict of interest that precludes such individual from serving, another Panelist will be chosen by lot. A conflict of interest is defined above.

The Panel Chair's responsibilities include:

- Reviewing and consulting with the Investigator as to the Preliminary Investigation Plan;
- Reviewing the Preliminary Investigation Report, including any requests by the parties for further or follow-up investigation, and requesting additional or follow-up investigation;
- Reviewing the Final Investigation Report, asking final questions of the Investigator; and,
- Moderating the Investigation Review Hearing.

The Title IX Coordinator will promptly notify the parties of the proposed composition of the Investigation Review Panel. If a party objects to a Panel Member's involvement based upon a conflict of interest or bias, the party must provide written notice explaining the alleged conflict or bias to the Title IX Coordinator within two (2) business days. The Title IX Coordinator will promptly rule on the objection and provide notice to the party and, if the Title IX Coordinator finds a possible or actual conflict of interest or potential bias, a new Panel Member shall be selected through the appropriate process.

Preliminary Investigation Phase: The Investigator will establish a Preliminary Investigation Plan. The Investigator will brief the Panel Chair and the Title IX Coordinator on the basic nature of the case and the preliminary investigation plan in writing or orally. The Panel Chair has two (2) business days to provide any input to the Investigator on the preliminary investigation plan, including with respect to any potential issues that may warrant special consideration or expertise, such as questions of academic freedom, mental health or trauma issues, or electronic evidence. The Investigator reserves the right to begin investigating prior to receiving input on the plan if the composition of the Review Panel is delayed or if waiting for input could impact the timely gathering of information.

The Investigator will then conduct a Preliminary Investigation based upon the facts and circumstances reported to the College and gathered in preceding steps of the process. The Preliminary Investigation shall include interviews and follow-up interviews as feasible and appropriate with the Complainant, the Respondent, and any witnesses who may have relevant information. It shall also include collection of other pertinent evidentiary materials to the extent reasonable and appropriate.

The Complainant, Respondent, and any witnesses shall respond to the Investigator's request to schedule an interview or to provide other evidentiary materials in a timely manner, generally within five (5) business days of the Investigator's request. If a party or witness fails to respond in reasonably timely fashion, the Investigator may continue the investigation without the benefit of this information.

The Investigator will prepare a written summary of each interview and send the same to the witness for a review of accuracy. Unless the witness requests additional time which is deemed reasonable by the

investigator, the witness statement will be deemed accurate if the witness does not provide feedback on the statement within two (2) business days of the Investigator's emailing it to the witness at the individual's College email address or, for individuals not affiliated with the College, an email address they have previously provided.

Information may be developed during the course of the preliminary investigation that indicates additional potential Policy violations in addition to those identified in the Notice of Referral for Formal Resolution. In this circumstance, the Investigator shall review such additional potential violations with the Title IX Coordinator. The Title IX Coordinator will evaluate this information consistent with the standards for an intake assessment outlined above. If the new information indicates a potential violation of this Policy and/or the TCC Title IX Policy and which resolution process is appropriate, the Title IX Coordinator shall send a written Revised Notice of Referral for Formal Resolution that includes the relevant information and new potential violations. This determination is not subject to appeal.

Once the Investigator determines that the Preliminary Investigation is reasonably complete, the Investigator will prepare a Preliminary Investigation Report. The Report shall include:

- A summary of the incident, alleged Policy violations from the initial notice, the Complainant's allegations, and the Respondent's response;
- Identification of any new potential Policy violations raised by the information developed through the Preliminary Investigation and as authorized for incorporation by the Title IX Coordinator;
- A description of undisputed facts;
- A description of material facts in dispute; and
- An analysis and assessment of disputed facts based on all available evidence, including a credibility assessment.

The Investigator will notify the parties once the Preliminary Investigation Report is available to review and will provide confidential access (such as a protected, "read-only" posting to a secure web portal) to view the Report. Neither the Complainant nor Respondent (nor anyone on their behalf) may copy, remove, photograph, print, image, videotape, record, or in any manner otherwise duplicate or remove the information provided.

Response to Preliminary Investigation Report: The parties will have five (5) business days to submit a written request outlining any additional investigation steps that they believe are necessary or objections to the information included in the Report, including:

- Posing any follow-up issues or questions for any witness, the Complainant or Respondent;
- Requesting a follow-up interview with the Investigator to clarify or provide any additional information that such party believes is relevant to the investigation or to seek clarification from the Investigator on aspects of the Preliminary Investigation Report;
- Identifying any new witnesses who should be interviewed (including a description of what topics/issues the witness should be asked to address and what the interview would contribute to the investigation);
- Identifying 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.), understanding that the Investigator lacks the power to subpoena evidence; and,
- Identifying and objecting to any information that such party believes was inappropriately included in the Preliminary Report.

After considering these requests, the Investigator will develop a Final Investigation Plan that will outline any additional investigatory steps to be taken and will also briefly explain any requests that the Investigator recommends be denied. The Investigator will also address any objections to the information included in the Preliminary Report. To the extent such objections are accepted, the Investigator will redact the Preliminary Investigation Report and investigation materials accordingly. The Investigator will maintain copies of both the complete and redacted investigation materials. To the extent such objections are not accepted, the Investigator will summarize these reasons but also note the party's objection(s).

The Investigator will then circulate the Preliminary Investigation Report (as may be redacted), the parties' responses (if any), and the Final Investigation Plan to the Review Panel, who will have five (5) business days to review the materials and to provide feedback to the Panel Chair. The Investigator will consult with the Panel Chair on the proposed Final Investigation Plan in writing or in a meeting. After considering the Panel Chair's feedback, the Investigator will complete a Final Investigation Plan and will within two (2) business days, notify the parties and the Review Panel of the Final Plan in writing, which will again include a brief explanation as to the reasons for denying or not pursuing any requests for additional investigation.

Any appeal based on an Investigator's determinations set forth in the Final Investigation Plan is limited to the grounds and timing specified in Appeals, below (Section 6) and can only be appealed by Respondent after the sanctioning phase or by the Complainant after a finding of Non-Responsibility.

If no one requests any further investigation or objects to the Preliminary Investigation Report, such Report shall be deemed the Final Investigation Report, and the Title IX Coordinator will schedule the Investigation Review Meeting consistent with the steps described below.

Final Investigation Phase: The Investigator will complete the investigation as outlined in the Final Investigation Plan. After the Investigator determines that the final investigation is reasonably complete, the Investigator will prepare a Final Investigation Report. The Investigator will notify the parties and the Review Panel once the Final Investigation Report is available to review and will provide confidential access (such as a protected, "read-only" posting to a secure web portal) to view the Final Investigation Report. The Final Investigation Report will highlight any additions or modifications from the Preliminary Investigation Report for the parties' and Review Panel's ease of reference. The parties and Review Panel will have ten (10) business days to review the Final Investigation Report. The parties will have electronic access to the report. However, neither the Complainant nor Respondent (nor anyone on their behalf) may copy, remove, photograph, print, image, videotape, record, or in any manner otherwise duplicate or remove the information provided.

Scheduling the Investigation Review Hearing: The Title IX Coordinator will schedule the Investigation Review Meeting and will provide written notice to the parties, Investigator, and the Review Panel of the date, time, and location of the Meeting. This Investigation Review Hearing will normally be held within five (5) business days following the conclusion of the review period designated for the Final Investigation Report.

This notification will also remind the parties that they have the ability to present a written statement in response to the Investigator's Final Investigation Report. Any written statement must be submitted to the Title IX Coordinator two (2) business days in advance of the Investigation Review Hearing and will be shared with the other party and the Review Panel. Written statements are limited to no more than ten (10) pages (including any attachments or exhibits that are not part of the investigation record). Except for extenuating circumstances shown and accepted at the discretion of the Panel Chair, late responses or responses of more than ten (10) pages will not be considered.

Investigation Review Hearing: The Panel Chair moderates the Investigation Review Hearing and will explain the scope and sequence of the Hearing.

The Title IX Coordinator will attend in an oversight capacity only to monitor that the Hearing conforms to the standards for fairness, neutrality, and equality, as well as to address any procedural questions that may arise.

The purpose of the Investigation Review Hearing is for the Review Panel to make findings of fact and to determine whether the Respondent is responsible for violating the identified policies by a preponderance of the evidence. The Review Panel shall receive the Final Investigative Report and access to any underlying investigative materials it may request.

The Investigation Review Hearing will be recorded, and the Panel Chair has unreviewable discretion to provide either audio or video recording, with the recording made available to the Complainant and Respondent upon request after the Hearing. The Panel Chair in consultation with the Chief Diversity Officer may change the order of the witnesses and parties if they deem it necessary.

- The Chief Diversity Officer will make opening introductions.
- The Panel Chair will explain the rules for the Hearing.
- Witnesses called
 - The Panel Chair will determine the order of witnesses and ask questions of the witnesses,
 - Parties may submit additional questions to Panel Chair
 - Panel Chair will ask approved questions.
- Complainant called
 - Panel Chair will ask questions of the Complainant
 - Parties may submit additional questions to Panel Chair
 - Panel Chair will ask approved questions.
- Respondent called
 - Panel Chair will ask questions of the Respondent
 - Parties may submit additional questions to Panel Chair
 - Panel Chair will ask approved questions.
- The Complainant will have five (5) minutes to give an oral closing statement.
- The Respondent will have five (5) minutes to give an oral closing statement.

Panel Chair will adjourn the Hearing.

Questioning: All questions during the Investigation Review Hearing shall be asked by the Panel Chair. The Panel Chair will question the parties and whichever witnesses the Review Panel deem necessary to make their decision. The Panel Chair will also pose all pre-approved questions from the parties. Neither the parties, advisor, or support person will be able to ask questions of the witnesses or the other parties through the duration of the Hearing. All questions must be asked through the Panel Chair.

Five (5) business days before the Investigation Review Hearing, each party must submit questions to the Title IX Coordinator and Panel Chair that they request the Review Panel to pose to the witnesses and party at the Hearing. Questions will be limited to facts developed during investigation. The Title IX Coordinator and Panel Chair will share those questions with the Review Panel. The Review Panel will briefly explain any denied question request in writing and share with the parties the day before the Hearing.

During the Hearing, a party may submit additional questions to the Review Panel Chair. The Review Panel will determine during the Hearing which questions will be accepted or denied. The Review Panel will then pose approved questions to the witnesses or the parties. No request will be accepted after the witness or party has been dismissed. The parties will generally be able to submit questions once for each witness and party. It is at the discretion of the Review Panel to determine if they will allow more than one set of questions.

Participation of Parties and Witnesses: If either Party participates in the Investigation, they must also answer questions during the Investigation Review Hearing in order for the information they provided during the investigation to be considered during the Investigation Review Hearing. If a Complainant chooses not to participate in the Hearing, the College's ability to fully investigate and respond to the complaint will be limited. The College may not be able to move forward to determine if a Policy violation occurred.

If a Party who participates in the Investigation wishes to attend the Investigation Review Hearing but not answer any questions, they will be permitted to do so. However, the party's participation will be limited to attendance only. The Party will not be permitted to submit questions for any of the witnesses or parties.

If a Party does not participate in the Investigation but wishes to attend the Investigation Review Hearing, the Party cannot testify during the Hearing, answer questions at the Hearing, or otherwise present new information at the Hearing. The Party will be limited to only submitting questions for the Review Panel to pose about facts developed during the Investigation or during the Investigation Review Hearing.

The Investigation Review Hearing is closed and not open to the public. The witnesses will only be in the Investigation Review Hearing room when they are called as a witness. A party or witness may make a request to participate in the Investigation Review Hearing in an alternative, remote meeting room or with a partition screen in the Investigation Review Hearing room. The alternative meeting room will be equipped with videoconferencing capabilities so that they can participate in the Hearing. The parties must make their request at least 48 hours before the date of the Hearing, and witnesses shall do so as well to the extent they have 48 hours advance notice. The parties' Advisors may remain in the Hearing room for the duration of the Hearing.

The Hearing will be audio and video recorded. Video recordings will be maintained by the College consistent with its records retention policies. Transcripts of the Hearing will be made available upon parties' request provided that the case is still pending.

Review Panel's Deliberations: The Review Panel will then deliberate in confidence, and the deliberations cannot be recorded, nor may any Review Panel member discuss the deliberations with anyone following the deliberations. The Title IX Coordinator will be present during deliberations to serve in a consulting role for members of the Review Panel but will not participate in the deliberations or have a vote.

Determining Responsibility

Faculty Respondents

- Each Review Panel member has a single vote and will note their individual vote anonymously (using the preponderance of the evidence standard) for each alleged Policy violation.
- A finding of Responsibility will be made if at least four (4) out of five (5) Review Panel members find a violation of Policy.

- The Panel Chair prepares the Investigation Review Panel Hearing Decision as discussed below in Notice of Investigation Review Panel Hearing Decision. However, the decision will not attribute any statements or opinions to any individual Review Panel member.
- The Title IX Coordinator will distribute the Investigation Review Panel Hearing Decision to the Complainant and Respondent within five (5) business days of the Review Meeting.

Notice of Investigation Review Hearing Decision

The Title IX Coordinator will send the written Review Panel’s decision simultaneously to the parties within fifteen (15) business days of the end of the Hearing. The decision will include whether a policy violation was found to have occurred and the basis for that determination, including factual findings. The written determination will include:

- A description of the alleged conduct;
- Information about the policies and procedures that the College used to evaluate the allegations;
- An evaluation of the relevant and not otherwise impermissible evidence and determination whether the conduct occurred;
- The College’s procedures for the parties to appeal.

Appeals for Faculty

The following provisions apply to appeals of determinations or dismissal decisions for Faculty pursuant to this Resolution Process. The party who first submits the written appeal is the “Appellant,” and the responding party is the “Appellee.” Appeals are confined solely to a review of the Appeal Record (as defined below). The burden of proof lies with the party requesting the appeal, as the original determinations and any findings must be presumed to have been decided reasonably and appropriately.

An appeal is not allowed simply to express dissatisfaction with the findings. Instead, the grounds for appeal are limited to the following categories:

- **Procedural Error:** A procedural error occurred that would change the outcome. A description of the error and its impact on the outcome of the case must be included in the written appeal; or
- **New Evidence:** New evidence or information has arisen that was not available or known to the party during the investigation, that would change the outcome. Information that was known to the party during the resolution process but which they chose not to present is not considered new information. The new evidence, an explanation as to why the evidence was not previously available or known, and an explanation of its potential impact on the investigation findings must be included in the written appeal; or
- **Actual Conflict of Interest or Demonstrated Bias:** The Title IX Coordinator, Investigator, or others with a role in the process with an actual conflict of interest or demonstrated bias for or against Complainants or Respondents generally, or the individual Complainant or Respondent, that would change the outcome. Any evidence supporting the alleged conflict of interest or demonstrated bias must be included in the written appeal.

The Complainant has five (5) business days from receiving written notice of the Chief Diversity Officer’s decision not to proceed with the Resolution Process, five (5) business days from receiving written notice of the Review Panel’s determination of No Responsibility, or five (5) business days from receiving determination of sanctions to submit a written appeal to the Chief Diversity Officer.

The Chief Diversity Officer will reject any non-conforming appeals and give the appealing party three (3) business days for one final opportunity to submit an appeal consistent with the grounds specified above.

Assuming a conforming appeal is received, the Chief Diversity Officer will share the request for Appeal with the Appellee, who shall have five (5) business days to submit a response statement.

The Chief Diversity Officer will appoint a trained Appeal Officer to conduct a fair and impartial review of any appeals submitted by a Complainant or Respondent. For faculty Respondents the Appeal Officer will be the Vice President for Academic Affairs/Dean of the Faculty or designee, unless there is a conflict of interest as determined by the Review Panel Chair, in which case an external third party mediator or similar service will be used.

Within five (5) business days of receiving the appellee's responsive statement (or five (5) business days after the deadline has passed when the appellee elects not to submit a statement) the Chief Diversity Officer will also refer the written appeal, any response, and the underlying case record (the "Appeal Record") to the Appeal Officer. Appeals and responses to them shall not exceed 10 pages (including any attachments or exhibits that are not part of the investigation record).

The Appeal Officer will determine whether any grounds for the Appeal are substantiated. If the Appeal Officer determines that a reasonable fact-finder could find a Policy violation by a preponderance of the evidence, and the Chief Diversity Officer declined to initiate the Formal Process for that violation (either in total or in part), the Appeal Officer will send the case back to the Chief Diversity Officer with instructions to initiate the Formal Process for the allegation(s).

If the Appeal Officer determines that the Request for Appeal shows a Procedural Error that significantly impacted the relevant decision or determination, the Appeal Officer will return the complaint to the Chief Diversity Officer with instructions to correct the error and to reconvene the Investigation Review Panel Meeting to reconsider the findings as appropriate. In rare cases where the procedural error cannot be corrected (as in cases of bias), the Appeal Officer will order a further process that removes the earlier source of error. The results of a reconvened Investigation Review Panel Meeting cannot be appealed again.

If the Appeal Officer determines that the Appeal shows New Information (or previously excluded evidence) that should have been considered, the complaint will be returned to the Chief Diversity Officer, who in turn will direct the Investigator to draft a new Final Investigation Report in light of the new or previously-excluded information only. The Chief Diversity Officer will promptly reconvene the Investigation Review Panel Meeting to reconsider the original findings as appropriate. The findings of the reconvened Investigation Review Panel Meeting are not appealable again.

The Appeal Officer will prepare a written Appeal Outcome Notice that will include an explanation of the basis of the decisions on appeal. The Appeal Outcome Notice will generally be provided to Appellant and Appellee within ten business days of receipt of Appellee's response statement. The Appeal Officer's Appeal Outcome Notice is final.

During the pendency of the appeal, Respondent's relationship with the College will maintain the status quo (e.g., if Respondent was on Interim Suspension pending the Process, the Interim Suspension remains in place).

Sanctions

If a Respondent is found responsible for violating a Policy adjudicated under this Process, after the Appeal Process has been completed the Chief Civil Rights Officer will notify the parties in writing that the matter is being referred for Sanctioning as follows:

- For staff and third party Respondents: the Executive Vice President and Chief Operating Officer (or designee) determines sanctions.
- For student Respondents: the Vice President for Student Affairs (or designee) determines sanctions.
- For faculty: described below.

Any one or more of the sanctions listed below may be imposed on a Respondent found responsible for a violation under this Resolution Process. Sanctions not listed here may be imposed in consultation with and approval by the Chief Diversity Officer. Sanctions are assessed in response to the specific violation(s) and any prior discipline and academic dishonesty history of the Respondent. Some of the sanctions listed are applicable only to students, as indicated.

The College exercises its judgment in designing reasonable sanctions. 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. Sanctions may not be appealed.

Sanctioning Procedures for Student, Staff, and Third Party Respondents

The Complainant and the Respondent may submit a Consideration of Sanctions statement to the Title IX Coordinator within five (5) business days of receiving the Final Investigation Report or upon receiving the Appeal Decision. 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 Sanctioning Officer will determine or recommend sanctions. The Sanctioning Officer will receive the case record, Consideration of Sanctions statements, and Respondent's prior conduct history (including any prior employment discipline history).

The Sanctioning Officer shall notify the Title IX Coordinator in writing of the sanctioning decision within five (5) business days of receiving the case. The Title IX Coordinator will notify the parties of the sanctioning decision within two business days of receiving it from the Sanctioning Officer.

Sanctioning Procedures for Faculty Respondents

The Complainant and the Respondent may submit a Consideration of Sanctions statement to the Chief Diversity Officer within five (5) business days of the Chief Diversity Officer's notification. 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.

The Chief Diversity Officer will provide the statements to the Chair of the Review Panel, who will reconvene the Panel to recommend sanctions, consistent with this framework and any prior disciplinary history of the Respondent.

Four of five members of the Review Panel must concur that the violation(s) constitute adequate cause for suspension without pay or termination for cause as defined in the Faculty Handbook (Section 4.3.1). A serious violation of a Civil Rights Policy will normally be sufficient to establish that a Respondent engaged in "personal misconduct that is directly and substantially related to the fitness of a faculty member as a teacher and/or a researcher" as outlined in the Faculty Handbook.

The Panel Chair shall simultaneously notify the parties in writing of the sanctioning decision within five (5) business days of receiving the case from the Chief Diversity Officer.

Implementation of Sanctions

If the Sanction recommended is termination of employment or suspension without pay, the recommendation of the Review Panel will be sent to the President and the Chairman of the Board for further action in accordance with the Section 4.3.2.4 of the Faculty Handbook (“Presidential Action” and “Board Action.”) No separate hearing under 4.3.2.4 is required; rather, the Review Panel’s decision serves as the recommendation contemplated by Section 4.3.2.4 which will go to the President.

If the Sanction recommended does not rise to the level of termination of employment or suspension without pay, the recommendation of the Review Panel will be sent to the Dean of Faculty for implementation.

Possible Sanctions for All Respondents

Possible Sanctions include:

- **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.
- **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 property damage or other loss.
- **Fine:** A monetary penalty assessed as appropriate to the violation.
- **Service Hours (students only):** A set number of work hours the Respondent must complete. The Title IX Coordinator will determine the nature of the work to be performed. Generally, service hours are conducted on campus.
- **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 behavior, including, but not limited to, participation in an educational program or completion of an online program.
- **Referral for Assessment:** A referral for an assessment with an appropriately-trained therapist who will recommend a process for treatment. Reinstatement is conditioned upon receiving proof of completion of the recommended treatment.
- **Loss of Privileges:** Denial of specific privilege(s) for a defined period of time. Privileges for students 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, as well as the privilege of living on campus, living in a specific residence hall, participation in commencement ceremonies, or having a vehicle on campus. Privileges for staff include, but are not limited to: limitation on access to attendance at athletic events, or advising clubs, or academic advising. Privileges for faculty include, but are not limited to, removal as academic chair or other leadership positions.
- **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 or a no contact order. In cases involving parties from different Claremont Colleges, restricted access may extend to exclusion from another college campus.
- **Removal of Offending Cause:** Requirement to remove the item which was the subject of the complaint.
- **Relocation or Removal from Residence Halls (students only):** Requirement that the Respondent relocate to another residence hall, or off-campus, by a specified date.

- **Conduct Probation (students only):** Formal, written notice that the Respondent's behavior is in violation of College policies and an expectation that the Respondent exhibit good behavior for a defined period of time. Any violation during the probationary period will result in increased sanctioning and may result in suspension or expulsion from the College. Notice of Conduct Probation is sent to the Respondent's academic advisor as well as to the Respondent's parent(s)/guardian if the Respondent is a minor.
- **Employment Probation:** Formal, written notice that the employee's conduct is in violation of College policies and an expectation that the employee exhibit good behavior for a defined period of time. Any further violations during the probationary period will result in increased sanctioning and may result in employment suspension without pay or termination of employment.
- **Suspension (students only):** Separation from the College for a defined period of time. During the suspension period the Respondent is not permitted on campus, is not permitted to participate in any College-sponsored or affiliated program or activity, and is not permitted to earn any credits towards the Respondent's degree. The terms of the suspension may include the designation of special conditions affecting eligibility for re-enrollment or special conditions to be in effect upon re-enrollment, including a term of Conduct Probation.
- **Suspension without Pay (staff and faculty):** Separation of employment for a defined period of time without pay for the time of separation.
- **Employment Termination:** Permanent separation of the employee from the College if the respondent is staff or faculty and permanent separation of the employee from their student position if the respondent is a student.
- **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.
- **Revocation of Degree (students only):** A Respondent's degree may be revoked if the Respondent is found responsible after having graduated. A Respondent whose degree has been revoked is not permitted on campus and is not permitted to participate in any College-sponsored or affiliated program or activity.
- **Non Conferral of Degree (students only):** A Respondent who is otherwise eligible to graduate but has a formal process for a possible policy violation in process as of the date the Board of Trustees conditionally confer degrees, may still walk at graduation but will not be conferred a degree until a finding of no responsibility is made or if a finding of responsibility is made with a sanction of suspension, until the suspension is served. If there is a finding of responsibility and the sanction is expulsion, the Respondent will not be conferred a degree.

Sanctioning Guidelines for Sex-Based Harassment and Discrimination

Although it is not possible to outline specific sanctions to be imposed in all cases involving Sexual Assault (California and Title IX), Dating Violence, Domestic Violence, or Stalking Based on Sex, the following guidelines have been established to provide notice to the community and provide context for the Sanctioning Officer in determining appropriate sanctions:

- For staff or third party Respondents: Normally termination for cause or lifetime ban from campus.
- For student Respondents: Normally expulsion or a minimum 1-year suspension.
- For faculty Respondents: Normally suspension without pay or termination for adequate cause.

Miscellaneous and Special Provisions

Record Retention

The College maintains Resolution Procedure records for seven years. For a student Respondent, the records will be maintained for seven years past the student's graduation (or if the student leaves the College before

graduation, for seven years after departure). For a faculty or staff Respondent, the records will be maintained for seven years past the conclusion of the Resolution Process or seven years past the end of employment, whichever is later.

Modification of Resolution Procedures

For good cause, and when not in substantial conflict with the Resolution Process, the Title IX Coordinator retains the authority to adapt or modify the investigation and disciplinary process as part of the Title IX Coordinator's responsibility to ensure an equitable and prompt process for all parties. For example, certain modifications may be necessary 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.

Termination of Resolution Process Upon Satisfactory Resolution

The College reserves the right to terminate the Formal Resolution Process when 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.

Independent Investigation

The College, at the discretion of the General Counsel, may conduct an additional, investigation independent of the circumstances involved in the Resolution Process at any time.

Notations in Academic Records

The College will note "Ineligible to Register" on a student's official CMC transcript if a student is suspended or expelled from the College under this Process. In cases of suspension, the notation will remain on the official transcript during the period of suspension only. If a student is expelled, the notation will remain on the official transcript permanently. In addition, the Dean of Students will truthfully respond, consistent with FERPA, to another institution's verification of status request sent as a result of a student's attempt to enroll at another institution.

Continuation of Process if Respondent Withdraws

If a student withdraws while this process is pending, the presumption is that the College will complete the process (or any portion of the process) despite the student's withdrawal. If the College elects to defer the process while the student is no longer enrolled, the student will be ineligible to register at the College until the process is completed. In such cases, the College will record "Ineligible to Register" on a student's official transcript.

Appendices

Appendix A: Care and Support Resources for Sexual Assault, Dating Violence, Domestic Violence, Stalking, Sexual Exploitation, and California Sexual Violence

Crisis and Other Counseling Resources

There are many care and support resources available to individuals in the local community that provide strict confidentiality, which generally means that information shared with these individuals or organizations will not be reported to law enforcement or the College without an individual's consent as set forth above in Section III.

All individuals are encouraged to use the resources that are best suited to their needs, whether on- or off-campus.

General Community Resources

Sexual Assault and Sexual Misconduct

Project Sister Sexual Assault 24/7 Crisis Hotline (Claremont, CA):

(800) 656-4673

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

<http://projectsister.org>

RAINN National Sexual Assault Crisis Hotline:

(800) 656-HOPE (800-656-4673)

<http://www.rainn.org/get-help/national-sexual-assault-hotline>

Intimate Partner Violence

House of Ruth

877-988-5559 (toll-free hotline)

909-623-4364 (Pomona Outreach Office)

<http://houseofruthinc.org/home>

National Domestic Violence Hotline

800-799-SAFE (7233)

800-787-3224 (TTY)

<http://www.thehotline.org>

Love Is Respect - National Dating Abuse Hotline

866-331-9474

<http://www.loveisrespect.org/>

Child Abuse

Los Angeles County Child Protective Services Hotline

800-540-4000 (within California)

213-639-4500 (outside of California)

800-272-6699 (TDD)

Childhelp National Child Abuse Hotline

800-4-A-Child (800-422-4453)

<http://www.childhelp.org/pages/hotline-home>

Licensed Counselors & Chaplains at The Claremont Colleges

The following on-campus counseling and clergy resources provide strict confidentiality protections and are available to provide care and support. With the exception of the EAP resources, these counselors and chaplains can also provide information about pursuing a formal complaint with the College or law enforcement.

Monsour Counseling and Psychological Services (for students without charge)

Tranquada Student Services Center

1st floor

757 College Way

Claremont, CA 91711

909-621-8202
909-607-2000 (after-hours emergency)

McAlister Center Chaplains (for students without charge)
McAlister Center for Religious Activities
919 North Columbia Avenue
Claremont, CA 91711
909-621-8685

Empower Center (for students without charge)
1030 N. Dartmouth Ave.
Claremont, CA 91711
909-623-1619

Employee Assistance Program (EAP)
Confidential advice and counseling is available to faculty and staff at no cost through the EAP. Employees and their legal spouses, domestic partners, and eligible dependents receive up to five (5) counseling sessions with a licensed/certified therapist by phone or in-person, per family member, per issue, each calendar year. Access to the EAP is available 24/7 year round.
800-234-5465

www.liveandworkwell.com

Access Code: claremontcolleges

Assistance from the College - Supportive Measures and Accommodations

The College employees or offices listed below can provide or assist with a broad range of information, care, and support needs, including: assisting with access to medical assistance or reporting to law enforcement, accessing crisis counseling or other counseling resources, assisting with or coordinating Supportive Measures and other Accommodations, and providing information about the Resolution Process available under this Policy or the TCC Policy.

Title IX Coordinator
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jrosas@cmc.edu

On-Call Dean of Students

An On-Call Dean of Students is available for assistance outside of normal business hours by contacting Campus Safety at 909-607-2000.

Department of Campus Safety
101 S. Mills Ave
Claremont, CA 91711
909-607-2000 (emergency)
909-621-8170

Medical Assistance (including Evidence Collection and Confidentiality)

Individuals are encouraged to seek medical attention immediately following an incident of sexual misconduct to assess and treat any injuries, screen for pregnancy and sexually transmitted infections, and to properly collect and preserve evidence, if the patient consents to do so.

Where possible, an individual who has experienced sexual assault and is in need of medical assistance should first contact the police or local law enforcement where the incident occurred in order to get instructions as to where to go for care and evidence collection.

If the incident occurs in Claremont, the Claremont Police Department is the local law enforcement and Pomona Valley Hospital is the designated Sexual Assault Response Team (SART) for this geographic area. Filing a police report is not required in order to complete the SART exam ("rape kit").

Claremont Police Department

Emergencies: **Dial 9-1-1**

570 W. Bonita Avenue

Claremont, CA 91711

Lobby Hours: 7:00 am - 10:00 pm, 7-days a week

909-399-5411 (non-emergencies)

Pomona Valley Hospital Medical Center

1798 North Garey Avenue

Pomona, CA 91767

909-865-9500 Phone

909-865-9600 Emergency Room

If an individual experiences sexual assault outside of Claremont, the individual should call the police in the city where the incident occurred for instructions on where to go for care and evidence collection. This is because the SART program is geographically organized based on the location of the incident.

If an individual has immediate emergency needs, or is unable to contact the local police, the individual should go to nearest the emergency room and ask that the SART protocol be initiated. You do not need to speak to anyone about the assault until the police and a support person have arrived. The emergency room will treat your immediate medical needs while the SART is being dispatched.

Evidence Collection

Physical evidence of a sexual assault must be collected from the Complainant's person within 96 hours of the incident, although it may be possible to obtain evidence from towels, sheets, clothes, etc. for much longer periods of time. Individuals who believe they have been sexually assaulted should go to the appropriate SART location based on the location of incident (as described above) before washing their body or changing clothing. A Sexual Assault Nurse Examiner (SANE), a nurse who is specially trained to collect evidence in cases of alleged sexual assault, will be called by the hospital to properly collect and preserve any evidence as well as document any injuries. It is best not to change clothes. However, if clothes have been changed, the clothes worn at the time of the incident should be brought to the SART location in a clean, sanitary container such as a paper grocery bag or wrapped in a clean sheet (plastic containers do not breathe and may render evidence useless). Bring a change of clothing to the hospital, too, as the clothes worn at the time of the incident will likely be kept as evidence.

Collecting evidence does not obligate an individual to any particular course of action but can assist the authorities should the individual decide to pursue criminal charges immediately or in the future. The College will assist any College community member in seeking medical assistance or reporting an incident to the police. Taxi vouchers are available at Campus Safety and the Dean of Students Office that provide free transportation to local medical centers.

Medical Assistance Confidentiality

The disclosure of private information contained in medical records is protected by the Health Insurance Portability and Accountability Act (HIPAA). In the context of sexual violence, however, medical providers in California, including on-campus medical providers, are required to notify law enforcement if a patient tells medical personnel that they have experienced sexual violence. The patient has the right to request that a survivor advocate be present with them when they speak with the police and to request that criminal charges not be pursued. Neither on- nor off-campus medical providers will notify the College of such a report.

Student Health Services at The Claremont Colleges

Student Health Services can provide after-incident and follow-up medical care; however, it is not an authorized SART location, and it is not equipped to collect forensic evidence. As with off-campus medical personnel, Student Health Services staff members are required by state law to notify law enforcement if a patient tells them that they have experienced a sexual assault.

Student Health Services

Tranquada Student Services Center, 1st floor

757 College Way

Claremont, CA 91711

909-621-8222

909-607-2000 (after-hours emergency)

Appendix B: Understanding Confidentiality and Privacy

While the words "confidentiality" and "privacy" are often used interchangeably in our daily lives, they mean different things under the law and this Policy.

In particular, privacy generally refers to an individual's freedom from intrusion into one's personal matters and personal information. In contrast, in a legal setting, confidentiality most commonly refers to situations in which an individual may disclose personal information with a legally-protected third party, such as an attorney, physician, therapist, or chaplain, with the understanding that such third party may not reveal such information to anyone else without the individual's express permission (unless there is an imminent threat of harm to the individual or others). This is legally-protected confidentiality. People holding this privilege as a result of their job duties are referred to as Confidential Resources.

In addition to legally-protected confidentiality, there is also the concept of confidentiality based on policy or procedure. Confidentiality based on policy or procedure ("organizational confidentiality") generally refers to organizational settings in which an individual provides "private" information to an organization with the understanding that:

- Such information may be shared within the organization among those who have a reasonable "need to know";
- That those within the organization who receive such information are trained in the expectation of privacy of such information; and,

- That the organization will not disclose the information to third parties without: (i) the express consent of the individual; or, (ii) in response to legally-binding request to disclose, such as a lawfully issued subpoena of in order to assist in the active review, investigation or resolution of the report. This could include a subpoena by a criminal or civil court for the records of the College's Resolution proceedings.

Individuals and Resources that Provide Legally-Protected Confidentiality

The College wants to ensure that all members of the community are aware of the following resources that provide legally-protected confidentiality. The following individuals and resources may not reveal private information provided to them by an individual to anyone else without the individual's express permission (unless there is an imminent threat of harm to the individual or others or the report involves abuse to a minor). A disclosure to a Confidential Resources, as defined in Part I of this Policy, does not result in any report or initiation of the Resolution Process unless requested by the disclosing individual.

- Crisis counselors and hotlines;
- Licensed mental health counselors;
- Chaplains and other ordained clergy;
- Attorneys; and
- Physicians (subject to sexual violence exception discussed below)

It is important to emphasize that these legally-protected confidentiality provisions apply whether or not the individual is a representative or employee of the College.

Thus, licensed counselors at Monsour Counseling Center or Chaplains at the McAllister Center provide the same level of confidentiality as licensed counselors and clergy unaffiliated with The Claremont Colleges.

As a result, anyone who speaks to any of these resources should understand that these communications do *NOT* represent a report to the College because these resources will not tell the College what you reported without your permission. This also means that the College will be unable to conduct an investigation into the particular incident, pursue disciplinary action against the Respondent, or offer accommodations or apply interim measures.

Please also note, however, that a Complainant who first approaches a licensed counselor or chaplain within the College may later decide to request that the College activate the Resolution Process or report the incident to law enforcement, and thus have the incident fully investigated. These counselors and chaplains shall inform each individual who reports Prohibited Conduct that the individual has the right to report the Protected Conduct to the Title IX Coordinator, the availability of Supportive Measures and shall direct the individual to those specific reporting resources.

- Under California law, any health practitioner employed in a health facility, clinic, physician's office, or local or state public health department or clinic is required to make a report to local law enforcement if they provide medical services for a physical condition to a person who they know or reasonably suspect is suffering from: (1) a wound or physical injury inflicted by a firearm; or (2) any wound or other physical injury where the injury is the result of assaultive or abusive conduct (including Sexual Assault, and Dating and Domestic Violence).

Confidentiality and Reports to the College

The College is a distinct legal entity recognized under the law. However, because the College as an entity can only engage in activities through individuals who work for or on behalf of the College, the College's responsibilities for responding to allegations of discrimination, harassment or sexual misconduct are only

triggered if the allegation is made to the Title IX Coordinator or a Responsible Employee, as defined in Section I of this Policy.

Consistent with relevant civil rights laws, these Policies addresses the question of distinguishing between employees or other agents who are required to respond to complaints or other reports of discrimination and harassment from those who are not.

Appendix C: Prevention, Education and Training

Claremont McKenna College takes education and prevention about issues of discrimination and harassment, including sexual violence and other sexual misconduct, seriously and has programs designed to education the College community about these important issues. With respect to the specific area of sex-based harassment , all students participate annually in a web-based program about sexual assault that addresses issues of consent, alcohol, and sexual violence as well as bystander intervention. In addition, each fall all new students engage in in-person programs during new student orientation designed to provide them information about the College's policies and behavioral expectations, consent, and alcohol. The College also provides bystander intervention training to key student leaders (including, but not limited to, resident assistants, orientation sponsors, and student government leaders) each year as well as providing all students the opportunity to participate in open sessions throughout the school year. Additional educational and prevention programs are offered periodically during the year, including speakers and talks sponsored by College departments as well as student groups. More information can be found on the College's Title IX page, and the Claremont Colleges' Sexual Assault Resource page.

The College's Chief Diversity Officer is responsible for ongoing development and administration of the College's various training programs related to these Policies. These trainings include, but are not limited to: annual training for all employees to remind them of their role and responsibility as a Responsible Employee, reviewing the College's policies and procedures for responding to reports of sexual violence, and reviewing the care and support resources as well as reporting options available to students. College officials involved in administering the College's Resolution Process also participate in ongoing training programs as appropriate to the individual's respective role.

Appendix D: Relationship to Other Statutes: The Clery Act, FERPA and California's Child Abuse and Neglect Reporting Act

The College complies with all applicable laws and regulations related to protecting the privacy of our community members (e.g., the Family Educational Rights and Privacy Act of 1974 ("FERPA")), and those laws and regulations related to the safety of our community (e.g., the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act ("Clery Act") and California's Mandatory Reporting laws).

The Clery Act

The Clery Act is a federal law requiring institutions of higher education to collect and report statistics on certain crimes in an "Annual Security Report." Certain College officials have a duty to provide Campus Safety with information regarding crimes when they are reported to them. All personally identifiable information is kept confidential, but statistical information regarding Clery-reportable crimes must be shared, including the date and location of the incident (but not the specific address) and information about the reported crime, to allow for proper classification. This report provides the community with information about the extent and nature of campus crime, in order to ensure greater community safety.

College officials who are required to inform Campus Safety of crimes reported to them include: Campus Safety officers, local police, full and part-time athletic coaches, the Director of Athletics, Dean of Students

non-administrative support staff, Resident Assistants, residence life staff, student activities staff, Human Resources staff, advisors to student organizations, and any other official with significant responsibility for student and campus activities. A copy of the College's Annual Security Report can be found on the College's website.

FERPA

The outcome of any Resolution Process conducted related to this Policy is part of the educational record of the Respondent, if the Respondent is a student; or the employee record, if the Respondent is a faculty or staff member.

Generally speaking, the educational records of students are protected from release under a federal law, FERPA (20 U.S.C. § 1232g; 34 CFR Part 99). 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:

- The Complainant(s) in an investigation and disciplinary process related to sexual assault pursuant to the Policy have the right to be informed of the findings and sanction(s) of the investigation and disciplinary process, in writing, without condition or limitation.
- The Complainant(s) in sexual exploitation, sexual harassment, stalking, 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 "responsible" (and the underlying offense is a crime of violence as defined below and in 34 C.F.R. 99.39) or it is equitable to share the essential findings with all parties.
- The Clery Act permits the College to publicly release the name, the 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 or bullying), hazing, destruction/damage/vandalism of property, and kidnapping/abduction.

FERPA allows for the release of student records beyond the Clery exceptions listed above. Some other circumstances that provide for the release of student records are listed below. For a full understanding of student rights and FERPA, please see the College's FERPA Policy, which is maintained on the Registrar's website.

- Student education records, including student conduct records, can be subpoenaed by a court of law.
- Information from a student's education record may be released to a third party with the student's permission. Third parties that may request information from a student's education record include graduate schools, potential employers, parents, etc. Generally, the student will have signed a release permitting the College to release information.

California's Child Abuse and Neglect Reporting Act

Certain members of the CMC community are designated by California law as "mandated reporters" with legal obligations to report known or suspected abuse or neglect of children (those under age 18). For detailed information about the legal requirements, see the Child Abuse and Neglect Reporting Act (Penal Code Sections 11164-11174.3, or "the Act"). The Act encourages others not otherwise obligated by law to voluntarily report known or suspected abuse of children (Penal Code 11166(g)). More information is also available by reading the Policy on Reporting Child Abuse and Neglect.

Victim Confidentiality & Marsy's Law

CMC recognizes the sensitive nature of sexual violence and is committed to protecting the privacy of any individual who reports an incident of sexual violence. Different officials on campus are, however, able to

offer varying levels of privacy protection to victims. California's "Marsy's Law" ([California Constitution Article I, Section 28 \(b\)](#))⁴⁰ provides some protections of victim's confidential information or records.

Reports made to CMC officials and identifying information about the victim shall not be made public.

Reports made to medical professionals, licensed mental health counselors, and Chaplains will not be shared with third parties except in cases of imminent danger to the victim or a third party.

Sex Offender Registration – Campus Sex Crimes Prevention Act (“Megan’s Law”)

Members of the general public may request community notification flyers for information concerning sexually violent predators in a particular community by visiting the chief of law enforcement officer in that community. The State of California maintains a [database of convicted sex offenders](#)⁴¹ who are required to register their home addresses.

Missing Student Notification Policy

The Clery Act requires institutions that maintain on campus housing facilities to establish a missing student notification policy and related procedures (20 USC 1092 (j) Section 488 of the Higher Education Opportunity Act of 2008).

When it is determined that a residential student is missing from CMC, staff at CMC, in collaboration with Campus Safety and local law enforcement, will be guided by this Missing Student Notification Policy and related procedures.

Confidential Contact

Students who reside in on-campus housing are encouraged to register one or more people as a confidential contact for the College to contact strictly for the purposes of attempting to verify whether you are a missing person. Confidential contacts can be, but are not required to be, the same as the student's emergency contact(s). The confidential contact(s) will be kept confidential and can only be accessed by authorized College officials. College officials may only disclose the confidential contact(s) to law enforcement officials for the purposes of a missing student investigation. Students may update their missing person contact and their emergency contact information at any time by notifying the Dean of Students Office or updating the information on their student portal.

If a residential student believed to be missing is under 18 years old and not emancipated, CMC will also notify a custodial parent or guardian.

Investigation and Notification Procedures

If any member of the CMC community has reason to believe that a student may be missing, he or she should immediately notify the Dean of Students Office at 909-621-8114 (Monday-Friday, 8:00 am to 5:00 pm) or the Department of Campus Safety at 909-607-2000. The College will initiate an investigation into any report of a missing person as soon as this information is received by the College or the Department of Campus Safety. If Campus Safety was not initially notified, the Dean of Students Office will immediately notify Campus Safety upon receipt of a report that a student may be missing.

If a student is determined to have been missing for twenty-four (24) hours, the College and/or Department of Campus Safety will notify the appropriate law enforcement agency and initiate the notification procedures as set forth in this policy. Students in the Silicon Valley Program may also call the Director of the Program at 909-293-9418. Students in the Washington Program may call the Director of the Program at

⁴⁰ https://leginfo.ca.gov/faces/codes_displaySection.xhtml?lawCode=CONS§ionNum=SEC.%2028.&article=I

⁴¹ <https://www.meganslaw.ca.gov/>

(240) 577-2015. In no instance should someone wait more than 24 hours after the student is thought missing to notify CMC.

CMC will initiate an investigation into any report of a missing person as soon as this information is received by CMC or Campus Safety. The appropriate Dean of Students representative, or other designated individual, will begin to coordinate efforts to find a missing student, including contacting the Confidential Contact, notifying Campus Safety, contacting the student's roommate or Resident Assistant, searching a student's use of their ID card around CMC, and/or checking social networks. The investigation may include notifying the local law enforcement agency that has jurisdiction in the geographical areas around the specific campus location (for CMC's main campus, this means the Claremont Police Department).

Although these notifications must only occur within 24 hours after CMC has been notified that a residential student is thought to have been missing for 24 hours, CMC will generally not wait for 24 hours to make these notifications.

CMC Policies Governing Alcohol and Other Drugs

The mission of CMC is to educate students for thoughtful and productive lives and roles of responsible leadership. In support of this mission, we seek to provide a living and learning environment in which students can advance their own intellectual, social, moral and personal development and in which all members of our community work together in pursuit of the CMC mission. The irresponsible, abusive, or illegal use of alcohol and other drugs is antithetical to the pursuit of our mission and students' growth and development and can result in negative consequences for the individual and the community. Negative consequences include, but are not limited to, hangovers and blackouts, disruptive behavior, academic impacts, vandalism, impaired driving, alcohol or drug dependence or addiction, sexual assault, and personal injury and death.

CMC expects students and staff to conduct themselves in a responsible manner and in accord with the law and CMC's policies. CMC complies with all federal, state, and local laws and regulations governing the possession, use, sale, and distribution of alcoholic beverages, illegal drugs, and controlled substances by all members of the CMC community. The College uses licensed bartenders for ticketed events to enforce California's drinking regulations. To drink alcohol at such events, students must provide a government issued photo identification (ID) with proof that they are of legal age. Additionally, students who are 21 or older are provided a wristband. CMC Public Safety, Campus Safety, and members of the Dean of Students Office, including Resident Assistants, are the primary enforcement agents at the college. Students in possession of a false ID will have the ID confiscated and will be subject to conduct proceedings. Regardless of age, when students drink in an immoderate, irresponsible, or unsafe manner, college personnel intervene to enforce community expectations of responsible moderation, and the students are subject to conduct proceedings. CMC authorizes Campus Safety to act in an enforcement role on behalf of the institution when Public Safety, a CMC professional staff member or a Resident Assistant is not present or has requested support.

Similarly, the use of illicit drugs is prohibited and monitored. The possession and use of marijuana, though legal in California, is not permitted on campus in compliance with federal law. CMC Public Safety, Campus Safety, and members of the Dean of Students Office, including Resident Assistants, are the primary enforcement agents at the college. Resident Assistants or other college personnel who observe the possession or use of marijuana or other illegal substances are to notify Campus Safety immediately. Campus Safety protocol is to confiscate the illegal substances, take a thorough report, and notify the Dean of Students Office. Those students are subject to the college's conduct process. The influence of alcohol or other drugs is not an excuse for unsafe or irresponsible behavior and will not be seen as a mitigating factor in any proceeding to resolve alleged violations of College policy.

For more information, please see the [High-risk Alcohol and Drug Use Prevention Program Guide](#)⁴² along with the [College's Drug-Free Schools and Communities Act Biennial Review](#)⁴³ and the [annual disclosures](#)⁴⁴ sent to all students.

College Regulations Regarding Alcohol

The following policies are in place to ensure the moderate and responsible use of alcohol by members of CMC community.

1. The purchase, possession, or consumption of alcohol (including beer, wine, and hard alcohol/liquor) by any person under the age of 21 is prohibited.
2. Providing alcohol or access to alcohol to individuals under the age of 21 is prohibited.
3. Alcohol may not be served, consumed, or present at intercollegiate athletic events.
4. When alcohol will be present at a College-sponsored or affiliated event (including student hosted events) and students will be present, the event must be registered and approved by the Student Activities Office. Such events must comply with the Guidelines for the Use of Alcohol at Formal Activities and Events.
5. The sale of alcohol is prohibited without a liquor license.
6. Common-source containers of alcohol (including, but not limited to, kegs, kegerators, multi-gallon containers, and punch bowls) are not permitted on campus unless approved by Student Activities staff through the Event Registration process.
7. Event staff and security reserve the right to refuse entry to any student or guest.
8. Attendees may not bring more than one drink into or out of an event.
9. Alcohol use is not permitted on campus prior to the first day of classes each semester regardless of when the student returns to campus for that semester.
10. Student fee money may not be used to purchase alcohol.
11. Students who wish to consume alcohol at school sponsored functions must prove their age by presenting their government issued ID, such as a state issued driver's license, state or federal agency issued ID card, or passport.
12. Visibly intoxicated attendees will not be served alcohol and may be removed from any event.
13. Food water and other non-alcoholic beverages must be available throughout the event.
14. Public intoxication (openly drunken, disorderly behavior) is prohibited.
15. The display of alcohol containers in windowsills or in clear view of the public is not permitted.
16. Any alcohol remaining after an event will be disposed of by event staff.
17. Students found responsible for violations of federal, state or local laws or College regulations governing the possession, use, sale, or distribution of alcoholic beverages will be subjected to CMC educational or disciplinary sanctions and may be referred to local law enforcement.

College Regulations Regarding Drugs

The following policies are in place to prevent drug abuse and distribution by members of CMC community.

1. The use, sale, manufacture, possession, or distribution (providing, sharing, jointly purchasing, purchasing for others, or otherwise making available) all forms of illegal drugs (per Federal statutes) including edibles and drinkables are prohibited.
2. The use, sale, or distribution of legally prescribed medication for use in a manner in which the medication was not intended (including use by someone other than the person to whom the medication was prescribed) is prohibited.

⁴² <https://catalog.claremontmckenna.edu/content.php?catoid=30&navoid=4711>

⁴³ <https://claremontmckenna.box.com/s/zewz54rhz04a1up9yfdsy99uffx208wu>

⁴⁴ <https://claremontmckenna.box.com/s/qiq8r8e7bdvl35ta3xzlwcsvdp5b8l2e>

3. Marijuana use on campus is prohibited in compliance with Federal law. Documentation of medically prescribed marijuana does not exempt a student from this Policy. A student who qualifies for medical use under California's Compassionate Use Act should speak with the Dean of Students regarding their option to live off campus.
4. The display of drug paraphernalia, regardless of whether the item has an alternate legal use, is not permitted.
5. Students found responsible for violations of federal, state or local laws or College regulations governing the possession, use, sale, or distribution of drugs will be subjected to CMC educational or disciplinary sanctions and may be referred to local law enforcement.

Facts About Alcohol

1. The average serving of wine (5 oz), beer (12 oz), or hard alcohol/liquor (1.5 oz) contains approximately the same amount of alcohol.
2. It takes approximately one hour for the body to process (oxidize) the amount of alcohol in an average serving.
3. If a person drinks slowly (one average drink per hour or less), there is less likelihood of intoxication. A faster rate of consumption will produce a buildup of alcohol in the bloodstream, resulting in intoxication.
4. Eating before and while consuming alcohol will slow the rate at which alcohol is absorbed into the bloodstream.
5. Diluting alcohol with another liquid such as water slows down the absorption, but mixing alcohol with a carbonated beverage increases the rate of absorption.
6. The body oxidizes alcohol at a fairly constant rate. Nothing will accelerate the sobering-up process. You can give a drunk person gallons of coffee, for example, and the result will not be sobriety, but a wide-awake drunk.
7. Alcohol depresses the central nervous system. The relaxed "high" people often feel from drinking results from the alcohol depressing upper levels of the brain that store learned behavior such as judgment and self-control. Higher levels of alcohol depress deeper levels of the brain producing increased impairment.
8. Consuming alcohol while taking over-the-counter or prescription medications or illegal drugs is dangerous and presents serious health and safety concerns.
9. Binge drinking is defined by the Center for Disease Control and Prevention as a pattern of drinking that brings a person's blood alcohol concentration (BAC) to .08 grams percent or above. This typically happens when men consume five or more drinks and when women consume four or more drinks in about two hours.
10. Binge drinking is associated with many health problems including unintentional injuries (falls, burns, drowning, crashes), intentional injuries (fighting, sexual assault), alcohol poisoning, liver disease, sexually transmitted diseases, and unintended pregnancy.

California Laws Governing Alcohol Use on Campus

Members of the CMC community are expected to be familiar with federal, state and local laws regarding alcohol. Students should be familiar with California laws governing the consumption of alcohol. The following summarizes those laws most relevant to all persons who might find themselves on the Claremont McKenna College campus. The list is provided for as a reference and is not all inclusive.

- It is illegal for persons under the age of 21 to possess an alcoholic beverage in any public place or any place open to the public (CA Business and Professions Code 25662).
- Any person who furnishes gives or sells any alcoholic beverage to someone under the age of 21 is guilty of a misdemeanor (CA Business and Professions Code 25658(a)).

- Any person under the age of 21 who attempts to purchase an alcoholic beverage is guilty of an infraction (CA Business and Professions Code 25658.5).
- Any person under the influence of alcohol in a public place and unable to exercise care for one's own safety or that of others is guilty of a misdemeanor (CA Penal Code 647(f)).
- It is illegal for persons to operate a motor vehicle while under the influence of alcohol or other intoxicants or with a blood alcohol level of .08% or higher (CA Vehicle Code Section 23152). NOTE: A golf cart is a motor vehicle.
- It is unlawful for a person under the age of 21 years who has 0.05 percent or more, by weight, of alcohol in his or her blood to drive a vehicle (CA Vehicle Code Section 23140(a)).
- It is illegal for a person under the age of 21 to drive a vehicle when he or she has a blood alcohol concentration (BAC) of .01% or higher (CA Vehicle Code Section 23136(a)).
- It is a misdemeanor to ride a bicycle under the influence of alcohol, drugs or both (CA Vehicle Code Section 21200.5).
- It is an infraction to possess an open container of an alcoholic beverage while in a motor vehicle (CA Vehicle Code Section 23223).
- It is an infraction for an owner or driver of a motor vehicle to allow an open container of alcohol in the passenger area (CA Vehicle Code Section 23225).

Violations committed by non-CMC students, will be addressed in accordance with existing MOUs (Memorandum of Understanding) between CMC Public Safety, TCC Campus Safety and the relevant law enforcement agency with jurisdictional responsibility. CMC Public Safety will complete relevant reports relating to alcohol related incidents and in instances where there is an active investigation or violation of law, that might necessitate an arrest, relevant law enforcement agencies will be requested for assistance/enforcement.

Violations committed by non-CMC students, will be addressed in accordance with existing MOUs (Memorandum of Understanding) between CMC Public Safety, TCC Campus Safety and the relevant law enforcement agency with jurisdictional responsibility. CMC Public Safety will complete relevant reports relating to alcohol related incidents and in instances where there is an active investigation or violation of law, that might necessitate an arrest, relevant law enforcement agencies will be requested for assistance/enforcement.

For more information about alcohol laws in California, please refer to <https://www.abc.ca.gov/law-and-policy/>

Underage Drinking

It is illegal for anyone under 21 years of age to attempt to purchase, consume, possess, or knowingly and intentionally transport any liquor, malt or brewed beverage. It is also illegal to lie about age to obtain alcohol and to carry a false identification card. It is also illegal to serve alcohol to a minor.

Carrying False I.D.

It is illegal for anyone under 21 to possess an identification card falsely identifying that person by name, age, date of birth, or photograph as being 21 or older to attempt to obtain liquor, malt, or brewed beverage by using the identification card of another or by using an identification card that has not been lawfully issued to or in the name of the person who possesses the card.

Public Intoxication

It is illegal to appear in any public place manifestly under the influence of alcohol to the degree that you may endanger yourself or other persons or property, or annoy others in your vicinity.

Public intoxication is a crime when a person appears in any public place manifestly under the influence of alcohol or a controlled substance to the degree that he may endanger himself or other persons or property, or annoy persons in his vicinity.

Public intoxication also leads to other behaviors and important health concerns. Oftentimes public intoxication contributes to many criminal mischiefs and disorderly conducts on campus. Persons must be responsible for their own actions and know their limits and tolerance levels before consuming alcohol.

Serving/Furnishing Alcohol to Obviously Intoxicated Person

It is illegal to sell, furnish, give, or cause to be sold, furnished or given away, any alcoholic beverage to any obviously intoxicated person.

Driving Under the Influence (DUI)

In California, it is illegal to operate a motor vehicle with a Blood Alcohol Concentration level (BAC) or .01% BAC if you are under age 21, and it is illegal to operate a motor vehicle with a BAC of .08% at any age. Drivers under age 18 may not operate a motor vehicle with ANY measurable BAC. Penalties for a first offense include jail time of 4 days to 6 months, fines of up to \$1,000, driver's license suspension of 30 days to 10 months, and required installation of an Interlock Ignition Device.

Refusing a Chemical Test

Any person who drives a motor vehicle automatically gives consent to one or more chemical test (e.g., breath, blood, or urine). This implied consent means that a person doesn't have the right to an attorney before testing. If a person refuses to submit to a chemical test: 1) the test will not be conducted; 2) the person's license will be suspended for one year; 3) the person will most likely be charged with DUI.

Container Laws

In California, it is illegal to possess an open container of an alcoholic beverage in a car, even if that beverage has not been consumed.

California Laws Governing Drug Use on Campus

Members of the CMC community are expected to be familiar with federal, state and local laws regarding drugs. The following list is provided for as a reference and is not all inclusive.

- Possession of Marijuana (California Health & Safety Code Section 11357)
- Possession for Sale of Marijuana (California Health & Safety Code Section 11359)
- Transportation of Marijuana (California Health & Safety Code Section 11360)
- Possession of Drug Paraphernalia (California Health & Safety Code Section 11364)
- Unauthorized Possession of Controlled Substances (California Health & Safety Code Sections 11350 & 11377)
- Possession for Sale of Controlled Substances (California Health & Safety Code Sections 11351 & 11378)
- Sale of Synthetic Cannabinoid or Stimulant Compound Derivative (California Health & Safety Code Sections 11357.5 and 11375.5). Possession of these items are prohibited under federal law (21 United States Code 811).
- Transportation of Controlled Substances (California Health & Safety Code Sections 11352 & 11379)
- Possession with intent to manufacture methamphetamine (California Health & Safety Code Section 11383)
- Federal Omnibus Drug Initiative of 1988: Gives courts the authority to suspend eligibility for Federal student aid when sentencing an individual convicted of possession or distribution of a controlled

substance.

Please visit the [National Institute on Drug Abuse website](#) ⁴⁵for more information.

CMC Public Safety Officers, On-Call Deans, DOS staff and other CMC leadership, will address policy violations around drug possession and/or other unknown substance use/abuse in real time. Student welfare will be considered first priority, with subsequent documentation and follow-up to address long term care and safety, as well as possible disciplinary action based on CMC's Student Code of Conduct Policy. Drug incidents that constitute violations of federal and state law will be addressed in accordance with existing MOUs (Memorandum of Understanding) between CMC Public Safety, TCC Campus Safety and the relevant law enforcement agency with jurisdictional responsibility. CMC Public Safety will complete relevant reports relating to drug related incidents and in instances where there is an active investigation or violation of law, that might necessitate an arrest, relevant law enforcement agencies will be requested for assistance/enforcement.

Alcohol and Drug Policies Specific to Faculty and Staff

CMC seeks to maintain a work and educational environment that is safe for Employees and students and conducive to hard work and high educational standards. CMC complies with all appropriate federal, state and local regulations regarding illicit use of drugs and the abuse of alcohol in the workplace.

Drug and alcohol use is highly detrimental to the work place and to the efficiency and productivity CMC desires to promote. The use, possession, distribution or sale of drugs or alcohol, or being under the influence of drugs or alcohol, is strictly prohibited while working or while on CMC premises. Violation of this policy will result in disciplinary action, possibly including discharge. This policy is not construed to prohibit the use of alcohol at social or business functions sponsored by CMC where alcohol is served. However, Employees must remember their obligation to conduct themselves properly at all times while at College sponsored functions or while representing CMC at off-campus events.

Legally prescribed medications are excluded from this rule and permitted only to the extent that the use of such medications does not adversely affect the Employee's work ability, job performance, or the safety of that individual or others. Employees using prescription drugs that may impair their abilities are to notify their supervisor in advance so that appropriate precautions may be taken.

Drugs Risks and Consequences

Alcohol and other drug use during pregnancy increases risk of physical harms to fetus.

Additional risks of harm may occur from toxic impurities present in street drugs.

Additional risks of harm may occur from the use of prescription drugs in ways other than prescribed.

Drugs taken by injection can increase the risk of infection (e.g., HIV, hepatitis, etc.) through needle contamination.

For more information visit the National Institute on Drug Abuse (NIDA) website: www.drugabuse.gov.

⁴⁵ <https://www.drugabuse.gov/drug-topics/commonly-used-drugs-charts>

Drug and Alcohol Abuse Education Programs

Resources for Students

CMC is concerned about the harm that can come to students who use and abuse drugs, including alcohol. CMC has a strong support structure for students concerned about or involved in the abuse or misuse of alcohol and use or abuse of other drugs, including Resident Assistants, deans, first year guides, faculty members, counselors, chaplains, and many others. Campus resources include:

Health Education Outreach (HEO): (909) 607-3602

Monsour Counseling and Psychological Services (MCAPS): (909) 621-8202

Student Health Services: (909) 621-8222

For after-hours emergencies contact Campus Safety: (909) 607-2000

[College's Drug-Free Schools and Communities Act Biennial Review](#)⁴⁶

Resources for Faculty and Staff

CMC wishes to assist employees who recognize that they have a problem with alcohol or drugs that may interfere with their ability to perform their job in a satisfactory manner. Employees who have a problem with alcohol or drugs and who decide to enroll voluntarily in a rehabilitation program will be given unpaid time off to participate in the program unless it would result in an undue hardship to provide time off. The employee may use any accrued sick time or vacation benefits while on leave. CMC's health benefits will be administered as under the FMLA policy.

If an employee requests time off to participate in such a program, CMC will also make reasonable efforts to keep the fact that the employee enrolled in the program confidential.

CMC reserves the right to request proof of the employee's attendance in a rehabilitation program.

Nothing in this policy shall be construed to prohibit CMC from refusing to hire, declining a request for a leave, or discharging an employee who, because of the employee's current use of alcohol or drugs, violates CMC's policies, or is unable to perform his or her duties in a manner which would not endanger his or her health or safety or the health or safety of others.



Outdoor Class

⁴⁶ <https://claremontmckenna.box.com/s/zewz54rhz04a1up9yfdsy99uffx208wu>

Annual Disclosure of Crime Statistics

Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (20 USC § 1092(f)) requires colleges and universities across the United States to disclose information about crime on and around their campuses. Campus Safety maintains a close relationship with all police departments where CMC owns or controls property to ensure that crimes reported directly to these police departments that involve CMC are brought to the attention of Campus Safety.

Campus Safety collects the crime statistics disclosed in the charts through a number of methods. Campus Safety dispatchers and officers enter all reports of crime incidents made directly to the department into a records management system. After an officer enters the report in the system, a department administrator reviews the report to ensure it is appropriately classified in the correct crime category. The Department periodically examines the data to ensure that all reported crimes are recorded in accordance with the crime definitions outlined in the FBI Uniform Crime Reporting Handbook and the FBI National Incident-Based Reporting System Handbook (sex offenses only). In addition to the crime data that Campus Safety maintains, the statistics below also include crimes that are reported to various Campus Security Authorities (CSAs) as defined in this report. The statistics reported here generally reflect the number of criminal incidents reported to the various authorities. The statistics reported for the subcategories on liquor laws, drug laws and weapons offenses represented the number of people arrested or referred to campus authorities for respective violations, not the number of offenses documented.

Definitions of Reportable Crimes

Murder/Non-Negligent Manslaughter - the willful killing of one human being by another.

Manslaughter by Negligence - the killing of another person through gross negligence.

Sexual Assault - any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.

- A. Rape - the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim. This offense includes the rape of both males and females.
- B. Fondling - the touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.
- C. Incest - sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- D. Statutory Rape — sexual intercourse with a person who is under the statutory age of consent.

Robbery - taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.

Aggravated Assault - an unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm.

Burglary - the unlawful entry of a structure to commit a felony or a theft.

Motor Vehicle Theft - the theft or attempted theft of a motor vehicle.

Arson - any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property of another, etc.

Hate Crimes - a criminal offense that manifests evidence that the victim was intentionally selected because of the perpetrator's bias against the victim. Hate crimes includes all of the crimes listed above plus the following additional crimes:

Larceny/Theft - the unlawful taking, carrying, leading or riding away of property from the possession or constructive possession of another.

Simple Assault - an unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration or loss of consciousness.

Intimidation - to unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack.

Destruction/Damage/Vandalism or Property - to willfully or maliciously destroy, damage, deface or otherwise injure real or personal property without the consent of the owner or the person having custody or control of it.

Categories of Prejudice

Race - A preformed negative attitude toward a group of persons who possess common physical characteristics genetically transmitted by descent and heredity which distinguish them as a distinct division of humankind.

Religion - A preformed negative opinion or attitude toward a group of persons who share the same religious beliefs regarding the origin and purpose of the universe and the existence or nonexistence of a supreme being.

Sexual Orientation - A preformed negative opinion or attitude toward a group of persons based on their actual or perceived sexual orientation.

Gender - A preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender (e.g., male or female).

Gender Identity - A preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender identity, e.g., bias against transgender or gender non-conforming individuals.

Ethnicity - A preformed negative opinion or attitude toward a group of people whose members identify with each other, through a common heritage, often consisting of a common language, common culture (often including a shared religion) and/or ideology that stresses common ancestry.

National Origin - A preformed negative opinion or attitude towards a group of people based on their actual or perceived country of birth.

Disability - A preformed negative opinion or attitude toward a group of persons based on their physical or mental impairments, whether such disability is temporary or permanent, congenital or acquired by heredity, accident, injury, advanced age or illness.

Dating Violence, Domestic Violence, and Stalking

Dating Violence - violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. It includes, but is not limited to, sexual or physical abuse or the threat of such abuse.

Domestic Violence – a felony or misdemeanor crime of violence committed:

- By a current or former spouse or intimate partner 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 or intimate partner;
- By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; 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 in which the crime of violence occurred.

Stalking - engaging in a course of conduct directed at a specific person that would cause a reasonable person to -

- (i) Fear for the person’s safety or the safety of others; or
- (ii) Suffer substantial emotional distress.

Schools are also required to report the following three types of incidents if they result in either an arrest or disciplinary referral: Liquor Law Violations, Drug Law Violations, and Illegal Weapons Possession (defined by state and municipal laws).

Campus crime statistics must be reported by location:

On campus - any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution’s educational purposes, including residence halls; and any building or property that is within or reasonably contiguous to the area identified in the above definition that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes (such as a food or other retail vendor).

On campus student housing - any student housing facility that is owned or controlled by the institution, or is located on property that is owned or controlled by the institution, and is within the reasonably contiguous geographic area that makes up the campus.

Public Property - all public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus, or immediately adjacent to and accessible from the campus.

Non-campus buildings or property - any buildings or property owned or controlled by a student organization that is officially recognized by the institution; or any building or property owned or controlled by an institution that is used in direct support of, or in relation to, the institution’s educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution. This includes property located at the Washington D.C. Program and Silicon Valley Program, as well as other hotels and campgrounds which CMC students stay at on college-sponsored overnight trips.

The annual report is to be made available to all currently enrolled students and all employees by October 1 each year. The report must also be provided to any prospective student or prospective employee upon request. The report must be distributed to all current students and employees by one of the following: directly by publications and mailings; by the US Postal Service; by campus mail; email or a combination of these methods. Posting the Annual Campus Safety Report on an Internet or Intranet Web site is also permissible as long as the required recipients are notified and provided the exact (URL) Internet or Intranet web site at which the report is posted.

Neither Campus Safety nor CMC Public Safety has the ability to deem allegations as “unfounded,” and thus the following crime charts do not fail to include any such “unfounded allegations.”



Roberts Hall North and Adams Hall

2023 CMC Crime Statistics Chart

Offense		On-Campus	Residential Facility	Non-campus Building/Property*	Public Property*
Criminal Homicide					
<i>Murder and Non-negligent Manslaughter</i>	2021	0	0	0	0
	2022	0	0	0	0
	2023	0	0	0	0
<i>Manslaughter by Negligence</i>	2021	0	0	0	0
	2022	0	0	0	0
	2023	0	0	0	0
Sex Offenses					
<i>Rape</i>	2021	3	3	0	0
	2022	1	1	1	0
	2023	3	3	1	0
<i>Fondling</i>	2021	0	0	0	0
	2022	2	1	0	0
	2023	2	2	0	0
<i>Incest</i>	2021	0	0	0	0
	2022	0	0	0	0
	2023	0	0	0	0
<i>Statutory Rape</i>	2021	0	0	0	0
	2022	0	0	0	0
	2023	0	0	0	0
Robbery	2021	1	0	0	0
	2022	0	0	0	0
	2023	1	0	0	0
Aggravated Assault	2021	0	0	0	0
	2022	0	0	0	0
	2023	0	0	0	0
Burglary	2021	6	3	0	0
	2022	10	6	5	0
	2023	4	0	0	0
Motor Vehicle Theft**	2021	2	0	1	0
	2022	13	0	0	0
	2023	25	0	0	0
Arson	2021	0	0	0	0
	2022	0	0	0	0
	2023	1	0	0	0

Arrests					
		On-Campus	Residential Facility	Non-campus Building or Property*	Public Property*
Liquor Law Violations	2021	0	0	0	0
	2022	0	0	0	0
	2023	0	0	0	0
Drug Abuse Violations	2021	0	0	0	0
	2022	0	0	0	0
	2023	0	0	0	0
Illegal Weapons Possession	2021	0	0	0	0
	2022	0	0	0	0
	2023	0	0	0	0

Judicial Referrals					
		On-Campus	Residential Facility	Non-campus Building or Property*	Public Property*
Liquor Law Violations	2021	1	1	0	0
	2022	0	0	0	0
	2023	0	0	0	0
Drug Abuse Violations	2021	3	3	0	0
	2022	15	11	2	0
	2023	4	3	0	0
Illegal Weapons Possession	2021	0	0	0	0
	2022	0	0	0	0
	2023	0	0	0	0

VAWA Amendment Offenses					
		On-Campus	Residential Facility	Non-campus Building or Property*	Public Property*
Dating Violence	2021	1	1	0	0
	2022	2	2	0	0
	2023	1	1	0	0
Domestic Violence	2021	0	0	0	0
	2022	0	0	0	0
	2023	0	0	0	0
Stalking	2021	0	0	0	0
	2022	2	0	0	0
	2023	0	0	0	0

Unfounded Crimes

2021: There were no unfounded crimes.

2022: There were no unfounded crimes.

2023: There were no unfounded crimes.

Hate Crimes:

2021: There were no reportable hate crimes.

2022: There were no reportable hate crimes.

2023: There was one on-campus Robbery characterized by religious bias.

* Statistics were requested from law enforcement agencies with jurisdiction over these locations, but some agencies did not respond or their responses were provided in a format not usable for Clery reporting.

**CA Penal Code defines electric/motorized scooters/bicycles/skateboards as a vehicle for the purposes of motor vehicle theft. Of the 25 motor vehicle thefts reported in 2023, 24 are electric scooters, bikes, skateboards, or golf carts.

College Areas and Campus Map

CMC owns or controls space for educational purposes at the following five locations:

- In Claremont, California:
 - Main campus, business address: 500 E. Ninth Street, Claremont, CA, 91711
- In Montclair, California:
 - Residences: 4785 Cypress Street, Montclair, CA, 91763
 - Residences: 4825 Cypress Street, Montclair, CA, 91763
 - Residences: 4828 Cypress Street, Montclair, CA, 91763
 - Residences: 4865 Cypress Street, Montclair, CA, 91763
- In Washington, D.C.:
 - 1101 17th Street NW, Suite 604, Washington, DC, 20036
 - Residences: 415 L Street NW, Washington, DC, 20001
 - Residences: 425 L Street NW, Washington, DC, 20001
 - Residences: 450 Massachusetts Avenue NW, Washington, DC, 20001
- In Silicon Valley, California, at three locations:
 - 440 North Wolfe Road, Sunnyvale, CA 94085
 - Residences: 1405 El Camino Real, Redwood City, California, 94063
- In Lee Vining (near Mono Lake), California:
 - Burger Sierra Research Station: 677 Log Cabin Mine Road, Lee Vining, California, 93541

Although not required by current law, CMC provides a “boundary” map of our main Claremont campus as well as property that is owned by The Claremont Colleges Services that is frequently used by CMC students, faculty, and staff. We offer this to help readers understand and define the borders of our campus.

Claremont McKenna College – Clery Map

- CMC CMC main campus, deemed on campus property
- CUC CUC property, deemed on campus property
- CMC or CUC owned roads, deemed "on campus."
All other roads = Public Property or owned by another institution.
- CMC Core Campus Boundary
- CMC or CUC parking lots, deemed "on campus property."
- CMC on campus residential facilities
- CMC private property
- CMC Main campus, athletic fields



Revised 09/2024

III. Crime Prevention Tips

While the CMC campus is a reasonably safe environment, crimes do occur. We offer the following safety tips so that you may increase your awareness of measures that you can take to protect yourself, other CMC community members, and property.

- Exterior doors should never be propped open. A propped door puts everyone at risk.
- Residence hall room doors should be locked at all times even when leaving for a short time.
- Keys or key-cards should be carried at all times and never loaned to others.
- Exercise good judgment when walking, jogging, or engaged in solitary activity, especially at night. Consider working out in one of our indoor exercise facilities.
- Engrave, mark, and/or photograph your property and record serial numbers and property description.
- Consider not bringing expensive jewelry, valuable property, and important keepsakes to campus.
- Purses, backpacks, and other personal property should not be left unattended or unsecured in office buildings, libraries, and other common use areas.
- Parked cars should be locked at all times and valuables should be concealed.
- Become familiar with the location of emergency phones throughout the campuses and use them if you have an emergency or observe criminal or suspicious activity.
- Program the phone number of Campus Safety (909-607-2000) and your Resident Assistant into your cellphone.
- Travel across campus with a friend, sticking to lighted paths and walkways. When this is not possible, you may call Campus Safety to request an escort.
- All crimes and suspicious persons should be reported to Campus Safety immediately.

It is most helpful to Campus Safety if you can provide your name, telephone number and location as well as the following information on any crime suspect: physical appearance, clothing, height, weight, coloring, approximate age, sex, scars, or other noticeable features (glasses, facial hair, etc.), and whether or not s/he displayed or threatened a weapon. If a vehicle is involved, please note: last direction of travel, license plate number and state, make and model of the vehicle, color and body type, and other identifying marks (rust, dents, etc.).

Theft

Theft is a common occurrence on college campuses. Oftentimes this is due to the fact theft is a crime of opportunity. Confined living arrangements, recreation facilities, and many open classrooms and laboratories provide thieves with effortless opportunities. Occupants of the residence halls often feel a sense of security and home atmosphere and become too trusting of their peers, while others leave classrooms and laboratories unlocked when not occupied for short periods of time.

It is important to be very vigilant when it comes to suspicious persons. Never leave items and valuables lying around unsecured. Doors should be locked at all times. The following is a list of suggestions to help you not fall victim of theft:

- Keep doors to residence halls, labs, and classrooms locked when not occupied.
- Do not provide access to unauthorized persons in buildings or classrooms.
- Do not keep large amounts of cash with you.
- Lock all valuables, money, jewelry, checkbooks, and passports in a lock box or locked drawer.
- Take a photograph of any valuable possessions, including makes, models, and serial numbers, and email it to yourself so that you can access it later.

- Using a personal engraver, mark specific identifying symbols into your items.
- Don't leave laptop computers or textbooks unattended in labs or libraries, even if it is for a short period of time.
- Don't lend credit cards or identification cards to anyone.
- Report loitering persons or suspicious persons to police immediately; don't take any chances.

Identity Theft

Identity theft is a crime in which someone wrongfully obtains and uses another person's personal information in some ways that involve fraud or deception, typically for economic gain. This personal data could be a Social Security number, bank account, or credit card information.

Persons involved in identity theft often use computers or other forms of media to assist them.

There are measures you can take to prevent this from happening to you:

- Do not give anyone your personal information unless there is a reason to trust them and the release is for good reason.
- Never give your credit card information, date of birth, or other information over the telephone, unless you can confirm the person receiving that information.
- Complete a credit check frequently to assure there is no suspicious activity.
- Examine financial information often to assure all transactions are authorized and accounted for.
- Use computer security software on computers and install firewalls.
- Report any suspicious computer activity (possible email scams) to your Resident Technology Assistant (RTA) or computer lab manager.

IV. Annual Fire Safety Report and Disclosure of Fire Statistics

The Higher Education Opportunity Act enacted on August 14, 2008, requires institutions that maintain on-campus student housing facilities to publish an annual fire safety report that contains information about campus fire safety practices and standards of the institution. The following report details all information required by this Act for CMC.

Definitions

On-Campus Student Housing – A student housing facility that is owned or controlled by the institution, or is located on property that is owned or controlled by the institution, and is within a reasonable contiguous area that makes up the campus.

Fire – Any instance of open flame or other burning in a place not intended to contain the burning or in an uncontrolled manner.

Fire Safety

CMC takes fire safety very seriously and continues to enhance its programs to the CMC community through education, engineering and enforcement. Educational safety prevention programs are presented throughout the year to all students and staff. Automatic sprinkler systems and fire alarm systems are recognized engineered building features that help to provide for a safe living environment. All College residence halls and apartments are provided with automatic sprinkler systems, smoke detectors, carbon monoxide detectors, and building fire alarm systems to provide early detection and warning of a possible fire emergency. Additional fire safety features for College residence halls and apartments are detailed in this section in the chart entitled "Description of On-Campus Student Housing Fire Safety Systems."

CMC maintains and tests all fire alarms and automatic fire suppression systems in accordance with the appropriate National Fire Protection Association Standard and California Fire Code to ensure system readiness and proper operation in the event of a fire emergency. The sprinkler systems and fire suppression systems are inspected annually by certified outside contractors. Fire extinguishers are inspected monthly by the CMC Facilities Department.

Additional protection is provided by TCCS Campus Safety and CMC Public Safety Officers who are trained for initial response to fire incidents occurring at CMC facilities. Officers provide assistance in building evacuation and extinguishment/confinement of small fires.

Fire Safety Education and Training Programs for Students, Faculty and Staff

CMC's Emergency Preparedness program provides annual training to Resident Assistants, Building Coordinators, Housekeeping staff, and teachers in the Children's School on these topics:

- Fire prevention
- What to do in the event of a fire
- How to report a fire or other emergency
- Use of fire extinguishers and other safety systems

Building Coordinators (at least two per building) receive monthly training in how to assist during a variety of incidents or crisis situations. Resident assistants also view training materials on the website for the [Center for Campus Fire Safety](#)⁴⁷. The training includes fire prevention efforts, policies and procedures, evacuation plans, how to educate residents in the policies and procedures, and behavioral expectations around fire safety on campus.

In addition, students are provided twice-yearly training about fire safety. The resident assistants host a hall meeting for all residents each semester in which they review fire safety policies as well as evacuation procedures. Students are told that they are required to participate in fire drills twice each year. Students are provided a printed list of prohibited items including halogen lamps, candles, hot plates, and microwaves. They are also familiarized with behavioral expectations such as:

- Candles, fire pits, or any other flame may not be used on campus unless they are used as part of a campus event and approved by the Associate Dean of Students for Student Engagement.
- Cook only where allowed. Set a timer on your phone to remind you that food is cooking.
- Never burn candles in your residence hall or apartment room.
- Make sure cigarettes and ashes are out. Never toss hot cigarettes butts or ashes in trash cans.
- Don't smoke when you have been drinking or are drowsy.
- Never use an extension cord with appliances like a refrigerator.
- Do not overload electrical outlets.
- Never cover light fixtures or smoke detectors.
- Never disable a smoke detector or fire alarm.

Fire Incident Reporting

Students, faculty, and staff are instructed to call 9-1-1 to report a fire emergency.

Non-emergency notifications (e.g., evidence that something burned) are made to:

- Resident Assistants or the Dean of Students Office (Heggblade Center, 909-621-8114)
- Facilities & Campus Services (Story House, 909-621-8112)
- Campus Safety (101 S. Mills Avenue, 909-607-2000)

⁴⁷ <http://www.campusfiresafety.org/Training-Activities/Campus-Fire-Safety-for-Students/Share>

On-Campus Student Housing Fire Drills

Unannounced fire drills and/or fire system tests are conducted in all on-campus residence halls during the school year to allow occupants to become familiar with and practice their evacuation skills. The drills are conducted by the CMC Emergency Preparedness & Safety Manager with assistance from CMC Public Safety Officers and Resident Assistants. The drills conform to the California Fire Code. All College residence halls have emergency evacuation plans and pre-identified evacuation assembly areas. These are shared with all students via Resident Assistant training and other yearly community training such as emergency Evacuation Drills, in response to earthquakes, fires and other critical incidents that would require immediate evacuation and subsequent recovery and reconstitution.

Full evacuation fire drills are held each semester in occupied residence halls and once per semester in non-residential buildings. Response and evacuations are timed and recorded. Fire drill records are maintained by the Emergency Preparedness and Safety Office. Building Safety Coordinators are present during fire evacuation drills.

Evacuation of Residence Halls in the Event of a Fire

Through the annual, unannounced drills, CMC prepares its students for the proper evacuation protocols to follow in the event of a fire. Upon being alerted to a fire alarm, students are required to leave their residence hall, report to their designated evacuation area, and report to their Building Coordinator or Resident Assistant.

If a student notices a fire in a residence hall that has not yet been reported, the person should activate the fire alarm, evacuate to the designated evacuation area, and call TCCS Campus Safety at 909-607-2000 to report the location and nature of the fire. The student should then report to their Building Coordinator or Resident Assistant.

Evacuees maintain a distance of generally at least 100 feet away from the building, 500 feet away for explosions or further if necessary. No one may return to an evacuated building unless told to do so by appropriate incident response personnel.

In the event that persons with mobility challenges need to be assisted during an evacuation, fire/ambulance personnel will conduct stairway evacuations of wheelchair users. As a precaution, anyone using a wheelchair should consider being housed on the ground level floor, whenever possible.

All College residence halls have assigned evacuation assembly areas and evacuation routes, which are that posted within every residence hall.

Smoking and Open Flames in On-Campus Student Housing Facilities

All CMC residence halls are smoke-free. This includes the hallways, stairwells, balconies and terraces.

CMC's [Smoking Policy](#)⁴⁸ can be found online.

Due to fire hazards, open flames are also not permitted on CMC's campus unless they are used in conjunction with a campus event and are approved by the Director of Student Activities. Barbeque areas are provided near certain residence halls, but personal barbeques are not allowed on campus.

CMC's [Open Flames Policy](#)⁴⁹ can be found online.

⁴⁸ https://webapps.cmc.edu/acalog/getAcalogLink2.php?content=Residence_Life_Policies#smoking-policy

⁴⁹ https://webapps.cmc.edu/acalog/getAcalogLink2.php?content=Residence_Life_Policies#open-flames

Appliances in On-Campus Student Housing Facilities

To mitigate risks of fires, CMC limits the quantity and types of appliances allowed in all on-campus student housing facilities. No more than two high-wattage appliances may be used at one time in an on-campus student housing room or apartment. Air conditioning units, halogen lights, washing machines and dryers, and cooking appliances with heating elements are prohibited in all on campus residence halls.

CMC’s [Appliance Policy](#)⁵⁰ can be found online.

Plans for Future Improvements in Fire Safety

CMC continues to monitor trends related to residence hall fire incidents and alarms to provide a fire safe living environment for all students. The Executive Director of Public Safety and Emergency Management continues to attend national, state and localized training to ensure fire safety compliance as well as to collaboratively strategize with CMC key leadership, to facilitate the development of new innovative programs, policies, and systems for the safety of all students, faculty and staff. CMC is examining additional mass notification systems and increasing new capabilities within the existing Everbridge platform. Currently there are no infrastructure or system improvement additions or modifications planned for the future.

Fire Statistics for On-Campus Student Housing Facilities* - 2021

Building	Address All in Claremont	#	Date	Cause	Injuries Requiring Treatment	Deaths Related to fire	Property Damage Value (\$)	Report Number
Appleby	408 E. 8th St.	0	N/A	N/A	N/A	N/A	N/A	N/A
Auen	497 E. 6th St.	0	N/A	N/A	N/A	N/A	N/A	N/A
Beckett	726 N. Amherst Ave.	0	N/A	N/A	N/A	N/A	N/A	N/A
Benson	411 E. 6th St.	0	N/A	N/A	N/A	N/A	N/A	N/A
Berger	413 E. 6th St.	0	N/A	N/A	N/A	N/A	N/A	N/A
Boswell	849 N. Mills/410 E. 9th St (FD)	0	N/A	N/A	N/A	N/A	N/A	N/A
Claremont	412 E. 6 th Street	0	N/A	N/A	N/A	N/A	N/A	N/A
Crown	650 Amherst Ave.	0	N/A	N/A	N/A	N/A	N/A	N/A
Fawcett	695 E. 6th St.	0	N/A	N/A	N/A	N/A	N/A	N/A
Green	845 N. Mills Ave./ 412 E. 9th St.(FD)	0	N/A	N/A	N/A	N/A	N/A	N/A
Marks	400 E. 6th St.	1	11/21/21	Electrical	0	0	\$3,300 approx.	20213193
Phillips	415 E. 6th St./734 N. Amherst Ave.(FD)	0	N/A	N/A	N/A	N/A	N/A	N/A
Stark	455 E. 6th St.	0	N/A	N/A	N/A	N/A	N/A	N/A
Wohlford	406 E. 9th St.	0	N/A	N/A	N/A	N/A	N/A	N/A
Student Apartments	651 E. 6th St.	0	N/A	N/A	N/A	N/A	N/A	N/A
Student Apartments	661 E. 6th St.	0	N/A	N/A	N/A	N/A	N/A	N/A
Student Apartments	671 E. 6th St.	0	N/A	N/A	N/A	N/A	N/A	N/A
Student Apartments	681 E. 6th St.	0	N/A	N/A	N/A	N/A	N/A	N/A

⁵⁰ <https://webapps.cmc.edu/acalog/getAcalogLink2.php?content=Residence Life Policies#appliance-policy>

Fire Statistics for On-Campus Student Housing Facilities - 2022

Building	Address All in Claremont	#	Date	Cause	Injuries Requiring Treatment	Deaths Related to fire	Property Damage Value (\$)	Report Number
Appleby	408 E. 8th St.	0	N/A	N/A	N/A	N/A	N/A	N/A
Auen	497 E. 6th St.	0	N/A	N/A	N/A	N/A	N/A	N/A
Beckett	726 N. Amherst Ave.	0	N/A	N/A	N/A	N/A	N/A	N/A
Benson	411 E. 6th St.	0	N/A	N/A	N/A	N/A	N/A	N/A
Berger	413 E. 6th St.	1	1/27/22	Candle	N/A	N/A	\$0.00	20223709
Boswell	849 N. Mills/410 E. 9th St (FD)	0	N/A	N/A	N/A	N/A	N/A	N/A
Crown	650 Amherst Ave.	1	9/25/22	Electrical	N/A	N/A	\$200.00	20226441
Fawcett	695 E. 6th St.	0	N/A	N/A	N/A	N/A	N/A	N/A
Green	845 N. Mills Ave./ 412 E. 9th St.(FD)	0	N/A	N/A	N/A	N/A	N/A	N/A
Marks	400 E. 6th St.	0	N/A	N/A	N/A	N/A	N/A	N/A
Phillips	415 E. 6th St./734 N. Amherst Ave.(FD)	0	N/A	N/A	N/A	N/A	N/A	N/A
Stark	455 E. 6th St.	0	N/A	N/A	N/A	N/A	N/A	N/A
Valach	412 E. 6 th Street	0	N/A	N/A	N/A	N/A	N/A	N/A
Wohlford	406 E. 9th St.	0	N/A	N/A	N/A	N/A	N/A	N/A
Student Apartments	651 E. 6th St.	0	N/A	N/A	N/A	N/A	N/A	N/A
Student Apartments	661 E. 6th St.	0	N/A	N/A	N/A	N/A	N/A	N/A
Student Apartments	671 E. 6th St.	0	N/A	N/A	N/A	N/A	N/A	N/A
Student Apartments	681 E. 6th St.	0	N/A	N/A	N/A	N/A	N/A	N/A

Fire Statistics for On-Campus Student Housing Facilities - 2023

Building	Address All in Claremont	#	Date	Cause	Injuries Requiring Treatment	Deaths Related to fire	Property Damage Value (\$)	Report Number
Appleby	408 E. 8th St.	0	N/A	N/A	N/A	N/A	N/A	N/A
Auen	497 E. 6th St.	0	N/A	N/A	N/A	N/A	N/A	N/A
Beckett	726 N. Amherst Ave.	0	N/A	N/A	N/A	N/A	N/A	N/A
Benson	411 E. 6th St.	0	N/A	N/A	N/A	N/A	N/A	N/A
Berger	413 E. 6th St.	0	N/A	N/A	N/A	N/A	N/A	N/A
Boswell	849 N. Mills/410 E. 9th St (FD)	0	N/A	N/A	N/A	N/A	N/A	N/A
Crown	650 Amherst Ave.	0	N/A	N/A	N/A	N/A	N/A	N/A
Fawcett	695 E. 6th St.	0	N/A	N/A	N/A	N/A	N/A	N/A
Green	845 N. Mills Ave./ 412 E. 9th St.(FD)	0	N/A	N/A	N/A	N/A	N/A	N/A
Marks	400 E. 6th St.	0	N/A	N/A	N/A	N/A	N/A	N/A
Phillips	415 E. 6th St./734 N. Amherst Ave.(FD)	0	N/A	N/A	N/A	N/A	N/A	N/A

Stark	455 E. 6th St.	0	N/A	N/A	N/A	N/A	N/A	N/A
Valach	412 E. 6 th Street	0	N/A	N/A	N/A	N/A	N/A	N/A
Wohlford	406 E. 9th St.	0	N/A	N/A	N/A	N/A	N/A	N/A
Student Apartments	651 E. 6th St.	0	N/A	N/A	N/A	N/A	N/A	N/A
Student Apartments	661 E. 6th St.	0	N/A	N/A	N/A	N/A	N/A	N/A
Student Apartments	671 E. 6th St.	0	N/A	N/A	N/A	N/A	N/A	N/A
Student Apartments	681 E. 6th St.	0	N/A	N/A	N/A	N/A	N/A	N/A



Phillips Hall

Description of CMC On-Campus Student Housing Fire Safety Systems — Residence Halls/Apartments

Building Name	Address	Year Built or Renovated	Fire Sprinklers	Fireproof Frame	Sq. Ft. Protected	CO Detection	Smoke Detection	Fire Extinguishing Devices	Evacuation Plans and Placards	Evacuation Drills per Year (2022 & 2023)	Fire Alarm Monitoring done on site	Annual Fire Alarm Testing	Fire Dept Water/Standpipe Connection
Appleby Hall	408 E. 9th Street	2003	Yes	Yes	15,680	Yes	Yes	Yes	Exits directly outside	1 in 2022 2 in 2023	Yes, Campus Safety	Yes	408 E. 9th Street
Auen Hall	497 E. 6th Street	2008	Yes	Yes	24,629	Yes	Yes	Yes	Hallways	1 in 2022 2 in 2023	Yes, Campus Safety	Yes	497 E. 6th Street
Beckett Hall	726 North Amherst Avenue, c/s 8th	2013-14	Yes	Yes	17,194	Yes	Yes	Yes	Hallways	1 in 2022 2 in 2023	Yes, Campus Safety	Yes	726 N. Amherst Ave.
Benson Hall	411 East 6th Street, c/s Amherst	2014	Yes	Yes	17,421	Yes	Yes	Yes	Hallways	1 in 2022 2 in 2023	Yes, Campus Safety	Yes	411 E. 6th Street
Berger Hall	413 East 6th Street, c/s Amherst	2013	Yes	Yes	15,110	Yes	Yes	Yes	Hallways	1 in 2022 2 in 2023	Yes, Campus Safety	Yes	413 E. 6th Street
Boswell Hall	410 East 9th Street	2003	Yes	Yes	15,742	Yes	Yes	Yes	Exits directly outside	1 in 2022 2 in 2023	Yes, Campus Safety	Yes	410 E. 9th Street
Valach Hall	650 North Amherst Avenue	2015	Yes	Yes	13,744	Yes	Yes	Yes	Hallways	1 in 2022 2 in 2023	Yes, Campus Safety	Yes	400 E. 6th Street
Crown Hall	650 N. Amherst Ave.	2008	Yes	Yes	37,257	Yes	Yes	Yes	Hallways	1 in 2022 2 in 2023	Yes, Campus Safety	Yes	650 N. Amherst Ave.
Fawcett Hall	695 N. Mills Ave.	2008	Yes	Yes	24,629	Yes	Yes	Yes	Hallways	1 in 2022 2 in 2023	Yes, Campus Safety	Yes	695 N. Mills Ave.

Building Name	Address	Year Built or Renovated	Fire Sprinklers	Fireproof Frame	Sq. Ft. Protected	CO Detection	Smoke Detection	Fire Extinguishing Devices	Evacuation Plans and Placards	Evacuation Drills per Year (2022 & 2023)	Fire Alarm Monitoring done on site	Annual Fire Alarm Testing	Fire Dept Water/Standpipe Connection
Green Hall	412 E. 9th Street	2003	Yes	Yes	15,677	Yes	Yes	Yes	Each apt. enters directly outside	1 in 2022 2 in 2023	Yes, Campus Safety	Yes	412 E. 9th Street
Marks Hall	400 E. 6th Street	2014-15	Yes	Yes	28,754	Yes	Yes	Yes	Hallways	1 in 2022 2 in 2023	Yes, Campus Safety	Yes	400 E. 6th Street
Phillips Hall	734 N. Amherst Ave	2013	Yes	Yes	15,973	Yes	Yes	Yes	Hallways	1 in 2022 2 in 2023	Yes, Campus Safety	Yes	734 N. Amherst Ave
Stark Hall	455 East 6th Street, c/s Amherst	1997	Yes	Yes	32,400	Yes	Yes	Yes	Hallways	1 in 2022 2 in 2023	Yes, Campus Safety	Yes	499 E. 6th Street
Student Apartments-651	651 East 6th Street, c/s Claremont	1995	Yes	No	10,969	Yes	Yes	Yes	Exits directly outside	1 in 2022 2 in 2023	Yes, Campus Safety	Yes	651 E. 6th Street
Student Apartments-661	661 East 6th Street, c/s Claremont	1995	Yes	No	13,372	Yes	Yes	Yes	Exits directly outside	1 in 2022 2 in 2023	Yes, Campus Safety	Yes	661 E. 6th Street
Student Apartments-671	671 East 6th Street, c/s Claremont	2018	Yes	No	8,800	Yes	Yes	Yes	Exits directly outside	1 in 2022 2 in 2023	Yes, Campus Safety	Yes	671 E. 6th Street
Student Apartments-681	681 East 6th Street, c/s Claremont	2018	Yes	No	8,800	Yes	Yes	Yes	Exits directly outside	1 in 2022 2 in 2023	Yes, Campus Safety	Yes	681 E. 6th Street
Wohlford Hall	406 E. 9th Street	2018	Yes	Yes	16,270	Yes	Yes	Yes	Exits directly outside	1 in 2022 2 in 2023	Yes, Campus Safety	Yes	406 E. 9th Street

Appendix: Contact List

- Campus Safety Office, 101 S. Mills Ave., 909-607-2000
- Dean of Students Office, Heggblade Center, 400 E. Ninth St, 909-621-8114
- Title IX Coordinator, Athenaeum #217, 385 E. Eighth St., 909-607-8131
- Office of Civil Rights, Heggblade Center, Second Floor, 400 E. Ninth St., 909-607-0347
- Human Resources Office, 528 N. Mills Ave. West, 909-607-1236
- Dean of the Faculty's Office, Athenaeum North 225, 909-621-8117
- Monsour Counseling and Psychological Services (MCAPS), Tranquada Center, 757 College Way, 909-621-8202
- Student Health Services (SHS), Tranquada Center, 757 College Way, 909-621-8222
- Health Education Outreach (HEO), Tranquada Center, 757 College Way, 909-607-1147
- The Washington (DC) Program, 1101 17th St NW, Suite 604, Washington, D.C., 240-577-2015
- The Silicon Valley Program, 440 North Wolfe Road, Sunnyvale, California, 95051, 408-524-1593
- Claremont Police Department, 570 W. Bonita Ave, 909-399-5411 (business) or 9-1-1 (emergency)