



POLICY ON NONDISCRIMINATION, GRIEVANCE  
PROCESS AND CIVIL RIGHTS INVESTIGATION PROTOCOL

Whittier College  
September, 2015

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## **I. Introduction**

Whittier College (the College) is a community of students, faculty, staff and administrators dedicated to teaching, learning, service and scholarship. To accomplish this goal, Whittier College is committed to providing an educational and employment setting that is respectful and will not tolerate discrimination and harassment. To actualize this commitment, the College provides an environment which encourages intellectual exploration in the context of a supportive community. The work and academic environments must be ones in which employees and students can pursue their work free from coercion, intimidation, and exploitation. Discrimination undermines the community that the College seeks to maintain and, therefore, it is dedicated to an environment free of discrimination and harassment.

### **A. Notice of Nondiscrimination**

Whittier College admits students of any race, color, national or ethnic origin, sex, disability or age to all the rights, privileges, and activities generally accorded or made available to students at the school. It prohibits discrimination and harassment on the basis of race, color, creed or religion, national/ethnic origin, marital status, age, sex, sexual orientation, gender identity/gender expression, military status, and disability in the school environment, including all academic, extra-curricular, school-sponsored activities, administration of its educational policies, admissions policies, scholarship and loan programs, or athletic and other school-administered programs.

### **B. Designated College Officers**

All persons listed in this section may generally be referred to as Anti-Discrimination Compliance Coordinators or designated College Grievance Officers elsewhere in this Policy.

The Title IX Campus Compliance Coordinator is:

Cynthia Joseph, Director of Human Resources, 004 Mendenhall, 562-907-4208. The Deputy Title IX Coordinators are Dr. Darrin Good, Vice President for Academic Affairs and Dean of Faculty, Mendenhall, 562-907-4204, and Dr. Joel Pérez, Vice President for Student Affairs and Dean of Students.

The Section 504 Coordinators are: Cynthia Joseph, Director of Human Resources, 004 Mendenhall, 562-907-4208, and Maritza Magallanes, Human Resources Manager, 004 Mendenhall, 562-907-4208.

The Age Discrimination Act Coordinators are: Cynthia Joseph, Director of Human Resources, 004 Mendenhall, 562-907-4208, and Maritza Magallanes, Human Resources Manager, 004 Mendenhall, 562-907-4208.

The designated College Grievance Officers for complaints are:

Complaints made by or related to faculty:

Dr. Darrin Good, Vice President for Academic Affairs and Dean of the Faculty, Mendenhall, 562-907-4204.

Complaints made by or related to students:

Dr. Joel Pérez, Vice President and Dean of Students, Campus Center, Room 142, 562-907-4233.

Complaints made by or related to support or administrative staff:

Cynthia Joseph, Director of Human Resources, 004 Mendenhall, 562-907-4208.

Complaints made by applicants or related to admissions:

Fred Pfursich, Vice President for Enrollment Management, 119 Weingart Hall, 562-907-4263.

Complaints made by students or related to Whittier Law School:

Nidhi Parikh, Assistant Dean for Students and Alumni Relations, 3333 Harbor Blvd., Costa Mesa, CA 92626, 714-444-4141 ext. 122.

**C.** Notice to Community

At the beginning of each academic year the Director of Human Resources will communicate via email to faculty, staff, and administration, the Vice President and Dean of Students, and the Assistant Dean for Students and Alumni Relations for Whittier Law School, will communicate via email to students, how to access the College policy on nondiscrimination on the College website. This notification will include names of persons designated to respond to allegations of discrimination.

**D.** Notice to Applicants

The Director of Human Resources will provide all applicants for faculty, staff, and administrative positions with a copy of the Policy on Nondiscrimination and complaint procedures.

The Vice President for Enrollment Management will provide student applicants with a copy of the Policy on Nondiscrimination and complaint procedures for any applicant who asserts that he or she was denied admission based on discrimination.

## II. Civil Rights Grievance and Investigation Process

### A. Who May File a Grievance

Persons who have a good faith belief that they have been the victim of discrimination or those persons who have knowledge that discrimination prohibited under this Policy has occurred may file a grievance with the designated Grievance Officer.

### B. Definitions

1. *Sexual Misconduct*: Whittier College maintains a Sexual Misconduct Policy. Sexual Harassment and Sexual Assault are forms of discrimination based on sex and are prohibited by Whittier College. Definitions of Sexual Harassment, Sexual Assault, and other forms of Sexual Misconduct are contained in that policy, a copy of which is attached as Appendix A and which can be found at [www.whittier.edu/SMAP](http://www.whittier.edu/SMAP). As applied to students, Sexual Harassment can be harassment by one student to another student, harassment by a faculty or staff member to a student, or harassment by a student to a faculty/staff member.

Some examples of sexual harassment are:

- Sending to a fellow student a pornographic video;
- Leering or making sexual gestures to a student;
- Making sexual comments including graphic comments about a person's body;
- Sending or leaving obscene letters, notes or invitations to another person;
- Physical touching or assault, as well as impeding or blocking someone's movement;
- Teacher suggesting to a student that he/she might get a better grade if he/she engaged in sexual conduct with the teacher.

2. *Discrimination*: Is any distinction, preference, advantage for or detriment to an individual compared to others that is based upon race, color, age, creed, ethnic or national origin or status, sex, religion, physical or mental disability, veteran status, pregnancy, marital status, or sexual orientation that is sufficiently serious that it interferes with or limits a student's ability to participate in or benefit from the College's educational program.

Some examples of discrimination are:

- Repeated comments to persons with disabilities such as "requiring the College to install so many handicap ramps increases tuition for all of us"
- Not being selected for a sport based on the person's race, national origin, religion, etc.

- Denial of work study job based on the person's race, national origin, religion, etc.

3. *Discriminatory Harassment*: Detrimental action based on an individual's actual or perceived gender, race, color, age, creed, national or ethnic origin, religion, physical or mental disability, veteran status, pregnancy status, sexual orientation or other protected status that is so severe, persistent or pervasive that it interferes with or limits a student's ability to participate in or benefit from the College's educational program.

**C. Complaints Concerning Discrimination and/or Discriminatory Harassment**

The College does not discriminate or harass in our programs and activities on the basis of race, color, creed or religion, national/ethnic origin, marital status, age, sex, sexual orientation, gender identity/gender expression, military status, disability, or any other characteristic protected by state, local, or federal law. Students (or applicants alleging discrimination) who believe they have been subjected to discrimination or harassment in violation of this policy (except for acts covered by the Sexual Misconduct Policy) should follow the procedure outlined in this Policy, and are encouraged to immediately report these concerns. Students who believe they have been the victim of, or know of someone who has been the victim of, Sexual Misconduct shall follow the procedures set forth in the Sexual Misconduct Policy (Appendix A). Staff must promptly report to the designated Grievance Officer all incidents of discrimination or harassment of which they become aware by whatever means they become aware. The College will investigate formal and informal complaints of discrimination or harassment. The College will initiate a thorough, impartial investigation designed to provide a fair, prompt, and reliable determination about whether the College's nondiscrimination policy has been violated. If a determination is made that the Policy has been violated, the College will implement a prompt and effective remedy designed to end the discrimination, prevent its recurrence and address its effects. Students who wish to formally or informally report a concern or complaint relating to discrimination or harassment may do so by reporting the concern to the Grievance Coordinator for students: Joel Pérez, Vice President and Dean of Students or his designee, Campus Center, room 142, 562-907-4233; Nidhi Parikh, Assistant Dean for Student and Alumni Relations at Whittier Law School (for complaints relating to law students), 3333 Harbor Blvd., Costa Mesa, CA 92626; 714-444-4141 x122. Applicants who wish to formally or informally report a concern or complaint relating to discrimination or harassment may do so by reporting the concern to Fred Pfursich, Vice President for Enrollment Management, 119 Weingart Hall, 562-907-4263.

Individuals with complaints of this nature also always have the legal right to file a formal complaint with the United States Department Education:

Office for Civil Rights (OCR)  
50 Beale Street, Suite 7200

San Francisco, CA 94105  
Customer Service Hotline #: (415) 486-5555  
Facsimile: (415) 486-5570  
TDD#: (877) 521-2172  
Email: [OCR.SanFrancisco@ed.gov](mailto:OCR.SanFrancisco@ed.gov)  
Web: <http://www.ed.gov/ocr>



### **III. Informal and Formal Grievance Procedure for Student Complaints**

This procedure is intended to apply to civil rights student grievances against employees, employee civil rights grievances against students, student-against-student civil rights grievances, and applicants for admission alleging discrimination prohibited by this policy. In cases of Sexual Misconduct, the procedures set forth in the Sexual Misconduct Policy shall be followed.

The College community benefits from formal and informal procedures that encourage prompt resolution of complaints and concerns that students may have about the implementation of policies and procedures that govern the institution.

#### **A. Informal Dispute Resolution Efforts**

Attempting to resolve a complaint informally is not required but is encouraged. A student can file a formal complaint at any time. Before pursuing the formal complaint process, a student is encouraged to constructively resolve issues with faculty, staff, administrators, or students. Whenever possible and safe, the student is encouraged to first discuss the issue with the individual involved in the complaint. If satisfactory resolution is not reached after discussion with the individual, and that individual is a member of the faculty, staff, or administration, the student is encouraged to contact the individual's direct supervisor to attempt to resolve the complaint. If these efforts are unsuccessful, or the individual is a student, the formal complaint process may be initiated. The College does not require a student to contact the person involved or that person's supervisor if doing so is impracticable, or if the student believes that the conduct cannot be effectively addressed through informal means.

#### **B. Formal Grievance Process**

The Title IX Coordinator is designated to coordinate the College's compliance efforts regarding Sexual Misconduct. Title IX Investigators are designated to formally investigate student, staff, and faculty reports of Sexual Misconduct. The Associate Dean of Students (or designee) is designated to formally investigate student grievances, address inquiries and coordinate the College's compliance efforts regarding other student complaints and grievances. The Director of Human Resources is designated to formally investigate other staff and administrator complaints and grievances. The Vice President of Academic Affairs and Dean of Faculty is designated to formally investigate other faculty complaints and grievances. The Vice President for Enrollment Management is designated to formally investigate complaints and grievances under this policy by applicants for admission to the College. The Assistant Dean for Student and Alumni Relations at Whittier Law School is designated to formally investigate other complaints by or against students at the law school.

Notice of a formal complaint can be made in person or orally to the designated College Grievance Officer, but the College strongly encourages that a grievance be submitted within six months of the conduct that is perceived to be discriminatory or harassment, in writing, by email attachment as a MS Word or pdf document, or in other written form to the appropriate Grievance Coordinator.

The grievance should clearly and concisely describe the alleged incident(s), when and where it occurred, and the desired remedy sought. The phrase, "This constitutes a formal grievance" should be included in the subject line of the grievance. If the grievance does not contain this phrase, the College will seek written confirmation of the initiator's intent before proceeding with an investigation.

The grievance should be signed by the initiator or, in the case of an email submission, sent as an email attachment, in letter format and should contain the name and all contact information for the grievant. Any supporting documentation and evidence should be referenced within the body of the formal grievance. Additionally, the initiator of a formal grievance should submit any supporting materials in writing within fifteen (15) business days of submitting the grievance. Extensions will only be granted by permission of the investigating College official.

The grievant's supporting documentation should clearly demonstrate all informal efforts, if any, to resolve the issue(s) with the person involved and the person's supervisor. This includes, names, dates and times of attempted or actual contact along with a description of the discussion and the manner of communication made in the course of each effort. If contacting the person involved and/or the supervisor is impracticable, the initiator should state the reasons why.

Upon receipt of a grievance, the appropriate Anti-Discrimination Compliance Coordinator will open a formal case file and assign a Case Officer who will direct the investigation and confer with the Anti-Discrimination Compliance Coordinator on interim action, accommodations for the alleged victim, or other necessary remedial short-term actions. Records of reports of incidents of discrimination or harassment shall be maintained by the Director of Human Resources for seven years.

The Case Officer will then take the following steps and conduct the investigation within 20 business days:

- Determine the identity and contact information of the complainant, whether that will be the initiator, the alleged victim, or a College proxy or representative;
- Collaborate with the complainant to identify the correct policies, federal, state, and/or local laws allegedly violated;
- Determine what policy or law violations should be alleged as part of the complaint. If there is insufficient evidence to support a preponderance of

the evidence standard, the grievance should be closed with no further action;

- Collaborate with the complainant to finalize the complaint and prepare the notice of charges;
- Commence a thorough, reliable and impartial investigation by developing a strategic investigation plan, including a witness list, evidence list, intended timeframe, verbatim record of any hearings, and order of interviews for all witnesses and the accused individual, who may be given notice before or at the time of the interview.

The investigation shall be completed promptly, but in no case more than 30 days from the date of the filing of the grievance and without unreasonable deviation from the intended timeline. Should the complaint be made within 30 days of the end of the academic year, every effort will be made to complete the investigation within 30 days but if not possible, it will be completed within 30 days after the start of the next academic year.

Within seven days of completion of the investigation, a finding, based on a preponderance of the evidence standard (whether a policy or law violation is more likely than not) shall be made by the Case Officer. The findings shall be presented to the accused individual, who may accept the findings, accept the findings in part and reject them in part, or may reject all findings. At this time, the complainant shall also be provided with written notification of the findings, including a summary of the facts, legal basis, and information concerning the actions to be taken to remedy any harm if discrimination is found.

Where the accused individual is found not responsible for the alleged violation(s), the investigation should be closed. Where the accused individual accepts the finding that he or she violated College policy, the appropriate Case Officer will impose appropriate sanctions for the violation, after consultation with the Anti-Discrimination Compliance Coordinator. The College also will act to end the discrimination or harassment, prevent its recurrence, and remedy its effects on the victim and the College community.

### **C. Appeals**

In the event that the accused individual rejects the findings in part or in totality, the Anti-Discrimination Compliance Coordinator will convene a meeting under its respective procedures to determine whether the accused individual is in violation of the contested aspects of the complaint. At the meeting, the findings of the investigation will be admitted, but are not binding on the decider(s) of fact. The Case Officer(s) may give evidence. The meeting will determine whether it is more likely than not that the accused individual violated the policies and/or local, state, and/or federal laws supporting the complaint. The goal of the meeting is to provide an equitable resolution via an equitable process, respecting the civil and legal rights of all participants.

The Anti-Discrimination Compliance Coordinator has final decision making authority in regards to formal complaints, subject to appeal. Where an accused individual is found in violation, the Anti-Discrimination Compliance Coordinator will impose appropriate sanctions for the violation. The College will act to end the discrimination, prevent its recurrence, and remedy its effects on the victim and the College community. Appeal proceedings as described in this Policy will apply to all parties to the complaint.

**D. Elaboration on Student Participation in the Grievance Process**

The Case Officer will contact or request a meeting with the initiator of the formal grievance and the complainant. The Case Officer also may contact or request a meeting with relevant College staff or others as part of the investigation. The initiator of the grievance may request to meet and discuss the allegations of the grievance with the Case Officer and may offer any documentation, evidence, identify witnesses, or other materials in support of the complaint. The complainant has the option to have a representative present during a meeting with the Case Officer to discuss the documentation submitted by the student in support of the grievance.

**E. Time Frame and Grounds for Filing an Appeal**

The decision of the Case Officer may be appealed by petitioning the Anti-Discrimination Compliance Coordinator within three (3) business days of receiving the written decision for the review of the decision or the sanction imposed. Such petitions must be submitted by email attachment as a Word or pdf document. If the Anti-Discrimination Compliance Coordinator determines that one of the five bases for appeal below has been met, he/she may either re-open the case to allow reconsideration of the original determination and/or sanction(s) or will refer the matter back to the Case Officer. The Anti-Discrimination Compliance Coordinator serves as the final level of review in the conduct matter. Except as required to explain the basis of new evidence, an appeal to the Anti-Discrimination Compliance Coordinator will be limited to review of the verbatim record of the initial meeting/proceeding and supporting documents for one or more of the following:

- To consider new evidence, unavailable during the original meeting/proceeding, that could be outcome determinative;
- To assess whether a material deviation from written procedures impacted the fairness of the meeting/proceeding;
- To decide if a sanction(s) is grossly disproportionate to the severity of the offense;
- To determine that the finding does not accord with the preponderance of the evidence;
- To assess whether bias of investigators or those who participated in the decision of the Case Officer deprived the process of impartiality.

Every opportunity should be taken to return the complaint to the Case Officer for reconsideration, where possible. On appeal by any party to the complaint, the Anti-Discrimination Compliance Coordinator may support or change a decision, increase, decrease or modify a sanction, or initiate further investigation that he or she deems necessary. Witnesses may be called or parties questioned, as necessary, as part of the appeal process. The Anti-Discrimination Compliance Officer will be deferential to the original decision makers, making changes to the finding only where there is clear error and to the sanction only if there is a compelling justification to do so.

The Anti-Discrimination Compliance Coordinator will render a written decision on the appeal to all parties within seven (7) business days after completion of consideration of all information and evidence submitted in connection with the appeal. The Anti-Discrimination Compliance Officer's decision is final.

In cases where additional time is needed in the investigation of a complaint, students will be notified accordingly. The College reserves the right to make changes and amendments to this policy and procedure as needed, with appropriate notice to the community.

**F. Special Grievance Process Provisions**

**1. Attempted Violations**

In most circumstances, the College will treat attempts to commit any of the violations listed in the *Student Code of Conduct*, *Employee Handbook*, or *Faculty Handbook* as if those attempts had been completed.

**2. College as Complainant**

As necessary, the College reserves the right to initiate a complaint, to serve as complainant, and to initiate conduct proceedings without a formal complaint by the victim of misconduct. The College shall investigate alleged incidents of harassment and discrimination of which it knew or reasonably should have known. In cases of an employee perpetrator, when the harassment or discrimination occurs outside the context of his or her job responsibilities, or when there has been alleged harassment or discrimination by a peer or third party perpetrator in a college program, and the College knew or reasonably should have known of such conduct, the College will investigate to determine what occurred and formulate an appropriate response even if no report is filed. If an employee who is acting, or reasonably appears to be acting, in the context of carrying out her or his responsibilities, engages in harassment or discrimination that is sufficiently serious to deny or limit a student's ability to participate in or benefit from the program, the College will investigate and respond appropriately whether or not it has notice.

### 3. False Reports

The College will not tolerate intentional false reporting of incidents. It is a violation of College policy to make a false report of any policy violation, and it may also violate state criminal statutes and civil defamation laws.

### 4. Immunity for Victims

The College community encourages the reporting of violations and crimes by victims. Sometimes, victims are hesitant to make such reports because they fear that they themselves may be accused of policy violations. It is in the best interests of this community that as many victims as possible choose to report to College officials. To encourage reporting, the College pursues a policy of offering victims of crimes amnesty from policy violations related to the incident.

### 5. Bystander Engagement

The welfare of all members in our community is of paramount importance. At times, community members on and off-campus may need assistance. The College encourages community members to offer help and assistance to others in need. Sometimes, community members are hesitant to offer assistance to others, for fear that they may get themselves in trouble (for example, a student who has been drinking underage might hesitate to help take a sexual misconduct victim to Campus Safety). The College pursues a policy of full immunity for students who offer help to others in need. [While policy violations cannot be overlooked, the College will provide educational options, rather than punishment, to those who offer their assistance to others in need.]

### 6. Notification of Outcomes

The complainant will be notified in writing once the investigation is complete, whether a determination was made to take further action. The outcome of a campus investigation hearing, however, is part of the educational record of the accused student, and is protected from release under a federal law, FERPA. If there is a direct conflict, however, between the requirements of FERPA and the requirements of Title IX, such that enforcement of FERPA would interfere with the primary purpose of Title IX to eliminate sex-based discrimination in schools, the requirements of Title IX override any conflicting FERPA provisions. For example, a sanction is imposed on the accused student and the sanction directly relates to the harassed student, such as the accused student being required to stay away from the harassed student or the accused student is transferred to other classes or another residence hall, said limited information may be provided to the harassed student. Additionally, the College observes the legal exceptions as follows:

- Complainants in non-consensual sexual contact/intercourse, sexual exploitation, sexual harassment, stalking, and relationship violence incidents

have an absolute right to be informed of the outcome of the investigation and sanctions , in writing, without condition or limitation.

- The College may release publicly the name, nature of the violation and the sanction 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, destruction/damage/vandalism of property and kidnapping/abduction. The College will release this information to the complainant in any of these offenses regardless of the outcome.

#### 7. Privacy Considerations

For sexual misconduct complaints, and other complaints of a sensitive nature, whether the alleged victim is serving as the complainant or as a witness, reasonable efforts should be taken to insure the privacy of said person, as long as doing so does not preclude the College from responding effectively to the harassment and preventing harassment of other students. While this is intended to help make the alleged victim more comfortable, it is not intended to work to the disadvantage of the accused individual.

#### 8. Retaliation

It is a violation of this Policy for any member of the College community to retaliate against any person who has reported alleged discrimination or harassment or sought advice through the process described in this document. It is also in violation to retaliate against anyone who has participated in any related proceedings. This applies to all accused and all witnesses.

#### 9. Counseling and Academic Support Services

The College will offer academic support and counseling services to any person found to have been subjected to discrimination or harassment, and where appropriate, to the person who committed the discrimination or harassment.

#### **G. Resolution**

The College will intervene promptly and effectively to put an end to discrimination and harassment. The resolution will be consistent with the seriousness of the offense and will be designed and imposed in a manner reasonably calculated to end the discrimination or harassment and to persuade members of the campus community to refrain from unlawful conduct. Possible resolution for a complainant may include one or more of the following at the College’s sole discretion:

- Removing the responsible person from the environment with the assurances that the person found responsible will not be in a position to retaliate, judge

the complainant's performance, or influence the judging of the complainant's performance;

- In cases where the complainant is a student and the respondent is a faculty member, moving the complainant to a new class or having the complainant's course work evaluated by another professor in the same department;
- In cases where both complainant and person responsible are students, moving the responsible student to a different residence hall, class section or work environment, or suspension of the responsible student until the complainant has left the College;
- Counseling services;
- Modifications to academic requirements and academic support services.

Disciplinary sanctions consistent with other College policies may consist of one or any combination of the following in the sole discretion of the College and in accordance with its policies:

- Verbal warning;
- Written warning;
- Counseling services when appropriate
- Performance of community service;
- Completion of an educational program;
- A letter in the individual's personnel or student file;
- Probation;
- Suspension;
- Expulsion; and
- Termination of Employment.

#### **H. Confidentiality**

The College recognizes the sensitive nature of discrimination and harassment complaints, both for the complainant and the accused. Both parties are entitled to as private a resolution of informal and formal complaints as can be afforded. The College expects all members of the College community to respect the right of the parties and the private nature of these issues.

Any person named in the policy, whether by name of position, with an official role, as participants in the processes established by this Policy, shall not disclose any information relating to any complaint of discrimination or harassment to anyone who does not have a legitimate need to know in order to implement this policy. Designated Case Officers, who receive informal and formal complaints, should, at the initiation of each stage, discuss with complainants and accused the extent to which their discussions may be kept confidential under this Policy.



While efforts will be made to communicate information about alleged discrimination and harassment only to those who have a legitimate need to know, there may be situations where the designated Case Officer or other College officer will be required to make appropriate disclosures in order to eliminate a threat of imminent harm to a complainant or other members of the College community.

#### **I. Location of Records**

If the investigation following any complaint does not result in a finding of a violation of this Policy, the records relating to the complaint and the investigation will not become a part of any individual's personnel or student record. If the accused is found to have violated this Policy, those records of the case will become part of the permanent personnel or student file of the person responsible. Records of all complaints and their resolutions will be kept by the Title IX Coordinator for seven years. Access to personnel and student files, and the records maintained by the Title IX compliance officer, is limited by Title IX, the Family Educational Rights and Privacy Act (Buckley Amendment), and various state statutes and common law. These restrictions on the disclosure are designed to protect students, employees, and the College. Questions regarding access to records may be directed to the Title IX Compliance Officer/Director of Human Resources.

#### **IV. Training, Education, and Prevention**

The College administers a program to promote an environment on campus in which all members of the College community can function free of discrimination and harassment. Educational activities will be conducted regularly for all members of the College community, including College officers, department chairpersons, supervisors, faculty members, staff members and students. The Office of Human Resources shall be in charge of coordinating the training of designated College employees and faculty, Title IX Coordinator, 504 Coordinator, ADA Coordinator, Grievance Officers, and Case Officers, in collaboration with the other Anti-Discrimination Compliance Officers listed in this policy.

All College officers, department chairpersons, and supervisors share the responsibility to take educational and preventive steps in their areas. Examples of these steps include:

1. Distributing educational materials on the College policy;
2. Raising the subject of discrimination and harassment at faculty meetings, staff meetings, orientation sessions, society and club meetings, residence hall meetings each academic year, and at other appropriate occasions;
3. Expressing strong disapproval of discrimination and harassment at such meetings and when incidents of discrimination or sexual harassment occur;
4. Incorporate education on discrimination and harassment policies and procedures into new student orientation;
5. Informing members of the College community of their right to raise the issue and how to raise the issue;
6. Developing methods to sensitize members of the College community;

7. Urging caution with respect to consensual sexual relationships in circumstances where there is an imbalance of power (formal or informal), particularly when one of the parties has academic or supervisory authority over the other; and
8. Enforcing appropriate sanctions set out in this policy.

V. Statement of Rights of the Alleged Victim

Subject to other provisions in this Policy, alleged victims of discrimination or harassment have the following rights:

- The right to an investigation and appropriate resolution of all credible complaints of misconduct made in good faith to College administrators;
- The right to be treated with respect by College officials;
- The right to be informed of and have access to campus resources for medical, counseling, and advisory services;
- The right of both accuser and accused to have the same opportunity to have others present (in support or advisory roles) during the meeting process;
- The right not to be discouraged by College officials from reporting alleged violations to both on-campus and off-campus authorities;
- The right to be informed by College officials of options to notify proper law enforcement authorities, including on-campus and local police, and the option to be assisted by campus authorities in notifying such authorities, if the student so chooses. This also includes the right not to report, if this is the victim's desire;
- The right to notification of and options for, and available assistance in, changing academic and living situations after an alleged harassment, discrimination or sexual assault incident, if so requested by the victim and if such changes are reasonably available (no formal complaint or investigation, campus or criminal, need occur before this option is available). Resolution may include:
  - Change of an on-campus student's housing to a different campus location;
  - Assistance from university support staff in completing the relocation;
  - Arranging to dissolve a housing contract and pro-rating a refund;

- Exam (paper, assignment) rescheduling;
  - Taking an incomplete in a class;
  - Transferring class sections;
  - Temporary withdrawal;
  - Alternative course completion options.
- The right to make a victim-impact statement at the campus conduct proceeding and to have that statement considered by the Case Officer in determining its sanction;
  - The right to a campus restraining order against another person who has engaged in or threatens to engage in stalking, threatening, harassing or other improper behavior that presents a danger to the welfare of the complaining individual or others;
  - The right to appeal the finding and sanction of the Case Officer, in accordance with the standards for appeal established by the College;
  - The right to review all documentary evidence available regarding the complaint, subject to the confidentiality limitations imposed by state and federal law, at least 48 hours prior to the meeting/proceeding at which the decision is made;
  - The right to be informed of the names of all witnesses within 48 hours of the meeting/proceeding, except in cases where a witness' identity will not be revealed to the accused for compelling safety reasons (this does not include the name of the alleged victim/complainant, which will always be revealed);
  - The right to preservation of privacy, to the extent possible and allowed by law;
  - The right to confidentiality subject to the other provisions in this policy;
  - The right to petition that the Case Officer be removed on the basis of demonstrated bias;
  - The right to bring a representative to all phases of the investigation and meeting/proceeding;
  - The right to present relevant witnesses to the meeting/proceeding, including expert witnesses;

- The right to be fully informed of campus conduct rules and procedures as well as the nature and extent of all alleged violations contained within the complaint;
- The right to have the College compel the presence of student, faculty and staff witnesses, and the right to ask questions, directly or indirectly, of witnesses (including the accused), and the right to challenge documentary evidence;
- The right to have College policies and procedures followed without material deviation;
- The right to be informed in advance of any public release of information regarding the complaint;
- The right not to have released to the public any personal information about the complainant, without his or her consent.

#### **VI. Statement of the Accused Individual's Rights**

Subject to other provisions in this Policy, a person accused of discrimination or harassment has the following rights:

- The right to an investigation and appropriate resolution of all credible complaints of misconduct or discrimination made in good faith to College administrators against the accused individual;
- The right to be treated with respect by College officials;
- The right to be informed of and have access to campus resources for medical, counseling, and advisory services;
- The right to be fully informed of the nature, rules and procedures of the campus investigative process and to timely written notice of all alleged violations within the complaint, including the nature of the violation and possible sanctions;
- The right to a meeting/proceeding on the complaint, including timely notice of the date, and adequate time for preparation;
- The right to make an impact statement at the campus meeting/proceeding and to have that statement considered by the Case Officer in determining its sanction;

- The right to appeal the finding and sanction of the Case Officer in accordance with the standards for appeal established by the College;
- The right to review all documentary evidence available regarding the complaint, subject to the confidentiality limitations imposed by state and federal law, at least 48 hours prior to the meeting/proceeding at which the decision was made;
- The right to be informed of the names of all witnesses within 48 hours of the meeting/proceeding, except in cases where a witness' identity will not be revealed to the accused student for compelling safety reasons (this does not include the name of the alleged victim/complainant, which will always be revealed);
- The right to confidentiality subject to the other provisions in this policy;
- The right to petition that the Case Officer be removed on the basis of bias;
- The right to have the College compel the presence of student, faculty and staff witnesses, and the right to ask questions, directly or indirectly, of witnesses, and the right to challenge documentary evidence;
- The right to have College policies and procedures followed without material deviation;
- The right to have a representative to accompany and assist in this process. This representative can be anyone, including an attorney (provided at the accused individual's own cost). If the representative interferes with or prevents a student from answering questions, the College could take that failure to provide information into consideration in reaching its determination;
- The right to a fundamentally fair meeting/proceeding, as defined in these procedures;
- The right to an outcome based solely on evidence presented during the meeting/proceeding. Such evidence shall be credible, relevant, based in fact, and without prejudice;
- The right to written notice of the outcome and sanction of the meeting/proceeding;

- The right to be informed in advance, when possible, of any public release of information regarding the complaint.

## VII. Appendix A: Sexual Misconduct Policy

### Sexual Misconduct Policy 2015-2016

#### Introduction

Whittier College (“the College”) is a community of students, faculty, staff, and administrators dedicated to teaching, learning, service, and scholarship. The College encourages intellectual exploration in the context of a supportive community in which students, faculty, staff, and administrators can pursue their work free from coercion, intimidation, and exploitation. To accomplish this goal, the College is committed to providing an educational and employment setting that is respectful and will not tolerate sexual misconduct, including all forms of gender and sex-based misconduct and any related retaliation as defined below.

#### Scope of Policy

This Policy, including the procedures contained herein, unless expressly indicated otherwise, applies to all faculty, staff, administration, students, volunteers, vendors, independent contractors, visitors, and individuals employed, studying, living, or working at Whittier College. For incidents involving non-students or incidents where the accused person is a non-student, refer to the faculty and/or employee handbooks for information relating to the investigation and adjudicative procedures and sanctions.

This Policy is designed to guide alleged victims, those making complaints, as well as those accused of sexual misconduct in providing a fair and equitable process for investigating and resolving this type of allegation.

Expected to follow local, state, and federal laws, this Policy applies to conduct on Campus Premises and at College-sponsored events that take place off campus and any electronic communication. If both the Complainant and the Respondent are members of the College community, this Policy applies regardless of the location of the alleged incident and immigration status.

#### Definitions

**Alleged Victim:** A person who perceives that she/he has been the victim or survivor of Sexual Misconduct as defined in this Policy. An alleged victim may also be a Complainant.

**Accused:** A person who has been accused of Sexual Misconduct. An accused may also be a Respondent.

**Appellate Officer:** The person designated to decide appeals submitted by a Complainant or Respondent following an adjudication of alleged sexual misconduct under this Policy. In the case of students, that person is typically the Dean of Students; in the case of employees, that person is typically the Director of Human Resources. Depending on the circumstances of each case, the College reserves its right to select a different Appellate Officer to decide an appeal. Cases involving faculty are handled in accordance with the Faculty Handbook.

**Clery Act:** The [Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act \(20 USC § 1092\(f\)\)](#), also known as “Clery” or “the Clery Act” in this policy, requires U.S. colleges



and universities that receive federal financial assistance to disclose information about crime on and around their campuses and is enforced by the United States Department of Education. At Whittier College, Campus Safety maintains compliance with the Clery Act by collecting data and reporting it in the Annual Security Report and on the [Whittier College website](#).

**Complainant:** One who submits an informal or formal complaint of Sexual Misconduct set forth in this Policy to the Title IX Coordinator or Title IX Investigators identified in this Policy. A complainant may or may not be an alleged victim.

**Consent:** Positive or affirmative cooperation in act or attitude pursuant to an exercise of free will. The person must act freely and voluntarily and have knowledge of the nature of the act or transaction involved ([California Penal Code §261.6](#) and [California Education Code § 67386](#)). This means that there must be 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 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. It is not an excuse that the person accused of sexual misconduct was reckless or intoxicated and, therefore, did not realize the incapacity of the other.

A person is unable to provide consent to engage in sexual activity when, at the time the consent needs to be given, the person is: (1) a minor (age 17 and under); (2) has a mental disorder or developmental or physical disability that renders him or her incapable of giving knowing consent; (3) is unconscious or so disoriented that the person is incapable of exercising the judgment required whether to consent; or (4) is incapacitated from alcohol or other drugs, and this condition was known or reasonably should have been known by the Accused. "Incapacitated" means intoxicated to the point that the person is incapable of exercising the judgment required whether to consent.

**Force:** The use of physical violence and/or imposing on someone physically to gain sexual access.

**Coercion:** Coercion is unreasonable pressure for sexual activity, and includes threats and intimidation (implied threats), to overcome resistance or produce consent. Coercive behaviors differ from seductive behavior based on the type of pressure someone uses to get consent from another. When someone makes it clear that they do not want sex, that they want to stop, or that they do not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive.

Respondent: Anyone accused of misconduct defined in this document and against whom an informal or formal complaint has been submitted to the Title IX Coordinator or Title IX Investigators identified in this Policy.

Sexual Misconduct: Sexual misconduct as used in this Policy is an umbrella term intended to include sexual discrimination, sexual harassment, sexual assault, sexual exploitation, non-consensual sexual contact, domestic and dating violence, bullying and stalking when done because of a person's sex/gender or sexual/gender identity. Acts of sexual misconduct may be committed by any person upon another person regardless of the sex, gender, sexual orientation and/or gender identity of those involved.

Sexual Misconduct Adjudication Board: A minimum of two College Officials designated by the Title IX Coordinator who receives annual training relating to Title IX, sexual misconduct and sexual misconduct investigations charged with the responsibility of adjudicating sexual misconduct cases. The Sexual Misconduct Adjudication Board is presented with a report containing the results of a sexual misconduct investigation and a recommendation regarding whether the respondent should be found responsible for the charged violation. The Board, in a closed meeting, after consideration of the report and consultation with the investigators, and using the preponderance of evidence standard, makes a determination of responsibility and sanctions, if any. The decision of the Board is final unless a proper appeal as provided in this Policy is pursued.

Title IX: *"No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance..."* [20 U.S.C. § 1681](#) Title IX prohibits discrimination on the basis of sex in educational programs operated by institutions that receive federal financial assistance. Programs and activities that may be included are: admissions, recruitment, financial aid, academic programs, athletics, housing and employment. Sexual harassment and sexual misconduct of students is a form of sex discrimination prohibited by Title IX and includes acts of sexual violence. Students of all gender identities are protected from sexual harassment and/or violence in all educational programs and activities operated by Whittier College.

Title IX Investigator: A member of the College staff or faculty who receives annual training on conducting and documenting adequate, reliable, and impartial investigations, including one that protects the safety of alleged victims and reporting parties and promotes accountability. Title IX investigators interview alleged victims, complainants, respondents, and witnesses for Title IX complaints and compile a report that includes a recommended finding of "responsible" or "not responsible", based on the preponderance of evidence standard, for violations of the Sexual Misconduct Policy. This report is then provided to the Sexual Misconduct Adjudication Board.

#### Prohibited Conduct

The following examples of sexual misconduct are intended to guide students with regard to what types of behavior may result in disciplinary action under this policy. The list below is not exhaustive and the College reserves its right to institute disciplinary procedures for sexual misconduct that does not necessarily fall within the specific definitions below.

When the terms "nonconsensual" and "without consent" are used in the definitions of prohibited conduct below, it means that the Accused did not receive consent to engage in

the particular conduct. As stated above in the “Definitions” section of this Policy, consent CANNOT be obtained from a person who is: (1) a minor (age 17 and under); (2) has a mental disorder or developmental or physical disability that renders him or her incapable of giving knowing consent; (3) is unconscious or so disoriented that the person is incapable of exercising the judgment required whether to consent; or (4) is incapacitated from alcohol or other drugs, and this condition was known or reasonably should have been known by the Accused. “Incapacitated” means intoxicated to the point that the person is incapable of exercising the judgment required whether to consent.

**Bullying:** Repeated sex- or gender-based severe, aggressive behavior likely to intimidate or intentionally hurt, control or diminish another person, physically or mentally (that is not speech or conduct otherwise protected by the 1<sup>st</sup> amendment).

**Dating Violence:** “Dating Violence” means abuse committed against an adult or a minor with whom the suspect is having or has had a dating or engagement relationship. It is the same as Domestic Violence ([Cal. Penal Code § 13700](#)), but involves violence that occurs within a “dating relationship” which means frequent, intimate associations primarily characterized by the expectation of affection or sexual involvement independent of financial considerations ([Cal. Family Code § 6210](#)). When used in this Policy, dating violence and abuse will be included within the term domestic violence and abuse.

**Domestic Violence:** “Domestic violence” means abuse committed against an adult or a minor who is a spouse, former spouse, cohabitant, former cohabitant, or person with whom the suspect has had a child or is having or has had a dating or engagement relationship. For purposes of this subdivision, “cohabitant” means two unrelated adult persons living together for a substantial period of time, resulting in some permanency of relationship ([Cal. Penal Code §13700](#)).

**False Reports:** Because the College takes each report seriously, it will not tolerate the filing of false reports. If a good-faith complaint results in a finding of not responsible, the party reporting will not be held responsible. If a person is found to have filed a false report with malicious intent, it is a violation of College Policy and the Code of Student Rights and Responsibilities. It may also violate criminal statutes and civil defamation.

**Harm to Others:** Words or conduct made on the basis of sex or gender that threaten or endanger the health and safety of any person, including physical or verbal abuse, threats, intimidation, and/or harassment. Intimidation is defined as implied threats or acts that cause an unreasonable fear of harm in another. Harm to others may also include unsuccessful attempts to commit non-consensual sexual contact and sexual assault.

**Hazing:** An act committed on the basis of sex or gender that is likely to endanger the mental or physical health or safety of a student or cause social ostracism to any person within the College community for the purpose of initiation, admission into, affiliation with, or as a condition for continued membership in a group or organization. The express or implied consent of the alleged victim will not be a defense. Apathy or acquiescence in the presence of hazing are not neutral acts; they are violations of this rule.

Noncompliance with Sanctions or Corrective Actions: Failure to follow through on conduct sanctions/responsive/corrective actions that were imposed as a result of a violation of the Sexual Misconduct Policy by the date specified, whether by refusal, neglect or any other reason, may result in additional sanctions/responsive/corrective actions and/or suspension, expulsion and/or termination from the College and may be noted on a student's official transcript. A suspension will only be lifted when compliance is achieved to the satisfaction of the Title IX Coordinator.

Non-Consensual Sexual Contact: Any intentional sexual touching without consent from the person being touched, however slight, by a person upon another person, with or without an object. Sexual touching includes any bodily contact with the breasts, groin, genitals, buttocks, mouth, or any other bodily orifice of another individual, or any other bodily contact in a sexual manner.

Retaliation: Any form of intimidation, threats, or harassment by the individual accused of misconduct or by friends, family or other persons acting in support of or on behalf of that individual or who are sympathetic to the accused. Acts of retaliation are, by themselves, cause for disciplinary action and should be reported immediately. Retaliation occurs when any member of the College community retaliates against any person who has filed an informal or formal complaint or sought advice on the process described in this Policy. Retaliation includes retaliation against anyone who has participated in any manner in the process, including but not limited to the complainant, respondent, alleged victim, and all witnesses.

Sexual Assault: Sexual assault is a broad term that covers a large range of nonconsensual inappropriate and/or unlawful conduct, including rape. California law defines rape as nonconsensual sexual intercourse that involves the use or threat of force, violence, or immediate and unlawful bodily injury or threats of future retaliation and duress (*California Penal Code: Sections [261](#), [261.5](#), [262](#), [286](#), [288a](#), [289](#), and [243.4](#)*). Other examples of sexual assault include the following nonconsensual acts: forced oral copulation (oral-genital contact); rape by a foreign object (forced penetration by a foreign object, including a finger); and more severe sexual battery (the unwanted touching of an intimate part of another person or the clothing covering the immediate area of those parts, or forcing a person to touch another's intimate parts for the purpose of sexual arousal, sexual gratification or sexual abuse) than conduct that would be considered non-consensual sexual contact defined above.

Sexual Exploitation: Taking non-consensual or abusive sexual advantage of another individual for his/her own advantage or benefit, or to benefit or advantage anyone other than the one being exploited. Examples of sexual exploitation include, but are not limited to:

- Invasion of sexual privacy;
- Prostituting another student;

- Non-consensual video, photography, or audiotaping of sexual activity;
- Non-consensual distributing of intimate images;
- Going beyond the boundaries of consent (such as letting your friends hide in the closet to watch you having consensual sex);
- Engaging in voyeurism;
- Knowingly transmitting an STI or HIV to another person;
- Exposing one's genitals in non-consensual circumstances; inducing another to expose their genitals;
- Sexually based stalking and/or bullying may also be forms of sexual exploitation.

Sexual Harassment: Unwelcomed, gender-based verbal or physical conduct that is sufficiently severe, pervasive and objectively offensive that unreasonably interferes with, limits, or deprives someone of the ability to participate in or benefit from the College's educational program based on power differentials (*quid pro quo*), the creation of a hostile environment, or retaliation. Examples include: an attempt to coerce an unwilling person into a sexual relationship; to repeatedly subject a person to egregious, unwanted sexual attention; to punish a refusal to comply; to condition a benefit on submitting to sexual advances; sexual assault; domestic or dating violence, stalking; gender-based bullying. There are three types of sexual harassment:

1. Hostile Environment includes any situation in which there is harassing conduct that is sufficiently severe, pervasive/persistent and patently/objectively offensive that it alters the conditions of education or employment, from both a subjective (the alleged victim's) and an objective (reasonable person's) viewpoint. The determination of whether an environment is "hostile" must be based on a combination of any of these circumstances. These circumstances include:

- Frequency of the conduct;
- Nature and severity of the conduct;
- Whether the conduct was physically threatening;
- Whether the conduct was humiliating;
- Effect of the conduct on the alleged victim's mental or emotional state;
- Whether the conduct was directed at more than one person;
- Whether the conduct arose in the context of other discriminatory conduct;
- Whether the conduct unreasonably interfered with the alleged victim's educational or work performance;
- Whether the statement is a mere utterance of an epithet which engenders offense in an employee or student, or offends by mere discourtesy or rudeness; and
- Whether the speech or conduct deserves the protections of academic freedom or First Amendment protection.

2. *Quid Pro Quo* Sexual Harassment: This form of sexual harassment exists when:

- There are unwelcomed sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature; and
- Submission to or rejection of such conduct results in adverse educational or employment action.

**3.** Retaliatory Harassment is any adverse employment or educational action taken against a person because of the person's participation in a complaint or investigation of discrimination or sexual misconduct.

Stalking: Sex- or gender-based willful, malicious, and repeated following or willful and malicious harassment of another person or making 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 ([Cal. Penal Code §646.9](#)). It is a pattern of behavior or conduct directed at a specific person that causes the alleged victim to fear for his or her safety or for the safety of loved ones. Stalking behaviors include such things as unwanted telephone calls, unwanted letters or emails, unwanted or threatening gifts, threats, damage to property, physical assault, or appearing without invitation at a place of residence, school, or work.

#### Confidentiality, Privacy, and Reporting

College officials, depending on their roles at Whittier College, have varying reporting responsibilities and abilities to maintain confidentiality. In order to make informed choices, one should be aware of confidentiality and mandatory reporting requirements when consulting campus resources. On campus, some resources may maintain confidentiality, offering options and advice without any obligation to inform an outside agency or individual unless you have requested that information be shared. Other resources exist for you to report crimes and Policy violations and these resources will take action when victimization is reported to them.

Making a report means telling someone in authority what happened. At the time a report is made, the alleged victim does not have to decide whether or not to pursue a particular course of action. Choosing to make a report and deciding how to proceed can be a process that unfolds over time. The College provides support that can assist each individual in making these important decisions and to the extent legally possible, will respect the individual's autonomy in deciding how to proceed. If you are unsure of someone's duty and ability to maintain privacy, ask them before talking to them. They will be able to explain and help a reporting party make decisions about who is in the best position to help.

The following describes confidential, private, and mandated reporting at Whittier College:

#### 1. Confidential Reporting

If a reporting party would like the details of an incident to be kept confidential, the reporting party may speak with on-campus counselors, off-campus counselors including local rape crisis counselors, domestic violence resources, local or state assistance agencies, or clergy who will maintain confidentiality except in extreme cases of immediacy of threat of danger or abuse of a minor. Campus counselors may be seen free of charge. The on-campus confidential resources include:

- Whittier College Counseling Center, open from 9 AM – 5 PM: 562.907.4239
- 24-hour Counselor-on-Call provides crisis counseling and can advise students about reporting and resources for sexual misconduct, including 24-hour advocacy services: 562.907.4911
- Whittier College Student Health & Wellness Center: 562.464.4548

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## 2. Private Reporters

Whittier College faculty, administrators, staff, and student employees that do not serve in leadership positions or supervise the reporting person are Private Reporters. Private reporters can honor requests to keep identifying information confidential, but they are required to call or email a Title IX Coordinator and provide the following information: 1) the approximate date of the incident, 2) the approximate location of the incident, and 3) the type of crime committed, but do not have to report any identifying information. Private reporters include, but are not limited to:

- Professors, administrators, and staff that are not Deans, Directors, or Head Coaches
- Faculty and staff serving as Support People (i.e., in the Support Person Program)
- Graduate Fellows

## 3. Mandated Reporters

Whittier College faculty, staff, and student employees that serve in leadership positions, supervise the reporting person, or hold roles that require them to report other Code of Conduct Violations are Mandated Reporters (also called “responsible employees” under Title IX). These individuals are required to report the who, what, when, and where for sexual assault, domestic and dating violence, and stalking to a Title IX Coordinator. Mandated reporters cannot honor requests to maintain confidentiality and must report information to a Title IX Coordinator; however, when personally identifiable information is shared, it will be shared only with those that have a need to know and with as few people as possible. All efforts will be made to protect privacy to the greatest extent possible, including the storage of the case file and notes in a locked filing cabinet and protected database, separate from that student’s educational record. Mandated Reporters include, but are not limited to:

- Deans, Directors, and Head Coaches
- Assistant Directors of Residential Life
- Campus Safety Officers and Dispatchers
- Resident Assistants (RAs)
- Peer Mentors

## Anonymous Reports/Federal Timely Warning Obligations

Individuals may file an anonymous report regarding an act of sexual misconduct without disclosing one's name, identifying the person who allegedly engaged in the misconduct, or requesting any action. An online form is provided on Moodle (for faculty and staff) and for all faculty, staff, and students on the My Whittier homepage under the campus life tab in the student services section. In this case, depending on the information provided, the College may have limited options in addressing the conduct. Also, in such a situation, the Title IX Coordinator, in consultation with the Director of Campus Safety, will determine appropriate steps, including notification and documentation under the Clery Act.

Alleged victims and other third parties who report incidents under this Policy should be aware that the College must issue timely warning for incidents reported to them that pose a substantial threat of bodily harm or danger to members of the campus community. The College will make every effort to ensure that an alleged victim's name and other identifying information is not disclosed, while still providing enough information for community members to make safety decisions in light of the potential danger.

## Internal Formal Reporting

A student wishing to officially report an act of Sexual Misconduct under this Policy either in addition to or instead of local law enforcement may do so by contacting a Title IX Coordinator or Deputy Coordinators, Title IX Investigator, or Campus Safety Officer. Campus Safety is also available to respond to and take reports of sexual violence 24 hours a day, 7 days a week. Campus Safety will provide transportation and will notify the Administrator or Dean on-call 24 hours a day, 7 days a week. The number for Campus Safety is 562.907.4211.

Alleged victims are encouraged to speak with the Title IX Coordinator or Title IX Investigators identified below to make formal reports of incidents of Sexual Misconduct. Complainants have the right and can expect to have complaints taken seriously by the College when formally reported, and to have those incidents investigated and properly resolved through the procedures set forth in this Policy. Formal reporting still affords privacy to the reporter, and only a small group of officials who need to know will be told. Information will, however, be shared as necessary with investigators, witnesses, and the Respondent.

## Role of the Title IX Coordinator

Pursuant to Title IX of the Education Amendments of 1972 and the [U.S. Department of Education's implementing regulations at 34 C.F.R. Part 106](#), the College's Title IX Coordinator has primary responsibility for coordinating the College's efforts to comply with and carry out its responsibilities under Title IX, which prohibits sex discrimination in all the



operations of this College, as well as retaliation for the purpose of interfering with any right or privilege secured by Title IX.

A student should contact the Title IX Coordinator or Deputy Title IX Coordinator(s) in order to:

- Seek information or training about students' rights and courses of action available to resolve reports or complaints that involve potential sex or gender-based discrimination, including sexual misconduct,
- File a complaint or make a report of sex discrimination, including sexual misconduct,
- Notify the College of an incident or policy or procedure that may raise potential Title IX concerns,
- Get information about available resources (including confidential resources) and support services relating to sex or gender-based discrimination, including sexual misconduct, and
- Ask questions about the College's policies and procedures related to sex or gender-based discrimination, including sexual misconduct.

The Title IX Coordinator's functions and responsibilities include the following:

- Providing or facilitating ongoing training, consultation, and technical assistance on Title IX for all students, faculty and staff,
- Overseeing adequate, reliable, and impartial investigation and response to reports and complaints of sexual misconduct,
- Promptly taking steps to ensure the complainant's equal access to the College's programs and activities and protect the complainant as necessary, including interim measures, and
- Ensuring ongoing compliance with Title IX.

In the event that the incident, policy, or procedure about which the student seeks to file a report or complaint creates the appearance of a conflict of interest with the Title IX Coordinator or Deputy Coordinators, students may also contact a Title IX Investigator to make a report.

Title IX Coordinator and Deputy Coordinators:

Title IX Coordinator and Complaints about Faculty, Staff and Administration –  
Cynthia Joseph, Director of Human Resources, Mendenhall, Lower Level,  
562.907.4830, [cjoseph@whittier.edu](mailto:cjoseph@whittier.edu)

Deputy Title IX Coordinator and Complaints about Students – Joel Pérez, Ph.D., Vice  
President and Dean of Students, Room 142, Campus Center, 562.907.4233,  
[jperez@whittier.edu](mailto:jperez@whittier.edu)

Complaints involving Whittier Law School – Nidhi Parikh, Assistant Dean for Student and Alumni Relations, 3333 Harbor Blvd., Costa Mesa, CA 92626, 714.444.4141, Ext. 122, [nparikh@whittier.law.edu](mailto:nparikh@whittier.law.edu)

Trained Title IX Investigators:

Andre Coleman  
Associate Dean of Students  
[acoleman@whittier.edu](mailto:acoleman@whittier.edu)  
562.907.4274

Elizabeth Schrock  
Assistant Dean of Students  
[eschrock@whittier.edu](mailto:eschrock@whittier.edu)  
562.907.5122

Maritza Magallanes  
Associate Director of Human Resources  
[mmagallanes@whittier.edu](mailto:mmagallanes@whittier.edu)  
562.907.4583

Felirose Tamparong  
Assistant Director for Residential Life and Operations  
[ftamparong@whittier.edu](mailto:ftamparong@whittier.edu)  
562.907.4879

Tea Bogue  
Assistant Director for Residential Life and Conduct  
[tbogue@whittier.edu](mailto:tbogue@whittier.edu)  
562.907.5385

Magaly Perez  
Safety and Compliance Coordinator, Campus Safety  
[mperez4@whittier.edu](mailto:mperez4@whittier.edu)  
562.907.4211

Dee Dee Kingsbury  
Head Softball Coach and Senior Women's Administrator, Athletics  
[dkingsbury@whittier.edu](mailto:dkingsbury@whittier.edu)  
562.907.4935

Flavio Sanchez – Diaz  
Campus Safety Lieutenant  
[fsanchez@whittier.edu](mailto:fsanchez@whittier.edu)  
562-907-4211

Joseph Melendez  
Assistant Director for Residence Life  
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562-907-4878

Nidhi Parikh Vogt, Esq.  
Assistant Dean for Students and Alumni Relations, Law School  
[nvogt@law.whittier.edu](mailto:nvogt@law.whittier.edu)  
714-444-4141 x122

Camille Heenan  
Director, Student and Alumni Relations, Law School  
[cheenan@law.whittier.edu](mailto:cheenan@law.whittier.edu)  
714-444-4141 x124

#### External Formal Reporting

The College encourages all individuals to seek assistance from a medical provider and/or law enforcement immediately after an incident of sexual assault to ensure preservation of evidence and a timely investigation and response.

The College encourages all individuals to make a report to the College simultaneously with law enforcement or as soon as possible. Reporting options are not mutually exclusive.

Alleged victims are not required to report an incident to law enforcement authorities, but the College encourages them to report incidents of sexual assault or dating or domestic violence that may also be crimes under California law. An advisor from the Whittier College Support Person Program may assist an alleged victim in making a criminal report and cooperate with law enforcement agencies if the person decides to pursue criminal action.

The College's Policy, definitions and burden of proof differs from California law. An alleged victim has a choice to seek recourse under this Policy and/or pursue criminal action. Neither law enforcement's determination whether or not to prosecute an accused, respondent, nor the outcome of criminal prosecution, determine whether a violation of the Policy occurred. Campus proceedings may be carried out prior to, simultaneously with, or following civil or criminal proceedings.

A Support Person can accompany an alleged victim to make a report or provide more information about the external reporting process and options. The contact information for the Whittier Police Department is:

Whittier Police Department  
13200 Penn St.  
Whittier, CA 90602  
562.567.9200  
Emergencies: 911

### Timeliness and Location of Incident Considerations for Reporting to the College

Incidents of sexual misconduct can be reported at any time, but should be reported as soon as possible in order to maximize the College's ability to respond promptly and effectively. The College does not limit the time frame for reporting but the longer one waits, the greater the possibility that a less effective or desired resolution may be reached. If the respondent is not a member of the Whittier College community, the College will seek to meet its Title IX obligation by taking steps to end the misconduct, prevent its reoccurrence, and address its effects, although the ability to take disciplinary action against the respondent may be limited.

The incident does not have to occur on campus to be reported to the College. Off-campus conduct that is likely to have a substantial effect on the Complainant's campus life, work, and activities or which poses a threat to other members of the community, may be addressed under this Policy.

### Amnesty Policy

The College encourages the reporting of Conduct Code and Sexual Misconduct Policy violations. Sometimes, alleged victims are hesitant to report to College officials because they fear that they themselves may be charged with policy violations, such as underage drinking at the time of the incident. The goal of this policy is to remove the fear of being charged as a barrier by offering certain students, including alleged victims, immunity from being charged as it is in the best interest of the community that as many students as possible report to College officials.

#### 1. For Alleged Victims

To encourage reporting, the College pursues a policy of offering alleged victims immunity from being charged for policy violations related to the incident unless the College determines that the violation was egregious, including, but not limited to, an action that places the health or safety of any other person at risk. In cases where more than one student involved in an incident are reporting it to the College and acting as Complainant (and are also both potentially Respondents), it is at the discretion of the Title IX Investigator or Student

Conduct officer to make the decision of who will be charged with the incident. In that case, the student that is not charged will be given immunity.

2. For Witnesses in a Title IX Investigation

Immunity will be extended to any student who participates as a witness in an investigation into Sexual Misconduct by a Title IX Investigator unless the College determines that the violation was egregious, including, but not limited to, an action that places the health or safety of any other person at risk or involves plagiarism, cheating, or academic dishonesty.

3. For Those Who Offer Assistance (Good Samaritans)

At the discretion of the conduct officer or Title IX Investigator, amnesty may also be extended on a case-by-case basis to the person providing assistance.

4. Safe Harbor

The College has a Safe Harbor rule for students. Fundamentally, the College believes that students who have a drug and/or addiction problem deserve help. If any student brings their own use, addiction, or dependency to the attention of a College Official outside of the threat of disciplinary action and seeks assistance, a conduct complaint will not be pursued. A written action plan may be used to track cooperation with the Safe Harbor program by the student. Failure to follow the action plan will nullify the Safe Harbor protection and campus conduct process will be initiated.

### Reports Involving Minors or Suspected Child Abuse

Under California law, a person must make a mandatory report of suspected child abuse or neglect, including sexual assault, when that individual, in a professional capacity, has knowledge or observes a minor under 18 whom the individual knows or reasonably suspects has been the victim of child abuse or neglect. All College employees are required to immediately report any suspected child abuse to the Title IX Coordinator and the Director of Campus Safety. The College will report all suspected child abuse and neglect, including sexual assault, to law enforcement and/or the Los Angeles County Department of Child and Family Services.

### Recommended Steps to Take after Experiencing Sexual Misconduct

1. Go to a Safe Place

If you do NOT feel safe, call 911 or Campus Safety immediately at 562.907.4911. Secure the room you are in by locking or blocking doors and windows while you call for help.

If you do not feel safe in your room, Whittier College has safe rooms available on campus; call the Dean of Students at 562.907.4233 during business hours or Campus Safety 24 hours a day.

You can also create a safety plan to plan for future scenarios where you may not feel safe and listing the contact information and locations of safe people and places.

#### 2. Get Medical Attention and Preserve Evidence

Sexual Assault Response Team (SART) nurses are trained to work with victims of sexual misconduct, and are available at multiple hospitals (provided in the Resources section of this policy) provide free medical services and evidence collection to sexual assault survivors 24 hours a day, 7 days a week. If you are thinking about reporting an incident of sexual assault, you can preserve evidence by keeping any clothes worn, sheets, or other evidence at the scene in a paper bag. If possible, do not shower, cleanse, douche, urinate, defecate, eat, drink, or brush teeth. It is important to preserve evidence as it may be necessary to the proof of criminal domestic violence, dating violence, sexual assault or stalking, or in obtaining a protection order. Evidence can be collected up to 5 days after an incident and medical attention is important at any time.

In instances of stalking, a stalking log can be helpful when going to the College or police for assistance, including filing a report or obtaining a protection order.

#### 3. Get Support and Resources

You do not have to go through this alone. The Counseling Center can provide emotional support 24 hours a day, and the Support Person Program can provide you with information about resources and accompany you to whatever resources you access. Off campus, Project Sister (our local rape crisis center) can provide medical and legal advocacy, as well as support and information on reporting.

Additionally, if you need medical attention, safe rooms on campus, a shelter, or to report to Whittier College or the police, there are resources available to you 24 hours a day, 7 days a week

#### 4. Report the incident

Whittier College encourages students to report all incidents of sexual misconduct to the College and to the Whittier Police Department. Staff from Whittier College, including the Support Person Program, can assist you with making an off-campus report.

## Resources

Whittier College encourages prompt reporting of sexual harassment, sexual violence, stalking, or domestic/dating violence to the College or local law enforcement. The College recognizes that individuals may not be ready to report or may not be sure what has happened. This resource section is designed to provide information and support resources, including confidential resources who will not share information without the person's permission.

On-Campus Confidential Resource:

[Counseling Center](#)

Rebecca Romberger, PsyD.

Director

Haverhill A (next to Campus Safety Office)

562.907.4239

[rromberger@whittier.edu](mailto:rromberger@whittier.edu)

Off-Campus Confidential Resources:

[Project Sister](#)

Provides a 24-hour hotline, accompaniment program, Information and referral services, professional counseling series, support groups, and a walk-in clinic.

P.O. Box 1369

Pomona, CA 91769-1369

24 Hour Hotline: 909.626.4357

Phone: 909.623.1619

[info@projectsister.org](mailto:info@projectsister.org)

[Peace Over Violence](#)

Provides comprehensive, free treatment for sexual assault survivors, including 24-hour emergency medical care and forensic service, counseling and psychotherapy, advocacy, and accompaniment services.

West San Gabriel Valley Center

892 N. Fair Oaks Ave., Suite D

Pasadena, CA 91103-3046

310.392.8381

213.626.3393

626.793.3385

[info@peaceoverviolence.org](mailto:info@peaceoverviolence.org)

[Rape Abuse and Incest National Network \(RAINN\)](#)

A confidential, anonymous national sexual assault hotline.

1.800.656.4673

[Rape Treatment Center at Santa Monica-UCLA Medical Center](#)

Provides comprehensive, free treatment for sexual assault victims, including 24-hour emergency medical care and forensic services, counseling and psychotherapy, advocacy and accompaniment services.

310.319.4000, Ext. 3.

## Support Person Program (SPP)

The College's Support Person Program is intended to provide alleged victims (who may be complainants), as well as accused people (who may be respondents), with a trained staff or faculty member to assist them with accommodations, resources, support, advising, and accompaniment while navigating the College's Sexual Misconduct process. Any student who has a concern regarding Sexual Misconduct may contact a support person. Support persons can be helpful to students who have:

- Been a victim of any form of sexual misconduct and would like support or resources;
- Would like information on reporting to the College or police;
- Would like assistance in reporting to the College or police;
- Would like accompaniment to any on or off campus resources, including counseling appointments, the hospital, and the police station; or
- Have been or will be potentially charged with any form of sexual misconduct.

Support People will reach out via email to each student that elects to have their name released to that support person before, during, or after reporting an incident to Whittier College.

While serving as a part of the Support Person Program, support people are designated as Private Reporters. They are not required to report any identifying information to the College, but are required to report 1) the approximate date of the incident, 2) the approximate location of the incident, and 3) the type of crime committed for Clery. Privacy for students utilizing the Support Person Program is of the utmost importance, and support people are not to release any information relayed to them about a case (other than that needed for Clery), specifically to anyone charged with investigating or hearing violations of the Sexual Misconduct Policy.

Support people are not Sexual Assault Counselors as defined in [California Evidence Code § 1035](#). They do not hold legal privilege. If a student chooses to make a Title IX report to Whittier College, Title IX Investigators will not ask any information of support people; however, if information is requested of support people by outside sources, including police or prosecutors, support persons may have to disclose information provided to them by the student. A support person will notify the student of any requests and before disclosing any identifying information. If a student wishes to have a support person disclose any information shared with them, the support person will get their written consent detailing what and with whom the information will be shared prior to sharing it.

To contact a member of the Support Person Program, you may either contact a member directly using his or her contact information below or contact the Dean of Students Office at 562.907.4233.



2015-16 Members of the Support Person Program:

Tea Bogue  
Assistant Director of Residential Life & Conduct  
562.907.5385  
[tbogue@whittier.edu](mailto:tbogue@whittier.edu)

George McKernan  
Director of Conference Services  
562.907.4226  
[gmckernan@whittier.edu](mailto:gmckernan@whittier.edu)

Stephanie Hernandez  
Student Employment and Human Resources Office Manager  
562.907.4615  
[Shernan4@whittier.edu](mailto:Shernan4@whittier.edu)

Rosalba Rios  
Director of Disability Services  
562.907.4840  
[rrios@whittier.edu](mailto:rrios@whittier.edu)

Paul Kjelberg  
Professor, Department of Philosophy  
562.907.4200, ext.4404  
[pkjellberg@whittier.edu](mailto:pkjellberg@whittier.edu)

Elizabeth Stanley  
Head Women's Basketball Coach  
562.907.4932  
[estanley@whittier.edu](mailto:estanley@whittier.edu)

Ann Kakaliourus  
Associate Professor, Department of Anthropology  
562.907.4200, ext.4341  
[akakalio@whittier.edu](mailto:akakalio@whittier.edu)

Laurel Crump  
Library Director  
562.907.4829  
[lcrump@whittier.edu](mailto:lcrump@whittier.edu)

Marlen Villatoro  
Accommodations Coordinator  
562.907.4825  
[mvillato@whittier.edu](mailto:mvillato@whittier.edu)

Charles Eastman  
Director of the Writing Program  
562.907.4200, ext. 4334  
[ceastman@whittier.edu](mailto:ceastman@whittier.edu)

Anne Cong-Huyen  
Co-Coordinator of DigLibArts and Digital Scholar  
562.907.4247  
[aconghuy@whittier.edu](mailto:aconghuy@whittier.edu)

#### Medical Considerations and Resources

Sexual Assault Response Team (SART) nurses are trained to work with victims of sexual misconduct, and are available at multiple hospitals (provided below) provide free medical services and evidence collection to sexual assault survivors 24 hours a day, 7 days a week. If you are thinking about reporting an incident of sexual assault, you can preserve evidence by keeping any clothes worn, sheets, or other evidence at the scene in a paper bag. If possible, do not shower, cleanse, douche, urinate, defecate, eat, drink, or brush teeth. It is important to preserve evidence as it may be necessary to the proof of criminal domestic violence, dating violence, sexual assault or stalking, or in obtaining a protection order. Evidence can be collected up to 5 days after an incident and medical attention is important at any time. Under California law, medical providers (but not psychological counselors) are required to notify law enforcement if a patient communicates a sexual assault has occurred. The patient has the right to request that a survivor advocate be present when speaking to law enforcement and to request that criminal charges not be pursued. Any additional information is covered under HIPPA.

Taxi vouchers are available from the Health and Wellness Center and Campus Safety to provide free transportation to local medical resources. A member of the Support Person Program is also available to accompany a survivor to off-campus resources, as well as a victim advocate from Project Sister.

Presbyterian Intercommunity Hospital  
12401 Washington Blvd.  
Whittier, CA

*Has Sexual Assault Response Team (SART) nurses that have received specific training in how to provide victim-centered medical treatment and forensic evidence collection after an assault.*

Call Project Sister 24 hours a day and they will coordinate this service: 909.626.4357.  
For the hospital emergency room, call 562.698.0811.

San Gabriel Valley Medical Center  
435 W. Las Tunas Dr.  
San Gabriel, CA 91776

*Has Sexual Assault Response Team (SART) nurses that have received specific training in how to provide victim-centered medical treatment and forensic evidence collection after an assault.*

Call the SART Hotline 24 hours a day and they will coordinate this service:  
877.209.3049

LA County/USC Medical Center  
1200 N. State Street  
Los Angeles, CA 90033

*Has Sexual Assault Response Team (SART) nurses that have received specific training in how to provide victim-centered medical treatment and forensic evidence collection after an assault.*

323.226.3961

Rape Treatment Center at Santa Monica-UCLA Medical Center  
1250 16th St.  
Santa Monica, CA 90404

*Provides comprehensive, free treatment for sexual assault victims, including 24-hour emergency medical care and forensic services, counseling and psychotherapy, advocacy, and accompaniment services, and has Sexual Assault Response Team (SART) nurses that have received specific training in how to provide victim-centered medical treatment and forensic evidence collection after an assault available.*

310.319.4000, Ext. 3

## Accommodations

Various accommodations can be made for those that have experienced sexual misconduct, including room changes, changes of locks, extra security rounds, campus restraining orders, no contact orders, assistance with academics. These can be arranged through the Dean of Students Office 562.907.4233 during business hours or immediately through the administrator on call (contact through Campus Safety at 562.907.4911).

Additionally, the Support Person Program or staff in the Dean of Students Office can assist alleged victims with extensions, absences, and other academic accommodations, providing only generic information to professors for the accommodation (with no information about Title IX or sexual misconduct).

Lastly, students should receive no financial aid penalty as a result of experiencing sexual misconduct. The Dean of Students Office or Support Person Program can assist students in working with the Office of Financial Aid to assist with this process:

Office of Financial Aid  
Weingart Hall, 2nd Floor  
562.907.4285

## Complaints

All students, staff, and faculty have the right to submit inquiries or complaints concerning the application of Title IX the U.S. Department of Education's Office for Civil Rights:

Office for Civil Rights (OCR)  
50 Beale Street, Suite 7200  
San Francisco, CA 94105

Customer Service Hotline #: 415.486.5555  
Facsimile: 415.486.5570 TDD#: 877.521.2172  
Email: [OCR.SanFrancisco@ed.gov](mailto:OCR.SanFrancisco@ed.gov)  
Web: <http://www.ed.gov/ocr>

## Legal Assistance

Students, staff, and faculty have the right to legal assistance and representation. Provision of these resources is not an endorsement of their services and the College is not responsible or liable for poor or negligent legal advice

Legal Aid Foundation of Los Angeles

*For more than 85 years, the Legal Aid Foundation of Los Angeles (LAFLA) has provided civil legal services to poor and low-income people in Los Angeles County. LAFLA has five offices in the Los Angeles area, including three Domestic Violence Clinics located at the Superior Courthouse in downtown Los Angeles, the Santa Monica Courthouse and the Long Beach Courthouse.*

800.399.4529

<http://www.lafla.org/>

SurvJustice

*Legal assistance for survivors in campus, criminal and civil legal systems. SurvJustice provides direct assistance for campus cases and partners with local, regional and national law firms to assist in civil and criminal cases.*

1629 K Street NW, Suite 300

Washington D.C. 20006-1631

<http://survjustice.org/>

Other legal resources may be found online (<http://statelaws.findlaw.com/california-law/free-legal-aid-in-los-angeles.html>).

## Procedures for Handling Reports of Sexual Misconduct

### General Information

Whittier College encourages reporting of Sexual Misconduct. All complaints of alleged Sexual Misconduct will be investigated by a trained Title IX Investigator(s). The investigation procedures described will apply to all complaints involving students, administrators, staff, or faculty members. With regard to the adjudication process, sanctions to be imposed and the related appeal process, when the Respondent, who is faculty, administrator or staff, is found responsible for a violation of this Policy, the Faculty (in the case of a faculty-respondent) and Employee (in the case of a staff or administrator-respondent) Handbooks shall take precedence over this policy.

As necessary, the College reserves the right to initiate a complaint, to serve as Complainant, and to initiate conduct proceedings without a formal complaint by the alleged victim of Sexual Misconduct. The College shall investigate alleged incidents of Sexual Misconduct that it knew or reasonably should have known of.

Upon receipt of a complaint of conduct that could be considered sexual misconduct under this Policy, or the initiation of such a complaint by the College, the Title IX Coordinator shall open a formal case file and assign Title IX Investigators who will direct the investigation and confer with the Title IX Coordinator on any interim action that may be needed.

The College aims to complete the complaint process within 60 days, unless multiple Complainants, incidents, or an appeal are involved. At the discretion of the Title IX Coordinator, the process may be extended when necessary.

#### Interim Actions

When a complaint of alleged Sexual Misconduct is reported to a Title IX Coordinator or Title IX Investigator(s), the Title IX Coordinator (or designee) may provide interim remedies intended to address the short-term or long-term effects of the conduct on the Complainant and the community, and to prevent future victimization. Interim remedies may be used, when in the judgment of the Title IX Coordinator (or designee), the safety or well-being of any member(s) or the College community may be jeopardized by the presence on campus of the Respondent or of the ongoing activity of a student organization whose behavior is in question.

Interim actions may include, but are not limited to, referral to counseling and health services or the Employee Assistance Program, education to the community, altering housing or work arrangements, providing campus escorts, implementing contact limitations between parties, offering adjustments to academic deadlines, course schedules, etc.

The College may impose an interim suspension on a student, employee or organization pending the completion of the investigation, issuance of findings or appeal. In all cases in which an interim suspension is imposed, the student, employee, or student organization will be given the opportunity to meet with the Title IX Coordinator (or designee) prior to the suspension being imposed, or as soon thereafter as reasonably possible, to show cause why the suspension should not be implemented. The Title IX Coordinator (or designee) has sole discretion to implement or stay an interim suspension under this Policy. Violation of an interim suspension may result in expulsion or termination.

During an interim suspension, a student or employee may be denied access to College housing and/or campus facilities, privileges and events, and a student may be denied the ability to attend classes. The Title IX Coordinator (or designee) will use his or her best efforts to determine if alternative coursework options are available for a student not allowed to attend classes.

#### Informal Resolution

Informal resolution is not appropriate for sexual assault, but may be used for less serious, yet inappropriate, behaviors and is allowed as an alternative to the formal resolution process when requested by the alleged victim. The Title IX Coordinator (or designee) will determine if informal resolution is appropriate, based on the willingness of the parties, the nature of the conduct at issue and the susceptibility of the conduct to resolution. An informal resolution will involve a dialogue with the parties to determine if an effective resolution can be reached. Sanctions may be imposed and records will be kept of any

resolution that is reached, and failure to abide by the accord can result in appropriate responsive actions. It is not necessary to pursue informal resolution first in order to pursue a complaint and anyone participating in an informal resolution can stop that process at any time and request that the formal process proceed.

#### Title IX Investigation and Adjudication

Upon receipt of a complaint that involves alleged Sexual Misconduct, the following steps will be taken:

- Determine the identity and contact information of the Complainant, whether that is the initiator, the alleged victim, or a College proxy or representative;
- Provide the Complainant, Respondent, and witnesses a list of rights, as well as the option to have 48 hours to review their rights before an interview or waive this right to make an immediate report.
- Determine the incident(s) that led to the complaint, when and where it occurred, potential witnesses, and the desired remedy;
- Determine the potential Policy violations based on the information provided by the Complainant. If, at this stage, the Title IX Investigators(s), after consultation with the Title IX Coordinator, determines there is insufficient evidence, even if all of the facts alleged by the Complainant are true, to support a finding that the Policy has been violated, this determination shall be presented to the Title IX Coordinator or Deputy Title IX Coordinators assigned to the case and, if the Title IX Coordinator agrees, the complaint should be closed with no further action other than to notify the Complainant that there was insufficient evidence to proceed;
- Assuming sufficient information exists to proceed with an investigation of the complaint, commence a thorough, reliable and impartial investigation by interviewing the Accused and witnesses as well as follow-up interviews of any persons involved in the process as needed. The Accused should be interviewed no sooner than 48 hours after he or she has been provided notice of the potential Policy violations being considered and his or her right to have an advisor or support person present at the interview. This advisor or support person may be anyone of the Accused's choosing but this person may not speak on behalf of the Accused at the interview. This right to be interviewed no sooner than 48 hours after having received such notice may be expressly waived by the Accused should he or she wish to proceed with an interview at an earlier time. An Accused may request additional time before being interviewed which request shall not be unreasonably or arbitrarily denied;
- Complete the investigation as promptly as possible given the circumstances. Should the complaint be made within 20 business days of the end of the academic year and the complaint involves students or other College constituents that are not available during the summer break, either as

Complainant, Respondent or as witnesses, every effort will be made to complete the investigation before the end of the academic year, but if not possible, it will be completed within 30 days after the start of the next academic year unless the Title IX Coordinator determines additional time is needed;

- Following the completion of the investigation, the Title IX investigators shall submit their report to the Sexual Misconduct Adjudication Board who will meet to determine, based on a preponderance of the evidence standard, whether a Policy violation has occurred. Preponderance of the evidence means whether it was more likely than not, based on the information presented, that a violation occurred;
- If a determination is made by the Sexual Misconduct Adjudication Board that there was no Policy violation, present the findings in writing, including a summary of the facts and legal basis, to the Complainant and Respondent, simultaneously if possible. Upon doing so, the process will end unless there is an appeal as set forth below. At this stage, and if the Complainant desires, and the Title IX Coordinator determines there is reasonable cause, the Title IX Coordinator may also refer the allegation for informal resolution. In such a case, since the Respondent was not found responsible for any Policy violation, there will be no record of any sanctions imposed or of any adverse finding of responsibility in any student file maintained on Respondent;
- If a determination is made by the Sexual Misconduct Adjudication Board that there has been a violation of the Policy, present the findings in writing, including a summary of the facts and legal basis, to the Complainant and Respondent, simultaneously if possible;
- Where the Respondent is a student, the Sexual Misconduct Adjudication Board will also determine the appropriate sanctions for the violation and provide these to the Respondent and Complainant in writing, simultaneously if possible;
- The Sexual Misconduct Adjudication Board Officers will also include written instructions about the timeframe within which sanction(s) must be complied with, whether or not either person chooses to submit an appeal. Should a Respondent wish to have any sanctions stayed pending an appeal, the Respondent must make such request to the Title IX or Deputy Title IX Coordinator assigned to the matter.

If the imposition of sanctions on the Respondent is not sufficient to end the Sexual Misconduct, the Title IX Coordinator, in consultation with the Sexual Misconduct Adjudication Board Officers, will determine and implement any additional actions needed to prevent its recurrence and remedy its effects on the Complainant and the College community.



## Sanctions

The Sexual Misconduct Adjudication Board will determine the appropriate sanctions in all cases adjudicated under this Policy. Generally speaking, the College considers non-consensual sexual intercourse involving the use of force or threats of intimidation to be the most serious violations, and therefore typically imposes the most severe sanctions, including but not limited to suspension or expulsion, for students, and termination of employees. However, the College reserves the right to impose any level of sanction, ranging from a reprimand up to and including suspension or expulsion/termination, for any act of sexual misconduct based on the totality of the facts and circumstances of the particular complaint.

The following are the usual sanctions that may be imposed upon students or organizations singly or in combination. If an appeal is filed, the Sexual Misconduct Adjudication Board and Appellate Officer reserve the right to impose any sanction(s), based on the totality of the circumstances, including but not limited to how egregious the behavior, prior disciplinary record, and any mitigating circumstances.

1. *Warning*: A formal statement that the behavior was unacceptable and a warning that further infractions of any College Policy, procedure or directive will result in more severe sanctions/responsive actions.
2. *Censure*: Notice that violation of any institutional regulation within a stated period of time may result in a referral to Title IX Investigators and Sexual Misconduct Adjudication Board for disciplinary action and is likely to result in severe sanctions such as suspension or expulsion. Students on censure may not be able to hold any positions in student leadership, such as Student Senate, Clubs, Organizations, Societies or Resident Advisor. Additional restrictions on involvement in campus activities may also be applied as part of the sanctioning process.
3. *Probation*: A written reprimand for violation of this Policy, providing for more severe disciplinary sanctions in the event that the student or organization is found in violation of any College Policy, procedure or directive within a specified period of time. Terms of the probation will be specified and may include denial of specified social privileges, exclusion from co-curricular activities, non-contact orders, and/or other measures deemed appropriate.
4. *No Contact Order*: An order that one student refrain from direct or indirect contact with another student or students when on campus, on property leased or controlled by the College, or at off-campus College-sponsored activities or events.
5. *Campus Restraining Order*: An order that one student stay a certain amount of distance away from another student or students when on campus or on property leased or controlled by the College, or at off-campus College-sponsored activities or events.

6. *Suspension*: Termination of student status for a definite period of time not to exceed two years, and/or until specific criteria is met. Students who return from suspension are automatically placed on probation through the remainder of their tenure at the College. Students suspended from the College are not eligible for a refund of tuition, housing, board, or other fees.
7. *Expulsion*: Permanent termination of student status, revocation of rights to be on campus for any reason or attend College-sponsored events. This sanction will be noted as a Conduct Expulsion on the student's official transcript. Students expelled from the College are not eligible for a refund of tuition, housing, board, or other fees.
8. *Withholding Diploma*. The College may withhold a student's diploma for a specified period of time and/or deny a student the right to participate in commencement activities if the student has a complaint pending, or as a sanction if the student is found responsible for an alleged violation.
9. *Revocation of Degree*. The College reserves the right to revoke a degree awarded from the College for fraud, misrepresentation or other violation of College policies, procedures or directives in obtaining the degree, or for other serious violations committed by a student prior to graduation.
10. *Organizational Sanctions*. Deactivation, de-recognition, loss of all privileges (including registration), for a specified period of time.
11. *Other Actions*: In addition to or in place of the above sanctions, the College may assign any other sanctions as deemed appropriate.

#### Withdrawal by a Student While Charges Pending

The College does not permit a student to formally withdraw if that student has a complaint pending for violation of this Policy, the Policy on Nondiscrimination, or for charges under the Code of Student Rights and Responsibilities. Should a student decide to leave the College and not participate in the investigation and findings phase of this process, the process will nonetheless proceed in the student's absence to a reasonable resolution and that student will not be permitted to return to the College unless all sanctions have been satisfied.

#### Resignation by Faculty, Staff or Administrators

Should an employee resign while a complaint is pending, the records of the Title IX Coordinator will reflect that status.

#### Notification of Outcome

As set forth above, the parties will be notified in writing of whether a determination was made to take further action. The outcome of a campus investigation, however, is part of the educational record of the accused student, and is protected from release under the Family Educational Rights and Privacy Act (FERPA). If there is a direct conflict, however, between

the requirements of FERPA and the requirements of Title IX, such that enforcement of FERPA would interfere with the primary purpose of Title IX to eliminate sex-based discrimination in schools, the requirements of Title IX override any conflicting FERPA provisions. For example, if a sanction (final or interim) is imposed on the accused and the sanction directly relates to the alleged victim such as the accused student being required to stay away from the alleged victim or the accused student is transferred to other classes or another residence hall, that limited information may be provided to the alleged victim. Additionally, the College observes the following legal exceptions:

- Persons complaining of sexual assault, sexual harassment, stalking, and domestic/dating violence incidents have an absolute right to be informed of the outcome of the investigation and sanctions, in writing, without condition or limitation.
- The College may release publicly the name, nature of the violation and the sanction 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, destruction/damage/vandalism of property and kidnapping/abduction. The College will release this information to the Complainant in any of these offenses regardless of the outcome.

## Appeals

The Complainant and/or Respondent may appeal the final outcome and/or the sanctions given as a result of a Sexual Misconduct Adjudication Board. The appeal must be in writing (which can include email) and submitted to the Appellate Officer specified in the Notification of Outcome letter, within five (5) business days of the delivery of the Notification of Outcome letter to the Complainant and Respondent. A request for additional time to appeal may be submitted to the Appellate Officer prior to the expiration of five (5) business days who will determine if reasonable cause exists for granting additional time.

General dissatisfaction with the outcome of the decision made is not grounds for appeal. Instead, appeals are limited to the following four reasons:

1. A procedural error, omission or irregularity that undermined the Complainant’s or Respondent’s ability to present his or her allegations or defense;
2. Insufficient evidence to support the finding(s) of “responsible” or “not responsible” based on the preponderance of the evidence standard;
3. New information sufficient to alter the decision or sanction, unknown or unavailable during the time of the original investigation and adjudication. A summary of this new evidence and its potential impact must be included.
4. The sanctions imposed are substantially disproportionate to the severity of the violation.

Where the Appellate Officer decides that the grounds for appeal have not been met, the Appellate Officer, upon consultation with the Title IX Coordinator, will notify the appealing

party that the decision of the Sexual Misconduct Adjudication Board is final. The Appellate Officer will use his or her best efforts to decide the appeal within seven (7) business days of submission of the appeal but this timeframe may be longer depending on the totality of the circumstances.

Where the Appellate officer decides the appeal has merit based on the grounds stated above, the other party shall be given written notice of the fact that there has been an appeal filed, and on which of the four ground(s) stated above the Appellate Officer will decide the appeal. Within three (5) business days of submission of that notice, the non-appealing party may submit an additional statement to be considered by the Appellate Officer before a final decision is made. It will be at the sole discretion of the Appellate Officer whether to consider, and what weight to give to, any additional statement submitted by that party.

Where the Appellate Officer finds that at least one of the four grounds for appeal have been met, s/he has the following options:

1. Appeal(s) granted based on grounds 1 and 3 above (new evidence or procedural irregularities) should normally be remanded to the original Title IX investigators and Sexual Misconduct Adjudication Board for reconsideration. In the event the Title IX Coordinator determines, in the case of bias, prejudice, or other grounds establishing that a new investigation, is needed, the Title IX Coordinator may direct a new investigation be conducted and/or that new Title IX investigators and Sexual Misconduct Adjudication Board Officers be appointed. As with an original investigation, the parties will be entitled to review all of the evidence considered by the Title IX investigators.
2. Determine whether the sanctions imposed should be stayed pending the outcome of the appeal.
3. Where the Appellate Officer determines that the sanctions imposed were substantially disproportionate to the severity of the violation, the Appellate Officer may impose more, less or different sanctions.
4. Where the Appellate Officer determines that there was insufficient evidence to support the finding that the Respondent was responsible for some form of Sexual Misconduct, reverse the finding and eliminate the sanctions.

Deference shall be given to the original decision, making changes to the finding only where there is clear error and to the sanction/responsive action only if there is a compelling justification to do so. Once an appeal is decided the outcome is final; further appeals are not permitted.

#### Failure to Complete Sanctions/Comply with Responsive Actions

All respondents are expected to comply with conduct sanctions/responsive/corrective actions within the time frame specified. Failure to follow through on conduct sanctions/responsive/corrective actions by the date specified, whether by refusal, neglect

or any other reason, may result in additional sanctions/responsive/corrective actions and/or suspension, expulsion and/or termination from the College and may be noted on a student's official transcript. A suspension can only be lifted when compliance is achieved to the satisfaction of the Title IX Coordinator or his or her designee.

## Records

If the investigation following any complaint does not result in a finding of a violation of this Policy, the records relating to the complaint and the investigation will not become a part of any individual's personnel or student record. If the Respondent is found to have violated this Policy, those records of the case will become part of the permanent student or personnel file of the Respondent. Written documentation generated as a result of a complaint, as well as the resolutions, will be kept by the Title IX Coordinator for seven years. Student records will be kept for seven years in a locked, confidential location in the Dean of Students Office. Access to personnel and student files and the records maintained by the Title IX Coordinator, is limited by Title IX, FERPA and various state statutes and common law. These restrictions on the disclosure are designed to protect students, employees, and the College. Questions regarding access to records may be directed to the Title IX Coordinator. In implementing this Policy, a record of all complaints and the final resolution, will be kept by the Title IX Coordinator indefinitely in the Title IX Coordinator database located in the Human Resources Office.

## Statement of Alleged Victim's Rights

Subject to other provisions in this Policy, alleged victims of Sexual Misconduct have the following rights:

- The right to an impartial, prompt investigation and appropriate resolution of all credible complaints of Sexual Misconduct made in good faith to College officials;
- The right to be treated with respect, dignity, and sensitivity by College officials;
- The right to be informed of and have access to on and off campus resources for medical, counseling, mental health, advocacy, and advisory services, including the Whittier College Counseling Center, Student Health and Wellness Center, and Support Person Program;
- The right to one advisor or support person present during all interviews conducted as part of the investigation process although that person cannot not speak for the alleged victim. This advisor can be anyone;
- The right to notification of and options for, and available assistance in, changing academic and living situations after an alleged harassment, discrimination or sexual assault incident, if so requested by the alleged victim and if such changes

- are reasonably available (no formal complaint or investigation, campus or criminal, need occur before this option is available). Resolution may include:
- Change of an on-campus student's housing to a different campus location;
  - Assistance from the College support staff in completing the relocation;
  - Arranging to dissolve a housing contract and pro-rating a refund;
  - Exam (paper, assignment) rescheduling;
  - Taking an incomplete in a class;
  - Transferring class sections;
  - Temporary withdrawal;
  - Assistance with financial or financial aid issues that occur as a result of the alleged policy violation or complaint
  - Alternative course completion options
- The right to request a campus restraining order against another person who has engaged in or threatens to engage in stalking, threatening, harassing or other improper behavior that presents a danger to the welfare of the complaining individual or others;
  - The right to be informed by College officials of options to notify proper law enforcement authorities, including on-campus and local police, and not discouraged from doing so, and the option to be assisted by campus authorities in notifying such authorities, if the student so chooses. This also includes the right not to report, if this is the alleged victim's desire;
  - The right to be fully informed of the nature, rules and procedures of the campus investigative process, including the nature of the violation and possible sanctions;
  - The right to have complaints involving sexual misconduct investigated and heard by Sexual Misconduct Adjudication Board Officers who have received annual sexual misconduct adjudication training, including the impact of trauma;
  - The right to present relevant witnesses to be interviewed by Title IX Investigators, including expert witnesses;
  - The right to have the College compel the presence of student, faculty and staff witnesses and the right to challenge documentary evidence in writing;
  - The right to have College policies and procedures followed without material deviation;
  - The right to review all documentary evidence available regarding the complaint including witness statements except in cases where a witness has requested

anonymity and providing the statement would necessarily identify the witness, or in cases where the reviewing of the statement may present safety concerns for the witness or other involved in the process. In those cases, a summary of the information provided by the witness will be conveyed to the alleged victim. The statement or summary will be available to be reviewed with the alleged victim at least 48 hours prior to the meeting/proceeding at which the decision is made;

- The right not to have irrelevant prior sexual history considered as part of the decision making process
- The right not to have any complaint of sexual assault mediated (as opposed to adjudicated);
- The right to write a victim-impact statement to be provided to the Sexual Misconduct Adjudication Board when sanctions are being determined;
- The right to be informed in writing of the outcome and sanctions following adjudication by the Sexual Misconduct Adjudication Board, usually within 24 hours of the decision;
- The right to appeal the decision by the Sexual Misconduct Adjudication Board Officers, in accordance with the standards for appeal established by the College;
- The right to protection under the Family Education Rights and Privacy Act (FERPA);
- The right to the preservation of privacy, restricting access to information to those with a legitimate need to know;
- The right to petition that the Sexual Misconduct Adjudication Board Officers or Title IX Investigator(s) be removed on the basis of demonstrated bias;
- The right to a fundamentally fair process, as defined in these procedures;
- The right to be informed in advance of any public release of information regarding the Complaint;
- The right not to have released to the public (those persons other than those with a need to know) any personal information about the alleged victim, without his or her consent.

## Statement of the Respondent/Accused Individual's Rights

Subject to other provisions in this Policy, persons accused of Sexual Misconduct have the following rights:

- The right to an impartial, prompt investigation and appropriate resolution of all credible complaints of Sexual Misconduct made in good faith to College officials;
- The right to be treated with respect, dignity, and sensitivity by College officials;
- The right to be informed of and have access to on and off campus resources for medical, counseling, mental health, advocacy, and advisory services, including the Whittier College Counseling Center, Student Health and Wellness Center, and Support Person Program;
- The right to one advisor or support person present during all interviews conducted as part of the investigation process although that person may not speak for the accused/respondent. This advisor can be anyone;
- The right to be fully informed of the nature, rules and procedures of the campus investigative process, including the nature of the violation and possible sanctions;
- The right to have complaints involving sexual misconduct investigated and heard by Sexual Misconduct Adjudication Board Officers who have received annual sexual misconduct adjudication training;
- The right to present relevant witnesses to be interviewed by Title IX Investigators, including expert witnesses;
- The right to have the College compel the presence of student, faculty and staff witnesses and the right to challenge documentary evidence in writing;
- The right to have College policies and procedures followed without material deviation;
- The right to review all documentary evidence available regarding the complaint including witness statements except in cases where a witness has requested anonymity and providing the statement would necessarily identify the witness, or in cases where the reviewing of the statement may present safety concerns for the witness or other involved in the process. In those cases, a summary of the information provided by the witness will be conveyed to the accused/respondent. The statement or summary will be available to be reviewed



- with the accused/respondent at least 48 hours prior to the meeting/proceeding at which the decision is made;
- The right not to have irrelevant prior sexual history considered as part of the decision making process;
  - The right not to have any complaint of sexual assault mediated (as opposed to adjudicated);
  - The right to write a impact statement to be provided to the Sexual Misconduct Adjudication Board when sanctions are being determined;
  - The right to be informed in writing of the outcome and sanctions following adjudication by the Sexual Misconduct Adjudication Board, usually within 24 hours of the decision;
  - The right to appeal the decision by the Sexual Misconduct Adjudication Board Officers, in accordance with the standards for appeal established by the College;
  - The right to protection under the Family Education Rights and Privacy Act (FERPA);
  - The right to the preservation of privacy, restricting access to information to those with a legitimate need to know;
  - The right to petition that the Sexual Misconduct Adjudication Board Officers or Title IX Investigator(s) be removed on the basis of demonstrated bias;
  - The right to a fundamentally fair process, as defined in these procedures;
  - The right to be informed in advance of any public release of information regarding the Complaint;
  - The right not to have released to the public (those persons other than those with a need to know) any personal information about the accused/respondent, without his or her consent.

#### Guidance for Sexual Misconduct Prevention and Risk Reduction

Whittier College prohibits sexual misconduct and institutes prevention programming to prevent its occurrence and reduce individual students' risk. It is the Policy of the College to offer ongoing programming each year to reduce the risk of all forms of sexual misconduct. Throughout the year, ongoing campaigns are directed to students, faculty, staff, and

administrators that include strong messages regarding awareness and primary prevention—including normative messaging, environmental management, and bystander intervention—and discuss, among other things, California definitions of domestic violence, dating violence, sexual assault, stalking, and consent in reference to sexual activity. These programs also offer information on how to recognize warning signals and avoid potential attacks without applying victim-blaming approaches. Educational programs are offered to raise awareness for all incoming students and employees and are conducted as part of new student and employee orientation.

#### Bystander Intervention

Whittier College encourages bystander intervention, as long as students consider their safety first. Bystanders may witness emergencies, crimes, or risky situations that could lead to violence. In such a situation, bystanders have the opportunity to do one of three things: 1) nothing, 2) contribute to the negative behavior, or 3) provide assistance. Proactive bystanders are people that choose to provide assistance and prevent sexual violence.

Sexual violence is supported by cultural norms that let harmful attitudes, aggression, and coercion go unchecked. Proactive bystanders make a difference by preventing acts of violence, by changing our community norms from inaction to action and encouraging others to provide assistance in the future.

To be a proactive bystander, students should:

1. NOTICE an incident as one that needs their assistance. Situations that could benefit from proactive bystander intervention are everywhere, including language that indicates harmful attitudes towards people in situations where someone is too intoxicated to give consent.
2. Take RESPONSIBILITY for intervening. Students are encouraged to be the leader that steps up and takes on the responsibility for doing something or who engages others in intervening as a group.
3. Be READY to intervene by having the skills and practicing. Students are encouraged to learn to delay a situation, distract either person, delegate the intervention to their friends, or be direct in their intervention to stop violence from happening.

Whittier College encourages all students to commit to the following tenants of the Bystander Pledge:

- I pledge to do my very best to help prevent sexual violence. I will do this by having the focus and the self-control necessary to remain aware of my surroundings, the wisdom to identify dangerous situations, and the courage to take action in confronting situations.
- I will not commit rape or acts of sexual violence.
- I recognize that dangerous situations may arise at times when people feel safe and comfortable, especially if alcohol/drugs are influencing the situation.

- I realize that it may not always be easy to help people from harm in these situations, but by remaining watchful and showing care and concern, I may help to prevent sexual violence from occurring.
- I understand that the ONLY person responsible for sexual violence is the person who engages in sexual contact without the consent of the other person.
- I will respect other people's rights to say no or to change their minds at any time.
- I understand that consent is verbal and active and that it cannot be given if the other person is incapacitated or under the influence of alcohol and/or drugs.
- Through my own positive words, actions, and beliefs, I am taking the responsibility of helping to end sexual violence. I am only one person, but I cannot and will not be a bystander who does nothing.
- I will treat all survivors of sexual violence with respect and consideration and NEVER blame them for the way they were dressed, if they were under the influence of drugs/alcohol, or have consented in the past.

### Risk Reduction

Risk reduction tips can often take a victim-blaming tone, even unintentionally. With no intention to victim-blame, and with recognition that only those who commit sexual violence are responsible for those actions, the suggestions below may nevertheless help you to reduce your risk of experiencing a non-consensual sexual act:

- If you have limits, make them known as early as possible.
- Tell a sexual aggressor "NO" clearly and firmly.
- Try to remove yourself from the physical presence of a sexual aggressor.
- Find someone nearby and ask for help.
- Take affirmative responsibility for your alcohol intake/drug use and acknowledge that alcohol/drugs lower your sexual inhibitions and may make you vulnerable to someone who views a drunk or high person as a sexual opportunity.
- Take care of your friends and ask that they take care of you. A real friend will challenge you if you are about to make a mistake. Respect them when they do.

If you find yourself in the position of being the initiator of sexual behavior, you owe sexual respect to your potential partner. These suggestions may help you to reduce your risk for being accused of sexual misconduct:

- Clearly communicate your intentions to your sexual partner and give them a chance to clearly relate their intentions to you.
- Understand and respect personal boundaries.
- DON'T MAKE ASSUMPTIONS about consent; about someone's sexual availability; about whether they are attracted to you; about how far you can go or about whether they are physically and/or mentally able to consent. If there are any questions or ambiguity, ASSUME YOU DO NOT HAVE CONSENT.
- Mixed messages from your partner are a clear indication that you should stop and defuse any sexual tension and communicate better. You may be misreading

- them. They may not have figured out how far they want to go with you yet. You must respect the timeline for sexual behaviors with which they are comfortable.
- Don't take advantage of someone's drunkenness or drugged state, even if they did it to themselves.
  - Realize that your potential partner could be intimidated by you or fearful. You may have a power advantage simply because of your gender, size or some other factor. Don't abuse that power.
  - Understand that consent to some form of sexual behavior does not automatically imply consent to any other forms of sexual behavior.
  - Silence and passivity cannot be interpreted as an indication of consent. Read your potential partner carefully, paying attention to verbal and non-verbal communication and body language.

## Revision

These policies and procedures will be reviewed and updated annually by the Title IX Coordinator. The Title IX Coordinator may make minor modifications to procedure that do not materially jeopardize the fairness owed to any party. However, the Title IX Coordinator may also vary procedures materially with notice (on the institutional web site, with appropriate date of effect identified) upon determining that changes to law or regulation require Policy or procedural alterations not reflected in this Policy and procedure. The investigation and adjudication procedures in effect at the time of its implementation will apply. All other aspects of the Policy in effect at the time of the alleged misconduct will apply even if the Policy is changed subsequently, unless the parties consent to be bound by the current Policy.

*This policy was edited on July 20, 2015.*