WHITTIER COLLEGE



2026 ANNUAL SECURITY AND FIRE SAFETY REPORT

INCLUDES CRIME AND FIRE STATISTICS FOR CALENDAR YEARS 2023, 2024, AND 2025

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Security Report Overview

The “Annual Security and Fire Safety Report” is published every year, in compliance with the “Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act of 1998,” by the Department of Public Safety at Whittier College. The purpose of this report is to provide current and prospective students, faculty, and staff with safety and security information about Whittier College. This report is also available online at: Public Safety Website. Campus Safety Website

Contact Public Safety

Address: 7022 Haverhill Park Rd. Whittier, CA 90602
Dispatch Center: 562-907-4211
Emergencies: 562-907-4911 or 911
Dispatch Email: dispatch@whittier.edu
Public Safety Email: campussafety@whittier.edu
Clery Email: Clery@whittier.edu
Website: www.whittier.edu/campussafety

Policy Statements

These policy statements provide information regarding Whittier College’s security and fire safety policies, safety regulations, Public Safety services, and other information on Public Safety can be found on the Public Safety Website. the Campus Safety Website.

Daily Crime Log

The Whittier College Department of Public Safety updates the Daily Crime Log within two business days and includes all crimes reported to Public Safety. It is available 24 hours a day, 7 days a week at 7022 Haverhill Park Rd., Whittier, CA 90602.

Non-Discrimination Statement

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 and respectful community in which students, faculty, staff, and administrators can pursue their education and work free from harassment, coercion, intimidation, and exploitation. To accomplish this goal, the College will not tolerate discrimination, including discrimination based on sex and sexual harassment (as defined below).

Whittier College prohibits discrimination and harassment on the basis of race, color, creed or religion, national/ethnic origin, marital, pregnancy or parenting status, age, sex, sexual orientation, gender identity/gender expression, military status, disability in the school environment, or on the basis of any other characteristic protected under local, state or federal law, including all academic, educational and extra-curricular activities and programs administered, operated or sponsored by, or related to the College.



You may locate the full policy here: Whittier College's Website.

About Whittier College

Whittier College is a residential four-year liberal arts institution that prepares students from diverse backgrounds to excel in a complex global society. Through challenging, interactive courses, taught by accomplished professors, students learn to make connections across disciplines, understand cultural perspectives, and integrate learning with practical application. Inspired by a Quaker heritage, the Whittier education equips students to be active citizens and effective communicators who embrace diversity and act with integrity.



Whittier is a place where students become actively involved in the local community as they explore their role in the global community, too. Our residential nature is a key component in defining who we are, as students and professors live and learn in close proximity to one another, fostering an atmosphere where knowledge can be pursued 24/7. This is a community where individuality is valued, tolerance is cherished, and the things that make each of us unique are seen as invaluable tools in seeking greater knowledge and understanding.

Important Phone Numbers on Campus

President's Office
562-907-4201
President@whittier.edu

Public Safety
562-907-4211
campussafety@whittier.edu
dispatch@whittier.edu

Counseling Center
562-907-4239
counselingcenter@whittier.edu

Dean of Students
562-907-4233
deanofstudents@whittier.edu

Residential Life
562-907-4986
residentiallife@whittier.edu

Human Resources
562-907-4208
whittierhr@whittier.edu

Preparation of the Annual Security Report

In compliance with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act [20 USC, Section 1092(f)], Whittier College publishes this Annual Security and Fire Safety Report to inform the College community about campus security policies, initiatives, and programs aimed at preventing and responding to crimes and emergencies, and to disclose crime and fire statistics.

The Clery Act requires colleges and universities to have emergency notification and evacuation procedures, issue timely warnings, maintain a crime and fire log, collect crime reports from Campus Security Authorities, request crime statistics from local law enforcement, submit crime and fire statistics to the Department of Education, have a missing student notification procedure, and publish an annual security and fire safety report.

This report contains three years' worth of crime statistics, as well as certain policy statements including sexual assault and misconduct policies. Like the Clery Act, the Higher Education Opportunity Act (HEOA) of 2008 requires colleges and universities that have on-campus housing to report and submit fire safety information and statistics annually. This information includes the disclosure of fire safety policy and procedures, as well as fire statistics for on-campus housing facilities, from the previous three years.

The information in this report is compiled by the Department of Public Safety, with assistance from the Office of Residential Life, Human Resources, and the Dean of Students' Office. Statistical information is gathered from the Whittier Police Department, the Department of Public Safety, the Dean of Students' Office, and those individuals identified as Campus Security Authorities (CSAs).

The policies and statements provided in this report are updated annually and include the most current information. The Annual Security and Fire Safety Report is published by October 1st of each year and can be found at: The Public Safety Website. The Campus Safety Website.
The report can also be found on the Admissions Website and the Human Resource Department Website. Each member of the Whittier College community receives an email that describes the report and provides its web address. For a paper copy, contact the Department of Public Safety at 7022 Haverhill Park Rd., Whittier, CA 90602 or 562-907-4211.

Department of Public Safety

The College authorizes the Department of Public Safety to protect the campus community and campus property and strives to make the campus safe for Whittier students and employees. Public Safety patrols the campus 24 hours a day, seven days a week. Officers perform safety and security functions on property owned and operated by the College, such as:

- Answering calls for service and emergencies
- Enforcing traffic and parking regulations
- Securing buildings
- Providing educational programs
- Registering bicycles and vehicles
- Issuing Whittier College Identification Cards
- Performing campus safety inspections
- Coordination of Electronic Door Access (Card access)
- Providing an escort service
- Coordination of key access (key control)
- Instituting campus watch programs and operation identification.
- Monitoring station for fire and intrusion alarms
- Controlling crowds at major events
- Monitoring station for CCTV

Authority, Jurisdiction, and Responsibility (Section 101.05)

(a) Each employee assigned an area of responsibility shall have authority commensurate with their responsibility. The authority of the Department of Public Safety to enforce Whittier College policy is established by the Board of Trustees. When and if the need arises, Public Safety officers are authorized to make a citizen's arrest, in accordance of California Penal Code Section 837, of any and all persons committing or attempting a crime such as disturbances against the general peace, interfering with the security of campus facilities or grounds, or interfering with, or disturbing, the safety and general welfare of the college community. When such a citizen's arrest as necessary, the Department of Public Safety shall, as promptly as possible, notify the Whittier Police Department to come and render assistance as needed and necessary.

The patrol division of the Department of Public Safety is primarily responsible for handling all emergency calls and crimes in progress except for crimes involving firearms. Ultimately, the main jurisdiction for investigating crimes on campus lies with the Whittier police Department. However, the Department of Public Safety assists in investigating non-violent property crimes that occur at the college. All crime victims and witnesses should immediately report crimes to the Department of Public Safety and or the Whittier Police Department. Prompt reporting will aid in the apprehension of the offender and ensure timely warning notices and disclosure of crime statistics.

Public Safety Officer Certificates:

Public Safety employees from the rank of Director to Officer will at all times maintain and keep current certifications. These certifications at minimum include:

1. Many officers have full-time Police Academy training and at a minimum, PC832 (40-hour Power to Arrest Course).
2. Baton Certificate (BSIS or POST)
3. First Aid Card
4. C.P.R. Card
5. Chemical Agents Card (BSIS or POST)
6. Valid State of California BSIS Guard registration card
7. Byrna Non-Lethal Certificate

Public Safety office staff are trained to assist officers in the field during non-emergency calls. In addition to personnel, the department employs a broad array of electronic devices including video recording, fire alarms, intrusion alarms, card access systems, and blue-light emergency phones, which are located throughout the campus, to provide services. Additionally, Public Safety monitors a private 9-1-1 CISCO system to oversee emergency calls on campus.

Department of Public Safety's Interagency Relationships

As of July 2011, the Whittier Police Department (WPD) and Whittier College Department of Public Safety agreed to a Memorandum of Understanding (MOU). The Department of Public Safety communicates regularly with WPD patrol, investigation, and crime prevention officers. While Whittier College is a private college, WPD will often conduct parking enforcement and patrols on college property.
Public Safety Officers are authorized by California Penal Code Section 830.7, the MOU, and Whittier College to make private citizen arrests.

Memorandum of Understanding (M.O.U.) with Whittier Police Department

The Department of Public Safety maintains an established working relationship with the Whittier Police Department. As of July 2011, both parties entered a memorandum of understanding, which authorizes Whittier College Public Safety Officers to exercise the powers of arrest of those of a peace officer while they are on duty; working authorized assignment(s); wearing the authorized uniform of the Whittier College Department of Public Safety office; and operating within, and upon, the property of Whittier College. If minor offenses involving College rules and regulations are committed by a Whittier College student, the Department of Public Safety may also refer the individual to the disciplinary division of Student Affairs. The Whittier Police Department will immediately be notified and will handle the initial reports and follow up investigations for the following crimes (as defined in the Uniform Crime reporting Handbook of the Federal Bureau of Investigation and Section 67381 of the Education Code):

- Homicide
- Forcible Rape
- Robbery
- Aggravated Assault
- Other cases, as requested by the Whittier Police Department

Per agreement with the Whittier Police Department, the Department of Public Safety's jurisdiction includes the following:

Geographic boundaries are bordered by:

- Philadelphia Street between Painter Ave. and Bryn Mawr Ave
- Painter Ave between Philadelphia Street and Earlham Drive
- Earlham Drive between Painter Ave and Canyon Drive
- South Curbline of Olive Drive between Painter Ave and Stanford Way

This also includes the areas below, between:

- Canyon Drive and Worsham Drive
- Soccer Field
- Football/track and field stadium
- Athletic Center
- Tennis Courts

Any College owned or leased property in outlying areas is patrolled jointly by both Public Safety and the Whittier Police Department.
Through coordination with local law enforcement agencies, any criminal activity engaged in by members of recognized student organizations at off-campus locations is shared with Whittier College. This information is provided to the Dean of Students for any action or follow-up that may be required.

Monitoring and Recording of Criminal Activity

Whittier College does not have any recognized off-campus student organizations; therefore, Public Safety does not monitor and/or record criminal activity at non-campus locations.

Reporting Crimes

Confidentiality, Privacy, and Reporting

College officials, depending on their roles at Whittier College, have varying reporting responsibilities and abilities to maintain confidentiality. 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 outside agencies or individuals unless you have requested that information be shared. Other resources exist for you to report crimes and Policy violations, and these resources will act 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 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 everyone 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 Monday-Friday from 8:00 a.m. to 5:00 p.m., or by calling 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
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:
    - The approximate date of the incident
    - The approximate location of the incident
    - The type of crime committed, but do not have to report any identifying information.

Private reporters include, but are not limited to:

- Professors
- Administrators
- Staff that are not Deans
- Directors
- Head Coaches
- Faculty & Staff serving as support people.
- Graduate Fellows

3. **Mandated Reporters:** Whittier Colle person or, 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, & Head Coaches
- Public Safety Officers & Dispatchers
- Assistant Directors of Residential Life
- Resident Assistants (RA’s)
- Peer Mentors

4. **Campus Security Authority (CSA):** The Clery Act requires colleges and universities to report any crimes and emergencies promptly and accurately to the College. Like mandated reporters and Title IX, the U.S. Department of Education defines a campus security authority as a campus police/security official or other official with significant responsibility for campus and student activities. The College requires that any CSA who becomes aware of a crime involving Whittier College, or a member of the Whittier College community, must immediately report the incident to the Department of Public Safety. It shall be the responsibility of the Department of Public Safety to investigate reports of criminal activity on campus. A list of current CSA's is kept in the Human Resources and Public Safety offices. Pastoral and professional counselors who are appropriately credentialed and hired by Whittier College to serve in a counseling role are not considered Campus Security Authorities when they are acting in the counseling role. As a matter of policy, the College encourages professional counselors to notify those whom they are counseling of the voluntary, confidential reporting options available to them.

Reporting of Criminal Offenses to Public Safety

Whittier College encourages accurate and prompt reporting of crimes to the Department of Public Safety. Public Safety officers can be reached 24 hours a day/seven days a week by calling 562-907-4211, or by visiting the office located on Haverhill Park Road (next to the Counseling Center).

Criminal offenses should be reported promptly to the Department of Public Safety, or the Whittier Police Department at 562-567-9200.

Residential Life staff, including Community Advisors, have also been trained to report all crimes and other emergencies in and adjacent to the residence halls daily.

For Title IX related sexual misconduct incidents, contact the Title IX Investigator (562-907-5028), or Public Safety (562-907-4211).

General Complaint Policies and Procedures

All complaints received, including anonymous complaints, will be internally investigated by the Department of Public Safety. Anyone filing a complaint can request that their identity remain confidential to the official named in the complaint. If you request that your identity remain confidential, Public Safety administration will contact you to determine what level of involvement you would like in the investigation.

Filing a complaint does not initiate a criminal investigation. If during the investigation it is discovered that criminal action took place, the Department of Public Safety may, at its discretion, disclose this information to the Whittier Police Department. If you wish to file a criminal complaint, you must contact the Whittier Police Department separately.
Any complaint that is governed by Whittier College's Grievance Policy related to discrimination, Title IX, equal opportunity, or retaliation maintains the procedures for resolution of conflicts and grievances pertaining to each overseeing department and College official.

If the complaint is about a Sexual Misconduct Policy matter, the Title IX Coordinator will oversee the investigation. These cases are not considered internal affair matters. If you are unsure whether your complaint falls into this category, please contact the Title IX Coordinator at 562-907-5028. The Dean of Students will assist and advise any student who feels that he or she has been treated inappropriately by any member of the community.

Filing a Public Safety Complaint

Informal complaints can be filed by notifying the Director of Public Safety at 562-907-4211. Informal complaints are generally minor in nature. The Director of Public Safety may determine, based on the information provided, that the submitted complaint is of a nature that requires a formal complaint. In that situation, the Director will initiate an investigation on the complainant's behalf. Formal/Informal complaints can be filed by scheduling an in-person meeting with the Director of Public Safety.

Formal complaints can also be filed by filling out the online complaint form. Formal complaints are generally used for serious misconduct on the part of a Public Safety employee.
When a Complaint is Filed:

- Complainants will receive an email confirmation stating that the complaint has been received. Once a complaint is received, Public Safety will make every possible effort to present an outcome to the complaint within thirty (30) calendar days. In some extenuating circumstances, the investigation may take more than thirty (30) days to complete. Complainants will be notified if this occurs.
- A member of Public Safety administration will contact the complainant to determine how much involvement they would like to have in the investigative process. The administrator may also ask questions to help clarify the exact nature of the complaint.
- An investigation will begin. The Director of Public Safety will assign an investigator who has no involvement in the situation which is the subject of your complaint. Depending on the complainant's wishes for involvement, they may be contacted by the investigator if any clarification is needed. Witnesses will be contacted by the investigator. If necessary, practical and available, video surveillance footage, photographs, e-mails, telephone records/recordings, and any other physical evidence may be reviewed.
- The investigation will be completed and a determination regarding culpability will be made. Disciplinary action will be taken as appropriate if the Public Safety official is found to be responsible.
- The results of the investigation will be shared with the appropriate College officials, depending on the nature of the incident.
- When appropriate, Complainants are only made aware of the results of the investigation and not the specific disciplinary action that was taken as a result of the complaint.

Residence Hall Safety & Security

Whittier College residence halls are considered private property. Detailed information regarding residence hall security and safety procedures is discussed at floor and hall-wide meetings held at the beginning of each academic semester and periodically throughout the year. Specifically, staff members are not permitted to unlock a door for anyone other than the resident of the room. Unauthorized entry into a student's room may result in loss of housing privileges. Propping open exterior residence hall doors is forbidden.

Students are encouraged to lock their doors and invest in personal property insurance. The College will make reasonable efforts to protect students' property. However, the College is not liable for loss, theft or damage of any property belonging to residents.



Access to Campus Facilities

Whittier College, while a private college, is in many respects a public resource. Our facilities are used not only by full-time community members, but also by many people drawn to the campus for a variety of reasons. There is mutual benefit from such use; however, there are also those who come to Whittier College for unacceptable reasons. On the main campus those people with legitimate business are welcome. Specific buildings, however, are not open to the public. Entrance may be denied, and the trespass laws invoked for persons found in or around our buildings without legitimate reasons.

After 11 p.m. the campus is closed to all but faculty, staff, students, and their invitees. Residential buildings are governed by specific access and occupancy rules. These rules are specifically described in the "Whittier College Student Handbook". The exterior doors to all facilities are kept

locked. Each residence unit is individually keyed. Trespassing laws are strictly enforced within the residence life areas of campus.

Vendors requiring access to buildings throughout campus must check in with Public Safety and receive a visitor's badge with access to the specific buildings. All vendors will be verified by their company before they are authorized to conduct their services.

Contractor, Vendor, & Visitor Policy

The purpose of this Contractor, Vendor, & Visitor Policy is to establish guidelines for monitoring guest, vendor, and contractor activity on campus. This policy allows the Department of Public Safety to retain a record of guests visiting the campus and includes who is on campus, what type of business is being conducted, and what areas of the Campus are visited. This policy establishes the methods by which the Whittier College Visitor Policy will be implemented and maintained. It is the intent of these guidelines to protect the College community by providing a safe environment, reducing suspicious activity on campus, and protecting the privacy of the students, faculty, and staff.

Scope of Policy

This policy applies to all contractors, vendors, or visitors who are performing work at Whittier College. College employees who contract services, and/or subcontract services, are expected to ensure compliance with this policy for any work performed on behalf of the College under their supervision/direction.

Review

This policy will be reviewed in August of even-numbered years by the Office of the Vice President for Finance and Administration and the Safety Committee (EHSC), or assigned designees, of Whittier College.

Definitions:

Contractor: A person or entity who, as part of an independent business, provides services to Whittier College.
Job Supervisor: The Whittier College employee, or designee, responsible for supervising the project.
Vendor: A person or entity who provides recurring contract services to Whittier College.
General Visitor: A person or entity visiting Whittier College for miscellaneous business, not including vending or contracted work.

Procedures

All outside contractors, vendors, and visitors conducting business on the Whittier College campus must physically report to the Department of Public Safety office when they arrive on campus to begin a job. Guests must indicate the purpose of their visit, identify a Job Supervisor (or the person authorizing the visit), and the duration of their visit. Other requirements include a photo identification card, vehicle information (if parking on campus), and contact information. Upon completion of the day's work, Guests must physically check out with the Department of Public

Safety. All Job Supervisors are responsible for ensuring that their guests comply with the Contractor, Vendor, & Visitor Policy.

Identification & Access Cards

All Contractors, Vendors, and Visitors shall always wear their Work Badge and/or Access Card in a conspicuous location while on campus. Guests who do not comply with this policy will be removed from the campus and not be allowed to continue work at Whittier College.

Timely Warning

The purpose of this policy is to establish a process by which Whittier College (hereinafter the "College") will issue timely warnings in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (20 U.S.C. § 1092(f)) (the "Clery Act").

Policy

The College will issue a Timely Warning Notice, sometimes referred to as "Crime Alerts", in all instances in which (1) a crime is committed; (2) the perpetrator has not been apprehended; and (3) there is a substantial risk to the physical safety of other members of the campus community because of this crime. Such crimes include, but are not limited to: (1) Clery Crimes that are reported to any Campus Security Authority, Public Safety, or the local police; or (2) the College determines that the incident represents an ongoing threat to the campus community. The College may, in some circumstances, issue a Timely Warning Notice when there is a pattern of crimes against persons or property. The College may issue a Timely Warning Notice for an off-campus crime if the crime occurred in a non-College-owned property used and frequented by the College community members.

Definitions

- Campus Security Authority (CSA) is an individual at the College who, because of their function for the College, has an obligation under the Clery Act to notify the College of alleged Clery Crimes that are reported to them in good faith, or alleged Clery Crimes that they may personally witness.
- Clery Criminal Offenses are defined by the Clery Act as any of the following: Criminal Homicide; Aggravated Assault; Sex Offense, Forcible; Sex Offense, Non-forcible; Burglary; Robbery; Motor Vehicle Theft; Arson; Hate Crimes, including Larceny-Theft, Simple Assault, Intimidation, or Destruction/Damage/Vandalism of Property that are motivated by bias; Dating Violence; Domestic Violence; and Stalking.
- Clery Arrests/Referrals include arrests and referrals for disciplinary action for: o Weapons violations; Drug law violations; and Liquor law violations.
- Clery Crimes include both Clery Criminal Offenses and Clery Arrests/Referrals.
- Timely Warning Designee is defined as the person or group of persons at each campus responsible for the determination and issuance of Timely Warning Notices for that campus.
- Timely Warning Notices may also be referred to as "Crime Alerts."

Timeliness of Notice

A Notice is considered "timely" if it issued as soon as pertinent information is available and as soon as reasonably practicable after an incident has been reported to any CSA, Public Safety and/or local law enforcement, or to the Timely Warning Designee. The timeliness of a notice shall be determined and evaluated on a case-by-case basis.

Responsibility for Determination to Issue Timely Warning Notice

The Timely Warning Designee is designated on a case-by-case basis; however, the designee is typically a representative from the Department of Public Safety or the Office of Communications. During incidents of sexual misconduct, a representative from the Dean of Student's office might be assigned as the Timely Warning Designee.
The Timely Warning Designee shall be responsible for determining whether a Timely Warning Notice should be issued.

Timely Warning Decision Matrix

The Timely Warning Designee shall use and complete a Timely Warning Decision Matrix when determining whether to issue a Timely Warning Notice as a result of an alleged Clery Crime. The decision to issue or not issue a Timely Warning Notice shall be determined on a case-by-case basis for each alleged Clery Crime reported.

When determining whether to issue a Timely Warning Notice, the Timely Warning Designee shall consider whether the alleged Clery Crime represents a serious or continuing threat to the campus community, and in doing so, shall consider: (1) the nature of the incident and/or crime; (2) the time and location of the alleged incident; (3) whether the alleged perpetrator was apprehended or in custody; (4) the likelihood of reoccurrence; (5) the continuing danger to the campus community; (6) the possible risk of compromising law enforcement efforts; and (7) all other facts and circumstances of which the College Police are aware concerning the incident.

The Timely Warning Designee must review and approve the completed Timely Warning Decision Matrix for each alleged Clery Crime reported. If the Timely Warning Designee is an entity, then a supervisor, director, or appropriate manager of the entity must review and approve the completed Timely Warning Decision Matrix for each alleged crime reported.

Timely Warning Notice

Once the decision has been made to issue a Timely Warning Notice, the Timely Warning Designee shall prepare a draft Timely Warning Notice. Preparation of a notice may be in consultation with the Office of Communications.

The Timely Warning Notice shall contain all information that would promote safety and that would aid in the prevention of similar crimes including, but not limited to:

1. A statement of the incident or crime alleged, and when and where it occurred;
2. Any possible connection to previous incidents, if applicable;

3. A physical description of the suspect, if possible;
4. The date and time of the Timely Warning Notice;
5. Contact information for the appropriate campus security and local law enforcement; and
6. Other relevant and important information including recommendations and tips for prevention of similar crimes.

Dissemination Of the Timely Warning & the Timely Warning Dissemination Checklist

The Timely Warning Designee shall disseminate the final Timely Warning Notice on behalf of the College. When disseminating the final Timely Warning Notice, the College will use one or more of the following means of dissemination, depending upon the technology and resources available:

Electronic Mail (E-mail)

The final Timely Warning Notice may be distributed to students and employees by e-mail to all whittier.edu email addresses. The Timely Warning Designee may issue a mass e-mail that contains a copy of the final Timely Warning Notice to all whittier.edu email addresses.

Text Message

The final Timely Warning Notice may be distributed by text message to all individuals who are enrolled in the College's emergency notification alert service. The Timely Warning Designee may also e-mail the final Timely Warning Notice to the Office of Communications, which may issue a mass text message that contains the Timely Warning Notice to all students and employees enrolled in the College's alert system.

Web Publication

Upon receipt of the final Timely Warning Notice from the Timely Warning Designee, the Office of Communications may post the contents of the Timely Warning Notice on the Department of Public Safety's Emergency Alert webpage and the College's news website.

Media

Upon receipt of the final Timely Warning Notice from the Timely Warning Designee, the Office of Communications may prepare a press release that contains the contents of the Timely Warning Notice and may transmit the press release to all appropriate media outlets, crime prevention organizations, governmental and state agencies, and news stations for further dissemination.

Additional Means of Dissemination

The College may adopt additional measures and may take additional steps as may be appropriate and necessary under the circumstances in order to further disseminate the Timely Warning Notice.

Emergency Call Box System

Whittier College currently has 10 emergency call box systems, also known as "blue-light emergency phones", deployed across various locations on campus. These call boxes can be used to report criminal activity and any other types of emergencies requiring immediate Public Safety assistance simply by pressing the button on the box.

- Stadium lot
- Athletic Center lot
- Mendenhall Lot
- College Lot
- Amphitheater Lot
- Upper Quad
- Lower Quad
- Haverhill Lot
- Harris/Turner Lot
- South Music Lot

Emergency Response and Evacuation Procedures

Emergencies such as power outages, earthquakes, and random crimes happen everywhere. The Department of Public Safety is committed to ensuring that all Whittier students, faculty, and staff live, learn, and work in a secure environment. For general information about emergency preparation and response, visit the Public Safety website. Public Safety Website.

Emergency incident response demands a specific protocol for the initial emergency call, first responders, and College management. The College's Critical Incident Management Plan describes the preferred initial response for several different types of incidents, including active shooter, fire, bomb threat, infectious disease, violence, or injury. Most importantly, Public Safety must be notified immediately when a critical event occurs. The Whittier Police Department requires a representative from the College, usually the Director of Public Safety, to be the primary contact at the scene for city authorities. Management at the scene is called Unified Command. Oftentimes, a Critical Incident Response Team (CIRT) will be mobilized to manage the incident on behalf of the college. Appropriate leadership from affected departments will be included in the response team, as necessary. If the incident is anticipated to cause a major disruption of college activities, an Emergency Operations Center (EOC) will be activated. Public comments about the incident will be coordinated through the college's Communications department.

Emergency Preparedness Training and Exercises

The Department of Public Safety conducts annual emergency preparedness training and exercises covering a variety of scenarios, including earthquakes, fires, and active shooters. These exercises change from year to year, and involve several departments across campus including Residential Life, Summer Conferences, and the library.

Everbridge Emergency Alert Notification System

Upon confirmation of a significant emergency or dangerous threat involving an immediate threat to the health or safety of students or employees occurring on or near the campus, Public Safety will consider the safety of the campus community, determine what information to release about the situation, and begin the notification process using the "Everbridge Emergency Alert Notification System."

The only reason we would not immediately issue a notification for a confirmed emergency or dangerous situation is if doing so would compromise efforts to: assist a victim, contain the emergency, or otherwise mitigate the emergency. This could include a request from the local police or fire department to delay the message for these purposes. Confirmation of threats is made by a dispatched Public Safety Officer or by information received from local police/fire authorities. If it is determined that notifications are to be made, the Director or their designee shall notify the dispatcher and initiate the notification.

The “Emergency Notification System and Everbridge Emergency Alert Notification System” is tested at least once per academic year. All community members are automatically in the system to be contacted via Whittier email. It is the responsibility of students, staff, and faculty to register their mobile devices and phone numbers in the” Everbridge Emergency Alert Notification System” in order to receive text messaging, phone calls or voicemail messages.

Everbridge sends emergency messages to your mobile or fixed device of choice, allowing you to receive emergency messages quickly wherever you are. The” Everbridge Emergency Alert Notification System” allows campus leaders and security professionals the ability to reach all students, faculty, and staff with time-sensitive information during unforeseen events or emergencies using voice, email and text messaging. To find out more and register to receive emergency notifications visit the Public Safety Website.

Critical Incident Management Plan

The Critical Incident Management Plan (CIMP) details the processes and functions for Whittier College to prevent, plan for, and respond to events that become critical incidents. Critical incidents are defined as events that may impact the life-safety, financial condition, property, and reputation of the college. The plan was developed by leadership from the Department of Public Safety and the Safety Committee.

The plan contains two related, but distinct processes: (1) incident prevention and planning, and (2) incident response. In the planning process, the Safety Committee members work closely with College departments to identify potential hazards and maintain safety standards. The creation of appropriate systems, such as the emergency notification systems, is coordinated by the responsible departments. Finance and Administration Offices will work closely with the departments to see that work-around procedures are prepared in the event of a disruption. These documented procedures would be known as Business Continuity Plans (BCPs).

It is important to note that incidents occur in varying degrees, and seldom is there a standardized response to an incident. With a unified response from city authorities and the college, the strategies outlined in the plan will be adapted to facilitate the appropriate and timely response to any type of event. The college community will be best served by a well-managed program that emphasizes prevention, risk assessment, and pre-incident planning. A well maintained program designates the appropriate authority to make prompt and informed decisions in times of crisis that will minimize not only the potential for loss of life, property and financial assets, but of reputation and integrity

Whittier College's CIMP is defined as "a documented institutional plan designed to maintain life, safety, and essential business services during times of disruptions due to incidents or events including, but not limited to: workplace violence, severe weather, utility interruptions, telecommunications failure, or other unforeseen events." It is the responsibility of designated faculty and staff to ensure that their departments respond to the policy and plan under the guidance of the senior staff. Responsibilities include preparing a departmental plan, maintaining and updating the plan on an annual basis, and responding to plan in the event of an incident.

There are five stages to a CIMP:
1) pre-incident planning, 2) incident response, 3) resumption/recovery, 4) restoration, and 5) evaluation and review of the incident in order to provide improved processes for future recoveries. Pre-incident planning includes preparation of a Business Continuity Plan (BCP) by individual departments.

Resumption and recovery activities consist of implementing BCPs and workaround procedures to resume basic operations. Restoration activities are those activities that enable the institution to return to its original state prior to the incident(s), including rebuilding damaged property. Activities may include prolonged workaround procedures until the restoration is complete. Evaluation of incidents is important in identifying procedures that may need to be changed or altered based on prior events.

The strategies outlined in this policy are for reference only; they are not intended to dictate response protocol due to the many unknowns associated with incidents.



Great California Shakeout Drill

Whittier College participates in the "Great California Shake-Out" earthquake annually. As part of this drill, the entire campus participates by practicing their "drop, cover, and hold" exercise. Throughout this exercise, Public Safety and Communications conduct a test of the Emergency Notification System. This test includes notifications sent via email, phone call, and text message, as well as a broadcast delivered through the inter-office CISCO phone system. At the conclusion of this exercise, the entire campus is evacuated to their designated evacuation zone (evacuation procedures are described below). Public Safety officers then conduct a campus-wide patrol of the area, before giving the "all-clear" signal to return to business as usual.



Residence Hall Fire Drills

Due to the changing nature of residence halls, fire drills are conducted at least twice a year (once a semester) for all students residing on campus. The Department of Public Safety works closely with the Office of Residential Life to execute these drills. Students are evacuated to their designated evacuation zones in order to help them become familiar with the emergency preparedness plan. Documentation of the fire drills is maintained by the Department of Public Safety, as well as the Office of Residential Life.

Agendas for these drills include:

- Introduction of Community Advisor (CA) and/or Public Safety Officers
- Explain it is a fire drill – required (occurs only once each semester)
- Explain policy for failing to evacuate during fire alarm
- Highlight evacuation zone for that building
- Remind Public Safety's number
- Remind they do not re-enter building after alarm without staff approval

Evacuation Procedures

In the event of an emergency, you will receive direction from your CA, Area Director, Residential Life staff, or academic zone captain. If you are asked to leave the building, you should go to the designated meeting place as shown on the map below. In the case of an emergency, the campus is divided into four zones that will serve as meeting places. In the event you are in a different part of the campus, you should return to your zone meeting place.

Once you arrive at the designated meeting area, please check in with your zone captain. Some students will want to leave the campus and return to their homes and families. Please do not leave the campus until you have checked in with your Building Captain. Remember to leave contact information with the Building Captain.

Each student is encouraged to have a “Go Kit” that contains a flashlight, emergency phone numbers, a copy of your driver’s license or identification, a 5-day supply of any prescription medications you take, a change of clothes, and personal care items.

Crime Awareness and Security

Whittier College students, staff, and faculty each play a significant role in combating campus crime. Sharing campus policies, trends, and crime statistics is one important way to increase awareness and fight crime within our community.

Security Awareness & Crime Prevention Programs

Security awareness and crime prevention programs offered each academic year include date rape and sexual assault programs, Operation Identification (engraving valuables), and personal safety discussions in residence halls led by Public Safety personnel. In addition, alcohol and drug education programs are offered throughout the year, including a Resident Advisor in-service presented by the Department of Public Safety.

Safety Committee

Public Safety continually reviews its emergency management procedures, which involves refining processes designed to deal with various types of emergencies and monitoring developing events and issues in a rapidly changing environment. To assist with this task, the Director of Public Safety and Safety & Compliance Coordinator co-chair an environmental health and safety committee.

Active Shooter Training (H.E.R.O.)

The Department of Public Safety has partnered with Safe Kids Inc. to provide the College community with active shooter/violent intruder training. The H.E.R.O. (Hide. Escape. Run. Overcome.) program is simple, research-based, and comprehensive. This program provides the community with the tools needed to be as safe as possible, even in the event of an active shooting.

Safe Kids Inc. was founded in 2016 by a team of experienced law enforcement officers and educators. It is the desire of this team that the H.E.R.O. program will save lives through safe thinking and safe action. For more information about the H.E.R.O. program, please call (562) 907-4211.

Women’s Self Defense Program

Certified Public Safety personnel instruct a one unit course, available to registered students, in Women's Self Defense every semester. The self-defense course follows the guidelines of the R.A.D. (Rape Aggression Defense) Systems of Self Defense, which is an official self-defense training program of the National Academy of Defense Education.

The course instructors attempt to provide students with information, tactics, and considerations that may be useful for various types of abductive encounters perpetrated against women. During the course, students will participate in classroom discussions that are designed to increase awareness and education. Students will also participate in the learning of defensive tactics and techniques designed to provide options for women during an abductive encounter. A course final is conducted at the end of the semester, and each student is expected to demonstrate the many different options they were introduced to throughout the course. By the end of final, students will display an increase in confidence and awareness.

R.A.D. is offered or Whittier College students or as an educational program for the College community. To schedule a RAD training seminar for your group please contact Public Safety at 562-907-4211.

Student Transportation Policy

Students who need to go off campus appointments such as doctor's visits or need non-life-threatening transport to Presbyterian Intercommunity Hospital are encouraged to ask friends or family to assistance in arranging transportation. Whittier College currently does not directly provide transportation services.

Safety Tours

The Department of Public Safety conducts these tours in conjunction with Facilities Services, the Chemical Hygiene Officers, and Residence Life staff. The tours take place during a range of shifts/hours to better gauge the day-to-day operations, and to identify potential hazards to the safety of students, faculty, staff, and visitors on the college campus as well as student residential areas.

Immediate follow-up and recommendations are made using Angus AnyWhere, maintained by Facilities Services. Angus AnyWhere is a preventative maintenance management system and is utilized to fill work orders, also known as a "maintenance request." This management system helps prioritize the college's needs and to better service the operations.

First Aid, C.P.R. & AED Training

First Aid, C.P.R. /A.E.D. certification courses are held annually for our Department of Public Safety personnel. These classes are also available to the College community.

The certification course is normally completed in an eight-hour time frame, depending on the class size. The classes begin with an introduction and course overview. All students are encouraged to take notes during the video segments, as well as participate in the hands-on exercises. Each student is also required to perform proper rescue breathing, C.P.R. chest compressions and the "Heimlich" maneuver. Each segment has a step-by-step training video that helps students utilize and learn fundamental steps for learning each lifesaving technique.
The First Aid segment allows the student to gain familiarity with first aid techniques and learn how to apply basic care. It also teaches students how to recognize common injuries and illnesses, such

as heart attacks, strokes, and seizures. Each student is then given verbal instructions, as well as video guidance, for basic first aid. Students will learn how to care for a simple wound by utilizing basic first aid supplies such as square bandages and gauze wraps, as well as how to make an arm sling out of a triangular bandage.

The A.E.D. (Automated External Defibrillator) segment allows the student to learn when and how to operate an A.E.D. component. Each student is introduced to the device and verbally instructed on the proper use of the machine. A brief video segment demonstrates step-by-step instructions. Each student is then given a scenario and allowed to use a training A.E.D. on a C.P.R. mannequin.

Each training segment ends with a multiple-choice test, as well as a personalized training scenario with a step-by-step breakdown of the C.P.R. fundamentals in front of your instructor. Upon completion of the course, students will receive their certification.

For more information on the First Aid and CPR program, please contact Public Safety at 562-907-4211.

Lost and Found

The Department of Public Safety operates the college's centralized lost and found service. Found items are kept for the academic year from the date it was found. Those wishing to report a lost item may call (562) 907-4211. Contact Lost and Found if you are unsure about whether an item is lost or stolen.

Student Support and Early Intervention

The Whittier Community, Affirmation, Resilience, Empowerment (CARE) Program, formerly known as the Poet Early Alert Program (PEAP), is a collaborative team approach with faculty and staff that enhances Community Safety and Student Well-being. The Whittier CARES program provides prevention, assessment, and intervention for and with students as they navigate the challenges that stand in their way of academic and personal success. Whittier's CARE team meets weekly to review reports and develop individualized outreach plans to help students. Team members adhere to legal, ethical, and professional standards and guidelines.

Identifying & Reporting Concerning Behaviors

Faculty, staff, students, and other members of the Whittier College community are encouraged to alert the CARE Team about concerning behaviors or incidents by submitting an online **CARE form**. Submissions to this form may not be reviewed outside of normal business hours, but all submissions will be reviewed and responded to by a member of the Team.

When an alert is received, it is reviewed by the CARE team. Multiple attempts are made to reach the student using email, voicemail, text message, and personal contact. Most students respond to the overture. Some students do not and after multiple attempts, the case is closed. In either scenario, a summary email is sent to the reporting person. More information on the CARE program can be found at the CARE Program Website.

Missing Student Notification Policy

In compliance with Section 488 of the Higher Education Act of 2008, the following policy and procedures have been developed to assist in locating student(s) living within on-campus housing, who, based on the facts and circumstances known to the College, are determined to be missing.

Most missing person reports in the college environment result from a student changing his or her routine without informing roommates and/or friends of the change. Anyone who believes a student to be missing should report their concern to Public Safety or the Dean of Students Office. Every report made to the College will be followed up with an immediate investigation and once the student is determined to be missing, the steps outline below will be followed, typically within 24 hours. Depending on the circumstances presented to College officials, parents of missing students will be notified.

At the beginning of each academic year, residential students will be asked to provide, on a voluntary basis, the name and emergency contact information for the individual(s) they would like contacted in the event they are reported missing while enrolled at Whittier College.

General Procedure

A College official receives a report and collects the following information at the time of the report:

- The name and relationship of the person making the report.
- The date, time, and location of the missing student was last seen.
- The general routine or habits of the suspected missing student (e.g.-visiting friends who live off-campus, working a job away from campus) including any recent changes in behavior or demeanor.
- The missing student's cell phone number (if known by the reporter).

The College official receiving the report will contact Public Safety and the Dean of Students Office. The Dean of Students and Director of Public Safety will ascertain if/when information must be communicated to the other College officials.

Upon notification from any entity that a student may be missing, Whittier College may use any or all the following resources to assist in locating the student:

- Go to the student's residence hall room
- Talk to the student's RA, roommate, and floor mates and friends (if possible) to see if anyone can confirm the missing student's whereabouts and/or confirm the date, time and location the student was last seen.
- Secure a current student ID or other photo of the student.
- Call and text the student's cell phone and call any other numbers on record
- Send the student an email.
- Check all possible locations mentioned by the parties above including but not limited to, library, residence hall lounges, student common lounges, fitness center, etc.

- Public Safety will also check the College's parking lots for the presence of the student's vehicle, if one is so registered.
- Contact or call any other on-campus or off-campus friends or contacts that are made known. This could include checking a student's social networking site such as Facebook and Twitter.
- The College's Information Technology (IT) staff may be asked to obtain email logs to determine the last log in and/or access of the College's network.

Once all information is collected and documented and the Dean of Students (or a designee) is consulted, the College will contact the local police to report the information. (Note: If while gathering information as described above, foul play is evident or strongly indicated, the police will be contacted immediately.) If it is necessary to contact the local or state authorities, police procedures and protocol will be followed by the College.

"Megan's Law" and Sex Offender Registrant Information

The Campus Sex Crimes Prevention Act (CSCPA) of 2000, a federal law, requires institutions of higher education to provide the campus community with information on where they may obtain information on registered sex offenders in the state of California. It also requires sex offender registrants who are already required to register in the state to provide notice, as required under state law, to each institution of higher education for which the person is currently enrolled as a student, full- or part-time employee (with or without compensation), or those participating in a vocation (California Penal Code Section 290.009). As the Department of Public Safety is not a law enforcement agency, the registration process must be conducted at the Whittier Police Department.

In the state of California, convicted sex offenders must register with their local law enforcement agencies. Megan's Law allows the public to access the registry. It also authorizes local law enforcement to notify the public about high-risk and serious sex offenders who reside in, are employed in, or frequent the community. Public information regarding sex offenders in California may be obtained by viewing ***Megan's Law**.

**Requirements for viewing: Upon entering the website, you must read the disclaimer and agree to the terms and conditions.*

Campus Policies and Statements

Tobacco-Free Policy

Because Whittier College is committed to providing a safe and healthy community in which to live, learn, work, and play for the students, faculty, staff, and guests on campus, it hereby adopts a tobacco-free policy, effective September 2, 2018. You may locate the Tobacco Free Policy here.

Use the Tobacco Reporting Form to submit incidents that may violate the Whittier College Tobacco Free Policy. Violations of this policy include (but are not limited to) the use of:

- Cigarettes
- Electronic Smoking Devices (ex: vape pens, Juuls)
- Snuff, chewing tobacco.
- Hookahs
- Cigars

Students

Regarding student conduct, violations will be addressed with a hierarchy of sanctions congruent with the Student Code of Conduct, as deemed appropriate by the Dean of Students Office, a Student Conduct Administrator or designee. Sanctions may include reflective or restorative sanctions, educational programming, fines, or others as noted in the Student Code of Conduct and Guide to Rights and Responsibilities.

Faculty/Staff

Human Resources will address violations through the progressive discipline model, which will include a formal verbal warning, educational programming, written reprimand, suspension without pay and any fines, restitution or other disciplinary action deemed appropriate for repeated violations, up to and including possible termination of employment.

Visitors and Vendors: Upon violation, a verbal request to cease the use of tobacco may be made by any member of the campus community, especially direct supervisors who oversee contracts. In cases where visitors or vendors fail to comply, Public Safety will be called to make and document a request to cease use of tobacco products. Visitors that do not comply with Public Safety will be issued a trespass admonishment and escorted off of Whittier College Property.

This Policy shall be effective on September 2, 2018.

Smoking Cessation Resources

Campus Resources for Students:

Student Health & Wellness Center

13612 E. Philadelphia St., Whittier, CA
562.907.4548

- Contact the Health & Wellness Center to devise a plan to help you quit smoking.
- Free smoking cessation products are available including nicotine patches, gum, lozenges, and Bupropion (Zyban)

Counseling Center

Haverhill A (next to Public Safety)
7020 Haverhill Park Rd., Whittier, CA
562-907-4239

- Counselors in the Counseling Center are trained in the FreshStart Program, a support group for individuals looking to quit smoking.

- Call the Counseling Center to schedule an appointment.

Off-Campus Resources for Everyone

California Smokers Helpline
1-800-NO-BUTTS
The helpline offers free counseling services and referrals and provides helpful information about local resources.

Local Cessation Classes

Cessation classes and programs are available across Los Angeles County. Visit the California Smokers' Helpline for a full listing.

Support Groups

Groups increase smoking success rates by providing encouragement and recovery assistance.

- Recovery Assistance 877.879.6422
- American Cancer Society Toll-free hotline: 1.800.227.2345
- American Lung Association Toll-free hotline: 1.800.LUNGUSA (1.800.586.4872)
- MedLine Plus Stop smoking support programs (from the National Library of Medicine and the National Institutes of Health)
- National Cancer Institute Toll-free hotline: 1.877.44U.QUIT (1.877.448.7848)
- National Institutes of Health Clinical Trials on Smoking Cessation
- National Network of Tobacco Cessation Quitlines Toll free hotline: 1.800.QUITNOW (1.800.784.8669), TTY: 1-800-332-8615

Mobile Service Cessation Support

Mobile services offer 24/7 support, encouragement, advice, and tips to help smokers stop smoking for good. Signing up is quick, easy, and free.

- Smokefree TXT
- Smokefree Smartphone Applications: These apps were written by tobacco experts ad ex-smokers to help you prepare to quit and stay smoke-free from the convenience of your smartphone.

Online Programs

Online programs are a convenient way to help smokers quit by providing resources and support anytime, anywhere.

- Freedom from Smoking ® Online
- Smoke Free
- Quit & Stay Quit Monday

Chew Tobacco Resources

These free self-help sites were designed to help chewing tobacco users for good.

- Chew Free

- My Last Dip

Additional Smoking/Tobacco Cessation Resources

- American Cancer Society
- American Lung Association
- American Heart Association
- Become an Ex
- Local Cessation Program Listings
- Nicotine Anonymous
- Smokefree.gov

Resources by Insurance Providers

Anthem Blue Cross
Log into Anthem's website for tools, resources and health programs on smoking cessation.
Kaiser Permanente

- Coaching, classes, and programs are available to members in Southern California. Wellness Coaching is available at no charge by phone at 1.866.862.4295. Coaching is available in English and Spanish.
- Health Classes: Visit a health education center for information on classes and individual counseling to help you quit. Search for a **Kaiser Permanente health education center** near you.
- **HealthMedia® Breathe®:** A free, online healthy lifestyle program that can help you stay motivated to quit smoking by creating a personalized action plan, customized just for you.

Medications for Quitting

Your odds of quitting are greater when you combine medication and other quit strategies.
The first-choice medications are:

- Nicotine replacement therapy, including over-the-counter products such as nicotine patches, gum, and lozenges and prescription options such as the nicotrol inhalers and nasal spray. Combing patch with another method increases the success rate.
- Bupropion (Zyban), a prescription medication that you can use by itself or with nicotine replacement therapy.
- Varenicline (Chantix) is another option that is available, usually for those who have tried nicotine replacement therapy and bupropion without success, or those who have an adverse reaction (such as a side effect or allergy) to those medications.

Learn more about taking medication to quit smoking or use our online tool to see if medication is a good option for you. Find out about coaching, classes, and programs in your area, including a pharmacy benefit for tobacco cessation medicines.

Alcohol & Other Drug Policy

Free, confidential counseling for alcohol and other drug abuse issues is available to students through the Counseling Center and Student Health Services (Health Center). Other referral

resources may include assessment, individual counseling, educational programs, materials, referral, and case management through community agencies, all of which might include a fee. Students exhibiting signs of excessive alcohol consumption will, at the College official's discretion, be transported via Emergency Medical Services (EMS) for medical attention or be observed by a Poet Monitor (see the Poet Monitor Program) at the student's expense in order to ensure the student's health and safety. Failure to comply with the request of EMS or the Poet Monitor may result in disciplinary action.

A. Violation of the Student Code of Conduct

a. Failure to act appropriately, responsibly, and aligned with college policies regarding alcohol.
    i. Possession, purchase, or consumption of any alcoholic beverage (including beer and wine) by any person under the age of 21.
    ii. Selling, either directly or indirectly, any alcoholic beverage (including beer and wine), except under the authority of a California Alcoholic Beverage Control Board license. This includes the sale of glasses, mixes, ice, or tickets for admission.
    iii. Providing alcohol for anyone under the age of 21. iv. Serving alcohol to an intoxicated person and/or serving alcohol to someone to the point of intoxication or incapacitation.
    iv. Being drunk/intoxicated and disorderly in public view.
    v. Consumption of alcoholic beverages in a public place (unless licensed for consumption of alcohol on premises) such as academic facilities, recreation fields, and College housing common areas including lounges and hallways. vii. Driving a motor vehicle or a bicycle while under the influence of alcohol.
    vi. Possession of an alcoholic beverage in an open container in a motor vehicle or on a bicycle, regardless of who is driving or whether one is intoxicated.
    vii. Failure to take a portable breathalyzer test (PBT) at the request of Public Safety or any other law enforcement entity.
    viii. Possession or use of kegs, punch bowls, or other bulk dispensing devices.
    ix. Participating in or organizing drinking games or other activities designed for rapid consumption of alcohol. xii. Possession or use of devices designed for rapid consumption of alcohol (beer bongs, funnels, vaporizers, etc).
    x. xiii. Violation of the College policy on student-sponsored social events.
b. Failure to act appropriately, responsibly, and aligned with College policies regarding other drugs except as expressly permitted by law (note that the possession or use of marijuana for medical purposes is not permitted on College premises or at College sponsored events).
    i. Possession or use of marijuana, heroin, narcotics, or other controlled substances, paraphernalia, or instruments (bongs, pipes, etc.).
    ii. Furnishing, manufacturing, or otherwise distributing marijuana, heroin, narcotics, or other controlled substances, paraphernalia, or instruments.
    iii. Use of prescription or over the counter medication other than as directed by a medical professional.

B. Violation of the following residence hall policies regarding alcohol:

1. Students and their guests who are 21 years of age or older are permitted to drink alcoholic beverages in the privacy of their residence hall rooms with the door closed. Guests under the age of 21 are not permitted to consume alcohol at such gatherings. Alcoholic beverages are not permitted in community areas of residence halls, including hallways, lounges, lobbies, kitchens, and recreation areas.
2. Social gatherings are permitted. However, only the assigned number of students, plus two guests, may occupy a residence hall room at one time. Progressive drinking parties are prohibited.
3. Possession of empty alcohol containers (cans, bottles, etc) is indicative of possession of alcohol, and as such, the owners of the empty containers and/or the residents of the room may be subject to being charged with possession/consumption of alcohol under the Student Code of Conduct.

C. Violation of the following guidelines regarding alcohol at student-sponsored social events

1. Whittier College wishes to encourage the thoughtful planning of thematic events, parties, and dances where alcohol is used in a responsible manner, and where students who choose not to drink can feel welcome and participate fully.

   The availability of alcohol must not be the prime focus of any event. Organizations and individuals are expected to take affirmative steps to address issues of liability and safety. Substance-free events and those with a caterer or third party vendor help limit an organization's and individual's exposure to risk. More detailed guidelines for party planning are available in the Leadership Experience and Programs Office.

a) The College and/or host organizations reserve the right to deny entry to any event by individuals deemed intoxicated or under the influence.
b) Individuals may be asked to leave an event if they are overly intoxicated or
    a. disorderly.
c) If under 21 and if determined an individual has consumed alcohol, the individual.
    a. may not be allowed to attend a college sponsored event.

2. Students deemed intoxicated will be transported to Public Safety for a recovery period.
3. Whittier College personnel can ask a disruptive guest to leave an event and/or campus.
4. The Club and The Spot will serve as the only venue for the service of beer or wine for student-sponsored functions. No alcohol may be served or made available at student sponsored events in any other facility on campus. Alcohol service at student sponsored events off-campus will be approved on an individual basis by the Director of Student Activities.
5. Responsibilities of organizations and individuals who sponsor events on or off campus include:
   a) Arranging for security personnel or professional staff to check identification of those who wish to consume alcohol at the event.
   b) Not directly or indirectly selling alcoholic beverages (this includes charges or donations for such things as glasses, mixes, ice, and admission).
   c) Not serving minors.
   d) Not serving individuals who appear to be intoxicated.
   e) Maintaining absolute control of all alcohol present.

f) Prohibiting shots, drinking games, or other activities that encourage inappropriate drinking behaviors at the event.
g) Providing inviting non-alcoholic beverages throughout the duration of the event.
h) Providing substantial food items for the duration of the event.
i) Ending alcohol service, a minimum of one hour before the scheduled end of the event.
j) Assigning of non-drinking and sober members to monitor and regulate the event.
k) Insuring that advertisements, announcements, and other publicity do not directly or indirectly advertise the availability of alcohol.
l) Arranging for security personnel to provide crowd control at the event. The LEAP Office must approve the number of security personnel hired to work the event.
m) Providing wristbands for use by those over the age of 21 who wish to consume alcohol at the event.
n) Utilizing cups for beer or wine service that are up to ten ounces each and can be easily distinguished from cups used for alcohol-free beverages.

Drug-Free Schools and Communities Act

It is the policy of Whittier College to promote a safe, healthy, and productive environment for all students and employees, including faculty and staff.

The Drug Free Schools and Communities Act Amendments of 1989 require that as a condition of receiving funds or any other form of financial assistance under any federal program, Whittier College must certify that it has adopted and implemented a program to prevent the unlawful possession, use, or distribution of illicit drugs and alcohol by students and employees.

Whittier College presents the following information for students' knowledge and in promotion of healthy lifestyles:

A. Student and Employee Policies and Conduct

- Students: Policies prohibiting the unlawful possession, use, and distribution of drugs and alcohol and penalties for violation of these policies by undergraduate students are outlined in the Code of Students' Rights and Responsibilities.
- Employees: Policies preventing the unlawful possession, use, and distribution of drugs and alcohol by employees are outlined in the College Employee Handbook and administered by the Director of Human Resources.

B. Drug or Alcohol Counseling and Treatment

The College offers numerous health education seminars, workshops, and events annually in which students are encouraged to participate. Additionally, personal counseling is available through Counseling Services, located in Haverhill A. Medical services are available through Student Health and Wellness Center. Students are strongly encouraged to seek resource help for drug and alcohol problems, through Counseling Services, Student Health and Wellness Center, the Alhambra Behavioral Health Services, or by calling the Los Angeles County Alcohol and Drug Program Administrators numbers listed here.

- Counseling Service, Ext. 4239
- Student Health and Wellness Center Ext. 4400

- Alhambra Behavioral Health Center, (626) 286-1191 Ext. 268
- L.A. County Drug & Alcohol Program, (213) 626-6411

C. Controlled Substances - Uses & Effects

Narcotics: Such as opium, morphine, codeine, heroin, and methadone;
Possible effects: Euphoria, drowsiness, respiratory depression, constricted pupils, nausea
Effects of overdose: Slow and shallow breathing, clammy skin, convulsions, coma, possible death
Withdrawal syndrome: Watery eyes, runny nose, yawning, loss of appetite, irritability, tremors, panic, cramps, nausea, chills, and sweating

Depressants: Such as barbiturates, benzodiazepines, chloral hydrate, and Rohypnol;
Possible effects: Slurred speech, disorientation, drunken behavior without odor of alcohol
Effects of overdose: Shallow respiration, clammy skin, dilated pupils, weak and rapid pulse, coma, possible death
Withdrawal syndrome: Anxiety, insomnia, tremors, delirium, convulsions, possible death

Stimulants: Such as amphetamines, cocaine, gamma hydroxybutyrate (GHB);
Possible effects: Increased alertness, excitation, euphoria, increased pulse rate and blood pressure, insomnia, loss of appetite
Effects of overdose: Agitation, increase in body temperature, hallucinations, convulsions, possible death
Withdrawal syndrome: Apathy, long periods of sleep, irritability, depression, disorientation

Hallucinogens: Such as amphetamine variants, LSD, mescaline and peyote, MDMA (Ecstasy), Ketamine);
Possible effects: Illusions and hallucinations, poor perception of time and distance
Effects of overdose: Longer, more intense “trip” episodes, psychosis, possible death
Withdrawal syndrome: Not reported

Cannabis: Such as hashish and marijuana;
Possible effects: Euphoria, relaxed inhibitions, increased appetite, disoriented behavior
Effects of overdose: Fatigue, paranoia, possible psychosis
Withdrawal syndrome: Insomnia, hyperactivity, and decreased appetite occasionally reported

D. Federal Penalties and Sanctions for Illegal Possession of a Controlled Substance

- 1st conviction: Up to 1-year imprisonment and fine of at least $1000 but not more than $100,000 or both.
- After first drug conviction: At least 15 days in prison, not to exceed 3 conviction years and fine of at least $2500 but not more than $250,000 or both.
- After second drug conviction: At least 90 days in prison, not to exceed 3 years and fine of at least $5000 but not more than $250,000 or both.

- Special sentencing: At least 5 years in prison, not to exceed 20 years and fine of provisions up to $250,000 or both for possession of crack cocaine.

Other penalties:

- Forfeiture of personal and real property used to possess or to facilitate possession of a controlled substance if that offense is punishable by more than 1-year imprisonment.
- Forfeiture of vehicles, boats, aircraft, or any other conveyance used to transport or conceal a controlled substance.
- Civil fine of up to $10,000.
- Denial of federal benefits, such as student loans, grants, contracts, and professional and commercial licenses, for up to 1 year for the first offense, and up to 5 years for second and subsequent offenses.
- Ineligibility to receive or purchase a firearm.
- Revocation of certain federal licenses and benefits, e.g. pilot licenses, public housing tenancy, etc. are vested within the authorities of individual federal agencies.

E. State Laws, Regulations, and Sanctions

California state laws and regulations regarding alcoholic beverages are found in the California State Constitution, the California State Business and Professional Code, and the California State Penal Code. Violations of these laws and regulations are punishable by fines and imprisonment. Where vehicles are involved, violations may be additionally punishable by loss of driving privileges.

California state laws on drug abuse provide for stringent penalties for illegal possession, sale, transportation, or administration of any narcotic drug, more stringent penalties for those convicted of previous narcotics offenses than for first-time offenders, and extremely stringent penalties for those who in any way involve minors in the use of narcotics. A person is subject to prosecution also if he or she illegally uses or is under the influence of narcotics, or if he or she knowingly visits a place where illegal narcotic use is occurring. Marijuana is covered by similar laws and there is an additional prohibition against the cultivation or processing of this drug in the state.

Barbiturates and amphetamines, called “restricted dangerous drugs” in the California Narcotic Act, are similarly covered; penalties for those convicted of illegal possession, sale, transportation, or administration of these drugs are severe. LSD and related hallucinogenic drugs are also on the list of dangerous restricted drugs and their use for other than authorized research is prohibited by California law.

A criminal record as a drug user, or even an arrest record for narcotics law violation, may cause serious, long-range harm to the user of drugs by barring employment or educational opportunities where both the criminal record and the label of “drug user” may preclude his or her consideration.

The same act or series of acts, under appropriate circumstances, can subject the offender to separate prosecution under federal, state, and local laws.

In addition to the penalties mentioned above, upon conviction the court may require payment of restitution, performance of community service work, participation in counseling or other treatment programs, and/or the imposition of appropriate restrictive conditions.

Conviction of a second or subsequent DUI, or for trafficking in controlled substances, may result in forfeiture of motor vehicle, aircraft, or watercraft used in the commission of the offense.

Criminal conviction does not relieve the offender of any civil liability for damages which resulted from the same act, or series of acts.

Amnesty Policy

Through its Amnesty Policy, Whittier College encourages its students to seek and/or call for assistance for themselves or others when someone is in need of help.

Medical Amnesty

Students are encouraged to call for assistance for individuals who are overly intoxicated and are in need of medical assistance. Amnesty is available to the student calling as well as the student needing assistance. A call for assistance should be made promptly because the health, safety and well-being of the student that is potentially in danger is paramount. A call for assistance may be directed to Whittier Public Safety, a local police officer or agency (such as Whittier Police Department or by calling 911), the Area Director On-Call (ADOC) or in the residence halls, the CA. Whittier's goal through this amnesty policy is to reduce barriers and alleviate potential consequences to ensure that our students seek the appropriate and necessary assistance. A student for whom a call for assistance is made will not be subject to official sanctions and conduct record under the student conduct process, nor will the individual who made the call. Likewise, when leadership of a recognized student organization makes a call for assistance for a student or a guest attending the organization's function, the organization will not be subject to university code of conduct sanctions, nor will the student who made the call.

While not resulting in official sanctions, a call for assistance under this policy may result in educational outcomes including, but are not limited to:

- Referral for alcohol assessment to be completed within 35 days.
- Parental, guardian or emergency contact notification.
- Educational opportunities to assist in avoiding future high risk situations.
- A summary report of the incident to be included in the student's or student organization's file.

Important Information Regarding Amnesty

If a student is repeatedly the subject of calls for assistance, there may be additional consequences as a result of the College's increased concern for that student, including additional counseling sessions, educational follow up with university administrators and/or a full behavioral

assessment which may lead to a university mandated leave of absence. Failure to complete appointments or follow-up as prescribed by a College official could result in the revocation of amnesty for the student or organization in question and standard College sanctions could apply. Amnesty does not prevent the filing of criminal charges. Amnesty may not apply to students who persistently refuse to cooperate with medical, law enforcement or College personnel at the time of initial contact. A student organization that fails to seek assistance for a member or guest in need at its function or on its controlled property may be charged with violations of the Student Code of Conduct. It is paramount that organizations seek assistance in any emergency situation. This policy applies only to those students or organizations seeking emergency medical assistance in connection with an alcohol-related medical emergency and does not apply to individuals experiencing an alcohol-related medical emergency who are found by College employees (i.e. Public Safety Officers, faculty, administrative staff, and residence hall staff including CA's).

Sexual Misconduct

The College encourages the reporting of all Student Code of Conduct violations, especially sexual misconduct. Sometimes, victims/survivors 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. It is in the best interest of this community that as many victims as possible choose to report to College officials.

1. For Victims/Survivors: To encourage reporting, the college pursues a policy of offering victims, especially victims of sexual misconduct limited immunity from being charged for policy violations related to the incident.
2. For Those Who Offer Assistance (Good Samaritans): At the discretion of the conduct officer, amnesty may also be extended on a case-by-case basis to the person providing assistance.
3. For Those Who Report Serious Violations: Students who are engaged in minor violations but who choose to bring related serious violations by others to the attention of the College may also be extended on a case-by-case basis amnesty for 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 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 processes will be initiated.

Whittier College: Title IX, Equal Opportunity, Harassment, and Nondiscrimination Policy for All Faculty, Students, Employees, and Third Parties

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 and respectful community in which students, faculty, staff, and administrators can pursue their education and work free from harassment, coercion, intimidation, and exploitation. To accomplish this goal, the College will not tolerate discrimination, including discrimination based on sex and sexual harassment (as defined below).

Scope of Policy

The College's Title IX, Equal Opportunity, Harassment, and Nondiscrimination Policy (the "Policy") applies to all faculty, staff, administrators, students, volunteers, vendors, independent contractors, visitors, and individuals employed, studying, living, or working at Whittier College. The College's primary concern is student and employee safety, and the core purpose of this policy, is the prohibition of all forms of discrimination. This Policy may also be referred to as the 2020 Title IX and Nondiscrimination Policy. This Policy is applicable to alleged incidents of sexual harassment and other forms of prohibited conduct under this Policy. The procedures outlined herein are designed to ensure compliance with the U.S. Department of Education's Title IX regulations (34 C.F.R. Part 106). The College is committed to providing an educational and employment environment that is free from discrimination based on protected characteristics, harassment, and retaliation for engaging in protected activity. To ensure compliance with federal and state civil rights laws and regulations, and to affirm its commitment to promoting the goals of fairness and equity in all aspects of the educational program or activity, the College has developed policies and procedures that provide a prompt, fair, and impartial resolution of allegations of protected characteristic discrimination, harassment, or retaliation. The College values and upholds the equal dignity of all members of its community and strives to balance the rights of the Parties in the grievance process during what is often a difficult time for all those involved.

The College uses a preponderance of the evidence (i.e., more likely than not) standard in any proceedings under this Policy, including any fact-finding and hearings.

Definitions

- ***Advisor*** means a person chosen by a party or appointed by the institution to accompany the party to meetings related to the Resolution Process, to advise the party on that process, and to conduct questioning for the party at the hearing, if any. Whittier has a pool of trained personnel that can be appointed to serve as a Party's advisor, upon request.
- ***Appeal Decision-maker*** means the person or panel who accepts or rejects a submitted appeal request, determines whether an error occurred that substantially affected the investigation or original determination, and directs corrective action, accordingly.
- ***Complainant*** means an individual who is alleged to be the victim of conduct that could constitute harassment or discrimination based on a protected characteristic, or retaliation for engaging in a protected activity.
- ***Confidential Resource*** means an employee who is not a Mandated Reporter of notice of harassment, discrimination, and/or retaliation (irrespective of Clery Act Campus Security Authority status).
- ***Day*** means a business day when the College is in normal operation.

- ***Decision-maker*** means the person or panel who hears evidence, determines relevance, and makes the Final Determination of whether this Policy has been violated and/or assigns sanctions.
- ***Directly Related Evidence*** is evidence connected to the complaint, but which is neither inculpatory (tending to prove a violation) nor exculpatory (tending to disprove a violation) and cannot be relied upon by the Decision-maker(s). Compare to Relevant Evidence, below.
- ***Education Program or Activity*** means locations, events, or circumstances where College exercises substantial control over both the Respondent and the context in which the harassment, discrimination, and/or retaliation occurs and also includes any building owned or controlled by a student organization that is officially recognized by the College.
- ***Final Determination*** is a conclusion by the preponderance of the evidence that the alleged conduct did or did not violate policy.
- ***Finding*** is a conclusion by the preponderance of the evidence that the conduct did or did not occur as alleged (as in a "finding of fact").
- ***Formal Complaint*** means a document submitted or signed by a Complainant or signed by the Title IX Coordinator alleging a Respondent engaged in harassment or discrimination based on a protected characteristic or retaliation for engaging in a protected activity and requesting that the College investigate the allegation(s).
- ***Formal Grievance Process*** means "Process A," a method of formal resolution designated by the College to address conduct that falls within the policies included below, and which complies with the requirements of the Title IX regulations (34 C.F.R. § 106.45), the Violence Against Women Act § 304, and California SB 493.
- ***Grievance Process Pool*** includes any Investigators, Hearing Decision-makers, Appeal Decision-makers, and Advisors who may perform any or all of these roles (though not at the same time or with respect to the same complaint).
- ***Informal Resolution*** a complaint resolution agreed to by the Parties and approved by the Title IX Coordinator that occurs prior to a formal Final Determination being reached.
- ***Investigator*** means the person(s) authorized by the College to gather facts about an alleged violation of this Policy, assess relevance and credibility, synthesize the evidence, and compile this information into an investigation report of Relevant Evidence and a file of Directly Related Evidence.
- ***Mandated Reporter*** means a College employee who is obligated by policy to share knowledge, notice, and/or reports of harassment, discrimination, and/or retaliation with the Title IX Coordinator.
- ***Notice*** means that an employee, student, or third party informs the Title IX Coordinator or other Official with Authority of the alleged occurrence of harassing, discriminatory, and/or retaliatory conduct.
- ***Official with Authority (OWA)*** means a College employee who has responsibility to implement corrective measures for harassment, discrimination, and/or retaliation on behalf of the College.
- ***Process A*** means the Formal Grievance Process detailed below and defined above.
- ***Process B*** means the administrative resolution procedure detailed below that only applies when Process A does not, as determined by the Title IX Coordinator.

- ***Parties*** means the Complainant(s) and Respondent(s), collectively.
- ***College*** means Whittier College.
- ***Relevant Evidence*** is evidence that tends to prove (inculpatory) or disprove (exculpatory) an issue in the complaint.
- ***Remedies*** are post-Final Determination actions directed to the Complainant and/or the community as mechanisms to address safety, prevent recurrence, and restore access to the College's education program.
- ***Respondent*** means an individual who has been reported to be the perpetrator of conduct that could constitute harassment or discrimination based on a protected characteristic, or retaliation for engaging in a protected activity under this Policy.
- ***Responsible Employee*** means an employee who has the authority to take action to redress sexual harassment or provide supportive measures to students, or who has the duty to report sexual harassment to an appropriate school official who has that authority. Also known as a mandated reporter.
- ***Resolution*** means the result of an Informal Resolution or Formal Grievance Process.
- ***Sanction*** means a consequence imposed on a Respondent who is found to have violated this Policy.
- ***Sexual Harassment*** is an umbrella category including the offenses of sexual harassment, sexual assault, stalking, dating violence, and domestic violence.
- ***Student*** means any individual who has accepted an offer of admission, or who is registered or enrolled for credit or non-credit bearing coursework, and who maintains an ongoing educational relationship with the College.
- ***Title IX Coordinator*** is at least one official designated by the College to ensure compliance with Title IX and the College's Title IX program. References to the Coordinator throughout this policy may also encompass a designee of the Coordinator for specific tasks.
- ***Title IX Team*** refers to the Title IX Coordinator, any deputy coordinators, and any member of the Grievance Process Pool.

Dissemination

The College provides this policy and procedures on its website and in each handbook or catalog provided to applicants for admission and employment, students, employees, and all unions or professional organizations holding collective bargaining agreements with the College. The College also provides this policy and procedures to each volunteer who regularly interacts with students and each individual or entity under contract with the College to perform any service involving regular interaction with students at the institution.

The College provides training to all employees on the identification of sexual harassment, including the person to whom it should be reported.

Title IX Coordinator and Nondiscrimination Team Contacts

The College has appointed the Nondiscrimination Team, comprised of the following individual(s), to coordinate the College's compliance with federal, state, and local civil rights laws and ordinances:

For discrimination and harassment allegations, including sex discrimination and sex-based harassment allegations:[1]

Title IX Coordinator

The Title IX Coordinator has the primary responsibility for coordinating College's efforts related to the intake, investigation, resolution, and implementation of supportive measures to stop, remedy, and prevent discrimination, harassment, and retaliation prohibited under this Policy. The Title IX Coordinator understands how the institution's grievance procedures operate and has received training. Complaints or notice of alleged policy violations may be made internally to:

Title IX Coordinator
Office of Dean of Students
Location/Address: Whittier College Campus Inn,
148- 13406 E. Philadelphia St. Whittier, CA 90608
Phone: (562) 907 - 5028
Email: titleix@whittier.edu
Web: https://www.whittier.edu/policies/sexualmisconduct

Vice President, Chief Administrative Officer
Deputy Title IX Coordinator
Mendenhall, First Floor
(562) 907-4830

Vice President for Academic Affairs,
Deputy Title IX Coordinator
Mendenhall, First Floor
(562) 907 – 4204

Director of Campus Safety
7022 Haverhill Park Rd,
Whittier, CA 90602
(562) 907 – 4211

Collectively, these individuals are responsible for providing comprehensive nondiscrimination education and training; coordinating the College's timely, thorough, and fair response, investigation, and resolution of all alleged prohibited conduct under this Policy; and monitoring the effectiveness of this Policy and related procedures to ensure an education and employment environment free from discrimination, harassment, and retaliation.

Whittier recognizes that allegations under this Policy may include multiple forms of discrimination and harassment as well as violations of other Whittier policies; may involve various combinations of students, employees, and other members of the College community; and may require the simultaneous attention of multiple Whittier departments. Accordingly, all Whittier departments will share information, combine efforts, and otherwise collaborate, to the maximum extent permitted by law and consistent with other applicable Whittier policies, to provide uniform, consistent, efficient, and effective responses to alleged discrimination, harassment, or retaliation.

Independence and Conflict of Interest

The Title IX Coordinator manages the Nondiscrimination Team and acts with independence and authority free from bias and conflicts of interest. The Title IX Coordinator oversees all resolutions under this Policy and these procedures. The members of the Resolution Pool are vetted and trained to ensure they are not biased for or against any party in a specific Complaint, or for or against Complainants and/or Respondents, generally.

To raise any concern involving bias, conflict of interest, misconduct, or discrimination by the Title IX Coordinator, contact:
College President
Kristine E. Dillon, Ph.D.
(562) 907 - 4201
president@whittier.edu

Concerns of bias, misconduct, discrimination, or a potential conflict of interest by any other Title IX Team member should be raised with the Title IX Coordinator.

Administrative Contact Information

Complaints or notice of alleged policy violations, or inquiries about or concerns regarding this Policy and procedures, may be made internally to:

Title IX Coordinator
Office of Dean of Students
Location/Address: Whittier College Campus Inn, 148 - 13406 E. Philadelphia St. Whittier, CA 90608 Phone: (562) 907 - 5028
Email: vgonzal7@whittier.edu
Web: https://www.whittier.edu/policies/sexualmisconduct

The College has determined that the above-listed administrators are Officials with Authority to address and correct harassment, discrimination, and/or retaliation. Complaints or notice of alleged policy violations, or inquiries about or concerns regarding this policy and procedures, may be made to any of those who are listed. In addition, all other Senior Administrators at Whittier College are Officials with Authority.

The College has also classified faculty, staff, and student employees when working as Mandated

Reporters who are obligated to report harassment, discrimination, and/or retaliation to the officials listed above. The section below on Mandated Reporting details which students and employees have this responsibility and their duties, accordingly.

Inquiries may be made externally to: Office for Civil Rights (OCR)
U.S. Department of Education 400 Maryland Avenue, SW Washington, D.C. 20202-1100
Customer Service Hotline: (800) 421-3481
Facsimile: (202) 453-6012
TDD: (877) 521-2172
Email: OCR@ed.gov
Web: http://www.ed.gov/ocr

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

U.S. Department of Health and Human Services Office for Civil Rights 200 Independence Avenue, S.W. Room 509F HHH Bldg.
Washington, D.C. 20201
Email: OCRComplaint@hhs.gov
Housing Discrimination Hotline: (800) 699-9777

For Complaints related to NASA Grants: Director, EO Complaints and Programs NASA Headquarters
Office of Diversity and Equal Opportunity 300 E St. SW
Rm. 6P83
Washington, DC 20546

For Complaints involving employee-on-employee conduct:
The Equal Employment Opportunity Commission (EEOC) Oakland Branch of the San Francisco EEOC Office
1301 Clay Street Suite 680-N
Oakland, CA 94612-5217
Telephone: 1-800-669-4000
Facsimile: 510-637-3235
TTY: 1-800-669-6820
ASL Video Phone: 844-234-5122

Notice/Complaints of Discrimination, Harassment, and/or Retaliation

A Report provides notice to the Recipient of an allegation or concern about discrimination, harassment, or retaliation and provides an opportunity for the Administrator to provide information, resources, and supportive measures.

A Formal Complaint provides notice to the College that the Complainant would like to initiate an investigation or other appropriate resolution procedures. A person may initially make a Report and may decide at a later time to make a Formal Complaint. Reports or Formal Complaints of discrimination, harassment, and/or retaliation may be made using any of the following options:

1. File a report or Formal Complaint with, or give verbal notice to, the Title IX Coordinator or to any member of the Nondiscrimination Team. Such a report or Formal Complaint may be made at any time (including during nonbusiness hours) by using the contact information listed above for the Title IX Coordinator or any other official listed in this Policy. Report online at: https://www.whittier.edu/titleix/reporting
2. Anonymous reports are accepted but the Report may give rise to a need to try to determinate the Parties' identities. Anonymous reports typically limit the College's ability to investigate, respond, and provide remedies, depending upon what information is shared. Measures intended to protect the community or redress or mitigate harm may be enacted. It may also not be possible to provide supportive measures to Complainants who are the subject of anonymous reports.

As used in this Policy, the term "Formal Complaint" means a document or electronic submission (such as by electronic mail or through an online portal provided by College for this purpose) that contains the Complainant's physical or digital signature, or otherwise indicates that the Complainant is the person filing the complaint, and requests that the College investigate the allegations. If notice is submitted in a form that does not meet this standard, the Title IX Coordinator will contact the Complainant to ensure that it is filed correctly.

Obtaining Help and Support

When feasible, the College will enter into memoranda of understanding, agreements, or collaborative partnerships with institutional and community-based organizations to assist and/or provide services to Complainants and Respondents. This includes referrals and services related to counseling, health, mental health, advocacy, and legal resources. For information on any memoranda that are in place, please contact the Title IX Coordinator.

Prevention and Outreach Programs

The College has implemented comprehensive prevention and outreach programs to address issues of sexual harassment, sexual violence, domestic violence, dating violence, and stalking. These programs include, but are not limited to, information about the College's policies and procedures, rights and responsibilities, the practical implications of an affirmative consent standard, empowerment programming, awareness raising campaigns, primary prevention, bystander intervention, and risk reduction programs. Prevention and outreach programs are included as part of incoming student and new employee orientation. In addition, all employees must complete

ongoing prevention and intervention training and education.

Supportive Measures

The College will offer and implement appropriate and reasonable supportive measures to the Parties upon Notice of alleged discrimination, harassment, and/or retaliation. Supportive measures are non- disciplinary, non-punitive individualized services offered as appropriate and as reasonably available. They are offered, without fee or charge to the Parties, to restore or preserve access to the College's education program or activity, including measures designed to protect the safety of all parties and/or the College's educational environment and/or to deter discrimination, harassment, and/or retaliation.

The Title IX Coordinator promptly makes supportive measures available to the Parties upon receiving notice or a Formal Complaint. At the time that supportive measures are offered, if a Formal Complaint has not been filed, the College will inform the Complainant, in writing, that they may a file a Formal Complaint with the College either at that time or in the future. The Title IX Coordinator will work with a party to ensure that their wishes are considered with respect to any planned and implemented supportive measures.

The College will maintain the confidentiality of the supportive measures, provided that confidentiality does not impair the College's ability to provide those supportive measures. The College will act to ensure as minimal an academic/occupational impact on the Parties as possible. The College will implement measures in a way that does not unreasonably burden the other party.

These actions may include, but are not limited to:

- Referral to counseling, medical, and/or other healthcare services
- Referral to the Employee Assistance Program
- Referral to community-based service providers
- Visa and immigration assistance
- Student financial aid counseling
- Education to the institutional community or community subgroup(s)
- Altering campus housing assignment(s)
- Altering work arrangements for employees or student-employees
- Safety planning
- Providing campus safety escorts
- Providing transportation assistance
- Implementing contact limitations (no contact orders) between the parties
- Academic support, extensions of deadlines, or other course/program-related adjustments
- Trespass, Persona Non Grata (PNG), or Be-On-the-Lookout (BOLO) orders
- Class schedule modifications, withdrawals, or leaves of absence
- Increased security and monitoring of certain areas of the campus
- Any other actions deemed appropriate by the Title IX Coordinator

When requested by a Complainant or otherwise determined to be appropriate, the College will issue a no-contact directive prohibiting the Respondent from contacting the Complainant during

the pendency of the investigation. The institution will not issue a mutual no-contact directive automatically, but instead will consider the specific circumstances of each situation to determine whether a mutual no contact directive is necessary or justifiable to protect the non-complaining party's safety or well-being, or to respond to interference with an investigation. A no-contact directive issued after a decision of responsibility has been made as a remedy will be unilateral and only apply against the party found responsible.

Upon the issuance of a mutual no-contact directive, the institution will provide the parties with a written justification for the directive and an explanation of the terms of the directive.

Violations of no contact orders or other restrictions may be referred to appropriate student or employee conduct processes for enforcement or added as collateral misconduct allegations to an ongoing complaint under this Policy.

Emergency Removal

The College can act to remove a student Respondent accused of Sexual Harassment from its education program or activities, partially or entirely, on an emergency basis when an individualized safety and risk analysis has determined that an immediate threat to the physical health or safety of any student or other individual justifies removal. This risk analysis is performed by the Title IX Coordinator and may be in done in conjunction with the CARE team using its standard objective violence risk assessment procedures. Employees are subject to existing procedures for interim actions and leaves. Students accused of misconduct other than Sexual Harassment may be subject to interim suspension for safety reasons, as outlined in the Student Code of Conduct.

Once the College has received notice or a Formal Complaint, all allegations are promptly acted upon. Complaints typically take 60-90 business days to resolve. There are always exceptions and extenuating circumstances that can cause a resolution to take longer, but the College will avoid all undue delays within its control.
Any time the general timeframes for resolution outlined in the College procedures will be delayed, the College will provide written notice to the parties of the delay, the cause for the delay, and an estimate of the anticipated additional time that will be needed as a result of the delay.

Confidentiality/Privacy

The College makes every effort to preserve the Parties' privacy. The College will not share the identity of any individual who has made a Complaint of discrimination, harassment, or retaliation; any Complainant; any individual who has been reported to be the perpetrator of discrimination, harassment, or retaliation; any Respondent; or any witness, except as permitted by, or to fulfill the purposes of, applicable laws and regulations (e.g., Title IX), Family Educational Rights and Privacy Acts (FERPA) and its implementing regulations, or as required by law; including any investigation or resolution proceeding arising under these policies and procedures.

Jurisdiction

This Policy applies to the College's education program and activities,[4] to conduct that takes place on property owned or controlled by the College, at College-sponsored events, and in buildings owned or controlled by the College's recognized student organizations.

This Policy may also apply to the effects of off-campus misconduct that effectively limit or deny a person's access Whittier's education program or activities. The College will extend jurisdiction to off- campus and/or to online conduct when the conduct affects a substantial College interest.

A substantial College interest includes:

- Any action that constitutes a criminal offense as defined by law. This includes, but is not limited to, single or repeat violations of any local, state, or federal law.
- Any situation in which it is determined that the Respondent poses an immediate threat to the physical health or safety of any student, employee, or other individual.
- Any situation that significantly impinges upon the rights, property, or achievements of others, significantly breaches the peace, and/or causes social disorder.
- Any situation that substantially interferes with the educational interests or mission of the College.
- Any complaint alleging sexual harassment that could contribute to a hostile educational environment or interfere with a student's access to education.[5]

For disciplinary action to be issued under this Policy, the Respondent must be a Whittier faculty member, student, or employee at the time of the Formal Complaint. If the Respondent is unknown or is not a member of the College community, the Title IX Coordinator will assist the Complainant in identifying appropriate institutional and local resources and support options and will implement appropriate supportive measures and/or remedial actions (e.g., trespassing a person from campus). If criminal conduct is alleged, the College can also assist in contacting local or institutional law enforcement if the individual would like to file a police report about criminal conduct.

All vendors serving the College through third-party contracts are subject to the policies and procedures of their employers, and/or to these Policies and procedures to which their employer has agreed to be bound by their contracts.

When a party is participating in a dual enrollment/early college/summer bridge program, the College will coordinate with the party's home institution to determine jurisdiction and coordinate providing supportive measures and responding to the complaint under the appropriate policy and procedures based on the allegations and identities of the Parties.
When the Respondent is enrolled in or employed by another institution, the Title IX Coordinator can assist the Complainant in contacting the appropriate individual at that institution, as it may be possible to pursue action under that institution's policies.

Similarly, the Title IX Coordinator may be able to assist and support a student or employee Complainant who experiences discrimination in an externship, study abroad program, or other environment external to the College where sexual harassment or nondiscrimination policies and procedures of the facilitating or host organization may give the Complainant recourse. If there are effects of that external conduct that impact a student or employee's work or educational environment, those effects can often be addressed remedially by the Title IX Coordinator if brought to their attention.

Time Limits on Reporting

There is no time limitation on providing notice/complaints to the Title IX Coordinator. However, if the Respondent is no longer subject to the College's jurisdiction and/or significant time has passed, the ability to investigate, respond, and/or provide remedies may be more limited or impossible. Acting on notice/complaints significantly impacted by the passage of time (including, but not limited to, the rescission or revision of policy) is at the discretion of the Title IX Coordinator, who may document allegations for future reference, offer supportive measures and/or remedies, and/or engage in informal or formal action, as appropriate.

Acting on Notice/Formal Complaints significantly impacted by the passage of time (including, but not limited to, the recission or revision of Policy) is at the Title IX Coordinator's discretion' they may document allegations for future reference, offer supportive measures and/or remedies, and/or engage in informal or formal action, as appropriate.

Online Harassment and Misconduct

The College policies are written and interpreted broadly to include online manifestations of any of the behaviors prohibited below, when those behaviors occur in or have an effect on the College's education program and activities or when they involve the use of College networks, technology, or equipment.
Although the College may not control websites, social media, and other venues through which harassing communications are made, when such communications are reported to the College, it will engage in a variety of means to address and mitigate the effects.

Members of the community are encouraged to be good digital citizens and to refrain from online misconduct, such as feeding anonymous gossip sites; sharing inappropriate content via social media; unwelcome sexual or sex-based messaging; distributing, or threatening to distribute, nude or seminude photos or recordings; breaches of privacy; or otherwise using the ease of transmission and/or anonymity of the Internet or other technology to harm another member of the College community.

Nothing in this Policy is intended to infringe upon or limit a person's rights to free speech. Any online posting or other electronic communication by students, including technology-facilitated bullying, stalking, harassment, etc., occurring completely outside of the College's control (e.g., not on Whittier networks, websites, or between Whittier email accounts) will only be subject to this Policy when such online conduct can be shown to cause (or will likely cause) a substantial in-program disruption or infringement on/harm to the rights of others. Otherwise, such

communications are considered speech protected by the First Amendment. Supportive measures for Complainants will be provided.

Off-campus harassing speech by employees, whether online or in person, may be regulated by the College only when such speech is made in an employee's official or work-related capacity.

Policy on Nondiscrimination

The College seeks to comply with all federal, state, and local laws and regulations, and ordinances prohibiting discrimination in private post-secondary education institutions.
The College does not discriminate against any employee, applicant for employment, student, or applicant for admission on the basis of:

- Race
- Religion
- Hearing status
- Personal appearance
- Color
- Sex
- Pregnancy
- Political affiliation
- Source of income
- Place of business
- Residence
- Religion
- Creed
- Ethnicity
- National origin (including ancestry)
- Citizenship status
- Physical or mental disability (including perceived disability)
- Age
- Marital status
- Family responsibilities
- Sexual orientation
- Gender identity
- Gender expression
- Veteran or military status (including disabled veteran; recently separated veteran; active-duty, wartime, or campaign badge veteran; and Armed Forces Service Medal veteran)
- Predisposing genetic characteristics
- Domestic violence victim status
- Height
- Weight
- or any other protected characteristic under applicable local, state, or federal law, including protections for those opposing discrimination or participating in any grievance process within the institution, with the Equal Employment Opportunity

Commission, and/or other human/civil rights agencies

This Policy covers nondiscrimination regarding access to educational opportunities. Therefore, any member of the College community whose acts deny, deprive, or limit the educational access, benefits, and/or opportunities of any member of the College community, guest, or visitor on the basis of that person's actual or perceived protected characteristics listed above, is in violation of the College's Nondiscrimination Policy.

Whittier will promptly and effectively address any such discrimination of which it has Knowledge/Notice using the resolution process in the Title IX and Nondiscrimination Procedures.

Inclusion Related to Gender Identity/Expression

The College strives to ensure that all individuals are safe, included, and respected in their education and employment environments, regardless of their gender identity or expression, including intersex, nonbinary, transgender, agender, two-spirit, and gender diverse students and employees.

Discrimination on the basis of gender identity or expression is not tolerated by the College. If a member of the College community feels they have been subjected to discrimination under this Policy, they should follow the appropriate reporting/Formal Complaint process described above. In upholding the principles of equity and inclusion, the College supports the full integration and healthy development of those who are transgender, transitioning, or gender diverse, and seeks to eliminate any stigma related to gender identity and expression.

The College is committed to fostering a climate where all identities are valued and create a more vibrant and diverse community. The purpose of this Policy is to have the College administratively address issues some students and employees, including those identifying as intersex, transgender, agender, and gender diverse, may confront as they navigate systems originally designed around the assumption that gender is binary. As our society's understanding of gender evolves, so do the College's processes and policies.

Concepts like misgendering and deadnaming may not be familiar to all but understanding them is essential to College's goal of being as welcoming and inclusive a community as possible. Misgendering is the intentional or unintentional use of pronouns or identifiers that are different from those used by an individual. Unintentional misgendering is usually resolved with a simple apology if someone clarifies their pronouns for you. Intentional misgendering is inconsistent with the type of community we hold ourselves out to be. We all get to determine our own gender identity and expression, but we don't get to choose or negate someone else's.

Deadnaming, along with misgendering, can be very traumatic to a person who is transgender, transitioning, or gender diverse. Deadnaming means using someone's birth-assigned (cisgender) name, rather than the name they have chosen.
To a person who is transgender, transitioning, or gender diverse, their cisgender identity may be

something that is in their past, dead, buried, and behind them. To then revive their deadname could trigger issues, traumas, and experiences of the past that the individual has moved past, or is moving past, and can interfere with their health and well-being.
Again, unintentional deadnaming can be addressed by a simple apology and an effort to use the person's chosen name. Intentional deadnaming could be a form of bullying, outing, or otherwise harassing an individual, and thus should be avoided.

This policy should be interpreted consistent with the goals of maximizing the inclusion of intersex, transgender, transitioning, agender, and gender diverse students and employees, including:

- Maintaining the privacy of all individuals consistent with law
- Ensuring all students equal access to educational programming, activities, and facilities, including restrooms and locker room.
- Ensuring all employees equal access to employment opportunities and work, service, or health-related facilities
- Providing professional development for employees and education for students on topics related to gender inclusion.
- Encouraging all students and employees to respect the pronoun usage and identities of all members of the College community.

The College has set forth its specific processes for implementing this Policy through the accompanying Title IX-related procedures.

Prohibited Conduct

Students and employees are entitled to an educational and employment environment that is free of discrimination, harassment, and retaliation. This Policy is not meant to inhibit or prohibit educational content or discussions inside or outside of the classroom that include germane, but controversial, or sensitive subject matters protected by academic freedom.

The sections below describe the specific forms of legally prohibited discrimination, harassment, and retaliation that are also prohibited under the College policy. When speech or conduct is protected by academic freedom and/ or the First Amendment, it will not be considered a violation of the College policy, though supportive measures will be offered to those impacted. All offense definitions encompass actual and/or attempted offenses.

Any of the following offenses can be charged as or combined as pattern offenses, in which case the Notice of Investigation and Allegation (NOIA) will clearly indicate that both individual incidents and a pattern of conduct are being investigated. A pattern may exist and be charged when there is a potential substantial similarity to incidents where the proof of one could make it more likely that the other(s) occurred, and vice versa. Patterns may exist based on target selection, similarity of offense, or other factors. Where a pattern is found, it can be the basis to enhance sanctions, accordingly.

Violation of any other College policies may constitute discrimination or harassment when

motivated by actual or perceived protected characteristic(s), and the result is a limitation or denial of employment or educational access, benefits, or opportunities.

Discrimination

Discrimination is different treatment with respect to a person's employment or participation in an education program or activity based, in whole or in part, upon the person's actual or perceived protected characteristic. Discrimination also includes allegations of a failure to provide reasonable accommodations as required by law or policy, such as for disability, religion, or creed.

Discrimination can take two primary forms:
Disparate Treatment Discrimination: Any intentional differential treatment of a person or persons that is based on a person's actual or perceived protected characteristic and that:

- Excludes a person from participation in;
- Denies the person benefits of; or
- Otherwise adversely affects a term or condition of a person's participation in a College program or activity.

Disparate Impact Discrimination: Disparate impact occurs when policies or practices that appear to be neutral unintentionally result in a disproportionate impact on a protected group or person that:

- Excludes a person from participation in;
- Denies the person benefits of; or
- Otherwise adversely affects a term or condition of a person's participation in a College program or activity.

Discriminatory Harassment

- unwelcome conduct on the basis of actual or perceived protected characteristic(s), that
- based on the totality of the circumstances,
- is subjectively and objectively offensive, and
- is so severe or pervasive,
- that it limits or denies a person's ability to participate in or benefit from the College's education program or activity

Sexual Harassment

The Department of Education's Office for Civil Rights (OCR), the Equal Employment Opportunity Commission (EEOC), and the State of California regard sexual harassment, a specific form of discriminatory harassment, as an unlawful discriminatory practice. Since the College provides student and/or faculty/staff housing, when the alleged sexual harassment occurs in a College-owned residence, then the HUD/FHA definition, which tracks the Title VII definition, will also apply.

Acts of sexual harassment may be committed by any person upon any other person, regardless of the sex, sexual orientation, and/or gender identity of those involved.

Whittier has adopted the following definitions of sexual harassment in order to address the unique environment of an academic community. Two definitions are required by federal law and one by state law. While they overlap, they are not identical, and they each apply as noted.

The College has adopted the following definitions of sexual harassment in order to address the unique environment of an academic community. Two definitions are required by federal law, and the other by state law. While they overlap, they are not identical, and they each apply as noted.

California Sexual Harassment Definition:

- unwelcome sexual advances, or
- requests for sexual favors, or
- other verbal, visual, or physical conduct of a sexual nature,
- made by someone from in the work or educational setting,
- under any of the following conditions:
    - submission to the conduct is explicitly or implicitly made a term or condition of an individual's employment, academic status, or progress, or
    - submission to, or reject of, the conduct by the individual is used as the basis of employment or academic decisions affecting the individual, or
    - the conduct has the purpose or effect of having a negative impact upon the individual's work or academic performance, or of creating an intimidating, hostile, or offensive work or educational environment, or
    - submission to, or rejection of, the conduct by the individual is used as the basis for any decision affecting the individual regarding benefits and services, honors, programs, or activities available at or through the educational institution

Acts of sexual harassment may be committed by any person upon any other person, regardless of the sex, sexual orientation, and/or gender identity of those involved.

Sexual Violence, defined by state law as:

- physical sexual acts,
    - Including rape and sexual battery
- perpetrated against a person without the person's affirmative consent.

Title VII/FHA Sexual Harassment applies to situations where an employee is subjected to workplace sexual harassment or where a situation involves a residential Complainant or guest/visitor in College-provided housing.

- Unwelcome verbal, written, graphic, and/or physical conduct;
- that is severe or pervasive and objectively offensive;
- on the basis of sex/gender, that
- unreasonably interferes with, limits, or effectively denies an individual's educational or employment access, benefits, or opportunities.

Title IX Sexual Harassment, as an umbrella category, includes the offenses of sexual harassment,

sexual assault, domestic violence, dating violence, and stalking. This definition applies to all Formal Complaints that fall within Title IX jurisdiction as determined by the Title IX Coordinator. Sexual Harassment includes:

Conduct on the basis of sex, or that is sexual in nature, that satisfies one or more of the following:
Quid Pro Quo:

- an employee of the College,
- explicitly or impliedly conditions the provision of an aid, benefit, or service of the College,
- on an individual's participation in unwelcome sexual conduct.

Sexual Harassment:

- unwelcome conduct,
- determined by a reasonable person,
- to be so severe, and
- pervasive, and,
- objectively offensive,
- that it effectively denies a Complainant equal access to the College's education program or activity.

Sexual Assault:

Rape:

- Penetration by the Respondent, no matter how slight,
- of the vagina or anus of the Complainant,
- with any body part or object, or
- oral penetration by Complainant of a sex organ of Respondent, or
- oral penetration of Complainant by a sex organ of Respondent,
- without the consent of the Complainant.

Fondling:

- The touching of the private body parts of the Complainant (buttocks, groin, breasts),
- for the purpose of sexual gratification,
- without the consent of the Complainant,
- including instances where the Complainant is incapable of giving consent because of their age or because of a temporary or permanent mental incapacity.

Incest:

- Sexual intercourse,
- between persons who are related to each other,
- within the degrees wherein marriage is prohibited by California law.

Statutory Rape:

- Sexual intercourse
- with a person who is under the age of consent as defined by California law. The California age of consent is 18 years old.

Dating Violence:

- Violence,
- on the basis of sex,
- committed by a person,

- who is in or has been in a social relationship of a romantic or intimate nature with the Complainant.

The existence of such a relationship shall be determined based on the Complainant's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For the purposes of this definition:

- Unwelcomeness is subjective and determined by the Complainant (except when the Complainant is younger than the age of consent).
- Severity, pervasiveness, and objective offensiveness are evaluated based on the totality of the circumstances from the perspective of a reasonable person in the same or similar circumstances ("in the shoes of the Complainant"), including the context in which the alleged incident occurred and any similar, previous patterns that may be evidenced.

This definition is broad enough to potentially encompass forms of sex-based disparate treatment, even if not harassing in nature. This would include having another person touch you sexually, forcibly, and/or without their consent.

In this policy, violence includes acting intentionally to harm someone, or with reckless disregard for their safety.

Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of domestic violence.

Domestic Violence:

- Violence (acting intentionally to harm someone, or with reckless disregard for their safety),
- on the basis of sex,
- committed by a current or former spouse or intimate partner of the Complainant,
- by a person with whom the Complainant shares a child in common, or
- by a person who is cohabitating with, or has cohabitated with, the Complainant as a spouse or intimate partner, or
- by a person similarly situated to a spouse of the Complainant under the domestic or family violence laws of California, or
- by any other person against an adult or youth Complainant who is protected from that person's acts under the domestic or family violence laws of California.

Stalking:

- engaging in a course of conduct,
- on the basis of sex,
- directed at the Complainant, that
  - would cause a reasonable person to fear for the person's safety, or
  - the safety of others; or
  - Suffer substantial emotional distress.

For the purposes of this definition—

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

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 offense under this Policy. The most serious offenses are likely to result in suspension/expulsion/termination.

Consent, Force, and Incapacitation

As used in this Policy, the following definitions and understandings apply:
Affirmative Consent is:

- knowing (conscious), and
- voluntary, and
- clear permission
- by word or action
- to engage in sexual activity.

Individuals may perceive and experience the same interaction in different ways. Therefore, it is the responsibility of each party to determine that the other has consented before engaging in the activity.

If consent is not clearly provided prior to engaging in the activity, consent may be ratified by word or action at some point during the interaction or thereafter, but clear communication from the outset is strongly encouraged.

For consent to be valid, there must be a clear expression in words or actions that the other individual consented to that specific sexual conduct. Consent is evaluated from the perspective of what a reasonable person would conclude are mutually understandable words or actions. Reasonable reciprocation can establish consent. For example, if someone kisses you, you can kiss them back (if you want to) without the need to explicitly obtain *their* consent to being kissed back.

Consent can also be withdrawn once given, as long as the withdrawal is reasonably and clearly communicated. If consent is withdrawn, that sexual activity should cease within a reasonably immediate time.

Silence or the absence of resistance alone should not be interpreted as consent. Consent is not

demonstrated by the absence of resistance. While resistance is not required or necessary, it is a clear demonstration of non-consent.

Consent to some sexual contact (such as kissing or fondling) cannot be presumed to be consent for other sexual activity (such as intercourse). A current or previous intimate relationship is not sufficient to constitute consent. If an individual expresses conditions on their willingness to consent (e.g., use of a condom) or limitations on the scope of their consent, those conditions and limitations must be respected. If a sexual partner shares the clear expectation for the use of a condom, or to avoid internal ejaculation, and those expectations are not honored, the failure to use a condom, removing a condom, or internal ejaculation can be considered acts of sexual assault.

Proof of consent or non-consent is not a burden placed on any party involved in a Formal Complaint. Instead, the burden remains on the College to determine whether its Policy has been violated. The existence of consent is based on the totality of the circumstances evaluated from the perspective of a reasonable person in the same or similar circumstances, including the context in which the alleged misconduct occurred and any similar and previous patterns that may be evidenced.

Going beyond the boundaries of consent is prohibited. Thus, unless a sexual partner has consented to slapping, hitting, hair pulling, strangulation, or other physical roughness during otherwise consensual sex, those acts may constitute dating violence or sexual assault.

Force: Force is the use of physical violence and/or physical imposition to gain sexual access. Force also includes threats, intimidation (implied threats), and coercion that is intended to overcome resistance or produce consent (e.g., “Have sex with me or I’ll hit you,” which elicits the response, “Okay, don’t hit me. I’ll do what you want.”).

Sexual activity that is forced is, by definition, non-consensual, but non-consensual sexual activity is not necessarily forced. Silence or the absence of resistance alone is not consent. Consent is not demonstrated by the absence of resistance. While resistance is not required or necessary, it is a clear demonstration of non-consent.

Coercion: Coercion is unreasonable pressure for sexual activity. Coercive conduct differs from seductive conduct based on factors such as the type and/or extent of the pressure used to obtain consent. When someone makes clear that they do not want to engage in certain sexual activity, 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.

Incapacitation: A person cannot consent if they are unable to understand what is happening or are disoriented, helpless, asleep, or unconscious for any reason, including due to alcohol or other drug consumption.

In the evaluation of complaints, it is not a valid defense that the Respondent believed that the Complainant affirmatively consented to the sexual activity if the Respondent knew or reasonably should have known that the Complainant was unable to consent to the sexual activity under any of the following circumstances:

1) The Complainant was asleep or unconscious.
2) The Complainant was incapacitated due to the influence of drugs, alcohol, or medication, so that the Complainant could not understand the fact, nature, or extent of the sexual activity.
3) The Complainant was unable to communicate due to a mental or physical condition.

Thus, it is a defense to a sexual assault policy violation that the Respondent neither knew nor should have known the Complainant to be physically or mentally incapacitated. "Should have known" is an objective, reasonable person standard that assumes that a reasonable person is both sober and exercising sound judgment. In the evaluation of complaints, it is not be a valid defense to alleged lack of affirmative consent that the Respondent believed that the Complainant consented to the sexual activity under either of the following circumstances:

1) The Respondent's belief in affirmative consent arose from the intoxication or recklessness of the Respondent.
2) The Respondent did not take reasonable steps, in the circumstances known to the Respondent at the time, to ascertain whether the Complainant affirmatively consented.

Incapacitation occurs when someone cannot make rational, reasonable decisions because they lack the capacity to give knowing/informed consent (e.g., to understand the "who, what, when, where, why, and how" of their sexual interaction).

Incapacitation is determined through consideration of all relevant indicators of an individual's state and is not synonymous with intoxication, impairment, blackout, and/or being drunk. This Policy also covers a person whose incapacity results from a temporary or permanent physical or mental health condition, involuntary physical restraint, and/or the consumption of incapacitating substances.

Other Prohibited Conduct

In addition to the forms of sexual harassment described above, which are covered by Title IX, the College additionally prohibits the following offenses as forms of discrimination that may be within or outside of Title IX when the act is based upon the Complainant's actual or perceived protected characteristic.

1) **Sexual Exploitation**, defined as:

- a person taking sexual advantage of another person,
- for the benefit of anyone other than that person,
- without that person's consent,

- including, but not limited to, any of the following acts:
  - the prostituting of another person,
  - the trafficking of another person, defined as the inducement of a person to perform a commercial sex act, or labor or services, through force, fraud, or coercion,
  - the recording of images, including video or photograph, or audio of another person's sexual activity or intimate parts, without that person's consent,
  - the distribution of images, including video or photograph, or audio of another person's sexual activity or intimate parts, if the individual distributing the images or audio knows or should have known that the person depicted in the images or audio did not consent to the disclosure, or
  - The viewing of another person's sexual activity or intimate parts, in a place where the other person would have a reasonable expectation of privacy, without that person's consent, for the purpose of arousing or gratifying sexual desire.
  - Invasion of sexual privacy (e.g., doxxing)
  - Knowingly making an unwelcome disclosure of (or threatening to disclose) an individual's sexual orientation, gender identity, or gender expression
  - Engaging in sexual activity with another person while knowingly infected with human immunodeficiency virus (HIV) or a sexually transmitted disease (STD) or infection (STI), without informing the other person of the virus, disease, or infection
  - Causing or attempting to cause the incapacitation of another person (through alcohol, drugs, or any other means) for the purpose of compromising that person's ability to give consent to sexual activity, or for the purpose of making that person vulnerable to non-consensual sexual activity
  - Misappropriation of another person's identity on apps, websites, or other venues designed for dating or sexual connections (e.g., spoofing)
  - Forcing a person to take an action against that person's will by threatening to show, post, or share information, video, audio, or an image that depicts the person's nudity or sexual activity
  - Knowingly soliciting a minor for sexual activity

2) Harm/Endangerment, defined as:
- threatening or causing physical harm;
- extreme verbal, emotional, or psychological abuse; or
- other conduct which threatens or endangers the health or safety of any person or damages their property.

3) Intimidation, defined as:
- implied threats or
- acts that would cause a reasonable person fear of harming

4) Hazing, defined as:
- acts likely to cause physical or psychological harm or social ostracism
- to any person within the College community,
- when related to the admission, initiation, pledging, joining, or any other group affiliation activity.

5) **Bullying,** defined as:

- repeated and/or severe aggressive behavior
- that is likely to intimidate or intentionally hurt, control, or physically or mentally diminish the Complainant,
- that is not speech or conduct that is otherwise protected by the First Amendment.

6) **Unauthorized Disclosure:**

- Distributing or otherwise publicizing materials created or produced during an investigation or Resolution Process except as required by law or as expressly permitted by the College; or
- publicly disclosing institutional work product that contains personally identifiable information without authorization or consent.

7) **Failure to Comply/Process Interference**

- Intentional failure to comply with the reasonable directives of Title IX Coordinator in the performance of their official duties, including with the terms of a no contact order
- Intentional failure to comply with emergency removal or interim suspension terms
    - Intentional failure to comply with sanctions
- Intentional failure to adhere to the terms of an Informal Resolution agreement
- Intentional failure to comply with mandated reporting duties as defined in this Policy
- Intentional interference with the Resolution Process, including, but not limited to:
    - Destruction of or concealing of evidence
    - Actual or attempted solicitation of knowingly false testimony or providing false testimony or evidence
    - Intimidating or bribing a witness or Party

Violation of any other College policies may constitute a Civil Rights Offense when a violation is motivated by actual or perceived protected characteristic(s), and the result is a discriminatory limitation or denial of employment or educational access, benefits, or opportunities.

Sanctions for the above-listed Civil Rights Offenses range from warning through expulsion/ termination.

Policy on Sexual/Romantic Relationships Between Employees and Students

There are inherent risks in any romantic or sexual relationship between persons in unequal positions, such as faculty member-student or supervisor-employee. In reality, these relationships may be less consensual than perceived by the person whose position confers power or authority. Similarly, each of the Parties may view the relationship differently, particularly in retrospect. Circumstances may change, and once welcome conduct may become unwelcome at some point in the relationship.

Even when the Parties have initially consented to romantic or sexual involvement, the possibility of a later allegation of a relevant Policy violation still exists. The College does not wish to interfere with private choices regarding personal relationships when these relationships do not interfere with the College's goals and policies. However, for the personal protection of members of this community, relationships in which power differentials are inherent (e.g., faculty-student,

staff-student) are generally discouraged.
They may also violate standards of professionalism and/or professional ethics.

Consensual romantic or sexual relationships in which one party maintains a direct supervisory or otherwise evaluative role over the other party are inherently problematic. Therefore, persons with direct supervisory or otherwise evaluative responsibilities who are involved in such relationships must promptly inform their supervisor and/or the Title IX Coordinator. The existence of this type of relationship will likely result in removing the supervisory or evaluative responsibilities from the employee or shifting a party from being supervised or evaluated by someone with whom they have established a consensual relationship. When an applicable relationship existed prior to adoption of this Policy or prior to employment, the duty to notify the appropriate supervisor still pertains.

This type of relationship includes Resident Assistants (RAs) and students for whom the RA has direct responsibility. While no relationships are specifically prohibited by this Policy, failure to timely self-report such relationships to a supervisor as required can result in disciplinary action for an employee. The Title IX Coordinator will determine whether to refer violations of this provision to Human Resources for resolution, or to pursue resolution under this Policy, based on the circumstances of the allegation.

Retaliation

Protected activity under this Policy includes reporting alleged misconduct that may implicate this Policy, participating in the resolution process, supporting a Complainant or Respondent, assisting in providing information relevant to an investigation, and/or acting in good faith to oppose conduct that constitutes a violation of this Policy.

Acts of alleged retaliation should be reported immediately to the Title IX Coordinator and will be promptly investigated. The College will take all appropriate and available steps to protect individuals who fear that they may be subjected to retaliation.

The College and any member of the College's community are prohibited from taking or attempting to take materially adverse action by intimidating, threatening, coercing, harassing, or discriminating against any individual for the purpose of interfering with any right or privilege secured by law or policy, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this Policy and procedure.

Filing a complaint under Process B could be considered retaliatory if those allegations could be subject to Process A, when the Process B allegations are made for the purpose of interfering with or circumventing any right or privilege provided afforded within Process A that is not provided by Process

B. Therefore, the College carefully vets all complaints to ensure this does not happen, and to ensure that complaints are routed to the appropriate process.

The exercise of rights protected under the First Amendment does not constitute retaliation.

Pursuing a code of conduct violation for making a materially false statement in bad faith in the course of a grievance proceeding under this Policy and procedure does not constitute retaliation, provided that the determination of responsibility, by itself, is not sufficient to conclude that any party has made a materially false statement in bad faith.

Mandated Reporting

All College employees, are required to report actual or suspected discrimination, harassment, and/or retaliation to appropriate officials immediately. This includes student employees who are made aware of potential or actual discrimination, harassment, and retaliation while they are at work. Given the nature of the role, students who are serving as Residential Advisors (RAs) are in positions where they may receive, and are expected to act upon, complaints at any time, thus, they are always considered mandated reporters. There are some limited exceptions, noted below.

To make informed choices, it is important to be aware of confidentiality and mandatory reporting requirements when consulting institutional resources. Within the institution, some resources may maintain confidentiality and are not required to report actual or suspected harassment, discrimination, or retaliation in a way that identifies the parties. They may offer options and resources without any obligation to inform an outside agency or institution official unless a Complainant has requested the information be shared.

If a Complainant expects formal action in response to their allegations, reporting to any Mandated Reporter can connect them with resources to report alleged crimes and/or policy violations, and these employees will immediately pass reports to the Title IX Coordinator (and/or police, if desired by the Complainant or required by law), who will act when an incident is reported to them.

The following sections describe the College reporting options for a Complainant or third party (including parents/guardians when appropriate):

Confidential Resources

If a Complainant would like the details of an incident to be kept confidential, the Complainant may speak with:

- On-campus licensed professional counselors and staff Counseling Center | Whittier College
  Haverhill A (next to Public Safety)
  (562) 907 - 4239
  (562) 907 - 4218 (fax)

counselingcenter@whittier.edu

- On-campus health service providers and staff Student Health & Wellness | Whittier College

  Hamilton House
  13612 E. Philadelphia St. Whittier, CA 90608
  Phone: (562) 464 - 4548
  Fax: (562) 464 - 4511
  Email: healthservices@whittier.edu

Mandated Reporters and Formal Notice/Complaints

All College employees (including student employees), with the exception of those who are designated as Confidential Resources, are Mandated Reporters and must promptly share with the Title IX Coordinator all known details of a report made to them in the course of their employment.

Employees must also promptly share all details of behaviors under this Policy that they observe or have knowledge of, even if not reported to them by a Complainant or third party. Complainants may want to carefully consider whether they share personally identifiable details with non-confidential Mandated Reporters, as those details must be shared with the Title IX Coordinator.

Generally, disclosures in climate surveys, classroom writing assignments or discussions, human subjects research, or at events such as "Take Back the Night" marches or speak-outs do not provide notice that must be reported to the Title IX Coordinator by employees, unless the Complainant clearly indicates that they desire a report to be made or a seek a specific response from the College.

Supportive measures may be offered as the result of such disclosures without formal College action.

Failure of a Mandated Reporter, as described above in this section, to report an incident of discrimination, harassment, or retaliation of which they become aware is a violation of Whittier Policy and can be subject to disciplinary action for failure to comply/failure to report. This also includes situations when a harasser is a Mandated Reporter. Such individuals are obligated to report their own misconduct, and failure to do so is a chargeable offense under this Policy.

Though this may seem obvious, when a Mandated Reporter is engaged in harassment or other violations of this Policy, they still have a duty to report their own misconduct, though the College is technically not on notice simply because a harasser is also a Mandated Reporter unless the harasser does in fact report themselves.

No mandatory reporter may discourage a student, staff person, or fellow faculty member from reporting, or withhold the reporting required of them as mandatory reporters. If approached, as soon as the topic is apparent, the employee should announce their status as a mandatory reporter.

Finally, it is important to clarify that a Mandated Reporter who is themselves a target of harassment or other misconduct under this Policy is not required to report their own experience, though they are, of course, encouraged to do so.

Notice to Law Enforcement

There may be circumstances where the College is obliged to report an incident of violent crime, hate crime, or sexual assault immediately, or as soon as practicably possible, to local law enforcement. The College has a Memorandum of Understanding with the Whittier Police Department to enhance communication, coordination, and collaboration.

Requests for Confidentiality with Respect to Reporting to Law Enforcement

Complainants have the right to decide if they want to make a report to the police and/or speak with the police. The College will honor requests for confidentiality. Institutional and local law enforcement agencies are prohibited from disclosing information about most sexual assaults if the Complainant requests anonymity. When information is shared with law enforcement, such reports will include (when the Complainant has consented to being identified):

- The name and characteristics of the alleged victim
- The name and characteristics of the alleged perpetrator, if known
- Description of the incident, including location and date and time
- Any report number assigned to the police incident report documenting the investigation being conducted by the jurisdictional agency

Mandatory Reporting Requirements for Health Practitioners in California

Any licensed health care provider in the State of California providing services in a health facility, clinic or physician's office is required to make a report to law enforcement if they provide *medical treatment for a physical condition* to a patient whom they know or reasonably suspect is the victim of assaultive or abusive conduct or a firearm injury. The health practitioner is required to make a report by telephone as soon as practically possible and send a written report to a local law enforcement agency within two working days. The report must be made to the enforcement agency that has jurisdiction over the location in which the injury was sustained.

When a Complainant Does Not Wish to Proceed

If the Complainant does not wish to file a Complaint, the Title IX Coordinator, who has ultimate discretion as to whether a Complaint is initiated, will offer supportive measures and determine whether to initiate a Complaint themselves. To make this determination, the Title IX Coordinator will evaluate that request to determine if there is a serious and imminent threat to someone's safety or if the College cannot ensure equal access without initiating a Complaint. The Title IX Coordinator will consider the following non-exhaustive factors to determine whether to file a Complaint:

The Title IX Coordinator has ultimate discretion over whether the College proceeds when the Complainant does not wish to do so and may require a violence risk assessment to help determine whether to proceed. The Title IX Coordinator may sign a Formal Complaint to initiate a grievance process after reviewing any violence risk assessment results and weighing the following factors:

- Multiple or prior reports of sexual misconduct against the Respondent.
- The Respondent reportedly used a weapon, physical restraints, or engaged in battery.
- The Respondent is a faculty or staff member with oversight of students.
- There is a power imbalance between the Complainant and Respondent.
- The Complainant believes that the Complainant will be less safe if the Complainant's name is disclosed, or an investigation conducted.
- The institution is able to conduct a thorough investigation and obtain relevant evidence in the absence of the Complainant's cooperation.

In instances where the Complainant's request for confidentiality or no investigation is granted, the College will provide supportive measures to the Complainant and take reasonable steps to respond to the complaint, consistent with the request, to limit the effects of the alleged sexual harassment and prevent its recurrence without initiating formal action against the alleged Respondent or revealing the identity of the Complainant. These steps may include but are not limited to:

- Increased monitoring, supervision, or security at locations or activities where the alleged misconduct occurred
- Providing additional training and education materials for students and employees
- Conducting climate surveys regarding sexual violence[15]

The College will also take immediate steps to provide for the safety of the Complainant while keeping the Complainant's identity confidential, as appropriate. These steps may include changing living arrangements or course schedules, assignments, or tests. The Complainant will be notified that the steps College will take to respond to the complaint will be limited by the request for confidentiality.[16]

When the Title IX Coordinator executes the written complaint, they do not become the Complainant. The Complainant is the individual who is alleged to be the victim of conduct that could constitute a violation of this Policy. When the College proceeds, the Complainant (and/or their Advisor) may have as much or as little involvement in the process as they wish. The Complainant retains all rights of a Complainant under this Policy irrespective of their level of participation. Typically, when the Complainant chooses not to participate, the Advisor may be appointed as proxy for the Complainant throughout the process, acting to ensure and protect the rights of the Complainant, though this does not extend to the provision of evidence or testimony.

The College will inform the Complainant prior to initiating the Formal Resolution Process and take immediate steps to provide for the safety of the Complainant, where appropriate. In the event the Complainant requests that College inform the Respondent that the Complainant asked the College not to investigate or seek discipline, the College will honor this request.

Note that the College's ability to remedy and respond to notice may be limited if the Complainant does not want the College to proceed with an investigation and/or grievance process. The goal is to provide the Complainant with as much control over the process as possible, while balancing the College's obligation to protect its community.

In cases in which the Complainant requests confidentiality/no formal action and the circumstances allow the College to honor that request, the College may offer Informal Resolution options, supportive measures, and remedies to the Complainant and the community, but will not otherwise pursue formal action.

If the Complainant elects to take no action, they can change that decision if they decide to pursue a Formal Complaint at a later date. Upon making a Formal Complaint, a Complainant has the right, and can expect, to have allegations taken seriously by the College and to have the incidents investigated and properly resolved through these procedures. Please consider that delays may cause limitations on access to evidence, or present issues with respect to the status of the parties.

Federal Timely Warning Obligations

The College must issue timely warnings for reported incidents that pose a serious or continuing threat of bodily harm or danger to members of the campus community.

The College will ensure that a Complainant'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.

False Allegations and Evidence

Deliberately false and/or malicious accusations under this Policy are a serious offense and will be subject to appropriate disciplinary action. This does not include allegations that are made in good faith but are ultimately shown to be erroneous or do not result in a determination of a Policy violation.

Additionally, witnesses and Parties who knowingly provide false evidence, tamper with or destroy evidence, or deliberately mislead an official conducting an investigation or resolution process can be subject to discipline under appropriate Whittier policies, including the Code of Conduct.

Amnesty

The College community encourages the reporting of misconduct and crimes by Complainants and witnesses. Sometimes, Complainants or witnesses are hesitant to give Notice to Whittier officials or participate in resolution processes because they fear that they themselves may be in violation of certain policies, such as underage drinking or use of illicit drugs at the time of the incident.

Respondents may hesitate to be forthcoming during the process for the same reasons.

It is in the best interests of the College community that Complainants choose to give Notice of misconduct to Whittier officials, that witnesses come forward to share what they know, and that all Parties be forthcoming during the process.

To encourage reporting and participation in the process, Whittier offers Parties and witnesses amnesty from minor policy violations, such as underage alcohol consumption or the use of illicit

drugs, related to the incident. Granting amnesty is a discretionary decision made by the College, and amnesty does not apply to more serious allegations, such as physical abuse of another or illicit drug distribution or incidents that are related but otherwise 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.

Students

The College also maintains an amnesty policy for students in addition to witnesses who offer help to others in need.

Employees

Sometimes, employees are hesitant to report discrimination, harassment, or retaliation they have experienced for fear of getting in trouble themselves. The College may, at its discretion, offer employee Complainants amnesty from such policy violations (typically more minor policy violations) related to the incident.

Federal Statistical Reporting Obligations

Certain institutional officials–those deemed Campus Security Authorities–have a duty to report the following for federal statistical reporting purposes (Clery Act):

1) All "primary crimes," which include criminal homicide, rape, fondling, incest, statutory rape, robbery, aggravated assault, burglary, motor vehicle theft, and arson
2) Hate crimes, which include any bias-motivated primary crime as well as any bias-motivated larceny or theft, simple assault, intimidation, or destruction/damage/vandalism of property
3) VAWA-based crimes, which include sexual assault, domestic violence, dating violence, and stalking
4) Arrests and referrals for disciplinary action for weapons-related law violations, liquor-related law violations, and drug law violations surrounding area, but no addresses are given for publication in the Annual Security Report and daily campus crime log.

Campus Security Authorities include: student affairs/student conduct staff, Whittier College Public Safety officers, local police, coaches, athletic directors, residence life staff, student activities staff, human resources staff, advisors to student organizations, and any other official with significant responsibility for student and campus activities.

Preservation of Evidence

The preservation of evidence in incidents of sexual assault and stalking is critical to potential criminal prosecution and to obtaining restraining/protective orders and is particularly time sensitive. The College will inform the Complainant of the importance of preserving evidence by taking actions such as the following:

Sexual Assault

- Seek forensic medical assistance at the hospital, ideally within 120 hours of the incident.
- Avoid urinating, showering, bathing, washing hands or face, or douching, if possible, but evidence may still be collected even if you do.

- If oral sexual contact took place, refrain from smoking, eating, drinking, or brushing teeth.
- If clothes are changed, place soiled clothes in a paper bag (plastic destroys evidence) or secure evidence container.

Seeking medical treatment can be essential even if it is not for the purposes of collecting forensic evidence.

Stalking

- Evidence in the form of text and voice messages will be lost in most cases if the Complainant changes their phone number.
- Make a secondary recording of any voice messages and/or save the audio files to a cloud server.
- Take screenshots and/or a video recording of any text messages or other electronic messages (e.g., Instagram, Snapchat, Facebook).
- Save copies of e-mail or social media correspondence, including notifications related to account access alerts.
- Take timestamped photographs of any physical evidence including notes, gifts, etc. in place when possible.
- Save copies of any messages, to include those showing any request for no further contact.
- Obtain copies of call logs showing the specific phone number being used rather than a saved contact name if possible.

During the initial meeting between the Complainant and the Title IX Coordinator, the importance

Resolution Process for Alleged Violations of the Title IX and Nondiscrimination Policy (Known As Process "A")

1. Overview

The College will act on any formal notice/complaint of violation of the Equal Opportunity, Harassment, and Nondiscrimination Policy ("the Policy") that is received by the Title IX Coordinator or any other Official with Authority by applying these procedures, known as "Process A".
The procedures below apply only to qualifying allegations of Title IX Sexual Harassment (including sexual assault, dating violence, domestic violence, and stalking, as defined in the Policy) involving students, staff, administrators, or faculty member OR to qualifying allegations of California Sexual Harassment (including sexual violence).

If other Policy definitions are invoked, such as protected characteristic harassment or discrimination as defined above, the resolution process known as "Process B" will be used instead. A description of the procedures applicable to the resolution of such offenses is provided below. Process B can also apply to sexual harassment (including sexual assault, dating violence, domestic violence, and stalking, as defined above) when jurisdiction does not fall within Process A, as determined by the Title IX Coordinator.

Unionized/other categorized employees are subject to the terms of their agreements/employees' rights to the extent those agreements do not conflict with federal or state compliance obligations.[18]

The procedures below may be used to address alleged collateral misconduct by the Respondent arising from the investigation of or occurring in conjunction with or related to reported misconduct (e.g., vandalism, physical abuse of another), when alleged violations of the Policy are being addressed at the same time. In such cases, the Title IX Coordinator may consult with the institution officials who typically oversee such conduct (e.g., human resources, student conduct, academic affairs, etc.) to provide input as needed. All other allegations of misconduct unrelated to incidents covered by the Policy will be addressed through procedures described in the Code of Conduct and faculty and staff handbooks.

2. Notice/Complaint

Upon receipt of a complaint or notice of an alleged policy violation by the Title IX Coordinator, the Title IX Coordinator initiates a prompt initial assessment to determine the next steps the College needs to take. The Title IX Coordinator will contact the Complainant to offer supportive measures and determine whether the Complainant wishes to file a Formal Complaint. This contact with Complainant will include the following information:

- The College has received a report that the Complainant may have been subjected to sexual harassment.
- A statement that retaliation for filing a complaint or participating in a complaint process, or both, is prohibited.
- Counseling resources within the institution or the community.
- Notice that the Complainant has the right, but not the obligation, to report the matter

- The College's investigation procedures.
- A list of potential supportive measures, such as no-contact directives, housing changes, and academic schedule changes.
- The importance of preserving evidence.
- A request for Complainant to meet with the Title IX Coordinator to discuss options for responding to the report.
- Information on how the College responds to reports of sexual harassment and a description of potential disciplinary consequences.

The Title IX Coordinator will then initiate at least one of three responses:

1) Offering supportive measures because the Complainant does not want to file a Formal Complaint
2) An Informal Resolution (upon submission of a Formal Complaint)
3) A Formal Grievance Process including an investigation and a hearing (upon submission of a Formal Complaint)

The College uses a Formal Grievance Process as described below to determine whether the Policy has been violated. If so, the College will promptly implement effective remedies designed to ensure that it is not deliberately indifferent to harassment or discrimination, their potential recurrence, and/or their effects.

If the Title IX Coordinator receives notice from a third party who is not the actual Complainant, the Coordinator will take appropriate steps to address and remedy any potential hostile environment, to the extent possible based on the information received.

3. Initial Assessment

Following receipt of notice or a complaint of an alleged violation of this Policy, the Title IX Coordinator engages in an initial assessment, typically within one to five (1-5) business days. The steps in an initial assessment can include:

- The Title IX Coordinator seeks to determine if the person impacted wishes to make a Formal Complaint, and will assist them to do so, if desired.
    - If they do not wish to do so, the Title IX Coordinator determines whether to initiate a complaint themselves, because a violence risk assessment indicates a compelling threat to health and/or safety.
- If a Formal Complaint is received, the Title IX Coordinator assesses its sufficiency and works with the Complainant to make sure it is correctly completed.
- The Title IX Coordinator reaches out to the Complainant to offer supportive measures.
- The Title IX Coordinator works with the Complainant to ensure they are aware of the right to have an Advisor.
- The Title IX Coordinator works with the Complainant to determine whether the Complainant prefers a supportive and remedial response, an Informal Resolution option, or a formal investigation and grievance process.
    - If a supportive and remedial response is preferred, the Title IX Coordinator works with the Complainant to identify their needs, determine appropriate

supports, and implements accordingly. No Formal Grievance Process is initiated, though the Complainant can elect to initiate one later, if desired.
    - If an Informal Resolution option is preferred, the Title IX Coordinator assesses whether the complaint is suitable for Informal Resolution, which informal mechanism may serve the situation best or is available,] and may seek to determine if the Respondent is also willing to engage in Informal Resolution.
    - If a Formal Grievance Process is preferred by the Complainant, the Title IX Coordinator determines if the alleged misconduct falls within the scope of the 2020 Title IX regulations:
- If it does, the Title IX Coordinator will initiate the formal investigation and grievance process, directing the investigation to address, based on the nature of the complaint:
- an incident, and/or
- a pattern of alleged misconduct, and/or
- a culture/climate issue
- If alleged misconduct does not fall within the scope of the Title IX regulations, the Title IX Coordinator determines that the regulations do not apply (and will "dismiss" that aspect of the complaint, if any), assesses which policies may apply and will refer the matter accordingly. Please note that dismissing a complaint under the 2020 Title IX regulations is solely a procedural requirement under Title IX, which does not limit the College's authority to address a complaint with an appropriate process and remedies.

A. Violence Risk Assessment

In some cases, the Title IX Coordinator may determine that a Violence Risk Assessment (VRA) should be conducted by the BIT team as part of the initial assessment. A VRA can aid in ten critical and/or required determinations, including:

1) Emergency removal of a Respondent on the basis of immediate threat to an individual or the community's physical health/safety
2) Whether the Title IX Coordinator should pursue/sign a Formal Complaint absent a willing/able Complainant
3) Whether the scope of the investigation should include an incident, and/or pattern of misconduct, and/or climate of hostility/harassment
4) To help identify potential predatory conduct
5) To help assess/identify grooming behaviors
6) Whether it is reasonable to try to resolve a complaint through Informal Resolution, and if so, what approach may be most successful
7) Whether to permit a voluntary withdrawal by the Respondent
8) Whether to impose transcript notation or communicate with a transfer The College about a Respondent
9) Assessment of appropriate sanctions/remedies (to be applied post-hearing)
10) Whether a Clery Act Timely Warning/Trespass order/Persona-non-grata is needed

Threat assessment is the process of evaluating the actionability of violence by an individual against another person or group following the issuance of a direct or conditional threat. A VRA is a broader term used to assess any potential violence or danger, regardless of the presence of a

vague, conditional, or direct threat.

VRAs require specific training and are typically conducted by psychologists, clinical counselors, social workers, case managers, law enforcement officers, student conduct officers, or other Behavioral Intervention Team (BIT)/CARE team members. A VRA authorized by the Title IX Coordinator should occur in collaboration with the BIT/CARE or threat assessment team.

Where a VRA is required by the Title IX Coordinator, a Respondent refusing to cooperate may result in a charge of failure to comply within the appropriate student or employee conduct process.

A VRA is not an evaluation for an involuntary behavioral health hospitalization (e.g., 5150 in California), nor is it a psychological or mental health assessment. A VRA assesses the risk of actionable violence, often with a focus on targeted/predatory escalations, and is supported by research from the fields of law enforcement, criminology, human resources, and psychology.

B. Dismissal (Mandatory and Discretionary)

The College must dismiss a Formal Complaint or any allegations constituting Title IX Sexual Harassment therein if, at any time during the investigation or hearing, it is determined that:

1) The conduct alleged in the Formal Complaint would not constitute Title IX sexual harassment as defined above, even if proved
2) The conduct did not occur in an educational program or activity controlled by the College (including buildings or property controlled by recognized student organizations), and/or the College does not have control of the Respondent
3) The conduct did not occur against a person in the United States
4) At the time of filing a Formal Complaint, a Complainant is not participating in or attempting to participate in the College's education program or activity

The College may dismiss a Formal Complaint or any allegations therein if, at any time during the investigation or hearing:

1) A Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the Formal Complaint or any allegations therein
2) The Respondent is no longer enrolled in or employed by the College
3) Specific circumstances prevent the College from gathering evidence sufficient to reach a determination as to the Formal Complaint or allegations therein

A Complainant who decides to withdraw a complaint may later request to reinstate it or refile it. Upon any dismissal, the College will promptly send written notice of the dismissal and the rationale for doing so simultaneously to the parties.

This dismissal decision is appealable by any party under the procedures for appeal.

4. Counterclaims

The College is obligated to ensure that the grievance process is not abused for retaliatory purposes, thus counterclaims made with retaliatory intent will not be permitted. The College

permits the filing of counterclaims but uses an initial assessment, described above, to assess whether the allegations in the counterclaim are made in good faith.

Counterclaims determined to have been reported in good faith will be processed using the Resolution Process below. Investigation of such claims may take place after resolution of the underlying initial complaint, in which case a delay may occur.

Counterclaims may also be resolved through the same investigation as the underlying complaint, at the discretion of the Title IX Coordinator. When counterclaims are not made in good faith, they will be considered retaliatory and may constitute a violation of this policy.

5. Right to an Advisor

The parties may each have an Advisor of their choice present with them for all meetings, interviews, and hearings within the Resolution Process, if they so choose. The parties may select whoever they wish to serve as their Advisor as long as the Advisor is eligible and available.

For parties who are entitled to union representation, the College permits the unionized employee to have their union representative (if requested by the party) as well as an Advisor of their choice present for all resolution-related meetings and interviews. To uphold the principles of equity, the other party (regardless of union membership) will also be permitted to have two Advisors. Witnesses are not permitted to have union representation or Advisors in grievance process interviews or meetings.

The College may permit parties to have more than one Advisor upon special request to the Title IX Coordinator. The decision to grant this request is at the sole discretion of the Title IX Coordinator and will be granted equitably to all parties.

Choosing an Advisor who is also a witness in the process creates potential for bias and conflict of interest. A party who chooses an Advisor who is also a witness can anticipate that issues of potential bias will be explored by the hearing Decision-maker(s).

A. Who Can Serve as an Advisor

The Advisor may be a friend, mentor, family member, attorney, or any other individual a party chooses to advise, support, and/or consult with them throughout the Resolution Process. The parties may choose Advisors from inside or outside of the College community.

The Title IX Coordinator will also offer to assign a trained Advisor to any party if the party so chooses. If the parties choose an Advisor from the pool available from the College, the Advisor will have been trained by the College and be familiar with the College's Resolution Process.

If the parties choose an Advisor from outside the pool of those identified by the College, the Advisor may not have been trained by the College and may not be familiar with College policies and procedures.

Parties also have the right to choose not to have an Advisor in the initial stages of the Resolution Process, prior to a hearing.

B. Advisor's Role in Meetings and Interviews

The parties may be accompanied by their Advisor in all meetings and interviews at which the party is entitled to be present, including intake and interviews. Advisors should help the parties prepare for each meeting and are expected to advise ethically, with integrity, and in good faith. The College cannot guarantee equal Advisory rights, meaning that if one party selects an Advisor who is an attorney, but the other party does not or cannot afford an attorney, the College is not obligated to provide an attorney.

C. Advisors in Hearings/College-Appointed Advisor

Under the Title IX Regulations, a form of indirect questioning is required during the hearing but must be conducted by the parties' Advisors. The parties are not permitted to directly question each other or any witnesses. If a party does not have an Advisor for a hearing, the College will appoint a trained Advisor for the limited purpose of conducting any questioning of the parties and witnesses. In the even that there are no charges of Title IX Sexual Harassment, California state law prohibits questioning by the parties' Advisors and instead, the questioning will be conducted through the decision-maker(s).

D. Pre-Interview Meetings

Advisors and their advisees may request to meet with the Investigator(s) conducting interviews/meetings in advance of these interviews or meetings. This pre-meeting allows Advisors to clarify and understand their role and College's policies and procedures.

E. Advisor Violations of College Policy

All Advisors are subject to the same College policies and procedures, whether they are attorneys or not, and whether they are selected by a party or assigned by the College. Advisors are expected to advise their advisees without disrupting proceedings, and to adhere to the College's Unauthorized Disclosure Policy.

The parties are expected to ask and respond to questions on their own behalf throughout the investigation phase of the Resolution Process. Although the Advisor generally may not speak on behalf of their advisee, the Advisor may consult with their advisee, either privately as needed, or by conferring or passing notes during any Resolution Process meeting or interview. For longer or more involved discussions, the parties and their Advisors should ask for breaks to allow for private consultation.

Any Advisor who oversteps their role as defined by this Policy, or who refuses to comply with the College 's established rules of decorum for the hearing, will be warned. If the Advisor continues to disrupt or otherwise fails to respect the limits of the Advisor role, the meeting/ interview/hearing may be ended, or other appropriate measures implemented, including the College requiring the party to use a different Advisor or providing a different College-appointed Advisor. Subsequently, the Title IX Coordinator will determine how to address the Advisor's non-

compliance and future role.

F. Sharing Information with the Advisor

The College expects that the parties may wish to have the College share documentation and evidence related to the allegations with their Advisors. The College provides a consent form that authorizes the College to share such information directly with a party's Advisor. The parties must either complete and submit this form to the Title IX Coordinator or provide similar documentation demonstrating consent to a release of information to the Advisor before College is able to share records with an Advisor.

G. Privacy of Records Shared with Advisor

Advisors are expected to maintain the privacy of the records shared with them.

H. Expectation of an Advisor

The College generally expects an Advisor to adjust their schedule to allow them to attend College meetings/interviews/hearings when planned, but the College may change scheduled meetings/interviews/hearings to accommodate an Advisor's inability to attend, if doing so does not cause an unreasonable delay.

The College may also make reasonable provisions to allow an Advisor who cannot be present in person to attend a meeting/interview/hearing by telephone, video conferencing, or other similar technologies as may be convenient and available.

I. Expectations of the Parties with Respect to Advisors

A party may elect to change Advisors during the process and is not obligated to use the same Advisor throughout. The parties are expected to inform the Investigator(s) of the identity of their Advisor at least two (2) business days before the date of their first meeting with Investigators (or as soon as possible if a more expeditious meeting is necessary or desired).

The parties are expected to provide timely notice to the Title IX Coordinator if they change Advisors at any time. It is assumed that if a party changes Advisors, consent to share information with the previous Advisor is terminated, and a release for the new Advisor should be secured. Parties are expected to inform the Title IX Coordinator of the identity of their hearing Advisor at least two (2) business days before the hearing.

6. Resolution Processes

Resolution proceedings are private. All persons present at any time during the Resolution Process are expected to maintain the privacy of the proceedings in accordance with College Policy. Although there is an expectation of privacy around what Investigators share with parties during interviews, the parties have discretion to share their own knowledge and evidence with others if they so choose, except for information the parties agree not to disclose as part of an Informal Resolution. College encourages parties to discuss any sharing of information with their Advisors before doing so.

The Formal Grievance Process is the College's primary resolution approach unless Informal Resolution is elected by all parties and the College.

A. Informal Resolution

Three options for Informal Resolution are detailed in this section.

1) **Supportive Resolution**. When the Title IX Coordinator can resolve the matter informally by providing supportive measures (only) to remedy the situation
2) **Alternative Resolution**. When the parties agree to resolve the matter through an alternative resolution mechanism, including mediation, restorative practices, and facilitated dialogue.
3) **Accepted Responsibility**. When the Respondent accepts responsibility for violating policy, and desires to accept the recommended sanction(s) and end the Resolution Process.

To initiate Informal Resolution, a Complainant must submit a Formal Complaint, as defined above. A Respondent who wishes to initiate Informal Resolution should contact the Title IX Coordinator. The parties may agree, as a condition of engaging in Informal Resolution, that statements made, or evidence shared, during the Informal Resolution process will not be considered in the Formal Grievance Process unless all parties consent.

It is not necessary to pursue Informal Resolution first in order to pursue a Formal Grievance Process, and any party participating in Informal Resolution can stop the process at any time and begin or resume the Formal Grievance Process. The Title IX Coordinator has discretion to determine if an investigation will be paused during Informal Resolution, if it will be limited, or if it will continue during the Informal Resolution process.

Prior to implementing Informal Resolution, the College will provide the parties with written notice of the reported misconduct and any sanctions (only in the case of Accepted Responsibility) or measures that may result from participating in such a process, including information regarding any records that will be maintained or shared by the College.

The College will obtain voluntary, written confirmation that all parties wish to resolve the matter through Informal Resolution before proceeding and will not pressure the parties to participate in Informal Resolution.

B. Alternative Resolution Approaches

Alternative Resolution is an informal approach, including mediation, restorative practices, facilitated dialogue by which the parties reach a mutually agreed upon resolution of a complaint. All parties must consent to the use of an Alternative Resolution approach.
The Title IX Coordinator may consider the following factors to assess whether Alternative Resolution is appropriate, or which form of Alternative Resolution may be most successful for the parties:

- The parties' amenability to Alternative Resolution
- Likelihood of potential resolution, considering any power dynamics between the

parties
- The nature and severity of the alleged misconduct
- The parties' motivation to participate
- Civility of the parties
- Results of a violence risk assessment/ongoing risk analysis
- Disciplinary history of the Respondent
- Whether an emergency removal is needed
- Skill of the Alternative Resolution facilitator with this type of complaint
- Complaint complexity
- Emotional investment/capability of the parties
- Rationality of the parties
- Goals of the parties
- Adequate resources to invest in Alternative Resolution (time, staff, etc.)

The ultimate determination of whether Alternative Resolution is available or successful is made by the Title IX Coordinator. The Title IX Coordinator is authorized to facilitate a resolution that is acceptable to all parties, and/or to accept a resolution that is proposed by the parties, usually through their Advisors, including terms of confidentiality, release, and non- disparagement.

The Title IX Coordinator maintains records of any resolution that is reached, and failure to abide by the resolution agreement may result in appropriate responsive/disciplinary actions (e.g., referral for formal resolution, referral to the conduct process for failure to comply).
Results of complaints resolved by Alternative Resolution are not appealable.

C. Respondent Accepts Responsibility for Alleged Violations

The Respondent may accept responsibility for all or part of the alleged policy violations at any point during the Resolution Process. If the Respondent indicates an intent to accept responsibility for all of the alleged misconduct, the formal process will be paused, and the Title IX Coordinator will determine whether Informal Resolution can be used according to the criteria above.

If Informal Resolution is applicable, the Title IX Coordinator will determine whether all parties and the College are able to agree on responsibility, restrictions and/or remedies. If so, the Title IX Coordinator implements the accepted finding that the Respondent is in violation of College policy and implements agreed-upon restrictions and remedies and determines the appropriate sanction(s) in coordination with other appropriate administrator(s), as necessary.

This result is not subject to appeal once all parties indicate their written assent to all agreed upon resolution terms. When the parties cannot agree on all terms of resolution, the Formal Grievance Process will resume at the same point where it was paused.

When a resolution is accomplished, the appropriate sanction(s) or responsive actions are promptly implemented to effectively stop the harassment or discrimination, prevent its

recurrence, and remedy the effects of the discriminatory conduct, both on the Complainant and the community.

7. Formal Grievance Process Pool

The Formal Grievance Process relies on a pool of administrators ("the Pool") to carry out the process. At the discretion of the Title IX Coordinator, the College may also rely on the use of external, third- party neutral professionals.

A. Pool Member Roles

Members of the Pool are trained annually, and can serve in in the following roles, at the discretion of the Title IX Coordinator:

- To investigate complaints
- To serve as a hearing facilitator (process administrator, no decision-making role)
- To serve as a Decision-maker regarding the complaint
- To serve as an Appeal Decision-maker
- To serve as a facilitator for Informal Resolution

B. Pool Member Training

Pool members receive comprehensive, trauma-informed annual training. This training includes, but is not limited to:

- The scope of the College's Policy and Procedures
- How to conduct investigations and hearings that protect the safety of Complainants and Respondents, and promote accountability
- Implicit bias and racial inequities, both broadly and in school disciplinary processes
- Disparate treatment
- Reporting, confidentiality, and privacy requirements
- Applicable laws, regulations, and federal regulatory guidance
- How to implement appropriate and situation-specific remedies
- How to investigate in a thorough, reliable, timely, and impartial manner
- How to conduct a sexual harassment investigation
- Trauma-informed investigatory and hearing practices that help ensure an impartial and equitable process
- How to uphold fairness, equity, and due process
- How to weigh evidence
- How to conduct questioning
- How to assess credibility
- Impartiality and objectivity
- How to render findings and generate clear, concise, evidence-based rationales
- The definitions of all offenses
- How to apply definitions used by the College with respect to consent (or the absence or negation of consent) consistently, impartially, and in accordance with policy
- How to conduct an investigation and grievance process including hearings, appeals, and Informal Resolution Processes
- How to serve impartially by avoiding prejudgment of the facts at issue, conflicts

of interest, and bias against Respondents and/or for Complainants, and on the basis of sex, race, religion, and other protected characteristics
- Any technology to be used at a live hearing
- Issues of relevance of questions and evidence
- Issues of relevance to create an investigation report that fairly summarizes relevant evidence
- How to determine appropriate sanctions in reference to all forms of harassment, discrimination, and/or retaliation allegations
- Recordkeeping
- Statistics on the prevalence of sexual harassment and sexual violence in the educational setting, and the differing rates at which students experience sexual harassment and sexual assault in the educational setting based on their race, sexual orientation, disability, gender, and gender identity

The materials used to train all members of the Pool are publicly posted.

8. Formal Grievance Process: Notice of Investigation and Allegations

The Title IX Coordinator will provide written Notice of the Investigation and Allegations (the "NOIA") to the Respondent upon commencement of the Formal Grievance Process. This facilitates the Respondent's ability to prepare for the interview and to identify and choose an Advisor to accompany them. The NOIA is also copied to the Complainant, who will be given advance notice of when the NOIA will be delivered to the Respondent.

The NOIA will include:
- A meaningful summary of all allegations and a description of whether the investigation is of an incident(s), pattern of alleged misconduct, or is a culture/climate inquiry
- The identity of the involved parties (if known)
- The precise misconduct being alleged
- The date and location of the alleged incident(s) (if known)
- The specific policies implicated
- A description of the applicable procedures
- A statement of the potential sanctions/responsive actions that could result
- A statement that the College presumes the Respondent is not responsible for the reported misconduct unless and until the evidence supports a different determination
- A statement that the investigation and hearing are not adversarial processes between Complainant(s), Respondent(s), and witnesses, but rather a process College uses to comply with its obligations under existing law
- A statement that the Complainant does not have the burden to prove, nor does the Respondent have a burden to disprove, the underlying allegations(s) of misconduct
- A statement that any evidence available but not disclosed during the investigation might not be considered at a subsequent hearing if intentionally withheld
- A statement that determinations of responsibility are made at the conclusion of the process and that the parties will be given an opportunity during the review and comment

period to inspect and review all directly related and/or relevant evidence obtained
- A statement about the College's policy on retaliation
- Information about the confidentiality of the process
- Information on the need for each party to have an Advisor of their choosing and suggestions for ways to identify an Advisor
- A statement informing the parties that the College's policy prohibits knowingly making false statements, including knowingly submitting false information during the Resolution Process
- Detail on how the party may request disability accommodations during the Resolution Process
- Notice to student parties regarding appropriate counseling resources developed and maintained by the institution
- The name(s) of the Investigator(s), along with a process to identify to the Title IX Coordinator, in advance of the interview process, any conflict of interest that the Investigator(s) may have
- An instruction to preserve any evidence that is directly related to the allegations

Amendments and updates to the NOIA may be made as the investigation progresses and more information becomes available regarding the addition or dismissal of various allegations. Notice will be made in writing and may be delivered by one or more of the following methods: in person, mailed to the local or permanent address(es) of the parties as indicated in official College records, or emailed to the parties' College-issued email or designated accounts. Once mailed, emailed, and/or received in-person, notice will be presumptively delivered.

9. Resolution Timeline

The College will make a good faith effort to complete the Resolution Process within a sixty to ninety (60-90) business-day time period, including appeal if any, which can be extended as necessary for appropriate cause by the Title IX Coordinator, who will provide notice and rationale for any extensions or delays to the parties as appropriate, as well as an estimate of how much additional time will be needed to complete the process.

The College will not unreasonably deny a party's request for an extension of a deadline, (for example, during periods of examinations or school closures).

If a party or witness chooses not to participate in the resolution process or becomes unresponsive, the College reserves the right to continue the resolution process without their participation to complete the investigation in a timely manner. In the event that a party chooses not to participate or becomes unresponsive, the party will still have the rights outlined in this policy, including receiving a copy of the directly related and relevant evidence, the investigation report, and the opportunity to participate in the hearing.

The College may undertake a short delay in its investigation (several days to a few weeks) if circumstances require. Such circumstances include but are not limited to a request from law enforcement to temporarily delay the investigation, the need for language assistance, the absence

of Parties and/or witnesses, and/or health conditions. The College will promptly resume its Resolution Process as soon as feasible. During such a delay, Whittier will implement and maintain supportive measures for the Parties as deemed appropriate.

Whittier action(s) or processes are not typically altered or precluded on the grounds that civil or criminal charges involving the underlying incident(s) have been filed or that criminal charges have been dismissed or reduced.

The College will make a good faith effort to complete the Resolution Process as promptly as circumstances permit and will regularly communicate with the Parties to update them on the progress and timing of the process.

10. Appointment of Investigators

Once the decision to commence a formal investigation is made, the Title IX Coordinator appoints Pool members to conduct the investigation, usually within two (2) business days of determining that an investigation should proceed.

11. Ensuring Impartiality

Any individual materially involved in the administration of the Resolution Process, including the Title IX Coordinator, Investigator(s), and Decision-maker(s)] may neither have nor demonstrate a conflict of interest or bias for a party generally, or for a specific Complainant or Respondent.

The Title IX Coordinator will vet the assigned Investigator(s) for impartiality by ensuring there are no actual or apparent conflicts of interest or disqualifying biases. At any time during the Resolution Process, the parties may raise a concern regarding bias or conflict of interest, and the Title IX Coordinator will determine whether the concern is reasonable and supportable. If so, another Pool member will be assigned and the impact of the bias or conflict, if any, will be remedied. If the source of the conflict of interest or bias is the Title IX Coordinator, concerns should be raised with the Vice President/Dean of Students.

The Formal Grievance Process involves an objective evaluation of all relevant evidence obtained, including evidence that supports that the Respondent engaged in a policy violation and evidence that supports that the Respondent did not engage in a policy violation. Credibility determinations may not be based solely on an individual's status or participation as a Complainant, Respondent, or witness. The College operates with the presumption that the Respondent is not responsible for the reported misconduct unless and until the Respondent is determined to be responsible for a policy violation by the applicable standard of proof.

12. Investigation Timeline

Investigations are completed expeditiously, normally within sixty (60) business days, though some investigations may take many weeks or even months, depending on the nature, extent, and complexity of the allegations, availability of witnesses, law enforcement involvement, etc.

The College will make a good faith effort to complete investigations as promptly as circumstances permit and will communicate regularly with the parties to update them on the progress and timing of the investigation.

13. Investigation Process Delays and Interactions with Law Enforcement

The College may undertake a short delay in its investigation (several days to a few weeks) if circumstances require. Such circumstances include but are not limited to: a request from law enforcement to temporarily delay the investigation, the need for language assistance, the absence of parties and/or witnesses, and/or health conditions.

The College will communicate the anticipated duration of the delay and reason to the parties in writing and provide the parties with status updates if necessary. The College will promptly resume its investigation and Resolution Process as soon as feasible. During such a delay, College will implement supportive measures as deemed appropriate.

College action(s) or processes are not typically altered or precluded on the grounds that civil or criminal charges involving the underlying incident(s) have been filed or that criminal charges have been dismissed or reduced.

14. Investigation Process Steps

All investigations are thorough, reliable, impartial, prompt, and fair. Investigations involve interviews with all available relevant parties and witnesses; obtaining available, relevant evidence; and identifying sources of expert information, as necessary.

All parties have a full and fair opportunity, through the investigation process, to suggest witnesses and questions, to provide evidence and expert witnesses, and to fully review and respond to all evidence on the record

The Investigator(s) typically take(s) the following steps, if not already completed (not necessarily in this order):

- Determine the identity and contact information of the Complainant
- Identify all policies implicated by the alleged misconduct and notify the Complainant and Respondent of all of the specific policies implicated
- Assist the Title IX Coordinator, if needed, with conducting a prompt initial assessment to determine if the allegations indicate a potential policy violation
- Commence a thorough, reliable, and impartial investigation by identifying issues and developing a strategic investigation plan, including a witness list, evidence list, intended investigation timeframe, and order of interviews for the parties and witnesses
- Meet with the Complainant to finalize their interview/statement, if necessary
- Work with the Title IX Coordinator, as necessary, to prepare the initial Notice of Investigation and Allegations (NOIA). The NOIA may be amended with any additional or dismissed allegations
- Notice should inform the parties of their right to have the assistance of an Advisor, who

could be a member of the Pool or an Advisor of their choosing present for all meetings attended by the party

- Provide each interviewed party and witness an opportunity to review and verify the Investigator's summary notes (or transcript) of the relevant evidence/testimony from their respective interviews and meetings
- Make good faith efforts to notify each party of any meeting or interview involving another party, in advance when possible
- When participation of a party is expected, provide that party with written notice of the date, time, and location of the meeting, as well as the expected participants and purpose
- Interview all available, relevant witnesses and conduct follow-up interviews as necessary
- Allow each party the opportunity to suggest witnesses and questions they wish the Investigator(s) to ask of another party and/or witnesses, and document in the report which questions were asked, with a rationale for any changes or omissions
- Complete the investigation promptly and without unreasonable deviation from the intended timeline
- Provide regular status updates to the parties throughout the investigation
- Prior to the conclusion of the investigation, provide the parties and their respective Advisors (if so desired by the parties) with a list of witnesses whose information will be used to render a finding
- Write a comprehensive investigation report fully summarizing the investigation, all witness interviews, and addressing all relevant evidence. Appendices including relevant physical or documentary evidence will be included
- Prior to the conclusion of the investigation, provide the parties and their respective Advisors (if so desired by the parties) a secured electronic or hard copy of the draft investigation report as well as an opportunity to inspect and review all of the evidence obtained as part of the investigation that is directly related to the reported misconduct, including evidence upon which the College does not intend to rely in reaching a determination, for a ten (10) business-day review and comment period so that each party may meaningfully respond to the evidence. The parties may elect to waive the full ten (10) days
- Elect to respond in writing in the investigation report to the parties' submitted responses and/or to share the responses between the parties for additional responses
- Incorporate relevant elements of the parties' written responses into the final investigation report, include any additional relevant evidence, make any necessary revisions, and finalize the report. The Investigator(s) should document all rationales for any changes made after the review and comment period.
- Share the report with the Title IX Coordinator
- Incorporate any relevant feedback and share the final report with all parties and their Advisors through secure electronic transmission or hard copy at least ten (10) business days prior to a hearing. The parties and Advisors are also provided with a file of any directly related evidence that was not included in the report.

15. Witness Role and Participation in the Investigation

Witnesses (as distinguished from the parties) who are employees of the College are strongly encouraged to cooperate with and participate in the College's investigation and Resolution Process. Student witnesses and witnesses from outside the College community are encouraged to cooperate with College investigations and to share what they know about a complaint.

Although in-person interviews for parties and all potential witnesses can be ideal, circumstances (e.g., study abroad, summer break, weather) may require individuals to be interviewed remotely. Skype, Zoom, Microsoft Teams, FaceTime, WebEx, or similar technologies may be used for interviews if the Investigator(s) determine that timeliness, efficiency, or other reasons dictate a need for remote interviewing. The College will take appropriate steps to reasonably ensure the security/privacy of remote interviews.

Witnesses may also provide written statements in lieu of interviews or choose to respond to written questions, if deemed appropriate by the Investigator(s), though not preferred.

16. Interview Recording

It is standard practice for Investigators to record interviews pertaining to the Resolution Process. The Parties may review copies of their own interviews upon request. No unauthorized audio or video recording of any kind is permitted during investigation meetings. All involved parties should be made aware of and consent to audio and/or video recording.

All interviews are recorded, and all involved persons should be made aware of the audio and/or video recording. The recording and/or transcript of those meetings will be provided to the Parties for their review, after which the Parties may pose additional questions to each other. Those subsequent meetings or interviews are also recorded and/or transcribed and shared with the Parties.

17. Evidentiary Considerations

Neither the investigation nor the hearing will consider: (1) incidents not relevant or not directly related to the possible violation(s), unless they evidence a pattern; or (2) questions and evidence about the Complainant's sexual predisposition; or (3) questions and evidence about the Complainant's prior or subsequent sexual behavior, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior or subsequent sexual behavior with respect to the Respondent and are offered to prove consent.

In the event of a dismissal under Title IX, but where the process still proceeds, the following is applicable: CA Educ. Code, Sec. 662821.8 provides that the investigator(s) or hearing officer(s) prohibit the following evidentiary considerations: (1) the past sexual history of a Complainant or Respondent except when the conditions in (3a and 3b) are present; (2) prior or subsequent sexual history between the Complainant and anyone other than the Respondent for any reason unless directly relevant to prove that the physical injuries alleged to have been inflicted by the Respondent were inflicted by another individual; or (3a) the existence of a dating relationship or prior or subsequent consensual sexual relations between the Complainant and Respondent unless the evidence is relevant to how the parties communicated consent in prior or subsequent

consensual sexual relations, (3b) when evidence in (3a) is permitted, investigators and hearing officers who allow consideration of evidence about a dating relationship or prior or subsequent consensual sexual relations between the Complainant and the Respondent are required to consider that the fact the Complainant and Respondent engaged in other consensual sexual relations with one another is never sufficient by itself to establish the conduct at issue was consensual. Prior to allowing the consideration of any evidence provided under this section, the investigator(s) or hearing officer(s) will provide a written explanation to the parties as to why the evidence is consistent with this clause.

Within the boundaries stated above, the investigation and the hearing can consider character evidence generally, if offered, but that evidence is unlikely to be relevant unless it is fact evidence or relates to a pattern of conduct.

18. Referral for Hearing

Provided that the complaint is not resolved through Informal Resolution, once the final investigation report is shared with the parties, the Title IX Coordinator will refer the matter for a hearing.

The hearing cannot be held less than ten (10) business days from the conclusion of the investigation– when the final investigation report is transmitted to the parties and the Decision-maker(s)–unless all parties and the Decision-maker(s) agree to an expedited timeline.

The Title IX Coordinator will select an appropriate Decision-maker(s) from the Pool and provide a copy of the investigation report and the file of directly related evidence.

19. Hearing Decision-maker Composition

The College will designate a single Decision-maker or a three-member panel from the Pool, at the discretion of the Title IX Coordinator. The single Decision-maker will also Chair the hearing. With a panel, one of the three members will be appointed as Chair by the Title IX Coordinator.

The Decision-maker(s) will not have had any previous involvement with the complaint. The Title IX Coordinator may elect to have an alternate from the Pool sit in throughout the hearing process in the event that a substitute is needed for any reason.

Those who have served as Investigators will be witnesses in the hearing and therefore may not serve as Decision-makers. Those who are serving as Advisors for any party may not serve as Decision- makers in that matter.

The Title IX Coordinator may not serve as a Decision-maker or Chair in the matter but may serve as an administrative facilitator of the hearing if their previous role(s) in the matter do not create a conflict of interest. Otherwise, a designee may fulfill the facilitator role. The hearing will convene at a time and venue determined by the Title IX Coordinator or designee.

20. Additional Evidentiary Considerations in the Hearing

Previous disciplinary action of any kind involving the Respondent may not be used to determine whether a policy was violated unless there is an allegation of a pattern of misconduct. Such information may be considered in determining an appropriate sanction upon a determination of

responsibility, assuming the College uses a progressive discipline system. This information is only considered at the sanction stage of the process and is not shared until then.

The parties may each submit a written impact statement prior to the hearing for the consideration of the Decision-maker(s) at the sanction stage of the process when a determination of responsibility is reached.

After post-hearing deliberation, the Decision-maker(s) render(s) a determination based on the preponderance of the evidence; whether it is more likely than not that the Respondent violated the Policy.

21. Hearing Notice

No less than ten (10) business days prior to the hearing, the Title IX Coordinator or the Chair will send notice of the hearing to the parties. Once mailed, emailed, and/or received in-person, notice will be presumptively delivered.

The notice will contain:

- A description of the alleged violation(s), a list of all policies allegedly violated, a description of the applicable hearing procedures, and a statement of the potential sanctions/responsive actions that could result.
- The time, date, and location of the hearing.
- Description of any technology that will be used to facilitate the hearing.
- Information about the option for the live hearing to occur with the parties located in separate rooms using technology that enables the Decision-maker(s) and parties to see and hear a party or witness answering questions. Such a request must be raised with the Title IX Coordinator as soon as possible, preferably at least five (5) business days prior to the hearing.
- A list of all those who will attend the hearing, along with an invitation to object to any Decisionmaker(s) based on demonstrated bias or conflict of interest. This must be raised with the Title IX Coordinator at least two (2) business days prior to the hearing.
- Information on how the hearing will be recorded and how the parties can access the recording after the hearing.
- A statement that if any party or witness does not appear at the scheduled hearing, the hearing may be held in their absence. For compelling reasons, the Chair may reschedule the hearing.
- Notification that the parties may have the assistance of an Advisor of their choosing at the hearing and will be required to have one present for any questions they may desire to ask. The party must notify the Title IX Coordinator if they wish to conduct cross-examination and do not have an Advisor, and the College will appoint one. Each party must have an Advisor present if they intend to cross-examine others. There are no exceptions.
- A statement that questions that are repetitive, irrelevant, or harassing are prohibited.
- A statement that parties may note an objection to questions posed.
- A copy of all the materials provided to the Decision-maker(s) about the complaint unless they have already been provided.
- An invitation to each party to submit to the Chair an impact statement pre-hearing

that the Decision-maker(s) will review during any sanction determination.
- An invitation to contact the Title IX Coordinator to arrange any disability accommodations, language assistance, and/or interpretation services that may be needed at the hearing, at least seven (7) business days prior to the hearing.
- Whether parties can/cannot bring mobile phones/devices into the hearing.

Hearings for possible violations that occur near or after the end of an academic term (assuming the Respondent is still subject to this Policy) and are unable to be resolved prior to the end of term will typically be held immediately after the end of the term or during the summer, as needed, to meet the resolution timeline followed by the College and remain within the 60-90 business-day goal for resolution. Employees who do not have 12-month contracts are still expected to participate in Resolution Proceedings that occur during months between contracts.

22. Alternative Hearing Participation Options

If a party or parties prefer not to attend or cannot attend the hearing in person, the party should request alternative arrangements from the Title IX Coordinator or the Chair as soon as possible, preferably at least five (5) business days prior to the hearing.

The Title IX Coordinator or the Chair can arrange to use technology to allow remote testimony without compromising the fairness of the hearing. Remote options may also be needed for witnesses who cannot appear in person. Any witness who cannot attend in person should let the Title IX Coordinator or the Chair know as soon as possible, preferably at least five (5) business days prior to the hearing so that appropriate arrangements can be made.

23. Pre-Hearing Preparation

After any necessary consultation with the parties, the Chair will provide the names of persons who have been asked to participate in the hearing, all pertinent documentary evidence, and the final investigation report to the parties at least ten (10) business days prior to the hearing.

Any witness scheduled to participate in the hearing must have been first interviewed by the Investigator(s) or have proffered a written statement or answered written questions, unless all parties and the Chair assent to the witness's participation in the hearing. The same holds for any relevant

evidence that is first offered at the hearing. If the parties and Chair do not assent to the admission of evidence newly offered at the hearing, the Chair may delay the hearing and/or instruct that the investigation needs to be re-opened to consider that evidence.

The parties will be given a list of the names of the Decision-maker(s) at least five (5) business days in advance of the hearing. All objections to any Decision-maker must be raised in writing, detailing the rationale for the objection, and must be submitted to the Title IX Coordinator as soon as possible and no later than two (2) business days prior to the hearing. Decision-makers will only be removed if the Title IX Coordinator concludes that their actual or perceived bias or conflict of interest precludes an impartial hearing of the complaint.

The Title IX Coordinator will give the Decision-maker(s) a list of the names of all parties, witnesses, and Advisors at least five (5) business days in advance of the hearing. Any Decision-

maker who cannot make an objective determination must recuse themselves from the proceedings when notified of the identity of the parties, witnesses, and Advisors in advance of the hearing. If a Decision-maker is unsure of whether a bias or conflict of interest exists, they must raise the concern to the Title IX Coordinator as soon as possible.

During the ten (10)-business-day period prior to the hearing, the parties have the opportunity for continued review and comment on the final investigation report and available evidence. That review and comment can be shared with the Chair at a pre-hearing meeting or at the hearing and will be exchanged between each party by the Chair.

24. Pre-Hearing Meetings

The Chair may convene a pre-hearing meeting(s) with the parties and/or their Advisors and invite them to submit the questions or topics they (the parties and/or their Advisors) wish to ask or discuss at the hearing, so that the Chair can rule on their relevance ahead of time to avoid any improper evidentiary introduction in the hearing or to provide recommendations for more appropriate phrasing.

However, this advance review opportunity does not preclude the Advisors from asking a question for the first time at the hearing or from asking for a reconsideration on a pre-hearing ruling by the Chair based on any new information or testimony offered at the hearing. The Chair must document and share with each party their rationale for any exclusion or inclusion at a pre-hearing meeting.

At each pre-hearing meeting with a party and/or their Advisor, the Chair will consider arguments that evidence identified in the final investigation report as relevant is, in fact, not relevant. Similarly, evidence identified as directly related but not relevant by the Investigator(s) may be argued to be relevant. The Chair may rule on these arguments pre-hearing and will exchange those rulings between the parties prior to the hearing to assist in preparation for the hearing. The Chair may consult with legal counsel and/or the Title IX Coordinator or ask either or both to attend pre-hearing meetings.

The pre-hearing meeting(s) not be recorded. The pre-hearing meetings may be conducted as separate meetings with each party/Advisor, with all parties/Advisors present at the same time, remotely, or as a written-only exchange. The Chair will work with the parties to establish the format.

25. Hearing Procedures

At the hearing, the Decision-maker(s) have the authority to hear and make determinations on all allegations of discrimination, harassment, and/or retaliation and may also hear and make determinations on any additional alleged policy violations that occurred in concert with the

discrimination, harassment, and/or retaliation, even though those collateral allegations may not specifically fall within the Policy.

Participants at the hearing will include the Chair, any additional panelists, the hearing facilitator, the Investigator(s) who conducted the investigation, the parties (or three (3) organizational representatives when an organization is the Respondent), Advisors to the parties, any called witnesses, the Title IX Coordinator, and anyone providing authorized accommodations, interpretation, and/or assistive services.

The Chair will answer all questions of procedure.

Anyone appearing at the hearing to provide information will respond to questions on their own behalf. The Chair will allow witnesses who have relevant information to appear at a portion of the hearing to respond to specific questions from the Decision-maker(s) and the parties, and the witnesses will then be excused. The Investigator(s) may be asked to remain present for the duration of the hearing.

26. Joint Hearings

In hearings involving more than one Respondent and/or involving more than one Complainant who has accused the same individual of substantially similar conduct, the default procedure will be to hear the allegations jointly.

However, the Title IX Coordinator may permit the investigation and/or hearings pertinent to each Respondent or complaint to be conducted separately if there is a compelling reason to do so. In joint hearings, separate determinations of responsibility will be made for each Respondent and/or for each complaint with respect to each alleged policy violation.

27. The Order of the Hearing – Introductions and Explanation of Procedure

The Chair explains the procedures and introduces the participants. This may include a final opportunity for challenge or recusal of the Decision-maker(s) based on bias or conflict of interest. The Chair will rule on any such challenge unless the Chair is the individual who is the subject of the challenge, in which case the Title IX Coordinator will review the challenge and decide.

The hearing facilitator may attend to: logistics of rooms for various parties/witnesses as they wait; flow of parties/witnesses in and out of the hearing space; ensuring recording and/or virtual conferencing technology is working as intended; copying and distributing materials to participants, as appropriate, etc.

28. Investigator Presentation of Final Investigation Report

The Investigator(s) will present a summary of the final investigation report, including items that are contested and those that are not, and will be subject to questioning by the Decision-maker(s) and the parties (through their Advisors).

Neither the parties nor the Decision-maker(s) should ask the Investigator(s) their opinions on

credibility, recommended findings, or determinations, and Advisors and parties will refrain from discussion of or questions for Investigators about these assessments. If such information is introduced, the Chair will direct that it be disregarded.

29. Testimony and Questioning

Once the Investigator(s) present(s) the report and respond(s) to questions, the parties and witnesses may provide relevant information in turn, beginning with the Complainant, and then in the order determined by the Chair. The hearing will facilitate questioning of parties and witnesses by the Decision-maker(s) and then by the parties through their Advisors. In the event that there are no remaining Title IX Sexual Harassment charges being heard at the hearing (i.e. if they have been dismissed), CA law does not permit questioning by Advisors. All questions must be submitted by the parties/Advisors to the Decision-maker or Chair, who will pose them if the questions are relevant.

All questions are subject to a relevance determination by the Chair. The Advisor, who will remain seated during questioning, will pose the proposed question orally, electronically, or in writing (orally is the default, but other means of submission may be permitted by the Chair upon request if agreed to by all parties and the Chair), the proceeding will pause to allow the Chair to consider the question (and state it if it has not already been stated aloud), and the Chair will determine whether the question will be permitted, disallowed, or rephrased.

The Chair may invite explanations or persuasive statements regarding relevance with the Advisors if the Chair so chooses. The Chair will then state their decision on the question for the record and advise the party/witness to whom the question was directed, accordingly. The Chair will explain any decision to exclude a question as not relevant, or to reframe it for relevance.

The Chair will limit or disallow questions on the basis that they are irrelevant, unduly repetitious (and thus irrelevant), or abusive. The Chair has final say on all questions and determinations of relevance. The Chair may consult with legal counsel on any questions of admissibility. The Chair may ask Advisors to frame why a question is or is not relevant from their perspective but will not entertain argument from the Advisors on relevance once the Chair has ruled on a question.

If the parties raise an issue of bias or conflict of interest of an Investigator or Decision-maker at the hearing, the Chair may elect to address those issues, consult with legal counsel, and/or refer them to the Title IX Coordinator, and/or preserve them for appeal. If bias is not in issue at the hearing, the Chair should not permit irrelevant questions that probe for bias.

30. Refusal to Submit to Questioning; Inferences

Any party or witness may choose not to offer evidence and/or answer questions at the hearing, either because they do not attend the hearing, or because they attend but refuse to participate in some or all questioning. The Decision-maker(s) can only rely on whatever relevant evidence is available through the investigation and hearing in making the ultimate determination of responsibility. The Decisionmaker(s) may not draw any inference solely from a party's or witness's absence from the hearing or refusal to submit to cross-examination or answer other questions.

31. Hearing Recordings

Hearings (but not deliberations) are recorded by the College for purposes of review in the event of an appeal. The parties may not record the proceedings and no other unauthorized recordings are permitted.

The Decision-maker(s), the parties, their Advisors, and appropriate administrators of the College will be permitted to review the recording or review a transcript of the recording, upon request to the Title IX Coordinator. No person will be given or be allowed to make a copy of the recording without permission of the Title IX Coordinator.

32. Deliberation, Decision-making, and Standard of Proof

The Decision-maker(s) will deliberate in closed session to determine whether the Respondent is responsible for the policy violation(s) in question.

When there is a finding of responsibility on one or more of the allegations, the Decision-maker(s) may then consider the previously submitted party impact and/or mitigation statement(s) in determining appropriate sanction(s). The Chair will ensure that each of the parties has an opportunity to review any submitted impact and/or mitigation statement(s) once they are submitted.

The Decision-maker(s) will also review any pertinent conduct history provided by the appropriate administrator and will determine the appropriate sanction(s).

The Chair will then prepare a written statement detailing all findings and final determinations, the rationale(s) explaining the decision(s), the evidence used in support of the determination(s), the evidence not relied upon in the determination(s), any credibility assessments, and any sanction(s)/ recommendation(s) and rationales explaining the sanction(s) and will deliver the statement to the Title IX Coordinator.

This statement is typically three to five (3-5) pages in length and must be submitted to the Title IX Coordinator within five (5) business days of the end of deliberations unless the Title IX Coordinator grants an extension. If an extension is granted, the Title IX Coordinator will notify the parties.

A. For cases involving faculty members

In cases involving faculty members as Respondents, prior to sending the statement detailing all findings and final determination to the Title IX Coordinator, the Decision-makers will consult with the Dean of Faculty regarding sanctions.

The Dean of Faculty is, at no stage, party to deliberations. The Dean of Faculty will only be consulted in the event that the Decision-maker determines that a policy violation has occurred and has agreed upon appropriate sanctions, if any. The Dean of Faculty does not have the power to override or “veto” the sanction determined by the Decision-makers, but their input should carry significant weight.

B. For cases involving employees

In cases involving employee Respondents, prior to sending the statement detailing all findings and final determination to the Title IX Coordinator, the Decision-maker(s) will consult with the Associate Vice President, Human Resources and Organization Development, in the event that the recommended sanction is termination.

The AVP is, at no stage, party to deliberations. The AVP will only be consulted in the event that the Decision-maker determines that a policy violation has occurred and has agreed upon appropriate sanctions, if any. The AVP does not have the power to override or "veto" the sanction determined by the Decision-maker(s), but their input should carry significant weight.

33. Notice of Outcome

Using the deliberation statement, the Title IX Coordinator will work with the Chair to prepare a Notice of Outcome letter. The Title IX Coordinator will then share the letter, which includes the final determination, rationale, and any applicable sanction(s), with the parties and their Advisors within 5 business days of receiving the deliberation statement.

The Notice of Outcome will be shared with the parties simultaneously. Notification will be made in writing and may be delivered by one or more of the following methods: in person, mailed to the local or permanent address of the parties as indicated in official College records, or emailed to the parties' College-issued email or otherwise approved account. Once mailed, emailed, and/or received in person, notice will be presumptively delivered.
The Notice of Outcome will articulate the specific alleged policy violation(s), including the relevant policy section(s), and will contain a description of the procedural steps taken by the College from the receipt of the misconduct report to the determination, including any and all notifications to the parties, interviews with parties and witnesses, site visits, methods used to obtain evidence, and hearings held. The Notice of Outcome will specify the finding for each alleged policy violation; the findings of fact that support the determination; conclusions regarding the application of the relevant policy to the facts at issue; a statement of, and rationale for, the result of each allegation to the extent the College is permitted to share such information under state or federal law; any sanction(s) issued which the College is permitted to share according to state or federal law; and whether remedies will be provided to the Complainant to ensure access to the College's educational or employment program or activity. The Notice of Outcome will also include information on when the results are considered final by the College, will note any changes to the outcome and/or sanction(s) that occur prior to finalization, and the relevant procedures and bases for appeal.

34. Rights of the Parties

- The right to an equitable investigation and resolution of all credible allegations of prohibited harassment, discrimination, and/or retaliation made in good faith to College officials.
- The right to timely written notice of all alleged violations, including the identity of the parties involved (if known), the precise misconduct being alleged, the date and location of the alleged misconduct (if known), the implicated policies and procedures, and possible sanctions.

- The right to timely written notice of any material adjustments to the allegations (e.g., additional incidents or allegations, additional Complainants, unsubstantiated allegations) and any attendant adjustments needed to clarify potentially implicated policy violations.
- The right to be informed in advance of any public release of information by the College regarding the allegation(s) or underlying incident(s), whenever possible.
- The right not to have any personally identifiable information released by the College to the public without consent provided, except to the extent permitted by law.
- The right to be treated with respect by College officials.
- The right to have College policy and these procedures followed without material deviation.
- The right not to be pressured to mediate or otherwise informally resolve any reported misconduct involving violence, including sexual violence.
- The right not to be discouraged by College officials from reporting sexual harassment, discrimination, and/or retaliation 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(s) to be assisted by the College in notifying such authorities, if the party so chooses. This also includes the right not to be pressured to report.
- The right to have allegations of violations of this Policy responded to promptly and with sensitivity by College law enforcement and/or other College officials.
- The right to be informed of available supportive measures, such as counseling; advocacy; health care; student financial aid; visa and immigration assistance; and/or other services, both on campus and in the community.
- The right to a College-implemented no-contact order or a no-trespass order against a nonaffiliated third party when a person has engaged in or threatens to engage in stalking, threatening, harassing, or other improper conduct.
- The right to be informed of available assistance in changing academic, living, and/or working situations after an alleged incident of discrimination, harassment, and/or retaliation, if such changes are reasonably available. No formal report, or investigation, either institutional or criminal, needs to occur before this option is available.
- The right to have the College maintain such actions for as long as necessary and for supportive measures to remain confidential, provided confidentiality does not impair the College's ability to provide the supportive measures.
- The right to receive sufficiently advanced, written notice of any College meeting or interview involving another party, when possible.
- The right to identify and have the Investigator(s), Advisors, and/or Decision-maker(s) question relevant available witnesses, including expert witnesses.
- The right to provide the Investigator(s)/Decision-maker(s) with a list of questions that, if deemed relevant by the Investigator(s)/Decision-maker(s), may be asked of any party or witness.
- The right to have inadmissible sexual predisposition/prior sexual history or irrelevant character evidence excluded by the Decision-maker(s).
- The right to know the relevant and directly related evidence obtained and to respond to that evidence.

- The right to a fair opportunity to provide the Investigator(s) with their account of the alleged misconduct and have that account be on the record.
- The right to receive a copy of all relevant and directly related evidence obtained during the investigation, subject to privacy limitations imposed by state and federal law, and a ten (10) business-day period to review and comment on the evidence.
- The right to receive a copy of the final investigation report, including all factual, policy, and/or credibility analyses performed, and to have at least ten (10) business days to review and comment on the report prior to the hearing.
- The right to be informed of the names of all witnesses whose information will be used to make a finding, in advance of that finding, when relevant.
- The right to regular updates on the status of the investigation and/or resolution.
- The right to have reports of alleged Policy violations addressed by Investigators, Title IX Coordinators, and Decision-maker(s) who have received relevant annual training.
- The right to preservation of confidentiality/privacy, to the extent possible and permitted by law.
- The right to meetings, interviews, and/or hearings that are closed to the public.
- The right to petition that any College representative in the process be recused on the basis of disqualifying bias and/or conflict of interest.
- The right to have an Advisor of their choice to accompany and assist the party in all meetings and/or interviews associated with the Resolution Process.
- The right to the use of the appropriate standard of evidence, preponderance of the evidence to make a Finding and Final Determination after an objective evaluation of all relevant evidence.
- The right to be present, including presence via remote technology, during all testimony given and evidence presented during any hearing.
- The right to be promptly informed of the finding(s) and sanction(s) (if any) of the Resolution Process and a detailed rationale of the decision (including an explanation of how credibility was assessed) in a written Notice of Outcome letter delivered simultaneously (without undue delay) to the parties.
- The right to be informed in writing of when a decision by the College is considered final and any changes to the Final Determination or sanction(s) that occur post Notification of Outcome.
- The right to be informed of the opportunity to appeal the finding(s) and sanction(s) of the Resolution Process, and the procedures for doing so in accordance with the standards for appeal established by the College.
- The right to a fundamentally fair resolution as defined in these procedures.

35. Sanctions

Factors considered when determining a sanction/responsive action may include, but are not limited to:

- The nature, severity of, and circumstances surrounding the violation(s)
- The Respondent's disciplinary history
- The need for sanctions/responsive actions to bring an end to the discrimination, harassment, and/or retaliation

- The need for sanctions/responsive actions to prevent the future recurrence of discrimination, harassment, and/or retaliation
- The need to remedy the effects of the discrimination, harassment, and/or retaliation on the Complainant and the community
- The impact on the parties
- Any other information deemed relevant by the Decision-maker(s)

The sanctions will be implemented as soon as is feasible, either upon the outcome of any appeal or the expiration of the window to appeal without an appeal being requested.
The sanctions described in this Policy are not exclusive of, and may be in addition to, other actions taken, or sanctions imposed, by external authorities.
If it is later determined that a party or witness intentionally provided false or misleading information, that action could be grounds for re-opening a grievance process at any time, and/or referring that information to another process for resolution.

A. Student Sanctions

The following are the common sanctions that may be imposed upon students singly or in combination:

- *Warning*: A formal statement that the conduct was unacceptable and a warning that further violation of any College policy, procedure, or directive will result in more severe sanctions/responsive actions.
- *Required Counseling*: A mandate to meet with and engage in either College-sponsored or external counseling to better comprehend the misconduct and its effects.
- *Probation*: A written reprimand for violation of institutional policy, providing for more severe disciplinary sanctions in the event that the student or organization is found in violation of any institutional policy, procedure, or directive within a specified period of time. Terms of the probation will be articulated and may include denial of specified social privileges, exclusion from co-curricular activities, exclusion from designated areas of campus, no-contact orders, and/or other measures deemed appropriate.
- *Suspension*: Termination of student status for a definite period of time not to exceed two years and/or until specific criteria are met. Students who return from suspension

are automatically placed on probation through the remainder of their tenure as a student at College.

- *Expulsion*: Permanent termination of student status and revocation of rights to be on campus for any reason or to attend College-sponsored events.
- *Withholding Diploma*: The College may withhold a student's diploma for a specified period of time and/or deny a student participation in commencement activities as a sanction if the student is found responsible for violating policy.
- *Revocation of Degree*: The College reserves the right to revoke a degree previously awarded from the College for fraud, misrepresentation, and/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.
- *Other Actions*: In addition to or in place of the above sanctions, the College may assign any other sanctions as deemed appropriate.

B. Student Organization Sanctions

The following are the common sanctions that may be imposed upon student organizations singly or in combination:

- *Warning*: A formal statement that the conduct was unacceptable and a warning that further violation of any College policy, procedure, or directive will result in more severe sanctions/responsive actions.
- *Probation*: A written reprimand for violation of institutional policy, providing for more severe disciplinary sanctions in the event that the organization is found in violation of any institutional policy, procedure, or directive within a specified period of time. Terms of the probation will be articulated and may include denial of specified social and event privileges, denial of College funds, ineligibility for honors and awards, restrictions on new member recruitment, no-contact orders, and/or other measures deemed appropriate.
- *Suspension*: Termination of student organization recognition for a definite period of time not to exceed two years and/or until specific criteria are met. During the suspension period, a student organization may not conduct any formal or informal business or participate in College-related activities, whether they occur on or off campus. Readmission is possible but not guaranteed and will only be considered after the end of the suspension period and based on meeting all re-admission criteria and obtaining clearance from the College.
- *Expulsion*: Permanent termination of student organization recognition and revocation of the privilege to congregate and conduct business on campus as an organization for any reason.
- *Loss of Privileges*: Restricted from accessing specific College privileges for a specified period of time.
- *Other Actions*: In addition to or in place of the above sanctions, the College may assign any other sanctions as deemed appropriate.

C. Employee Sanctions

Possible sanctions against an employee member found responsible for sexual misconduct may range from warnings to immediate termination, depending on the circumstances.

Possible responsive actions for an employee who has engaged in harassment, discrimination, and/or retaliation include:

- *Verbal or Written Warning*
- *Performance Improvement Plan/Management Process*
- *Enhanced Supervision, Observation, or Review*
- *Required Counseling*
- *Required Training or Education*
- *Probation*
- *Denial of Pay Increase/Pay Grade*
- *Loss of Oversight or Supervisory Responsibility*
- *Demotion*
- *Transfer*
- *Reassignment*
- *Delay of (or referral for delay of) Tenure Track Progress*
- *Assignment to New Supervisor*
- *Restriction of Stipends, Research, and/or Professional Development Resources*
- *Suspension/Administrative Leave with Pay*
- *Suspension/Administrative Leave without Pay*
- *Termination*
- *Other Actions*: In addition to or in place of the above sanctions/responsive actions, the College may assign any other responsive actions as deemed appropriate.

D. Faculty Sanctions

Possible sanctions against a faculty member found responsible for sexual misconduct may include, but are not limited to, a warning, documentation in the faculty member's permanent file, suspension with pay, suspension without pay, or, in extraordinary cases, dismissal and/or revocation of tenure. Generally speaking, the College considers quid pro quo sexual harassment and rape involving the use of force or threats of intimidation to be very serious violations, and therefore typically imposes the most severe sanctions in such cases, including but not limited to dismissal.

36. Withdrawal or Resignation Before Complaint Resolution

A. Students

Should a student Respondent decide not to participate in the Resolution Process, the process proceeds absent their participation to a reasonable resolution. Should a student Respondent permanently withdraw from the College, the Resolution Process typically ends with a dismissal, as the College has lost primary disciplinary jurisdiction over the

withdrawn student. However, the College may continue the Resolution Process when, at the discretion of the Title IX Coordinator, doing so may be necessary to address safety and/or remedy any ongoing effects of the alleged harassment, discrimination, and/or retaliation.

Regardless of whether the complaint is dismissed or pursued to completion of the Resolution Process, the College will continue to address and remedy any systemic issues or concerns that may have contributed to the alleged violation(s), and any ongoing effects of the alleged harassment, discrimination, and/or retaliation. The student who withdraws or leaves while the process is pending may not return to the College in any capacity.

If the student Respondent only withdraws or takes a leave for a specified period of time (e.g., one semester or term), the Resolution Process may continue remotely and, if found in violation, that student is not permitted to return to College unless and until all sanctions, if any, have been satisfied.

B. Employees

Should an employee Respondent resign with unresolved allegations pending, the Resolution Process typically ends with dismissal, as the College has lost primary disciplinary jurisdiction over the resigned employee. However, the College may continue the Resolution Process when, at the discretion of the Title IX Coordinator, doing so may be necessary to address safety and/or remedy any ongoing effects of the alleged harassment, discrimination, and/or retaliation.

Regardless of whether the matter is dismissed or pursued to completion of the Resolution Process, the College will continue to address and remedy any systemic issues or concerns that contributed to the alleged violation(s), and any ongoing effects of the alleged harassment, discrimination, and/or retaliation.

The employee who resigns with unresolved allegations pending may not be eligible for academic admission or rehire with the College, and the records retained by the Title IX Coordinator will reflect that status.

All The College responses to future inquiries regarding employment references for that individual will include that the former employee resigned during a pending disciplinary matter.

37. Appeals

Any party may submit a written request for appeal ("Request for Appeal") to the Title IX Coordinator within 5 business days of the delivery of the Notice of Outcome.

A single Appeal Decision-maker will Chair the appeal. No Appeal Decision-maker(s) will have

been previously involved in the Resolution Process for the complaint, including in any dismissal appeal that may have been heard earlier in the process.

The Request for Appeal will be forwarded to the Appeal Chair or designee for consideration to determine if the request meets the grounds for appeal (a Review for Standing). This review is not a review of the merits of the appeal, but solely a determination as to whether the request meets the grounds and is timely filed.

A. Grounds for Appeal

Appeals are limited to the following grounds:

1) A procedural irregularity affected the outcome of the matter
2) New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter
3) The Title IX Coordinator, Investigator(s), or Decision-maker(s) had a conflict of interest or bias for or against Complainants or Respondents generally or the specific Complainant or Respondent that affected the outcome of the matter

If any of the grounds in the Request for Appeal do not meet the grounds in this Policy, that request will be denied by the Appeal Chair, and the parties and their Advisors will be notified in writing of the denial and the rationale.

If any of the grounds in the Request for Appeal meet the grounds in this Policy, then the Appeal Chair will notify all parties and their Advisors, the Title IX Coordinator, and, when appropriate, the Investigator(s) and/or the original Decision-maker(s).

All other parties and their Advisors, the Title IX Coordinator, and, when appropriate, the Investigator(s) and/or the original Decision-maker(s) will be mailed, emailed, and/or provided a hard copy of the Request for Appeal with the approved grounds and then be given 5 business days to submit a response to the portion of the appeal that was approved and involves them. All responses, if any, will be forwarded by the Appeal Chair to all parties for review and comment.

The non-appealing party (if any) may also choose to appeal at this time. If so, that will be reviewed to determine if it meets the grounds in this Policy by the Appeal Chair and either denied or approved. If approved, it will be forwarded to the party who initially requested an appeal, the Title IX Coordinator, and the Investigator(s) and/or original Decision-maker(s), as necessary, who will submit their responses, if any, within 5 business days. Any such responses will be circulated for review and comment by all parties. If not approved, the parties will be notified accordingly, in writing.

Neither party may submit any new requests for appeal after this time period. The Appeal Chair will collect any additional information needed and all documentation regarding the approved grounds for appeal, and the subsequent responses and the Chair will render a decision within no more than 5 business days, barring exigent circumstances.

A Notice of Appeal Outcome will be sent to all parties simultaneously. The Notice of Appeal Outcome will specify the finding on each ground for appeal, any specific instructions for remand or reconsideration, any sanction(s) that may result which the College is permitted to share according to state or federal law, and the rationale supporting the essential findings to the extent the College is permitted to share under state or federal law.

Notification will be made in writing and may be delivered by one or more of the following methods: in person, mailed to the local or permanent address of the parties as indicated in official institutional records, or emailed to the parties' College-issued email or otherwise approved account. Once mailed, emailed and/or received in-person, notice will be presumptively delivered.

B. Sanctions Status During the Appeal

Any sanctions imposed as a result of the hearing are stayed (i.e.: not implemented) during the appeal process. Supportive measures may be kept in place or reinstated, subject to the same supportive measure procedures above.

If any of the sanctions are to be implemented immediately post-hearing, but pre-appeal, then the emergency removal procedures (detailed above) for a show cause meeting on the justification for doing so must be permitted within 48 hours of implementation.

If the original sanctions include separation in any form, the College may place a hold on official transcripts, diplomas, graduations, course registration, etc. pending the outcome of an appeal. The Respondent may request a stay of these holds from the Title IX Coordinator within two (2) business days of the notice of the sanctions. The request will be evaluated by the Title IX Coordinator or designee, whose determination is final.

C. Appeal Considerations

- Appeals are not intended to provide for a full re-hearing (de novo) of the allegation(s). In most cases, appeals are confined to a review of the written documentation or record of the original hearing and pertinent documentation regarding the specific grounds for appeal.
- Decisions on appeal are to be deferential to the original determination, making changes to the finding only when there is clear error and to the sanction(s)/responsive action(s) only if there is a compelling justification to do so.
- An appeal is not an opportunity for Appeal Chair to substitute their judgment for that of the original Decision-maker(s) merely because they disagree with the finding and/or sanction(s).
- The Appeal Chair may consult with the Title IX Coordinator and/or legal counsel on questions of procedure or rationale, for clarification, if needed. Documentation of all such consultation will be maintained.
- Appeals granted should normally be remanded (or partially remanded) to the original Investigator(s) and/or Decision-maker(s) for reconsideration.

- Once an appeal is decided, the outcome is final: further appeals are not permitted, even if a decision or sanction is changed on remand (except in the case of a new hearing).
- In rare cases where an error cannot be cured by the original Decision-maker(s) (as in cases of bias), the Appeal Chair/Decision-maker(s) may order a new investigation and/ or a new hearing with new Pool members serving in the Investigator and Decisionmaker roles.
- The results of a new hearing can be appealed, once, on any of the three available appeal grounds.
- In cases that result in reinstatement to the College or resumption of privileges, all reasonable attempts will be made to restore the Respondent to their prior status, recognizing that some opportunities lost may be irreparable in the short term.

38. Long-Term Remedies/Other Actions

Following the conclusion of the Resolution Process, and in addition to any sanctions implemented, the Title IX Coordinator may implement additional long-term remedies or actions with respect to the parties and/or the institutional community that are intended to stop the harassment, discrimination, and/or retaliation, remedy the effects, and prevent reoccurrence.

These remedies/actions may include, but are not limited to:

- Referral to counseling and health services
- Referral to the Employee Assistance Program
- Education to the individual and/or the community
- Permanent alteration of housing assignments
- Permanent alteration of work arrangements for employees
- Provision of campus safety escorts
- Climate survey
- Policy modification and/or training
- Provision of transportation assistance
- Implementation of long-term contact limitations between the parties
- Implementation of adjustments to academic deadlines, course schedules, etc.

At the discretion of the Title IX Coordinator, certain long-term support or measures may also be provided to the parties even if no policy violation is found.

When no policy violation is found, the Title IX Coordinator will address any remedies the College owes the Respondent to ensure no effective denial of educational access.

The College will maintain the confidentiality of any long-term remedies/actions/measures, provided confidentiality does not impair the College's ability to provide these services.

39. Failure to Comply with Sanctions and/or Responsive Actions

All Respondents are expected to comply with the assigned sanctions, responsive actions, and/or

corrective actions within the timeframe specified by the final Decision-maker(s) (including the Appeal Chair.)

Failure to abide by the sanction(s)/action(s) imposed by the date specified, whether by refusal, neglect, or any other reason, may result in additional sanction(s)/action(s), including suspension, expulsion, and/or termination from the College. Supervisors are expected to enforce completion of sanctions/responsive actions for their employees.

A suspension will only be lifted when compliance is achieved to the satisfaction of the Title IX Coordinator.

40. Recordkeeping

College will maintain for a period of at least seven years following the conclusion of the Resolution Process, records of:

1) Each sexual harassment investigation including any determination regarding responsibility and any audio or audiovisual recording or transcript required under federal regulation
2) Any disciplinary sanctions imposed on the Respondent
3) Any remedies provided to the Complainant designed to restore or preserve equal access to the College's education program or activity
4) Any appeal and the result therefrom
5) Any Informal Resolution and the result therefrom
6) All materials used to train Title IX Coordinators, Investigators, Decision-makers, and any person who facilitates an Informal Resolution process. College will make these training materials publicly available on College 's website.
7) Any actions, including any supportive measures, taken in response to a report or Formal Complaint of sexual harassment, including:
    a. The basis for all conclusions that the response was not deliberately indifferent
    b. Any measures designed to restore or preserve equal access to the College's education program or activity
    c. If no supportive measures were provided to the Complainant, document the reasons why such a response was not clearly unreasonable in light of the known circumstances

The College will also maintain any and all records in accordance with state and federal laws.

41. Disability Accommodations in the Resolution Process

The College is committed to providing reasonable accommodations and support to qualified students, employees, or others with disabilities to ensure equal access to the College's Resolution Process.

Anyone needing such accommodations or support should contact the Director of the Office of Student Disability Services, who will review the request and, in consultation with the person requesting the accommodation and the Title IX Coordinator, determine which accommodations are appropriate and necessary for full participation in the process.

42. Revision of this Policy and Procedures

This Policy and procedures supersede any previous policies addressing harassment, sexual misconduct, discrimination, and/or retaliation for incidents occurring on or after August 14, 2020, under Title IX and will be reviewed and updated annually by the Title IX Coordinator. The College reserves the right to make changes to this document as necessary, and once those changes are posted online, they are in effect.

During the Resolution Process, the Title IX Coordinator may make minor modifications to procedures that do not materially jeopardize the fairness owed to any party, such as to accommodate summer schedules. The Title IX Coordinator may also vary procedures materially with notice (on the institutional website, with the appropriate effective date identified) upon determining that changes to law or regulation require Policy or procedural alterations not reflected in this Policy and procedures. If government laws or regulations change–or court decisions alter–the requirements in a way that impacts this document, this document will be construed to comply with the most recent government laws or regulations or court holdings.

This document does not create legally enforceable protections beyond the protections of the background state and federal laws which frame such policies and codes, generally.

This Policy and procedures are effective August 10, 2022.
This Policy and procedure was last revised on August 1, 2024.

Resolution Process for Alleged Violations of the Title IX and Nondiscrimination Policy ("Process B")

- Process B is applicable when the Title IX Coordinator determines Process A is inapplicable, or offenses subject to Process A have been dismissed.
- If Process A is applicable, Process A must be applied in lieu of Process B.

The College will act on any formal or informal allegation or notice of violation of the Equal Opportunity, Harassment and Nondiscrimination Policy that is received by the Title IX Coordinator or a member of the administration, faculty, or other employee, with the exception of confidential resources, as articulated in the Policy above.

The procedures described below apply to all allegations of harassment, discrimination, and/or retaliation on the basis of protected characteristic status involving students, staff, faculty members, or third parties with the exception of at-will employees. Unionized or other categorized employees will be subject to the terms of their respective collective bargaining agreements/employees' rights.

These procedures may also be used to address collateral misconduct arising from the investigation of or occurring in conjunction with/related to harassing, discriminatory, or retaliatory conduct (e.g., vandalism, physical abuse of another). All other allegations of misconduct unrelated to incidents covered by this Policy will be addressed through the

procedures elaborated in the respective student, faculty, and staff handbooks.

1. **Initial Assessment**

Following intake, receipt of notice, or a complaint of an alleged violation of the College's nondiscrimination policy, the Title IX Coordinator engages in an initial assessment, which is typically one to five (1-5) business days in duration. The steps in an initial assessment can include:

- The Title IX Coordinator reaches out to the Complainant to offer supportive measures.
- The Title IX Coordinator works with the Complainant to ensure they have an Advisor.
- The Title IX Coordinator works with the Complainant to determine which of three options to pursue: A Supportive Response, an Informal Resolution, or an Administrative Resolution.
    - If a Supportive Response is preferred, the Title IX Coordinator works with the Complainant to identify their wishes and then seeks to facilitate implementation. An Administrative Resolution process is not initiated, though the Complainant can elect to initiate it later, if desired.
    - If an Informal Resolution option is preferred, the Title IX Coordinator assesses whether the complaint is suitable for Informal Resolution, which informal mechanism may serve the situation best or is available],and may seek to determine if the Respondent is also willing to engage in Informal Resolution.
    - If Administrative Resolution is preferred, the Title IX Coordinator initiates the investigation process and determines whether the scope of the investigation will address:
        - Incident
        - A potential pattern of misconduct
        - A culture/climate issue

- In many cases, the Title IX Coordinator may determine that a Violence Risk Assessment (VRA) should be conducted by the CARE Team as part of the initial assessment. A VRA can aid in ten critical and/or required determinations, including:
    - Interim suspension of a Respondent who is a threat to health/safety
    - Whether the Title IX Coordinator should pursue Administrative Resolution absent a willing/able Complainant
    - Whether to put the investigation on the footing of incident and/or pattern and/or climate
    - To help identify potentially predatory conduct
    - To help assess/identify grooming behaviors
    - Whether a Complaint is amenable to Informal Resolution, and what modality may be most successful
    - Whether to permit a voluntary withdrawal by the Respondent
    - Whether to impose transcript notation or communicate with a transfer recipient about a Respondent
    - Assessment of appropriate sanctions/remedies
    - Whether a Clery Act Timely Warning and/or Trespass order/Persona-non-

grata is needed

Based on the initial assessment, the College will initiate one of these responses:

- **Supportive Response** – measures to help restore the Complainant's education access, as described in the Policy.
- **Informal Resolution** – typically used for less serious offenses and only when all parties agree to Informal Resolution, or when the Respondent is willing to accept responsibility for violating policy.
- **Administrative Resolution** – investigation of alleged policy violation(s) and recommended finding, subject to a determination by the Title IX Coordinator or Decision-maker(s) and the opportunity to appeal.

The investigation and the subsequent Administrative Resolution determine whether the Equal Opportunity, Harassment, and Nondiscrimination Policy has been violated. If so, the College will promptly implement effective remedies designed to end the discrimination, prevent recurrence, and address the effects.

The process followed considers the preference of the parties but is ultimately determined at the discretion of the Title IX Coordinator. If at any point during the initial assessment or formal investigation the Title IX Coordinator determines that reasonable cause does not support the conclusion that policy has been violated, the process will end, and the parties will be notified.

The Complainant may request that the Title IX Coordinator review the reasonable cause determination and/or re-open the investigation. This decision lies in the sole discretion of the Title IX Coordinator, but the request is usually only granted in extraordinary circumstances.

2. Resolution Process Pool

The Resolution Process relies on a pool of officials ("Pool") for implementation.

Members of the Pool are trained annually in all aspects of the Resolution Process and can serve in any of the following roles, at the direction of the Title IX Coordinator:

- To provide sensitive intake for and initial advice pertaining to the allegations
- To act as optional process Advisors to the parties
- To facilitate Informal Resolution
- To investigate allegations
- To serve as a Decision-maker
- To serve as an Appeal Decision-maker

The Title IX Coordinator carefully vets Pool members for potential conflicts of interest or disqualifying biases and appoints the Pool, which acts with independence and impartiality.

Pool members receive annual training organized by the Title IX Coordinator, including a review of the College's policies and procedures as well as applicable federal and state laws and regulations so that they are able to appropriately address allegations, provide accurate information to

members of the community, protect safety, and promote accountability.

The Pool members receive annual training. This training includes, but is not limited to:

- The scope of the College's Equal Opportunity, Harassment, and Nondiscrimination Policy and Procedures
- How to conduct investigations and hearings that protect the safety of Complainants and Respondents and promote accountability
- Implicit bias
- Disparate treatment
- Reporting, confidentiality, and privacy requirements
- Applicable laws, regulations, and federal regulatory guidance
- How to implement appropriate and situation-specific remedies
- How to investigate in a thorough, reliable, timely, and impartial manner
- How to conduct a sexual harassment investigation
- Trauma-informed practices pertaining to investigations and Resolution Processes
- How to uphold fairness, equity, and due process
- How to weigh evidence
- How to conduct questioning
- How to assess credibility
- Impartiality and objectivity
- Types of evidence
- Deliberation
- How to render findings and generate clear, concise, evidence-based rationales
- The definitions of all offenses
- How to apply definitions used by the institution with respect to consent (or the absence or negation of consent) consistently, impartially, and in accordance with Policy
- How to conduct an investigation and grievance process including hearings, appeals, and Informal Resolution Processes
- How to serve impartially by avoiding prejudgment of the facts at issue, conflicts of interest, and bias against Respondents and/or for Complainants, and on the basis of sex, race, religion, and other protected characteristics
- Any technology to be used
- Issues of relevance of questions and evidence
- Issues of relevance to create an investigation report that fairly summarizes relevant evidence
- How to determine appropriate sanctions in reference to all forms of harassment and discrimination allegations

3. Counterclaims

Counterclaims by the Respondent may be made in good faith or may instead be motivated by a retaliatory intent. The College is obligated to ensure that any process is not abused for retaliatory purposes.

The College permits the filing of counterclaims, but uses the initial assessment, described above, to assess whether the allegations are made in good faith. If they are, the allegations will be processed using the resolution procedures below, typically after resolution of the underlying allegation.
Counterclaims made with retaliatory intent will not be permitted.

A delay in the processing of counterclaims is permitted, accordingly. Occasionally, allegations and counterclaims can be resolved through the same investigation, at the discretion of the Title IX Coordinator. When counterclaims are not made in good faith, they will be considered retaliatory, and may constitute a violation of this Policy.

4. Advisors

Advisor Expectations

The College generally expects an Advisor to adjust their schedule to allow them to attend College meetings when planned, but the College may change scheduled meetings to accommodate an Advisor's inability to attend, if doing so does not cause an unreasonable delay.

The College may also make reasonable provisions to allow an Advisor who cannot attend in person to attend a meeting by telephone, video conferencing, or other similar technologies as may be convenient and available.

Parties whose Advisors are disruptive or who do not abide by College policies and procedures may face the loss of that Advisor and/or possible Policy violations.

Advisors are expected to consult with their advisees without disrupting College meetings or interviews. Advisors do not represent parties in the process; their role is only to advise.

Expectations of the Parties with Respect to Advisors

Each party may choose an Advisor who is eligible and available to accompany them throughout the process. The Advisor can be anyone, including an attorney, but should not be someone who is also a witness in the process. A party may elect to change Advisors during the process and is not obligated to use the same Advisor throughout.

The parties are expected to inform the Investigators of the identity of their Advisor at least two (2) business days before the date of their first meeting with the Investigator(s) (or as soon as possible if a more expeditious meeting is necessary or desired).

The parties are expected to provide timely notice to the Investigator(s) and/or the Title IX Coordinator if they change Advisors at any time.

Upon written request of a party, the College will copy the Advisor on all communications between the College and the party. The Advisor may be asked to sign a non-disclosure agreement (NDA) regarding private, sensitive records.

For parties who are entitled to union representation, the College will allow the unionized

employee to have their union representative (if requested by the party) as well as an Advisor of their choice present for all resolution-related meetings and interviews. To uphold the principles of equity, the other party (regardless of union membership) will also be permitted to have two Advisors. Witnesses are/are not permitted to have union representation or Advisors in grievance process interviews or meetings.

At the discretion of the Title IX Coordinator, more than one Advisor may be permitted to the parties, upon request. For equity purposes, if one party is allowed another Advisor, the other party must be allowed one to as well.

Assistance in Securing an Advisor

For representation, Respondents may wish to contact organizations such as:

- Families Advocating for Campus Equality (http://www.facecampusequality.org)
- Stop Abusive and Violent Environments (http://www.saveservices.org)

Complainants may wish to contact organizations such as:

- The Victim Rights Law Center (http://www.victimrights.org)
- The National Center for Victims of Crime (http://www.victimsofcrime.org), which maintains the Crime Victim's Bar Association
- The Time's Up Legal Defense Fund (https://nwlc.org/times-up-legal-defense-fund/)]

5. Resolution Options

Proceedings are private. All persons present at any time during the Resolution Process are expected to maintain the privacy of the proceedings in accord with College Policy.

While there is an expectation of privacy around what is discussed during interviews, the parties have discretion to share their own experiences with others if they so choose but are encouraged to discuss with their Advisors first before doing so.

A. Informal Resolution

Informal Resolution is applicable when the parties voluntarily agree to resolve the matter through Alternative Resolution [mediation, restorative practices, facilitated dialogue, etc.], when the Respondent accepts responsibility for violating Policy, or when the Title IX Coordinator can resolve the matter informally by providing remedies to resolve the situation. The Title IX Coordinator has discretion to determine if an investigation will be paused during Informal Resolution, or if it will be limited, or will continue during the Informal Resolution process.

It is not necessary to pursue Informal Resolution first in order to pursue Administrative Resolution, and any party participating in Informal Resolution can stop the process at any time and request the Administrative Resolution process. Further, if an Informal Resolution fails after the resolution is finalized, Administrative Resolution may be pursued.

B. Alternative Resolution

Alternative Resolution is an informal process, such as mediation or restorative practices, by which the parties mutually agree to resolve an allegation. It may be used for less serious, yet inappropriate, behaviors and is encouraged as an alternative to the Administrative Resolution process (described below) to resolve conflicts, as appropriate. The parties must consent to the use of Alternative Resolution.

The Title IX Coordinator determines if Alternative Resolution is appropriate, based on the willingness of the parties, the nature of the conduct at issue, and the susceptibility of the conduct to Alternative Resolution.

In an Alternative Resolution, a trained administrator or third party facilitates communication among with the parties to an effective resolution, if possible. Institutionally imposed sanctions are not possible as the result of an Alternative Resolution process, though the parties may agree to accept sanctions and/or appropriate remedies.

The Title IX Coordinator maintains records of any resolution that is reached, and failure to abide by the resolution can result in appropriate enforcement actions.

Alternative Resolution is not typically the primary resolution mechanism used to address reports of violent behavior of any kind or in other cases of serious violations of policy, though similarly structured conversations may be made available after the Administrative Resolution process is completed should the parties and the Title IX Coordinator believe it could be beneficial. The results of Alternative Resolution are not appealable.

C. Respondent Accepts Responsibility for Alleged Violations

The Respondent may accept responsibility for all or part of the alleged policy violations at any point during the Resolution Process. If the Respondent accepts responsibility, the Title IX Coordinator determines that the individual is in violation of College policy.

The Title IX Coordinator then determines appropriate sanction(s) or responsive actions, which are promptly implemented in order to effectively stop the harassment, discrimination, and/or retaliation; prevent its recurrence; and remedy the effects of the conduct, both on the Complainant and the community.

If the Respondent accepts responsibility for all of the alleged policy violations and the Title IX Coordinator or designee has determined appropriate sanction(s) or responsive actions, to which the Respondent agrees, and which are promptly implemented, the process is over. The Complainant may be consulted on and will be informed of this outcome.

If the Respondent accepts responsibility for some of the alleged policy violations and the Title IX Coordinator has determined appropriate sanction(s) or responsive actions, to which the Respondent agrees, and which are promptly implemented for those violations, then the remaining allegations will continue to be investigated and resolved through Administrative Resolution. The parties will be informed of this outcome. The parties are still able to seek Alternative Resolution on the remaining allegations, subject to the stipulations above.

D. Administrative Resolution via a Nonconfrontational Hearing

Administrative Resolution can be pursued at any time during the process for any behavior for which the Respondent has not accepted responsibility that would constitute conduct covered by the Equal Opportunity, Harassment, and Nondiscrimination Policy if proven. Administrative Resolution starts with a thorough, reliable, and impartial investigation.

If Administrative Resolution is initiated, the Title IX Coordinator will provide written notification of the investigation to the parties at an appropriate time during the investigation. Typically, notice is given at least 48 hours in advance of an interview. Advanced notice facilitates the parties' ability to identify and choose an Advisor, if any, to accompany them to the interview.

Notification will include a meaningful summary of the allegations, will be made in writing, and may be delivered by one or more of the following methods: in person, mailed to the local or permanent address of the parties as indicated in official College records, or emailed to the parties' College-issued or designated email account.

Once mailed, emailed, or received in-person, notice will be presumptively delivered. The notification will include the policies allegedly violated, if known at the time. Alternatively, the policies allegedly violated can be provided at a later date, in writing, as the investigation progresses, and details become clearer. Once notice has been presumptively delivered to each party, the College reserves the right to continue the Administrative Resolution process even if a party chooses not to participate or becomes unresponsive during the process.

The College aims to complete all investigations within a sixty (60) business-day time period, which can be extended as necessary for appropriate cause by the Title IX Coordinator, with notice to the parties as appropriate. Investigations can take weeks or even months, depending on the nature, extent, and complexity of the allegations, availability of witnesses, police involvement, etc.

Once the decision is made to commence an investigation, the Title IX Coordinator appoints Pool members to conduct the investigation (typically using a team of two Investigators), usually within two (2) business days of determining that an investigation

should proceed.

The Title IX Coordinator will vet the assigned Investigator(s) to ensure impartiality by ensuring there are no conflicts of interest or disqualifying bias.

The parties may, at any time during the Resolution Process, raise a concern regarding bias or conflict of interest, and the Title IX Coordinator will determine whether the concern is reasonable and supportable. If so, another Investigator will be assigned and the impact of the bias or conflict, if any, will be remedied. If the bias or conflict relates to the Title IX Coordinator, concerns should be raised with the College's President.

The College will make a good faith effort to complete the investigation as promptly as circumstances permit and will communicate regularly with the parties to update them on the progress and timing of the investigation. If a party or witness chooses not to participate in the resolution process or becomes unresponsive, the College reserves the right to continue the resolution process without their participation to complete the investigation in a timely manner. In the event that a party chooses not to participate or becomes unresponsive, the party will still have the rights outlined in this policy, including receiving a copy of the directly related and relevant evidence, the investigation report, and the opportunity to participate in the hearing.

The College may undertake a short delay in its investigation (several days to weeks, to allow evidence collection) when criminal charges based on the same behaviors that invoke the College's Resolution Process are being investigated by law enforcement. The College will promptly resume its investigation and Resolution Process once notified by law enforcement that the initial evidence collection process is complete.

The College's action(s) are not typically altered or precluded on the grounds that civil or criminal charges involving the underlying incident(s) have been filed or that criminal charges have been dismissed or reduced.

Investigations involve interviews with all relevant parties and witnesses, obtaining available, relevant evidence, and identifying sources of expert information, as necessary.

All parties have a full and fair opportunity, through the investigation process, to suggest witnesses and questions, to provide evidence, and to fully review and respond to all evidence on the record.

6. Investigation

All investigations are adequate, thorough, reliable, impartial, prompt, and fair. They involve interviewing all relevant Parties and witnesses, obtaining relevant evidence, and identifying sources of expert information, as necessary.

After an interview, Parties and witnesses will be asked to verify the accuracy of the recording,

transcript, or summary of their interview. They may submit changes, edits, or clarifications. If the Parties or witnesses do not respond within the time period designated for verification, objections to the accuracy of the recording, transcript, or summary will be deemed to have been waived, and no changes will be permitted.

The College may consolidate Complaints against more than one Respondent, or by more than one Complainant against one or more Respondents, when the allegations arise from the same facts or circumstances or implicate a pattern, collusion, and/or other shared or similar actions.

The Investigator(s) typically take(s) the following steps, if not already completed and not necessarily in this order:

- Determine the identity and contact information of the Complainant.
- Identify all offenses implicated by the alleged misconduct and notify the Complainant and Respondent of all specific policies implicated.
- Assist the Title IX Coordinator, if needed, with conducting a prompt initial evaluation to determine if the allegations indicate a potential Policy violation.
- Work with the Title IX Coordinator, as necessary, to prepare the initial NOIA. The NOIA may be amended with any additional or dismissed allegations.
- Commence a thorough, reliable, and impartial investigation by identifying issues and developing a strategic investigation plan, including a witness list, evidence list, intended investigation timeframe, and order of interviews for the Parties and witnesses.
- When participation of a party is expected, provide that party with written notification of the date, time, and location of the meeting, as well as the expected participants and purpose.
- Make good faith efforts to notify each party of any meeting or interview involving another party, in advance when possible.
- Interview the Complainant and the Respondent and conduct any necessary follow-up interviews with each.
- Interview all available, relevant witnesses and conduct follow-up interviews as necessary.
- Provide each interviewed party and witness an opportunity to review and verify the Investigator's summary notes (or transcript or recording) of the relevant evidence/testimony from their respective interviews and meetings.
- Allow each party the opportunity to suggest witnesses and questions they wish the Investigator(s) to ask of another party and/or witnesses. Document which questions were asked with a rationale for any changes or omissions in the investigation report.
- Where possible, complete the investigation promptly and without unreasonable deviation from the intended timeline.
- Provide the Parties with regular status updates throughout the investigation.
- Prior to the conclusion of the investigation, provide the Parties and their respective

Advisors with a list of witnesses whose information will be used to render a finding.

- Ask the Parties to provide a list of questions they would like asked of the other party or any witnesses. The Investigator will ask those questions deemed relevant, and for any question deemed not relevant, will provide a rationale for not asking the question.
- Write a draft investigation report that gathers, assesses, and synthesizes the evidence, accurately summarizes the investigation and party and witness interviews, and provides all relevant evidence.
- Provide the Parties and their respective Advisors an electronic copy of the draft investigation report as well as an opportunity to inspect and review all relevant evidence obtained as part of the investigation for a review and comment period of ten (10) business days so that each party may meaningfully respond to the evidence. The Parties may elect to waive all or part of the review period.
- The Investigator may share the investigation report with the Title IX Coordinator and/or legal counsel for their review and feedback.

7. Nonconfrontational Hearing Resolution Process

The Nonconfrontational Hearing Resolution Process consists of a hand-off of the investigation report and all relevant evidence to the Decision-maker to make a finding and determine sanctions (if applicable).

At the discretion of Title IX Coordinator, the assigned Decision-maker will be an individual or a panel drawn from the Resolution Process Pool, or other trained individuals either internal or external to the institution. Once the Decision-maker receives and reviews the file, they can recommend dismissal to the Title IX Coordinator, if they believe the grounds are met.

The Nonconfrontational Hearing Resolution Process typically takes approximately thirty (30) business days to complete, beginning with the Decision-maker's receipt of the Draft Investigation Report. The Parties will be regularly updated on the timing and any significant deviation from this typical timeline.

<u>Investigator-led Questioning Meetings</u>

- The Title IX Coordinator provides the Draft Investigation Report to the Decision-maker and the Parties simultaneously for review. The Decision-maker can then provide the Investigator with a list of relevant questions to ask the Parties or any witnesses.
    - To the extent credibility is in dispute and relevant to one or more of the allegations, the questions provided by the Decision-maker may also explore credibility.
- The Investigator will also ask each of the Parties to provide a proposed list of questions to ask the other Parties and any witnesses.
    - To the extent credibility is in dispute and relevant to one or more of the allegations, questions proposed by the Parties may also explore credibility.
    - All party questions must be posed during this phase of the process and cannot be posed later unless authorized by the Decision-maker.
    - The Investigator will share all party-proposed questions with the Decision-maker,

who will finalize the list with the Investigator to ensure all questions are both relevant and permissible.
    - Repetitive, irrelevant, or harassing questions of any party or witness are prohibited.
- The Investigator will then hold individual meetings with the Parties and witnesses to ask the questions posed by the Decision-maker, as well as the questions proposed by the Parties that have been deemed relevant and not duplicative, including questions intended to assess credibility. These meetings will be recorded and transcribed.
    - For any question deemed not relevant or duplicative, the Investigator will provide a rationale for not asking the question, either during the recorded meeting, or in writing (typically as an appendix to the Final Investigation Report).
- Typically, within three (3) business days of the last of these meetings, the recordings or transcripts of them will be provided to the Parties for their review. The Parties will then have five (5) business days to review these recordings or transcripts and propose any follow-up questions for the Investigator to ask.
- The Investigator will review the proposed questions with the Decision-maker to determine relevance and permissibility. If deemed necessary, the Investigator will then meet individually with the Parties or witnesses for whom there are relevant, and not duplicative, follow-up questions. These follow-up meetings will also be recorded, and the Parties will receive the recordings or transcripts of these meetings. This final round of questioning is the last round permitted, unless permission is granted to extend by the Decision-maker.
- The Investigator will then incorporate any new, relevant evidence and information obtained through the Parties' review of the Draft Investigation Report, the questioning, and follow-up meetings into a Final Investigation Report.
- The Investigator will also respond in writing (typically within the Final Investigation Report) to the relevant elements of the Parties' responses to the Draft Investigation Report and incorporate relevant elements of the Parties' written responses, additional relevant evidence, and any necessary revisions into the Final Investigation Report.
- The Investigator will then share the Final Investigation Report with the Title IX Coordinator and/or legal counsel for their review and feedback.
- The Investigator will then provide the Title IX Coordinator with the Final Investigation Report and investigation file.

<u>The Decision-maker's Determination</u>

- The Title IX Coordinator will provide the Decision-maker, the Parties, and their Advisors with the Final Investigation Report (FIR) and investigation file, including the evidence and information obtained through the Investigator-led Questioning meetings.
- The Decision-maker will review the FIR, all appendices, and the investigation file.
- If the record is incomplete, the Decision-maker may direct a re-opening of the investigation, or may direct or conduct any additional inquiry necessary, including informal meetings with the Parties or any witnesses, if needed.
- Upon reviewing the relevant evidence, the Decision-maker may also choose to pose additional questions:

- To the extent credibility is in dispute and relevant to one or more of the allegations, the Decision-maker may meet individually with the Parties and witnesses to question them in order to assess their credibility. These meetings will be recorded, and the recording or transcript will be shared with the Parties.
- At their discretion, the Decision-maker may also meet with any party or witness to ask additional relevant questions that will aid the Decision-maker in making their findings. These meetings will be recorded, and the recording or transcript will be shared with the Parties.

- The Decision-maker will then apply the preponderance of the evidence standard to make a determination on each of the allegations and, if applicable, any associated sanctions.
- **Timeline.** The Decision-maker's determination process typically takes approximately ten (10) business days, but this timeframe can vary based on a number of factors and variables. The Parties will be notified of any delays.
- **Impact Statements.** Prior to a determination, the Title IX Coordinator will also provide the Parties with an opportunity to submit a written impact and/or mitigation statement. The Title IX Coordinator will review these statements upon receipt to determine whether there are any immediate needs, issues, or concerns, but will otherwise hold them until after the Decision- maker has made determinations on the allegations. If there are any findings of a Policy violation, the Decision-maker will request the Impact Statements from the Title IX Coordinator and review them prior to determining sanctions. They will also be exchanged between the Parties at that time.
- If it is later determined that a party or witness intentionally provided false or misleading information, that action could be grounds for re-opening a Resolution Process at any time, and/or referring that information to another process for resolution.

8. Additional Details of the Investigation Process

Witness Responsibilities

Witnesses (as distinguished from the parties) who are College faculty or staff are required to cooperate with and participate in the College's investigation and Resolution Process. Failure of a witness to cooperate with and/or participate in the investigation or Resolution Process constitutes a violation of Policy and may be subject to discipline.

Remote Processes

Parties and witnesses may be interviewed remotely by phone, video conferencing, or similar technologies if the Investigator(s) and/or Decision-maker determine that timeliness, efficiency, or other causes dictate a need for remote interviewing. Witnesses may also provide written statements in lieu of interviews, or respond to questions in writing, if deemed appropriate by the Investigator(s), though this approach is not ideal. When remote technologies are used, the College makes reasonable efforts to ensure privacy and ensures that any technology does not work to the detriment of any party or

subject them to unfairness.

Recording

It is standard practice for Investigators to create record of all interviews pertaining to the Resolution Process. The Parties may review copies of their own interviews upon request. No unauthorized audio or video recording of any kind is permitted during investigation meetings. All involved parties should be made aware of and consent to audio and/or video recording.

All interviews are recorded, and all involved persons should be made aware of the audio and/or video recording. The recording and/or transcript of those meetings will be provided to the Parties for their review, after which the Parties may pose additional questions to each other. Those subsequent meetings or interviews are also recorded and/or transcribed and shared with the Parties.

Evidence

The Investigator(s) and the Decision-maker(s) will only consider evidence that is deemed relevant and not otherwise impermissible.

Relevant Evidence is that which may aid in determining whether the allegation occurred, or whether the behavior constitutes a violation of Policy.

Impermissible evidence is defined as evidence that relates to the Complainant's sexual interests or prior sexual conduct[21] or Respondent's prior sexual history,[22] unless 1) evidence about the prior sexual conduct or history is offered to prove that someone other than the Respondent committed the alleged conduct, or 2) is evidence about specific incidents of the Complainant's prior sexual conduct with the Respondent that is offered to prove consent. The fact of prior consensual sexual conduct occurred between the Complainant and Respondent does not by itself demonstrate or imply the Complainant's consent or preclude a determination that sex-based harassment occurred. Likewise, a previous or subsequent dating relationship between the Complainant and the Respondent will not be considered, unless the evidence is relevant to how the parties communicated consent in prior or subsequent consensual sexual relations.[24] Prior to allowing the consideration of any evidence provided under this section, the investigator(s) or decision-maker(s) will provide a written explanation to the parties as to why the evidence is consistent with this clause.[25]

Previous disciplinary action of any kind involving the Respondent may not be considered

unless there is an allegation of a pattern of misconduct. Such information may also be considered in determining an appropriate sanction upon a determination of responsibility. Barring a pattern allegation, this information is only considered at the sanction stage of the process and is not shared until then.

Within the limitations stated above, the investigation and determination can consider character evidence, if offered, but that evidence is unlikely to be relevant unless it is fact evidence or relates to a pattern of conduct.

No0fication of Outcome

Within ten (10) business days of the conclusion of the Resolution Process, the Title IX Coordinator provides the Parties with a written outcome notification. The outcome notification will specify the finding for each alleged Policy violation, all applicable sanctions that the College is permitted to share pursuant to state or federal law, and a detailed rationale, written by the Decision-maker, supporting the findings to the extent the College is permitted to share under federal or state law.

The notification will also detail the Parties' equal rights to appeal, the grounds for appeal, the steps to request an appeal, and when the determination is considered final if no party appeals.

The Title IX Coordinator will provide the Parties with the outcome notification simultaneously, or without significant time delay between notifications. The written outcome notification may be delivered by one or more of the following methods: in person, mailed to the Parties' local or permanent address as indicated in official Whittier records, or emailed to the Parties' Whittier- issued or designated email account. Once mailed, emailed, and/or received in person, the outcome notification is presumptively delivered.

9. Sanctions

Factors considered when determining any sanction(s)/responsive action(s) may include, but are not limited to:

- The nature, severity of, and circumstances surrounding the violation(s)
- An individual's disciplinary history
- Previous allegations or allegations involving similar conduct
- The need for sanctions/responsive actions to bring an end to the discrimination, harassment, and/or retaliation
- The need for sanctions/responsive actions to prevent the future recurrence of discrimination, harassment, and/or retaliation
- The need to remedy the effects of the discrimination, harassment, and/or retaliation on the Complainant and the community

- The impact on the parties
- Any other information deemed relevant by the Title IX Coordinator/Decision-maker

The sanction(s) will be implemented as soon as is feasible. The sanctions described in this Policy are not exclusive of, and may be in addition to, other actions taken, or sanctions imposed by outside authorities.

Student Sanctions

The following are the common sanctions that may be imposed upon students singly or in combination:

- *Warning*: A formal statement that the conduct was unacceptable and a warning that further violation of any College policy, procedure, or directive will result in more severe sanctions/responsive actions.
- *Required Counseling*: A mandate to meet with and engage in either College-sponsored or external counseling to better comprehend the misconduct and its effects.
- *Probation*: A written reprimand for violation of institutional policy, providing for more severe disciplinary sanctions in the event that the student or organization is found in violation of any institutional policy, procedure, or directive within a specified period of time. Terms of the probation will be articulated and may include denial of specified social privileges, exclusion from co-curricular activities, exclusion from designated areas of campus, no-contact orders, and/or other measures deemed appropriate.
- *Suspension*: Termination of student status for a definite period of time not to exceed two years and/or until specific criteria are met. Students who return from suspension are automatically placed on probation through the remainder of their tenure as a student at the College.
- *Expulsion*: Permanent termination of student status and revocation of rights to be on campus for any reason or to attend College-sponsored events. This sanction will be noted permanently as a Conduct Expulsion on the student's official transcript, subject to any applicable expungement policies.
- *Withholding Diploma*: The College may withhold a student's diploma for a specified period of time and/or deny a student participation in commencement activities as a sanction if the student is found responsible for an alleged violation.
- *Revocation of Degree*: The College reserves the right to revoke a degree previously awarded from the College for fraud, misrepresentation, and/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.
- *Other Actions*: In addition to or in place of the above sanctions, the College may assign any other sanctions as deemed appropriate.

Student Organization Sanctions

The following are the common sanctions that may be imposed upon student organizations singly or in combination:

- *Warning*: A formal statement that the conduct was unacceptable and a warning that further violation of any College policy, procedure, or directive will result in more severe sanctions/responsive actions.
- *Probation*: A written reprimand for violation of institutional policy, providing for more severe disciplinary sanctions in the event that the organization is found in violation of any institutional policy, procedure, or directive within a specified period of time. Terms of the probation will be articulated and may include denial of specified social and event privileges, denial of College funds, ineligibility for honors and awards, restrictions on new member recruitment, no-contact orders, and/or other measures deemed appropriate.
- *Suspension*: Termination of student organization recognition for a definite period of time not to exceed two years and/or until specific criteria are met. During the suspension period, a student organization may not conduct any formal or informal business or participate in College-related activities, whether they occur on or off-campus. Re- recognition is possible but not guaranteed and will only be considered after the end of the suspension period and based on meeting all re-recognition criteria and obtaining clearance from the College.
- *Expulsion*: Permanent termination of student organization recognition and revocation of the privilege to congregate and conduct business on campus as an organization for any reason.
- *Loss of Privileges*: Restricted from accessing specific College privileges for a specified period of time.
- *Other Actions*: In addition to or in place of the above sanctions, the College may assign any other sanctions as deemed appropriate.

Employee Sanctions/Responsive/Corrective Actions

Responsive actions for an employee who has engaged in harassment, discrimination, and/or retaliation include:

- *Verbal or Written Warning*
- *Performance Improvement Plan/Management Process*
- *Enhanced Supervision, Observation, or Review*
- *Required Counseling*
- *Required Training or Education*
- *Probation*
- *Denial of Pay Increase/Pay Grade*
- *Loss of Oversight or Supervisory Responsibility*
- *Demotion*
- *Transfer*
- *Reassignment*

- *Delay of Tenure Track Progress*
- *Assignment to New Supervisor*
- *Restriction of Stipends, Research, and/or Professional Development Resources*
- *Suspension with Pay*
- *Suspension without Pay*
- *Termination*
- *Other Actions: In addition to or in place of the above sanctions/responsive actions, the College may assign any other responsive actions as deemed appropriate.*

10. Withdrawal or Resignation while Charges are Pending

Students

Should a student Respondent decide not to participate in the Resolution Process, the process proceeds absent their participation to a reasonable resolution. If a student Respondent withdraws from the College, the Resolution Process may continue, or the Title IX Coordinator may exercise their discretion to dismiss the Complaint. If the Complaint is dismissed, Whittier will still provide reasonable supportive or remedial measures as deemed necessary to address safety and/or remedy any ongoing effects of the alleged harassment, discrimination, and/or retaliation.

Regardless of whether the Complaint is dismissed or pursued to completion of the Resolution Process, the College will continue to address and remedy any systemic issues or concerns that may have contributed to the alleged violation(s), and any ongoing effects of the alleged discrimination, harassment, and/or retaliation.

When a student withdraws or leaves while the process is pending, the student may not return to the College in any capacity until the Complaint is resolved and any sanctions imposed are satisfied. If the student indicates they will not return, the Title IX Coordinator has discretion to dismiss the Complaint. The Registrar, Office of Admissions, and HR may be notified, accordingly.

If the student Respondent takes a leave for a specified period of time (e.g., one semester or term), the Resolution Process may continue remotely. If found in violation, that student is not permitted to return to Whittier unless and until all sanctions, if any, have been satisfied.

Employees

Should an employee Respondent decide not to participate in the Resolution Process, the process proceeds absent their participation to a reasonable resolution. If an employee Respondent leaves their employment with the College with unresolved allegations pending, the Resolution Process may continue, or the Title IX Coordinator may exercise

their discretion to dismiss the Complaint. If the Complaint is dismissed, the College may still provide reasonable supportive or remedial measures as deemed necessary to address safety and/or remedy any ongoing effects of the alleged discrimination, harassment, and/or retaliation.

When an employee resigns and the Complaint is dismissed, the employee may not return to the College in any capacity. The Registrar, Office of Admissions, and HR will be notified, accordingly. A note will be placed in the employee's file that they resigned with allegations pending and are not eligible for academic admission or rehire with the College. The records retained by the Title IX Coordinator will reflect that status.

11. Appeals

The Title IX Coordinator will designate an Appeal Decision-maker – either a three-member panel or an individual chosen from the Pool, or other trained internal or external individuals, to hear the appeal. No Appeal Decision-maker(s) will have been previously involved in the Resolution Process for the Complaint, including in any supportive measure challenge or dismissal appeal that may have been decided earlier in the process. If a panel is used, a voting chair will be designated by the Title IX Coordinator.

Appeal Grounds

Appeals are limited to the following grounds:

1) A procedural irregularity that would change the outcome.
2) New evidence that would change the outcome and that was not reasonably available at the time the determination regarding responsibility was made.
3) The Title IX Coordinator, Investigator(s), or Decision-maker(s) had a conflict of interest or bias for or against complainants or respondents generally or the specific Complainant or Respondent that would change the outcome.
4) The Final Determina0on by the Decision-maker is substan0ally contrary to the weight of the evidence in the record (applicable to sanc0ons of suspension, expulsion, or termina0on, only).
5) The sanc0ons fall outside the range of sanc0ons designated for this offense, considering the cumula0ve conduct/disciplinary record of the Respondent (applicable to sanc0ons of suspension, expulsion, or termina0on, only).

Request for Appeal

Any party may submit a written request for appeal ("Request for Appeal") to the Title IX Coordinator within five (5) business days of the delivery of the Notice of Outcome.

The Request for Appeal will be forwarded to the Appeal Decision-maker for consideration to determine if the request meets the grounds for appeal (a Review for Standing). This is not a review of the merits of the appeal, but solely a determination as to whether the request

could reasonably be construed to meet the grounds and is timely filed.

If the Request for Appeal does not provide information that meets the grounds in this Policy, the request will be denied by the Appeal Decision-maker, and the Parties and their Advisors will be simultaneously notified in writing of the denial and the rationale.

If any of the information in the Request for Appeal meets the grounds in this Policy, then the Appeal Decision-maker will notify all Parties and their Advisors, the Title IX Coordinator, and, when appropriate, the Investigator(s) and/or the original Decision-maker.

All other Parties and their Advisors, the Title IX Coordinator, and, when appropriate, the Investigator(s) and/or the Decision-maker will be provided a copy of the Request for Appeal with the approved grounds and then be given five (5) business days to submit a response to the portion of the appeal that was approved and involves them. The Appeal Decision-maker will forward all responses, if any, to all Parties for review and comment.

The non-appealing party (if any) may also choose to appeal at this time. If so, that Request for Appeal will be reviewed by the Appeal Decision-maker to determine if it meets the grounds in this Policy and will either be approved or denied. If approved, it will be forwarded to the party who initially requested an appeal, the Title IX Coordinator, and the Investigator(s) and/or original Decision-maker, as necessary, who will submit their responses, if any, within five (5) business days. Any such responses will be circulated for review and comment by all Parties. If denied, the Parties and their Advisors will be notified accordingly, in writing.

No party may submit any new Requests for Appeal after this time period. The Appeal Decision- maker will collect any additional information needed and all documentation regarding the approved appeal grounds, and the subsequent responses will be shared with the Appeal Decision-maker, who will promptly render a decision.

Appeal Determination Process

In most cases, appeals are confined to a review of the written documentation or record of the original determination and pertinent documentation regarding the specific appeal grounds. The Appeal Decision-maker will deliberate as soon as is practicable and discuss the merits of the appeal.

Appeal decisions are to be deferential to the original determination, making changes to the finding only when there is clear error and to the sanction(s)/responsive action(s) only if there is a compelling justification to do so. All decisions are made by majority vote and apply the preponderance of the evidence standard of proof.

An appeal is not an opportunity for the Appeal Decision-maker to substitute their judgment for that of the original Decision-maker merely because they disagree with the finding and/or sanction(s).

The Appeal Decision-maker may consult with the Title IX Coordinator and/or legal counsel on questions of procedure or rationale, for clarification, if needed. The Title IX Coordinator will maintain documentation of all such consultation.

Appeal Outcome

An appeal may be granted or denied. Appeals that are granted should normally be remanded (or partially remanded) to the original Investigator(s) and/or Decision-maker with corrective instructions for reconsideration. In rare circumstances where an error cannot be cured by the original Investigator(s) and/or Decision-maker or the Title IX Coordinator (as in cases of bias), the Appeal Decision-maker may order a new investigation and/or a new determination with new Pool members serving in the Investigator and Decision-maker roles.

A Notice of Appeal Outcome letter ("Appeal Outcome") will be sent to all Parties simultaneously, or without significant time delay between notifications. The Appeal Outcome will specify the finding on each appeal ground, any specific instructions for remand or reconsideration, all sanction(s) that may result which the College is permitted to share according to federal or state law, and the rationale supporting the essential findings to the extent the College is permitted to share under federal or state law.

Written notification may be delivered by one or more of the following methods: in person, mailed to the Parties' local or permanent address s indicated in official institutional records, or emailed to the Parties' Whittier-issued email or otherwise approved account. Once mailed, emailed, and/or received in person, the Appeal Outcome will be presumptively delivered.

Once an appeal is decided, the outcome is final and constitutes the Final Determination; further appeals are not permitted, even if a decision or sanction is changed on remand (except in the case of a new determination). When appeals result in no change to the finding or sanction, that decision is final. When an appeal results in a new finding or sanction, that finding or sanction can be appealed one final time on the grounds listed above and in accordance with these procedures.

If a remand results in a new determination that is different from the appealed determination, that new determination can be appealed, once, on any of the five (5) available appeal grounds.

Sanction Status During the Appeal

Any sanctions imposed as a result of the determination are stayed (i.e., not implemented) during the appeal process, and supportive measures may be maintained or reinstated until the appeal determination is made.

If any of the sanctions are to be implemented immediately post-determination, but pre-appeal, then the emergency removal procedures (detailed above) for a "show cause" meeting on the justification for doing so must be permitted within two (2) business days of implementation.

12. Long-Term Remedies/Actions

Following the conclusion of the Resolution Process, and in addition to any sanctions implemented, the Title IX Coordinator may implement long-term remedies or actions with respect to the parties and/or the campus community to stop the harassment, discrimination, and/or retaliation; remedy its effects; and prevent its reoccurrence.

These remedies/actions may include, but are not limited to:

- Referral to counseling and health services
- Referral to the Employee Assistance Program
- Education to the community
- Permanent alteration of housing assignments
- Permanent alteration of work arrangements for employees
- Provision of campus safety escorts
- Climate surveys
- Policy modification
- Provision of transportation assistance
- Implementation of long-term contact limitations between the parties
- Implementation of adjustments to academic deadlines, course schedules, etc.

At the discretion of the Title IX Coordinator, long-term remedies may also be provided to the Complainant even if no policy violation is found.

When no policy violation is found, the Title IX Coordinator will address any remedial requirements owed by the College to the Respondent.

13. Failure to Complete Sanctions/Comply with Interim and Long-Term Remedies/Responsive Actions

All Respondents are expected to comply with conduct sanctions, responsive actions, and corrective actions within the timeframe specified by the Title IX Coordinator.

Failure to abide by the sanction(s)/action(s) imposed by the date specified, whether by refusal, neglect, or any other reason, may result in additional sanction(s) and responsive/corrective action(s), including suspension, expulsion, and/or termination from the College and may be noted on a student's official transcript. Supervisors are expected to enforce completion of sanctions/responsive actions for their employees.

A suspension will only be lifted when compliance is achieved to the satisfaction of the Title IX Coordinator.

14. Recordkeeping

In implementing this Policy, records of all allegations, investigations, resolutions, and hearings will be kept by the Title IX Coordinator in the Title IX complaint database indefinitely, or as required by state or federal law or institutional policy.

15. Statement of the Rights of the Parties

- The right to an equitable investigation and resolution of all credible allegations of prohibited harassment, discrimination, and/or retaliation made in good faith to the College's officials.

- The right to timely written notice of all alleged violations, including the identity of the parties involved (if known), the precise misconduct being alleged, the date and location of the alleged misconduct (if known), the implicated policies and procedures, and possible sanctions.

- The right to timely written notice of any material adjustments to the allegations (e.g., additional incidents or allegations, additional Complainants, unsubstantiated allegations) and any attendant adjustments needed to clarify potentially implicated policy violations.

- The right to be informed in advance of any public release of information by the College regarding the allegation(s) or underlying incident(s), whenever possible.

- The right not to have any personally identifiable information released by the College to the public without consent provided, except to the extent permitted by law.

- The right to be treated with respect by the College officials.

- The right to have the Policy and these procedures followed without material deviation.

- The right not to be pressured to mediate or otherwise informally resolve any reported misconduct involving violence, including sexual violence.

- The right not to be discouraged by College officials from reporting sexual harassment, discrimination, and/or retaliation 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(s) to be assisted by The College in notifying such authorities, if the party so chooses. This also includes the right not to be pressured to report.

- The right to have allegations of violations of this Policy responded to promptly and with sensitivity by College officials.

- The right to be informed of available supportive measures, such as counseling; advocacy; health care; student financial aid, visa, and immigration assistance; and/or other services, both on campus and in the community.

- The right to a College-implemented no-contact order when a person has engaged in or threatens to engage in stalking, threatening, harassing, or other improper conduct.

- The right to be informed of available assistance in changing academic, living, and/or working situations after an alleged incident of discrimination, harassment, and/or retaliation, if such changes are reasonably available. No formal report, or investigation, either institutional or criminal, needs to occur before this option is available. Such actions may include, but are not limited to:
    - Relocating an on-campus student's housing to a different on-campus location
    - Assistance from The College staff in completing the relocation
    - Changing an employee's work environment (e.g., reporting structure, office/workspace relocation)
    - Transportation assistance
    - Visa/immigration assistance
    - Arranging to dissolve a housing contract and provide a pro-rated refund
    - Exam, paper, and/or assignment rescheduling or adjustment
    - Receiving an incomplete in, or a withdrawal from, a class (may be retroactive)
    - Transferring class sections
    - Temporary withdrawal/leave of absence (may be retroactive)
    - Campus safety escorts
    - Alternative course completion options

- The right to have The College maintain such actions for as long as necessary and for supportive measures to remain confidential, provided confidentiality does not impair The College's ability to provide the supportive measures.

- The right to receive sufficiently advanced, written notice of any College meeting or interview involving another party, when possible.

- The right to identify and have the Investigator(s), Advisors, and/or Decision-maker(s) question relevant available witnesses, including expert witnesses.

- The right to provide the Investigator(s)/Decision-maker(s) with a list of questions that, if deemed relevant by the Investigator(s)/Decision-maker(s), may be asked of any party or witness.

- The right to have inadmissible sexual predisposition/prior sexual history or irrelevant character evidence excluded by the Decision-maker(s).

- The right to know the relevant and directly related evidence obtained and to respond to that evidence.

- The right to a fair opportunity to provide the Investigator(s) with their account of the alleged misconduct and have that account be on the record.

- The right to receive a copy of all relevant and directly related evidence obtained during the investigation, subject to privacy limitations imposed by state and federal law, and a ten (10)- business-day period to review and comment on the evidence.

- The right to receive a copy of the final investigation report, including all factual, policy, and/or credibility analyses performed, and to have at least ten (10) business days to review and comment on the report prior to the hearing.

- The right to be informed of the names of all witnesses whose information will be used to make a finding, in advance of that finding, when relevant.

- The right to regular updates on the status of the investigation and/or resolution.

- The right to have reports of alleged Policy violations addressed by Investigators, Title IX Coordinators, and Decision-maker(s) who have received relevant annual training.

- The right to preservation of confidentiality/privacy, to the extent possible and permitted by law.

- The right to meetings, interviews, and/or hearings that are closed to the public.

- The right to petition that any College representative in the process be recused on the basis of disqualifying bias and/or conflict of interest.

The right to have an Advisor of their choice to accompany and assist the party in all meetings and/or interviews associated with the Resolution Process.

- The right to the use of the preponderance of the evidence to make a Finding and Final Determination after an objective evaluation of all relevant evidence.

- The right to be present, including presence via remote technology, during all testimony given and evidence presented during any hearing.

- The right to have an impact and/or mitigation statement considered by the Decision-maker(s) following a determination of responsibility for any allegation, but prior to sanctioning.

- The right to be promptly informed of the finding(s) and sanction(s) (if any) of the Resolution Process and a detailed rationale of the decision (including an explanation of how credibility was assessed) in a written Notice of Outcome letter delivered simultaneously (without undue delay) to the parties.

- The right to be informed in writing of when a decision by The College is considered final and any changes to the Final Determination or sanction(s) that occur post Notification of Outcome.

- The right to be informed of the opportunity to appeal the finding(s) and sanction(s) of the Resolution Process, and the procedures for doing so in accordance with the standards for appeal established by The College.

- The right to a fundamentally fair resolution as defined in these procedures.

16. Disability Accommodation in the Resolution Process

The College is committed to providing reasonable accommodations and support to qualified students, employees, or others with disabilities to ensure equal access to The College's Resolution Process.

Anyone needing such accommodations or support should contact the Director of Disability/Access Services, who will review the request and, in consultation with the person requesting the accommodation and the Title IX Coordinator, determine which accommodations are appropriate and necessary for full participation in the process.

17. Revision

These policies and procedures will be reviewed and updated annually by the Title IX Coordinator. The College reserves the right to make changes to this document as necessary and once those changes are posted online, they are in effect.

The Title IX Coordinator may make minor modifications to these procedures that do not materially jeopardize the fairness owed to any party, such as to accommodate summer schedules.

The Title IX Coordinator may also vary procedures materially with notice (on the College's website, with the appropriate effective date identified) upon determining that changes to law or regulation require policy or procedural alterations not reflected in this policy and procedure.

Procedures in effect at the time of the resolution will apply to resolution of incidents, regardless of when the incident occurred.

Policy in effect at the time of the offense will apply even if the policy is changed subsequently but prior to resolution unless the parties consent to be bound by the current policy.

If government regulations change in a way that impacts this document, this document will be construed to comply with the most recent government regulations.

This document does not create legally enforceable protections beyond the protection of the background state and federal laws which frame such policies and codes, generally.

This procedure was implemented on August 1, 2024.

APPENDIX A: PROHIBITED CONDUCT EXAMPLES (TITLE IX)

Examples of possible Sexual Harassment:

- A professor offers for a student to have sex or go on a date with them in exchange for a good grade. This constitutes sexual harassment regardless of whether the student agrees to the request and irrespective of whether a good grade is promised or a bad grade is threatened.

- A student repeatedly sends graphic, sexually oriented jokes and pictures to hundreds of other students via social media. Many don't find it funny and ask them to stop, but they do not. Because of these jokes, one student avoids the sender on campus and in the residence hall in which they both live, eventually asking to move to a different building and dropping a class they had together.

- A professor engages students in class in discussions about the students' past sexual experiences, yet the conversations are not in any way germane to the subject matter of the class. The professor inquires about explicit details and demands that students answer them, though the students are clearly uncomfortable and hesitant.

- An ex-partner widely spreads false stories about their sex life with their former partner to the clear discomfort and frustration of the former partner, turning the former partner into a social pariah on campus.

- Chris has recently transitioned from male to nonbinary, but primarily expresses as a female. Since their transition, Chris has noticed that their African Studies professor, Dr. Mukembo, pays them a lot more attention. Chris is sexually attracted to Professor Mukembo and believes the attraction is mutual. Chris decides to act on the attraction. One day, Chris visits Dr. Mukembo during office hours, and after a long conversation about being nonbinary, Chris kisses Dr. Mukembo. Dr. Mukembo is taken aback, stops the kiss, and tells Chris not to do that. Dr. Mukembo explains to Chris that they are not sexually or romantically interested in Chris. Chris takes it hard, crying to Dr. Mukembo about how hard it is to find someone who is interested in them now based on their gender identity. Dr. Mukembo feels sorry for Chris and softens the blow by telling them that no matter whether they like Chris or not, faculty-student relationships are prohibited by the university. Chris takes this as encouragement.

  One night, Chris goes to a gay bar some distance from campus and sees Dr. Mukembo there. Chris tries to buy Dr. Mukembo a drink and, again, tries to kiss Dr. Mukembo. Dr. Mukembo leaves the bar abruptly. The next day, Chris makes several online posts that out Dr. Mukembo as gay and raise questions about whether they are sexually involved with students. Dr.
  Mukembo contacts the Title IX Office and alleges that Chris is sexually harassing him.

Examples of Stalking:

- Students A and B were "friends with benefits." Student A wanted a more serious relationship, which caused student B to end the relationship. Student A could not let go and relentlessly pursued Student B. Student B obtained a campus no-contact order. Subsequently, Student B discovered their social media accounts were being accessed, and things were being posted and messaged as if they were from them, but they were not. Whoever accessed their account posted a picture of a penis, making it look as if Student B had sent out a picture of themselves, though it was not their penis. This caused them considerable embarrassment and social anxiety. They changed their passwords, only to have it happen again. Seeking help from the Title IX Coordinator, Student B met with the IT department, which discovered an app on their phone and a keystroke recorder on their laptop, both of which were being used to transmit their data to a third party.

- A graduate student working as an on-campus tutor received flowers and gifts delivered to their office. After learning the gifts were from a student they recently tutored, the graduate student thanked the student and stated that it was not necessary and they would appreciate it if the gift deliveries stopped. The student then started leaving notes of love and gratitude on the tutor's car, both on-campus and at home. Asked again to stop, the student stated by email, "You can ask me to stop, but I'm not giving up. We are meant to

be together, and I'll do anything to make you have the feelings for me that I have for you." When the tutor did not respond, the student emailed again, "You cannot escape me. I will track you to the ends of the earth. If I can't have you, no one will."

Examples of Sexual Assault:

- Amanda and Bill meet at a party. They spend the evening dancing and getting to know each other. Bill convinces Amanda to come up to his room. From 11:00 p.m. until 3:00 a.m., Bill uses every line he can think of to convince Amanda to have sex with him, but she adamantly refuses. Despite her clear communications that she is not interested in doing anything sexual with him, Bill keeps at her, questions her religious convictions, and accuses her of being "a prude." He brings up several rumors that he has heard about how she performed oral sex on a number of other guys. Finally, it seems to Bill that her resolve is weakening, and he convinces her to "jerk him off" (hand to genital contact). Amanda would have never done it but for Bill's incessant coercion.

- Jiang is a junior. Beth is a sophomore. Jiang comes to Beth's residence hall room with some mutual friends to watch a movie. Jiang and Beth, who have never met before, are attracted to each other. After the movie, everyone leaves, and Jiang and Beth are alone. They hit it off, soon become more intimate, and start to make out. Jiang verbally expresses his desire to have sex with Beth. Beth, who was abused by a babysitter at the age of five and avoids sexual relations as a result, is shocked at how quickly things are progressing. As Jiang takes her by the wrist over to the bed, lays her down, undresses her, and begins to have intercourse with Beth. Beth has a severe flashback to her childhood trauma. She wants to tell Jiang to stop but cannot. Beth is stiff and unresponsive during the intercourse.

- Kevin and John are at a party. Kevin is not sure how much John has been drinking, but he is pretty sure it's a lot. After the party, he walks John to his apartment, and John comes on to Kevin, initiating sexual activity. Kevin asks John if he is really up to this, and John says yes. They remove each other's clothes, and they end up in John's bed. Suddenly, John runs for the bathroom. When he returns, his face is pale, and Kevin thinks he may have thrown up. John gets back into bed, and they begin to have sexual intercourse. Kevin is having a good time, though he can't help but notice that John seems pretty groggy and passive, and he thinks John may have even passed out briefly during sex, but he came to again. When Kevin runs into John the next day, he thanks him for the great night. John remembers nothing and decides to make a report to the Dean.

Examples of Retaliation:

- A student-athlete alleges sexual harassment by a coach; the coach subsequently cuts the student-athlete's playing time without a legitimate justification.

- A faculty member alleges gender inequity in pay within her department; the Department Chair then revokes approval for the faculty member to attend a national conference, citing the faculty member's tendency to "ruffle feathers."

- A student from Organization A participates in a sexual harassment investigation as a witness whose testimony is damaging to the Respondent, who is also a member of Organization A; the student is subsequently removed as a member of Organization A because of their participation in the investigation.

APPENDIX B: STATEMENT OF RIGHTS OF THE PARTIES

- The right to an equitable investigation and resolution of all credible allegations of prohibited harassment, discrimination, and/or retaliation made in good faith to College officials.

- The right to timely written notice of all alleged violations, including the identity of the parties involved (if known), the precise misconduct being alleged, the date and location of the alleged misconduct (if known), the implicated policies and procedures, and possible sanctions.

- The right to timely written notice of any material adjustments to the allegations (e.g., additional incidents or allegations, additional Complainants, unsubstantiated allegations) and any attendant adjustments needed to clarify potentially implicated policy violations.

- The right to be informed in advance of any public release of information by the College regarding the allegation(s) or underlying incident(s), whenever possible.

- The right not to have any personally identifiable information released by the College to the public without consent provided, except to the extent permitted by law.

- The right to be treated with respect by Whittier officials.

- The right to have Whittier policy and these procedures followed without material deviation.

- The right not to be pressured to mediate or otherwise informally resolve any reported misconduct involving violence, including sexual violence.

- The right not to be discouraged by Whittier officials from reporting sexual harassment, discrimination, and/or retaliation to both on-campus and off-campus authorities.

- The right to be informed by Whittier officials of options to notify proper law enforcement

authorities, including on-campus and local police, and the option(s) to be assisted by the College in notifying such authorities, if the party so chooses. This also includes the right not to be pressured to report.

- The right to have allegations of violations of this Policy responded to promptly and with sensitivity by Whittier officials.

- The right to be informed of available supportive measures, such as counseling; advocacy; health care; student financial aid, visa, and immigration assistance; and/or other services, both on campus and in the community.

- The right to a Whittier-implemented no-contact directive when a person has engaged in or threatens to engage in stalking, threatening, harassing, or other improper conduct.

- The right to be informed of available assistance in changing academic, living, and/or working situations after an alleged incident of discrimination, harassment, and/or retaliation, if such changes are reasonably available. No formal report, or investigation, either institutional or criminal, needs to occur before this option is available. Such actions may include, but are not limited to:
    - Relocating an on-campus student's housing to a different on-campus location
    - Assistance from Recipient staff in completing the relocation
    - Changing an employee's work environment (e.g., reporting structure, office/workspace relocation)
    - Transportation assistance
    - Visa/immigration assistance
    - Arranging to dissolve a housing contract and provide a pro-rated refund
    - Exam, paper, and/or assignment rescheduling or adjustment
    - Receiving an incomplete in, or a withdrawal from, a class (may be retroactive)
    - Transferring class sections
    - Temporary withdrawal/leave of absence (may be retroactive)
    - Campus safety escorts
    - Alternative course completion options

- The right to have the College maintain such actions for as long as necessary and for supportive measures to remain confidential, provided confidentiality does not impair the College's ability to provide the supportive measures.
- The right to receive sufficiently advanced, written notice of any Whittier meeting or interview involving another party, when possible.
- The right to identify and have the Investigator(s), Advisors, and/or Decision-maker(s) question relevant available witnesses, including expert witnesses.
- The right to provide the Investigator(s)/Decision-maker(s) with a list of questions that, if deemed relevant by the Investigator(s)/Decision-maker(s), may be asked of any party or witness.

- The right to have inadmissible sexual predisposition/prior sexual history or irrelevant character evidence excluded by the Decision-maker(s).
- The right to know the relevant and directly related evidence obtained and to respond to that evidence.
- The right to a fair opportunity to provide the Investigator(s) with their account of the alleged misconduct and have that account be on the record.
- The right to receive a copy of all relevant and directly related evidence obtained during the investigation, subject to privacy limitations imposed by state and federal law, and a ten (10)-business-day period to review and comment on the evidence.
- The right to receive a copy of the final investigation report, including all factual, policy, and/or credibility analyses performed, and to have at least ten (10) business days to review and comment on the report prior to the hearing.
- The right to be informed of the names of all witnesses whose information will be used to make a finding, in advance of that finding, when relevant.
- The right to regular updates on the status of the investigation and/or resolution.
- The right to have reports of alleged Policy violations addressed by Investigators, Title IX Coordinators, and Decision-maker(s) who have received relevant annual training.
- The right to preservation of confidentiality/privacy, to the extent possible and permitted by law.
- The right to meetings, interviews, and/or hearings that are closed to the public.
- The right to petition that any Whittier representative in the process be recused on the basis of disqualifying bias and/or conflict of interest.
- The right to have an Advisor of their choice to accompany and assist the party in all meetings and/or interviews associated with the Resolution Process.
- The right to the use of the appropriate standard of evidence, preponderance of the evidence to make a Finding and Final Determination after an objective evaluation of all relevant evidence.
- The right to be present, including presence via remote technology, during all testimony given and evidence presented during any hearing.
- The right to have an impact and/or mitigation statement considered by the Decision-maker(s) following a determination of responsibility for any allegation, but prior to sanctioning.
- The right to be promptly informed of the finding(s) and sanction(s) (if any) of the Resolution Process and a detailed rationale of the decision (including an explanation of how credibility was assessed) in a written Notice of Outcome letter delivered simultaneously (without undue delay) to the parties.
- The right to be informed in writing of when a decision by the College is considered final and any changes to the Final Determination or sanction(s) that occur post Notification of Outcome.
- The right to be informed of the opportunity to appeal the finding(s) and sanction(s) of the Resolution Process, and the procedures for doing so in accordance with the standards for appeal established by the College.
- The right to a fundamentally fair resolution as defined in these procedures.

APPENDIX C: VIOLENCE RISK ASSESSMENT (VRA)

Threat assessment is the process of assessing the actionability of violence by an individual against another person or group following the issuance of a direct or conditional threat. A ***Violence Risk Assessment (VRA)*** is a broader term used to assess any potential violence or danger, regardless of the presence of a vague, conditional, or direct threat.

The implementation of VRAs require specific training and are typically conducted by psychologists, clinical counselors, social workers, case managers, law enforcement officers, student conduct officers, and/or other Behavioral Intervention Team (BIT) (sometimes also known as CARE teams) members.

A VRA occurs in collaboration with the BIT, CARE, and/or threat assessment team and must be understood as an ongoing process, rather than a singular evaluation or meeting. A VRA is not an evaluation for an involuntary behavioral health hospitalization (e.g., 5150 in California, Section XII in Massachusetts, Baker Act in Florida), nor is it a psychological or mental health assessment.

A VRA assesses the risk of actionable violence, often with a focus on targeted/predatory escalations, and is supported by research from the fields of law enforcement, criminology, human resources, and psychology.

When conducting a VRA, the assessor(s) use an evidence-based process consisting of:

1) An appraisal of ***risk factors*** that escalate the potential for violence
2) A determination of stabilizing influences that reduce the risk of violence
3) A contextual ***analysis of violence risk*** by considering environmental circumstances, hopelessness, and suicidality; catalyst events; nature and actionability of threat; fixation and focus on target; grievance collection; and action and time imperative for violence
4) The application of ***intervention and management*** approaches to reduce the risk of violence

To assess an individual's level of violence risk, the Title IX Coordinator will initiate the violence risk assessment process through the CARE Team. The CARE Team will assign a trained individual(s) to perform the assessment, according to the specific nature of the Title IX case.

The assessor(s) will follow the process for conducting a violence risk assessment as outlined in the CARE Team manual and will rely on a consistent, research-based, reliable system that allows for the evaluation of the risk levels.

Some examples of formalized approaches to the VRA process include: The NABITA Risk Rubric,[26] The Structured Interview for Violence Risk Assessment (SIVRA-35),[27] Looking Glass,[28] Workplace

Assessment of Violence Risk (WAVR-21),[29] Historical Clinical Risk Management (HCR-20),[30] and MOSAIC.[31]

The VRA is conducted independently from the Title IX process, informed by it, but free from outcome pressure. The individual(s) conducting the assessment will be trained to mitigate any bias and provide the analysis and findings in a fair and equitable manner.

The CARE team's member(s) conducts a VRA process and makes a recommendation to the Title IX Coordinator as to whether the VRA indicates there is a substantial, compelling, and/or immediate risk to the health and/or safety of an individual or the community.

APPENDIX D: ATIXA RECORD MAINTENANCE AND ACCESS MODEL POLICY

Policy Scope:
This policy covers records maintained in any medium that are created pursuant to the College's 2020 Title IX and Nondiscrimination Policy and/or the regular business of the College's Title IX Office. All such records are considered private or confidential by the Title IX Office, in accordance with FERPA and the directive from the Department of Education to maintain the confidentiality of records related to Title IX. These records may be shared internally with those who have a legitimate educational interest and will be shared with the parties to a complaint under applicable state and/or federal law, including the Title IX regulations, FERPA, and/or the Clery Act/VAWA § 304. The Title IX Office controls the dissemination and sharing of any records under its control.

Types of Records Covered Under this Policy:
Records Pertaining to the Resolution Process. These records include, but are not limited to:

- Documentation of notice to the institution including incident reports
- Anonymous reports later linked to a specific incident involving known parties
- Any documentation supporting the initial assessment
- Investigation-related evidence (e.g., physical and documentary evidence collected and interview transcripts)
- Dismissal-related documentation
- Documentation related to the Resolution Process
- The final investigation report
- Remedy-related documentation
- Supportive measures-related documentation
- Hearing recordings and records
- Appeal-related documentation
- Informal resolution records
- Notices of Outcome
- Records documenting that the College's response was not deliberately indifferent
- Any other records typically maintained by the College as part of the case file

Specific examples of records pertaining to the Resolution Process may include, but are not limited to: anonymous reports later identified; intake documentation; incident reports; the written complaint; the names of the Complainant, the Respondent; any witnesses; any relevant statements or other evidence obtained; interview notes or transcripts; timelines, flowcharts and other forms used in the investigation process; witness lists, correspondence, telephone logs, evidence logs and other documents related to the processing of an investigation; correspondence relating to the substance of the investigation; supportive measures implemented on behalf of the Complainant or Respondent; actions taken to restrict/remove the Respondent; correspondence with the parties; medical, mental health, medical, and forensic record evidence obtained with consent during the course of the investigation; police reports; expert sources used in consideration of the evidence; documentation of outcome and rationale; correspondence and documentation of the appeals process; documentation of any sanctions/discipline resulting from the Resolution Process; and documentation of reported retaliatory behavior as well as all actions taken to address these reports.

Drafts and Working Files: Preliminary drafts and "working files" are not considered records that must be maintained by the Recipient, and these are typically destroyed during the course of an investigation or at the conclusion of the Resolution Process. They are preliminary versions of records and other documents that do not state a final position on the subject matter reviewed or are not considered to be in final form by their creator and/or the Title IX Coordinator. An example of a "working file" would be the investigator notes made during one interview with topics the investigator wants to revisit in subsequent interviews. Sole possession records maintained as such in accordance with FERPA are also included in this category. All drafts of investigation reports shared with the parties are maintained.

Attorney Work-Product: Communications from the Title IX Office or its designees with the Recipient's legal counsel may be work product protected by attorney-client privilege. These communications are not considered records to be maintained by the Title IX Office or accessible under this policy unless the Title IX Coordinator, in consultation with legal counsel as necessary, determines that these communications should be included as accessible records.

Record Storage:

Records may be created and maintained in different media formats; this policy applies to all records, irrespective of format. All records created pursuant to the Policy, as defined above, must be stored in digital and/or paper records maintained by the Title IX Office. The complete file must be transferred to the Title IX Office within fourteen (14) business days of resolution of the complaint (including any appeal), if the file is not already maintained within the Title IX Office. Security protocols must be in place to preserve the integrity and privacy of any parts of any record that are maintained in the Title IX Office during the pendency of an investigation.

The Title IX Office will store all records created pursuant to the Policy, regardless of the identities of the parties. Parallel records should be maintained in the Office of Student Conduct and/or

Human Resources, respectively and should be maintained in accordance with the security protocols of those offices. Any extra (non-essential) copies of the records (both digital and paper) must be destroyed.

A copy of records showing compliance with Clery Act requirements by Title IX personnel will be maintained along with the case file in the Title IX Office and in a separate aggregate annual Clery Act composite file, as well. Recipient will maintain an access log of each case file, showing when and by whom it was accessed, and for what purpose.

Record Retention

All records created and maintained pursuant to the Policy must be retained indefinitely by the Title IX Office [in database, digital, and/or paper form] unless destruction or expungement is authorized by the Title IX Coordinator, who may act under their own discretion, or in accordance with a duly executed and binding settlement of claim, and/or by court or government order.

Record Access

Access to records created pursuant to the Policy or housed in the Title IX Office is strictly limited to the Title IX Coordinator and any individual the Coordinator authorizes in writing, at their discretion or via permission levels within the database. Those who are granted broad access to the records of the Title IX Office are expected to only access records pertinent to their scope or work or specific assignment. Anyone who accesses such records without proper authorization may be subject to an investigation and possible discipline/sanction. The discipline/sanction for unauthorized access of records covered by this policy will be at the discretion of the appropriate disciplinary authority, consistent with other relevant Recipient policies and procedures.

Student parties may request access to their case file. The Recipient will provide access or a copy within 45 days of the request. Appropriate redactions of personally identifiable information may be made before inspection or any copy is shared.

During the investigation, materials may be shared with the parties using secure file transmission software. Any such file will be watermarked by the Title IX Office before being shared, with the watermark identifying the role of the recipient in the process (Complainant, Respondent, Hearing Decision-maker; Complainant's Advisor, etc.).

Record Security

The Title IX Coordinator is expected to maintain appropriate security practices for all records, including password protection, lock and key, and other barriers to access as appropriate. Record security should include protection from flood, fire, and other potential emergencies. Clothing, forensic, and other physical evidence should be securely stored in the Title IX Office, designated secure storage area, and/or with the campus law enforcement entity. All physical evidence will be maintained in a facility that is reasonably protected from flood and fire. A catalogue of all physical evidence will be retained with the case file.

Student Code of Conduct and Guide to Rights & Responsibilities

Whittier College is a residential four-year liberal arts institution that prepares students from diverse backgrounds to excel in a complex global society. Inspired by a Quaker heritage, the Whittier education equips students to be active citizens and effective communicators who embrace diversity and act with integrity. Through challenging and interactive courses taught by accomplished professors, students learn to make connections across disciplines, understand cultural perspectives, and integrate learning with practical application.

With this mission in mind, the Whittier community is founded on the principles of respect, inclusion, integrity, concern for the individual, and social responsibility. It is a privilege to live and study as part of this community committed to the founding values of the Quakers and it is a responsibility to abide by the Student Code of Conduct. The effectiveness of the Student Code of Conduct depends on individual acceptance of personal responsibility and cooperation among all members of the campus community. In operation, this results in mutual respect for and commitment to the values and mission of the College.

You may view the current Student Code of Conduct and Guide to Rights & Responsibilities at: https://www.whittier.edu/studentlife/policies

Housing & Residential Life Policies

As a residential college committed to the tenets of our Quaker heritage and to the values of a liberal arts education, Whittier College places a strong emphasis on the development of a deep sense of community within our residential housing areas. The Office of Housing & Residence Life has established the following policies to promote and maintain an atmosphere conducive to community living, based in integrity, and grounded in a sense of shared accountability to oneself and one's peers. All residents are responsible for knowing and adhering to these policies and regulations. Failure to do so may result in disciplinary action.
You may view/download Residential Life Policies at
https://www.whittier.edu/reslife/policies

Firearms and Weapons Policy

Whittier College enforces a strict policy prohibiting weapons on College property, including legal and authorized weapons. The use of any firearm, explosive, weapon, dangerous chemicals, (excluding classroom chemicals), or biological agent on College property or at any College function is prohibited. Other prohibited items include, but are not limited to, swords, pellet or BB guns, knives, paintball guns, bows and arrows, or toy guns. (Students wishing to use any form of firearm or weapon for class purposes such as filming must first obtain permission from the instructor of the course and the Department of Public Safety before use).

Students, faculty, and staff are not allowed to carry and/or possess weapons at any time

while in college buildings or property, whether or not licensed to do so. Non-employees include, but are not limited to, vendors, visitors, customers, conference attendees, and potential customers of the College, excluding law enforcement officers. This includes parking and/or driving College vehicles or privately owned vehicles on campus or at college sponsored activities away from campus.

The College also prohibits visitors from carrying and/or possessing weapons on college property or attending College or College-related activities. Whittier College students, faculty, and staff are responsible for the behavior of any visitor they have on campus or at off-campus, college-sponsored activities or events.

Reports of any suspected violation of this policy should be made to the Department of Public Safety 562-907-4211 or the campus emergency telephone number 562-907-4911immediately. Violation of this policy is unacceptable and shall be grounds for disciplinary action up to and including expulsion from Whittier College or termination of employment. The College will not tolerate retaliation against any student, faculty, or staff member who reports a suspected violation of this policy.

In cases of suspected possession of firearms or weapons of any kind, the College reserves the right to search personal belongings on College property, including but not limited to articles of clothing, purses, brief cases, residence hall rooms, bags, and vehicles. All such searches must be approved in advance by the Vice President for Finance and Administration or Director of Human Resources for staff, the Vice President for Academic Affairs (or designee) for faculty, or the Dean of Students (or designee) for students. Reasonable attempt will be made to notify person with the suspected firearm or weapon prior to the search. Persons may be asked to leave campus or remain in the presence of Public Safety until a search is conducted or the situation is resolved. The search will normally be conducted in private by Public Safety, an appropriate supervisor (for faculty and staff) with a third person normally present. In the case of students, the search will be conducted in private by Public Safety and the Dean of Students or designee.

Sanctions will be imposed in accordance with the procedures in the Code of Student Rights and Responsibilities, the Employee Handbook, or Faculty Handbook, as appropriate. Visitors found in violation of this policy are subject to expulsion from campus by the Department of Public Safety.

Annual Disclosure of Crime Statistics

Originally known as the Campus Security Act, the Jeanne Clery Disclosure of Campus Security Policy, and Campus Crime Statistics Act (20 USC § 1092(f)), also known as the Clery Act, is the landmark federal law that requires colleges and universities across the United States to disclose information about crime on and around their campuses. To comply with the disclosure requirement regarding crime statistics, the Department of Public Safety annually publishes crime statistics for the past three years of crimes mandated by the Act.

Clery Geography

The Clery Act requires colleges and universities to disclose the crime statistics based on specific geographic parameters. Statistics must be disclosed for the following areas:

- On campus
- On public property, within or immediately adjacent to the College
- In or on non-campus buildings or property owned/controlled by the College

To better understand these parameters, definitions are provided below (Department of Education, 2011):

- On-campus 34 CFR 668.46(a)
- Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution's educational purposes, including residence halls; and
- Any building or property that is within or reasonably contiguous to paragraph (1) of this definition, that is owned by the institution but controlled by another person, is requently used by students, and supports institutional purposes (such as a food or other retail vendor).
- On-campus Student Housing 34 CFR 668.41(a)
- Any student housing facility that is owned or controlled by the institution, or is located on property that is owned or controlled by the institution, and is within the reasonably contiguous geographic area that makes up the campus is considered an on-campus student housing facility.
- Public Property 34 CFR 668.46(a) o All public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus, or immediately adjacent to and accessible from the campus.
- Non-campus 34 CFR 668.46(a) o Any building or property owned or controlled by a student organization that is officially recognized by the institution; or
  Any building or property owned or controlled by an institution that is used in direct support of, or in relation to, the institution's educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution.
- Whittier College does not have any officially recognized student organizations that own or control housing facilities outside of the core campus or within the campus that meet the definition of non-campus locations.

Clery Defined Geography

ON-CAMPUS	ON-CAMPUS HOUSING	PUBLIC PRPERTY	NON-CAMPUS
All Parking Lots/ Roads	Ball Hall	Bryn Mawr Way	
Arnold Hall	Campbell Hall	College Ave.	
Athletic Center	Harris Hall (A & B)	Earlham Dr.	
Broadoaks School (Main Campus)	Harris Hall (C & D)	Friends Ave.	
Campus Center	Johnson Hall	Guilford Way	
Public Safety	Stauffer Hall	Mar Vista St.	
Carousel Courts	Turner Hall	Olive Dr.	
Chapel	Wanberg Hall	Painter Ave.	
Children's House		Penn St.	
College Hall		Philadelphia St.	
Counseling Center		Standford Way	
Deihl Hall		Summit Dr.	
Garrett House		Washington Ave.	
Hamilton House		Worshman Dr.	
Hastings House			
Hanover House			
Hartley House			
Hoover Hall			
Dezember House			
Library			
Maintenance/ Facilities			
Mendenhall			
Music Hall			
Observatory			
Olivine House			
Open Areas/ Walkways			
Performing Arts Center			
Perry House			
Philadelphia House			
Platner Hall			
Redwood Building			
Science Building			
Veich House			
Wardman Gym			
Wardman Hall			
Weingart Hall			

CRIME STATISTICS

Criminal and VAWA Offenses:

Criminal/ VAWA Offenses- On Campus ***(Total Occurrences On Campus)***

Criminal Offense	2023	2024	2025
Murder/Non-negligent manslaughter	0	0	0
Negligent manslaughter	0	0	0
Rape	2	0	0
Fondling	3	0	0
Incest	0	0	0
Statutory Rape	0	0	0
Robbery	0	0	0
Aggravated Assault	1	0	1
Burglary	4	1	2
Motor Vehicle Theft	3	0	0
Arson	2	0	0
Domestic Violence	0	0	1
Dating Violence	0	2	0
Stalking	0	1	0
Unfounded Crimes	0	0	0

Criminal/ VAWA Offenses- Residence Halls

Criminal Offense	2023	2024	2025
Murder/Non-negligent manslaughter	0	0	0
Negligent manslaughter	0	0	0
Rape	2	0	0
Fondling	3	0	0
Incest	0	0	0
Statutory Rape	0	0	0
Robbery	0	0	0
Aggravated Assault	0	0	1
Burglary	1	1	0
Motor Vehicle Theft	0	0	0
Arson	2	0	0
Domestic Violence	0	0	1
Dating Violence	2	0	0
Stalking	1	0	0
Unfounded Crimes	0	0	0

Criminal/ VAWA Offenses- Public Property

Criminal Offense	2023	2024	2025
Murder/Non-negligent manslaughter	0	0	0
Negligent manslaughter	0	0	0
Rape	1	1	1
Fondling	0	0	0
Incest	0	0	0
Statutory Rape	0	0	0
Robbery	0	0	0
Aggravated Assault	1	0	0
Burglary	0	1	0
Motor Vehicle Theft	1	0	0
Arson	0	0	0
Domestic Violence	0	0	0
Dating Violence	0	1	0
Stalking	0	0	1
Unfounded Crimes	0	0	0

Arrest:

Arrest- On-Campus ***(Total Occurrences On Campus)***

Law Violation	2023	2024	2025
Illegal weapons possession	0	0	1
Drug law violation	0	0	0
Liquor Law Violation	0	1	0

Arrests- Residence Halls

Law Violation	2023	2024	2025
Illegal weapons possession	0	0	1
Drug law violation	0	0	0
Liquor Law Violation	0	1	0

Arrests- Public Property

Law Violation	2023	2024	2025
Illegal weapons possession	1	0	0
Drug law violation	0	0	0
Liquor Law Violation	0	0	0

Disciplinary Actions- Referrals

Disciplinary Actions- On Campus ***(Total Occurrences On Campus)***

Law Violation	2023	2024	2025
Illegal weapons possession	1	0	2
Drug law violation	18	9	17
Liquor Law Violation	30	3	17

Disciplinary Actions- Residence Halls

Law Violation	2023	2024	2025
Illegal weapons possession	0	0	2
Drug law violation	10	9	16
Liquor Law Violation	29	3	17

Disciplinary Actions- Public Property

Law Violation	2023	2024	2025
Illegal weapons possession	0	0	0
Drug law violation	0	0	0
Liquor Law Violation	0	0	0

Hate Crimes

For purposes of this report, hate crimes include any of the crimes listed in the table on the next page, any other crime involving bodily injury, and any crime of larceny-theft, simple assault, intimidation, and destruction/damage/vandalism of property, reported to the Department of Public Safety, a local law enforcement agency, or a campus security authority, that manifests evidence that the victim was selected because of the perpetrator's bias. Categories of bias are race, religion, gender, gender identity, sexual orientation, ethnicity, national origin, and disability.

Hate Crimes/Bias Motivation - On Campus ***(Total Occurrences on Campus)***

	2023	2024	2025
Race/Ethnicity	0	0	1
Religion	0	0	0
Sexual Orientation	0	2	0
Gender Identity	0	0	0
Disability	0	0	0

Hate Crimes/Bias Motivation – Residential Halls ***(Total Occurrences on Campus)***

	2023	2024	2025
Race/Ethnicity	0	0	1
Religion	0	0	0
Sexual Orientation	0	2	0
Gender Identity	0	0	0
Disability	0	0	0

Hate Crimes/Bias Motivation – Public Property ***(Total Occurrences on Campus)***

	2023	2024	2025
Race/Ethnicity	0	0	0
Religion	0	0	0
Sexual Orientation	0	0	0
Gender Identity	0	0	0
Disability	0	0	0

*****Statistics include bias-motivated intimidation when there is evidence that the victim was targeted due to race, gender, sexual orientation, or other protected class under 34 CFR 668.46(c)(3).

Whittier College Fire Safety Report

The Higher Education Opportunity Act (Public Law 110-315) became law in August 2008. It requires all United States academic institutions to produce an annual fire safety report outlining fire safety practices, standards, and all fire related on-campus statistics. The following public disclosure report details all information required by this law as it relates to Whittier College.

Residence Halls:

Ball Hall
7026 Haverhill Park Road, Whittier, CA 90608
Campbell Hall
13729 Earlham Drive, Whittier, CA 90608
Harri Hall (A-D)
(A/B) 13801 Earlham Drive, Whittier, CA 90608
(C/D) 13807 Earlham Drive, Whittier, CA 90608
Johnson Hall
7002 Foundershill Road, Whittier, CA 90608
Stauffer Hall

7019 Haverhill Park Road, Whittier, CA 90608
Turner Hall
13811 Earlham Drive, Whittier, CA 90608
Wanberg Hall
13737 Earlham Drive, Whittier, CA 90608

Fire Drills
Due to the changing nature of residence halls, fire drills are conducted at least twice a year (once a semester) for all students residing on campus. The Department of Public Safety works closely with the Office of Residential Life to execute these drills. Students are evacuated to their designated evacuation zones in order to help them become familiar with the emergency preparedness plan. Documentation of the fire drills is maintained by the Department of Public Safety, as well as the Office of Residential Life.

Agendas for these drills include:

- Introduction of Community Advisor (CA) and/or Public Safety Officers
- Explain it is a fire drill – required (occurs only once each semester)
- Explain policy for failing to evacuate during fire alarm
- Highlight evacuation zone for that building
- Remind Public Safety's number
- Remind they do not re-enter building after alarm without staff approval

In the event of a fire:
Immediately pull the nearest fire alarm as you exit the building. When evacuating the building, remember to feel doors before opening them to be sure that there is no fire danger on the other side. If you notice smoke, use an alternate escape route. If you must enter a smoke-filled room or hallway, stay low, keeping one hand on the wall to avoid disorientation and crawl to the nearest exit, keeping your head near the floor.

Always proceed to the emergency exit stairs and do not use the elevators. A fire can disrupt the operation of elevators and trap occupants inside. Once you are safely away from danger, call Public Safety on (562) 907-4911 and communicate the details of the fire. If you are off campus, dial 911. If you become trapped in a fire emergency, close all doors between you and the fire and stuff towels around the door crack to keep out smoke. Wait at a safe window and signal for help by hanging a white sheet from the window.

Building Evacuation Procedures

In the event of a campus-wide emergency, residents will receive direction from the RA, Assistant Director, or residential life staff. If asked to evacuate a building, you should go to your hall's designated meeting place in one of the four campus zones. In the event you are in a different part of the campus at the time an emergency occurs, you should return to your residence hall zone meeting place.

After arriving at the designated meeting area, please check in with your Building Captain. Please do not leave the campus until you have checked in with your Building Captain. Remember to leave contact information with the Building Captain should you choose to leave campus during or immediately following a campus emergency.

ALWAYS treat every alarm as an emergency and exit the building immediately if an alarm sounds. Evacuate the building using the shortest and safest route, proceeding to the pre-designated emergency evacuation site. NEVER RETURN TO A BUILDING UNTIL TOLD TO DO SO BY A WHITTIER COLLEGE CAMPUS SAFETY OFFICER OR OTHER COLLEGE OFFICIAL.

Reporting of Fires

All fires on campus, even if already extinguished and regardless of size, should be reported by contacting the Department of Public Safety at 562.907.4211. Federal law requires the college to report on an annual basis all fires which occur in student housing.

Fire Protection Systems

ON CAMPUS HOUSING	Fire Alarm System Monitored	Fire Sprinkler System	Smoke Detectors Monitored by Alarm System	Pull Stations	Fire Drills Conducted (2/year)	Fire Extinguisher Devices
Ball Hall	Yes	Basement Level Only	Yes	Yes	Yes	Yes
Campbell Hall	Yes	No	Yes	Yes	Yes	Yes
Harris Hall A/B	Yes	Yes	Yes	Yes	Yes	Yes
Harris Hall C/D	Yes	Yes	Yes	Yes	Yes	Yes
Johnson Hall	Yes	No	Yes	Yes	Yes	Yes
Stauffer Hall	Yes	Basement Level Only	Yes	Yes	Yes	Yes
Turner Hall	Yes	1st Floor Laundry Only	Yes	Yes	Yes	Yes
Wanberg Hall	Yes	No	Yes	Yes	Yes	Yes

Fire Safety Policy

1. Arson or the setting of fires, tampering with safety equipment (including door closures, smoke detectors, pulling stations, fire extinguishers, sprinklers heads, etc.), pulling false fire alarms, stopping existing fire alarms, or failing to immediately evacuate during a fire alarm are violations of the state fire code. Immediate evacuation when an alarm sounds is mandatory, and re-entry into a building before the alarm is silenced is prohibited. Failure to follow the policy will result in being placed through the disciplinary process. Tampering with safety equipment will result in a $200 fine and any additional repair costs. Pulling a fire alarm will result in a $750 fine and any additional emergency service organization costs. Failure to evacuate the residence hall during a fire alarm will result in a $100 fine. All fines are part of any assigned sanctions through the disciplinary process.
2. Leaving items unattended on a residence hall stove at any time is prohibited.
3. Toasters, toaster ovens, electric skillets, ovens, tabletop grills, and hot plates are prohibited in residence rooms.
4. Candles and incense are prohibited in residence halls.
5. For the protection of the residential community, students may use extension cords with the following restrictions:
    a. Only UL approved three-pronged extension cords that are 14 gauge or heavier are permitted. Note: The lower the gauge number, the heavier and thicker the cord is. Cords cannot exceed 10 feet in length. Only one appliance may be plugged not the extension cord.
    b. Only UL approved multi-plug adapters with circuit breakers are permitted. Up to three items may be plugged into a multi plug adapter.
6. Installation of air conditioners or ceiling fans in residence hall rooms is prohibited.
7. Live-cut Christmas trees and wreaths are prohibited in student rooms.
8. Refrigerators are permitted in student rooms provided the following guidelines are met:
    a. Only one unit per room if the refrigerator is larger than 4.6 cubic ft.
    b. Unit size must not exceed 6 cubic ft. and must be UL approved.
    c. Door gaskets must be in good condition.
    d. Must be equipped with a three-prong grounded outlet.
    e. Units larger than 4.6 cubic ft. must be frost-free.
    f. Unit amperage must not exceed 33.5 amps.
    g. Must be maintained in a safe and sanitary condition.

9. Residents are permitted to use barbecue grills outside at a safe distance (15 feet or more) from all residence hall buildings. The use of grills is not permitted under any landings, on or near balconies. Propane tanks are also prohibited.
10. Halogen lamps are strictly prohibited in residence hall rooms.
11. No smoking is permitted in any residence hall. Please smoke outside, in a designated smoking area, and put your extinguished cigarettes in an ashtray.

Fire Safety Training

Each summer, prior to the return of students, the Fire & Life Safety Division conducts annual training for the Resident Advisors and Residential Life professional staff. Training covers:

- Fire prevention
- Current trends and national statistics of fires and causes on college campuses
- Building evacuations and emergency preparedness
- Life safety systems
- Hands-on fire extinguisher training

Fire Safety training is available to all students, staff, and faculty and can be customized for departments.

Fire Statistics (2023, 2024, & 2025)

2025 Fire Statistics:

Residential Facilities

- Unintentional Fires: 0
- Intentional fires: 0
- Undetermined fires: 0

Residential Facilities	Total Fires in Each Building	Fire Number	Cause of Fire	# of Injuries that Required Treatment at a Medical Facility	# of Deaths Related to a Fire	Value of Property Caused by Fire
Ball Hall	0	0	N/A	N/A	N/A	N/A
Campbell Hall	0	0	N/A	N/A	N/A	N/A
Harris Hall (A-D)	0	0	N/A	N/A	N/A	N/A
Johnson Hall	0	0	N/A	N/A	N/A	N/A

Stauffer Hall	0	0	N/A	N/A	N/A	N/A
Turner Hall	0	0	N/A	N/A	N/A	N/A
Wanberg Hall	0	0	N/A	N/A	N/A	N/A
Wardman Hall	0	0	N/A	N/A	N/A	N/A

2024 Fire Statistics

Residential Facilities

- Unintentional Fires: 0
- Intentional fires: 0
- Undetermined fires: 0

Residential Facilities	Total Fires in Each Building	Fire Number	Cause of Fire	# of Injuries that Required Treatment at a Medical Facility	# of Deaths Related to a Fire	Value of Property Caused by Fire
Ball Hall	0	0	N/A	N/A	N/A	N/A
Campbell Hall	0	0	N/A	N/A	N/A	N/A
Harris Hall (A-D)	0	0	N/A	N/A	N/A	N/A
Johnson Hall	0	0	N/A	N/A	N/A	N/A
Stauffer Hall	0	0	N/A	N/A	N/A	N/A
Turner Hall	0	0	N/A	N/A	N/A	N/A
Wanberg Hall	0	0	N/A	N/A	N/A	N/A
Wardman Hall	0	0	N/A	N/A	N/A	N/A

2023 Fire Statistics:

Residential Facilities

- Unintentional Fires: 0
- Intentional fires: 0
- Undetermined fires: 2

Residential Facilities	Total Fires in Each Building	Fire Number	Cause of Fire	# of Injuries that Required Treatment at a Medical Facility	# of Deaths Related to a Fire	Value of Property Caused by Fire
Ball Hall	0	0	N/A	N/A	N/A	N/A
Campbell Hall	0	0	N/A	N/A	N/A	N/A
Harris Hall (A-D)	0	0	N/A	N/A	N/A	N/A
Johnson Hall	0	0	N/A	N/A	N/A	N/A
Stauffer Hall	2	0	N/A	0	0	$99-999
Turner Hall	0	0	N/A	N/A	N/A	N/A
Wanberg Hall	0	0	N/A	N/A	N/A	N/A
Wardman Hall	0	0	N/A	N/A	N/A	N/A