



KECK GRADUATE INSTITUTE

A Member of The Claremont Colleges

2025 Annual Security and Fire Safety Report

January 1, 2024–December 31, 2024

Published October 1, 2025

Table of Contents

Message from the President	9
Annual Security Report Introduction	10
Policies for Preparing the Annual Security Report	10
Location and Dissemination of the Report	10
Preparation of the Report	11
Reporting of Criminal Offenses	11
Accurate and Prompt Reporting	11
Crimes and Emergencies	11
Emergency Phones	13
Campus Security Authorities (CSAs)	14
Pastoral and Professional Counselors	15
Voluntary, Confidential Reporting	15
Campus-Based Student Resources with The Legal Privilege of Confidentiality	16
Campus-Based Resources for Students that are Designed by the Institute as Confidential	16
Campus-Based Employee Resource with the Legal Privilege of Confidentiality	17
Community-Based Resources for Students and Employees with the Legal Privilege of Confidentiality	17
Confidentiality Limitations	18
Anonymous Reports	18
Daily Crime Log	19
Disclosure to Victims of Crimes of Violence	19
Campus Security Policies, Crime Prevention and Safety Awareness Programs	20
Crime Prevention and Safety Awareness Programs	20
Administrators on Call	21
Administrator on-Call	21
Familial Notification Policy	21
Weapons Policy	21

Purpose	21
Scope	21
Definitions	21
Policy	22
Legal Reference	22
Enforcement and Sanctions	22
Exceptions.....	22
Missing Student Notification Policy.....	23
Confidential Contact.....	24
Security and Access to Campus Facilities	24
Security Considerations for the Maintenance of Campus Facilities	25
About KGI Campus Safety.....	25
Role, Authority, Training, and Jurisdiction	26
Working Relationships with Local, State, and Federal Law Enforcement Agencies	26
Crimes Involving Student Organizations at Off-Campus Locations	26
The Claremont Colleges (TCC) Timely Warning Policy	27
Purpose	27
Policy	27
Emergency Response and Evacuation Procedures and Drills, Exercise, and Training	29
Drills, Exercises, and Training.....	30
Emergency Notification	30
Everbridge Emergency Notification System	30
Procedures Used to Notify the Campus Community and Surrounding Community	31
Confirming the Existence of a Significant Emergency or Dangerous Situation and Initiating the Emergency Notification System	31
Determining the Appropriate Segment or Segments of The Campus Community to Receive an Emergency Notification	32
Contents of the Emergency Notification	33

Crimes of Sexual Assault, Dating or Domestic Violence, and Stalking	33
KGI's statement on Prohibiting Crimes of Sexual Assault, Dating/Domestic Violence, and Stalking	33
California State Definitions for Sexual Assault, Dating/Domestic Violence, Stalking, and Consent	35
Penal Code 243.4: Sexual Battery	35
Penal Code 261: Rape	35
Penal Code 273.5: Corporal Injury on a Spouse or Cohabitant	36
Penal Code 243: Domestic Battery	37
Penal Code 64.9: Stalking	37
Senate Bill No. 967: Affirmative Consent	37
Programs To Prevent Sexual Assault, Dating or Domestic Violence, and Stalking	38
Bystander Intervention	38
Prevention, Awareness, and Risk Reduction	38
Prevention and Awareness Campaigns for Students and Employees	39
Procedures to Follow If a Crime of Sexual Assault, Dating/Domestic Violence, and/or Stalking Has Occurred	40
The Importance of Preserving Evidence (Provided in Writing)	40
Who To Report to (Provided in Writing)	42
Reporting to Law Enforcement	43
Interim Measures (Supportive and Protective) (Provided in Writing)	44
Range of Measures	45
Protecting Confidentiality (Provided in Writing)	46
Statistical Reporting	46
Timely Warning	46
Location of Records	47
Sex Offender Registration – Campus Sex Crimes Prevention Act	47
Disciplinary Procedures for Students and Employees for Cases Involving Alleged Sexual Assault, Dating/Domestic Violence, and Stalking	47
Home Institution Title IX Coordinator and the TCC Title IX Process Administrator	50

TCC Title IX Process Administrator	52
Scope and Jurisdiction	53
Matters Involving a Third-Party Participant(s)	55
The Geographic Jurisdiction of This Policy	56
Policy Dissemination and Publication	56
Prohibited Conduct – Sex-Based Harassment and Retaliation	56
Sex-Based Harassment	57
Conflict of Interest or Bias	62
Supportive Measures	63
Resources	66
On-Campus Confidential Resources	66
Off-Campus and Community-Based Confidential Resources	68
Reporting Prohibited Conduct	69
Response to a Report or Complaint of Prohibited Conduct.....	72
Closure or Dismissal of a Complaint	78
Referrals for Other Misconduct Not Subject to this Policy	80
Consolidation of Complaints and Allegations	80
Resolution Options (Support-Based, Agreement-Based, and Investigation and Hearing)	81
Respondent’s Acceptance of Responsibility	91
Investigation and Hearing Resolution Process	93
Initiation of The Investigation and Hearing Resolution Process.....	98
Investigation Process	100
Hearing.....	105
During the Hearing	108
Hearing Timeline	110
After the Hearing	112
Remedies and Sanctioning	113

Appeal Rights and Process	117
Recordkeeping.....	122
Crime and Incident Disclosure Obligations	122
Policy Review and Revision.....	123
Non-Discrimination Application and Additional Enforcement Information	123
Important Definitions	124
Policy and Annual Notification.....	129
Drug, Alcohol, and Substance Abuse Policy Statements	129
KGI Student Drug-Free Campus Policy	129
California and Local Alcohol & Drug Laws	130
Simple possession of marijuana	130
Possession by a Person(s) Under 21 Years of Age.....	131
Sales, Furnishing Alcohol to a Minor	131
Financial Aid	131
Licensure.....	132
Available Resources, Education, and Assistance concerning Substance Abuse.....	132
Alcohol Policy	132
Purpose and Scope	132
Policy	132
Oasis KGI Commons Alcohol/Drug Policy	134
Alcohol	134
Drugs and Drug Paraphernalia	134
Drug-Free Workplace Policy – Faculty & Staff	135
Purpose and scope of the policy	135
Prohibitions	135
Alcohol and event planning guidelines	136
Violations of the Drug-Free Workplace Policy and Employment	136



Reporting obligations	137
Health risks associated with the abuse of alcohol and other drugs.....	137
Local, state, and federal legal sanctions	137
Available resources, education, and assistance	138
Accountability	139
No-Smoking & Vaping Policy	139
Purpose	139
Definition of Hazing.....	139
Prohibited Conduct	140
Consequences of Hazing.....	140
Institutional Accountability	141
Reporting an Incident and Investigation	141
Investigation Process	141
Policy Review.....	142
Hazing Prevention and Awareness	142
Resources	142
Safety and Security	144
Security Awareness Programs	144
Crime Prevention Programs.....	144
Laboratory Safety.....	144
Annual Disclosure of Crime Statistics	148
Definitions for Clery Reportable Crimes	148
Categories of Prejudice	151
KGI Crime Statistics Chart.....	152
Arrests	153
Hate Crimes	153
KGI Fire Statistics for Student Housing Facilities	154

Annual Fire Safety Report	154
Residence Fire Safety.....	154
Training	155
Fire Reporting, Drills, and Evacuation Response.....	155
General Statement of On-Campus Student Housing Fire-Safety Systems	156
Important Phone Numbers and Other Contact Information	158
Appendix	159
TCC Title IX Sexual Harassment Policy	159

Message from the President

Dear Campus Community

Your safety and security are our top priorities. As we continue to foster a safe and welcoming campus environment, I am pleased to share with you the release of our Annual Security and Fire Safety Report. This year's report provides detailed information on crime statistics, safety protocols, emergency preparedness, and the various resources available.

Safety on our campus is a shared responsibility, and we are committed to continually improving the systems and programs that protect our community. This report is essential in promoting transparency and informing everyone about the steps we are taking to ensure the well-being of our students, faculty, staff, and visitors. We encourage everyone to utilize the resources provided in this report and to remain engaged in fostering a safe environment.

I invite you to review the report, available on our website at <https://www.kgi.edu/campus-safety/clery-reporting/>, to stay informed and learn how you can contribute to a safer campus.

I appreciate your dedication to creating a safe and inclusive campus environment for all.

Thank you,



Dr. Mohamed Abousalem

President

Annual Security Report Introduction

KGI places a high priority on maintaining a safe campus for its students, employees, and visitors. We are committed to providing a secure environment for all. The following information on campus security policies and campus crime statistics is provided in compliance with the Jeanne Clery Campus Safety Act, 20 U.S.C. § 1092, et seq. (“Clery Act”) for

- Informing the campus community about campus security policies and procedures.
- Encouraging students and employees to take responsible actions to lessen the chances of crime occurring on campus and keep KGI a safe and secure place to learn and work.

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

Policies for Preparing the Annual Security Report

Location and Dissemination of the Report

KGI’s Vice President of Finance & Administration is responsible for distributing the notice of the availability of the Annual Security and Annual Fire Safety Report by October 1 of each year to every member of the KGI Community. This notice is sent in writing via email to our student, staff, and faculty email listserv. Anyone, including prospective students, employees, or community members, may download a copy by visiting KGI’s website at <https://www.kgi.edu/campus-safety/clery-reporting/>.

Preparation of the Report

This report is prepared by KGI's Assistant Vice President & Chief Human Resources Officer and Vice President of Finance & Administration, in cooperation with KGI Campus Safety, KGI Student Affairs, Oasis KG Commons, and KGI Facilities. Crime statistics are gathered from TCCS Campus Safety, KGI Campus Safety, KGI's Title IX Office, Claremont Police Department, KGI Student Affairs, KGI Human Resources, and Police Departments whose jurisdiction falls within non-campus property controlled by the Institute. KGI's VP of Finance & Administration is responsible for gathering these statistics from the above entities through written requests. Campus crime statistics are reported by location and include on-campus (owned, contiguous, educational, or student-used), Student Residences (within the on-campus area), Non-Campus Buildings or Property (non-contiguous owned and student-used), and Public Property (streets, sidewalks, lots adjacent to campus).

Reporting of Criminal Offenses

Accurate and Prompt Reporting

KGI encourages accurate and prompt reporting of crimes to KGI campus safety and the appropriate police agencies, whether the victim chooses to make the report or is unable to do so. Regardless of how and where you decide to report these incidents, it is critical for the safety of the entire KGI community that you immediately report any crimes to the individuals outlined below.

Crimes and Emergencies

We encourage all KGI community members to promptly report all crimes and other emergencies to KGI Campus Safety. KGI Campus Safety can be contacted by phone at 909.607.8736 or at the KGI Campus Safety Office in Building 517 Watson Drive, room 122 in Claremont, CA 91711. Although many resources are available, KGI Campus Safety should be notified of any crime, regardless of whether an investigation is ongoing, to ensure the Institute can assess all security concerns and inform the community if there is a significant threat to the Institute community.

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

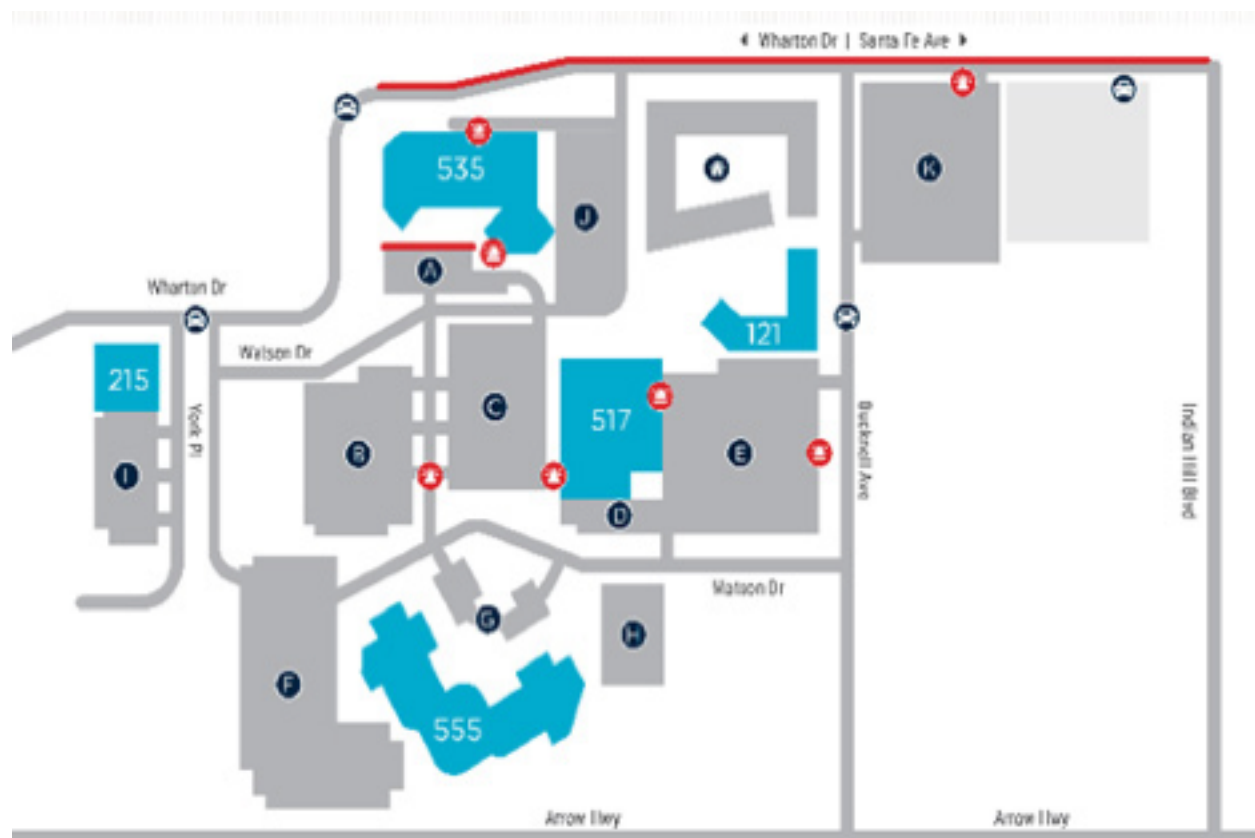
KGI Campus Safety is responsible for the security of KGI's campus. It works closely with the City of Claremont, the Claremont Police Department, and the Los Angeles County Fire Department to provide a proactive approach to safety. They emphasize the importance of information, preparation, and collaboration in designing effective crime prevention strategies.

Emergency Phones

KGI has installed emergency phones throughout the campus.

- Parking Lot B
- 517 Southwest Entrance
- 517 East Entrance
- Parking Lot E
- 535 Watson Entrance
- Parking Lot K
- 535 Watson North

The map below outlines these locations on KGI's campus.



Campus Security Authorities (CSAs)

KGI is committed to ensuring a safe and secure environment that promotes the well-being of all.

While KGI prefers that community members promptly report all crimes and other emergencies directly to KGI Campus Safety at 909.607.8736 or 911, we also recognize that some may report to other KGI Officials.

The Clery Act recognizes certain KGI officials and offices as “Campus Security Authorities.” The Clery Act defines these individuals as campus police or security, individuals who have responsibility for campus police or security, individuals identified in security policies to whom students or employees should report criminal offenses, and officials who have significant responsibility for student and campus activities, including student housing, student discipline, and campus judicial proceedings.

KGI officially designates the following individuals and offices as Campus Security Authorities, where campus community members may report crimes:

Official	Campus Address	Phone Number
KGI Campus Safety	Building 517, Room 122	909.607.8736
Cheryl Merritt AVP & Chief Human Resources Officer	Building 535 West, Room 150D	909.607.7853
Trevor Garrett VP of Finance & Administration	Building 555, Room 1-W-9	909.607.0002
Shino Simons Dean of Students and Title IX Coordinator	Building 517, Room 117	909.607.0584
Joshua Morris Associate Vice Provost of Educational Effectiveness and Faculty Development	Building 535 East, Room 20	909.607.0636
Megan Prosser Provost and VP of Academic Affairs	Building 535 East, Room 10	909.607.2394
Kenneth Mashinchi VP of Marketing & Communications	Building 555 West, Room I-W-6	909. 607. 7176

Pastoral and Professional Counselors

Under the Clery Act, pastoral and professional counselors who are appropriately credentialed and hired by the Institute or The Claremont Colleges Services to serve in a counseling role are not considered Campus Security Authorities when acting in this capacity. Pastoral counselors who learn about crimes in the performance of their official duties are not required to report these crimes to KGI Campus Safety for inclusion in the annual security report or for a Timely Warning Notice (discussed below). As a matter of policy, the Institute encourages pastoral counselors, when they deem it appropriate, to inform those they are counseling about the voluntary and confidential reporting options available to them.

Voluntary, Confidential Reporting

If you are the victim of a crime or are aware of one and you do not wish to pursue matters within the Institute or the criminal justice system, we encourage you to file a voluntary, confidential report. A confidential report protects the reporting party's wish to keep personally identifying information confidential while taking steps to ensure your safety and the safety of others.

The confidential report also allows the Institute and KGI Campus Safety to compile accurate records on the number and types of incidents on campus. Reports filed in this manner are counted and disclosed in this annual report. Members of the KGI community who wish to report crimes voluntarily and confidentially may speak with licensed counselors, clergy, medical providers in the context of seeking medical treatment, and rape crisis counselors/victim advocates, who, except in very narrow circumstances specified by law, will not disclose confidential communications or identifiable information.

An individual who wishes for the details of the incident to remain completely confidential may speak with certain designated College employees who, by law, are required to maintain confidentiality and may not disclose the details of an incident, subject to certain exceptions in the law (e.g., child abuse). Community members can also report crimes confidentially online at <https://student.kgi.edu/campus-safety>. Community members wishing to remain anonymous should NOT include their name, position/title, phone number, email, or local address on any report.

If crimes are never reported, little can be done to prevent other community members from becoming victims. We encourage KGI community members to report crimes promptly to KGI Campus Safety and to participate in and support crime prevention efforts.

The KGI community will be much safer when all community members participate in safety and security initiatives.

Campus-Based Student Resources with The Legal Privilege of Confidentiality

McAlister Center for Religious Activities Pastoral Counselors

<https://www.services.claremont.edu/chaplains/>

919 North Columbia Avenue, Claremont, CA 91711

909.621.8685

Campus-Based Resources for Students that are Designed by the Institute as Confidential

EmPOWER Center

<https://www.7csupportandprevention.com/empower-center>

Rima Shah – Director

1030 Dartmouth Avenue, Claremont, CA 91711

606.607.0690

Please note that only the Director of the EmPOWER Center has been designated as a confidential resource. As mentioned above, licensed professional counselors from Project Sister Family Services are available at EMPOWER, and these counselors have the legal privilege of confidentiality.

Queer Resource Center (QRC)

<https://www.colleges.claremont.edu/qrc/>

Bri Carmen Sérráno –Director

35 East 6th Street, Claremont, CA 91711

909.607.1817

Please note that only the Director of the QRC has been designated as a confidential resource.

Campus-Based Employee Resource with the Legal Privilege of Confidentiality

Employee Assistance Plan (EAP)

1.800.234.5465 (Pacific Care Behavioral Health)

Through their benefits program, eligible employees may contact Pacific Care Behavioral Health to speak with a clinical coordinator. A KGI Human Resources Representative can also assist with this option.

Community-Based Resources for Students and Employees with the Legal Privilege of Confidentiality

House of Ruth

877.988.5559 (toll-free hotline)

<https://www.houseofruthinc.org/>

House of Ruth provides advocacy and assistance to women and children affected by domestic violence by providing culturally competent shelter, programs, opportunities, and education.

Project Sister

909.626.HELP (4357) (24/7 Crisis Hotline)

<https://www.projectsister.org>

Project sister provides crisis services to women and men who have been sexually assaulted or abused. Volunteer Advocates can also provide support and follow-up services to sexual assault or abuse survivors.

RAINN

800.656.HOPE (4673) (24/7 hotline)

<https://www.rainn.org>

RAINN (Rape, Abuse & Incest National Network) is the nation's largest anti-sexual violence organization, focusing on prevention programs and helping survivors.

WINGS

626.960.2995

<https://www.ywcasgv.org>

WINGS provides safe emergency shelter, support groups, and assistance to victims (and their families) affected by domestic violence.

Confidentiality Limitations

Confidential resources with the legal privilege of confidentiality (such as professional and pastoral counselors, domestic violence and rape crisis counselors, community-based victim advocates, physicians, etc.) are protected by and obligated to adhere to established professional codes of ethics, relevant California state laws, and the Family Educational Rights and Privacy Act (FERPA). Whenever there is any discrepancy between these guidelines, they follow the most stringent ethical standard, as advised by their respective professional code of ethics.

This means no information will be revealed to anyone outside of the confidential provider's respective practice without written permission from the client, except where disclosure is required by law (i.e., where the client is likely to harm themselves; where the client presents a danger of violence to another; where there is reasonable suspicion of abuse of children, dependent, or elderly persons; or when records are subpoenaed through a legal and valid court order).

Confidential resources are exempt from Title IX reporting requirements. As such, they do not have to report disclosures of sexual assault, dating/domestic violence, stalking, or harassment to the College's Title IX Coordinator. However, these resources do have reporting requirements under the Clery Act. Confidential resources must report disclosures through the CSA Incident Form. This form can be found on the KGI Campus Safety website and is only accessible to members of the Claremont Colleges. This report does not require the disclosure of any personally identifiable information. Reports from confidential resources are used solely for statistical purposes.

Confidential resources do not have the legal privilege of confidentiality.

Anonymous Reports

Any individual may make an anonymous criminal report without disclosing their name or requesting any action be taken. However, KGI's ability to respond to such a report is limited by a lack of information about the incident(s) or the individuals involved. The Dean of Students, Title IX Coordinator, VP of Finance & Administration, and the AVP & Chief Human Resource Officer will determine any proper steps to take in response to an anonymous report, including community-wide remedies where necessary. Anonymous reports are recommended where the victim of a crime elects to or is unable to make such a report, as such reports allow for the accurate and prompt reporting of crimes to campus police and the relevant law enforcement agencies.

By policy, KGI Campus Safety will not attempt to ascertain the identity of people who submit anonymous reports, unless necessary for public safety. Anyone may share information anonymously through KGI Campus Safety's Silent Witness form. The form provides users with the opportunity to communicate directly with the KGI Campus Safety by submitting a description of the event, including its date, time, and location. Contact information is optional. The Silent Witness form is not intended for reporting emergencies or crimes in progress.

Daily Crime Log

KGI Campus Safety maintains a Daily Crime Log of all crimes reported to the Department. The log includes criminal incidents reported to KGI Campus Safety during the last 60 days and is available on the KGI Campus Safety website at <https://www.kgi.edu/campus-safety/clery-reporting/>. Any member of the Claremont Colleges and the public may also view the Clery Daily Crime Log online or at KGI Campus Safety during regular business hours at 535 Watson Drive, Claremont, CA 91711. This log identifies the type, location, date, time, and disposition of each criminal incident reported to KGI Campus Safety. Any portion of the record older than 60 days will be made available within two business days of the request.

Disclosure to Victims of Crimes of Violence

The Institute will, upon written request, disclose to the alleged victim of a crime of violence (as that term is defined in 18) or a non-forcible sex offense the report on the results of any disciplinary proceeding conducted by the Institute against a student who is the alleged perpetrator of such crime or offense. If the alleged victim is deceased due to such crime or offense, the next of kin of such victim shall receive the report.

"Proceeding" means all activities related to a non-criminal resolution of an institutional disciplinary complaint, including, but not limited to, fact-finding investigations, formal or informal meetings, and hearings. The proceeding does not include communications and meetings between officials and victims concerning accommodation or protective measures for a victim. "Result" refers to any initial, interim, or final decision made by an official or entity authorized to resolve disciplinary matters within the institution. The result will include any sanctions imposed by the Institute.

Campus Security Policies, Crime Prevention and Safety Awareness Programs

Crime Prevention and Safety Awareness Programs

Prevention and awareness campaigns for students and employees that prevent dating violence, domestic violence, sexual assault, and stalking are carried out by the Title IX Coordinator, who works closely with the other seven Claremont Colleges, including our shared advocacy resource, The EmPOWER Center, to provide opportunities for cross-campus programming.

EmPOWER Center: Ongoing Programs

- **Teal Dot:** This 90-minute bystander intervention training session equips students to recognize potentially dangerous situations and safely intervene to prevent violence. This program occurs approximately once a month during the fall and spring semesters.
- **Healthy relationships workshop series:**
In its commitment to prevent sexual assault, dating/domestic violence, and stalking, it conducts several training sessions for students and employees.

These training courses provide information on support resources, list the types of prohibited conduct at KGI, outline the process for reporting and identifying the appropriate reporting authority, describe KGI's procedures for handling such disclosures, and teach students and employees how to be active bystanders. Below are the ongoing trainings.

Vector Solution Online Training:

- Every new incoming KGI student must complete three training courses: Sexual Assault Prevention for Graduate Students, Alcohol Education, and Healthy Engagement (Diversity, Equity, and Inclusion).
- Every employee is required to complete the course Preventing Harassment and Discrimination with Title IX and Clery within 30 days of hire. The program is repeated every two years for all employees.
- All Staff and Faculty Meeting Presentations: KGI's Title IX Coordinator presents during select staff and faculty meetings annually.

Responsible Employee Training: All employees are trained annually on the following topics: mandatory reporting requirements related to Title IX, reporting process, how to support people, and where to file Title IX reports.

Administrators on Call

Administrator on-Call

KGI has established an after-hours administrator on-call team. The KGI Campus Safety officer is often the first responder to call regarding student situations, disruptive behaviors, or crises. The KGI Campus Safety officer will contact the VP of Finance & Administration, who will determine the appropriate steps in response to the situation and maintain a detailed record of the interaction and intervention.

Familial Notification Policy

In the appropriate circumstances, the Institute may report student disciplinary information to the parents or legal guardians of students. Federal legislation authorizes the Institute to disclose disciplinary records concerning violations of the Institute's rules and regulations governing the use or possession of alcohol or controlled substances that involve students who are under the age of 21, regardless of whether the student is a dependent. The Institute may also notify the student's parent, spouse, or other designated emergency contact when there is a serious concern for the student's health, welfare, or well-being or when the student's status at the Institute changes or is in danger of changing (e.g., suspension, academic suspension, or required academic withdrawal).

Weapons Policy

Purpose

To ensure a safe and secure environment for the KGI community by strictly prohibiting the possession, use, or storage of weapons and explosive devices on KGI property or at KGI-sponsored events.

Scope

This policy applies to all individuals on KGI-controlled property, including students, employees, contractors, and visitors.

Definitions

Weapons include, but are not limited to:

- Firearms of any type (including antique or decommissioned "trophy" weapons)
- Air rifles, air pistols, BB or pellet guns, paintball guns
- Explosive devices, fireworks, firecrackers, and other combustibles (including gasoline containers)

- Knives with blades exceeding 2.5 inches, unless used legally for food preparation or scientific/laboratory purposes
- Switchblades, daggers, and other prohibited blades under California law
- Bows and arrows, blowguns, spear guns, slingshots
- Swords, martial arts weapons, and replica/non-functional weapons
- Sporting or self-defense instruments designed to inflict bodily harm
- Ammunition (live or inert)
- Any device or item used or possessed in violation of California law

Policy

The possession, use, or storage of weapons is strictly prohibited 1) on all KGI-controlled property (whether owned or leased), including residence halls and laboratories, and 2) at all KGI-sponsored programs, whether on- or off-campus.

This prohibition applies regardless of whether a person possesses a permit or license to carry such weapon(s). Individuals may not bring such items to campus for any reason without prior written authorization from the VP of Finance & Administration.

Legal Reference

Per California Penal Code § 626.9, it is a crime to bring or possess a firearm on the grounds of a public or private college or university. Violators are subject to arrest and prosecution, with penalties of imprisonment.

Additional state and local laws prohibit the use and possession of firearms, explosive materials, and certain weapons within the jurisdictions of the City of Claremont and Los Angeles County.

Enforcement and Sanctions

Violations of this policy may result in the following:

- Immediate confiscation of the prohibited item
- Referral to Campus Safety and/or local law enforcement
- Disciplinary action, up to and including termination of employment, dismissal, or revocation of campus access privileges

Exceptions

Exceptions to this policy may only be granted in writing by the college President, their designee, or equivalent college authority in coordination with Campus Safety.

Missing Student Notification Policy

The following applies to a student resident who is reported missing from the residential facility (Oasis). All missing student reports are immediately referred to KGI Campus Safety. Upon reporting a missing student, KGI Campus Safety will contact the Claremont Police Department to ensure the reporting party can file a missing person's report. The VP of Finance & Administration and KGI Campus Safety take immediate, reasonable steps to locate the student, including determining if they may be at risk and notifying the Claremont Police of any additional risk factors. The incident will be memorialized within a KGI Campus Safety incident report. Such a report will not serve as a formal "Missing Person's Report" as defined in Penal Code Sections 14205-14210.

- Any incident report prepared by KGI Campus Safety shall include the Claremont Police case number.

A resident will be considered missing if a housemate, classmate, faculty member, family member, or other campus personnel have determined that the resident has been missing for more than 24 hours. A reasonable amount of time may vary depending on the time of day and the information available regarding the missing resident's daily schedule, habits, punctuality, and reliability. Residents will also be considered missing immediately if their absence has occurred under suspicious circumstances or causes concerns for their safety.

KGI Campus Safety Department

909.607.8736

Miguel Magana, Community Manager

Oasis Housing

213.444.8235

mmagana@tmo.com

Shino Simons, KGI Dean of Students

909.607.0584

Shino_Simons@kgi.edu

Quamina Carter, CGU VP for Student Affairs

909.621.1895

quamina.carter@cgu.edu

Confidential Contact

In addition to registering a general emergency contact, students residing in on-campus housing can confidentially identify an individual to be contacted if the resident is determined to be missing for more than 24 hours. If a student has identified with such an individual, housing will provide KGI Campus Safety with the contact information of the identified contact upon reporting the missing person. The contact will be notified within 24 hours if the student is determined to be missing. A student wishing to identify a confidential contact can visit the Oasis KGI Commons Office. A resident's confidential contact information will be accessible only by authorized campus officials and law enforcement.

If a resident is under 18 years of age and not an emancipated individual, Oasis KGI Commons is required to notify a custodial parent or guardian (in addition to any other contact person designated by the student) immediately after the student is determined to be missing, but no later than 24 hours after the student is determined to be missing.

Security and Access to Campus Facilities

All exterior doors for KGI buildings are locked 24 hours a day. Key card access is available on the following schedule:

- 215 York: 24/7 access for faculty and staff, 8:00 a.m. – 5:00 p.m. for students.
- 517 Watson: 24/7 access for faculty, staff, and students.
- 535 Watson: 24/7 access for faculty, staff, and students.
- 555 Arrow Hwy: 24/7 access for faculty, staff, and students.
- Oasis Commons (academic space): 24/7 access for faculty, staff, and students
- Oasis Commons (residential space): 24/7 access to residents only (please note, the residential space at Oasis Commons does not use key cards; they have traditional keys)

The room reservation policy governs access to individual classrooms. Laboratory access for research purposes is restricted to authorized personnel (faculty, staff, and students) only, as determined by laboratory PIs.

Many events held in KGI facilities are open to the public. Likewise, certain TCCS facilities, such as the bookstore, library, and performance centers, are available to the public.

Security Considerations for the Maintenance of Campus Facilities

- Security considerations for KGI facilities include the following:
- Fire and critical mechanical alarms are monitored by Johnson Controls and are installed in buildings 517, 535, and 555.
- The fire alarm at Oasis KGI Commons is monitored by a third-party alarm monitoring company contracted by Michaels Management, the management company at Oasis.
- Regular preventative maintenance and testing are done on all alarm systems by Johnson Controls.
- Academic and administrative buildings are checked and locked nightly by KGI Campus Safety and are reopened by KGI Facilities.
- Streetlights are inspected nightly by KGI Campus Safety and KGI Facilities.
- The City of Claremont carries out repairs and/or replacements for lights on public property upon notice by KGI Facilities. KGI Facilities is responsible for the lights on the KGI property.
- Trees and shrubbery are maintained through Southern California Landscaping Company, which is on-site daily for maintenance.
- Exterior lighting around the campus has been enhanced. Based on feedback from the community, KGI Facilities has added several new lights. This includes new LED lighting in our parking lots and new exterior lights mounted on every KGI building.
- KGI Facilities maintains bike racks on the south side at the east and west entrances to the 535 Building and the north side of the 517 Building.
- Security cameras are located throughout the property and are monitored and maintained by KGI Campus Safety.

About KGI Campus Safety

Dedicated KGI Campus Safety Officers are assigned to patrol the KGI campus 24/7 to respond to calls for service.

KGI Campus Safety officers are unarmed and do not possess police powers. Their arrest powers are identical to those of a private person, as provided in the California Penal Code § 837. Current certification requirements for the officers include Guard Registration and Basic Life Support for Health Care Providers, which includes CPR, First Aid, and AED. Officers undergo continuous education and training to upgrade their skills. KGI Campus Safety is not a police department but is responsible for law enforcement, security, and emergency response protocols at KGI.

Role, Authority, Training, and Jurisdiction

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

KGI Campus Safety works closely with the City of Claremont Police Department. Set by our formal Memoranda of Understanding (MOUs), our local law enforcement partners ensure effective operational roles and responsibilities that directly support the safety and security at KGI. The police are notified immediately and respond to crimes against individuals, including violent crimes, significant felonies, crimes involving a known or identified suspect, and all arrests of private persons on campus. They are called when police presence or assistance is deemed appropriate for the situation. As required by Uniform Crime Reporting standards, crime reports initiated by KGI Campus Safety may be forwarded to police agencies for investigation and mandated reporting. An MOU with Claremont PD is always available, according to the Kristin Smart Campus Safety Act of 1998 (California Education Code § 67381). More expansively, KGI Campus Safety and the Claremont Police Department, along with colleagues across The Claremont Colleges, as appropriate, regularly convene through in-person meetings, phone calls, and electronic communication to discuss safety issues and work collaboratively and proactively.

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

Crimes Involving Student Organizations at Off-Campus Locations

KGI relies on its close working relationships with local law enforcement agencies to receive information about incidents involving KGI students and recognized student organizations on and off campus. Suppose KGI Campus Safety learns of criminal activity involving students or student organizations. In that case, it will coordinate with the appropriate external law enforcement agency to forward information about the situation to the KGI Dean of Students' office. KGI requires all recognized student organizations to abide by federal, state, and local laws and institutional regulations. According to the KGI Student Handbook, the Institute may become involved in the off-campus conduct of recognized student organizations when such conduct violates KGI's policies or federal, state, or local laws. Currently, KGI does not have officially recognized, non-campus property locations for student organizations.

The Claremont Colleges (TCC) Timely Warning Policy

Purpose

This policy outlines the procedures KGI will use to issue Timely Warning Notices in compliance with the Clery Act. KGI has its own Timely Warning Notification system, powered by Everbridge. TCC also has a Timely Warning and emergency notification system, separate from KGI. TCC comprises Claremont Graduate University, Claremont McKenna College, Harvey Mudd College, Keck Graduate Institute, Pitzer College, Pomona College, and Scripps College, in concert with The Claremont Colleges Services (TCCS).

Policy

A Timely Warning Notice will be issued if KGI receives notice of an alleged Clery Act reportable crime (identified below) occurring on campus or on public property within or immediately adjacent to KGI. For purposes of this policy, “timely” means as soon as reasonably practicable after an incident has been reported to KGI Campus Safety, one of the Campus Security Authorities (CSAs) identified by each College, or a local police agency.

The designated official from the KGI Campus Safety team or KGI administration is determined by availability within the 24-hour cycle. KGI Campus Safety maintains designated individuals throughout each 24-hour cycle trained to determine the need for issuing a Timely Warning Notification. These designated officials are the Vice President of Finance & Administration, the VP of Marketing & Communications, the AVP and Chief Human Resources Officer, the Provost and Vice President of Academic Affairs, the Dean of Students and Title IX Coordinator, and the Campus Safety Supervisor.

Whether to issue a Timely Warning Notice is determined on a case-by-case basis. Notices may be issued for the following crimes: arson, criminal homicide, burglary, robbery, sex offenses, aggravated assault, motor vehicle theft, hazing, domestic violence, dating violence, stalking, hate crimes, and arrests and referrals for drug, liquor, and weapons violations as defined by the Clery Act. Timely Warning Notices may also be issued for other crimes as determined necessary by the individuals mentioned above. KGI Campus Safety will issue a Timely Warning Notice even if insufficient information is available or if it is likely that there is an ongoing threat to the community. The goal of a Timely Warning Notice is to help prevent similar occurrences.



The above individuals determine if an alert should be sent and are the senders of the notices. In deciding whether to issue a Timely Warning Notice, the responsible individuals described above will consider any factors reflecting on whether the reported crime represents a serious or continuing threat to the KGI and TCC community, including, but not limited to, (a) the nature of the incident; (b) when and where the incident occurred; (c) when it was reported (as incidents reported more than 10 days after the fact will generally not result in a Timely Warning Notice unless the other factors weigh in favor of sending a Notice); (d) the continuing danger to TCC community; and (e) the amount of information known by TCC and TCCS Campus Safety. KGI will, without delay and taking into account the safety of the community, determine the content of the notification and initiate the notification system, and follow its Timely Warning Notification procedures upon the confirmation of a significant emergency or dangerous situation (including a Clery-reportable crime), involving an immediate threat to the health or safety of students or employees occurring on KGI Campus and TCC.

In the event of an ongoing threat, KGI Campus Safety, KGI's VP of Finance & Administration, the VP of Marketing & Communications, Dean of Students and Title IX Coordinator, and KGI's AVP and Chief Human Resources Officer will communicate the extent of the threat via phone, email, or the Everbridge emergency notification system.

They will use the Timely Warning Notice Decision Matrix/Timely Warning Notice Determination Form below in the decision-making process to determine whether to issue a community alert. The form acts as a guideline for selecting a Timely Warning Notice. It will be completed immediately and without delay to determine if the criteria are present to send a notice. If it is determined that a Timely Warning Notice is necessary, KGI Campus Safety will send the notice to KGI and the TCC Safety Office. Once completed, the form and all related information regarding the decision will be retained by KGI for seven years.

They will use the Timely Warning Notice Decision Matrix/Timely Warning Notice Determination Form below in the decision-making process to determine whether to issue a timely warning to the community. The form acts as a guideline for selecting a Timely Warning Notice. It will be completed immediately and without delay to determine if the criteria are present to send a notice. If it is determined that a Timely Warning Notice is necessary, KGI Campus Safety will send the notice to KGI and the TCC Safety Office. Once completed, the form and all related information regarding the decision will be maintained by KGI for seven years.

Timely Warning Notices will be distributed in various ways. A multi-modal integrated communications system for mass notifications is used to notify students and employees through KGI's website at kgi.edu/emergency. Notifications will be sent through the Everbridge emergency notification system, via email and text to all KGI Students and employees, as well as on the KGI website (kgi.edu/emergency), which is accessible to students, employees, and the public. KGI will initiate the notice by sending the notification email. Individuals responsible for official or equivalent authority will contact our Marketing Office to update the emergency services immediately. Efforts will be made to inform the broader community beyond campus through KGI Campus Safety. KGI Campus Safety will coordinate measures with local law enforcement and inform them of the ongoing emergency.

KGI's Communication Office will respond to any media inquiries after consulting with KGI Campus Safety, AVP and Chief Human Resources Officer, VP of Finance & Operations, Provost and Vice President of Academic Affairs, and the Dean of Students and Title IX Coordinator.

The Timely Warning Notice will typically include, to the extent known, the date, time, and nature of the offense, a brief overview of its particular circumstances, a physical description of the actor(s), law enforcement's immediate actions, a request and method for witnesses to contact local law enforcement, and where applicable and appropriate, cautionary advice that would promote safety. In no instance will a Timely Warning Notice include the victim's name or other identifying information about the victim. In developing the content of the Timely Warning Notice, KGI Campus Safety will make all reasonable efforts to avoid compromising ongoing law enforcement efforts. KGI Campus Safety will document and retain the justification for determining whether to issue a Timely Warning Notice for a period of seven years.

Anyone with information about a serious crime or incident is encouraged to report the circumstances to KGI Campus Safety by phone at 909-607-8736, from campus phones at extension 78736, or in person at Building 517, Watson Drive, Room 122. If a report is made to other TCC officials, those officials will immediately notify KGI Campus Safety.

Emergency Response and Evacuation Procedures and Drills, Exercise, and Training

A summary of KGI's emergency response procedures can be found at <https://www.kgi.edu/campus-safety/>. This website also includes Emergency Preparedness Information, including procedures for fire, earthquakes, floods, active assailants/shooters, shelter-in-place, and evacuation.

KGI students, faculty, and staff are automatically registered in our emergency notification system, Everbridge. Information on Title IX and a copy of our Annual Security Report are located at <https://www.kgi.edu/campus-safety/clery-reporting>.

Drills, Exercises, and Training

At least annually, KGI conducts an emergency management exercise to test emergency procedures. The scenarios for these exercises change yearly and include several departments from across the campus.

To ensure KGI's emergency management plans remain current and actionable, KGI will conduct an emergency management exercise at least once a year. These exercises may include tabletop drills, emergency operations centers, or full-scale emergency response exercises. KGI conducts after-action reviews of all emergency management exercises. Before each training exercise or drill, the KGI community is notified via email by the Human Resources Department to outline the date, time, and location. It includes a description of the purpose of the drill. Upon completion of the exercise, KGI's Safety Committee meets to debrief and discuss the efficacy of the drill. KGI publicizes emergency response and evacuation procedures via email in advance, as part of a drill announcement initiated by Human Resources.

Emergency Notification

This policy statement summarizes KGI's emergency response and evacuation procedures, including protocols for sending Emergency Notifications. An Emergency Notification will be issued if KGI receives notice of a situation that presents a significant emergency or dangerous situation at KGI or in the local area affecting the health and/or safety of KGI's community, in whole or in part.

KGI will, without delay, and taking into account the safety of the community, determine the content of the notification and initiate the notification system after an incident has been reported to KGI Campus Safety, one of the Campus Security Authorities (CSAs) identified, or a local police agency unless issuing a notification will, in the professional judgment of responsible authorities, compromise efforts to assist a victim or to contain, respond to or otherwise mitigate the emergency.

The decision is made by a designated official from KGI Campus Safety and KGI Administration, based on their availability during a 24-hour cycle. KGI Campus Safety maintains designated individuals throughout each 24-hour cycle trained to determine the need for an Emergency Notification.

Everbridge Emergency Notification System

KGI is committed to ensuring the campus community receives timely, accurate, and helpful information in the event of a significant emergency or dangerous situation on campus or in the local area that poses an immediate threat to the health and safety of the campus community members.

KGI uses the emergency notification system Everbridge. Everbridge is an emergency alert service available to students, staff, faculty, and all members of the KGI community who want to subscribe. It can be used to send emergency messages within minutes of an incident. Alerts sent by Everbridge are broadcast simultaneously to the KGI community through our newswire, KGI's Facebook page, Twitter, or, depending on each subscriber's preference, via email and/or phone call.

KGI Campus Safety conducts annual tests of the Everbridge system. The TCC Campus Safety Office also uses its instance of Everbridge to notify the Claremont Colleges community.

Procedures Used to Notify the Campus Community and Surrounding Community

In the event of a situation that poses an immediate threat to members of the campus community, KGI will, without delay and taking into account the safety of the community, determine the content of the notification and initiate the notification system, unless issuing a notification will, in the professional judgment of responsible authorities, compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency.

To achieve this, KGI utilizes multiple systems to communicate information quickly and efficiently. Some or all of these methods of communication, including the mass notification system, may be activated in the event of emergency notification to the entire campus community. Everbridge, KGI's email system, and verbal announcements within the building, as well as a public address system on police cars. KGI will post updates on the homepage during a critical incident.

KGI is also committed to providing a safe environment for everyone in the larger campus community. In the event of an emergency or significant safety concern that would impact members of the larger community outside the college campuses, updated and ongoing emergency information is provided to the TCCS Campus Safety and the Claremont Police Department for dissemination as they feel appropriate. The Claremont Police Department is included on the Everbridge distribution list and receives all emergency notifications and alerts issued by KGI Campus Safety. The TCCS Communication Office would liaise with local media to further distribute the details of an incident as appropriate.

Confirming the Existence of a Significant Emergency or Dangerous Situation and Initiating the Emergency Notification System

In determining whether to issue an Emergency Notification, individuals may use various notification methods to alert KGI Campus Safety to an emergency, such as personal/office phones, emergency ring-down phones, email, or in person.

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

The process to initiate the Emergency Notification system is as follows. Once an incident is reported, either on its own or with input from these external agencies (Claremont Police Department, Los Angeles County Fire Department, Los Angeles County Emergency Management), the Department of KGI Campus Safety, VP of Finance & Administration, VP of Marketing & Communication, AVP and Human Resources Officer, Provost and VP of Academic Affairs, Dean of Students and Title IX Coordinator, and the on-site KGI Campus Safety officer (or designee) will determine if the situation does pose a threat to the community. Should that be the case, federal law requires that the College immediately notify the campus community that may be affected by the situation without delay, considering the community's safety.

The designated official from KGI Campus Safety who determines this is based on availability during a 24-hour cycle. KGI Campus Safety maintains a selected team of individuals throughout each 24-hour cycle, trained to determine the need for issuing alerts. These designated officials are listed above.

Once the Emergency Notification has been issued, KGI Campus Safety, in collaboration with the official on call from the affected community (if applicable), takes the initial lead in implementing the appropriate response plan, assessing the severity of the crisis, reviewing all available information, delegating responsibility where appropriate, and ensuring that the information needs of various constituencies are met.

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

The Claremont Colleges are a consortium of seven separate and distinct colleges that share numerous social, residential, dining, and academic programs, among others. Due to the nature of our configuration, once a significant emergency or dangerous situation occurs on one of the campuses, an emergency notification is deemed necessary, and it is disseminated via email or text message. These messages are received by the KGI President and VP of Finance, who determine if KGI Campus Safety needs to send the message to KGI students, staff, and faculty. Depending on the nature of the emergency, KGI Campus Safety may work with TCCS Communications and the Claremont Police Department to issue subsequent notifications to a broader group of local community members. KGI will also post applicable messages about the dangerous conditions on the College website to ensure the campus is aware of the situation and the steps they should take to maintain personal and KGI Campus Safety.

Contents of the Emergency Notification

The Department of KGI Campus Safety will select the appropriate template in Everbridge, populate it with the necessary information for the current emergency situation, and send it to students, faculty, and staff at KGI, as well as to the TCC Campus Safety Office.

Additional Emergency Notification messages will follow as information regarding the unfolding situation becomes available. KGI Campus Safety is also tasked with promptly summoning the appropriate resources to mitigate and investigate such incidents, which may include collaboration with the Claremont Police Department and/or the Los Angeles County Fire Department.

KGI Campus Safety will use the following guidelines when determining the contents of the emergency message.

- **Alert:** The first message is intended to alert the KGI community of the Emergency and the actions they should take to safeguard their own and their neighbors' safety.
- **Inform:** The second message provides additional situation details for the KGI community. It is generally distributed once first responders and the Emergency Operations Center have more information about the dangerous situation.
- **Reassure:** Finally, the third message is the reassuring notice, generally distributed once the situation is nearly or entirely resolved. This message aims to reassure the TCC community that KGI is working diligently to fix or resolve the dangerous situation. It can also provide additional information about the problem and where resources will be available.

Crimes of Sexual Assault, Dating or Domestic Violence, and Stalking

KGI's statement on Prohibiting Crimes of Sexual Assault, Dating/Domestic Violence, and Stalking

KGI is committed to maintaining an environment for students, faculty, administrators, staff, and visitors that is free of all forms of sex- and gender-based discrimination and harassment, including sexual misconduct.

Consistent with this commitment and with obligations under Title IX of the Education Amendments of 1972 and other state and federal laws, the Institute has enacted a Sexual Discrimination, Harassment, and Misconduct Policy ("Policy") to reflect and maintain KGI's institutional values and community expectations, to provide fair procedures for determining when the Policy has been violated, and to provide recourse for individuals and the community in response to violations of the Policy. A copy of the full policy can be located on our website at kgi.edu/policies.

KGI's Policy prohibits all forms of sexual or gender-based discrimination, harassment, and misconduct, including sexual assault, intimate partner violence (dating and domestic violence), sexual exploitation, and stalking. KGI's Policy also prohibits retaliation against a person who reports, complains about, or otherwise participates in good faith in any matter related to the Policy.

The Institute strongly encourages all members of our community to take action to maintain and facilitate a safe, welcoming, and respectful environment on campus. In particular, the Institute expects all KGI community members to take reasonable and prudent actions to prevent or stop Prohibited Conduct. The Institute strongly supports individuals who choose to take such action and will protect such individuals from retaliation.

Furthermore, in response to new Title IX regulations issued by the U.S. Department of Education ("DOE") in April, 2024 requiring higher education institutions to amend their current policies related to sexual misconduct and following the work of The Claremont College ("TCC") Title IX Policy Committee to provide for a standard adjudication process among TCC institutions, the TCC implemented a joint 2024 TCC Sexual Misconduct & Sex-Based Harassment Interim Policy, effective August 1, 2024. Following this, an interim policy was put into place on March 07, 2025, with additional updates. Among other things, the new TCC Title IX Policy follows the new Title IX regulations and integrates California State Law SB493.

The 2024 TCC Sexual Misconduct & Sex-Based Harassment Interim Policy addresses conduct that is alleged to have occurred on August 1, 2024, or later.

Keck Graduate Institute has two policies that are included in KGI's response to discrimination, harassment, and Title IX.

- Since August 1, 2024, the 2024 TCC Sexual Misconduct & Sex-Based Harassment Interim Policy has also been instituted to address any Title IX-related incidents that occurred after that date.
- For incidents that occurred between August 14, 2020, and July 30, 2024, the TCC Title IX Sexual Harassment Policy (effective on August 14, 2020, and revised on February 15, 2021) will apply. Conduct that takes place off-campus may be addressed by the second policy, the KGI Policy Against Discrimination and Harassment.

The KGI Policy Against Discrimination and Harassment will address all non-sex-based harassment and discrimination incidents.

California State Definitions for Sexual Assault, Dating/Domestic Violence, Stalking, and Consent

Penal Code 243.4: Sexual Battery

- Any person who touches an intimate part of another person while that person is unlawfully restrained by the accused or an accomplice, and if the touching is against the will of the person touched and is for sexual arousal, sexual gratification, or sexual abuse, is guilty of sexual battery.
- Any person who touches an intimate part of another person who is institutionalized for medical treatment and who is seriously disabled or medically incapacitated, if the touching is against the will of the person touched, and if the touching is for sexual arousal, sexual gratification, or sexual abuse, is guilty of sexual battery.
- Any person who touches an intimate part of another person for sexual arousal, sexual gratification, or sexual abuse, and the victim is at the time unconscious of the nature of the act because the perpetrator fraudulently represented that the touching served a professional purpose, is guilty of sexual battery.
- Any person who, for sexual arousal, sexual gratification, or sexual abuse, causes another against that person's will while that person is unlawfully restrained either by the accused or an accomplice or is institutionalized for medical treatment and is seriously disabled or medically incapacitated, to masturbate or touch an intimate part of either of those persons or a third person, is guilty of sexual battery.

Penal Code 261: Rape

Rape is an act of sexual intercourse accomplished with a person not the spouse of the perpetrator, under any of the following circumstances:

- Where a person is incapable, because of a mental disorder or developmental or physical disability, of giving legal consent, which is known or reasonably should be known to the person committing the act. Notwithstanding the existence of a conservatorship according to the provisions of the Lanterman-Petris-Short Act (Part 1 (commencing with Section 5000) of Division 5 of the Welfare and Institutions Code), the prosecuting attorney shall prove, as an element of the crime, that a mental disorder or developmental or physical disability rendered the alleged victim incapable of giving consent.
- Where it is accomplished against a person's will using force, violence, duress, menace, or fear of immediate and unlawful bodily injury to the person or another.
- Where a person is prevented from resisting by any intoxicating or anesthetic substance or any controlled substance, and this condition was known or reasonably should have been known by the accused.

- Where a person is at the time unconscious of the nature of the act, and this is known to the accused. As used in this paragraph, “unconscious of the nature of the act” means incapable of resisting because the victim meets any one of the following conditions:
 - Was unconscious or asleep.
 - Was not aware, knowing, perceiving, or cognizant that the act occurred.
 - Was not aware, knowing, perceiving, or cognizant of the essential characteristics of the act due to the perpetrator’s fraud.
 - Was not aware, knowing, perceiving, or cognizant of the essential characteristics of the act due to the perpetrator’s fraudulent representation that sexual penetration served a professional purpose when it served no professional purpose.
- Where a person submits under the belief that the person committing the act is someone known to the victim other than the accused, and this belief is induced by any artifice, pretense, or concealment practiced by the accused, with the intent to cause the belief.
- Where the act is accomplished against the victim’s will by threatening to retaliate in the future against the victim or any other person, and there is a reasonable possibility that the perpetrator will execute the threat. As used in this paragraph, “threatening to retaliate” means a threat to kidnap or falsely imprison, or to inflict extreme pain, serious bodily injury, or death.
- Where the act is accomplished against the victim’s will by threatening to use the authority of a public official to incarcerate, arrest, or deport the victim or another, and the victim has a reasonable belief that the perpetrator is a public official. As used in this paragraph, “public official” means a person employed by a governmental agency who has the authority, as part of that position, to incarcerate, arrest, or deport another. The perpetrator does not have to be a public official.

Penal Code 273.5: Corporal Injury on a Spouse or Cohabitant

- Any person who willfully inflicts corporal injury resulting in a traumatic condition upon a victim described in subdivision (b) is guilty of a felony, and upon conviction thereof shall be punished by imprisonment in the state prison for two, three, or four years, or in a county jail for not more than one year, or by a fine of up to six thousand dollars (\$6,000), or by both that fine and imprisonment
- Subdivision (a) shall apply if the victim is or was one or more of the following:
 - The offender’s spouse or former spouse.
 - The offender’s cohabitant or former cohabitant.
 - The offender’s fiancé or fiancée, or someone with whom the offender has, or previously had, an engagement or dating relationship, as defined in paragraph (10) of subdivision (f) of Section 243.
 - The mother or father of the offender’s child.

- Holding oneself out to be the spouse of the person with whom one is cohabiting is not necessary to constitute cohabitation as the term is used in this section.
- As used in this section, “traumatic condition” means a condition of the body, such as a wound or external or internal injury, including, but not limited to, injury because of strangulation or suffocation, whether of a minor or severe nature, caused by a physical force. For purposes of this section, “strangulation” and “suffocation” include impeding the normal breathing or circulation of the blood of a person by applying pressure on the throat or neck. For this section, a person shall be considered the father or mother of another person’s child if the alleged male parent is presumed the natural father under Sections 7611 and 7612 of the Family Code.

Penal Code 243: Domestic Battery

When a battery is committed against a spouse, a person with whom the defendant is cohabiting, a person who is the parent of the defendant’s child, a former spouse, fiancé, or fiancée, or a person with whom the defendant currently has, or has previously had, a dating or engagement relationship.

Penal Code 64.9: Stalking

Any person who willfully, maliciously, and repeatedly follows or willfully and maliciously harasses another person and who makes a credible threat with the intent to place that person in reasonable fear for his or her safety or the safety of his or her immediate family is guilty of the crime of stalking.

Senate Bill No. 967: Affirmative Consent

An affirmative consent standard in the determination of whether consent was given by both parties to sexual activity. “Affirmative consent” means affirmative, conscious, and voluntary agreement to engage in sexual activity. It is the responsibility of each person involved in the sexual activity to ensure that he or she has the affirmative consent of the other or others to engage in the sexual activity. Lack of protest or resistance does not mean consent, nor does silence mean consent. Affirmative consent must be ongoing throughout a sexual activity and can be revoked at any time. The existence of a dating relationship between the persons involved, or the fact of past sexual relations between them, should never by itself be assumed to be an indicator of consent. It shall not be a valid excuse that the accused believed that the complainant affirmatively consented to the sexual activity if the accused knew or reasonably should have known that the complainant was unable to consent to the sexual activity under any of the following circumstances:

- The complainant was asleep or unconscious.
- The complainant was incapacitated due to the influence of drugs, alcohol, or medication, so that the complainant could not understand the fact, nature, or extent of the sexual activity.

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

Programs To Prevent Sexual Assault, Dating or Domestic Violence, and Stalking

Bystander Intervention

The Institute expects all its community members to take reasonable and prudent actions to prevent or stop an act of gender-based or sexual misconduct. Taking action may include direct intervention, contacting law enforcement, or seeking help from a person in authority.

Prevention, Awareness, and Risk Reduction

Below is the information provided to students on prevention and risk reduction as outlined in our Sexual Discrimination, Harassment, and Misconduct Policy. KGI members can access the policy via the student handbook and the KGI website.

Prevention: If you find yourself in the position of being the initiator of sexual behavior, you owe sexual respect to your potential partner and yourself. These suggestions may help you avoid committing a non-consensual sexual act and reduce the risk of being accused of sexual misconduct:

- Clearly communicate your intentions to your sexual partner and give your partner a chance to speak their intentions to you.
- Understand and respect personal boundaries. Do not pressure a potential partner.
- **DON'T MAKE ASSUMPTIONS** about consent, about someone's sexual availability, whether the individual is attracted to you, about how far you can go, or about whether the individual is physically and/or mentally able to consent. If there are any questions or ambiguity, then you **DO NOT** have consent, and you should stop.
- If you think you are receiving unclear or conflicting messages from your partner, this is a clear indication that you should stop, defuse any sexual tension, and communicate better.
- Don't take advantage of someone's drunkenness, drugged, or otherwise incapacitated state.
- Realize that your potential partner could be intimidated by you or fearful. You may have a power advantage simply because of your gender or size. Don't abuse that power.
- Understand that consent to some form of sexual behavior does not automatically equal consent to any other form of sexual behavior.
- Silence and passivity cannot be interpreted as an indication of consent. Read your potential partner carefully, paying attention to both verbal and non-verbal communication, as well as their body language. If you are not sure, stop.

- **Risk Reduction:** Risk reduction tips can unintentionally take a victim-blaming tone. With no intention to victim-blame and with the recognition that only those who commit sexual violence are responsible for such conduct, these suggestions may nevertheless help you to reduce your risk of experiencing a non-consensual sexual act.
- If you have sexual limits, make them known as early as possible.
- If you do not want to engage in a particular activity, tell the other person “NO” clearly and firmly. Try to remove yourself from the physical presence of a sexual aggressor if you can do so safely.
- If someone is nearby, ask for help, or if it is safe to do so, text or call someone.
- Acknowledge that alcohol/drugs lower your sexual inhibitions and may make you vulnerable to someone who views someone under the influence as a sexual opportunity.
- Take care of your friends and ask if they take care of you. Friends can help acknowledge when you are in potential danger or harm. Respect their concerns.

Prevention and Awareness Campaigns for Students and Employees

The Dean of Students and Title IX Coordinator carry out prevention and awareness campaigns for students and employees to prevent dating violence, domestic violence, sexual assault, and stalking. The Dean works closely with the other seven Claremont Colleges, including our shared advocacy resource, The EmPOWER Center, to provide opportunities for cross-campus programming.

EmPOWER Center Ongoing Programs: The EmPOWER Center hosts ongoing programs throughout the year to support survivors of dating/domestic violence, stalking, and sexual assault. Below is a list of programs/events.

- **Teal Dot:** This 90-minute bystander intervention training session equips students to recognize potentially dangerous situations and safely intervene to prevent violence. This program occurs approximately once a month during the fall and spring semesters.
- Confidential Counseling
- Educational programming related to healthy relationships
- **International Student Programming:** A presentation is provided to international students by the director of the EmPOWER Center.

In its commitment to prevent sexual assault, dating/domestic violence, and stalking, KGI conducts several training sessions for students and employees. These trainings provide information on support resources, list the types of prohibited conduct at KGI, outline the process for reporting, describe KGI’s procedures for handling such disclosures, and explain how to be an active bystander. Below are the ongoing trainings.

- **Vector Solutions Online Training for New Students:** Every new incoming student at KGI must complete three training courses: Sexual Assault Prevention, alcohol education, and diversity, equity, and inclusion training for Graduate Students.

- **Vector Solutions Online Training for New Employees:** Every employee is required to complete the course “Preventing Harassment and Discrimination with Title IX and Clery” within 30 days of hire, and the program is repeated every two years for all employees.
- **All Staff and Faculty Meeting Presentations:** KGI’s Title IX Coordinator annually presents during select staff and faculty meetings.
- **Onboard training for new employees, including new student employees, in coordination with Human Resources,** KGI’s Title IX Coordinator may meet with new employees to review Title IX, mandatory reporting requirements, and resources.
- **Title IX Training:** Those who serve as the Title IX Coordinator and Deputy Coordinator are trained annually.

Procedures to Follow If a Crime of Sexual Assault, Dating/Domestic Violence, and/or Stalking Has Occurred

In compliance with the Title IX regulations issued by the US Department of Education (DOE) that went into effect on August 1, 2024, the Institute adopted the 2024 TCC Sexual Misconduct & Sex-Based Harassment Interim Policy to address specific types of sexual harassment, including sexual assault, dating violence, domestic violence, and stalking.

Additionally, the KGI policy outlines the procedures, resources, and steps an individual can take following an instance of non-sex-based harassment and discrimination not governed by the TCC Title IX Policy.

Through these policies, KGI notifies students and employees via email, print materials, and the Institute’s website about existing counseling and health services, victim advocacy, and other campus and community-based victim services and programs. Details of what is included in the written material can be found below (complete copies of the TCC Title IX Policy and KGI Policy are available online).

The Importance of Preserving Evidence (Provided in Writing)

Victims/survivors of a sexual assault (particularly forcible oral copulation or penetration) are urged to seek medical treatment as soon as possible by going to the nearest hospital emergency room, specialized sexual assault treatment and trauma center, Student Health Service, or private physician.

The emergency room nearest KGI, which is also a county-designated SART Center, is located at:

Pomona Valley Hospital Medical Center

1798 N. Garey Avenue Pomona, CA 91767

909.865.9500

SART is a victim-sensitive program designed to provide a team approach to responding to sexual assaults. Victims/survivors may take a support person with them to the hospital. Students who need assistance arranging transportation or would like a member of the KGI staff to accompany them to the hospital should contact KGI Campus Safety at 909.607.8736 and ask that a Dean of Students and Title IX Coordinator be contacted. Know that hospitals that treat any physical injury sustained during a sexual assault are required to report it to law enforcement. The victim/survivor may choose whether to speak to police at the hospital, and does not need to make an immediate decision to press criminal charges. That decision can be made later.

Victims/survivors who promptly seek medical attention benefit from being examined for physical injury, receiving preventative treatment for sexually transmitted diseases, a toxicology examination for date rape drugs, and emergency contraception. Additionally, prompt reporting enables the preservation of evidence. Preserving evidence is essential as it may assist in proving that the alleged criminal offense occurred and/or help obtain a protective order, which will only be used if the victim/survivor decides (then or later) to press criminal charges or file a civil suit.

To preserve evidence, victims/survivors should not bathe, douche, smoke, brush their teeth, or change clothes (a change of clothes should be brought along). If clothes have been changed, the original clothes should be put in a paper bag (plastic bags damage evidence) and brought to the hospital. Do not disturb the scene of the assault. If it is impossible to leave the scene undisturbed, evidence (e.g., bedding, towels, loose fabrics, prophylactics, and clothing) should be placed in separate paper bags to preserve.

Time is a critical factor in collecting and preserving evidence. The physical evidence of an assault is most effectively collected within the first 24-48 hours of the assault, but some evidence may be collected for up to 72 hours. If, however, a sexual assault victim/survivor chooses to report the incident days, weeks, or even months after the assault, critical support systems are still available and can be arranged.

Victims/survivors who do not wish to go to the hospital may choose to contact:

Planned Parenthood

1550 N Garey Avenue Pomona, CA 91767

800.576.5544

Planned Parenthood has healthcare providers who can test and provide preventive treatment for sexually transmitted diseases, or see a personal healthcare provider for tests and treatment.

While preserving evidence is essential, the lack of physical evidence should never deter a victim/survivor from reporting or seeking resources. Because the Institute's process uses a preponderance of the evidence standard, physical evidence (while helpful) is never required to proceed with a formal or informal process.

Who To Report to (Provided in Writing)

Anyone who witnesses, experiences, or is otherwise aware of conduct that the individual believes violates this Policy, including retaliation, is urged to contact KGI immediately. Reports may be made to any of the following individuals:

For staff and faculty reports:

Cheryl Merritt

Assistant Vice President & Chief Human Resources Officer
(and Deputy Title IX Coordinator)

909.607.7853

Cheryl_Merritt@kgi.edu

535 Watson Dr., Claremont, CA 91711
Building 535 West, Office #150D

For student reports:

Shino Simons

Dean of Students and Title IX Coordinator

Shino_Simons@kgi.edu

535 Watson Dr.

Claremont, CA 91711

Building 517, Office #117

For student, staff, faculty, or third-party reports:

KGI Campus Safety

909.607.8736 or

911 (emergency)

Building 517, Room 122

KGI_CampusSafety@kgi.edu

Complainants are encouraged to make a report in a timely manner to maximize KGI's ability to respond promptly and effectively. The complainant (or third party if making a report on behalf of another person) does not have to request a particular course of action, nor does the complainant or third party need to know the appropriate definition or label for what happened. The decision to make a report is a process that is likely to unfold over time.

Reporting to Law Enforcement

Information about the option to report to and/or seek assistance from law enforcement is also provided to individuals who are victims of sexual violence, dating/domestic violence, and stalking. In Claremont, those resources include:

Claremont Police Department

909.399.5411

Emergency Dial 911

570 W. Bonita Ave. Claremont, CA 91711

In the event of an incident of sexual misconduct, especially sexual violence, KGI strongly encourages individuals to seek assistance immediately from a medical provider. In Claremont, those resources include:

Pomona Valley Hospital Medical Center

800.576.5544

1550 N Garey Avenue Pomona, CA 91767

Some incidents of sexual misconduct may also constitute criminal conduct. In such instances, the complainant is encouraged to file a report with an appropriate law enforcement agency. If requested, the Institute will assist the complainant in doing so. This is the best option to ensure evidence preservation and begin a timely investigative and remedial response. Police have unique legal authority, including the ability to seek and execute search warrants, collect forensic evidence, make arrests, and assist in obtaining emergency protective orders. The complainant may decline to notify such authorities, and the complainant may choose whether to file a police report.

The definitions of Prohibited Conduct and the burden of proof for internal processes differ from those of criminal behavior and the burden of proof used in the criminal justice system. These reporting options are not mutually exclusive and may be made simultaneously or at different times.

A criminal investigation or proceeding does not relieve KGI of its duty to conduct a timely inquiry into the alleged misconduct. Consequently, the Institute will not wait for the conclusion of any criminal investigation or proceedings to commence the KGI investigation and complaint resolution procedures outlined below. Neither law enforcement's determination of whether to prosecute a respondent nor the outcome of any criminal prosecution is determinative of whether conduct prohibited under this Policy occurred.

KGI takes seriously the rights of the complainant and the institute's responsibilities for orders of protection, "no contact" orders, and restraining orders. Complainants may seek no-contact orders through the institute or may be assisted with obtaining a restraining order through the court. These measures are available to the complainant, regardless of whether the complainant files a formal complaint with KGI or local law enforcement. This is provided to complainants in writing as outlined below.

- **No Contact Order:** KGI Campus Safety, the Dean of Students and Title IX Coordinator, and the Assistant Vice President and Chief Human Resources Officer may impose a "no-contact" order, which typically will include a directive that the parties refrain from having any contact with one another, directly or through third parties, whether in person or via electronic means, pending the investigation and/or outcome. When taking steps to separate the complainant and the respondent, the Dean of Students and the Title IX Coordinator, and the Assistant Vice President and Chief Human Resources Officer will seek to minimize unnecessary or unreasonable burdens on either party.
- **Restraining Order:** The Institute may assist with providing information about or assistance in obtaining a restraining order from a court of law.

Interim Measures (Supportive and Protective) (Provided in Writing)

Upon receipt of a report of Prohibited Conduct, KGI will impose reasonable and appropriate supportive and protective measures ("interim measures") designed to protect an individual's rights and personal safety, the safety of the Institute community, or, if determined to be necessary, to ensure the integrity of the investigation or adjudication process. The Institute will make reasonable efforts to communicate with the parties to address all concerns about safety, emotional well-being, and physical well-being. Interim support measures are offered in writing to all parties. They may be imposed regardless of whether a report was made to local law enforcement or whether the Complainant and/or the Institute sought formal disciplinary action or legal action.

The Institute will consider all requests for interim measures from the parties and must comply with any reasonable requests for changes to academic or work situations. The Title IX Coordinator or its designee makes determinations regarding interim measures on a case-by-case basis in consultation with appropriate members of Human Resources, Student Affairs, and/or Academic Affairs.

KGI will maintain as confidential any accommodations or protective measures provided to any party to the extent that maintaining such confidentiality would not impair the institution's ability to provide the accommodations or protective measures. Students or employees may contact the Title IX Coordinator at Shino_Simons@kgi.edu, 535 Watson Dr., Claremont, CA 91711, Building 517, Office #117.

Range of Measures

Interim measures should be designed to minimize the impact on the parties involved. Potential remedies that may be taken in response to an allegation of Prohibited Conduct, and which may be applied to the Complaint and/or the Respondent, include, but are not limited to:

- Interim suspension (immediate, temporary suspension pending the outcome of the investigation and/or hearing process)
- Imposition of a “no contact” directive
- Restricting or limiting an individual or organization’s access to campus or specific areas of campus or activities pending resolution of the matter
- Increased security and monitoring of certain areas of campus
- Referral to medical, counseling, or emergency services
- Assistance with identifying off-campus resources
- Assistance in reporting the matter to the local police or obtaining a court-issued restraining order
- Ensuring that any such criminal or civil restraining order is fully upheld on all institutionally owned and controlled property
- Varied forms of academic assistance, including academic support services, tutoring, alternative course completion options, rescheduling of exams and assignments, changing class schedules, and transferring course sections.
- Change of work schedules, job assignments, and worksite location.
- Other similar measures, determined by the Title IX Coordinator based on the specific facts of each case, that can be tailored to the individuals involved to achieve the goals of this Policy.

Interim measures assume no determination of responsibility. Both parties will receive a written document outlining the interim measures deemed appropriate. The Title IX Coordinator reserves the right to increase, reduce, or otherwise adjust interim measures. Not all measures listed in this section will be necessary in every case. If an individual identifies an interim measure not provided by KGI, the Institute will consider whether to grant the request. In those instances where interim measures affect both the Complainant and Respondent, the Institute will minimize the burden on the Complainant wherever appropriate.

Failure by any individual to adhere to the parameters of any interim measure constitutes a violation of KGI policy and may result in disciplinary action. Individuals are encouraged by another party to report such failures to the Title IX Coordinator. Depending on timing and other circumstances, allegations that an individual has violated any interim measure may be investigated and/or adjudicated (where appropriate) separately from or as part of an ongoing matter.

Protecting Confidentiality (Provided in Writing)

Under applicable law, KGI's annual security report includes statistics concerning reported sexual assaults and other crimes that occurred on campus, in certain off-campus buildings or property owned or controlled by KGI, and on public property within or immediately adjacent to and accessible from the campus. These reports never include personally identifiable information (e.g., the names or addresses of victims).

Statistical Reporting

Under the Clery Act, certain Institute officials are required to report specific misconduct for federal statistical reporting purposes. All personally identifiable information is kept confidential. However, statistical information regarding the type of incident and its general location (on or off-campus, in the surrounding area) must be passed along to KGI Campus Safety for publication in the annual Campus Security Report. No addresses are given.

This report provides the community with a clear picture of the extent and nature of campus crime, ensuring excellent community safety. Mandated federal reporters, also known as Campus Security Authorities, include student affairs staff, KGI Campus Safety officers, human resources staff, advisors to student organizations, and any other official with significant responsibility for student and campus activities. The information to be shared includes the date, the location of the incident (using Clery location categories), and the Clery crime category. This report protects the identity of the victim and may be done anonymously.

Timely Warning

Complainants should also be aware that Institute administrators must issue immediate, timely warnings for incidents reported to them that are confirmed to pose a substantial threat of bodily harm or danger to campus community members. The Institute will not disclose a Complainant's name for the Timely Warning requirement. However, it will provide enough information for community members to make safety decisions regarding the danger. The reporters for timely warning purposes are as detailed in the paragraph above.

Location of Records

The Institute will retain documents related to processes under this Policy for a period of seven (7) years. Documents associated with this process include formal complaints, remedies provided to a complainant, the investigation report and attachments, the hearing determination, any sanctioning determination, and all appeal-related documents, as well as any audio recording or transcript of the hearing.

For seven (7) years, the Institute will also retain all materials used to train the Title IX Coordinator and deputy coordinators, Investigators, hearing panel members/officers, and any person facilitating the informal resolution or appeal process. The Institute shall make this training information publicly available on its website.

Sex Offender Registration – Campus Sex Crimes Prevention Act

Members of the public may request community notification flyers for information concerning sexually violent predators in a particular community by visiting the chief of law enforcement officer in that community. The State of California maintains a database of convicted sex offenders who are required to register their home addresses.

This database can be found at:

Search for Sex Offenders: <https://www.meganslaw.ca.gov/disclaimer.aspx>

For general information, see State of California Department of Justice, Megan’s Law in California: <https://www.meganslaw.ca.gov>

Disciplinary Procedures for Students and Employees for Cases Involving Alleged Sexual Assault, Dating/Domestic Violence, and Stalking

The Claremont Colleges Sexual Misconduct and Sex-Based Harassment Interim Policy is to set forth how KGI and the rest of the Claremont Colleges prevent and respond to Sex-Based Harassment (a form of sex-based discrimination), and related Retaliation (collectively, “Prohibited Conduct”), as defined within this Policy. Prohibited Conduct, as defined by this Policy, is prohibited within all the programs and activities of the TCC Institutions, and as set forth in this Policy.

The Claremont Colleges are comprised of the following institutions:

- Pomona College

- Claremont Graduate University
- Scripps College
- Claremont McKenna College
- Harvey Mudd College
- Pitzer College
- Keck Graduate Institute

Collectively, the TCC Institutions are referred to as “TCC” throughout this Policy. Individually, they are referred to as “TCC Institution.”¹

Each TCC Institution has its own formal governance structure and independent board. As a consortium, the TCC Institutions work together to resolve concerns that cross the boundaries of individual Institutions (cross-campus matters).

Each TCC Institution will also respond promptly to other forms of Sex-Based Harassment or discrimination based on sex, such as discrimination based on sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, gender identity, and gender expression that are not covered by this Policy but are prohibited by each TCC Institution in its nondiscrimination policies.

This Policy defines Prohibited Conduct and outlines TCC’s responsibilities and procedures related to addressing reports of Prohibited Conduct to ensure an equitable and inclusive education and employment environment. This Policy is adopted and overseen by each TCC Institution, consistent with each TCC Institution’s obligations as a recipient of federal funding under Title IX.

Allegations that involve conduct that allegedly violates this Policy, as well as other TCC Institution policies, and that are related to the same incident(s), may be joined under the same Resolution Process, including in one investigation and conducted pursuant to Section XI. The decision to join interrelated conduct will be at the discretion of the Respondent’s Home Institution’s Title IX Coordinator in consultation with the TCC Title IX Administrator.

Purpose of this Policy

This Policy is enacted to allow each TCC Institution to comply with Title IX of the Educational Amendments of 1972 and its subsequent accompanying regulations of Prohibited Conduct, as defined under this Policy. Title IX states:

No person in the United States shall, based on sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.

¹. For purposes of Title IX, “Recipient” is reference to each TCC Institution.

This Policy also complies with California law, including conduct prohibited by California Education Code Sections 212.5.5, 66262.5, and 67380. For TCC Institutions whose employees are covered under this Policy, this Policy also sets forth those TCC Institutions' obligations about Prohibited Conduct under the California Fair Employment & Housing Act and the California Education Code.

This Policy outlines the procedures TCC will follow to ensure a prompt and equitable resolution of complaints made by Complainants alleging Prohibited Conduct against Respondents, as defined in this Policy in Section XXIII. A TCC Institution is not precluded from investigating other conduct that, if proven, would not constitute Prohibited Conduct under this Policy but may constitute a violation of other TCC Institution policies.

Situations involving other conduct that may be in violation of other TCC Institution student or employee conduct policies should be reported to an individual's Home Institution's Title IX Coordinator.

Effective Date

This Policy is effective August 1, 2024, and only applies to Prohibited Conduct alleged to have occurred on or after August 1, 2024. Incidents alleged to have occurred before August 1, 2024, will be investigated and adjudicated according to the applicable definitions, policy, and process in place at the time the incident allegedly occurred. This may include allegations under:

- the previous policy, The Claremont Colleges Title IX Sexual Harassment Policy (2020 TCC Title IX Policy), available [here](#), which addresses Title IX Sexual Harassment and Retaliation, as defined in that policy, which is alleged to have occurred between August 14, 2020 and July 31, 2024.
- a TCC Institution-specific policy for conduct prohibited under California Education Code from January 1, 2022 – July 31, 2024, or for incidents of sexual harassment alleged to have occurred before August 14, 2020.

Please contact your Home Institution's Title IX Coordinator regarding the applicable policy. The policy definitions in effect at the time of the alleged conduct will apply even if the policy is changed subsequently.

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

Each TCC Institution adheres to the requirements of the Americans with Disabilities Act of 1990, as amended in 2008 (ADAAA); Sections 504 of the Rehabilitation Act of 1973, as amended; and all other federal and state laws and regulations prohibiting discrimination based on disability that apply to the TCC Institutions.

Parties and witnesses may request reasonable accommodations for disclosed disabilities to their Home Institution's Title IX Coordinator or Human Resources professional at any time relating to the implementation of this Policy, including making a disclosure or report, and initiating a resolution process under this Policy.

The Home Institution's Title IX Coordinator and/or Human Resources professional will not affirmatively provide disability accommodation that has not been specifically requested by an individual, even where the individual may be receiving accommodations in other TCC Institution programs and activities. With the consent of the impacted student, staff, or faculty, the individual Home Institution's Title IX Coordinator will work collaboratively with the appropriate department at their TCC Institution for review and response to the requested accommodation. The individual's Home Institution's Title IX Coordinator will ensure that approved reasonable accommodations (disability-related) are honored as applicable throughout any process related to this Policy.

Revocation by Operation of Law

Should any portion of the 2024 Title IX Final Rule, 89 Fed. Reg. 33474 (issued April 29, 2024 and effective August 1, 2024), be stayed or held invalid by a court of law, in whole or in part, or should the portions of this Policy in compliance with 2024 Title IX Final Rule be withdrawn or modified not to require specific requirements of this Policy, then this Policy, or the invalidated requirements of this Policy in compliance with the 2024 Title IX Final Rule, will be deemed revoked as of the publication date of the opinion or order (or as otherwise ordered by the court). In the event of revocation, TCC will provide the Parties with information regarding next steps. Should this Policy be revoked in this manner, any conduct covered under this Policy should be investigated and adjudicated in compliance with Federal and California state law.

Home Institution Title IX Coordinator and the TCC Title IX Process Administrator

Title IX Coordinator

Each TCC Institution shall designate a Title IX Coordinator to oversee and ensure compliance with this Policy and any other TCC Institution policies prohibiting similar conduct, such as discrimination based on sex. Each Title IX Coordinator is responsible for ensuring compliance with Title IX, California law, and this Policy within their TCC Institution. Each TCC Institution may designate additional Deputy Title IX Coordinators. For purposes of this Policy, Home Institution Title IX Coordinator refers to the Title IX Coordinator designated for the Party's Home TCC Institution. For students, 'Home Institution' refers to the TCC Institution where the student is admitted, regardless of the number of credits enrolled at any other TCC Institution. For employees subject to this Policy, 'Home Institution' refers to the TCC Institution where the employee is employed.

The name and contact information (phone number, email address, and office address) for each TCC Institution's Title IX Coordinator are as follows:

Claremont Graduate University

160 E. 10th Street Harper Hall East Claremont, CA 91711

Ann Knox, Title IX CoordinatorDeanof.Students@cgu.edu

909.607.1887

Alejandra Gaytan, Director of Human ResourcesAlejandra.Gaytan@cgu.edu

909.607.4404

Dr. Patricia Easton, Executive Vice President and ProvostPatricia.Easton@cgu.edu

909.607.3318

Claremont McKenna College

385 E. 8th Street Marian Miner Cook Athenaeum Second Floor Claremont, CA 91711

Joanna Rosas, Title IX CoordinatorJoanna.Rosas@ClaremontMcKenna.edu

909.607.8131

Harvey Mudd College

301 Platt Boulevard Platt Campus Center Claremont, CA 91711

Danny Ledezma, Title IX CoordinatorDledezma@hmc.edu

909.607.3470

Keck Graduate Institute

535 Watson Drive, Claremont, CA 91711

Shino Simons, Title IX CoordinatorTitleIX@kgi.edu

909.607.0101

Cheryl Merritt, Deputy Title IX Coordinator, Assistant Vice President, and Chief Human Resources OfficerCheryl_Merritt@kgi.edu

909.607.7853

Pitzer College

1050 N. Mills Avenue Broad Center, Room 212 Claremont, CA 91711

Christine R. Guzman, Title IX Coordinator

Christine_Guzman@pitzer.edu

909.607.2958

Pomona College

333 N. College Way, Alexander Hall: Suite 113, Claremont, CA 91711

Destiny Marrufo, Title IX Coordinator

Destiny.Marrufo@pomona.edu

909.621.8017

Scripps College

919 North Columbia Avenue, McAlister Center, Lower-Level, Claremont, CA 91711

Valerie Newcomb, Title IX & Civil Rights Coordinator

TitleIX@scrippscollege.edu

909.607.7142

TCC Institution's Title IX Coordinator, or their designee, serves as the primary point of contact for individuals from their campus involved in this Policy's Resolution Process or for allegations of violations occurring in their TCC Institution programs and activities as defined by this Policy.

TCC Title IX Process Administrator

The TCC Title IX Process Administrator (referred to as the "TCC Title IX Administrator") oversees this Policy, including the Resolution Process, to ensure equity and consistency across TCC. As outlined throughout this Policy, the TCC Title IX Administrator is responsible for a variety of tasks, including, but not limited to, the following:

- Managing the Resolution Process under this Policy across TCC; and
- Evaluating and assigning Investigators, Sanctions Decisionmakers, Hearing Decision-makers, and Appeal Decision-makers in the Resolution Process under this Policy. TCC reserves the right to assign internal or external investigators or decision-makers.

The TCC Title IX Administrator, Barbara Reguengo, can be reached at:

TitleIXAdmin@claremont.edu.

Scope and Jurisdiction

Which Institutions Have Adopted This Policy

This Policy defines Prohibited Conduct for all members of the TCC community. Depending on an individual's status, the procedures for resolution of allegations of Prohibited Conduct may vary, as follows:

- All cases involving only students or participants (see below) in a TCC Institution's program or activity will be processed under the Resolution Options outlined in Section XIII. This includes complaints made by a TCC student at one TCC Institution against a student at the same TCC Institution, as well as complaints made by a TCC student against a TCC student at a different TCC Institution ("Cross-Campus Complaints").
- Cases that involve an employee, including students in their capacity as a student-employee, of a TCC Institution, will be processed consistently with the TCC Institution that is the employer of the Respondent, which has adopted this Policy for its employees.²

². The matter should be reported to the Complainant's Institution's Title IX Coordinator so that they can coordinate with the Respondent Institution's Title IX Coordinator (if different) to determine appropriate next steps.

Institution	Applicable Policy
Claremont Graduate Institute (CGU)	All cases involving CGU's students, employees, and participants in programs and activities are processed under this Policy unless the complaint is against a non-CGU employee, in which case the Policy adopted by the Respondent's Institution for employees will be used.
Claremont McKenna College (CMC)	For cases involving anyone against a CMC employee, please refer to CMC's policy.
	For cases involving a CMC employee against a CMC student, this Policy will be used.
	For cases involving a CMC employee against a non-CMC student or participant, this Policy will be used.
	For cases involving a CMC employee against a non-CMC employee, the policy adopted by the Respondent's Institution for its employees will be applied.
Harvey Mudd College (HMC)	For cases involving anyone against an HMC employee, please refer to HMC's policy.
	For cases involving a HMC employee against an HMC student, please see HMC's policy.
	For cases involving a HMC employee against a non-HMC student or participant, this Policy will be used.
	For cases involving an HMC employee against a non-HMC employee, the policy adopted by the Respondent's Institution for its employees will be applied.
Keck Graduate Institute (KGI)	All cases involving KGI's students, employees, and participants in programs and activities are processed under this Policy unless the complaint is against a non-KGI employee, in which case the policy adopted by the Respondent's Institution for employees will be used.
Pitzer College	All cases involving Pitzer College's students, employees, and participants in programs and activities are processed under this Policy unless the complaint is against a non-Pitzer College employee, in which case the policy adopted by the Respondent's Institution for employees will be used.

Institution	Applicable Policy
Pomona College	For cases by anyone against a Pomona College employee, please see Pomona College's policy.
	For cases involving a Pomona College employee against a Pomona College student, this Policy will be used.
	For cases involving a Pomona College employee against a non-Pomona College student or participant, this Policy will be used.
	For cases involving a Pomona College employee against a non-Pomona College employee, the policy adopted by the Respondent's Institution for employees will be used.
Scripps College	For cases involving any student or participant (Scripps College or non-Scripps College) against a Scripps College employee, this Policy will be used.
	For cases involving a Scripps College employee against any student or participant (Scripps College or non-Scripps College), this Policy will be used.
	For cases involving any TCC Institution employee against a Scripps College employee, please see Scripps College's policy.
	For cases involving a Scripps College employee against a non-Scripps College employee, the policy adopted by the Respondent's Institution for employees will be used.

Matters Involving a Third-Party Participant(s)

This Policy may also apply to third parties, such as guests, visitors, volunteers, invitees, and alumni, when they are participating or attempting to participate in a TCC-sponsored activity, on or off-campus (referred to as "participants" for purposes of this Policy). A third-party complainant may be subject to different procedures within this Policy, depending on the individual's status or a TCC Institution's internal policies.

There are instances where allegations may be reported, or a Complaint may be made against a third-party individual. Any individual who is alleged to have engaged in Prohibited Conduct who is not a TCC student, faculty member, or staff member is generally considered a third-party who is not subject to the Resolution Process in this Policy. A TCC Institution's ability to take appropriate corrective action against a third party may be limited and will depend on the nature of the third party's relationship, if any, to the TCC Institution. If appropriate, the Title IX Coordinator will refer such allegations against third-party respondents to the appropriate office for further action.

The status of a party may impact which resources and remedies are available to them, as described in this Policy.

The Geographic Jurisdiction of This Policy

This Policy applies to the programs and activities, including the working and learning environments of the TCC Institutions. It may also apply to instances in which the conduct occurred outside of the campus or any TCC Institution-sponsored activity if the Complainant's Home Institution's Title IX Coordinator determines that the off-campus conduct is within the jurisdiction of this Policy, within Respondent's Home Institution's disciplinary authority (in consultation with the Respondent's Home Institution Title IX Coordinator if Cross-Campus Complaint), or could interfere with access to any educational program or activity, safety and security, compliance with applicable law, or contribute to a hostile educational environment.

1. How This Policy Impacts Other Campus Disciplinary Policies

The elements and process established in this Policy, and as required under the 2024 Title IX Final Rule and applicable California state law, do not affect any other TCC Institution policy or Code of Conduct. This Policy does not set a precedent for other policies or processes of the TCC Institutions. It may not be cited for or against any right or aspect of any other policy or process.

Policy Dissemination and Publication

Each TCC institution shall disseminate this Policy to:

- Each student of the TCC Institution.
- Each employee of the TCC Institution, including student employees.
- Each volunteer will regularly interact with students.
- Each individual or entity under contract with the TCC Institution to perform any service involving regular interaction with students at the institution.

This Policy and contact information for each TCC Home Institution Title IX Coordinator shall be present on each TCC Home Institution's Title IX Office website. Every handbook and/or catalog made available to the members of each TCC Institution's community shall contain a link to this Policy and the contact information for the Home Institution's Title IX Coordinator.

Prohibited Conduct – Sex-Based Harassment and Retaliation

Only allegations of Prohibited Conduct (Sex-Based Harassment and related Retaliation), as defined by this Policy, are addressed under this Policy.

Other forms of sex discrimination, including discrimination based on sex, sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, gender identity, and gender expression, are prohibited. Each TCC Institution will address them in its policies.

This section provides the definitions of Prohibited Conduct for purposes of this Policy.

Sex-Based Harassment

Sex-Based Harassment is a form of sex discrimination. It means sexual harassment and other harassment based on sex as defined by Title IX, including based on sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, gender identity, and gender expression.

Sex-Based Harassment includes the following:

Quid Pro Quo

Quid Pro Quo is defined as:

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

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

Quid Pro Quo can include situations in which an employee, or agent, or individual who purports to have authority under a TCC Institution to provide and condition an aid, benefit, or service under the TCC Institution's education program or activity on a person's participation in unwelcome sexual conduct, even if that person is unable to provide that aid, benefit, or service.

Additionally, the threat of a detriment falls within the definition of Quid Pro Quo, whether or not the threat is carried out (e.g. the threat to award a poor grade to a student unless they participate in unwelcome sexual conduct could constitute Quid Pro Quo as it is a condition placed on the provision of the student's education, which is a service of a TCC Institution).

Conditions may involve academic and extracurricular activities within TCC.

Sex-Based Hostile Environment Harassment in Programs and Activities

Sex-Based Hostile Environment Harassment is defined as:

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

California Sex-Based Harassment in Employment

For TCC Institutions whose employees, including student-employees, are covered by this Policy, this form of Prohibited Conduct will be addressed under this Policy and is defined as:

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

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

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

Examples of conduct that may constitute California Sex-Based Harassment in employment may include, but are not limited to:

- Unwanted physical touching.
- Telling sexually explicit jokes or stories.
- Making comments or gestures reasonably regarded as lewd or offensive.

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

Sexual Assault under Title IX

Sexual Assault is any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent. In California, Affirmative Consent is required.³

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

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

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

Sexual Assault includes:

- Rape—The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim. In California, Affirmative Consent is required.³ Attempted Rape falls under this prohibition. (This type of conduct is not eligible for mediation as a form of agreement-based resolution⁴ in California).

³. Affirmative Consent is defined in Section XXIII of this Policy.

⁴. Agreement-Based Resolution is discussed in Section XIII.B.

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

Private body parts include genitals, groin area, breasts, and buttocks.

- **Incest**—Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law. (This type of conduct is not eligible for mediation as a form of agreement-based resolution in California).
- **Statutory Rape**—Sexual intercourse with a person who is under the statutory age of consent. In California, the statutory age of consent is 18. (This type of conduct is not eligible for mediation as a form of agreement-based resolution in California).

Sexual Violence under the California Education Code

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

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

- **Rape**, defined as penetration, no matter how slight, of the vagina or anus with any part or object, or oral copulation of a sex organ by another person, without the consent of the victim. (This type of conduct is not eligible for mediation as a form of agreement-based resolution in California).
- **Sexual battery**, defined as the intentional touching of another person’s intimate parts without their Affirmative Consent, intentionally causing a person to touch the intimate parts of another without Affirmative Consent, or using a person’s own intimate part to touch another person’s body without Affirmative Consent intentionally. (This type of conduct is not eligible for mediation as a form of agreement-based resolution in California).

Sexual Exploitation

TCC also prohibits Sexual Exploitation as defined by the California Education Code. For this Policy, Sexual Exploitation includes 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 prostitution 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 photographs, or audio of another person’s sexual activity or intimate parts, without that person’s consent.

- The distribution of images, including video or photograph, or audio of another person's sexual activity or intimate parts, if the individual distributing the images or audio knows or should have known that the person depicted in the images or audio did not consent to the disclosure.
- The viewing of another person's sexual activity or intimate parts, in a place where that other person would have a reasonable expectation of privacy, without that person's consent, for the purpose of arousing or gratifying sexual desire.

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

Dating Violence

Dating Violence is violence committed by a person:

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

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

Domestic Violence

Domestic violence is violence committed by a person who:

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

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

Stalking on the Basis of Sex

Engaging in a course of conduct, based on sex, directed at a specific person that would cause:

- a reasonable person to fear for the person's safety or the safety of others; or

- suffers substantial emotional distress.

Retaliation

TCC prohibits retaliation against any person opposing Prohibited Conduct or participating in any Prohibited Conduct Resolution Process, including an investigation, whether internal or external to TCC.

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

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

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

Conflict of Interest or Bias

Any individual responsible for carrying out any part of this Policy should be free from any actual conflict of interest or demonstrated bias that would impact the handling of a matter.

Should any Party believe that any designated Investigator, Hearing Decisionmaker, Appeal Decisionmaker, or Sanctions Decisionmaker (for cases where Respondent has accepted responsibility under Section XIV.) has a conflict of interest or bias for or against complainants or respondents generally or an individual Complainant or Respondent, they must notify the TCC Title IX Administrator of their objection in writing within three (3) business days from the date the individual's identity is shared with the Parties.

Suppose any Party believes that their Home Institution Title IX Coordinator or the TCC Title IX Administrator has a conflict of interest or bias for or against complainants or respondents generally or an individual Complainant or Respondent. In that case, they must notify the TCC Title IX Administrator (regarding Home Institution Title IX Coordinator), or the appropriate TCC official (regarding the TCC Title IX Administrator) as soon as possible upon discovery of an actual conflict of interest or bias.

The TCC Title IX Administrator will consider and resolve any objections, except any objections to the TCC Title IX Administrator, which will be assigned to the appropriate official. If the objection is substantiated about an Investigator or Decisionmaker, then a new Investigator or Decisionmaker will be designated, and the Parties will be notified of this decision in writing. Suppose the objection to a Home Institution Title IX Coordinator or the TCC Title IX Administrator is substantiated. In that case, the role will be reassigned to an appropriately designated official for purposes of completing and finalizing the matter at issue.

Should the Complainant's Home Institution Title IX Coordinator or the Respondent's Home Institution Title IX Coordinator have a conflict of interest, they shall immediately notify the designated official at their TCC Institution, who will either take or reassign the role of their Party's Title IX Coordinator for purposes of handling and finalizing the matter at issue. Should the TCC Title IX Administrator have a conflict of interest, they will notify their designated official, who will reassign the role accordingly.

Supportive Measures

Each Party's Home Institution's Title IX Coordinator will be responsible for implementing Supportive Measures, as defined in this Policy, as appropriate for their Party (Complainant or Respondent), which are legally available to both Parties, and as applicable to restore or preserve the Party's access to any TCC Institution, program, or activity or provide support during the Resolution Process, including Agreement-Based Resolution Process, under this Policy.

The Complainant's Home Institution Title IX Coordinator shall, upon becoming aware of alleged Prohibited Conduct, promptly contact the Complainant, if their identity is known, to discuss the availability of Supportive Measures, as well as other rights and options per this Policy and their Home Institution's policies. Supportive Measures shall be offered to the Complainant, and the Complainant has the right under this Policy to request Supportive Measures, regardless of whether they desire to make a report or Complaint, have their allegations investigated, or seek Agreement-Based Resolution. In implementing any Supportive Measures, the Complainant's Home Institution's Title IX Coordinator shall consider the Complainant's wishes.

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

Supportive Measures provided to a Complainant or Respondent shall remain confidential to the extent that maintaining such confidentiality will not impair the TCC Institution's ability to give the Supportive Measures. For Cross-Campus Complaints, each Party's Home Institution Title IX Coordinator shall promptly notify the other Party's Home Institution Title IX Coordinator of any Supportive Measures implemented on behalf of a Party or witness. This information will not be shared with the other Party unless it specifically impacts that Party. Suppose there is disagreement about whether information about a specific Supportive Measure for one Party will be shared with the other Party. In that case, the Parties' Home Institution Title IX Coordinators shall discuss with the TCC Title IX Administrator to determine the best approach to balance privacy and effectiveness.

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

- Counseling.
- Extensions of deadlines or other course-related adjustments, in coordination with the relevant Faculty members.
- Modifications of work or class schedules, in coordination with the relevant Faculty member and/or supervisor.
- Campus escort services.
- Restrictions on contact and communication applied to one or more parties, including no contact directives (which may be mutual or unilateral, and at the discretion of each Party's Home Institution's Title IX Coordinator as set forth below).
- Changes in class, work, housing, or extracurricular or any other activity, regardless of whether there is or is not a comparable alternative.
- Training and education programs related to Prohibited Conduct.
- Leaves of absence.
- Increased security and monitoring of certain areas of campus; and,

- Other similar measures determined by the Parties' Home Institution's Title IX Coordinator(s) based on the specific facts of each case.

Specific Requirements for No Contact Orders

A No Contact Order (NCO) is a documented directive issued by a Party's Home Institution's Title IX Coordinator that is designed to limit or prohibit contact or communications between the Parties. An NCO may be mutual or unilateral, with the exception that an NCO issued as either a sanction or remedy shall be unilateral, directing that the Respondent not to contact the Complainant.

For cases of Prohibited Conduct involving only students:

- When requested by a Complainant or otherwise determined to be appropriate, the Respondent's Home Institution's Title IX Coordinator shall issue an interim, unilateral NCO prohibiting the Respondent from contacting the Complainant during the pendency of the Resolution Process under this Policy, including any appeal.
- A Home Institution Title IX Coordinator shall not issue an interim mutual NCO automatically but instead shall consider the specific circumstances of each case to determine whether a mutual NCO is necessary or justifiable to protect the noncomplaining Party's safety or well-being, or to respond to interference with the Resolution Process. Upon issuance of an interim mutual NCO, the Party's Home Institution's Title IX Coordinator shall provide the Parties with a written justification for the mutual NCO and an explanation of the terms of the NCO, including the circumstances, if any, under which a violation of the NCO could be subject to disciplinary action.

Challenges to Supportive Measures

Each Party's Home Institution's Title IX Coordinator has the discretion to implement, modify, deny, or terminate Supportive Measures.

A Party may challenge, in writing, their Home Institution's Title IX Coordinator's decision to provide, deny, modify, or terminate Supportive Measures when such measures apply to them. An impartial employee will be designated to consider modification or reversal of the Home Institution's Title IX Coordinator's decision to provide, deny, modify, or terminate Supportive Measures. The individual who authorized the Supportive Measure(s) shall not be permitted to decide any challenge to the same Support Measure(s). The impartial employee will typically respond to the challenge within two (2) business days. Information regarding the process of challenging any Supportive Measure will be provided to the Party in writing by the individual providing, denying, modifying, or terminating the Supportive Measures.

Any Party's non-compliance with the parameters of Supportive Measure(s), such as no contact orders, may be referred by either Party's Home Institution's Title IX Coordinator to the appropriate TCC Institution department for review and investigation as to whether the alleged conduct violates the TCC Institution's code of conduct (student), handbook policy (employee), or other applicable policies. Violations may result in sanctions or discipline.

Resources

TCC students and/or employees may wish to speak with a confidential resource. Access to support, including confidential support, is available regardless of whether they make a report or Complaint, or engage in the Resolution Process under this Policy. Below is a list of available on- and off-campus resources, including both confidential and non-confidential options. Each TCC Institution may have additional resources available to its students and/or employees. Contact the Home Institution Title IX Coordinator for more information. More information, including disclosing Prohibited Conduct to a Confidential Resource, may be found in Section VIII. Reporting Prohibited Conduct.

On-Campus Confidential Resources

Confidential Resources for Students

EmPOWER Center

1030 Dartmouth Avenue

909.607.2689

www.7csupportandprevention.com

Director, Rima Shah

TimelyCare* (24/7 medical and mental telehealth care for all students, at no cost)

<https://app.timelycare.com/auth/login>

Available to all 7Cs*

The Chaplains for The Claremont Colleges

McAlister Center

919 N. Columbia Avenue

909.621.8685

chaplains@claremont.edu

<https://services.claremont.edu/chaplains/>

Queer Resource Center (the “QRC”)

Walton Commons

395 E. 6th Street

909.609.1817

For confidential matters, contact the QRC’s Director, Bri Serrano,
Bri.Serrano@pomona.edu

For non-confidential matters, contact qrc@claremont.edu
<https://colleges.claremont.edu/qrc/>

Confidential Resources for Staff and Faculty**Employee Assistance Program (EAP)**

800.234.5465

www.liveandworkwell.com

Please contact your Human Resources Department for the access code.

Off-Campus and Community-Based Confidential Resources

Services and Support for Dating and Domestic Violence

Project Sister Sexual Assault 24/7 Crisis Hotline (Pomona, CA) (Sexual Violence)

Project Sister Family Services provides services to women, men, and child survivors of sexual violence, and their families, in the East San Gabriel and Inland Valleys in Southern California. Project Sister works with local law enforcement, district attorneys, courts, hospitals and health care providers, schools, churches, and other community groups and agencies. Its mission is to reduce the trauma and risk of sexual violence and child abuse. All services are provided in both English and Spanish.

800.656.4673

(909) 626-HELP

909.626.4357

<https://projectsister.org/>

RAINN National Sexual Assault Crisis Hotline (Rape, Abuse & Incest National Network)

(800) 656-HOPE

800.656.4673

<https://rainn.org/about-national-sexual-assault-telephone-hotline>

Services and Support for Dating and Domestic Violence

House of Ruth (Dating and Domestic Violence)

Pomona, CA

877.988.5559 (toll-free hotline)

909.623.4364 (Pomona Outreach Office)

<https://www.houseofruthinc.org>

National Domestic Violence Hotline

(800) 799-SAFE (7233)

800.787.3224 (TTY)

<https://www.thehotline.org/>

Medical Resources

Pomona Valley Health Center

1798 North Garey Avenue Pomona, CA 91767

909.865.9500

<https://www.pvhmc.org/>

Reporting Prohibited Conduct

Reporting Prohibited Conduct Directly to the Home Institution's Title IX Coordinator

Any person may report Prohibited Conduct under this Policy. The individual reporting the Prohibited Conduct need not be the individual subjected to the alleged misconduct. However, only the following individuals have the right to make a Complaint, as defined by this Policy in Section XXIII, requesting that the TCC Institution investigate and decide about alleged Prohibited Conduct under this Policy:

- A Complainant, as defined by this Policy in Section XXIII;
- A parent, guardian, or other authorized legal representative with the legal right to act on behalf of a Complainant.
- The Complainant's Home Institution's Title IX Coordinator, upon making a case-specific analysis as described in Section IX.C., and
- For Cross-Campus allegations of Prohibited Conduct, the Respondent's Home Institution's Title IX Coordinator, and upon consultation with the Complainant's Home Institution's Title IX Coordinator.

Any person wishing to report or file a Complaint of Prohibited Conduct may do so by utilizing the contact information of their Home Institution Title IX Coordinator found in Section II.A. These reports or Complaints shall be accepted when received in person, via mail, electronic mail, telephone, electronic incident report submission, and/or by any other means clearly defined by TCC. Reporting alleged Prohibited Conduct or filing a Complaint may be done orally or in writing. A report of Prohibited Conduct does not necessarily constitute a Complaint and will not automatically initiate the resolution process procedures under this Policy. The "Resolution Process" refers to the process undertaken upon receipt of information regarding allegations of Prohibited Conduct. The resolution options available in the Resolution Process under this Policy are outlined in Section XIII.

Upon receipt of a report or Complaint of Prohibited Conduct, the Complainant's Home Institution's Title IX Coordinator will respond in accordance with Section IX.

Disclosing Prohibited Conduct to a Confidential Resource

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

A disclosure to a Confidential Resource does not result in any report or initiation of the Resolution Process unless requested by the disclosing individual.

There are two types of Confidential Resources at TCC.

Confidential Resources with the Legal Privilege of Confidentiality

Communication with these resources has legal protections from disclosure in court. These resources also possess professional obligations (the duty of confidentiality) to hold such communications in confidence, and they cannot divulge information about an individual seeking their services to a third party without that individual's consent. There are established limits to confidentiality, and these must be communicated to the individual seeking services.

Under California law, any health practitioner employed in a health facility, clinic, physician's office, or local or state public health department or clinic is required to make a report to local law enforcement if they provide medical services for a physical condition to a person who they know or reasonably suspect is suffering from: (1) a wound or physical injury inflicted by a firearm; or (2) any wound or other physical injury where the injury is the result of assaultive or abusive conduct (including Sexual Assault, and Dating and Domestic Violence).

This requirement does not apply to sexual assault and domestic violence counselors and advocates.

Examples of Confidential Resources with the legal privilege of confidentiality at TCC include, but are not limited to: Chaplains, Monsour Counseling and Psychological Services (MCAPS), and Student Health Services (SHS).

Institution-Designated Confidential Resources

Communication with these resources do not have legal privilege and, as such, are not provided legal protections from disclosure in court. These individuals and/or offices do possess professional obligations (the duty of confidentiality) to hold communications in confidence, and they cannot divulge information about an individual seeking their services to a third party without that individual's consent.

Institutionally designated confidential resources also have limited reporting responsibilities, federally mandated by the Clery Act. Under the Clery Act, their reporting obligation arises when they become aware of information or allegations of criminal behavior and must report the information regarding an incident to the TCC Institution's Clery Coordinator. They do not report identifying information about the individuals involved in an incident. Institution-Designated Confidential Resources are not obliged to inform the Home Institution Title IX Coordinator of a report/disclosure unless requested by the individual seeking their services.

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

Some campus advocates are designated as Institutionally Confidential Resources. All campus Advocates, however, are private resources, and do not have an obligation to share any information with the Title IX Coordinator. Please check with your individual TCC institution for a definitive list of confidential resources.

A list of on and off-campus Confidential Resources is included in Section VII, and each TCC Home Institution's Title IX Coordinator maintains a list of additional, TCC Institution-based confidential resources available to its Institution's students and employees.

Reporting Prohibited Conduct to a TCC Institution Employee and Their Reporting Obligations

Employees should refer to their own TCC Institution's Responsible Employee Policy.

Amnesty for Student Conduct Charges when Reporting Prohibited Conduct Under this Policy

An individual who makes a report of Prohibited Conduct to the Title IX Coordinator or who participates in an investigation of Prohibited Conduct as Complainant or witness, will not be subject to disciplinary action for a violation of their Home TCC Institution's student conduct policy that occurred at or around the time of the incident, unless the Party or witness' Home TCC Institution determines that the violation was egregious, including, but not limited to, an action that placed the health or safety of any other person at risk, or involved plagiarism, cheating, or academic dishonesty. The Party or witness's Home TCC Institution may suggest an educational conference where support, resources, and educational counseling options may be discussed, and potentially require a learning action plan for an individual who has engaged in the illegal or prohibited use of alcohol or drugs.

Reporting Law Enforcement and Concurrent Criminal Investigations

Some Prohibited Conduct may constitute a violation of both the law and this Policy. TCC encourages individuals to report alleged crimes promptly to local law enforcement agencies should they wish to do so. All people have the right to file a report with law enforcement, as well as the right to decline to file a report. The decision not to file should not be considered as evidence that there was no violation of this Policy. Filing a complaint with law enforcement does not relieve TCC of its responsibility to address reported concerns or complaints under this Policy.

Criminal investigations can be helpful in gathering relevant evidence, particularly forensic evidence. The standards for determining a violation of criminal law differ from those for determining a violation of this Policy. Conduct may constitute Prohibited Conduct under this Policy even if law enforcement agencies lack sufficient evidence of a crime and decline to prosecute.

Proceedings under this Policy may be carried out before, simultaneously with, or following civil or criminal proceedings off campus. A Complainant may make a report or Complaint under this Policy and also file a complaint with law enforcement at the same time. However, when a Complaint is made under this Policy, as well as to law enforcement, TCC may delay its process for a reasonable amount of time if a law enforcement agency requests this delay, allowing law enforcement to gather evidence of criminal misconduct. Such a delay would constitute a good cause for extending the timeline. Criminal or legal proceedings are separate from the processes in this Policy and do not determine whether this Policy has been violated.

All investigations and determinations under this Policy will be thorough, reliable, and impartial. They will seek to collect evidence and names of witnesses to gather information that is relevant to whether the alleged Policy violation occurred, and will not be based on the grounds that civil or criminal charges involving the same incident have been filed or that charges have been dismissed or reduced.

In case of an emergency, where the physical well-being of a member of the TCC community or the safety of any TCC Institution is threatened, any individual with such knowledge should promptly contact The Claremont Colleges Campus Safety at 909.607.2000 or 909.607.7233 (SAFE), or 911. TCC may take any immediate steps as may be necessary and appropriate under the circumstances to ensure the well-being of the TCC community and TCC as a consortium.

Response to a Report or Complaint of Prohibited Conduct

Initial Contact by the Complainant's Home Institution's Title IX Coordinator

Following receipt of a report or Complaint alleging Prohibited Conduct under this Policy, the Complainant's Home Institution's Title IX Coordinator will contact the Complainant to request to meet with them for an initial intake and assessment meeting, and will provide the following information in their outreach to the Complainant:

- An invitation to meet with the Complainant's Home Institution's Title IX Coordinator to offer assistance and explain their rights, resources, and options under this Policy.
- Access to this Policy via link or attachment.
- Information regarding available campus and community-based resources for counseling, health care, mental health, or victim advocacy. Upon request, information regarding legal assistance, visa and immigration assistance, student financial aid, and other available services may be provided.
- The availability of Supportive Measures regardless of whether a Complaint is filed and/or any Resolution Process is initiated.

- Information regarding resolution options (Support-Based, Agreement-Based, and Investigation and Hearing Resolution) under this Policy, how to initiate such Resolution Processes; and how those procedures work, including contacting and interviewing the Respondent and seeking identification and location of witnesses.
- The right to notify law enforcement, as well as the right not to notify law enforcement.
- The importance of preserving evidence and, in the case of potential criminal misconduct, how to get assistance from TCC Campus Safety or local law enforcement in maintaining evidence.
- The right to have a Support Person and/or Advisor during any meetings or proceedings under this Policy, including the initial meeting with the Complainant's Home Institution's Title IX Coordinator; as well as the right to consult with an attorney, at their own expense, at any stage of the process if they wish to do so; and
- A statement that Retaliation for reporting a concern, filing a Complaint, or participating in the Complaint process is prohibited.

If the Title IX Coordinator who received the report is different from the Complainant's Home Institution's Title IX Coordinator, then the Title IX Coordinator who received the report will forward the report to the appropriate Home Institution Title IX Coordinator.

Initial Intake Meeting and Assessment

A Complainant, or another individual reporting the potential Prohibited Conduct (Reporting Party)⁵ may meet with their Home Institution's Title IX Coordinator to discuss their reporting options, Supportive Measures, and resolution options under this Policy. The primary concern during the intake meeting shall be safety, and a trauma-informed approach shall be used while meeting with the Complainant.

Below is a summary of the topics the Complainant's Home Institution's Title IX Coordinator will address during the intake meeting with the Complainant:

- Assistance with immediate safety concerns, care and support resources, medical providers, and law enforcement.
- Supportive Measures; and
- Procedures for determining the next steps and appropriate resolution options under this Policy, including Agreement-Based Resolution options.

⁵. Upon receipt of a report of Prohibited Conduct made by an individual other than the Complainant (referred to as the "Reporting Party" in this instance), and the Complainant's identity is disclosed within the report, or is otherwise known to the Complainant's Home Institution's Title IX Coordinator, Complainant's Home Institution's Title IX Coordinator may meet or communicate with the Reporting Party that they will contact Complainant to offer to meet with them. If Complainant's identity is not disclosed in the report, the Complainant's Home Institution's Title IX Coordinator may request that information from the Reporting Party, who may decide whether or not to disclose this information to the Complainant's Home Institution's Title IX Coordinator.

During this initial meeting, or in a separate follow-up meeting, the Complainant's Home Institution Title IX Coordinator will gather preliminary information about the nature of the circumstances or the report to determine appropriate next steps, including proper Supportive Measures, whether this Policy applies, and if so, which resolution option(s) may be applicable based on the allegations and status of the Parties. Information gathered may include names of individuals involved, date of incident(s), location of incident(s), and a description of the alleged incident. The Complainant's Home Institution's Title IX Coordinator may also determine that the provision of only Supportive Measures is the appropriate response under the Policy based on the information provided. The intake meeting is not intended to serve as an exhaustive interview, but rather to give the Complainant's Home Institution's Title IX Coordinator sufficient contextual information to determine the next appropriate steps to support the Complainant and to guide the TCC Institution's response. The initial assessment is not a finding of fact or a determination of responsibility. If the individual bringing forward the report or Complaint is not the actual Complainant, the Complainant's Home Institution's Title IX Coordinator will limit communication to general information regarding this Policy.

Should the Complainant wish to initiate the Resolution Process, the Complainant's Home Institution's Title IX Coordinator will determine whether this Policy applies and, if so, the appropriate process under this Policy. The Complainant's Home Institution's Title IX Coordinator will communicate to the Complainant the determination whether to initiate the Resolution Process, close the matter due to insufficient information to warrant further review under this Policy, and/or refer the matter for handling under a different policy, and/or appropriate TCC Institution office for handling, according to the dismissal provisions of this Policy in Section X. The Complainant's Home Institution's Title IX Coordinator will make reasonable efforts to clarify the allegations with the Complainant before any determination to close, dismiss, or refer to the report or Complaint.

If the reported information involves a student or employee Respondent from a different TCC Institution, then the Complainant's Home Institution's Title IX Coordinator and Respondent's Home Institution's Title IX Coordinator will jointly make the initial assessment and determination.

Request for Confidentiality or No Further Action

When a Complainant requests that their Home Institution's Title IX Coordinator not use their name as part of any Resolution Process, or that their Home Institution Title IX Coordinator not take any further action, the Complainant's Home Institution's Title IX Coordinator will take the requests seriously and generally grant the request, while at the same time considering the TCC Institution's responsibility to provide safe and nondiscriminatory access to TCC Institution programs and activities, including learning and work environments.

However, the Complainant's Home Institution's Title IX Coordinator and TCC Institution's ability and options to address the Complainant's concerns will be limited if the Complainant's identity cannot be shared with the Respondent. For example, an equitable and fair ABR process or Investigation and Hearing Resolution process would not be a feasible resolution option without disclosing the Complainant's identity to the Respondent.

Additionally, there are circumstances where a Complainant may not want to pursue an investigation; however, their home institution's Title IX Coordinator determines that there is a broader obligation to the TCC community and may need to act against the complainant's wishes. In deciding whether to disclose Complainant's identity or proceed to an investigation over the objection of Complainant, the Home Institution's Title IX Coordinator and/or TCC may consider the following:

- The Complainant's request not to proceed with the initiation of a Complaint or investigation process.
- The Complainant's reasonable safety concerns if their identity is disclosed or an investigation process is initiated.
- The risk that additional acts of Prohibited Conduct would occur if a Complaint is not initiated.
- Whether there are multiple or prior reports of the same or similar Prohibited Conduct against the Respondent.
- The severity of the alleged Prohibited Conduct, including whether the Prohibited Conduct, if established, would require the removal of a Respondent from campus or imposition of another disciplinary sanction to end the Prohibited Conduct and prevent its recurrence; or if the Respondent reportedly used a weapon, physical restraints, or engaged in physical assault.
- The age and relationship of the Parties, including whether the Respondent is an employee of a TCC Institution, and whether there is an identifiable power differential between Complainant and Respondent (about positional authority or employment);
- The scope of the alleged Prohibited Conduct, including information suggesting a pattern, ongoing Prohibited Conduct, or Prohibited Conduct alleged to have impacted multiple individuals.
- Whether the TCC Institution can conduct a thorough investigation under this Policy and obtain relevant evidence in the absence of the Complainant's participation and cooperation.
- The availability of evidence to assist a Hearing Decisionmaker in determining whether Prohibited Conduct occurred.
- Whether the Parties' Home Institution's Title IX Coordinator(s) and Parties' TCC Home Institution could end the alleged Prohibited Conduct and prevent its recurrence without initiating its Investigation and Hearing Resolution procedures under this Policy; and,

- Whether the alleged Prohibited Conduct presents an imminent and serious threat to the health or safety of the Complainant or other persons, or that the conduct as alleged prevents any TCC Institution from ensuring equal access based on sex to its education programs or activities.

Suppose the Complainant's Home Institution's Title IX Coordinator determines that it can honor the Complainant's request for confidentiality. In that case, it shall still take reasonable steps to respond to the report, consistent with the request, to limit the effects of the alleged Prohibited Conduct and prevent its recurrence without initiating formal action against the suspected Respondent or revealing the identity of the Complainant. These steps may include increased monitoring, supervision, or security at locations or activities where the alleged Prohibited Conduct occurred; providing additional training and education materials for students and employees; or conducting climate surveys regarding sexual misconduct.

The Complainant's Home Institution Title IX Coordinator and TCC Institution shall also take immediate steps to provide for the safety of the Complainant while keeping the Complainant's identity confidential as appropriate. These steps may include adjusting living arrangements, course schedules, assignments, or tests. The complaint shall be notified that the request for confidentiality will limit the steps TCC will take to respond to the complaint.

Suppose the Complainant's Home Institution's Title IX Coordinator determines that it must disclose the Complainant's identity to the Respondent or proceed with an investigation. In that case, they will inform the Complainant, in writing, before making this disclosure or initiating any action. The Complainant's Home Institution's Title IX Coordinator and TCC Institution shall also take immediate steps to provide for the safety of the Complainant where appropriate. In the event Complainant requests that Complainant's Home Institution's Title IX Coordinator inform Respondent that Complainant asked the Complainant's Home Institution's Title IX Coordinator not to investigate or seek discipline, the Complainant's Home Institution's Title IX Coordinator will honor this request.

Emergency Removal

In certain circumstances, a Respondent's Home Institution may remove a Respondent from a TCC Institution's education program or activity on an emergency basis. In Cross-Campus matters where all Parties are students, the Complainant's Home Institution's Title IX Coordinator or designee shall be consulted and allowed to participate in every step of the emergency removal process, including participating in all communications, meetings, and correspondence regarding the individualized safety and risk assessment. An emergency removal is not equivalent to a determination of responsibility, nor is it a sanction for alleged behavior. The Respondent's Home Institution can pursue an emergency removal of a student and/or employee, including students in their capacity as student employees, regardless of whether a Complaint is filed, or before or after the filing of a Complaint.

Emergency removals will occur only after the Respondent's Home TCC Institution has completed the following steps:

Completion of an individualized safety and risk analysis. This analysis will focus on the specific Respondent and the specific circumstances arising from the allegations of Prohibited Conduct.

Determination that the following three components are present:

- An imminent and serious threat justifying emergency removal. This analysis should focus on the Respondent's propensity, opportunity, and/or ability to effectuate a stated or potential threat. This determination will be fact-specific.
- The threat is to the health or safety of a TCC Institution's students, employees, or other people. This may be the Complainant, the Respondent, or any other individual.
- And it is a threat arising from the allegations of Prohibited Conduct. For purposes of emergency removal under this Policy, the emergency must specifically arise from the allegations of Prohibited Conduct.
- Consideration of the appropriateness of Supportive Measures instead of an emergency removal. Emergency removals should only occur in genuine and demonstrated emergencies.
- Respondent's Home Institution provides the Respondent with notice and an opportunity to appeal the decision immediately following the emergency removal. The Respondent's Home Institution will provide the Respondent with sufficiently detailed notice, notifying the Respondent of the identified imminent and serious threat to the health or safety of any individuals. Under the process identified in the applicable student conduct code, employee handbook, or similar policy of the Respondent's Home Institution, Respondent's Home Institution will provide the Respondent with notice and the opportunity to appeal the emergency removal decision immediately following the removal. The Respondent may challenge the decision by notifying their Home Institution Title IX Coordinator in writing.

Administrative Leave (Only Employees Covered by this Policy)

For TCC Institution employees subject to this Policy, a TCC Institution may place an employee Respondent on administrative leave in response to a reported concern while a resolution is pending under this Policy. At the discretion of the Respondent's Home Institution, the Respondent's Home Institution can place an employee Respondent on administrative leave regardless of whether a Complaint is filed, or before or after the filing of a Complaint. A TCC student who is also an employee subject to this Policy can be placed on administrative leave concerning their employment. Still, administrative leave cannot impact on their educational access, removal from which must be under the emergency removal provisions outlined in Section IX.D.

For employees subject to this Policy, their Home Institution has its process for implementing administrative leave.

Placement on administrative leave is not equivalent to a determination of responsibility, nor does it constitute discipline for alleged behavior before the conclusion of the Resolution Process under this Policy.

Student Withdrawal or Employee Resignation While Matters Are Pending

If a student or employee Respondent who is subject to this Policy withdraws or resigns from their TCC Institution with unresolved allegations pending, regardless of the stage of the process, the Complainant and Respondent's Home Institution Title IX Coordinators will consider whether and how to proceed with the Resolution Process. This includes the decision through to its conclusion, to the extent possible, or to dismiss or terminate the Complaint and Resolution Process.

Each Party's Home Institution Title IX Coordinator 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 Prohibited Conduct.

Subject to the discretion of the Respondent's Home Institution, a student Respondent who withdraws or leaves at any point during the Resolution Process may not return to their TCC Home Institution without first resolving any pending allegations of Prohibited Conduct under this Policy. Such exclusion may apply to all TCC Institutions, and any TCC Institution programs and activities. The Respondent's TCC Institution may place a registration hold, and/or notation on their transcript, or otherwise note their record indicating that they withdrew or left TCC pending the process under this Policy.

An employee Respondent who is subject to this Policy and who resigns without resolving pending allegations of Prohibited Conduct under this Policy, regardless of the stage of the process, may not be eligible for rehire with that TCC Institution. The records retained by the Home Institution Title IX Coordinator and Human Resources Office may reflect that status. Responses to future inquiries regarding employment references for employees covered by this Policy may include that the former employee resigned or left their employment during a pending process.

Closure or Dismissal of a Complaint

The Complainant's Home Institution's Title IX Coordinator may dismiss a report, Complaint, or any included allegations at any time after the report or Complaint is made, including during the Investigation and Hearing Resolution process, if it is determined that:

- The Complainant's Home Institution's Title IX Coordinator is unable to identify the Respondent after taking reasonable steps to do so.
- The Respondent is not participating in any TCC Institution education programs or activities and/or is not employed by a TCC Institution.
- The Complainant voluntarily withdraws their Complaint in writing, and the Complainant's Home Institution's Title IX Coordinator determines they will not continue with the Complaint process against the Complainant's wishes.

- The Complainant voluntarily withdraws, in writing, some but not all allegations in a Complaint, and the Complainant's Home Institution's Title IX Coordinator determines that the conduct that remains alleged in the Complaint would not constitute Prohibited Conduct under this Policy: or,
- The Complainant's Home Institution Title IX Coordinator determines that the conduct alleged in the Complaint, even if proven, would not constitute Prohibited Conduct under this Policy.

Before dismissing a Complaint, the Complainant's Home Institution's Title IX Coordinator will make reasonable efforts to clarify the allegations with the Complainant.

A decision to dismiss a Complaint or close a matter based on any of the above-listed factors is made at the discretion of the Complainant's Home Institution's Title IX Coordinator, in consultation with the TCC Title IX Administrator. The Respondent's Home Institution's Title IX Coordinator will also be consulted for decisions involving Cross-Campus Complaints.

Upon decision to dismiss the Complaint, which may effectively terminate a pending Investigation and Hearing Resolution process, the TCC Title IX Administrator will promptly notify the Complainant in writing of the basis for the dismissal. If the dismissal occurs after the Respondent has been notified of the allegations, then the TCC Title IX Administrator will inform the Parties simultaneously, in writing. If a dismissal of one or more allegations alters the applicable Resolution Process under this Policy, the TCC Title IX Administrator will also include that information in the notification.

The TCC Title IX Administrator will notify the Complainant that a dismissal may be appealed on any of the appeal grounds outlined in the Appeals Rights and Process Section XVIII.A. If dismissal occurs after the Respondent has been notified of the allegations, then the TCC Title IX Administrator will also inform the Respondent of the dismissal and that the dismissal may be appealed on the same basis. If any Party appeals for dismissal, TCC will follow the appeal procedures, as applicable, outlined in Section XVIII of this Policy.

Even when a Complaint is dismissed, the Complainant's Home Institution's Title IX Coordinator will, at a minimum:

- Offer Supportive Measures to the Complainant, as appropriate.
- If the Respondent has been notified of the Complaint or allegations, the Respondent's Home Institution's Title IX Coordinator (if different) will offer Supportive Measures to the Respondent, as appropriate; and
- Take other prompt and effective steps, as appropriate, through the Home Institution Title IX Coordinator(s) to ensure that Prohibited Conduct does not continue or recur within the TCC Institution education programs or activities.

A Complainant who decides to withdraw a Complaint may later request to reinstate or refile the Complaint.

Referrals for Other Misconduct Not Subject to this Policy

TCC has the discretion to refer to complaints of misconduct not covered by or dismissed under this Policy for review under any other applicable TCC Institution-specific policy or code. As part of any such referral for further review and handling, the TCC Institution may use evidence already gathered through any process covered by this Policy.

For Complaints dismissed under this Policy, including based on the Complainant's Home Institution's Title IX Coordinator's determination that the conduct alleged in the Complaint, even if proven, would not constitute Prohibited Conduct under this Policy, the Respondent's Home Institution may continue to investigate the allegations as a potential violation of another policy of Respondent Home Institution. Suppose the Respondent's Home Institution elects to continue the investigation outside of this Policy. In that case, the TCC Title IX Administrator shall include this information in the written notice to the Parties describing this determination.

Consolidation of Complaints and Allegations

TCC may consolidate Complaints as to allegations of Prohibited Conduct under the following two circumstances:

- Where there is a Complaint involving more than one Complainant and/or more than one Respondent, that arises from the same facts or circumstances: or,
- Where a Respondent has filed a Cross Complaint against a Complainant, that arises from the same facts or circumstances.

Where a Complaint or report involves more than one Complainant or more than one Respondent, references in this section to the singular "Party," "Complainant," or "Respondent" include the plural, as applicable.

A decision to consolidate matters based on any of the above-listed factors is made at the discretion of the TCC Title IX Administrator in consultation with the Parties' Home Institution Title IX Coordinator(s). If the TCC Title IX Administrator determines consolidation is appropriate, written notice must be provided to all Parties.

Where multiple policies may be implicated by the same set of facts or circumstances, TCC may bifurcate the proceedings in accordance with the requirements of the individual policies. Additionally, where allegations made in a Complaint include both Prohibited Conduct that falls under this Policy and conduct that is outside of this Policy but is associated with the alleged Prohibited Conduct under this Policy, TCC reserves the right to join allegations and adjudicate all charges consistently with the procedures outlined in this Policy. The Home Institution Title IX Coordinator(s) will address these consolidated complaints in collaboration and coordination with other appropriate offices, such as Student Conduct and/or Human Resources.

Resolution Options (Support-Based, Agreement-Based, and Investigation and Hearing)

TCC recognizes that the decision of whether to engage in the Resolution Process and which resolution process option to pursue is an important one. This Policy provides multiple options for resolving reports or complaints of Prohibited Conduct, including Support-Based Resolution, Agreement-Based Resolution, and Investigation and Hearing Resolution options (collectively referred to as the “Resolution Process”).

In response to a reported concern or Complaint alleging Prohibited Conduct, the Complainant’s Title IX Coordinator will make initial contact under Section IX.A. Should Complainant choose to meet for an intake with Complainant’s Title IX Coordinator, Complainant’s Home Institution’s Title IX Coordinator will provide Complainant with information regarding their rights and options under this Policy, including the available resolution options, and access to on-campus and community-based resources and support (both confidential and non-confidential). Complainant’s Home Institution’s Title IX Coordinator will explain how privacy and confidentiality are handled and discuss with Complainant which Support Measures and resolution options require disclosing Complainant’s identity to Respondent (for example, implementing an NCO with Respondent).

During the Complainant’s intake and throughout the resolution process of a report or Complaint of Prohibited Conduct, each Party’s Home Institution’s Title IX Coordinator will determine what type of support may be available and appropriate to assist the Parties, including whether to implement reasonable Supportive Measures, Section VI.

Support-Based Resolution

There are circumstances where a Complainant may only wish to report the conduct to their Home Institution Title IX Coordinator and/or receive information regarding their rights and options, with no further action desired. Support-Based Resolution is an option for a Complainant who does not wish to take any additional steps to address their concern, and when the Complainant’s Home Institution’s Title IX Coordinator determines that another form of resolution, or further action, is not required. Some types of support, which are referred to as Supportive Measures, that may be appropriate under this option include, but are not limited to: adjustments or changes to class schedules; relocation from one residence hall room or residence hall to another; adjusted deadlines for projects or assignments; adjustments to work schedule; safety escorts to and around campus; implementation of an NCO with Respondent, and/or counseling (Section VI.).

Support-Based Resolution does not preclude later use of another form of resolution by the Complainant under this Policy, for example, if the Complainant later decides to file a Complaint and/or pursue the Agreement-Based Resolution Process (see below) or the Investigation and Hearing Process (see below). Additionally, suppose new information becomes available to the Complainant's Home Institution's Title IX Coordinator. In that case, they may reassess the concern and determine whether additional action is needed to address the report, including initiating the Investigation and Hearing Resolution process.

Agreement-Based Resolution⁶

The Agreement-Based Resolution (ABR) process is an alternative resolution option in which the Parties each voluntarily agree to resolve the allegations or Complaint of Prohibited Conduct through a Resolution Agreement with agreed-upon resolution terms, without engaging in an investigation or proceeding to a hearing to determine responsibility. No Party may be required to participate in the ABR, and it may never be a condition of enrollment, employment, or enjoyment of any other right or privilege of TCC. The Parties' Home Institution's Title IX Coordinators must determine that ABR is an appropriate resolution option. ABR may be less time-intensive than the Investigation and Hearing Resolution process, while allowing Parties to actively participate in a process that seeks to provide autonomy about achieving a desired outcome. ABR is a voluntary, structured interaction between or among affected Parties.

General Information and Requirements for Engaging in Agreement-Based Resolution

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

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

⁶. Also referred to as Alternative Resolution Process.

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

The Facilitator will provide regular status updates to the Parties and the Home Institution's Title IX Coordinator(s), if applicable. The Home Institution Title IX Coordinator(s) will assist in managing the ABR process to the extent necessary to ensure it proceeds in a productive and timely manner. They will also be available to the Parties should they have any questions or concerns throughout the ABR process.

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

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

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

Determining Appropriateness of Agreement-Based Resolution

It is important to note that there are circumstances where ABR, or a specific option under ABR, is not available or is determined not appropriate to resolve a report or Complaint of Prohibited Conduct. Under California law, mediation is not a permitted resolution option to resolve reports or Complaints involving allegations of Sexual Assault or Sexual Violence.⁷ Instead, a Facilitated Resolution Agreement or a Restorative Justice process is a permitted option for resolving such allegations. Also, the Complainant's Home Institution Title IX Coordinator has discretion not to offer ABR to resolve a particular matter, or to determine that the ABR process is not appropriate based on the circumstances of the report or Complaint, and that the matter must instead be resolved through an alternate resolution process option, such as the Investigation and Hearing Resolution process. In situations involving Cross-Campus Complaints, when the Home Institution Title IX Coordinators do not agree on the appropriateness of ABR, they may consult with the TCC Title IX Administrator. The Complainant's Home Institution's Title IX Coordinator makes the final decision on whether ABR is appropriate. In making this determination, the Complainant's Home Institution's Title IX Coordinator may consider the following: The severity of the allegations, whether there is an ongoing threat of harm or safety, or risk of future harm, to others in the campus community, whether there is an identifiable power differential (about positional authority or employment) between the Parties, and whether the Parties are participating in good faith. This determination is not subject to appeal.

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

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

If a Party withdraws from the ABR process, they may consider other resolution options, including initiating or resuming the Investigation and Hearing Resolution process. If the Home Institution's Title IX Coordinator(s) terminates the process, the Complainant's Home Institution's Title IX Coordinator, in consultation with the TCC Title IX Administrator, will determine potential next steps under this Policy and will notify the Parties in writing, accordingly. Complainant's wishes regarding the next steps will be considered in making this determination.

7. Mediation is not permitted under California law to resolve reports or Complaints of Sexual Violence. The Home Institution's Title IX Coordinator(s) must specifically determine that it is permissible, under California Law, for resolving Prohibited Conduct in Employment.

Agreement-Based Resolution Options

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

Facilitated Resolution Agreement

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

When a Facilitated Resolution Agreement is being negotiated between Parties from different TCC Institutions, each Party's Home Institution Title IX Coordinator will assist with facilitating the process, including meeting with their respective Parties to provide information regarding the process, managing expectations, communicating presented terms from the other Party, and explaining any impact those terms have on their Party's access to any TCC programs and activities.

Mediation

Under California law, mediation is not permitted, even voluntarily, to resolve allegations involving Sexual Assault and Sexual Violence as defined in this Policy.⁸ Mediation may be allowed for other situations not involving Sexual Assault or Sexual Violence, such as reports involving allegations of Hostile Environment Sexual Harassment, as defined in this Policy. Mediation may be preferable to parties who want to have a facilitated dialogue without the condition of the Respondent acknowledging harm. The purpose of mediation is for the Parties who are in conflict to identify the alleged conduct, the implications of a Respondent's actions, and, with the assistance of a trained Facilitator (mediator), identify points of agreement and appropriate remedies to address the harm. Either Party can request mediation to seek a resolution.

⁸. Mediation is not permitted under California law to resolve reports or Complaints of Sexual Violence. The Home Institution's Title IX Coordinator(s) must specifically determine that it is permissible, under California Law, for resolving Prohibited Conduct in Employment.

During the mediation process, the Facilitator will guide a discussion between the Parties. The Parties are not permitted to contact one another outside of the mediation process.⁹ Meetings may be held in person or via videoconference. In circumstances where the Parties do not wish to meet face-to-face, either Party can request that the Facilitator conduct separate meetings.

Restorative Justice

To qualify for the Restorative Justice (“RJ”) resolution option, the Respondent must acknowledge the harm experienced by the Complainant and agree to take responsibility for repairing the damage, to the extent possible, experienced by the Complainant and any other relevant, directly impacted individuals in the TCC community. Respondent’s acknowledgment of harm is not an admission of a Policy violation(s), unless Respondent has expressly accepted responsibility under the process outlined in this Policy, Section XIV.

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

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

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

The Agreement-Based Resolution Process

Initiating the Agreement-Based Resolution Process

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

⁹. In cases where the Parties have a No Contact Order implemented, the Parties will be permitted (not required) to have limited communication with one another in the presence of the Facilitator and for the purpose of participating in the process. All other communication is prohibited.

Upon confirmation of the Parties' voluntary agreement to proceed with ABR and the selected option, the Home Institution Title IX Coordinator(s) will provide a written Notice of ABR to the Parties (or their respective Parties for Cross-Campus matters) that explains:

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

- An explanation that all Parties may be accompanied by a Support Person, and/or an Advisor, who may be a parent, colleague, friend, or may be, but is not required to be, an attorney.
- A statement that any Party has the right to withdraw from the ABR process and may initiate or resume the Investigation and Hearing Resolution Process (if already begun), at any time before all Parties sign the Resolution Agreement. Should the Parties withdraw from the ABR process, information disclosed or obtained for purposes of the ABR process remains confidential as set forth above.
- A statement that the Home Institution Title IX Coordinator has the discretion to terminate the ABR process upon determination that the Parties are not engaging in the process in good faith, or upon
- A statement that participating in ABR, the Parties understand that timelines for any stages of the Resolution Process, including any pending Investigation and Hearing Resolution process, will be paused to allow the Parties full participation in the ABR Process and will only recommence if ABR is ended, by withdrawal by a Party, or termination by the Home Institution's Title IX Coordinator(s);
- Information regarding Supportive Measures, which are equitably available to the Parties; and
- Examples of potential resolution terms that may be requested or offered in a Resolution Agreement.

Facilitating Agreement-Based Resolution and the Resolution Agreement

Upon confirmation that the Parties still wish to proceed with ABR after issuance of the Notice of ABR, and an option has been selected by the Parties and approved by the Home Institution's Title IX Coordinator(s), the Parties will then meet with the designated Facilitator(s) under their selected ABR option (Facilitated Resolution Agreement, Mediation, or RJ) to resolve Complainant's report or Complaint and facilitate the Resolution Agreement.

Any Party may craft or create proposed resolution terms for their Resolution Agreement and will be asked for their suggestions or ideas by their Home Institution's Title IX Coordinator. Examples of resolution terms that may be included in a Resolution Agreement include, but are not limited to:

- The Parties will not communicate or otherwise engage with one another, either directly or indirectly, by any means (Mutual No Contact Order) or agreement that Respondent will not communicate or otherwise engage with Complainant, either directly or indirectly, by any means (Unilateral No Contact Order).
- Class adjustments and/or restriction from enrolling in mutual classes with the Complainant for a specified term(s);

- Housing relocation or removal, and/or restriction from living in specific residence halls for a specified term(s).
- Restriction from or limiting access to certain buildings on campus, including residence halls, dining halls, library, and recreational facilities.
- Changes in work schedules, locations, or assignments.
- Restrictions or limitations on participation in and/or presence at activities and events, such as extracurricular activities, athletic events, student organizations, social events, etc.
- Sufficient completion of educational training or project by the Respondent, and sufficient completion of any assignments, such as a reflection paper or essay. Training or education topics may include, but are not limited to affirmative consent, healthy relationships, bystander intervention, and drug or alcohol use (if related to the allegations).
- Sufficient completion of community service hours or project by the Respondent.
- Participation in and completion of mentoring, coaching, or counseling sessions within specified terms, and sufficient completion of any assignments, such as a reflection paper or essay.
- An agreement to engage in a restorative justice process, such as a conference, circle, or facilitated dialogue.
- Sharing of the Complainant's impact statement with the Respondent, with optional reflection or response from the Respondent.
- Disciplinary terms, such as agreement to serve conduct probation or suspension for a specified term(s), or to permanently separate from the Respondent's Home Institution and ineligibility to re-enroll or apply for admission at any other TCC Institutions; and
- Agreement to have degree conferral delayed for a specified term.
- The Home Institution's Title IX Coordinator(s) may require specific resolution terms be included in the Resolution Agreement as a matter of practice, such as educational training and/or implementation or extension of a mutual or unilateral No Contact Order. Any agreed-upon remedies and disciplinary sanctions agreed to in ABR have the same effect as remedies given and disciplinary sanctions imposed following an investigation and hearing.
- If a Resolution Agreement cannot be reached, either because the Parties do not agree, any Party withdraws from the process, or the Complainant Home Institution's Title IX Coordinator terminates the process for any reasons previously discussed, the Complainant's Home Institution's Title IX Coordinator may decide that the reported Prohibited Conduct will instead be addressed through the Investigation and Hearing Resolution process, and may include initiating the process, or continuing with any pending process paused for the ABR process. The Home Institution's Title IX Coordinator(s) (or TCC Title IX Administrator) will inform the Parties of such decision, in writing.

Finalizing the Resolution Agreement

- If a Resolution Agreement is reached, the Home Institution's Title IX Coordinator(s) will review and approve the resolution terms. The Facilitator will draft the Resolution Agreement to include the resolution terms discussed with the Parties and approved by the Home Institution's Title IX Coordinator(s). The opportunity for any Party to withdraw from an ABR process concludes when the Parties and the Home Institution's Title IX Coordinator(s) sign the Resolution Agreement. Once signed, the agreed-upon terms of the Resolution Agreement are binding on all Parties, and no appeal is permitted.
- The TCC Title IX Administrator will provide copies of the Resolution Agreement to the Parties. The Respondent's Home Institution's Title IX Coordinator, if different from the Complainant's Home Institution's Title IX Coordinator, and/or Human Resources professional will monitor adherence and completion of the agreed-upon terms and will update the Complainant accordingly. In situations involving a Cross-Campus Complaint, the Respondent's Home Institution's Title IX Coordinator and/or Human Resources professional will update the Complainant's Home Institution's Title IX Coordinator, who will update the Complainant accordingly. The matter will be considered resolved and closed when it is determined that the Respondent has sufficiently completed and/or complied with the terms of the Resolution Agreement.
- The Parties' Home Institution's Title IX Coordinators and/or Human Resources professionals will keep records of all reports and timelines for any stages of the Resolution Process, Prohibited Conduct addressed through ABR, consistent with their TCC Institution's record retention policies.
- Records of the ABR process can be shared with other TCC Institution offices or administrators, as deemed appropriate and necessary by the Home Institution's Title IX Coordinator(s).
- Any violations or unsuccessful completion of the terms of the Resolution Agreement may result in a referral for review by the appropriate office, which may lead to disciplinary action. The Home Institution's Title IX Coordinator(s), in consultation with the TCC Title IX Administrator, will determine next steps in the Resolution Process under this Policy should there be a failure to comply with the terms of the Resolution Agreement, including initiating or resuming the Investigation and Hearing Resolution process. The Complainant's wishes regarding the next steps will be considered in this determination.

Investigation and Hearing Resolution

A Complainant may choose to engage in the Investigation and Hearing Resolution process under this Policy. In summary, this process includes: the investigation of Complainant's allegations of Prohibited Conduct against Respondent by an impartial investigator, a Final Investigation Report, a hearing at the end of the process led by an impartial Hearing Decisionmaker who will provide a determination as to whether there were any violations of Prohibited Conduct under this Policy, issuance of any remedies and sanctions, if applicable, and an appeal process, if appropriate. The Investigation and Hearing Resolution process and procedures are provided in Section XV.

Respondent's Acceptance of Responsibility

At any point before the Hearing Decisionmaker issuing their Hearing Decision Report, a Respondent may accept responsibility for some, or all of the alleged Prohibited Conduct outlined in the governing Notice of Allegations document issued to the Parties. When the Respondent accepts responsibility for the alleged Prohibited Conduct, the fact-finding hearing on the issue of whether the alleged Prohibited Conduct occurred and whether there was a Policy violation(s) is waived. Instead, the matter is referred to a Sanctions Decisionmaker to provide Remedies and Sanctions Determination for the conduct for which Respondent has accepted responsibility. Suppose Respondent accepts responsibility for only some of the alleged Prohibited Conduct, at the discretion of Respondent's Home Institution. In that case, the matter may be forwarded to the Sanctions Decisionmaker to provide a Sanctions Determination for the accepted Prohibited Conduct. The Investigation and Hearing Process will continue for the remaining non-accepted allegations, unless otherwise resolved through an Agreement-Based Resolution, if eligible. The Respondent's Home Institution may place any Sanctions Determination for the accepted Prohibited Conduct in abeyance until the conclusion of the Investigation and Hearing Resolution Process. If there is a Policy violation found about any of the remaining allegations of Prohibited Conduct, the Sanctions Decisionmaker may consider any previously issued remedies and sanctions for conduct for which Respondent accepted responsibility, but only after a finding of responsibility has been made.

To accept responsibility for allegations of Prohibited Conduct under this Policy, a Respondent must sign a written document prepared by the TCC Title IX Administrator that includes a statement that the Respondent is:

- Aware of the allegation(s) of Prohibited Conduct, including the factual allegations, and definitions of Prohibited Conduct.
- Voluntarily accepting responsibility for all (or some, as explicitly specified) of Prohibited Conduct.
- Acknowledging receipt of information regarding the implications of accepting responsibility, including a list of possible sanctions that can be imposed based on the nature of Prohibited Conduct.

- Aware and agree that by accepting responsibility, they have waived the fact-finding hearing, and any right to appeal the issue of their responsibility, and instead the matter will be referred to a Sanctions Decisionmaker to determine appropriate remedies and sanctions (Remedies and Sanctions Determination).

The TCC Title IX Administrator will provide a copy of the Respondent's signed Acceptance of Responsibility to the Home Institution Title IX Coordinator(s).

Within five (5) business days of receiving the Respondent's signed Acceptance of Responsibility, the TCC Title IX Administrator will:

- Provide written notice to all Parties that Respondent has accepted responsibility for all (or specifically which conduct) and provide information regarding the next steps.
- In consultation with the Home Institution's Title IX Coordinator(s), designate a Sanctions Decisionmaker (internal or external to TCC), whose role will be to review the relevant documents and issue Remedies and Sanctions Determination. The Sanctions Decisionmaker's identity will be shared with the Parties, along with information regarding the process to object to the Sanctions Decisionmaker based on a conflict of interest or bias, under Section V.

The Parties may submit a written statement, no longer than three (3) pages, related to suggested remedies or sanctions, and any other relevant information specific to remedies and sanctions for the Hearing Decisionmaker to consider in making their Remedies and Sanctions Determination. Statements must be submitted in writing to the TCC Title IX Administrator within five (5) business days from confirmation of the Sanctions Decisionmaker. The TCC Title IX Administrator will provide copies to the Sanctions Decisionmaker and the Home Institution's Title IX Coordinator(s). The Parties will not receive a copy of any other Party's statement regarding remedies and sanctions.

The Parties' Home Institution(s) will submit written recommendations related to remedies and sanctions, and any other relevant information that would be important for the Hearing Decisionmaker to consider in making their Remedies and Sanctions Determination. The written recommendations must be submitted to the TCC Title IX Administrator within two (2) business days of receiving access to any Party statements. The TCC Title IX Administrator will provide written recommendations to the Sanctions Decisionmaker. The Parties will not receive a copy of the Parties' Home Institutions' written recommendations regarding remedies and sanctions.

The Sanctions Decisionmaker will make their Remedies and Sanctions Determination based on review of the Prohibited Conduct accepted by the Respondent, relevant documents (limited to the Notice of Allegations, Respondent's Acceptance of Responsibility, any Party statements, and/or written recommendations by the Home Institution(s)), and any applicable information in this Policy, including factors relevant to sanctioning and possible sanctions as outlined in Section XVII. The Sanctions Decisionmaker shall give significant weight to the written Home Institution recommendations in issuing any sanction(s). The Sanctions Decisionmaker will not be provided with access to any evidence gathered during the investigation process until the Respondent accepts responsibility.

The Remedies and Sanctions Determination shall be issued to the Parties within ten (10) business days from receipt of the Home Institution recommendations.

Appealing the Sanctions Determination

The Parties have the right to appeal the Remedies and Sanctions Determination because the Sanctions Decisionmaker has a conflict of interest or bias, and/or the sanction(s) are disproportionate to the conduct for which the Respondent accepted responsibility. Any appeal, limited to ten (10) pages, must be submitted in writing to the TCC Title IX Administrator within five (5) business days from issuance of the Remedies and Sanctions Determination to the Parties. TCC and the Parties will follow the process outlined in Section XVIII, as applicable.

Investigation and Hearing Resolution Process

This procedure applies to all allegations of Prohibited Conduct involving TCC students. To determine whether this Policy applies to a case involving Parties other than only students, please refer to the chart in Section III.A.

Throughout the Resolution Process, the Home Institution Title IX Coordinator(s), as well as the TCC Title IX Administrator, will work closely and cooperatively. They will maintain open communication during all phases of the Investigation and Hearing Resolution process, including the investigation, hearing, and appeal stages.

Respondents are presumed not responsible for the alleged conduct until a determination regarding responsibility is made after the Investigation and Hearing Resolution process, and any applicable appeal process has concluded. TCC does not make determinations of responsibility before the completion of the Resolution Process.

General Information

Nature of Process

The Investigation and Hearing Resolution process under this Policy is not an adversarial process between a Complainant, a Respondent, and the witnesses, but rather a process for TCC to comply with its obligations under existing law. The Investigation and Hearing Resolution process shall provide all Parties with appropriate due process and will reach reasonable conclusions based on the evidence collected.

Burden of Evidence

TCC has the burden of investigating and gathering sufficient evidence to determine whether Prohibited Conduct occurred. Complainant does not have the burden to prove, nor does Respondent have the burden to disprove, the underlying allegation(s) of Prohibited Conduct. Any Party may decide to limit its participation in part or in whole of the process or decline to participate. This does not shift the burden of proof away from TCC and does not indicate responsibility. See below for more information regarding Party participation in the investigation process (Section XV.A.5) and hearing process (Section XVI.B.4).

Evidence Standard

In evaluating all allegations of Prohibited Conduct, and in any Investigation and Hearing Resolution process, TCC will utilize the “Preponderance of the Evidence” standard, which means that the alleged Prohibited Conduct is more likely than not to have occurred. 39

Resolution Process Timeline and Extensions

Absent extensions for good cause, TCC strives to complete the entire Investigation and Hearing Resolution process as thoroughly, equitably, and as promptly as possible within 150 business days from the issuance of the Notice of Investigation and Allegations to the Parties. This includes the initial assessment and evaluation of the allegations, issuance of notice letters initiating the process, investigation (including interviews with the Parties and relevant witnesses), evidence review process, hearing, issuance of the hearing decision (including remedies and sanctions, if applicable), and any appeal process.

TCC has provided the following estimated timelines for the major stages of the Investigation and Hearing Resolution Process:

Initial Assessment and Evaluation of Allegations

This phase is generally completed within 10 (ten) – 15 (fifteen) business days from submission of the Complaint or request to investigate allegations, and the Complainant's intake meeting with the Complainant's Home Institution Title IX Coordinator. This stage includes the Complainant's Home Institution's Title IX Coordinator's assessment of the allegations, determination of whether the allegations meet the definitions of the Prohibited Conduct under this Policy, and the decision of whether to dismiss or investigate the Complaint of Prohibited Conduct. This determination will be made once sufficient information has been gathered from the Complainant at the initial meeting and/or intake meeting.

Investigation

This phase is generally completed within 80 (eighty) business days. This includes investigative interviews with the Parties and witnesses, gathering and reviewing any submitted or collected evidence, drafting the Preliminary Investigation Report (PIR) and providing the Parties with an opportunity to review and respond to the PIR (Evidence Review Process), and issuance of the Final Investigation Report.

Hearing and Hearing Decision Report (and Sanctioning, if applicable)

This phase is generally completed within 30 (thirty) to 40 (forty) business days from the issuance of the Final Investigation Report. This process includes scheduling the hearing, pre-hearing conference meetings, conducting the hearing, and the 15 (fifteen) -business day deadline for the Hearing Decisionmaker to issue their Hearing Decision Report. Unless the Parties agree, the hearing must be scheduled for at least 10 (ten) business days from the date the Final Investigation Report was issued to the Parties. Scheduling the hearing will be completed as promptly as possible based on the Parties', any Advisors and/or Support Persons, and other participants' (Parties' Home Institution's Title IX Coordinator(s), Decisionmaker, TCC Title IX Administrator) availability and in consideration of campus closures, holidays, and exam periods.

Hearing Decision and/or Sanctions Determination Appeal

This phase is generally completed within 20 (twenty) business days. This process includes any appeal submitted by one or all Parties, the assignment of an Appeal Decisionmaker, opportunity for the non-appealing Party to issue a response, and the 15 (fifteen)-business day deadline for the Appeal Decisionmaker to issue their decision.

A thorough investigation and procedurally proper hearing and appeal may necessitate one or more extensions for good cause. The timeline for any part of the Resolution Process may be extended for good cause by the TCC Title IX Administrator. Good cause reasons for extension may include ensuring the availability of the Parties, witnesses, or other participants in the process, ensuring that the Parties and

witnesses have sufficient time to review and respond to materials, and ensure the Investigator has adequate opportunity to meet with the Parties and witnesses and gather evidence, as needed. The TCC Title IX Administrator will provide notice to all Parties of any timeline extensions. Failure to complete any specific stage, or the entirety of the Investigation and Hearing Resolution process within the estimated time period, does not, in and of itself, constitute a procedural error. Any such argument of procedural error (as outlined in Section XVIII) must also include an explanation as to how the delay(s) materially impacted the outcome of the process.

For pending matters involving a graduating student as the Respondent, the Respondent's Home Institution will determine degree issuance in accordance with their Institution's process.

Impact of Party Non-Participation in the Resolution Process

Any Party may decide to limit its participation in part or in all of the Resolution Process under this Policy, or to decline to participate. This includes limited or no involvement in the investigation, evidence review process or hearing process.

A Party is not required to participate in any stage of the process; however, a Party's decision to limit participation may impact the process by, including but not limited to, delaying the process timeline, limiting the Party's opportunity to present or respond to relevant evidence, the available relevant evidence gathered by the Investigator, and/or available to the Hearing Decisionmaker, the Hearing Decisionmaker's opportunity to ask the Party questions regarding the allegations, and impacting the hearing outcome.

Privacy and Confidentiality in the Resolution Process

Parties may share confidential information received through the Resolution Process under this Policy with their Support Person and/or Advisor consistent with the requirements of their Home TCC Institution. Each Party's TCC Institution will provide its Party with a FERPA release form for its Support Person and Advisor that authorizes such sharing and participation. The Party's Home Institution's Title IX Coordinator and/or TCC is unable to share information with a Support Person and/or Advisor under this Policy until the Party sufficiently completes the form. The form must also be completed before the Support Person and/or Advisor attends any meetings or proceedings under this Policy. The Party's Home Institution's Title IX Coordinator and TCC Institution shall not restrict the ability of any Party to discuss the allegations under investigation for gathering and presenting relevant evidence, including by speaking to witnesses, consulting with their family members, Confidential Resources, Support Person or Advisor, or otherwise preparing for or participating in the Resolution Process under this Policy.

Parties, witnesses, Support Persons, and/or Advisors are expected to maintain the privacy of the information shared with them under this Policy. This information may not be shared with third parties, duplicated, disclosed publicly, or used for purposes not explicitly authorized by the Party's Home Institution Title IX Coordinator or TCC Institution. TCC may seek to restrict the role of any Support Person and/or Advisor who does not respect the sensitive nature of the process or who fails to abide by these expectations.

Any unauthorized disclosure of information or evidence obtained solely through the Resolution Process under this Policy may be referred to the appropriate TCC Institution's Student Conduct or Human Resources office for review. Any unauthorized disclosures made by a TCC Institution student or employee (subject to this Policy), including by Parties, witnesses, Support Person, or Advisor, may be subject to sanctions or discipline at the discretion of the TCC Home Institution.

For purposes of this paragraph, disclosures of such information and evidence for purposes of administrative proceedings or litigation related to the Complaint of Prohibited Conduct are authorized.

The Party's Home Institution's Title IX Coordinator and other administrators at TCC are permitted to share confidential information amongst other TCC Institution representatives who have a reasonable need to know, and such disclosure is not a violation of FERPA. The Party's Home Institution's Title IX Coordinator and TCC Institution will endeavor to respect any requests for confidentiality. Still, they will also weigh those requests against the TCC Institution's responsibility to maintain a safe environment for its community. Complete confidentiality cannot be guaranteed.

Right to an Advisor

Parties may elect to be accompanied by an Advisor, as defined in this Policy, during meetings and proceedings related to any ABR, investigation, and hearing process under this Policy. Parties are limited to one Advisor. Parties may be accompanied by a Support Person (see below) in addition to an Advisor. An Advisor can be anyone, and may be, but is not required to be, an attorney. Generally, it is not recommended that the selected Advisor be a Party or a witness in the same matter.

The Advisor may not speak or write on behalf of the Party or otherwise disrupt any interviews or proceedings. TCC reserves the right to exclude or remove an Advisor who does not comply with this Policy.

A Party is not required to have an Advisor during any part of the Resolution Process, including meetings, ABR, the investigation, or hearing process, and a TCC Institution is not required to provide one for the Party. Upon a Party's request, however, the Party's Home Institution's Title IX Coordinator may be able to connect a Party with a trained Advisor, if available, who may be an employee at a TCC Institution.

Support Person

Parties may elect to be accompanied by a Support Person, as defined in this Policy, during meetings and proceedings related to any ABR, investigation, and hearing process under this Policy. Parties are limited to one Support Person. A Support Person may not be a Party or a witness in the same matter. The Support Person's role is to provide emotional support throughout the process. The Support Person may not speak or write on behalf of the Party or otherwise disrupt any interviews or proceedings. TCC reserves the right to exclude or remove a Support Person who does not comply with this Policy.

Initiation of The Investigation and Hearing Resolution Process

Notice of Allegations (NOA)

Once TCC has accepted the Complaint for investigation and has confirmed the allegations to be investigated, the Parties will be provided with a written Notice of Allegations, which outlines the accusations within the scope of the investigation, the alleged Policy violation(s), the identity of the Investigator, and other important information related to the process. The issuance of the NOA communicates the initiation of the investigation process.

A Revised NOA must be provided to the Parties at any time during the investigation to include allegations of Prohibited Conduct raised by the Complainant against the Respondent that were not included in the initial NOA and are raised later during the investigation process and are determined to be part of the scope of the investigation.

The NOA shall include, at a minimum:

- A reminder that the date and time of the initial interview with the Investigator will generally be scheduled with a minimum of five (5) business days' notice, unless otherwise agreed upon by the Party.
- The investigation procedures, including the applicable determination procedures that will be used in the Investigation and Hearing Resolution process under this Policy, and a link to this Policy.
- Information about the ABR options, with a link to the complete procedures.
- Sufficient information available at the time to allow the Parties to respond to the allegations, including the identities of the Parties involved in the incident(s), a description of the facts alleged to constitute Prohibited Conduct, the type of Prohibited Conduct, and the date(s) and location(s) of the alleged incident(s), if known.
- A statement that Retaliation is prohibited.
- A statement indicating whether the Investigator, or another individual, shall serve as the Decisionmaker.
- A statement indicating the expected length of the significant stages of the resolution process, as well as any applicable deadlines.

- A statement informing the Parties that the Investigator will establish and communicate, in writing, all investigation deadlines, including the final deadlines for submitting names of witnesses and evidence. The TCC Title IX Administrator may extend these deadlines for good cause, and any changes will be provided, in writing, to the Parties, along with the rationale for the revised deadline(s);
- The deadline and process for identifying any conflicts of interest or bias with the Investigator. A statement that the Respondent is presumed not responsible for the alleged Prohibited Conduct until a determination is made after the Resolution Process. Before such a determination, the Parties will have an opportunity to present relevant and not otherwise impermissible evidence to a trained, impartial Hearing Decision maker.
- A Statement that the Parties may have an Advisor who may be a friend, parent, therapist, colleague, and who may be, but is not required to be, an attorney. attorney;
- A statement that the Parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence upon the request of any Party and will receive an investigation report that accurately summarizes this evidence.
- A warning that the Decision-maker may exclude evidence at the hearing that was not presented during the investigation process.
- A statement that the individual TCC Institution's Student Conduct code prohibits knowingly making false statements or knowingly submitting false information during the Resolution Process; and
- The identification of the Investigator.

Complaints Initiated by the Institution

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

Designation of the Investigator

The TCC Title IX Administrator, in consultation with the Parties' Home Institutions' Title IX Coordinator(s), will designate a trained Investigator to conduct an adequate, reliable, and impartial investigation in a reasonably prompt timeframe. TCC reserves the right to utilize internal or external Investigators. As required by California law, the designated Investigator will have undergone a comprehensive, trauma-informed training program for campus officials involved in investigating and adjudicating sexual assault, domestic violence, dating violence, and stalking cases.

The designated Investigator identity will be provided in the NOA. Any Party that believes that the designated Investigator has a conflict of interest or bias for or against complainants or respondents generally, or an individual Complainant or Respondent, may submit an objection under Section V.

Investigation Process

Evidence Gathering

Interviews

After the Parties have been notified in writing of the confirmed Investigator, the Investigator will contact the Parties and identify witnesses to conduct their interviews. Interviews may be conducted in person or via video conference. Recording investigative interviews, by any individual, and by any means, is prohibited.

The Investigator will provide advance written notice to a Party or witness whose participation is invited or expected, detailing the date, time, location, participants, and purpose of all meetings or proceedings, with sufficient time to prepare for participation. The Investigator has discretion over the order in which to interview the Parties and witnesses.

A Party is permitted to have one Support Person and one Advisor accompany them to any meetings with the Investigator and must provide at least 72-hour notice of the Support Person's and/or Advisor's planned attendance at the meeting to ensure the appropriate FERPA documentation is completed in advance of the meeting.

TCC may adopt and apply other reasonable rules regarding decorum, provided they apply equally to the Parties. TCC will share expectations of decorum to be observed in all meetings and proceedings under this Policy. These expectations are applied equally to all Parties, Support Persons, and Advisors. TCC has the discretion to remove, with or without warning, from any meeting or proceeding a Party, witness, Advisor, or Support Person who does not comply with these expectations and any other applicable TCC rules or expectations.

All Parties will be provided equal opportunity to meet with the Investigator, submit relevant evidence, and identify relevant witnesses. The Investigator will meet separately with all Parties and any identified witnesses deemed relevant and gather relevant documentary evidence provided by the Parties and any identified witnesses.

When a Party meets with the Investigator, the Investigator will ask questions related to the allegations in the Complaint and Notice of Allegations, and the Party is allowed to speak to the claims and related events. Parties may identify relevant fact witnesses and provide evidence that is relevant to the allegations and not otherwise impermissible. This will include inculpatory evidence (that tends to show that an individual is more likely engaged in the alleged conduct) and exculpatory evidence (that tends to show that an individual is less likely engaged in the alleged conduct).

The Investigator has discretion regarding whom to interview to determine the facts relevant to the Complaint and the scope of the investigation, as well as when to conduct follow-up interviews with Parties and witnesses.

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

Investigator Determination of Evidence Relevance

The Investigator will take reasonable steps to gather relevant available evidence. The Investigator may exclude evidence they determine to be irrelevant or impermissible. Parties may provide the Investigator with any evidence they believe is relevant and appropriate. Character evidence is not relevant evidence and therefore will not be considered. Expert and polygraph evidence will not be considered.

Ultimately, it is the role of the Hearing Decisionmaker to determine what weight, if any, to give to the evidence gathered.

TCC shall not restrict the ability of the Parties to discuss the allegations under investigation for gathering and presenting relevant evidence.

The Investigator may gather information related to the Respondent's prior or subsequent conduct to determine their pattern, knowledge, intent, motive, or absence of mistake.

Impermissible Evidence

- The following types of evidence, and questions seeking that evidence, are impermissible. This means this information will not be accessed or considered, except by the Parties' TCC Home Institution(s) to determine whether one of the exceptions listed below applies. This information must not be disclosed and must not be otherwise used, regardless of relevance:
- Evidence that is protected under a privilege recognized by Federal or State law, unless the person to whom the privilege or confidentiality is owed has voluntarily waived the privilege or confidentiality.
- Evidence provided to an employee designated by TCC as exempt from internal reporting under this Policy, unless the person who made the disclosure or otherwise offered evidence to that employee has voluntarily consented to re-disclosure.
- A Party's or witness's records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the provision of treatment to the party or witness, unless TCC obtains that Party's or witness's voluntary, written consent for use in the Resolution Process under this Policy; and

- Evidence relates to the Complainant's sexual interests or prior sexual conduct, unless evidence about the Complainant's previous sexual conduct is offered to prove that someone other than the Respondent committed the alleged Prohibited Conduct or is evidence about specific incidents of the Complainant's prior sexual conduct with the Respondent that is offered to prove consent to the alleged Prohibited Conduct. The fact of prior consensual sexual conduct between the Parties does not by itself demonstrate or imply the Complainant's consent to other sexual activity or preclude a determination that Prohibited Conduct occurred.

For cases of California Sex-Based Harassment in Employment, the Investigator or Hearing Decisionmaker shall not consider the past sexual history of the Complainant or Respondent except in limited circumstances. Specifically, they shall not consider:

- Prior or subsequent sexual history between Complainant and anyone other than Respondent for any reason, unless directly relevant to prove that physical injuries alleged to have been inflicted by Respondent were inflicted by another individual.
- The existence of a dating relationship or prior or subsequent consensual sexual relations between Complainant and Respondent unless the evidence is relevant to how the Parties communicated consent in prior or subsequent consensual sexual relations. Where the Investigator or Hearing Decisionmaker allows consideration of proof about a dating relationship or prior or subsequent consensual sexual relations between Complainant and Respondent under this paragraph, the mere fact that Complainant and Respondent engaged in other consensual sexual relations with one another is never sufficient, by itself, to establish that the conduct in question was consensual.

Before allowing the consideration of any evidence proffered according to this section, the Investigator or Hearing Decisionmaker shall provide a written explanation to the Parties as to why consideration of the evidence is consistent with this paragraph. If the issue is raised at the hearing, the Hearing Decisionmaker will include their written explanation in the Hearing Decision Report.

Evidence Review Process

After gathering all facts and before issuing the Final Investigation Report, the TCC Title IX Administrator will provide the Parties with access to the Preliminary Investigation Report (PIR) drafted by the Investigator, which includes all relevant evidence and not otherwise impermissible evidence gathered. The purpose of this review process is to provide the Parties with an equal opportunity to respond meaningfully to the evidence before the conclusion of the investigation and issuance of the Final Investigation Report. This is known as the Evidence Review Process. This opportunity will be provided to each Party, and their Advisor and/or Support Person, if any, regardless of whether the Party made the Complaint or participated in the investigation.

Absent reasonable cause, Parties are provided with ten (10) business days to review and provide a written response to the evidence to the Investigator, should they wish to do so. Parties are not required to submit a response. The TCC Title IX Administrator has the discretion to extend the evidence review period based on the volume and nature of the evidence and/or may grant a Party's request for additional time.

The Preliminary Investigation Report will include the following:

- The identities of the Parties.
- The identities of the witnesses.
- A summary of the allegations of Prohibited Conduct and the alleged Policy violation(s).
- Information about the policies and procedures used to evaluate the allegations.
- A description of the procedural steps and process taken from the receipt of the Complaint through the investigation process, including any notifications to the Parties, interviews with Parties and witnesses, and methods used to gather other evidence.
- The relevant statements of the Parties and witnesses, and evidence gathered for each allegation.
- A summary of the relevant, and not otherwise impermissible, evidence gathered by the Investigator; and
- Explanations for why evidence or witnesses submitted by the Parties were not considered or interviewed by the Investigator.

Given the sensitive nature of the information provided in the PIR, the TCC Title IX Administrator will securely facilitate this review and has the discretion to determine how to provide access to the PIR to the Parties based on the circumstances of the case and any Party or witness privacy concerns. Unless provided express written permission and access by the TCC Title IX Administrator, neither the Parties, Advisors, Support Persons, nor anyone on any Party's behalf may copy, remove, photograph, print, image, screenshot, videotape, record, or in any other manner duplicate or remove the information contained in the PIR (unless a Party is describing or quoting the material in a written response to the evidence under the Evidence Review Process). Any TCC student or employee (subject to this Policy) who fails to abide by this may be subject to discipline. Any Advisor or Support Person who fails to comply with this may be subject to discipline, if applicable, and/or may be excluded from further participation in the process.

As part of this Evidence Review Process, the Parties may:

- Submit additional relevant evidence or information.
- Provide a written response to any of the relevant evidence.
- Submit proposed questions for the Investigator to ask of the other Parties or any witnesses.
- Request additional interviews and information-gathering; and/or

- Suggest additional witnesses for the Investigator to interview.

The Party's Advisor and/or Support Person may provide support to the Party during the Evidence Review Process; however, they are not permitted to speak or write on behalf of their Party. This includes any response to the Evidence Review Process.

The Evidence Review Process serves as the final opportunity to submit reasonably available evidence or names of witnesses. The Hearing Decisionmaker will not consider evidence that was reasonably available but not provided during the investigation process.

The Investigator has discretion to determine if the Parties' responses warrant additional information-gathering. Suppose the Investigator determines it is unnecessary to ask individuals additional questions, interview new witnesses, and/or gather further evidence. In that case, the Investigator will explain their decision in the Final Investigation Report.

Suppose the Parties submit additional evidence. In that case, the Parties submit a written response to the evidence, or new evidence is gathered by the Investigator (through additional or follow-up interviews or additional fact-gathering), it will be included in either a Revised Preliminary Investigation Report or a separate addendum, as deemed appropriate by the Investigator.

All Parties will be provided a second reasonable opportunity to review and respond to any new evidence made available through the Revised Preliminary Report or in a separate addendum. The TCC Title IX Administrator will determine the reasonable amount of time to review the new evidence. No new evidence will be accepted as part of any response to the second review and response period, except that the Investigator shall have the discretion to take relevant evidence that was not previously available or known to exist, and that was not previously discoverable with the exercise of reasonable diligence.

The Investigator will determine when it is appropriate to conclude the Evidence Review Process. The TCC Title IX Administrator will notify the Parties when the Evidence Review Process is complete and when the Final Investigation Report is finalized.

Final Investigation Report

After the Evidence Review Process, the Investigator will prepare a written Final Investigation Report that includes, at a minimum:

- The identities of the Parties.
- The identities of the witnesses.
- A summary of the allegations of the Prohibited Conduct and the alleged Policy violation(s);
- Information about the policies and procedures used to evaluate the allegations.
- A description of the procedural steps and process taken from the receipt of the Complaint through the investigation process, including any notifications to the Parties, interviews with Parties and witnesses, and methods used to gather other evidence.

- The relevant statements of the Parties and witnesses, and evidence gathered for each allegation.
- A summary of the relevant, and not otherwise impermissible, evidence gathered by the Investigator.
- A statement describing how and when the parties were allowed to review the evidence; and
- Explanations for why evidence or witnesses submitted by the parties were not considered.

The Final Investigation Report will not include findings of fact, findings of whether there was a Policy violation(s), or credibility determinations for Parties or witnesses.

The TCC Title IX Administrator will provide the Parties with access to the Final Investigation Report, including all attachments, at least ten (10) business days before the scheduled hearing. The Parties may submit a written response to the Final Investigation Report within ten (10) business days from receipt of access to the Final Investigation Report, or by the deadline otherwise communicated by the TCC Title IX Administrator. Written responses are incorporated into the materials that can be reviewed and considered by the Hearing Decisionmaker. Each Party will receive a copy of any other Party's written response to the Final Investigation Report.

Hearing

The purpose of a hearing is for a Hearing Decisionmaker to determine whether the conduct occurred as alleged, and if so, whether that conduct violates this Policy. The Hearing Decisionmaker will make credibility determinations, findings of fact, and will determine whether a Policy violation(s) occurred. The Hearing Decisionmaker will also determine appropriate remedies and sanctions if a Policy violation(s) is found to have happened. The hearing is a closed proceeding and will not be open to the public.

Before the Hearing

Hearing Coordinator

The TCC Title IX Administrator will be responsible for designating a Hearing Coordinator who will coordinate the hearing process. The TCC Title IX Administrator, or their designee, may serve as the Hearing Coordinator. The Hearing Coordinator will ensure the Hearing Decisionmaker is provided with all necessary materials, including the Final Investigation Report and attachments, as well as any written Party responses to the Final Investigation Report. The Hearing Coordinator will arrange the logistics for the hearing, including coordinating the pre-hearing conferences, selecting a location for the hearing (if not conducted via video conference), and scheduling the date and time for the hearing. Other than at the pre-hearing conference, the Parties and their Advisors and/or Support Persons, if any, are prohibited from directly communicating with the Hearing Decisionmaker before the scheduled hearing. The Hearing Coordinator will act as a liaison between the Parties and the Hearing Decisionmaker on all procedural matters.

Designation of the Hearing Decisionmaker

The TCC Title IX Administrator, in consultation with the Parties' Home Institution's Title IX Coordinator(s), will designate a Hearing Decisionmaker distinct from the Hearing Coordinator and any Home Institution Title IX Coordinator, who will preside over the hearing and draft the Hearing Decision Report, including remedies and sanctions, if applicable. The Hearing Decisionmaker is a single individual. TCC reserves the right to utilize internal or external Decision-makers. The Hearing Decisionmaker is responsible for overseeing the hearing, making procedural determinations, managing the questioning process (questions must be submitted directly by the parties to the Hearing Decisionmaker or through the Hearing Coordinator), and issuing the Hearing Decision Report, as well as a Remedies and Sanctions Determination, if applicable.

The Hearing Decisionmaker will have appropriate training in the definitions of Prohibited Conduct, the scope of the TCC Institution's education programs and activities, the Investigation and Hearing Resolution process under this Policy, bias, the ABR Process, hearing decision writing, assessing questions and evidence related to relevant and not otherwise impermissible evidence, and any technology to be used at the hearing.

The Hearing Coordinator will provide the Parties with written notice of the Hearing Decisionmaker's identity at the time of scheduling the hearing, as well as information regarding any Party's option to object to the Hearing Decisionmaker based on actual conflict of interest or bias according to Section V.

Hearing Notice

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

- Confirmation of the assigned Hearing Decisionmaker.
- The time, date, and location of the hearing, including if the hearing will be conducted entirely via videoconference.
- The identity of all participants expected to participate in the hearing, including Parties, and witnesses approved by the Hearing Decisionmaker.
- A list of all documents the Hearing Decisionmaker may consider in reaching their determination.
- TCC's Hearing Expectations and Rules of Decorum; and
- A general overview of the hearing process.

Pre-Hearing Conferences

Before the hearing, each Party and their Advisors and/or Support Person will be offered the opportunity to meet with the Hearing Decisionmaker to review what to expect at the hearing, rules of decorum, and to provide the Parties and their Advisor and/or Support Person, if any, the opportunity to ask any procedural questions, including questions regarding the Hearing Notice. The Hearing Coordinator and the Party's Home Institution Title IX Coordinator may also be present at the pre-hearing conference. After the Hearing Decisionmaker has conducted the pre-hearing conferences with each Party, the Hearing Decisionmaker will issue a written summary of matters discussed at the pre-hearing conferences. Attending the pre-hearing conference is recommended; however, a Party may waive their opportunity for a pre-hearing conference and is not required to participate.

Parties are expected to notify the Hearing Coordinator of the identity of their Advisor and/or Support Person as soon as possible in advance of the scheduled hearing. The Hearing Coordinator will share this information with the Hearing Decisionmaker and other Parties through the Hearing Notice.

Witnesses Identified and Requested to Participate in the Hearing

The Parties and the Hearing Decisionmaker all have the right to call witnesses. Unless notified otherwise by the Hearing Coordinator, Parties who wish to call witnesses must submit the name and contact information of the witness, as well as an explanation as to what testimony they will provide at the hearing, at least five (5) business days in advance of the hearing or upon request by the Hearing Coordinator.

Only witnesses who participated in the investigation will be permitted to participate in the hearing, unless they were otherwise unknown or not known to have relevant information during the inquiry. Suppose the witness did not participate in the investigation. In that case, the Party must provide the reason the witness was not identified or was not interviewed by the Investigator, as well as the information the witness has that is relevant to the allegations. The Hearing Decisionmaker will then determine whether the witness has pertinent details and if there is sufficient justification for permitting the witness to participate in the hearing after not having participated in the investigation. The Hearing Officer may instead send the case back to the Investigator to interview the newly proffered witness before the hearing.

The Hearing Decisionmaker may determine not to call witnesses submitted by the Parties, and/or to call witnesses who were not submitted by the Parties, and who participated in the investigation.

The Hearing Decisionmaker will communicate to the Hearing Coordinator as soon as possible the witnesses they have determined should testify at the hearing. The Hearing Decisionmaker will document their explanations for not calling certain witnesses submitted by the Parties in the Hearing Decision Report.

With the assistance of the Parties' Home Institution Title IX Coordinator(s), the Hearing Coordinator will request the attendance of the relevant witnesses identified by the Hearing Decisionmaker, and a list of witnesses approved by the Hearing Decisionmaker will be provided to the Parties at least three (3) days before the hearing.

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

Proposed Questions Submitted by the Parties in Advance of the Hearing

No later than three (3) business days before the hearing, each Party shall submit to the Hearing Coordinator a preliminary list of questions they wish the Hearing Decisionmaker to ask of the other Party or of a witness. The Parties will also have the opportunity to submit questions to the Hearing Decision-Maker at the hearing. Suppose the Hearing Decisionmaker determines that any questions are not relevant or seek otherwise impermissible evidence. In that case, the Hearing Decisionmaker shall exclude the question, not ask the question of the intended Party or witness, and explain the reason for the exclusion of the question at the hearing. Questions that are unclear or harassing of a Party or witness being questioned will not be permitted. The Hearing Decisionmaker must allow a Party to clarify or revise any question that the Hearing Decisionmaker has determined is unclear or harassing. If the Party sufficiently clarifies or revises a question and it is relevant, the Hearing Decisionmaker will then ask the question of the intended Party or witness.

During the Hearing

Hearing Recording

TCC will record the hearing, and this recording will be considered the only official recording of the hearing. The Hearing Coordinator is responsible for ensuring the hearing is audio-recorded.¹⁰ No other individual is permitted to record while the hearing is taking place. Preparing an appeal, a recorded Party may request to review the hearing recording or the transcript of the hearing, if available, in person or via video conference, under the supervision of a TCC representative or another designee. Requests should be made to the TCC Title IX Administrator.

Hearing audio recordings will be maintained for seven (7) years after the conclusion of the Resolution Process under this Policy, the Respondent's graduation, separation from TCC, or separation from TCC Institution employment, whichever is later.

¹⁰. Hearings that take place via videoconference may include both an audio and visual recording. Only the audio recordings shall be retained in accordance with Section XIX.

Separation of Parties

Hearings may be conducted with any or all Parties, witnesses, and other participants appearing virtually, using technology that enables participants to see and hear one another simultaneously, or with Parties physically present in the exact geographic location.

As standard practice, the Parties will be physically separated during the hearing and will participate virtually, unless all Parties request otherwise. If needed, the Party's Home Institution Title IX Coordinator may assist the Party with access to a private location to participate in the hearing. The Parties should request this assistance as soon as possible in advance of the hearing.

Hearing Expectations and Rules of Decorum

TCC expects all participants in the hearing process to do so truthfully and respectfully, and that all individuals with a responsibility for carrying out one or more aspects of the hearing process do so fairly and without prejudice or bias.

The Hearing Decisionmaker shall have the authority to maintain order and decorum at the hearing, including responding to disruptive or harassing conduct, and when necessary, to adjourn the hearing or exclude the disruptive person. In the event the Hearing Decisionmaker removes a Party's Advisor or Support Person, the Hearing Decisionmaker will have the discretion to appoint another Advisor for the remainder of the hearing. The Hearing Decisionmaker also has the authority to determine whether any questions are not relevant, abusive, intimidating, or disrespectful, and will not permit such questions.

Party and Witness Participation in the Hearing

While Party and witness participation is considered crucial to providing an equitable hearing process for the Parties and provides the Hearing Decision-maker with the opportunity to ask questions to inform their findings, TCC cannot compel Parties or witnesses (except the Investigator) to attend or participate in the hearing. Any Party or witness's decision not to participate will not be a reason to cancel or postpone a hearing. The TCC Title IX Administrator, in consultation with the Home Institution Title IX Coordinator(s) and Hearing Decisionmaker, may determine that the hearing will continue in the absence of any Party or any witness.

Parties or witnesses may choose to attend the hearing and not answer questions. The Hearing Decisionmaker may choose to place less or no weight upon statements by a Party or witness who refuses to respond to questions deemed relevant and not impermissible. The Hearing Decisionmaker will not draw any inference about the determination regarding responsibility solely based on a Party's or witness's absence from the hearing or refusal to respond to questions deemed relevant and not impermissible. However, this decision may impact the information available to the Hearing Decisionmaker in reaching their determination. However, the Hearing Decisionmaker may draw inferences if an individual selectively participates in the hearing (for example, answering some questions but declining to answer others).

The Parties, and their Advisors and/or Support Persons, if any, can be present in the hearing for the entire duration of the hearing. The witnesses will only be present at the hearing for the duration of their testimony.

Investigators who are current employees of a TCC Institution or external investigators retained by TCC are expected to participate in the hearing if requested. Non-employee Investigators, including those who have left employment with TCC, can be requested but not compelled to participate in the hearing.

Participation of the Advisor and Support Person During the Hearing

Each Party is entitled to be accompanied by one Advisor and one Support Person at the hearing. The role of the Advisor at the hearing is to assist the Party with understanding and navigating the proceeding. The Advisor may not advocate for, respond for, or otherwise speak or write on behalf of a Party during the hearing. If a Party does not appear for the Hearing, the Advisor for that Party may not participate in the hearing or submit questions to be asked on behalf of the Party.

The role of the Support Person is to provide emotional support to the Party during the proceeding. The Support Person may not advocate for, respond for, or otherwise speak or write on behalf of a Party during the hearing. If a Party does not appear for the Hearing, the Support Person for that Party may not participate in the hearing or submit questions to be asked on behalf of the Party.

Hearing Timeline

The following provides a general timeline for the Hearing; however, the Hearing Decision-Maker shall have the authority and discretion to adjust the order of process as necessary, limit the time allotted to any phase of the hearing, and/or limit the time allotted for the full hearing.

Opening Introductory Statements

The Hearing Decisionmaker will begin the hearing and provide information regarding the expected timeline of the hearing, allowing the Parties and their Advisors to ask any questions regarding the hearing's structure.

Each Party will then be permitted to provide an opening introductory statement, no longer than five (5) minutes, unless otherwise extended at the discretion of the Hearing Decisionmaker. Any additional time granted to one Party must be provided to all other Parties, if requested. An Advisor and/or Support Person is not permitted to give an opening introductory statement on behalf of their Party.

Following opening introductory statements, the Hearing Officer will call the Parties and witnesses for questioning.



Questions by the Hearing Decisionmaker

The Hearing Decisionmaker will determine the order of questioning at the hearing. The Hearing Decisionmaker may change the order of questioning, with appropriate verbal notice to the Parties, if the Hearing Decisionmaker determines a change is necessary to accommodate a witness's schedule, or for other procedural reasons. Only the Hearing Decisionmaker is permitted to ask questions of any Party or witness during the hearing. No Party may directly question the other Parties or witnesses. Advisors and/or Support Persons, if any, are not permitted to directly or indirectly question, or otherwise communicate with the other Parties or witnesses.

The Hearing Decisionmaker will pose questions to the Parties and witnesses, including the questions approved by the Hearing Decisionmaker and submitted by each Party before the hearing. Each Party will then be provided an opportunity to submit follow-up written questions to the Hearing Decisionmaker to be asked of the other Parties and any witnesses, including questions challenging credibility. The Parties will submit their proposed questions through the Hearing Coordinator. The questions must be relevant to the allegations. They must not seek impermissible evidence, not be duplicative or repetitive of information already gathered, and/or not be harassing of any individual providing testimony. The Hearing Decisionmaker will evaluate each question submitted by the Parties. If the Hearing Decisionmaker determines the question should not be asked, the Hearing Decisionmaker will not ask the Party or witness the question; the Hearing Decisionmaker will state their reasoning for this determination on the record and offer the Party an opportunity to reframe or resubmit the question. The Hearing Decisionmaker also has the authority to ask additional follow-up questions, or as otherwise deemed necessary. All determinations made by the Hearing Decisionmaker at the hearing are final, including those related to questioning.

A Party may choose not to submit any questions for a Party or witness, either before the hearing or during the hearing. A Party's waiver of their right to submit questions does not eliminate the ability of the Hearing Decisionmaker to consider the testifying individual's statements made during the hearing and/or to the Investigator during the investigation process.

Closing Statements and Concluding the Hearing

Following the questioning of Parties and witnesses, each Party will be permitted a reasonable opportunity, no longer than five (5) minutes, unless otherwise extended at the discretion of the Hearing Decisionmaker, to provide a closing statement. Any additional time granted to one Party must be provided to all other Parties, if requested. An Advisor and/or Support Person is not permitted to give a closing statement on behalf of their Party.

The Hearing Decisionmaker will provide closing remarks, if any, and then conclude the hearing.

After the Hearing

Party Statements Regarding Remedies and Sanctions

Within five (5) business days of the hearing, each Party may provide the TCC Title IX Administrator with a written statement, limited to three (3) pages, related to suggested remedies and sanctions, and any other relevant information specific to remedies and sanctions for the Hearing Decisionmaker to consider in making their sanctions determination. Suppose a Party chooses not to provide a written statement by this section. In that case, they will not be offered an additional opportunity to submit a written statement to the Hearing Decisionmaker.

If the Hearing Decisionmaker determines there was a Policy violation, the Hearing Decisionmaker will notify the TCC Title IX Administrator before issuing their Hearing Decision. The TCC Title IX Administrator will provide the Hearing Decisionmaker with copies of the Party statements, as outlined in Section XVII. The TCC Title IX Administrator will also provide copies of the Party statements to the Parties' Home Institution Title IX Coordinator(s) and appropriate administrator(s).

If the Hearing Decisionmaker determines there is not a Policy violation, the TCC Title IX Administrator will not release the Party statements to the Hearing Decisionmaker.

Notice of Hearing Outcome and Hearing Decision Report

In reaching its findings and drafting its decision, the Hearing Decisionmaker will consider the investigation record, including the Final Investigation Report and its attachments, which will encompass all relevant and not otherwise impermissible evidence gathered by the Investigator, as well as evidence accepted at the hearing.

The Hearing Decisionmaker will apply the preponderance of the evidence standard, which means more likely than not, to determine whether the alleged Prohibited Conduct occurred and, if so, whether a Policy violation occurred. To the extent the Hearing Decisionmaker must make credibility determinations, such determinations shall not be based on an individual's status as complainant, respondent, or witness.

The Hearing Decisionmaker will not draw any inference about the determination regarding responsibility solely based on a Party's absence from the hearing or refusal to answer questions posed. However, this decision may impact on the information available to the Hearing Decisionmaker in reaching their determination. However, the Hearing Decisionmaker may draw inferences if an individual selectively participates in the hearing (for example, answering some questions but declining to answer others).

The Hearing Decision Report will include the following:

- A description of Prohibited Conduct as defined in this Policy, and any other allegations, if applicable.
- A reference to the policies and procedures used to evaluate the allegations.

- A description of the procedural steps taken from receipt of the Complaint (or TCC Institution's decision to initiate the process) through the determination.
- A list of Parties and witnesses who participated in the hearing and applicable credibility determinations.
- The Hearing Decisionmaker's evaluation of the relevant and not otherwise impermissible evidence, along with the finding of facts.
- Finding for each allegation, with a rationale.
- Policy findings, with rationale.
- Sanctioning determination with rationale (if applicable); and
- Remedies with rationale (if applicable).

Within fifteen (15) business days from the hearing, the TCC Title IX Administrator will issue to the Parties the Notice of Hearing Outcome and Hearing Decision Report, which will include the Hearing Decisionmaker's policy and sanctioning determinations, as applicable.

Suppose the Hearing Decisionmaker finds a Policy violation. In that case, the Hearing Decisionmaker and TCC shall follow the procedures outlined in Section XVII, and the Hearing Decision Report will be a Remedies and Sanctions Determination.

If the Hearing Decisionmaker does not find a violation of the Policy, the Hearing Decisionmaker's Hearing Decision Report will not include sanctions.

The TCC Title IX Administrator will explain the Appeal Rights and Process, including the permissible bases for appeal, in the Notice of Hearing Outcome. The Hearing Decisionmaker's determinations become final on the date on which an appeal would no longer be considered timely (see Section XVIII).

Remedies and Sanctioning

This section sets forth the procedures to be followed should the Hearing Decisionmaker find a Policy violation(s) occurred. A student or employee found responsible for a Policy violation will be subject to sanctions regardless of whether legal proceedings involving the same incident are pending or anticipated.

If the Hearing Decisionmaker determines that a Policy violation occurred, before issuing the Hearing Decision Report, the Hearing Decisionmaker will notify the TCC Title IX Administrator of this determination. The TCC Title IX Administrator will take two steps:

- **Home Institution Written Recommendations:** They will notify the Home Institution Title IX Coordinator(s) and the appropriate administrator(s) of each Party's Home Institution. The Parties' Home Institutions may submit a written recommendation related to remedies and sanctions, and any other relevant information that would be important for the Hearing Decisionmaker to consider in making their Remedies and Sanctions Determination. The Home Institution's written recommendation shall be completed collaboratively between each Party's Home Institution Title IX Coordinator and/or other appropriate Student Affairs administrator(s). The Parties' Home Institutions will provide those recommendations to the TCC Title IX Administrator, who will transmit them to the Hearing Decisionmaker. The Parties' Home Institution's written recommendations will not be shared with the Parties; and
- **Party Statements:** Under Section XVI.C.1, they will provide the Hearing Decisionmaker with any submitted written Party statements. If a Party does not give a written statement, the Party will not be offered an additional opportunity to submit a written statement to the Hearing Decisionmaker. Any submitted Party statement(s) will not be shared with the other Parties.

The Hearing Decisionmaker will make their Remedies and Sanctions Determination based on the factual and Policy findings, written Party statements, written Home Institution recommendations, and other factors relevant to sanctioning as outlined below. The Hearing Decisionmaker shall give significant weight to the written Home Institution recommendations in issuing remedies and sanctions. Expulsions and employment terminations are at the sole discretion of the Respondent's Home Institution.

The Hearing Decisionmaker will decide if remedies are appropriate to restore or preserve the Party's equal access to TCC's education, activity, and/or employment. Such remedies may include Supportive Measures. However, unlike Supportive Measures, remedies need not be non-disciplinary or non-punitive and need not avoid unreasonably burdening the Respondent.

The factors a Hearing Decisionmaker (or Sanctions Decisionmaker)¹¹ may consider issuing sanctions, including, but not limited to:

- **Severity of the Violation:** The duration of the conduct; whether the conduct was repeated; the number of Policy violations; abuse of power; use of intimidation; use of force; level of endangerment to the Complainant; level of injury to the Complainant; presence of a weapon; deliberate embarrassment; exploitation of the level of intoxication.
- **Aggravation:** Whether the Respondent used force, threat, violence, duress, or intentionally caused intoxication or impairment to engage in conduct without Complainant's consent.

¹¹. For cases where the Respondent has accepted responsibility pursuant to Section XIV.

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

Retaliation: Whether Respondent complied with No Contact Orders, Supportive Measures, and other interim measures in place during the Investigation and Hearing Resolution process; whether Respondent continued to engage in alleged Prohibited Conduct after commencement of the Complainant or participants for their participation in the investigation or hearing process; whether Respondent was forthcoming during the investigation and hearing process; whether Respondent engaged in any other conduct which would obstruct the investigation or hearing process, or impacted the fairness of the processes.

- **Impact:** The impact of Respondent's conduct and presence on the Complainant's safety and participation in any TCC Institution's education or employment programs and activities; the effect of Respondent's conduct on TCC's community; the impact of sanctions on Respondent's access to participation in TCC's programs, if applicable.

Possible remedies and sanctions that the Hearing Decisionmaker may issue include:

- **Warning:** Written notice that the Respondent's behavior was in violation of this Policy and that future violations will result in more severe sanctions.
- **Restitution:** Reimbursement by the Respondent(s) to the TCC Institution, another TCC Institution, TCC, the Complainant(s), or a member of TCC's community to cover the cost of property damage or other loss.
- **Service Hours:** A set number of work hours the Respondent must complete. The Home Institution Title IX Coordinator(s) will determine the nature of the work to be performed. Generally, service hours are conducted within TCC.
- **Educational Program/Project:** Programs and activities designed to help the Respondent become more aware of the TCC Institution's policies and help the Respondent understand the inappropriateness of their behavior to avoid offense, including, but not limited to, participation in an educational program or completion of an online program.
- **Counseling and/or Coaching Sessions:** A set number of counseling and/or coaching sessions that the Respondent must complete, as well as completion of any assigned reflection essay or other assignment(s) within a specified time. The counselor, facilitator, and/or the Home Institution Title IX Coordinator(s) will review the required assignments for sufficiency.
- **Referral for Assessment:** A referral for an assessment with an appropriately trained therapist who will recommend a process for treatment. Reinstatement is contingent upon receipt of proof of completion of the recommended treatment.



- **Loss of Privileges:** Denial of specific privilege(s) for a defined period. Privileges include, but are not limited to, participation in extracurricular activities and events such as on-campus, or campus-sponsored or affiliated social events, intercollegiate athletics, intramural programs, student organizations, and student government, eligibility to apply for and gain on campus employment within TCC, as well as the privilege of living on campus, living in a specific residence hall, participation in commencement ceremonies, or having a vehicle on campus.
- **Restricted Access:** Conditions which specifically dictate and limit the Respondent's presence on campus and/or participation in TCC Institution-sponsored or affiliated activities and events. The restrictions will be clearly defined and may include, but are not limited to, presence in certain buildings or locations on campus, such as residential and dining halls, sports and recreation fields, buildings, courts, and classrooms. This also includes a No Contact Order, which prohibits communication, by any means, with the Complainant and/or any other specified TCC institutions. Restricted access may extend to exclusion from another TCC institution's campus, programs, activities, and events.
- **Removal of Offending Cause:** Requirement to remove the item that was the subject of the Complaint.
- **Relocation or Removal from Residence Halls:** Requirement that the Respondent relocate to another residence hall, or off-campus residence, by a specified date.
- **Conduct Probation:** Formal, written notice that the Respondent's behavior violates the TCC Institution's policies and an expectation that the Respondent exhibit good behavior for a defined period. Under the Respondent's Home Institution's policy regarding Conduct Probation, such probation may limit the Respondent's on-campus privileges. Any violation during the probationary period will result in increased sanctions, including academic suspension or expulsion. Notice of Conduct Probation is sent to the Respondent's academic advisor, as well as to the Respondent's parent(s)/guardian if the Respondent is a minor.
- **Employment Probation:** Formal, written notice that the employee's conduct violates the Institution's Policies and an expectation that the employee exhibits good behavior for a defined period. Any further violations during the probationary period will result in increased sanctions and may result in employment suspension without pay or termination of employment.

- **Suspension Up to One (1), Two (2), Three (3), Four (4), Five (5), Six (6), Seven (7), or Eight Semesters (8):** Separation from the Institution for one (1), two (2), three (3), four (4), five (5), six (6), seven (7), or eight (8) semesters. During the suspension period, the Respondent is not permitted on campus, is not permitted to participate in any Institution-sponsored or affiliated program or activity, or events, and is not allowed to enroll in any courses and earn any credits towards the Respondent's degree. The terms of the suspension may include the designation of special conditions affecting eligibility for re-enrollment or special conditions to be in effect upon re-enrollment, including a term of Conduct Probation. A term of suspension may also include the delayed conferral of a degree. Notice of the Respondent's suspension will be communicated to the Registrar and other appropriate administrator(s) at the other TCC Institutions to ensure compliance.
- **Employment Suspension without Pay (staff and faculty, including student-employees):** Separation of employment for a defined period without pay for the time of separation.
- **Employment Termination:** Permanent separation of the employees from their position. If the Respondent is a student, they may be permanently separated from their student-employee position. A staff member who is terminated from their employment is not permitted to participate in any TCC Institution-sponsored or affiliated program, activity, or event. A staff, faculty, or student-employee terminated from their TCC Institution employment is not eligible for rehire at that TCC Institution.
- **Expulsion:** Permanent separation from their Home Institution and ineligibility to apply for admission at any other Institutions in the TCC. A Respondent who has been expelled is not permitted on any TCC Institution property and is not allowed to participate in any TCC Institution-sponsored or affiliated program, activity, or event.

The Respondent's Home Institution will determine the degree and transcript status for expelled students.

- **Degree Non-Conferral, Delayed Degree Conferral, or Revocation of Degree:** At the discretion of the Respondent's Home Institution.

Appeal Rights and Process

A Complainant or Respondent who is not satisfied with the determinations made as to closure or dismissal of a Complaint, or the dismissal of any included allegations, under this Policy, and/or the Policy findings, or sanctions imposed after the hearing process, may submit an appeal (Appealing Party) to the TCC Title IX Administrator. The TCC Title IX Administrator, in consultation with the Parties' Home Institution's Title IX Coordinator(s), will identify an appropriately trained Appeal Decisionmaker to review and decide the appeal(s).

When the TCC Title IX Administrator identifies an Appeal Decisionmaker, they will provide written notice of the individual's identity to the Parties, along with information regarding the process to object to the designated Appeal Decisionmaker based on actual conflict of interest or bias under Section V.

Appeal Grounds

Each Party has a right to appeal:

- The dismissal of a Complaint or any included allegations.
- The Hearing Decisionmaker's Policy findings; and/or
- Any sanctions.

Appeals must be submitted in writing to the TCC Title IX Administrator within five (5) business days following the issuance of the Notice of the Hearing Outcome and Hearing Decision Report (Notice of Case Dismissal, or Remedies and Sanctions Determination for Complaints where the Respondent accepted responsibility). The appeal must be no longer than 10 (ten) pages and must specify which grounds the appeal is based upon and include any arguments the Party wishes to make in support of their appeal.

A Party may appeal based on one or more of the following grounds:¹²

- **Procedural Error:** There was a procedural error(s) that would change the outcome of the matter (i.e., failure to follow the process outlined in this Policy). The appealing party must describe in their appeal the procedural error and its impact on the decision outcome.
- **Conflict of Interest or Bias:** Any Party's Home Institution Title IX Coordinator, the TCC Title IX Administrator, Investigator(s), Hearing Decisionmaker, and/or Sanctions Decisionmaker (for cases where the Respondent has accepted responsibility) has a conflict of interest or bias for or against complainants or respondents generally or an individual Complainant or Respondent, that would change the decision outcome. The appealing party must describe in their appeal the alleged conflict of interest or bias held by the individual and how this impacted the decision outcome.
- **New Evidence:** There is new evidence or information that would change the decision outcome that was not reasonably available or known (and could not have reasonably been known) at the end. Information known to the party during the resolution process but not presented is not considered new evidence or information. The appealing party must describe in their appeal how the new evidence would change the decision outcome and why the new evidence was not reasonably available or reasonably known before the appeal.
- **Disproportionate Sanctions:** The sanctions are disproportionate to the conduct for which the Respondent accepted responsibility, or to the Hearing Decisionmaker's findings.

¹². As explained in Section XIV, for cases where the Respondent has accepted responsibility, a Party may only appeal on the grounds that the Sanctions Decisionmaker had a conflict of interest or bias, and/or that the sanctions are disproportionate to the Prohibited Conduct for which Respondent accepted responsibility.

The submission of an appeal pauses the implementation of any sanctions and any change in student or employee status during the pendency of the appeal(s). Supportive Measures remain available during the appeal process.

Designation of Appeal Decisionmaker

As noted above, the TCC Title IX Administrator will designate an appropriate Appeal Decisionmaker to conduct a prompt, thorough, and impartial review of the appeal(s). The Appeal Decisionmaker will not be the same person as the Investigator, Hearing Decisionmaker, Sanctions Decisionmaker, TCC Title IX Administrator, or any of the Parties' Home Institution's Title IX Coordinator(s).

The Appeal Decisionmaker will have had appropriate training as required by Title IX and California law, which includes but is not limited to training in the definitions of Prohibited Conduct, the scope of the TCC Institution's education programs and activities, the Investigation and Hearing Resolution process under this Policy, bias, the ABR Process, and the appeal process.

Appeal Response by Non-Appealing Party

The TCC Title IX Administrator will send a written notice of the appeal to the Non-Appealing Party or Parties and provide them with a copy of the appeal. A non-appellate party or Parties may issue a response to the appeal. Any Party's decision not to submit a response to an appeal is not evidence that the Non-Appealing Party agreed with the appeal. The appeal response is limited to ten (10) pages, including attachments, and may address only the issues raised in the appeal. The Non-Appealing Party will have five (5) business days to submit its appeal response after receiving the notice of the appeal. Any response to the appeal must be sent to the TCC Title IX Administrator, who will respond to the Appeal Decisionmaker. Requests to submit an appeal response exceeding ten (10) pages must be sent to the TCC Title IX Administrator, accompanied by an explanation for the need for additional pages.

Appeal Clarification

Suppose the Appeal Decisionmaker needs clarification on any point raised in the appeal. In that case, they may make a written request for clarification from the Appealing Party through the TCC Title IX Administrator. The Appealing Party may respond in writing. The TCC Title IX Administrator will transmit a written response to the Appeal Decisionmaker. The Appeal Decisionmaker may not communicate directly with the Parties. The TCC Title IX Administrator will provide copies of any written communications to the Non-Appealing Party and to the Parties' Home Institution Title IX Coordinator(s).

Appeal Record

The review of an appeal will not involve any additional investigation by the Appeal Decisionmaker. The review will be based upon evidence gathered during the investigation process and presented at the hearing, including access to the hearing recording, as well as the arguments made during the appeal process. The

Appeal Decisionmaker will not consider new evidence to uphold, overturn, or modify the findings. Appeals submitted under the grounds of new evidence will be regarded only to determine whether the new evidence could likely change the determination of responsibility.

Appeal Decision Report

The Appeal Decisionmaker will issue an Appeal Decision Report, which summarizes their decision regarding the appeal. The Appeal Decision Report will include a description of the ground(s) for the appeal, a summary of the issues raised on appeal, a statement regarding the evidence considered, a statement describing how the decision was based on the preponderance of the evidence standard, and a determination regarding the appeal.

The Appeal Decisionmaker may decide to do the following:

- Uphold the findings and sanctions.
- Overturn the findings and/or sanctions.
- Modify the findings and/or sanctions; or
- Remand the case to the Investigator for additional fact-gathering, or for a new hearing based on new evidence which could change the outcome; or
- If the Appeal Decisionmaker finds that The Title IX Coordinator, TCC Title IX Administrator, Investigator(s), and/or Hearing Decisionmaker had an actual conflict of interest or bias that changed the decision outcome, the Appeal Decisionmaker may, as appropriate, remand the case for a new hearing with a new Hearing Decisionmaker, or remand the case for a new investigation with a new investigator.

Notice of the Appeal Decision

The TCC Title IX Administrator will send the Notice of the Appeal Decision to the Parties within ten (10) business days of the submission of an appeal response from the Non-Appealing Party (or the deadline for the Non-Appealing Party to submit a response). The Notice of the Appeal Decision will include a copy of the written Appeal Decision Report. The notice will inform the Parties that there is no further review of the matter, no further proper appeal, and if applicable, that the matter is closed.

The determination regarding responsibility and sanctioning becomes final on the date of the Appeal Decision Report, unless the Appeal Decision Report indicates that further investigation, a new or additional hearing, or investigation is necessary based on new evidence, an actual conflict of interest, or bias.

Final Remedies and Sanctioning Determination

After the issuance of the final decision (the Notice of Hearing Outcome and Hearing Decision Report if there is no appeal, or the Notice of Appeal Decision), the TCC Title IX Administrator will send a Notice of Final Outcome and Sanctions to the Parties, with a copy to designated Student Affairs, faculty, or Human Resources administrator(s) within the Respondent's Home Institution, as appropriate. The designated administrator will review the issued remedies and sanctions and determine if any enhancements are warranted based on a Respondent's disciplinary history. Recommendations for improvements based on a prior disciplinary history are not shared with the other Party.

For student Respondents, the respondent's home institution's Title IX Coordinator is responsible for ensuring completion of the sanction(s), which may include collaboration with the appropriate Student Affairs administrator(s), as necessary.

For employee Respondents, the respondent's home institution's designated Human Resource professional or other designated administrator is responsible for ensuring completion of the discipline or sanction(s). The Human Resource professional or other designated administrator shall update the Respondent's Home Institution Title IX Coordinator on sanction completion and/or compliance.

Failure to Complete or Comply with Imposed Sanctions

All Respondents are expected to comply with conduct sanctions, responsive actions, or corrective actions within the timeframe specified in the Parties' Notice of Remedies and Sanctions Determination. Respondents who need an extension to comply with their sanctions must submit a written request to their Home Institution Title IX Coordinator stating the reason(s) for needing additional time.

At the discretion of the Respondent's Home Institution, failure to follow through on conduct sanctions, responsive actions, or corrective actions by the date specified, whether by refusal, neglect, or any other reason, may result in additional sanctions, responsive actions, such as suspension, expulsion, termination, or transcript notations. Respondent students who fail to comply may be referred to their home institution's Student Conduct office, and employees who fail to comply may be referred to their Human Resources office. A student or employee Respondent who withdraws or leaves their employment before the sanction is completed may receive a notation on their transcript or employee record, respectively.

Recordkeeping

Records of all reports and resolutions will be kept by the Home Institution's Title IX Coordinator(s) for seven (7) years. All documents will be afforded by law, including, but not limited to, the Family Educational Rights and Privacy Act (FERPA), which governs the confidentiality of student information. This means that the TCC Institutions will protect the Party's privacy consistently with this Policy but may disclose information to those who have a legitimate need to know and to process Complaints under this Policy. Documents related to this process include: Complaints, Supportive Measures provided to the Parties, remedies provided to the Complainant, any Agreement-Based Resolution Process documents, if applicable, the Final Investigation Report and attachments, the hearing record, including any audio recording or transcript of the hearing, the Hearing Decision Report, and any sanctioning determination and appeal-related documents, if applicable.

Each Home Institution Title IX Coordinator will also retain, for seven (7) years, all materials used to train their TCC Institution's Title IX administration, including Title IX Coordinators, Deputy Title IX Coordinators, Hearing Coordinators, Investigators, Decision-makers, and any person(s) facilitating the Agreement-Based Resolution process.

Crime and Incident Disclosure Obligations

The Clery Act is a federal law that requires the disclosure of crime and incident statistics. Pursuant to the Clery Act, each TCC Institution is required to include statistics about certain offenses, including some of the Prohibited Conduct in this Policy (Sexual Assault as defined by Title IX, Dating Violence, Domestic Violence, and Stalking), that occur in particular campus-related locations, in its annual security report (ASR) and provide those statistics to the United States Department of Education in a manner that does not include any personally identifying information about individuals involved in an incident. The Clery Act also requires the TCC Institution to issue timely warnings to the TCC Institution's community about certain crimes that have been reported, and which may continue to pose a serious or continuing threat to campus safety. Consistent with the Clery Act, the TCC Institution withholds the names and other personally identifying information of Complainant(s) when issuing timely warnings to the TCC Institution's community.

As a condition of participation in Cal Grants, the TCC Institutions state the following under section 67380 of the California Education Code:

The TCC Institutions require any report made by a victim or an employee under Section 67383 of a Part 1 violent crime, sexual assault, or hate crime, as described in Section 422.55 of the Penal Code, received by a campus security authority and made by the victim for purposes of notifying the TCC Institution or law enforcement, to be immediately, or as soon as practicably possible, disclosed to the local law enforcement agency with which the TCC Institution has a written agreement under Section 67381 without identifying the victim, unless the victim consents to being identified after the victim has been informed of the victim's right to have the victim's personally identifying information withheld. Suppose the victim does not consent to being identified. In that case, the alleged assailant shall not be identified in the information disclosed to the local law enforcement agency, unless the TCC Institution determines both of the following, in which case the TCC Institution shall disclose the identity of the alleged assailant to the local law enforcement agency and shall immediately inform the victim of that disclosure:

- (i) The alleged assailant represents a serious or ongoing threat to the safety of students, employees, or the TCC Institution.
- (ii) The immediate assistance of the local law enforcement agency is necessary to contact or detain the assailant.

Policy Review and Revision

This Policy, effective August 1, 2024, supersedes previous policies addressing Title IX Sexual Harassment and Retaliation, and is maintained by The Claremont Colleges Services (TCCS), and will be reviewed and updated regularly in a manner consistent with changes in federal and state law, regulations, and best practices that may require policy or procedural revisions.

Non-Discrimination Application and Additional Enforcement Information

The requirements and protections of this Policy apply equally to all individuals, regardless of sex, sexual orientation, gender identity, gender expression, or other protected classes covered by federal or state law. All requirements and protections are provided to individuals regardless of their status as a Complainant, Respondent, or witness.

Individuals who wish to file a Complaint about this Policy or process may contact the Department of Education's Office for Civil Rights using the contact information available at <https://ocrcas.ed.gov/contact-ocr>.

Questions about Title IX may refer to the individual's Home Institution Title IX Coordinator or the Assistant Secretary for Civil Rights:

Office for Civil Rights, San Francisco Office, U.S. Department of Education

50 United Nations Plaza, San Francisco, CA 94102

Telephone: 415.486.5555

Facsimile: 415.486.5570

Email: OCR.SanFrancisco@ed.gov

TCC Institutions whose employees are covered by this Policy are not required to report concerns directly to their immediate supervisors at their TCC Institution. Concerns about violations of this Policy may be reported to the U.S. Equal Employment Opportunity Commission (EEOC) and California Civil Rights Division (CCRD). Each investigator reports unlawful harassment, discrimination, and retaliation, including sex-based harassment, in employment.

U.S. Equal Employment Opportunity Commission (EEOC) Roybal Federal Building

255 East Temple St., 4th Floor, Los Angeles, CA 90012

213.785.3090

<https://www.eeoc.gov/contact-eeoc>

California Civil Rights Department (formerly DFEH)

320 West 4th Street, Suite 1000, 10th Floor, Los Angeles, CA 90013

Monday to Friday: 8am to 5pm

800.884.1684

<https://civildrights.ca.gov/>

Important Definitions

Advisor of Choice: An Advisor of Choice (Advisor) is an individual who guides the Complainant or Respondent throughout the Resolution Process, including any Agreement-Based Resolution Process, if applicable, as outlined in this Policy. Each Party is entitled to choose and consult with an Advisor, at their own expense, through any stage of the Resolution Process (including the Agreement-Based Resolution Process, when applicable). Parties may be accompanied by an Advisor to any meeting or proceeding to which they are required or are eligible to attend. A Party can select an Advisor at any time in the process. An Advisor can be any person, including a friend, colleague, or, but is not required to be, an attorney. Generally, it is not recommended that the selected Advisor be a Party or a witness in the same matter.

A Party does not have to have an Advisor during the Resolution Process.

The Advisor's role is limited. An Advisor may never speak or write on behalf of a Party or otherwise disrupt any meetings or hearings in any manner. Any restrictions on Advisor participation will be applied equally.

A Party's Advisor is expected to have reviewed this Policy to understand their role and expectations under this Policy before providing support to the Party. The Party's Home Institution's Title IX Coordinator and/or the TCC Title IX Administrator may require the Advisor to meet with the Party's Home Institution's Title IX Coordinator and/or the TCC Title IX Administrator to ensure the Advisor understands their role and the expectations under this Policy before their involvement in any process under this Policy. A Party and its Advisor are encouraged to contact the Party's Home Institution's Title IX Coordinator with any questions regarding this Policy and its Resolution Process and procedures.

TCC reserves the right to exclude an Advisor who does not abide by these procedures and expectations outlined in this Policy.

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

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

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

- The Complainant was asleep or unconscious.
- The Complainant was incapacitated, as defined below, due to the influence of drugs, alcohol, or medication, so that the Complainant could not understand the fact, nature, or extent of the sexual activity.

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

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

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

Affirmative Consent cannot be given if any of the following are present: Incapacitation, Force, or Coercion.

Consent may not be given by an individual who has not reached the legal age of consent under applicable law, which is 18 in California.

Complainant: A Complainant is any individual, including a TCC Institution student or employee (including applicants for employment, student-employees, unpaid interns, volunteers, contractors), or participant who has reported being, or is alleged to be, impacted by Prohibited Conduct as defined by this Policy, and who was employed, or participating or attempting to participate in a program or activity offered by a TCC Institution at the time of the alleged misconduct. This Policy only applies to employees of TCC Institutions as set forth above.

Complaint: A Complaint means an oral or written request to the Complainant's Home Institution's Title IX Coordinator that objectively can be understood as a request for the TCC Institution to investigate and decide about alleged Prohibited Conduct under this Policy. A Complaint may be filed with the Complainant's Home Institution's Title IX Coordinator in person, by mail, by phone, by electronic means (email or by submitting an online report form via the Home Institution's Title IX Office website, if applicable), by using the contact information listed in Section II.A, or as otherwise described in this Policy. (Individuals who would like more information about making a Complaint are encouraged to contact their Home Institution's Title IX Coordinator for additional information.)

A Complaint is not required to engage in the Agreement-Based Resolution process as explained in Section XIII.B.

Education Program or Activity: For purposes of this Policy, "Education Program or Activity" refers to all the operations of each TCC Institution, including, but not limited to, in-person and online educational instruction, employment, research activities, extracurricular activities, athletics, residence life, dining services, performances, and community engagement and outreach programs. The term applies to all activity that occurs on campus or on other property owned or occupied by a TCC Institution. It also includes off-campus locations, events, or circumstances over which a TCC Institution exercises substantial control over the Respondent and the context in which the Prohibited Conduct occurs, including Prohibited Conduct occurring in any building owned or controlled by a student organization that a TCC Institution officially recognizes. It also includes conduct subject to the Respondent's Home Institution's disciplinary authority that occurs off-campus and conduct that takes place via TCC Institution-sponsored electronic devices, computers, and internet networks and digital platforms operated by, or used in the operations of, the TCC Institution or TCC. Conduct that occurs outside of the education program or activity may contribute to a hostile environment within the program or activity and may be covered by this Policy.

Conduct that this Policy does not cover may still be addressed through other policies and processes, such as those under a TCC Institution's student codes of conduct, civil rights policies, discrimination and harassment policies, and/or any other applicable policy adopted by a TCC Institution.

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

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

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

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

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

Reporting Party: An individual who makes a report of alleged Prohibited Conduct, as defined by this Policy. This can be any person, including an individual unassociated with TCC. A Reporting Party is not considered a Complainant for purposes of the Resolution Process under this Policy.

Respondent: A Respondent is an individual who is subject to a TCC Institution's disciplinary authority, and who has been reported to have engaged in conduct that could constitute Prohibited Conduct, as defined by this Policy. In some situations, an individual does not need to be enrolled or employed by TCC to qualify as a Respondent under this Policy and may be a third-party participant against whom a TCC Institution can take corrective action. This Policy only applies to employees of TCC Institutions as set forth above.

Responsible Employee: A Responsible Employee is designated by each TCC Institution. Please refer to your Home Institution for their Responsible Employee Policy definition of this term.

Supportive Measures: Individualized measures offered as appropriate, as reasonably available, without unreasonably burdening a Complainant or Respondent, not for punitive or disciplinary reasons, and without fee or charge to the Complainant or Respondent to:

- Restore or preserve that Party's access to any TCC Institution education program or activity, including measures that are designed to protect the safety of the Parties or the TCC Institution educational or working environment; or.
- Provide support during the TCC Resolution Process, including during an Agreement-Based Resolution process.

The range of Supportive Measures available is listed in Section VI of this Policy.

Support Person: A Support Person is an individual who provides emotional support to a Complainant or Respondent throughout the Resolution Process, including any Agreement-Based Resolution Process, if applicable, as outlined in this Policy. Each Party is entitled to one Support Person to support them through every stage of the Resolution Process (including the Agreement-Based Resolution Process. A Party's Support Person may not be acting as an attorney, nor may they be another Party or witness in the same matter.

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

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

Policy and Annual Notification

In compliance with the Drug-Free Workplace and Drug-Free Schools and Campuses Regulations of the Drug-Free Schools and Communities Act (DFSCA), KGI electronically provides each employee with a copy of the Employee Handbook. Moreover, each student can access an online copy of the Student Handbook. All Handbooks contain full descriptions of the Alcohol and Other Drug Policy on campus. Hard copies of the Handbooks and policy are available upon request. The institution's Drug-Free Workplace Policy outlines the standards of conduct expected of employees and students on campus or as part of any of its activities.

Drug, Alcohol, and Substance Abuse Policy Statements

KGI Student Drug-Free Campus Policy

Purpose and Scope of Policy

KGI is committed to providing a safe, healthy, productive learning environment. Consistent with this commitment and its obligations under applicable law, KGI has adopted this policy.

Prohibitions

KGI prohibits the unlawful manufacture, possession, distribution, dispensation, sale, transportation, offer to sell, promotion, purchase, and/or use of drugs (including marijuana) and alcohol on KGI-owned or controlled property ("KGI property"); at KGI-sponsored/sanctioned activities and events; and while conducting or performing KGI-related business, regardless of location.

Additionally, any types of drug paraphernalia, including but not limited to bongs, pipes, hookahs, water pipes, or any items modified or adapted so that they can be used to consume drugs, are not permitted on KGI property. Any such drug paraphernalia found on KGI property will be confiscated.

Students shall not report for class, lab, clinic, or experiential sites under the influence of any drug, alcohol, or substance that will impair their performance, alertness, coordination, or response or affect the safety of others.

Nothing in this policy, however, is meant to prohibit the appropriate use of over-the-counter medication or other medication that can legally be prescribed under federal and state law to the extent that such use does not impair one's performance or affect the safety of others.

KGI does not permit the use of marijuana for any purpose on KGI property, even if the use meets the qualifications of the California Compassionate Use Act, Proposition 215. Therefore, even students who qualify under Proposition 215 to use marijuana for medical purposes are not permitted to possess, store, provide, or use the marijuana on KGI-owned or controlled property (including but not limited to residence halls, academic buildings, athletic facilities, and parking lots) or during KGI-sanctioned activities or events, regardless of the location.

This policy does not prohibit the responsible consumption of alcohol by students over 21 at KGI-sponsored/sanctioned activities and events where alcohol is served, or at social, business, or professional events that KGI students attend in their capacity as such or to perform work for KGI. The consumption of alcohol by students at KGI-sponsored/sanctioned activities or events is governed by KGI's Policy on Student Use of Alcoholic Beverages On and Off-Campus.

The consumption of alcohol by KGI students under twenty-one (21) years old on KGI's campus or at KGI-sponsored/sanctioned activities or events is strictly prohibited.

California and Local Alcohol & Drug Laws

Each member of the KGI community is personally responsible for compliance with the applicable provisions of the law of the State of California. The following codes are provided for your information:

Simple possession of marijuana

California law sets forth the rules for personal possession of marijuana (Health and Safety Code 11357). Possession for personal use of not more than 28.5 grams (a bit more than an ounce) of marijuana is legal in California as of November 9, 2016, for people age 21 and older, as is possession of up to 4 grams of concentrated cannabis (hashish). The following, however, are crimes (either misdemeanors or infractions):

- Possession of marijuana by anyone under 21
- Possession of more than 28.5 grams of marijuana or more than 4 grams of concentrated cannabis
- Possession of marijuana or concentrated cannabis on the grounds of any K-12 school while school is in session

Complete California laws on marijuana possession, cultivation, sale, and transportation; possession of and possession for sale of controlled substances; and possession with intent to manufacture may be found at: <https://www.leginfo.ca.gov>.

Possession by a Person(s) Under 21 Years of Age

Any person under the age of 21 years who has any alcoholic beverage in their possession on any street or highway or in any public place open to the public is guilty of a misdemeanor (PC.25662). In 1988, California amended Bus. & Prof. Code 25662. The amendment states that peace officers who lawfully enter premises may confiscate alcoholic beverages in plain view and possessed by or provided to underage persons at social gatherings. The gatherings must be open to the public, have ten or more underage persons in attendance, and have those under 21 consuming alcoholic beverages. There must be no supervision by the parent or guardian of one or more participants. Alcoholic beverages in open containers that are confiscated may be destroyed. At the same time, those in unopened containers shall be impounded for no more than seven working days, after which they too may be destroyed. Unopened containers may be released within seven days to the owner or resident of the property, provided they are 21 years of age. (Bus. & Prof. Code 25662(b))

Sales, Furnishing Alcohol to a Minor

Every person who sells, furnishes, gives, or causes to be sold, furnished, or given away any alcoholic beverage to any person under 21 years is guilty of a misdemeanor (B & PC. 25658). Any person under the age of 21 years who purchases any alcoholic beverage or any person under the age of 21 years who consumes any alcoholic beverage in any on-sale premises is guilty of a misdemeanor and shall be punished by a fine of not less than one hundred dollars (\$100), no part of which shall be suspended. The penalty is more severe under the Penal Code Section 272, which states if any person provides an alcoholic beverage to a minor person under 18, he/she will be contributing to the delinquency of a minor, which is also a misdemeanor. The maximum penalty for violating this code section is one year in the County Jail for each count and/or \$1,000 fine for each count. It should be pointed out that each minor so provided with an alcoholic beverage is a separate count and may be charged by the District Attorney (PC. 272).

Financial Aid

A student will be ineligible for financial aid (e.g., federal grants, loans, work-study, fellowships, and/or scholarships) if the student is convicted of an offense under federal or state law involving possession or sale of a controlled substance, provided the conduct occurred while the student was enrolled and receiving financial aid. Ineligibility will run from the date of conviction for the following periods:

- For possession of illegal drugs: a first offense carries a one-year disqualification, a second offense carries a two-year disqualification, and a third offense makes the student ineligible indefinitely.
- For sale of illegal drugs: a first offense carries a two-year disqualification, and a second offense makes the student ineligible indefinitely.

A student can regain eligibility by completing an approved drug rehabilitation program.

Licensure

A federal or state drug conviction can also disqualify a student from obtaining an intern or pharmacist license. A student's inability to get an intern license will result in termination from the PharmD program. This does not apply to Genetics students.

Available Resources, Education, and Assistance concerning Substance Abuse

KGI is committed to education and counseling as the primary focus of its substance abuse program and will provide confidential, professional assistance for any students who want it. Students are urged to seek information and help regarding substance abuse for themselves or their friends.

Referrals are available at:

KGI Division of Student Affairs

517 Watson Drive, Claremont, CA 91711 (By the Chan Family Café)

To protect students' privacy, information regarding a student during participation in any related program will be treated with care. The KGI President's Cabinet approved this on September 9, 2014.

Alcohol Policy

Purpose and Scope

This policy governs the use and consumption of alcohol purchased with institutional funds by both faculty/staff and students at Keck Graduate Institute ("KGI").

Policy

Alcohol Use & Reimbursement Policy (Faculty/Staff)

- **Scope:** This policy applies to KGI employees, including student workers. It should be read in conjunction with KGI's Drug-free Campus and Workplace Policy (Policy 140).
- **Reimbursement Criteria:** KGI will reimburse employees for alcoholic beverages purchased for legitimate business development purposes. This includes activities such as seeking new business opportunities, building and sustaining connections with donors or corporate partners, or other events that support KGI's initiatives. Routine meeting meals, training, or professional development is not considered business development.

- **Approval:** Reimbursement for alcohol requires prior approval from the employee's cabinet-level supervisor. Routine meeting meals, training, or professional development activities are not eligible for reimbursement.
- **Responsibility:** Employees must consume alcohol responsibly at business trips or university-related events, following guidelines outlined in KGI's Drug-free Campus and Workplace Policy (Policy 140) and KGI's Use of Alcohol Beverages at KGI-Sponsored Events. KGI assumes no responsibility for the actions of individuals who consume alcohol at KGI-related events. Any incidents involving alcohol that result in harm, legal violations, or damage to property may be subject to disciplinary action and/or legal consequences.
- **Limitations:** Reimbursable amounts must be reasonable, not lavish or extravagant. Under most circumstances, reimbursable drinks in the course of a restaurant meal should be limited to one per person.
- **Restrictions:** Alcohol purchased for consumption at "Bring Your Own Bottle" (BYOB) events is not reimbursable. Sponsored or donated alcohol must be approved by the cabinet. Alcohol charges cannot be billed to sponsoring grants and contracts.

Student Use of Alcoholic Beverages Policy

- **Scope:** This policy applies to KGI students and should be read alongside KGI's Drug-free Campus Policy (Policy 340).
- **Approval Requirement:** No student under 21 may possess or consume alcohol on KGI property or at KGI-sponsored off-campus activities. Alcohol may only be served to individuals 21 years or older who can provide valid proof of age. Events where alcohol is served must be approved in advance by the Division of Student Affairs. These events require the submission of an "Event with Alcohol Request Form" at least two weeks before the event. Off-campus events must be held at licensed and insured establishments and registered through the Division of Student Affairs.
- **Responsibility:** Intoxication on campus or during program activities is strictly prohibited. KGI assumes no responsibility for the actions of individuals who consume alcohol at KGI-related events. Students are personally responsible for their conduct and any consequences resulting from alcohol consumption. Violations will be subject to disciplinary action under KGI's Honor Code and Student Clinical Code of Conduct.
- **Student Organizations:** Official student organizations must adhere to this policy. Violations may result in suspension or revocation of organizational recognition.
- **Safety Measures:** Designated drivers and transportation options must be arranged for events where alcohol is served. Support is available for students facing alcohol-related difficulties.

Oasis KGI Commons Alcohol/Drug Policy

Alcohol

- The intent of this policy is neither to encourage nor to endorse the use of alcoholic beverages but to describe the permitted and prohibited use of alcoholic beverages in the Oasis KGI Commons. The University is committed to maintaining an environment for its students that promotes the responsible use of alcoholic drinks and fully complies with federal and state laws. Students, employees, or visitors who violate laws or University policies concerning alcoholic beverages shall be subject to criminal prosecution and/or institutional sanctions.
- Possession of bulk alcoholic beverages, that is, amounts for storage or use that is excessive under the circumstances for personal use, is prohibited. Devices used or intended for the rapid consumption of alcoholic beverages are not permitted. Kegs, cases of beer, and other drinks with an equivalent amount of alcoholic content in any form of container are considered bulk alcohol.
- Violating any other regulation while under the influence of alcohol is considered an additional infraction of Housing Services Regulations.
- Inability to exercise care for one's safety, the safety of others, or the safety of property owned by the university or residents due in whole or in part to being under the influence of alcohol is considered an infraction of the Oasis license agreement.
- Selling, or causing to be sold, any alcoholic beverage to any other person is prohibited.
- Residents are not permitted to provide any alcoholic beverage to anyone under the age of 21 years old, including guests and visitors.

Drugs and Drug Paraphernalia

- Unlawful manufacture, distribution, dispensing, possession, use, or sale of, or the attempted manufacture, distribution, dispensing, or sale of controlled substances identified in federal or state law or regulations is prohibited.
- Possession or use of drug-related paraphernalia is prohibited, which includes medical marijuana.
- Violating any other regulation while under the influence of a controlled substance is considered an additional infraction of the Oasis license agreement.
- Inability to exercise care for one's safety, the safety of others, or the safety of property owned by the university or residents due in whole or in part to being under the influence of a controlled substance is considered an infraction of the Oasis license agreement.

Drug-Free Workplace Policy – Faculty & Staff

Purpose and scope of the policy

Federal regulations require that, as a condition of receiving funds or any other form of financial assistance under any federal program, an institution of higher education 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.

Keck Graduate Institute (“KGI” or “Institute”) is committed to providing a safe, healthy, and productive work environment. Consistent with this commitment and its obligations under applicable law, this policy establishes the Institute’s intent to maintain a drug and alcohol-free work environment. All employees of KGI, including faculty, staff, and student employees/workers, must comply with this policy as a condition of employment. Persons who are not employees of the Institute but who attend or perform work at the Institute for its benefit (such as students, contractors, and their employees, temporary workers provided by agencies, visitors engaged in joint projects, volunteers, etc.) are also required to comply with this policy.

Prohibitions

KGI prohibits the unlawful manufacture, possession, distribution, dispensation, sale, transportation, offer to sell, promotion, purchase, and/or use of drugs (including marijuana¹³ or alcohol on KGI-owned or controlled property at KGI-sponsored/sanctioned activities and events; while conducting or performing KGI-related business, regardless of location. In addition, employees shall not report for work or work under the influence of any drug, alcohol, or other substance that will impair work performance, alertness, coordination, or response or affect the safety of others.

¹³. KGI does not permit the use of marijuana for any purpose on Institute property even if the use is otherwise permissible under the California Compassionate Use Act, Proposition 215, or the Adult Use of Marijuana Act, Proposition 64. Therefore, even employees and/ or students who qualify under California law to use marijuana for medical or recreational purposes are not permitted to possess, store, provide, use, or consume marijuana on KGI-owned or controlled property (including but not limited to Graduate housing, academic buildings, laboratories, and parking lots), or during KGI-sanctioned activities or events regardless of the location.

Nothing in this policy is meant to prohibit the appropriate use of over-the-counter or other medication that can legally be prescribed under federal and state law, to the extent that it does not impair an employee's job performance or safety or the safety of others.

Employees who take over-the-counter medication or other medication that can legally be prescribed under both federal and state law to treat a disability should inform their supervisors and/or the Human Resources Department if they believe the medication will impair their job performance, safety or the safety of others or if they think they need a reasonable accommodation before reporting to work while under the influence of that medication.

Nor does this policy prohibit using or consuming alcohol at KGI-sponsored activities or events where alcohol is served or at social, business, or professional events attended by KGI employees while performing work for or in their capacity as KGI employees. However, employees who choose to consume alcohol at such events must do so responsibly; they must always conduct themselves appropriately and professionally, and they must abide by all state and federal laws related to alcoholic beverages, including laws that prohibit the operation of vehicles while under the influence.

Alcohol and event planning guidelines

Where alcohol is to be served at an Institute function, the department or group hosting the event ensures that it is offered safely and legally.

- An individual or group sponsoring an event where alcoholic beverages are made available must adhere to applicable laws (e.g., securing a license to sell and/or serve) and Institute regulations. The sponsor will be held responsible for any abuses arising from the use of alcoholic beverages by servers and/or consumers.
- Ample non-alcoholic beverages and food must be provided at events where alcohol is served.
- Any individual or group intending to serve alcoholic beverages must register the event with the appropriate office or department and follow the rules set by that office or department.
- Questions about student events should be directed to Student_Affairs@kgi.edu.

Violations of the Drug-Free Workplace Policy and Employment

Violations of this policy will result in disciplinary action per Institute policies and procedures covering the conduct of faculty and staff, up to and including dismissal (consistent with the local, state, and federal laws described below). As a condition of employment, all employees must abide by the terms of this policy. Student violations of the Alcohol and Other Drugs Policies of the Institute will be handled per the Student Code of Conduct Rules and Regulations.

Reporting obligations

Per the Drug-Free Workplace Act of 1988, any employee who is convicted (including a plea of nolo contendere [no contest]) of a criminal drug statute violation occurring in the workplace

must, within five (5) days after the conviction, notify KGI of such conviction by informing the AVP & Chief Human Resources Officer, Provost & VP of Academic Affairs or President. If required, appropriate government agencies will be notified within ten (10) days after KGI has been informed of such a conviction.

Health risks associated with the abuse of alcohol and other drugs

The consumption of drugs and alcohol can have significant adverse effects on health.

Alcohol consumption causes several marked changes in behavior. Even low doses significantly impair the judgment and coordination required to drive a car safely, increasing the likelihood that the driver will be involved in an accident.

High doses of alcohol may cause respiratory depression and death. Repeated use of alcohol can lead to dependence and cause severe damage to the nervous and circulatory systems, mental disorders, and other health problems.

Drugs and alcohol are chemicals, and any chemical is potentially harmful. Drugs, by their very nature, cause reactions in the body. Possible effects from non-therapeutic drug use include convulsions, memory loss, psychosis, anxiety, delusions, hallucinations, and even death.

All drugs are toxic and poisonous when abused. Health risks of drug abuse include, but are not limited to, sleep disorders, confusion, hallucinations, paranoia, depression, malnutrition, liver and kidney damage, cardiac irregularities, hepatitis, and neurological damage. HIV infection associated with intravenous drug use is a prevalent hazard.

Drug use during pregnancy may result in fetal damage and birth defects, causing hyperactivity, neurological abnormalities, and developmental difficulties. Consumption of alcohol by women during pregnancy may lead to fetal alcohol syndrome.

Local, state, and federal legal sanctions

Local, state, and federal laws establish severe penalties for unlawful possession or distribution of illegal drugs and alcohol. These sanctions, upon conviction, may range from a fine to life imprisonment. In the case of possession and distribution of illicit drugs, these sanctions could include seizure and summary forfeiture of property, including vehicles. It is essential to know that federal penalties for illegally distributing drugs include life imprisonment and fines of over \$1,000,000.

The following is a summary of some of the state and federal criminal sanctions that may be imposed upon someone who violates the alcohol and other drug policy at KGI or elsewhere in California.

- A violation of California law for the unlawful sale of alcohol may include imprisonment in the county jail for six months, plus fines and penalties.
- A violation of California law for the possession, use, and sale of narcotics, marijuana, and other illicit drugs includes imprisonment in the county jail or state prison for one to nine years, plus fines up to \$100,000 for each count.
- A violation of California law for the possession, use, and sale of narcotics, marijuana, and other illicit drugs includes imprisonment in the county jail or state prison for one to nine years, plus fines up to \$100,000 for each count.
- A violation of federal law for the possession, use, and sale of narcotics, marijuana, and other illicit drugs may include imprisonment in the federal l prison for one to fifteen years plus substantial financial penalties.
- A violation of the law involving an individual being under the influence of a combination of alcohol and other drugs (itself potentially deadly), may increase criminal sanctions and penalties.

Available resources, education, and assistance

KGI recognizes drug and alcohol abuse as treatable conditions. Employees concerned about problems related to substance use, abuse, and rehabilitation should be aware that programs are available through the health insurance plans and the Employee Assistance Program (EAP) of Claremont Colleges.

- Of note is the EAP, which provides counseling and other services for qualified employees with substance abuse and other personal or emotional problems. Under federal and state laws, the EAP will treat information obtained regarding an employee during participation in such programs or services as confidential. The Institute will not use an employee's voluntary participation in an EAP program as a basis for corrective action. An employee may also request a leave of absence to obtain treatment for substance abuse, with documentation from a licensed healthcare provider, provided that such treatment is required and undertaken. The granting and returning from medical leaves are subject to applicable KGI personnel policies.
- The Human Resources Department can also provide referral services for confidential, professional counseling, providing a constructive way for employees to deal with drug or alcohol-related and other problems voluntarily. Employees who are also students should seek assistance for similar issues through the Dean of Students' office in the Division of Student Affairs.

Accountability

The success of this policy will depend on the thoughtfulness, consideration, and cooperation of all members of the KGI community. All students, faculty, and staff are responsible for adhering to and enforcing this policy. Students, faculty, or staff refusing to comply with this policy may result in appropriate disciplinary action. Disciplinary action may include termination from employment and referral for prosecution of the most severe violations of law and this policy. For example, an employee found to be selling illegal drugs will be subject to discipline up to and including discharge from employment. Disciplinary action may be invoked entirely apart from any civil or criminal penalties that may apply to the employee or organization.

No-Smoking & Vaping Policy

Smoking and vaping are prohibited in all administrative and academic buildings. The Institute also prohibits the use of E-cigarettes and other electronic nicotine delivery systems, as well as vapor-emitting devices, with or without nicotine content, that mimic the use of tobacco products, inside campus buildings. This policy has been created in recognition of the harmful effects of smoking, including “secondhand” smoke, and by applicable state and local law.

Hazing Policy

Purpose

Keck Graduate Institute (KGI) is committed to providing a safe, inclusive, and respectful learning environment for all students, faculty, staff, and affiliated community members. Hazing, in any form, is inconsistent with KGI’s mission and values and is strictly prohibited. This policy complies with the **Stop Campus Hazing Act (SCHA)** and reflects best practices in hazing prevention, intervention, transparency, and education. Hazing is a criminal offense under **California Penal Code § 245.6**.

Definition of Hazing

Hazing is any method of initiation or pre-initiation into a student organization, group, or body (whether officially recognized by KGI or not) that is likely to cause **serious bodily injury** to any current, prospective, or former student or causes or creates more than a reasonable risk of physical or psychological injury.

Serious bodily injury includes conduct that leads to loss of consciousness, concussion, bone fracture, protracted loss or impairment of any bodily function, wounds requiring extensive suturing, serious disfigurement.

Note: The fact that a person consented to hazing is not a defense under California law. For more information on hazing, see SCHA and California Penal Code § 245.6.

The Stop Campus Hazing Act (SCHA) defines hazing as:

Any intentional, knowing, or reckless act committed by a person (whether individually or in concert with other persons) against another person or persons regardless of the willingness of such other person or persons to participate, that:

- Is committed in the course of an initiation into, an affiliation with, or the maintenance of membership in, a student organization; and
- Causes or creates a risk, above the reasonable risk encountered in the course of participation in the institution of higher education or the organization (such as the physical preparation necessary for participation in an athletic team), of physical or psychological injury.

Prohibited Conduct

The following activities are strictly prohibited and considered violations of KGI's Hazing Policy, whether conducted on or off campus:

- Physical assaults such as paddling, whipping, or beating
- Forced consumption of alcohol, drugs, or substances
- Acts of humiliation, intimidation, or degradation
- Deprivation of sleep, food, or hygiene
- Forced physical activity beyond what is normal for a person's health
- Any activity that recklessly or intentionally endangers the mental or physical health of a student

Customary athletics or KGI-sanctioned events are **not** considered hazing. Conduct that conditions participation in such events may constitute hazing depending on the conduct.

Consequences of Hazing

In extreme cases, hazing can result in death. Even in less extreme cases, hazing can cause adverse effects that impact a person's daily life. It is essential to be aware that someone may be suffering from the adverse impacts of hazing even if their experience does not culminate in death or physical injury. One study found that 71% of those who experience hazing suffer from adverse effects such as:

- Physical, emotional, and/or mental instability
- Deterioration of relationships
- Loss of respect for and desire to be a part of the organization

- Sleep deprivation
- Decline in academic performance
- Losing sense of control
- Erosion of trust within the organization
- Illness or hospitalization

Institutional Accountability

KGI will take appropriate disciplinary action against any individual or group found to have engaged in hazing. Sanctions may include:

- For Students: Disciplinary probation, suspension, or dismissal
- For Student Organizations: Loss of recognition, suspension of privileges, or disbandment
- For Faculty/Staff (if involved): Disciplinary action up to and including termination
- Legal Consequences: Individuals may be subject to criminal prosecution under California law, including fines and/or imprisonment

Reporting an Incident and Investigation

Any member of the KGI community who witnesses or suspects hazing is strongly encouraged to report it. Reports may be made to:

- Office of Student Affairs: student_affairs@kgi.edu
- KGI Campus Safety: KGI_CampusSafety@kgi.edu
- Anonymous Reporting - [Silent Reporting](#)

Students and/or organizations engaging in activity that is considered hazing as defined by California law may also be reported to the Claremont Police Department. All reports will be taken seriously and investigated promptly. Retaliation against individuals who report hazing in good faith is strictly prohibited and may result in disciplinary action.

Investigation Process

Upon receiving a report, KGI will:

- Conduct a preliminary assessment to determine credibility and scope
- Initiate a formal investigation led by Student Affairs and Campus Safety
- Implement interim measures to protect community safety
- Refer to law enforcement if criminal conduct is suspected
- Issue findings and sanctions based on the outcome

Policy Review

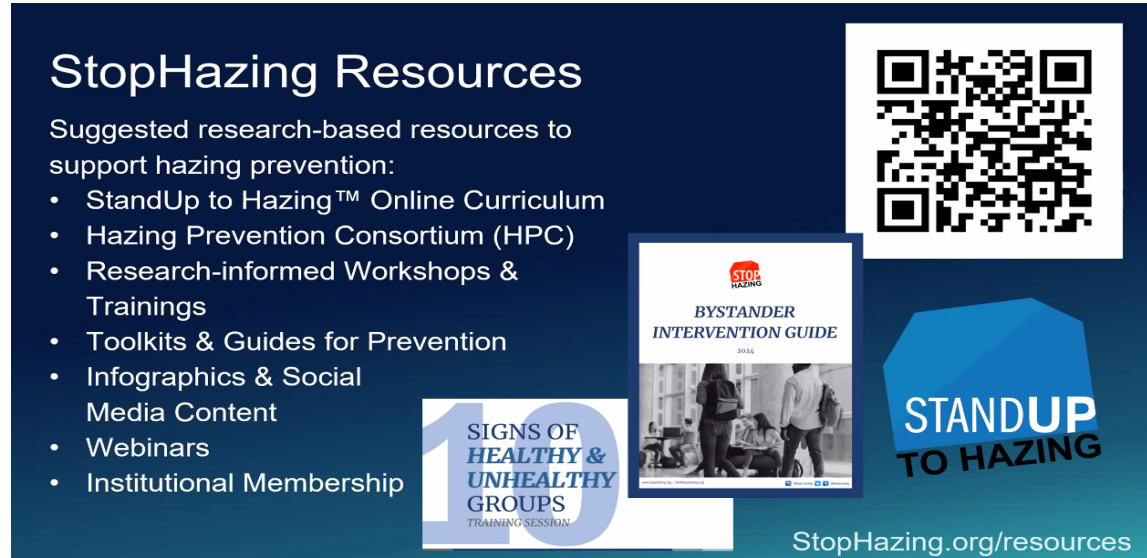
This policy will be reviewed annually by the VP Finance & Administration in consultation with Legal Counsel to ensure compliance with California law and alignment with best practices in graduate education.

Hazing Prevention and Awareness

To comply with the SCHA and promote a positive campus culture, KGI offers mandatory training for all incoming students and student organizations on hazing prevention and reporting.

Resources

Stop Hazing



StopHazing Resources

Suggested research-based resources to support hazing prevention:

- StandUp to Hazing™ Online Curriculum
- Hazing Prevention Consortium (HPC)
- Research-informed Workshops & Trainings
- Toolkits & Guides for Prevention
- Infographics & Social Media Content
- Webinars
- Institutional Membership

STOP HAZING

BYSTANDER INTERVENTION GUIDE

SIGNS OF HEALTHY & UNHEALTHY GROUPS TRAINING SESSION

STANDUP TO HAZING

StopHazing.org/resources

Prevention Resources

Joining a Group? Watch This



All of us need to belong. And everyone deserves to be treated with respect within a group, team, or organization. [Watch this 2-minute video](#) to see how hazing looks in some settings and learn what to do about it.

Positive Team-Building Activities



Healthy recruitment and positive group building can incorporate elements such as community service, philanthropy, service-learning, mentoring, outdoor challenges, and learning about the group's history and values. Get additional [Alternatives to Promote Group Bonding](#).

You Can Intervene



The bystander education film, "Intervene," depicts a student taking action to help a friend who is being hazed. Learn more about how to help.

Safety and Security

Security Awareness Programs

Below are the programs designed to inform students and employees about campus security procedures and practices. These practices encourage students and employees to be responsible for their own and others' security. KGI will communicate security awareness to the community on an annual basis.

Crime Prevention Programs

KGI is committed to the safety of our campus and our community. To prevent crimes on or around our campus, KGI offers multiple programs to educate and raise awareness among students and employees about crime prevention. These include:

- Annual Security Awareness Programs
- Sexual Assault/Dating, Domestic Violence/Stalking awareness and prevention programs/campaigns
- Partnership with our LiveSafe Application
- Emergency Notifications through Everbridge
- Timely Warning Notifications
- Maintenance of KGI Facilities, including enhanced lighting at KGI
- Emergency Phones located on KGI's Campus
- Annual Fire Safety Training
- Online training on sexual harassment/assault/alcohol for employees and students via Vector Solutions.
- Nightly patrols of KGI's campus by KGI Campus Safety
- Locked doors/facilities during non-business hours
- ID Card access for employees and students for locked buildings/facilities
- Annual CPR/AED/First Aid Training

Laboratory Safety

Laboratory Guidelines

KGI's Laboratory Safety Manager is responsible for the maintenance and oversight of laboratory safety. Below are the guidelines set forth by KGI for lab safety practices.

Chemical Hygiene Plan

The chemical hygiene plan is a written program developed and implemented by the employer that sets forth procedures, equipment, PPE, and work practices capable of protecting employees from health hazards presented by hazardous chemicals used in the workplace. KGI's chemical hygiene plan is updated annually, and a current copy is kept inside each laboratory. It is every lab worker's responsibility to familiarize themselves with this plan.

Biological Safety Manual

At KGI, laboratory workers may encounter exposure to biological hazards. These hazards are present in various sources throughout the laboratory, such as blood and body fluids, culture specimens, tissues, and other workers. The biosafety program aims to protect all employees, students, the public, and the environment from contamination with or exposure to hazardous biological agents or materials. The biosafety manual provides a practical overview of proper work practices and the requirements for regulatory compliance with laws and guidelines governing the appropriate use, containment, and disposal of biological hazards. This manual is updated annually, and a copy of it is currently being placed inside each laboratory. It is every lab worker's responsibility to get familiar with this plan.

Bloodborne Pathogens Exposure Control

KGI is committed to providing a safe and healthy work environment for all staff, students, and visitors. Based on the employee's job duties, the PI or laboratory safety manager will identify personnel exposed to blood or other infectious material. Any personnel anticipating exposure to bloodborne pathogens or other potentially infectious materials should receive an explanation of the Exposure Control Plan during their initial training session. The Exposure Control Plan at least covers the following topics: determination of employee exposure, exposure control methods, post-exposure evaluation and follow-up, communication of hazards, etc.

Chemical Spill Response Guideline

A chemical spill is defined as the uncontrolled release of a hazardous chemical, either as a solid, liquid, or gas. Chemical spills at KGI may occur in various worksites, from research and teaching laboratories to facility operations. Regardless of the type or quantity of hazardous chemicals involved, all worksites must implement measures to reduce the potential for spills and have a plan for responding to chemical spills. A Chemical Spill Response Guideline is kept together with the Chemical Hygiene Plan in each laboratory.

The document describes generic methods for preventing chemical spills, responding to spills of low or moderate hazard, and provides information on reporting and addressing higher-hazard chemical spills at KGI.

Proper Laboratory Clothing and Lab Coats

It is essential to be dressed appropriately when working in a laboratory. The worker's skin should be covered with clothing to be protected from spilled chemicals, biological, or radioactive materials, falling objects, and other lab hazards. The workers should wear shoes that completely cover their foot and clothes that cover their legs down to their ankles. Lab coats, gloves, safety glasses, or goggles are also needed to ensure that you are prepared for any incidents. Two lab coats are provided at no cost to each individual working in a lab. (Please contact Jasmine Yu for sizing and ordering lab coats.) Additional personal protective equipment may be necessary as well and should be selected based on the dangers of your work. For students joining laboratories during summer, extra lab coats of various sizes will be ordered for classes. Lab coats stay in the labs until they are dirty, and dirty lab coats can be dropped in the gray bins located in 114/535 and 131/517 for cleaning. The lab coats must not be worn outside the buildings.

KGI-specific rules regarding PPE are listed below:

- **Gloves:** Please remove gloves when using computer keyboards. Do not wear contaminated gloves in hallways, where they may come into contact with door handles, etc.
- **Safety Glasses** must always be worn when working with chemicals or reagents. Please consult with your lab instructor or manager for proper eye protection.
- Lab coats must stay within the labs, so please do not wear your lab coat from building to building. Do not take lab coats home; KGI provides laundry service.

Laboratory Inspection and Hood/Cabinet Certifications

Why does KGI perform Lab Inspections?

KGI maintains annual laboratory inspections to evaluate the laboratory workplace and develop a plan for protecting lab workers. This inspection combines immediate actions with longer-term solutions. The inspections ensure that certain practices are maintained to keep laboratories clean, hygienic, and safe.

How are Lab Inspections done?

The inspections are performed by the safety committee members, who apply standard procedures to check that the laboratory complies with all State and Federal laws and regulations. The PI, lab instructor, or manager will receive a detailed report including pictures and findings, as well as a date for corrections. Once all findings have been corrected, the report is returned to safety, who will follow up for completion.

How are the safety hood and cabinet inspected?

All laboratory hoods at KGI are certified annually, as regulated by the California Code of Regulations, Title 8, Section 5154.1. KGI maintains best practices for safety hood certification and only hires trained technicians. TSS is the company that performs that duty for KGI. They conduct all maintenance, certifications, and “out of compliance” reports. TSS attaches all certification labels and reports to the front of the cabinet in plain view for OSHA inspectors and users. TSS includes chemical and biological safety hoods and cabinets in the annual certification.

The lab worker/student is responsible for immediately reporting any safety hood or cabinet malfunction to Lab Operations 70160. Lab Operations personnel will notify all researchers via e-mail in advance of TSS performing certifications or repairs to hoods, thereby preventing experiment compromises during the hood certification process.

Hazardous waste disposal

Biological waste

- Biohazardous waste is all biologically contaminated waste that could potentially cause harm to humans, domestic or wild animals, or plants. Examples include human and animal blood, tissues, certain body fluids, recombinant or synthetic nucleic acid molecules, and human, animal, or plant pathogens.
- All biohazardous waste must be decontaminated before disposal. Standard decontamination methods include heat sterilization (e.g., autoclaving), chemical disinfection, and incineration.
- The State of California fully licenses KGI to treat and dispose of biological and medical waste on-site.
- Strict guidelines must be followed to be compliant with the State.
- Please contact Jasmine Yu at 909.607.8698 if you need further training in properly disposing of biohazards.

Chemical waste

- The chemical waste disposal guideline is discussed in the Chemical Hygiene Plan.
- KGI has all hazardous chemical waste picked up quarterly by North State Environmental (Licensed Waste Hauler).
- Your supervisor will direct you to the proper waste containers.
- Fill out the KGI waste tag and place it on the waste container (with the start date).
- Separate waste by DOT hazard class if possible.
- Do not mix solids and liquids.
- Do not overfill bottles.
- Store waste in the designated area within secondary containers to prevent leakage.

Laboratory Chemical and Biological Safety Committee

The Laboratory Chemical and Biological Safety Committee (LCABS) is a standing committee responsible for reviewing research activities conducted by faculty, staff, students, and/or visiting scientists on Keck Graduate Institute (KGI) property that involve the use of biological agents and hazardous chemicals. The committee also serves as a forum for discussing safety, health, and OSHA regulatory issues that affect the campus research community, students, faculty, and staff.

Annual Disclosure of Crime Statistics

Jeanne Clery Campus Safety Act (20 USC § 1092(f)) requires colleges and universities across the United States to disclose information about crime on and around their campuses. KGI and TCC Campus Safety teams maintain a close relationship with the Claremont Police Department to ensure that crimes reported directly to the police department, which involve KGI, are also brought to the attention of the TCC Campus Safety Office.

KGI Campus Safety collects the crime statistics disclosed in the charts through several methods. Police dispatchers and officers enter all reports of crime incidents made directly to the department through an integrated computer-aided dispatch system/records management system. After an officer enters the report into the system, a department administrator reviews it to ensure it is appropriately classified in the correct crime category. The Department periodically reviews the data to ensure that all reported crimes are accurately recorded under the crime definitions outlined in the FBI Uniform Crime Reporting Handbook and the FBI National Incident-Based Reporting System Handbook (for sex offenses only). In addition to the crime data maintained by TCC Campus Safety, the statistics below include crimes reported to various Campus Security Authorities, as defined in this report. The statistics reported here generally reflect the number of criminal incidents reported to multiple authorities. The statistics reported for the subcategories on liquor laws, drug laws, and weapons offenses represented the number of people arrested or referred to campus judicial authorities for respective violations, not the number of crimes documented. The statistics reported for the categories under VAWA Offenses and Sex Offenses include reports made to the Title IX Coordinator that may not have been reported to campus judicial authorities or safety personnel otherwise.

Definitions for Clery Reportable Crimes

- Murder and Non-negligent Manslaughter are defined as the willful (non-negligent) killing of one human being by another.
- Manslaughter by Negligence is defined as the killing of another person through gross negligence.

- Rape is the penetration, no matter how slight, of the vagina or anus, with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim. This offense includes the rape of both males and females.
- Fondling is the touching of the private body parts of another person for sexual gratification without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.
- Incest is sexual intercourse between people who are related to each other within the degree where marriage is prohibited by law.
- Statutory Rape is sexual intercourse with a person who is under the statutory age of consent.
- Robbery is the taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and by putting the victim in fear.
- Aggravated Assault is an unlawful attack by one person upon another to inflict severe or aggravated bodily injury. This type of assault is usually accompanied by a weapon or by means likely to produce death or significant bodily harm.
- Burglary is the unlawful entry of a structure to commit a felony or theft.
- Motor Vehicle Theft is the theft or attempted theft of a motor vehicle.
- Arson is any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle, or aircraft, personal property of another, etc.
- Hazing is defined as any intentional, knowing, or reckless act committed by a person (whether individually or in concert with other persons) against another person or persons regardless of the willingness of such other person or persons to participate, that:
 - Is committed in the course of an initiation into, an affiliation with, or the maintenance of membership in, a student organization; and
 - Causes or creates a risk, above the reasonable risk encountered in the course of participation in the institution of higher education or the organization (such as the physical preparation necessary for participation in an athletic team), of physical or psychological injury.
- A Hate Crime is a criminal offense that manifests evidence that the victim was intentionally selected because of the perpetrator's bias against the victim.

- Under the Clery Act, Hate Crimes include any of the following offenses motivated by bias: Murder and Non-negligent Manslaughter, Sexual Assault, Robbery, Aggravated Assault, Burglary, Motor Vehicle Theft, Arson, Larceny-Theft, Simple Assault, Intimidation, and Destruction/Damage/Vandalism of Property. Larceny-Theft, Simple Assault, Intimidation, and Destruction/Damage/Vandalism of Property are included in your Clery Act statistics only if they are Hate Crimes.
- Larceny-theft: The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another.
- Simple Assault: An unlawful physical attack by one person on another where neither the offender displays a weapon nor the victim suffers obvious, severe, or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration, or loss of consciousness.
- Intimidation: To unlawfully place another person in reasonable fear of bodily harm using threatening words and conduct, but without displaying a weapon or subjecting the victim to an actual attack. Includes cyber-intimidation if the victim is threatened with Clery geography.
- Destruction, damage, or vandalism of property: To willfully or maliciously destroy, damage, deface, or otherwise injure real or personal property without the consent of the owner or the person having custody or control of the property.
- Dating Violence is defined as violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party's statement and considering the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For this definition, dating violence includes but is not limited to sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of domestic violence.
- Domestic Violence is defined as a felony or misdemeanor crime of violence committed by a current or former spouse or intimate partner of the victim; by a person with whom the victim shares a child in common; by a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner; by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.
- Stalking is defined as engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others or suffer substantial emotional distress.

- **Weapons:** Carrying, possessing, etc., is defined as the violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices, or other deadly weapons. This classification encompasses regulatory weapons offenses.
- **Drug Abuse Violations** are defined as the violation of laws prohibiting the production, distribution, and use of certain controlled substances and the equipment or devices utilized in their preparation and/or use. They also include unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation, or importation of any controlled drug or narcotic substance. Arrests for violations of state and local laws, specifically those relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs, are also included.
- **Liquor Law Violations** are defined as the violation of state or local laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, or use of alcoholic beverages, not including driving under the influence and drunkenness.

Categories of Prejudice

- **Race:** A preformed negative attitude toward a group of people who possess common physical characteristics genetically transmitted by descent and heredity, which distinguish them as a distinct division of humankind.
- **Gender:** A preformed negative opinion or attitude toward a group of persons because those persons are male or female.
- **Gender Identity:** A preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender identity, e.g., bias against transgender or gender non-conforming individuals.
- **Hate Crimes:** There were no reportable hate crimes for 2022, 2023, or 2024
- **Unfounded Crimes** according to the Violence Against Women Reauthorization Act regulations, an institution may withhold, or subsequently remove, a reported crime from its crime statistics in the rare situation where sworn or commissioned law enforcement personnel have thoroughly investigated the reported crime and, based on the results of this full investigation and evidence, have made a formal determination that the crime report is false or baseless and therefore “unfounded.” Only sworn or commissioned law enforcement personnel may “unfound” a crime report. The recovery of stolen property, the low value of stolen property, the refusal of the victim to cooperate with the prosecution, and the failure to make an arrest do not “unfound” a crime report.
- **Unfounded Crimes:** There were no unfounded crimes by the Claremont Police Department for 2022, 2023, or 2024.

KGI Crime Statistics Chart

Offense	Year	On-Campus	Residential Facility	Non-campus Building or Property	Public Property
Criminal Homicide					
Murder and Non-negligent Manslaughter	2022	0	0	0	0
	2023	0	0	0	0
	2024	0	0	0	0
Manslaughter by Negligence	2022	0	0	0	0
	2023	0	0	0	0
	2024	0	0	0	0
Sex Offenses					
Rape	2022	0	0	0	0
	2023	0	0	0	0
	2024	0	0	0	0
Fondling	2022	0	0	0	0
	2023	0	0	0	0
	2024	2	2	0	0
Incest	2022	0	0	0	0
	2023	0	0	0	0
	2024	0	0	0	0
Statutory Rape	2022	0	0	0	0
	2023	0	0	0	0
	2024	0	0	0	0
Other Offenses					
Robbery	2022	0	0	0	0
	2023	0	0	0	0
	2024	0	0	0	0
Aggravated Assault	2022	0	0	0	0
	2023	0	0	0	0
	2024	0	0	0	0
Burglary	2022	2	2	0	0
	2023	0	3	5	0
	2024	6	6	0	0
Motor Vehicle Theft	2022	4	0	0	0
	2023	0	1	0	0
	2024	0	0	0	0
Arson	2022	0	0	0	0
	2023	0	0	0	0
	2024	0	0	0	0

Arrests

Other Offenses	Year	On-Campus	Residential Facility	Non-campus Building or Property	Public Property
Liquor Law Violations	2022	0	0	0	0
	2023	0	0	0	0
	2024	0	0	0	0
Drug Abuse Violations	2022	0	0	0	0
	2023	0	0	0	0
	2024	0	0	0	0
Illegal Weapons Possession	2022	0	0	0	0
	2023	0	0	0	0
	2024	0	0	0	0
Judicial Referral					
Other Offenses	Year	On-Campus	Residential Facility	Non-campus Building or Property	Public Property
Liquor Law Violations	2022	0	0	0	0
	2023	0	0	0	0
	2024	0	0	0	0
Drug Abuse Violations	2022	0	0	0	0
	2023	0	0	0	0
	2024	0	0	0	0
Illegal Weapons Possession	2022	0	0	0	0
	2023	0	0	0	0
	2024	0	0	0	0
VAWA Amendment Offenses	Year	On-Campus	Residential Facility	Non-Campus Building or Property	Public Property
Stalking	2022	1	1	0	0
Dating Violence	2023	1	1	0	0
Domestic Violence	2024	3	3	0	0

Hate Crimes

Hate Crime	2022	There were no reportable hate crimes in any of KGI's required geographic areas.
-------------------	------	---

	2023	There were no reportable hate crimes in any of KGI's required geographic areas.
	2024	There were no reportable hate crimes in any of KGI's required geographic areas.

KGI Fire Statistics for Student Housing Facilities

Fire: Residential Facility 111 Bucknell Ave, Claremont, CA 91711	2022	1
	2023	0
	2024	0

Annual Fire Safety Report

KGI opened its first residential facility, Oasis KGI Commons, during the 2019-2020 academic year. In consultation with our Residential Life Management Group, KGI has drafted Fire Safety policies to promote safety within the Oasis Commons proactively. The property is owned by National Campus & Community Development (NCCD) and managed by The Michaels Organization.

In addition to these policies, KGI Facilities collaborates closely with Marx Brothers Fire Extinguisher Company to ensure our fire extinguishers are up to date and operational. The Human Resources Department annually schedules fire extinguisher training for all faculty and staff.

Residence Fire Safety

- Residents shall take due care to prevent fires. Flammable materials shall not be used or stored on the premises. These items include, but are not limited to, candles, incense, fireworks, lighter fluid, propane, or other gas cylinders.
- Residents should not leave cooking appliances unattended (e.g., stoves, rice cookers, and crockpots).
- Tampering with the fire alarm system or firefighting equipment is strictly prohibited. Violators of this policy may be subject to fines.

- False reports of fire or other dangerous conditions (except those resulting from reasonable error/accident), failure to properly report fires or interference with the response of university or city officials to such emergency calls is prohibited. Violators will be prosecuted and may be subject to fines and imprisonment.
- Multiple fire extinguishers are in the exterior walkways of every floor of the Oasis KGI Commons. Each fire extinguisher is enclosed in a locked case with a glass cover. In the case of an emergency, residents can access a fire extinguisher by pulling the metal handle on the case. (Please note this will break the glass cover). It is illegal for residents to tamper with or access a fire extinguisher in any situation, except in an emergency.
- Fire alarms are tested on a semester basis (2x a year).
- Decorations that are flammable or fire hazards (including candles and incense) are prohibited.
- “Live cut” trees (such as Christmas Trees) or other combustible decorations are prohibited in the Oasis KGI Commons.
- Any permissible holiday decorations in the apartments must be made of fireproof materials and be UL (Underwriters Laboratories) List-approved for the intended use.

Training

All Employees in Oasis KGI Commons receive comprehensive fire safety training at the beginning of the academic year. This training includes lectures and demonstrations on fire behavior, automatic sprinklers, building evacuation, and proper use of fire safety equipment. The Dean’s office, Academic, Facilities, and Residential staff work with students with special needs to develop personalized emergency plans, procedures, and audio/visual devices as needed.

Fire drills are conducted each semester in Oasis KGI Commons (twice per year). Human Resources/Facilities also provides guidance and information about evacuations and emergency procedures during new employee and student orientation sessions.

Fire Reporting, Drills, and Evacuation Response

All building fire alarms are monitored by Facilities staff continuously around the clock. In the event of a problem with the central monitoring system, the fire alarm panels will still work locally for each building wing. In the event of a fire discovery, students, staff, and faculty are urged to activate the building fire alarm by pulling the handle on a red fire pull station and immediately call the KGI Campus Safety emergency telephone line at 909.607.8736 to evacuate the building. If individuals are in a building and the alarm sounds, they should exit the building by the shortest possible route and wait until permission is given to re-enter.

Please report an already extinguished fire to The Michaels Organization by contacting Miguel Magana, Community Manager, at mmagana@tmo.com or 213.444.8235 so the information can be included in the fire safety report.

Fire drills will be held twice a year in Oasis KGI Commons for the protection of students, except as noted. Campus safety officers conduct the drills in conjunction with employees of Oasis KGI Commons. The Oasis employees assist Campus Safety in the evacuation process, both during fire drills and actual alarms, guiding students to predetermined gathering places to aid in accounting for those occupants who have evacuated.

Students are encouraged to participate in a fire drill to learn the quickest and safest routes out of the residence hall.

General Statement of On-Campus Student Housing Fire-Safety Systems

Oasis KGI Commons is protected by automatic sprinklers and fire alarm systems, which are continuously monitored by Oasis KGI Commons Facilities staff. Fire detection devices are installed throughout the residence hall, including in the rooms. Heat detectors are also provided in many students' rooms as an integrated unit with the room's smoke detector. Plans for future improvements in fire safety, if determined necessary by the institution, will be implemented with all due diligence and speed.

Future Improvements in Fire Safety

Recognizing that Oasis KGI Commons is a relatively new building, there are no current plans for future fire safety improvements. However, as the institution determines necessary, future enhancements will be implemented with all due diligence and speed.

Fire Log and Fire Statistics

The Oasis KGI Commons opened in July 2019 and is the first and only residential hall on the KGI campus. The Michaels Organization manages the Oasis KGI Commons. The housing office maintains the building's fire log. The fire log records all reported fires, including arson, in on-campus student housing facilities. To request a copy of the building's fire log, you may contact Miguel Magana, Community Manager, at mmagna@tmo.com or at 213.444.8235.

There were no reported fires for either 2021 or 2023 at the residential hall with the address listed below.

There was one reported fire at the facility listed below during 2022. The cause of the fire was "A bean bag chair sitting on a cord to an electric fan caught fire." There were no reported injuries. The estimated cost of fire-related property damage was \$30,000.

KGI Oasis Commons: 111 Bucknell Avenue, Claremont, CA 91711

This report is published annually with Section 488(g) of the Higher Education Opportunity Act, otherwise known as the Campus Fire Safety Right-to-Know. It is made available on the KGI website at <https://www.kgi.edu/policies/title-ix-and-clery> and on Campus Safety's website by October 1 of each year. It details statistics on fires in the college's on-campus housing facilities, a description of the college's fire safety systems, and other related information.

All currently registered students and employees are notified directly by electronic mail of the report's availability, along with a link to the electronic address where the report is posted. This report is also available on paper form upon request. Prospective students and employees are also informed of the report's availability.

Important Phone Numbers and Other Contact Information

Official	Campus Address	Phone Number
KGI Campus Safety	Building 517, Room 122	909.607.8736
Cheryl Merritt AVP & Chief Human Resources Officer	Building 535 West, Room 150D	909.607.7853
Trevor Garrett VP of Finance & Administration	Building 555, Room 1-W-9	909.607.0002
Shino Simons Dean of Students and Title IX Coordinator	Building 517, Room 117	909.607.0584
Joshua Morris Associate Vice Provost of Educational Effectiveness and Faculty Development	Building 535 East, Room 20	909.607.0636
Megan Prosser Provost and VP of Academic Affairs	Building 535 East, Room 10	909.607.2394
Kenneth Mashinchi VP of Marketing & Communications	Building 555 West, Room I-W-6	909. 607. 7176

Appendix

TCC Title IX Sexual Harassment Policy

Interim Policy on Title IX Sexual Harassment, Other Sex-Based Misconduct, and Retaliation
– Effective March 07, 2025

The Claremont Colleges Interim Policy on Title IX Sexual Harassment, Other Sex-Based Misconduct, and Retaliation

Effective March 7, 2025

I. Introduction	1
A. Purpose of this Policy	2
B. Effective Date	2
C. Application of Section 504/Americans with Disabilities Act to this Policy	3
D. Revocation by Operation of Law	3
II. Home Institution Title IX Coordinator and the TCC Title IX Process Administrator	3
A. Title IX Coordinator	3
B. TCC Title IX Process Administrator	5
III. Scope and Jurisdiction	5
A. When Title IX Procedural Requirements Apply	5
B. Matters Involving a Third-Party Participant(s)	7
C. The Geographic Jurisdiction of This Policy	7
D. How This Policy Impacts Other Campus Disciplinary Policies	8
E. Policy Dissemination and Publication	8
IV. Prohibited Conduct – Title IX Sexual Harassment, Other Sex-Based Misconduct, and Retaliation	8
V. Conflict of Interest or Bias	16
VI. Supportive Measures	17
A. Specific Requirements for No Contact Orders	18
VII. Resources	19
A. On-Campus Resources	19
1. Resources for Students	19
2. Confidential Resources for Staff and Faculty	20
B. Off-Campus and Community-Based Resources	20
1. Services and Support for Sexual Assault	20
2. Services and Support for Dating and Domestic Violence	21
3. Medical Resources	21
VIII. Reporting Prohibited Conduct	21
A. Reporting Prohibited Conduct Directly to the Home Institution’s Title IX Coordinator	21
B. Disclosing Prohibited Conduct to a Confidential Resource	22
1. Confidential Resources with the Legal Privilege of Confidentiality	22
2. Institution-Designated Confidential Resources	23
C. Reporting Prohibited Conduct to a TCC Institution Employee and Their Reporting Obligations ..	23
D. Amnesty for Student Conduct Charges when Reporting Prohibited Conduct Under this Policy	23
E. Reporting to Law Enforcement and Concurrent Criminal Investigations	24

Table of Contents

(Continued)

IX. Response to a Report or Complaint of Prohibited Conduct.....	24
A. Initial Contact by the Complainant’s Home Institution’s Title IX Coordinator	24
B. Initial Intake Meeting and Assessment	25
C. Request for Confidentiality or No Further Action; Complaints Initiated by the Title IX Coordinator	26
D. Emergency Removal for Title IX Sexual Harassment	28
E. Administrative Leave (Only Employees Covered by this Policy)	29
F. Student Withdrawal or Employee Resignation While Matters Are Pending.....	29
X. Closure or Dismissal of a Complaint	30
XI. Referrals for Other Misconduct Not Subject to this Policy	31
XII. Consolidation of Complaints and Allegations.....	31
XIII. Resolution Options (Support-Based, Agreement-Based, Respondent’s Acceptance of Responsibility, and Investigation and Hearing Resolution)	32
A. Support-Based Resolution.....	32
B. Agreement-Based Resolution	33
1. General Information and Requirements for Engaging in Agreement-Based Resolution	33
2. Determining Appropriateness of Agreement-Based Resolution	34
3. Right to Withdraw or Discretion to Terminate the Agreement-Based Resolution Process.....	34
4. Agreement-Based Resolution Options.....	35
a) Facilitated Resolution Agreement	35
b) Mediation	35
c) Restorative Justice.....	36
5. The Agreement-Based Resolution Process	36
a) Initiating the Agreement-Based Resolution Process	36
b) Facilitating Agreement-Based Resolution and the Resolution Agreement	38
c) Finalizing the Resolution Agreement	39
C. Acceptance of Responsibility by Respondent.....	40
1. Appealing the Sanctions Determination When Respondent Has Accepted Responsibility	41
XIV. Investigation and Hearing Resolution Process that Applies to Title IX Sexual Harassment, Other Sex-Based Misconduct Cases, or Retaliation.....	42
A. General Information.....	42
1. Nature of Process	42
2. Burden of Evidence.....	42

Table of Contents

(Continued)

3.	Evidence Standard	42
4.	Resolution Process Timeline and Extensions.....	42
a)	Timeline for Initial Assessment and Evaluation of Allegations	43
b)	Timeline for Investigation	43
c)	Timeline for Hearing and Hearing Decision Report (and Sanctioning, if applicable)	43
d)	Timeline for Hearing Decision and/or Sanctions Determination Appeal.....	43
5.	Impact of Party Non-Participation in the Investigation and Hearing Resolution Process	44
6.	Privacy and Confidentiality in the Resolution Process	44
7.	Right to an Advisor	45
8.	Support Person	45
9.	Special Rules for Title IX Sexual Harassment	46
a)	Title IX Criteria	46
b)	Complainant Status	46
c)	Formal Complaint Required.....	46
d)	Mandatory Dismissal of a Formal Complaint	47
B.	Initiation of The Investigation and Hearing Resolution Process.....	47
1.	Notice of Allegations (NOA)	47
2.	Complaints Initiated by the Institution.....	49
3.	Designation of the Investigator	49
C.	Investigation Process	49
1.	Evidence Gathering.....	49
a)	Interviews	49
b)	Investigator Determination of Evidence Relevance	50
c)	Impermissible Evidence	50
2.	Evidence Review Process	51
3.	Final Investigation Report.....	53
XV.	Hearing Process	54
A.	Prior to the Hearing	54
1.	Hearing Coordinator	54
2.	Designation of the Hearing Decisionmaker	54
3.	Hearing Notice	55
4.	Pre-Hearing Conferences	55
5.	Witnesses Identified and Requested to Participate in the Hearing.....	55

Table of Contents

(Continued)

6.	Proposed Questions Submitted by the Parties in Advance of the Hearing.....	56
B.	During the Hearing	56
1.	Hearing Recording.....	56
2.	Separation of Parties	57
3.	Hearing Expectations and Rules of Decorum	57
4.	Party and Witness Participation in the Hearing.....	57
5.	Participation of the Advisor and Support Person During the Hearing	58
6.	Hearing Timeline	58
a)	Opening Introductory Statements.....	58
b)	Questioning at the Hearing.....	58
(1)	Cross-Examination at the Hearing by Advisors	59
c)	Closing Statements and Concluding the Hearing.....	60
C.	After the Hearing	60
1.	Party Statements Regarding Remedies and Sanctions	60
2.	Notice of Hearing Outcome and Hearing Decision Report	60
XVI.	Remedies and Sanctioning.....	61
XVII.	Appeal Rights and Process	64
A.	Appeal Grounds	65
B.	Designation of Appeal Decisionmaker	66
C.	Appeal Response by Non-Appealing Party.....	66
D.	Appeal Clarification.....	66
E.	Appeal Record	66
F.	Appeal Decision Report.....	67
G.	Notice of the Appeal Decision	67
H.	Final Remedies and Sanctioning Determination.....	67
I.	Failure to Complete or Comply with Imposed Sanctions	68
XVIII.	Recordkeeping.....	68
XIX.	Crime and Incident Disclosure Obligations.....	68
XX.	Policy Review and Revision.....	69
XXI.	Non-Discrimination Application and Additional Enforcement Information	69
XXII.	Important Definitions	70

I. Introduction

The purpose of this Policy is to set forth how the Claremont Colleges (TCC) prevent and respond to Sex-Based Harassment (a form of sex-based discrimination), and related Retaliation (collectively, “Prohibited Conduct”), as defined within this Policy. Prohibited Conduct, as defined by this Policy, is prohibited within all of the programs and activities of the TCC Institutions, and as set forth in this Policy.

The Claremont Colleges is comprised of the following institutions:

- Pomona College
- Claremont Graduate University
- Scripps College
- Claremont McKenna College
- Harvey Mudd College
- Pitzer College
- Keck Graduate Institute

Collectively, the TCC Institutions are referred to as “TCC” throughout this Policy. Individually, they are referred to as “TCC Institution.”¹

Each TCC Institution has its own formal governance structure and independent board. As a consortium, the TCC Institutions work together to resolve concerns that cross the boundaries of individual Institutions (cross-campus matters).

Each TCC Institution will also respond promptly to other forms of Sex-Based Harassment or discrimination on the basis of sex, such as discrimination on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, gender identity, and gender expression that are not covered by this Policy but are prohibited by each TCC Institution in its individual nondiscrimination policies.

This Policy defines Prohibited Conduct and outlines TCC’s responsibilities and procedures related to addressing reports of Prohibited Conduct to ensure an equitable and inclusive education and employment environment. This Policy is adopted and overseen by each individual TCC Institution, consistent with each individual TCC Institution’s obligations as a recipient of federal funding under Title IX.

Allegations that involve conduct that allegedly violates this Policy, as well as other TCC Institution policies, and that are related to the same incident(s), may be joined under the same Resolution Process, including in one investigation and hearing conducted pursuant to Sections XIII - XV. The decision to join interrelated conduct will be at the discretion of the Respondent’s Home Institution’s Title IX Coordinator in consultation with the TCC Title IX Administrator.

¹ For purposes of Title IX, “Recipient” is reference to each TCC Institution.

A. Purpose of this Policy

This Policy is enacted to allow each TCC Institution to comply with Title IX of the Educational Amendments of 1972 and its subsequent accompanying regulations pertaining to Prohibited Conduct, as defined under this Policy. Title IX states:

No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.

This Policy also complies with California law, including conduct prohibited by California Education Code Section 212.5.5, 66262.5, and 67380. For TCC Institutions whose employees are covered under this Policy, this Policy also sets forth those TCC Institutions' obligations pertaining to Prohibited Conduct under the California Fair Employment & Housing Act and the California Education Code.

This Policy outlines the procedures TCC will follow to ensure a prompt and equitable resolution of complaints made by Complainants alleging Prohibited Conduct against Respondents, as defined in this Policy in Section XXII. A TCC Institution is not precluded from investigating other conduct that, if proven, would not constitute Prohibited Conduct under this Policy but may constitute a violation of other TCC Institution policies.

Situations involving other conduct that may be in violation of other TCC Institution student or employee conduct policies should be reported to an individual's Home Institution's Title IX Coordinator.

B. Effective Date

This Policy is effective March 7, 2025.

The procedures in this Policy for investigating and resolving allegations of Prohibited Conduct will be applied as of the effective date of this Policy.

Prohibited Conduct that is alleged to have occurred from August 14, 2020 to the effective date of this Policy will ***also*** use the procedures in this Policy.

Prohibited Conduct that is alleged to have occurred *before* August 14, 2020 will be investigated and adjudicated according to the applicable definitions in place at the time the incident allegedly occurred.

<u>Date of Incident</u>	<u>Policy to Be Used for Title IX Conduct</u>	<u>Policy to Be Used for Other Sex-Based Misconduct</u>
<u>August 1, 2024 – present</u>	<u>This Policy</u>	<u>This Policy</u>
<u>January 1, 2022 – July 31, 2024</u>	<u>This Policy</u>	<u>Use campus policy for definitions of Prohibited Conduct, use this Policy for procedures.</u>
<u>August 1, 2020-December 31, 2021</u>	<u>This Policy</u>	<u>Use campus policy (if any) for definitions of Prohibited Conduct, use this Policy for procedures.</u>
<u>Prior to August 14, 2020</u>	<u>See Respondent's Home Institution's applicable campus</u>	<u>See Respondent's Home Institution's applicable campus</u>

	<u>policy (if any) from this time period.</u>	<u>policy (if any) from this time period.</u>
--	---	---

Please contact your Home Institution's Title IX Coordinator for questions regarding the applicable policy. The policy definitions in effect at the time of the alleged conduct will apply even if the policy is changed subsequently.

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

Each TCC Institution adheres to the requirements of the Americans with Disabilities Act of 1990, as amended 2008 (ADAAA); Sections 504 of the Rehabilitation Act of 1973, as amended; and all other federal and state laws and regulations prohibiting discrimination on the basis of disability that are applicable to the TCC Institutions.

Parties and witnesses may request reasonable accommodations for disclosed disabilities to their Home Institution's Title IX Coordinator or Human Resources professional at any time relating to the implementation of this Policy, including making a disclosure or report, and initiating a resolution process under this Policy.

The Home Institution's Title IX Coordinator and/or Human Resources professional will not affirmatively provide disability accommodations that have not been specifically requested by an individual, even where the individual may be receiving accommodations in other TCC Institution programs and activities. With the consent of the impacted student, staff, or faculty, the individual's Home Institution's Title IX Coordinator will work collaboratively with the appropriate department at their TCC Institution for review and response to the requested accommodation. The individual's Home Institution's Title IX Coordinator will ensure that approved reasonable accommodations (disability-related) are honored as applicable throughout any process related to this Policy.

D. Revocation by Operation of Law

Should any portion of the 2020 Title IX Final Rule 85 Fed. Reg. 30026 (2020). be stayed or held invalid by a court of law, in whole or in part, or should the portions of this Policy in compliance with 2020 Title IX Final Rule be withdrawn or modified to not require specific requirements of this Policy, then this Policy, or the invalidated requirements of this Policy in compliance with the 2020 Title IX Final Rule, will be deemed modified or revoked as of the publication date of the opinion or order (or as otherwise ordered by the court) or as otherwise specified in any revisions to this Policy. In the event of a modification or revocation, TCC will provide the Parties with information regarding next steps. Should this Policy be revoked in this manner, any conduct covered under this Policy shall be investigated and adjudicated in compliance with Federal and California state law.

II. Home Institution Title IX Coordinator and the TCC Title IX Process Administrator

A. Title IX Coordinator

Each TCC Institution shall designate a Title IX Coordinator to oversee and ensure compliance with this Policy and any other TCC Institution policies prohibiting similar conduct, such as discrimination on the basis of sex. Each Title IX Coordinator is responsible for ensuring compliance with Title IX, California law, and this Policy within their TCC Institution. Each TCC Institution may designate additional Deputy

Title IX Coordinators. For purposes of this Policy, Home Institution Title IX Coordinator refers to the Title IX Coordinator designated for the Party's Home TCC Institution. For students, Home Institution refers to the TCC Institution where the student Party is admitted, regardless of enrollment of credits at any other TCC Institution. For employees subject to this Policy, Home Institution refers to the TCC Institution where the employee Party is employed.

The name and contact information (phone number, email address, and office address) for each TCC Institution's Title IX Coordinator is as follows:

Institution	Title IX Coordinator	Email/Phone	Address
Claremont Graduate University	Ann Knox, Title IX Coordinator Jalina Najera, Interim Director of Human Resources Jody Waters, Interim Provost	Deanof.Students@cgu.edu (909) 607-1887 Jaline.Najera@cgu.edu (909) 607-4404 Jody.Waters@cgu.edu (909) 607-3318	160 E. 10th Street Harper Hall East Claremont, CA 91711
Claremont McKenna College	Joanna Rosas, Title IX Coordinator	Joanna.Rosas@ClaremontMcKenna.edu (909) 607-8131	385 E. 8 th Street Marian Miner Cook Athenaeum Second Floor Claremont, CA 91711
Harvey Mudd College	Danny Ledezma, Title IX Coordinator	Dledezma@hmc.edu (909) 607-3470	301 Platt Boulevard Platt Campus Center Claremont, CA 91711
Keck Graduate Institute	Shino Simons, Title IX Coordinator Cheryl Merritt, Deputy Title IX Coordinator, Assistant Vice President of Human Resources and Employee Engagement	Titleix@kgi.edu (909) 607-0101 Cheryl_merritt@kgi.edu (909) 607-7853	535 Watson Drive Claremont, CA 91711
Pitzer College	Christine R. Guzman, Title IX Coordinator	Christine_guzman@pitzer.edu (909) 607-2958	1050 N. Mills Avenue Broad Center, Room 212 Claremont, CA 91711

Institution	Title IX Coordinator	Email/Phone	Address
Pomona College	Destiny Marrufo, Title IX Coordinator	Destiny.Marrufo@pomona.edu (909) 621-8017	555 N. College Avenue, Alexander Hall: Suite 104 Claremont, CA 91711
Scripps College	Alyssa-Rae McGinn, Interim Title IX Coordinator	Titleix@scrippscollege.edu (909) 607-7142	919 North Columbia Avenue McAlister Center Lower Level Claremont, CA 91711

Each TCC Institution’s Title IX Coordinator, or their designee, serves as the primary point of contact for individuals from their campus involved in this Policy’s Resolution Process or for allegations of violations occurring in their TCC Institution programs and activities as defined by this Policy.

B. TCC Title IX Process Administrator

The TCC Title IX Process Administrator (referred to as the “TCC Title IX Administrator”) oversees this Policy, including the Resolution Process, to ensure equity and consistency across TCC. As outlined throughout this Policy, the TCC Title IX Administrator is responsible for a variety of tasks, including, but not limited to, the following:

- Managing the Resolution Processes under this Policy across TCC; and
- Evaluating and assigning Investigators, Sanctions Decisionmakers, Hearing Decisionmakers and Appeal Decisionmakers in the Resolution Process under this Policy. TCC reserves the right to assign internal or external investigators or decisionmakers.

The TCC Title IX Administrator, Barbara Reguengo, can be reached at: TitleIXAdmin@claremont.edu.

III. Scope and Jurisdiction

A. When Title IX Procedural Requirements Apply

This Policy defines Prohibited Conduct under federal (“Title IX Sexual Harassment”) and state law (“Other Sex-Based Misconduct”) for all members of the TCC community.

This Policy also outlines the resolution procedures to address Prohibited Conduct as defined in this Policy. Specific 2020 Title IX procedural requirements (herein after referred to as “Title IX Procedural Requirements”) for Title IX Sexual Harassment will be applied if:

1. The conduct is alleged to have occurred on or after August 14, 2020;
2. The conduct is alleged to have occurred in the United States;
3. The conduct is alleged to have occurred in a TCC Institution’s Education Programs or Activities; and,

4. The alleged conduct, if true, would constitute Title IX Sexual Harassment, specifically, Title IX Quid Pro Quo, Title IX Hostile Environment Harassment, Title IX Dating Violence, Title IX Domestic Violence, and/or Title IX Stalking Based on Sex, as defined in this Policy.

Cases that include both Title IX Sexual Harassment and Other Sex-Based Misconduct will be addressed using the Title IX Procedural Requirements. All other cases where the allegations do not meet the above criteria will be addressed using the applicable definitions under Other Sex-Based Misconduct and will not be processed using the Title IX Procedural Requirements (unless the case has been consolidated).

This Policy applies to complaints made by a TCC student at one TCC Institution against a student at the same TCC Institution, as well as complaints made by a TCC student against a TCC student at a different TCC Institution (“Cross-Campus Complaints”).

Cases that involve an **employee**, including students in their capacity as a student-employee, of a TCC Institution, will be processed consistent with whether the TCC Institution that is the employer of the Respondent has adopted this Policy for its employees.

- If a TCC Institution has adopted this Policy for its employees, the Title IX Procedural Requirements shall be applied to resolve allegations of Title IX Sexual Harassment that occurred within the jurisdiction of Title IX occurring on or after August 14, 2020.
- All other cases of allegations that do not involve Title IX Sexual Harassment that occur after August 14, 2020 and involve an employee from a TCC Institution that has opted in to this Policy will be processed under the Resolution Options set forth in this Policy.

Institution	Applicable Policy
Claremont Graduate Institute (CGU)	<ul style="list-style-type: none"> • All cases involving CGU’s students, employees and participants in programs and activities are processed under this Policy unless the complaint is against a non-CGU employee, in which case the Policy adopted by the Respondent’s Institution for employees will be used.
Claremont McKenna College (CMC)	<ul style="list-style-type: none"> • For cases by anyone against a CMC employee, please see CMC’s policy. • For cases by a CMC employee against a CMC student, this Policy will be used. • For cases by a CMC employee against a non-CMC student or participant, this Policy will be used. • For cases by a CMC employee against a non-CMC employee, the policy adopted by the Respondent’s Institution for employees will be used.
Harvey Mudd College (HMC)	<ul style="list-style-type: none"> • For cases by anyone against an HMC employee, please see HMC’s policy. • For cases by an HMC employee against an HMC student, please see HMC’s policy. • For cases by an HMC employee against a non-HMC student or participant, this Policy will be used. • For cases by an HMC employee against a non-HMC employee, the policy adopted by the Respondent’s Institution for employees will be used.
Keck Graduate Institute (KGI)	All cases involving KGI’s students, employees and participants in programs and activities are processed under this Policy unless the complaint is against a non-KGI employee, in which case the policy adopted by the Respondent’s Institution for employees will be used.

Institution	Applicable Policy
Pitzer College	All cases involving Pitzer College's students, employees and participants in programs and activities are processed under this Policy unless the complaint is against a non-Pitzer College employee, in which case the policy adopted by the Respondent's Institution for employees will be used.
Pomona College	<ul style="list-style-type: none"> • For cases by anyone against a Pomona College employee, please see Pomona College's policy. • For cases by a Pomona College employee against a Pomona College student, this Policy will be used. • For cases by a Pomona College employee against a non-Pomona College student or participant, this Policy will be used. • For cases by a Pomona College employee against a non-Pomona College employee, the policy adopted by the Respondent's Institution for employees will be used.
Scripps College	<ul style="list-style-type: none"> • For cases by any student or participant (Scripps College or non-Scripps College) against a Scripps College employee, this Policy will be used. • For cases by a Scripps College employee against any student or participant (Scripps College or non-Scripps College), this Policy will be used. • For cases by any TCC Institution employee against a Scripps College employee, please see Scripps College's policy. • For cases by a Scripps College employee against a non-Scripps College employee, the policy adopted by the Respondent's Institution for employees will be used.

B. Matters Involving a Third-Party Participant(s)

This Policy may also apply to third parties, such as guests, visitors, volunteers, invitees, and alumni, when they are participating or attempting to participate in a TCC-sponsored activity, on or off-campus (referred to as "participants" for purposes of this Policy). A third-party complainant may be subject to different procedures within this Policy, depending on the individual's status, or a TCC Institution's internal policies.

There are instances where allegations may be reported or a Complaint may be made against a third-party individual. Any individual who is alleged to have engaged in Prohibited Conduct who is not a TCC student, faculty member, or staff member is generally considered a third-party who is not subject to the Resolution Process in this Policy. A TCC Institution's ability to take appropriate corrective action against a third-party may be limited and will depend on the nature of the third-party's relationship, if any, to the TCC Institution or TCC. When appropriate, the Title IX Coordinator will refer such allegations against third-party respondents to the appropriate office for further action.

The status of a party may impact which resources and remedies are available to them, as described in this Policy.

C. The Geographic Jurisdiction of This Policy

This Policy applies to the programs and activities, including the working and learning environments of the TCC Institutions. It may also apply to instances in which the conduct occurred outside of the campus or any TCC Institution-sponsored activity if the Complainant's Home Institution's Title IX Coordinator determines that the off-campus conduct is within the jurisdiction of this Policy, within Respondent's Home Institution's disciplinary authority (in consultation with the Respondent's Home Institution Title IX Coordinator if Cross-Campus Complaint), or could interfere with access to any educational program or

activity, safety and security, compliance with applicable law, or contribute to a hostile educational environment.

D. How This Policy Impacts Other Campus Disciplinary Policies

The elements and process established in this Policy, and as required under the 2020 Title IX Final Rule and applicable California state law, have no effect on any other TCC Institution policy or Code of Conduct. This Policy does not set a precedent for other policies or processes of the TCC Institutions and may not be cited for or against any right or aspect of any other policy or process.

E. Policy Dissemination and Publication

Each TCC institution shall disseminate this Policy to:

- Each student of their TCC Institution.
- Each employee of their TCC Institution, including student employees.
- Each volunteer who regularly interacts with students.
- Each individual or entity under contract with the TCC Institution to perform any service involving regular interaction with students at the institution.

This Policy, and contact information for each TCC Home Institution Title IX Coordinator, shall be present on each TCC Home Institution's Title IX Office website. Every handbook and/or catalog made available to the members of each TCC Institution's community shall contain a link to this Policy and the contact information for the Home Institution's Title IX Coordinator.

IV. Prohibited Conduct – Title IX Sexual Harassment, Other Sex-Based Misconduct, and Retaliation

Only allegations of Prohibited Conduct, as defined by this Policy, are addressed under this Policy.

Other forms of sex discrimination, including discrimination on the basis of sex, sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, gender identity, and gender expression are prohibited and will be addressed by each TCC Institution in its individual policies.

This section provides the definitions of Prohibited Conduct for purposes of this Policy.

Definitions of Title IX Sexual Harassment	
In accordance with its obligations under the Title IX Regulations of 2020, TCC Institutions prohibit Title IX Sexual Harassment, which is conduct based on sex (where sex is defined by the federal government as sex assigned at birth) that satisfies one or more of the following definitions and occurs on a TCC Member Institution's campus or in locations, events, or circumstances in the United States over which a TCC Member Institution exercised substantial control over both the Respondent and the context in which the Title IX Sexual Harassment occurs, and also includes any building owned or controlled by a student organization that is officially recognized by a TCC Member Institution	
Title IX Quid Pro Quo Harassment Based on Sex	An employee of a TCC Member Institution conditioning the provision of an aid, benefit, or service of the Institution on an individual's participation in unwelcome sexual conduct (also known as quid pro quo Sexual Harassment).

Definitions of Title IX Sexual Harassment In accordance with its obligations under the Title IX Regulations of 2020, TCC Institutions prohibit Title IX Sexual Harassment, which is conduct based on sex (where sex is defined by the federal government as sex assigned at birth) that satisfies one or more of the following definitions and occurs on a TCC Member Institution’s campus or in locations, events, or circumstances in the United States over which a TCC Member Institution exercised substantial control over both the Respondent and the context in which the Title IX Sexual Harassment occurs, and also includes any building owned or controlled by a student organization that is officially recognized by a TCC Member Institution	
Title IX Hostile Environment Based on Sex	<p>Unwelcome conduct that a reasonable person would determine is so severe, pervasive, and objectively offensive that it effectively denies a person equal access to TCC Member Institution’s Education Programs or Activities.</p> <ul style="list-style-type: none"> • “Unwelcome conduct” depends on a variety of factors and must be evaluated in light of the known circumstances. • “Severe, pervasive, and objectively offensive” must be evaluated in light of the known circumstances, and is dependent on the facts in each situation. However, this element must be determined from the perspective of a reasonable person standing in the shoes of the Complainant.
Title IX Sexual Assault	<p>Sexual Assault is any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent. In California, Affirmative Consent is required.¹⁶</p> <p>For the purpose of these definitions, a Sexual Act is defined as conduct between persons consisting of:</p> <ul style="list-style-type: none"> • Contact between the penis and the vulva, or between penises and vulvas; • Contact between the penis and the anus; • Contact between the mouth and the penis; • Contact between the mouth and the vulva; • Contact between the mouth and anus; • Contact between anuses; or, • Contact involving any of the above or the buttocks or breasts. <p>Sexual Assault includes:</p> <ul style="list-style-type: none"> • Rape—The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim. In California, Affirmative Consent is required. Attempted Rape falls under this prohibition. (This type of conduct is not eligible for mediation as a form of agreement-based resolution in California). • Fondling—The touching of the private body parts of another for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental incapacity. In California, Affirmative Consent is required. (This type of conduct is not eligible for mediation as a form of agreement-based resolution in California).

Definitions of Title IX Sexual Harassment In accordance with its obligations under the Title IX Regulations of 2020, TCC Institutions prohibit Title IX Sexual Harassment, which is conduct based on sex (where sex is defined by the federal government as sex assigned at birth) that satisfies one or more of the following definitions and occurs on a TCC Member Institution’s campus or in locations, events, or circumstances in the United States over which a TCC Member Institution exercised substantial control over both the Respondent and the context in which the Title IX Sexual Harassment occurs, and also includes any building owned or controlled by a student organization that is officially recognized by a TCC Member Institution	
Title IX Sexual Assault Continued	<p>Private body parts include genitals, groin area, breasts, and buttocks.</p> <ul style="list-style-type: none"> • Incest—Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law. (This type of conduct is not eligible for mediation as a form of agreement-based resolution in California). • Statutory Rape—Sexual intercourse with a person who is under the statutory age of consent. In California the statutory age of consent is 18. (This type of conduct is not eligible for mediation as a form of agreement-based resolution in California).
Title IX Dating Violence	<p>Dating Violence is violence committed by a person:</p> <ul style="list-style-type: none"> • Who is or has been in a social relationship of a romantic or intimate nature with the victim; and • Where the existence of such a relationship shall be determined based on a consideration of the following factors: <ul style="list-style-type: none"> • The length of the relationship; • The type of relationship; and • The frequency of interaction between the persons involved in the relationship. <p>Emotional and psychological abuse do not constitute violence for the purposes of this definition.</p>
Title IX Domestic Violence	<p>Domestic violence is violence committed by a person who:</p> <ul style="list-style-type: none"> • Is a current or former spouse or intimate partner of the victim under the family or domestic violence laws of the State of California or a person similarly situated to a spouse of the victim; • Is cohabitating, or has cohabitated, with the victim as a spouse or intimate partner; • Shares a child in common with the victim; or

Definitions of Title IX Sexual Harassment In accordance with its obligations under the Title IX Regulations of 2020, TCC Institutions prohibit Title IX Sexual Harassment, which is conduct based on sex (where sex is defined by the federal government as sex assigned at birth) that satisfies one or more of the following definitions and occurs on a TCC Member Institution’s campus or in locations, events, or circumstances in the United States over which a TCC Member Institution exercised substantial control over both the Respondent and the context in which the Title IX Sexual Harassment occurs, and also includes any building owned or controlled by a student organization that is officially recognized by a TCC Member Institution	
	<ul style="list-style-type: none"> Commits acts against a youth or adult victim who is protected from those acts under the family or domestic violence laws of the State of California. <p>Emotional and psychological abuse do not constitute violence for the purposes of this definition.</p>
Title IX Stalking Based on Sex	Engaging in a course of conduct, on the basis of sex, directed at a specific person that would cause: <ul style="list-style-type: none"> a reasonable person to fear for the person’s safety or the safety of others; or suffer substantial emotional distress.

Definitions of Other Sex-Based Misconduct in Education Programs and Activities and Employment In addition to Title IX Sexual Harassment, each TCC Institution prohibits unwelcome sexual conduct, sex-based harassment, sexual violence, sexual exploitation, and retaliation for those individuals who meet the definition of Complainant and Respondent.	
Other Unwelcome Sexual Conduct	Someone from or in the work or educational setting, including an employee agent, or other person authorized by a TCC Institution to provide an aid, benefit, or service under a TCC Institution’s education program or activity, who explicitly or implicitly conditions the provision of an aid, benefit, or service of a TCC Institution on an individual’s participation in unwelcome sexual conduct, which includes but is not limited to, unwelcome sexual advances, requests for sexual favors, and other verbal, visual, or physical conduct of a sexual nature, including under any of the following conditions: <ol style="list-style-type: none"> Submission to the conduct is explicitly or implicitly made a term or a condition of an individual’s employment, academic status, or progress; <ul style="list-style-type: none"> Submission to, or rejection of, the conduct by the individual is used as the basis of employment or academic decisions affecting the individual; or, Submission to, or rejection of, the conduct by the individual is used as the basis for any decision affecting the individual regarding benefits and services, honors, programs, or activities available at or through the educational institution. Unwelcome sexual advances, requests for sexual favors, and other verbal, visual, or physical conduct of a sexual nature, made by

Definitions of Other Sex-Based Misconduct in Education Programs and Activities and Employment In addition to Title IX Sexual Harassment, each TCC Institution prohibits unwelcome sexual conduct, sex-based harassment, sexual violence, sexual exploitation, and retaliation for those individuals who meet the definition of Complainant and Respondent.	
Other Unwelcome Sexual Conduct Continued	<p>someone from or in the work or educational setting where the conduct has the purpose or effect of having a negative impact upon the individual's work or academic performance, or of creating an intimidating, hostile, or offensive work or educational environment.</p> <p>Quid Pro Quo can include situations in which an employee, or agent, or individual who purports to have authority under a TCC Institution to provide and condition an aid, benefit, or service under the TCC Institution's education program or activity on a person's participation in unwelcome sexual conduct, even if that person is unable to provide that aid, benefit, or service.</p> <p>Additionally, the threat of a detriment falls within the definition of Quid Pro Quo, whether or not the threat is actually carried out (e.g. the threat to award a poor grade to a student unless they participate in unwelcome sexual conduct could constitute Quid Pro Quo as it is a condition placed on the provision of the student's education, which is a service of a TCC Institution).</p> <p>Conditions may involve academics and/or extracurricular activities within TCC.</p>
California Sex-Based Hostile Environment Harassment in Education Programs and Activities	<p>Unwelcome sex-based conduct (where sex includes sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, gender identity and gender expression) that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person's ability to participate in or benefit from any TCC Institution's education program or activity.</p> <p>Nothing in this definition is intended to interfere with an individual's rights to freedom of speech or expression pursuant to the United States Constitution, the California Constitution, and the California Leonard Law.</p>
California Sexual Violence	<p>Physical sexual acts perpetrated against a person without the person's Affirmative Consent. Physical sexual acts include both of the following:</p> <ul style="list-style-type: none"> • Rape, defined as penetration, no matter how slight, of the vagina or anus with any part or object, or oral copulation of a sex organ by another person, without the consent of the victim. (This type of conduct is not eligible for mediation as a form of agreement-based resolution in California). • Sexual Battery, defined as the intentional touching of another person's intimate parts without their Affirmative Consent, intentionally causing a person to touch the intimate parts of another without Affirmative Consent, or using a person's own intimate part to intentionally touch

Definitions of Other Sex-Based Misconduct in Education Programs and Activities and Employment In addition to Title IX Sexual Harassment, each TCC Institution prohibits unwelcome sexual conduct, sex-based harassment, sexual violence, sexual exploitation, and retaliation for those individuals who meet the definition of Complainant and Respondent.	
California Sexual Violence Continued	<p>another person's body without Affirmative Consent.</p> <p>Intimate body parts include genitals, groin area, breasts, buttocks, anus, vulva, and mouth. (This type of conduct is not eligible for mediation as a form of agreement-based resolution in California).</p>
California Sexual Exploitation	<p>Sexual Exploitation includes 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:</p> <ul style="list-style-type: none"> • The prostituting of another person. • The trafficking of another person, defined as the inducement of a person to perform a commercial sex act, or labor or services, through force, fraud, or coercion. • The recording of images, including video or photograph, or audio of another person's sexual activity or intimate parts, without that person's consent. • The distribution of images, including video or photograph, or audio of another person's sexual activity or intimate parts, if the individual distributing the images or audio knows or should have known that the person depicted in the images or audio did not consent to the disclosure. • The viewing of another person's sexual activity or intimate parts, in a place where that other person would have a reasonable expectation of privacy, without that person's consent, for the purpose of arousing or gratifying sexual desire. <p>Intimate body parts include genitals, groin area, breasts, buttocks, anus, vulva, and mouth.</p>
Stalking Based on Gender Identity, Gender Expression and Sexual Orientation	<p>Engaging in a course of conduct, on the basis of other sex-based protected categories (including sex, sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, gender identity and gender expression) directed at a specific person that would cause:</p> <ul style="list-style-type: none"> • a reasonable person to fear for the person's safety or the safety of others; or • suffer substantial emotional distress.

Definitions of Other Sex-Based Misconduct in Education Programs and Activities and Employment In addition to Title IX Sexual Harassment, each TCC Institution prohibits unwelcome sexual conduct, sex-based harassment, sexual violence, sexual exploitation, and retaliation for those individuals who meet the definition of Complainant and Respondent.	
Other/California Dating Violence	See the definition of Title IX Dating Violence. The conduct must occur outside of the jurisdiction of Title IX and the parties must meet the definitions of “Complainant” and “Respondent.”
Other/California Domestic Violence	See the definition of Title IX Domestic Violence. The conduct must occur outside of the jurisdiction of Title IX and the parties must meet the definitions of “Complainant” and “Respondent.”

Definitions of California Prohibited Harassment in Employment For TCC Institutions that have adopted this Policy for their employees, these TCC Institutions prohibit California Sex-Based Harassment in Employment that occurs:	
<ul style="list-style-type: none"> • In the workplace (including the remote workplace during working time) or anywhere on the TCC Institution’s property while employees are working; • Off-campus, if the Prohibited Conduct in employment occurred during a TCC Institution’s work event, activity, program, or event; or • Off-campus, if the off-duty Prohibited Conduct in employment by a supervisor has or reasonably may have the effect of creating a hostile work environment for an employee. 	
California Sex-Based Harassment in Employment	<p>Any unwelcome behavior towards an employee (which for this definition includes a student-employee in their capacity as an employee), applicant for employment, unpaid intern, contractor or volunteer, that is reasonably regarded as offensive, that is based on sex (for this definition sex includes sex, sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, gender identity and gender expression) and that:</p> <p>Sufficiently offends, humiliates, distresses, or intrudes upon its victim, so as to disrupt the victim’s emotional tranquility in the workplace, or,</p> <p>Affects the victim’s ability to perform the job as usual, or,</p> <p>Otherwise interferes with and undermines the victim’s personal sense of well-being.</p> <p>For California Sex-Based Harassment in employment, a single incident of harassing conduct based on sex may create a hostile work environment if the harassing conduct has unreasonably interfered with the victim’s work performance or created an intimidating, hostile, or offensive work environment. Whether or not the person meant to give offense or believed their comments or conduct were welcome is not significant. Rather, the Policy is violated when other individuals, whether recipients or mere observers of the conduct, are actually offended by comments or conduct based on sex and the conduct is considered offensive by a reasonable person.</p>

Definitions of California Prohibited Harassment in Employment

For TCC Institutions that have adopted this Policy for their employees, these TCC Institutions prohibit California Sex-Based Harassment in Employment that occurs:

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

California Sex-Based Harassment in Employment Continued

Examples of conduct that may constitute California Sex-Based Harassment in employment may include, but are not limited to:

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

Definition of Prohibited Retaliation

Each TCC Institution prohibits Retaliation for those individuals who meet the definition of Complainant and Respondent.

Retaliation

TCC Member Institutions prohibit retaliation against any person opposing Prohibited Conduct or participating in any Prohibited Conduct Resolution Process, including an investigation, whether internal or external to a TCC Member Institution.

No recipient or other person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX or this Policy, or because the individual has made a report

Definition of Prohibited Retaliation Each TCC Institution prohibits Retaliation for those individuals who meet the definition of Complainant and Respondent.	
Retaliation Continued	<p>or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this Policy. Intimidation, threats, coercion, or discrimination, including charges against an individual for code of conduct violations that do not involve sex discrimination or Sexual Harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or formal complaint of Sexual Harassment, for the purpose of interfering with any right or privilege secured by Title IX or this Policy, constitutes Retaliation.</p> <p>Retaliation includes threats, intimidation, harassment, coercion, discrimination, violence, or any other conduct against any person by a TCC Member Institution, a student, or an employee or other person authorized by a TCC Member Institution to provide aid, benefit, or service under any TCC Member Institution's education program or activity, for the purpose of interfering with any right or privilege secured by this Policy, or because the person has reported information, made a Complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this Policy, including the Agreement-Based Resolution Process, Investigation and Hearing Resolution Process, and in any other action taken by a TCC Member Institution to promptly and effectively end any Prohibited Conduct in its education program or activity, prevent its recurrence, and remedy its effects. Retaliation does not include perceived or petty slights, or trivial annoyances.</p> <p>This Policy also applies to peer retaliation, which is defined as retaliation by a TCC student against another TCC student.</p> <p>A TCC Member Institution may require an employee or other person authorized by the TCC Member Institution to provide aid, benefit, or service under the TCC Institution's education program or activity to participate as a witness in, or otherwise assist with, an investigation, proceeding, or hearing under this Policy.</p>

V. Conflict of Interest or Bias

Any individual responsible for carrying out any part of this Policy shall be free from any actual conflict of interest or demonstrated bias that would impact the handling of a matter.

Should any Party believe that any designated Investigator, Hearing Decisionmaker, Appeal Decisionmaker, or Sanctions Decisionmaker (for cases where Respondent has accepted responsibility pursuant to Section XIII.C.) has a conflict of interest or bias for or against complainants or respondents generally or an individual Complainant or Respondent, they must notify the TCC Title IX Administrator of their objection in writing within three (3) business days from the date the individual's identity is shared with the Parties.

If any Party believes that their Home Institution Title IX Coordinator or the TCC Title IX Administrator has a conflict of interest or bias for or against complainants or respondents generally or an individual Complainant or Respondent, they must notify the TCC Title IX Administrator (regarding Home Institution Title IX Coordinator), or the appropriate TCC official (regarding the TCC Title IX Administrator) as soon as possible upon discovery of an actual conflict of interest or bias.

The TCC Title IX Administrator will consider and resolve any objections, except any objections to the TCC Title IX Administrator, which will be assigned to the appropriate official. If the objection is substantiated with regard to an Investigator or Decisionmaker, then a new Investigator or Decisionmaker will be designated, and the Parties will be notified of this decision in writing. If the objection to a Home Institution Title IX Coordinator or the TCC Title IX Administrator is substantiated, the role will be reassigned to an appropriately designated official for purposes of completing and finalizing the matter at issue.

Should the Complainant's Home Institution Title IX Coordinator or the Respondent's Home Institution Title IX Coordinator have a conflict of interest, they shall immediately notify the designated official at their TCC Institution who will either take, or reassign, the role of their Party's Title IX Coordinator for purposes handling and finalizing the matter at issue. Should the TCC Title IX Administrator have a conflict of interest, they will notify their designated official who will reassign the role accordingly.

VI. Supportive Measures

Each Party's Home Institution's Title IX Coordinator will be responsible for implementing Supportive Measures, as defined in this Policy, as appropriate for their Party (Complainant or Respondent), which are legally available to both Parties, and as applicable to restore or preserve the Party's access to any TCC Institution program or activity or provide support during the Resolution Process, including Agreement-Based Resolution Process, under this Policy.

The Complainant's Home Institution Title IX Coordinator shall, upon becoming aware of alleged Prohibited Conduct, promptly contact the Complainant, if their identity is known, to discuss the availability of Supportive Measures, as well as other rights and options in accordance with this Policy and their Home Institution's policies. Supportive Measures shall be offered to the Complainant, and the Complainant has the right under this Policy to request Supportive Measures, regardless of whether they desire to make a report or Complaint, have their allegations investigated, or seek Agreement-Based Resolution. In implementing any Supportive Measures, the Complainant's Home Institution's Title IX Coordinator shall consider the Complainant's wishes.

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

Supportive Measures provided to a Complainant or Respondent shall remain confidential to the extent that maintaining such confidentiality will not impair the TCC Institution's ability to provide the Supportive Measures. For Cross-Campus Complaints, each Party's Home Institution Title IX Coordinator shall promptly notify the other Party's Home Institution Title IX Coordinator of any Supportive Measures implemented on behalf of a Party or witness. This information will not be shared with the other Party unless it specifically impacts that Party. If there is disagreement about whether information about a specific Supportive Measure for one Party will be shared with the other Party, the Parties' Home Institution Title IX Coordinators shall discuss with the TCC Title IX Administrator to determine best approach to balance privacy and effectiveness.

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

- Counseling;
- Extensions of deadlines or other course-related adjustments, in coordination with the relevant Faculty member;
- Modifications of work or class schedules, in coordination with the relevant Faculty member and/or supervisor;

- Campus escort services;
- Restrictions on contact and communication applied to one or more parties, including no contact directives (which may be mutual or unilateral, and at the discretion of each Party's Home Institution's Title IX Coordinator as set forth below);
- Changes in class, work, housing, or extracurricular or any other activity, regardless of whether there is or is not a comparable alternative;
- Training and education programs related to Prohibited Conduct;
- Leaves of absence;
- Increased security and monitoring of certain areas of campus; and,
- Other similar measures determined by the Parties' Home Institution's Title IX Coordinator(s) based on the specific facts of each case.

A. Specific Requirements for No Contact Orders

A No Contact Order (NCO) is a documented directive issued by a Party's Home Institution's Title IX Coordinator that is designed to limit or prohibit contact or communications between the Parties. An NCO may be mutual or unilateral, with the exception that an NCO issued as either a sanction or remedy shall be unilateral, directing that the Respondent to not contact the Complainant.

For cases of Prohibited Conduct involving only students:

- When requested by a Complainant or otherwise determined to be appropriate, the Respondent's Home Institution's Title IX Coordinator shall issue an interim, unilateral NCO prohibiting the Respondent from contacting the Complainant during the pendency of the Resolution Process under this Policy, including any appeal.
- A Home Institution Title IX Coordinator shall not issue an interim mutual NCO automatically, but instead shall consider the specific circumstances of each case to determine whether a mutual NCO is necessary or justifiable to protect the noncomplaining Party's safety or well-being, or to respond to interference with the Resolution Process. Upon issuance of an interim mutual NCO, the Party's Home Institution's Title IX Coordinator shall provide the Parties with a written justification for the mutual NCO and an explanation of the terms of the NCO, including the circumstances, if any, under which a violation of the NCO could be subject to disciplinary action.

Any Party's non-compliance with the parameters of Supportive Measure(s), such as no contact orders, may be referred by either Party's Home Institution's Title IX Coordinator to the appropriate TCC Institution department for review and investigation as to whether the alleged conduct violates the TCC Institution's code of conduct (student), handbook policy (employee), or other applicable policies. Violations may result in sanctions or discipline.

VII. Resources

TCC students and/or employees may wish to speak with a confidential resource. Access to support, including confidential support, is available regardless of whether they make a report or Complaint, or engage in the Resolution Process under this Policy. Below is a list of the available on- and off-campus resources, both confidential and non-confidential. All resources are confidential and available to 7C students unless otherwise noted. Each TCC Institution may have additional resources available to its students and/or employees. Contact the Home Institution Title IX Coordinator for more information. More information, including disclosing Prohibited Conduct to a Confidential Resource, may be found in the following Section VIII. Reporting Prohibited Conduct.

A. On-Campus Resources

1. Resources for Students

- **EmPOWER Center**
1030 Dartmouth Avenue
(909) 607-2689
www.7csupportandprevention.com
Director, Rima Shah; RShahEmPOWER@claremont.edu
- **Monsour Counseling and Psychological Services(MCAPS)**
Tranquada Student Services Building
755 N. College Way
(909) 621-8222 (For after-hours emergency, press 1 to be connected to the on-call therapist.)
<https://services.claremont.edu/mcaps/>
Available only to the 5Cs*
- **TimelyCare**
(24/7 medical and mental telehealth care for all students, at no cost)
<https://app.timelycare.com/auth/login>
- **The Chaplains for The Claremont Colleges**
McAlister Center
919 N. Columbia Avenue
(909) 621-8685
chaplains@claremont.edu
<https://services.claremont.edu/chaplains/>
- **Queer Resource Center (the “QRC”)**
Walton Commons
395 E. 6th Street
(909) 609-1817
For confidential matters, contact the QRC’s Director, Bri Serrano (Bri.serrano@pomona.edu)
For non-confidential matters, contact qrc@claremont.edu
<https://colleges.claremont.edu/qrc/>

- **Student Health Services**
Tranquada Student Services Center – 1st Floor
757 College Way Claremont, CA 91711
(909) 621-8222
shsrecords@claremont.edu
<https://services.claremont.edu/student-health-services/>
Available only to the 5Cs and limited confidentiality²

2. Confidential Resources for Staff and Faculty

- **Employee Assistance Program (EAP)**
(800) 234-5465
www.liveandworkwell.com
Please contact your Human Resources department for access code*
- **The Chaplains for The Claremont Colleges**
McAlister Center
919 N. Columbia Avenue
(909) 621-8685
chaplains@claremont.edu
<https://services.claremont.edu/chaplains/>

B. Off-Campus and Community-Based Resources

1. Services and Support for Sexual Assault

- **Project Sister Sexual Assault 24/7 Crisis Hotline (Pomona, CA) (Sexual Violence)**
Project Sister Family Services provides services to women, men, and child survivors of sexual violence, and their families, in the East San Gabriel and Inland Valleys in Southern California. Project Sister works with local law enforcement, district attorneys, courts, hospital and health care providers, schools, churches and other community groups and agencies. Its mission is to reduce the trauma and risk of sexual violence and child abuse. All services are provided in both English and Spanish.
(800) 656-4673
(909) 626-HELP ((909) 626-4357)
<https://projectsister.org/>

² Under California law, any health practitioner employed in a health facility, clinic, physician's office, or local or state public health department or clinic is required to make a report to local law enforcement if they provide medical services for a physical condition to a person who they know or reasonably suspect is suffering from: (1) a wound or physical injury inflicted by a firearm; or (2) any wound or other physical injury where the injury is the result of assaultive or abusive conduct (including Sexual Assault, and Dating and Domestic Violence). This requirement does not apply to sexual assault and domestic violence counselors and advocates.

➤ **Peace Over Violence (Sexual Assault, Dating/Domestic Violence, & Stalking) (Los Angeles, CA)**

The Los Angeles Rape and Battering hotline is a confidential non-judgmental resource where staff and volunteers are available to provide emotional support, advocacy, information and referrals.

24/7 Hotline: English, Spanish, and ASL

(213) 626-3393 (Central Los Angeles)

(310) 392-8381 (South Los Angeles)

(626) 793-3385 (West San Gabriel Valley)

<https://www.peaceoverviolence.org/>

➤ **RAINN National Sexual Assault Crisis Hotline (Rape, Abuse & Incest National Network)**

(800) 656-HOPE ((800) 656-4673)

<https://rainn.org/about-national-sexual-assault-telephone-hotline>

2. Services and Support for Dating and Domestic Violence

➤ **House of Ruth (Dating and Domestic Violence) (Pomona, CA)**

(877) 988-5559 (toll-free hotline)

(909) 623-4364 (Pomona Outreach Office)

<https://www.houseofruthinc.org>

➤ **National Domestic Violence Hotline**

(800) 799-SAFE (7233)

(800) 787-3224 (TTY)

<https://www.thehotline.org/>

3. Medical Resources

➤ **Pomona Valley Health Center**

1798 North Garey Avenue

Pomona, CA 91767

(909) 865-9500

<https://www.pvhmc.org/>

Medical staff may have reporting obligation to law enforcement (See FN 2 above).

VIII. Reporting Prohibited Conduct

A. Reporting Prohibited Conduct Directly to the Home Institution's Title IX Coordinator

Any person may report Prohibited Conduct under this Policy. The individual reporting the Prohibited Conduct need not be the individual subjected to the alleged misconduct. However, only the following individuals have the right to make a Formal Complaint alleging Title IX Sexual Harassment, a Complaint of Other Sex-Based Harassment, or Complaint of Retaliation, as defined by this Policy in Section XXII,

requesting that the TCC Institution investigate and make a determination about alleged Prohibited Conduct under this Policy:

1. A Complainant, as defined by this Policy in Section XXII;
2. A parent, guardian, or other authorized legal representative with the legal right to act on behalf of a Complainant;
3. The Complainant's Home Institution's Title IX Coordinator upon making case-specific analysis as described in Section IX.C. and
4. For Cross-Campus allegations of Prohibited Conduct, the Respondent's Home Institution's Title IX Coordinator, and upon consultation with the Complainant's Home Institution's Title IX Coordinator.

Any person wishing to report or file a Complaint of Prohibited Conduct may do so utilizing the contact information of their Home Institution Title IX Coordinator found in Section II.A. These reports or Complaints shall be accepted when received in-person, via mail, electronic mail, telephone, electronic incident report submission, and/or by any other means clearly defined by TCC. Reporting alleged Prohibited Conduct or filing a Complaint may be done orally or in writing. A report of Prohibited Conduct does not necessarily constitute a Complaint and will not automatically initiate the resolution process procedures under this Policy. The "Resolution Process" refers to the process initiated upon receipt of information regarding allegations of Prohibited Conduct. The resolution options available in the Resolution Process under this Policy are outlined in Section XIII.

Upon receipt of a report or Complaint of Prohibited Conduct, the Complainant's Home Institution's Title IX Coordinator will respond in accordance with Section IX.

B. Disclosing Prohibited Conduct to a Confidential Resource

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

A disclosure to a Confidential Resource does not result in any report or initiation of the Resolution Process unless requested by the disclosing individual.

There are two types of Confidential Resources at TCC.

1. Confidential Resources with the Legal Privilege of Confidentiality

Communication with these resources have legal protections from disclosure in court. These resources also possess professional obligations (the duty of confidentiality) to hold such communications in confidence and they cannot divulge information about an individual seeking their services to a third party without that individual's consent. There are established limits to confidentiality and these must be communicated to the individual seeking services.

Under California law, any health practitioner employed in a health facility, clinic, physician's office, or local or state public health department or clinic is required to make a report to local law enforcement if they provide medical services for a physical condition to a person who they know or reasonably suspect is suffering from: (1) a wound or physical injury inflicted by a firearm; or (2) any wound or other physical

injury where the injury is the result of assaultive or abusive conduct (including Sexual Assault, and Dating and Domestic Violence).

This requirement does not apply to sexual assault and domestic violence counselors and advocates.

Examples of Confidential Resources with the legal privilege of confidentiality at TCC include, but are not limited to: Chaplains, Monsour Counseling and Psychological Services (MCAPS), and Student Health Services (SHS) (subject to reporting obligation above).

2. Institution-Designated Confidential Resources

Communication with these resources do not have legal privilege and as such are not provided legal protections from disclosure in court. These individuals and/or offices do possess professional obligations (the duty of confidentiality) to hold communications in confidence and they cannot divulge information about an individual seeking their services to a third party without that individual's consent.

Institution-Designated Confidential Resources also have limited reporting responsibilities federally mandated by the Clery Act. Under the Clery Act, their reporting obligation arises when they become aware of information or allegations of criminal behavior and must report the information regarding an incident to the TCC Institution's Clery Coordinator. They do not report identifying information about the individuals involved in an incident. Institution-Designated Confidential Resources are not obligated to inform the Home Institution Title IX Coordinator of a report/disclosure unless requested by the individual seeking their services.

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

Some campus advocates are Institution-designated Confidential Resources. All campus Advocates, however, are private resources, and do not have an obligation to share any information with the Title IX Coordinator. Please check with your individual TCC institution for a definitive list of confidential resources.

A list of on and off-campus confidential and private resources is included in Section VII, and each TCC Home Institution's Title IX Coordinator maintains a list of additional, TCC Institution-based confidential resources available to its Institution's students and employees.

C. Reporting Prohibited Conduct to a TCC Institution Employee and Their Reporting Obligations

Employees should refer to their own TCC Institution's Responsible Employee Policy.

D. Amnesty for Student Conduct Charges when Reporting Prohibited Conduct Under this Policy

An individual who makes a report of Prohibited Conduct to the Title IX Coordinator or who participates in an investigation of Prohibited Conduct as Complainant or witness, will not be subject to disciplinary action for a violation of their Home TCC Institution's student conduct policy that occurred at or around the time of the incident, unless the Party or witness' Home TCC Institution determines that the violation was egregious, including, but not limited to, an action that placed the health or safety of any other person at risk, or involved plagiarism, cheating, or academic dishonesty. The Party or witness' Home TCC Institution may suggest an educational conference where support, resources, and educational counseling options may be

discussed and potentially require a learning action plan for an individual who has engaged in the illegal or prohibited use of alcohol or drugs.

E. Reporting to Law Enforcement and Concurrent Criminal Investigations

Some Prohibited Conduct may constitute a violation of both the law and this Policy. TCC encourages individuals to report alleged crimes promptly to local law enforcement agencies should they wish to do so. All persons have the right to file with law enforcement, as well as the right to decline to file with law enforcement. The decision not to file shall not be considered as evidence that there was not a violation of this Policy. Filing a complaint with law enforcement does not relieve TCC of its responsibility to address reported concerns or complaints under this Policy.

Criminal investigations may be useful in the gathering of relevant evidence, particularly forensic evidence. The standards for finding a violation of criminal law are different from the standards for finding a violation of this Policy. Conduct may constitute Prohibited Conduct under this Policy even if law enforcement agencies lack sufficient evidence of a crime and decline to prosecute.

Proceedings under this Policy may be carried out prior to, simultaneously with, or following civil or criminal proceedings off campus. A Complainant may make a report or Complaint under this Policy and also file a complaint with law enforcement at the same time. However, when a Complaint is made under this Policy, as well as to law enforcement, TCC may delay its process for a reasonable amount of time if a law enforcement agency requests this delay to allow law enforcement to gather evidence of criminal misconduct. Such delay would constitute good cause for extending the timeline. Criminal or legal proceedings are separate from the processes in this Policy and do not determine whether this Policy has been violated.

All investigations and determinations under this Policy will be thorough, reliable and impartial, and will seek to collect evidence and names of witnesses to gather information that is relevant to whether the alleged Policy violation occurred and will not be based on the grounds that civil or criminal charges involving the same incident have been filed or that charges have been dismissed or reduced.

In the case of an emergency, where the physical well-being of a member of the TCC community or the safety of any TCC Institution is threatened, any individual with such knowledge should promptly contact The Claremont Colleges Campus Safety at [\(909\) 607-2000](tel:9096072000) or [\(909\) 607-7233 \(SAFE\)](tel:9096077233), or [911](tel:911). TCC may take any immediate steps as may be necessary and appropriate under the circumstances to ensure the well-being of the TCC community and TCC as a consortium.

IX. Response to a Report or Complaint of Prohibited Conduct

A. Initial Contact by the Complainant's Home Institution's Title IX Coordinator

Following receipt of a report or Complaint alleging Prohibited Conduct under this Policy, the Complainant's Home Institution's Title IX Coordinator will contact the Complainant to request to meet with them for an initial intake and assessment meeting, and will provide the following information in their outreach to Complainant:

An invitation to meet with Complainant's Home Institution's Title IX Coordinator to offer assistance and explain their rights, resources, and options under this Policy;

Access to this Policy via link or attachment;

Information regarding available campus and community-based resources for counseling, health care, mental health, or victim advocacy. Upon request, information regarding legal assistance, visa and immigration assistance, student financial aid and other available services may be provided;

The availability of Supportive Measures regardless of whether a Complaint is filed and/or any Resolution Process is initiated;

Information regarding resolution options (Support-Based, Agreement-Based, and Investigation and Hearing Resolution) under this Policy, how to initiate such Resolution Processes including how to file a Formal Complaint to invoke the Title IX Procedural Requirements; and how those procedures work, including contacting and interviewing Respondent and seeking identification and location of witnesses;

The right to notify law enforcement as well as the right not to notify law enforcement;

The importance of preserving evidence and, in the case of potential criminal misconduct, how to get assistance from TCC Campus Safety or local law enforcement in preserving evidence;

The right to have a Support Person and/or Advisor during any meetings or proceedings under this Policy, including the initial meeting with the Complainant's Home Institution's Title IX Coordinator; as well as the right to consult with an attorney, at their own expense, at any stage of the process if they wish to do so; and

A statement that Retaliation for reporting a concern, filing a Complaint, or participating in the Complaint process, is prohibited.

If the Title IX Coordinator who received the report is different from the Complainant's Home Institution's Title IX Coordinator, then the Title IX Coordinator who received the report will forward the report to the appropriate Home Institution Title IX Coordinator.

B. Initial Intake Meeting and Assessment

A Complainant, or another individual reporting the potential Prohibited Conduct (Reporting Party),³ may meet with their Home Institution's Title IX Coordinator for the purposes of discussing their reporting options, Supportive Measures, and resolution options under this Policy. The primary concern during the intake meeting shall be safety, and a trauma-informed approach shall be used while meeting with the Complainant.

Below is a summary of the topics the Complainant's Home Institution's Title IX Coordinator will address during the intake meeting with the Complainant:

1. Assistance with immediate safety concerns, care and support resources, medical providers, and law enforcement;
2. Supportive Measures; and

³ Upon receipt of a report of Prohibited Conduct made by an individual other than the Complainant (referred to as the "Reporting Party" in this instance), and the Complainant's identity is disclosed within the report, or is otherwise known to the Complainant's Home Institution's Title IX Coordinator, Complainant's Home Institution's Title IX Coordinator may meet or communicate with the Reporting Party that they will contact Complainant to offer to meet with them. If Complainant's identity is not disclosed in the report, the Complainant's Home Institution's Title IX Coordinator may request that information from the Reporting Party, who may decide whether or not to disclose this information to the Complainant's Home Institution's Title IX Coordinator.

3. Procedures for determining next steps and appropriate resolution options under this Policy, including Agreement-Based Resolution options.

During this initial meeting, or in a separate follow-up meeting, the Complainant's Home Institution Title IX Coordinator will gather preliminary information about the nature of the circumstances or the report to determine appropriate next steps, including appropriate Supportive Measures, whether this Policy applies, and if so, which resolution option(s) may be appropriate based on the allegations and status of the Parties. Information gathered may include names of individuals involved, date of incident(s), location of incident(s), and a description of the alleged incident. The Complainant's Home Institution's Title IX Coordinator may also determine that the provision of only Supportive Measures is the appropriate response under the Policy based on the information provided. The intake meeting is not intended to serve as an exhaustive interview, but rather to provide the Complainant's Home Institution's Title IX Coordinator with sufficient contextual information to determine the appropriate next steps to support the Complainant and to guide the TCC Institution's response. The initial assessment is not a finding of fact or responsibility. If the individual bringing forward the report or Complaint is not the actual Complainant, the Complainant's Home Institution's Title IX Coordinator will limit communication to general information regarding this Policy.

Should the Complainant wish to initiate a Resolution Process, the Complainant's Home Institution's Title IX Coordinator will determine whether this Policy applies and, if so, the appropriate Resolution Process under this Policy. The Complainant's Home Institution's Title IX Coordinator will communicate to the Complainant the determination whether to initiate the Resolution Process, close the matter due to insufficient information to warrant further review under this Policy, and/or refer the matter for handling under a different policy, and/or appropriate TCC Institution office for handling, pursuant to the dismissal provisions of this Policy in Section X. The Complainant's Home Institution's Title IX Coordinator will make reasonable efforts to clarify the allegations with the Complainant prior to any determination to close, dismiss, or refer the report or Complaint.

If the reported information involves a student or employee Respondent from a different TCC Institution, then the Complainant's Home Institution's Title IX Coordinator and Respondent's Home Institution's Title IX Coordinator will jointly make the initial assessment and determination.

C. Request for Confidentiality or No Further Action; Complaints Initiated by the Title IX Coordinator

When a Complainant requests that their Home Institution's Title IX Coordinator not use their name as part of any Resolution Process, or that their Home Institution Title IX Coordinator not take any further action, the Complainant's Home Institution's Title IX Coordinator will take the requests seriously and generally grant the request where permitted by law, while at the same time considering the TCC Institution's responsibility to provide safe and nondiscriminatory access to TCC Institution programs and activities, including learning and work environments.

However, the Complainant's Home Institution's Title IX Coordinator and TCC Institution's ability and options to address Complainant's concerns will be limited if the Complainant's identity cannot be shared with the Respondent. For example, an equitable and fair ABR process or Investigation and Hearing Resolution process would not be feasible resolution options without disclosing the Complainant's identity to the Respondent.

Also, there are circumstances where a Complainant may not want to pursue an investigation, however, their Home Institution's Title IX Coordinator determines there is a broader obligation to the TCC community and may need to act against the wishes of the Complainant. In determining whether to disclose

Complainant's identity or proceed to an investigation or file a Formal Complaint over the objection of Complainant, the Home Institution's Title IX Coordinator and/or TCC may consider the following:

1. The Complainant's request not to proceed with initiation of a Complaint or investigation process;
2. The Complainant's reasonable safety concerns if their identity is disclosed or an investigation process is initiated;
3. The risk that additional acts of Prohibited Conduct would occur if a Complaint is not initiated;
4. Whether there are multiple or prior reports of the same or similar Prohibited Conduct against the Respondent;
5. The severity of the alleged Prohibited Conduct, including whether the Prohibited Conduct, if established, would require the removal of a Respondent from campus or imposition of another disciplinary sanction to end the Prohibited Conduct and prevent its recurrence; or if Respondent reportedly used a weapon, physical restraints, or engaged in physical assault;
6. The age and relationship of the Parties, including whether the Respondent is an employee of a TCC Institution, and whether there is an identifiable power differential between Complainant and Respondent (with regard to positional authority or employment);
7. The scope of the alleged Prohibited Conduct, including information suggesting a pattern, ongoing Prohibited Conduct, or Prohibited Conduct alleged to have impacted multiple individuals;
8. Whether the TCC Institution is able to conduct a thorough investigation under this Policy and obtain relevant evidence in the absence of Complainant's participation and cooperation;
9. The availability of evidence to assist a Hearing Decisionmaker in determining whether Prohibited Conduct occurred;
10. Whether the Parties' Home Institution's Title IX Coordinator(s) and Parties' TCC Home Institution could end the alleged Prohibited Conduct and prevent its recurrence without initiating its Investigation and Hearing Resolution procedures under this Policy; and,
11. Whether the alleged Prohibited Conduct presents an imminent and serious threat to the health or safety of the Complainant or other persons, or that the conduct as alleged prevents any TCC Institutions from ensuring equal access on the basis of sex to its education programs or activities.

If the Complainant's Home Institution's Title IX Coordinator determines that it can honor the Complainant's request for confidentiality, it shall still take reasonable steps to respond to the report, consistent with the request, to limit the effects of the alleged Prohibited Conduct and prevent its recurrence without initiating formal action against the alleged Respondent or revealing the identity of Complainant. These steps may include increased monitoring, supervision, or security at locations or activities where the alleged Prohibited Conduct occurred; providing additional training and education materials for students and employees; or conducting climate surveys regarding sexual misconduct.

The Complainant's Home Institution Title IX Coordinator and TCC Institution shall also take immediate steps to provide for the safety of Complainant while keeping Complainant's identity confidential as appropriate. These steps may include changing living arrangements or course schedules, assignments, or

tests. Complainant shall be notified that the steps TCC will take to respond to the complaint will be limited by the request for confidentiality.

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

D. Emergency Removal for Title IX Sexual Harassment

In certain circumstances, a Respondent's Home Institution may remove a Respondent from a TCC Institution's education program or activity on an emergency basis. In Cross-Campus matters where all Parties are students, the Complainant's Home Institution's Title IX Coordinator or designee, shall be consulted and given the opportunity to participate in every step of the emergency removal process, including participating in all communications, meetings, and correspondence regarding the individualized safety and risk assessment. An emergency removal is not equivalent to a determination of responsibility, nor is it a sanction for alleged behavior. The Respondent's Home Institution can pursue an emergency removal of a student and/or employee, including students in their capacity as student employees, Respondent regardless of whether a Complaint is filed, or before or after the filing of a Complaint.

Emergency removals in Title IX Sexual Harassment cases will occur only after the Respondent's Home TCC Institution has completed the following steps:

1. **Completion of an individualized safety and risk analysis.** This analysis will focus on the specific Respondent and the specific circumstances arising from the allegations of Prohibited Conduct.
2. **Determination that the following three components are present:**
 - a) An imminent and serious threat justifying emergency removal. This analysis should focus on the Respondent's propensity, opportunity, and/or ability to effectuate a stated or potential threat. This determination will be fact-specific.
 - b) The threat is to the health or safety of a TCC Institution's students, employees, or other persons. This may be the Complainant, the Respondent, or any other individual.
 - c) And it is a threat arising from the allegations of Prohibited Conduct. For purposes of emergency removal under this Policy, the emergency situation must specifically arise from the allegations of Prohibited Conduct.
3. **Consideration of the appropriateness of Supportive Measures in lieu of an emergency removal.** Emergency removals should only occur when there are genuine and demonstrated emergency situations.
4. **Respondent's Home Institution provides the Respondent with notice and an**

opportunity to appeal the decision immediately following the emergency removal. The Respondent's Home Institution will provide the Respondent with a sufficiently detailed notice, notifying the Respondent of the identified imminent and serious threat of health or safety to any individuals. Pursuant to the process identified in the applicable student conduct code, employee handbook, or similar policy of the Respondent's Home Institution, Respondent's Home Institution will provide the Respondent with notice and the opportunity to appeal the emergency removal decision immediately following the removal. The Respondent may challenge the decision by notifying their Home Institution Title IX Coordinator in writing.

E. Administrative Leave (Only Employees Covered by this Policy)

For TCC Institution employees subject to this Policy, a TCC Institution may place an employee Respondent on administrative leave in response to a reported concern while a resolution is pending under this Policy. At the discretion of the Respondent's Home Institution, the Respondent's Home Institution can place an employee Respondent on administrative leave regardless of whether a Complaint is filed, or before or after the filing of a Complaint. A TCC student who is also an employee subject to this Policy can be placed on administrative leave with respect to their employment, but administrative leave cannot impact their educational access, removal from which must be pursuant to the emergency removal provisions outlined in Section IX.D.

For employees subject to this Policy, their Home Institution has its own process for implementing administrative leave.

Placement on administrative leave is not equivalent to a determination of responsibility, nor does it constitute discipline for alleged behavior prior to the conclusion of the Resolution Process under this Policy.

F. Student Withdrawal or Employee Resignation While Matters Are Pending

If a student or employee Respondent that is subject to this Policy withdraws or resigns from their TCC Institution with unresolved allegations pending, regardless of the stage of the process, the Complainant and Respondent's Home Institution Title IX Coordinators will consider whether and how to proceed with the Resolution Process. This includes the decision whether to continue with the pending Resolution Process through conclusion, to the extent possible, or to dismiss or terminate the Complaint and Resolution Process.

Each Party's Home Institution Title IX Coordinator 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 Prohibited Conduct.

Subject to the discretion of the Respondent's Home Institution, a student Respondent who withdraws or leaves at any point during the Resolution Process may not return to their TCC Home Institution without first resolving any pending allegations of Prohibited Conduct under this Policy. Such exclusion may apply to all TCC Institutions, and any TCC Institution programs, and activities. The Respondent's TCC Institution may place a registration hold, and/or notation on their transcript, or otherwise note their record indicating that they withdrew or left TCC pending the process under this Policy.

An employee Respondent who is subject to this Policy who resigns without resolving pending allegations of Prohibited Conduct under this Policy, regardless of the stage of the process, may not be eligible for rehire with that TCC Institution and the records retained by the Home Institution Title IX Coordinator and Human Resources Office may reflect that status. Responses to future inquiries regarding employment references for employees covered by this Policy may include that the former employee resigned or left their employment during a pending process.

X. Closure or Dismissal of a Complaint

Except as provided under Mandatory Dismissal in Section XIV.A.9.d), the Complainant's Home Institution's Title IX Coordinator may dismiss a report, Complaint, or any included allegations, at any time after the report or Complaint is made, including during the Investigation and Hearing Resolution process, if it is determined that:

1. The Complainant's Home Institution's Title IX Coordinator is unable to identify the Respondent after taking reasonable steps to do so;
2. The Respondent is not participating in any TCC Institution education programs or activities, is no longer enrolled at any TCC Institution, and/or is not employed by a TCC Institution;
3. The Complainant voluntarily withdraws their Complaint in writing, and the Complainant's Home Institution's Title IX Coordinator determines they will not continue with the Complaint process against Complainant's wishes;
4. The Complainant voluntarily withdraws, in writing, some but not all allegations in a Complaint, and the Complainant's Home Institution's Title IX Coordinator determines that, the conduct that remains alleged in the Complaint would not constitute Prohibited Conduct under this Policy;
5. The Complainant's Home Institution Title IX Coordinator determines the conduct alleged in the Complaint, even if proven, would not constitute Prohibited Conduct under this Policy, or
6. Specific circumstances prevent a TCC Institution or TCC from gathering evidence sufficient to reach a determination as to the allegations.

Before dismissing a Complaint, the Complainant's Home Institution's Title IX Coordinator will make reasonable efforts to clarify the allegations with the Complainant.

A decision to dismiss a Complaint or close a matter based on any of the above-listed factors is made at the discretion of the Complainant's Home Institution's Title IX Coordinator, in consultation with the TCC Title IX Administrator. The Respondent's Home Institution's Title IX Coordinator will also be consulted for decisions involving Cross-Campus Complaints.

Upon decision to dismiss the Complaint, which may effectively terminate a pending Investigation and Hearing Resolution process, the TCC Title IX Administrator will promptly notify the Complainant in writing of the basis for the dismissal. If the dismissal occurs after the Respondent has been notified of the allegations, then the TCC Title IX Administrator will notify the Parties simultaneously, in writing. If a dismissal of one or more allegations changes the appropriate Resolution Process under this Policy, then the TCC Title IX Administrator will also include that information in the notification.

The TCC Title IX Administrator will notify the Complainant that a dismissal may be appealed on any of the appeal grounds outlined in the Appeals Rights and Process Section XVII.A. If dismissal occurs after the Respondent has been notified of the allegations, then the TCC Title IX Administrator will also notify the Respondent of the dismissal and that the dismissal may be appealed on the same basis. If a dismissal is appealed by any Party, TCC will follow the appeal procedures, as applicable, outlined in Section XVII of this Policy.

Even when a Complaint is dismissed, the Complainant's Home Institution's Title IX Coordinator will, at a minimum:

1. Offer Supportive Measures to the Complainant, as appropriate;
2. If the Respondent has been notified of the Complaint or allegations, the Respondent's Home Institution's Title IX Coordinator (if different) will offer Supportive Measures to the Respondent, as appropriate; and
3. Take other prompt and effective steps, as appropriate, through the Home Institution Title IX Coordinator(s) to ensure that Prohibited Conduct does not continue or recur within the TCC Institution education programs or activities.

A Complainant who decides to withdraw a Complaint may later request to reinstate or refile the Complaint.

XI. Referrals for Other Misconduct Not Subject to this Policy

TCC has the discretion to refer complaints of misconduct not covered by or dismissed under this Policy for review under any other applicable TCC Institution-specific policy or code. As part of any such referral for further review and handling, the TCC Institution may use evidence already gathered through any process covered by this Policy.

For Complaints dismissed under this Policy, including based on the Complainant's Home Institution's Title IX Coordinator's determination that the conduct alleged in the Complaint, even if proven, would not constitute Prohibited Conduct under this Policy, the Respondent's Home Institution may continue to investigate the allegations as a potential violation of another policy of Respondent Home Institution. If the Respondent's Home Institution elects to continue the investigation outside of this Policy, the TCC Title IX Administrator shall include this information in the written notice to the Parties describing this determination.

XII. Consolidation of Complaints and Allegations

TCC may consolidate Complaints as to allegations of Prohibited Conduct under the following two circumstances:

- Where there is a Complaint involving more than one Complainant and/or more than one Respondent, that arises from the same facts or circumstances; or,
- Where a Cross Complaint has been filed by a Respondent against a Complainant, that arises from the same facts or circumstances.

Where a Complaint or report involves more than one Complainant or more than one Respondent, references in this section to the singular "Party," "Complainant," or "Respondent" include the plural, as applicable.

A decision to consolidate matters based on any of the above-listed factors is made at the discretion of the TCC Title IX Administrator in consultation with the Parties' Home Institution Title IX Coordinator(s). If the TCC Title IX Administrator determines consolidation is appropriate, written notice must be provided to all Parties.

Where multiple policies may be implicated by the same set of facts or circumstances, TCC may bifurcate the proceedings in accordance with the requirements of the individual policies or the Resolution Process

described below. Additionally, where allegations made in a Complaint include both Prohibited Conduct that falls under this Policy and conduct that is outside of this Policy but is associated with alleged Prohibited Conduct under this Policy, TCC reserves the right to join all allegations and adjudicate all charges consistent with the procedures under this Policy. The Home Institution Title IX Coordinator(s) will address these consolidated complaints in collaboration and coordination with other appropriate offices, such as Student Conduct and/or Human Resources.

XIII. Resolution Options (Support-Based, Agreement-Based, Respondent's Acceptance of Responsibility, and Investigation and Hearing Resolution)

TCC recognizes that the decision of whether to engage in the Resolution Process, and which resolution process option to pursue is an important decision. This Policy provides multiple ways to resolve a report or complaint of Prohibited Conduct, including Support-Based Resolution, Agreement-Based Resolution, Respondent's acceptance of responsibility, and Investigation and Hearing Resolution options (collectively referred to as the "Resolution Process").

In response to a reported concern or Complaint alleging Prohibited Conduct, the Complainant's Title IX Coordinator will make initial contact pursuant to Section IX. Should Complainant choose to meet for an intake with Complainant's Title IX Coordinator, Complainant's Home Institution's Title IX Coordinator will provide Complainant with information regarding their rights and options under this Policy, including the available resolution options, and access to on-campus and community-based resources and support (both confidential and non-confidential). Complainant's Home Institution's Title IX Coordinator will explain how privacy and confidentiality are handled and discuss with Complainant which Support Measures and resolution options require disclosing Complainant's identity to Respondent (for example, implementing an NCO with Respondent).

During the Complainant's intake, and throughout the resolution process of a report or Complaint of Prohibited Conduct, each Party's Home Institution's Title IX Coordinator will determine what type of support may be available and appropriate to assist the Parties, including whether to implement reasonable Supportive Measures, Section VI.

A. Support-Based Resolution

There are circumstances where a Complainant may only wish to report the conduct to their Home Institution Title IX Coordinator and/or receive information regarding their rights and options, with no further action desired. Support-Based Resolution is an option for a Complainant who does not wish to take any further steps to address their concern, and when the Complainant's Home Institution's Title IX Coordinator determines that another form of resolution, or further action, is not required. Some types of support, which are referred to as Supportive Measures, that may be appropriate under this option include, but are not limited to: adjustments or changes to class schedules; relocation from one residence hall room or residence hall to another; adjusted deadlines for projects or assignments; adjustments to work schedule; safety escorts to and around campus; implementation of an NCO with Respondent, and/or counseling (Section VI.).

Support-Based Resolution does not preclude later use of another form of resolution by the Complainant under this Policy, for example if the Complainant later decides to file a Complaint and/or pursue the Agreement-Based Resolution Process (see below) or the Investigation and Hearing Process (see following Section XIV below). Additionally, if new information becomes available to the Complainant's Home Institution's Title IX Coordinator, they may reassess the concern and determine whether additional action is needed to address the report, including initiating the Investigation and Hearing Resolution process.

B. Agreement-Based Resolution⁴

The Agreement-Based Resolution (ABR) process is an alternative resolution option where the Parties each voluntarily agree to resolve the allegations or Complaint of Prohibited Conduct through a Resolution Agreement with agreed upon resolution terms and without engaging in an investigation or proceeding to a hearing where there is a determination of responsibility. No Party may be required to participate in the ABR, and it may never be a condition of enrollment, employment, or enjoyment of any other right or privilege of TCC. The Parties' Home Institution's Title IX Coordinators must determine that ABR is an appropriate resolution option. Generally speaking, ABR may be less time intensive than the Investigation and Hearing Resolution process, while affording Parties an opportunity to actively participate in a process that seeks to provide autonomy with regard to achieving a desired outcome. ABR is a voluntary, structured interaction between or among affected Parties.

1. General Information and Requirements for Engaging in Agreement-Based Resolution

Unless the allegations are subject to the Title IX Procedural Requirements, a Complaint is not required for ABR; however, the Complainant must articulate the allegations of Prohibited Conduct they wish to resolve through the process. Allegations subject to the Title IX Procedural Requirements require a Formal Complaint to be on file before proceeding with ABR.

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

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

The Facilitator will provide regular status updates to the Parties and the Home Institution's Title IX Coordinator(s), if applicable. The Home Institution Title IX Coordinator(s) will assist in managing the ABR process to the extent necessary to ensure the process is moving forward in a productive and timely manner,

⁴ Also referred to as Alternative Resolution Process.

and they will be available to the Parties should they have any questions or concerns throughout the ABR process.

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

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

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

2. Determining Appropriateness of Agreement-Based Resolution

It is important to note that there are circumstances where ABR, or a specific option under ABR, is not available or is determined not appropriate to resolve a report or Complaint of Prohibited Conduct. For Title IX Sexual Harassment allegations, ABR involving a student and an employee is not permitted. Under California law, mediation is not a permitted resolution option to resolve reports or Complaints involving allegations of Sexual Assault or California Sexual Violence.⁵ Instead, a Facilitated Resolution Agreement or Restorative Justice process are permitted options to resolve such allegations. Also, the Complainant's Home Institution Title IX Coordinator has discretion to not offer ABR to resolve a particular matter, or to determine that the ABR process is not appropriate based on the circumstances of the report or Complaint, and that the matter must instead be resolved through an alternate resolution process option, such as the Investigation and Hearing Resolution process. In situations involving Cross-Campus Complaints when the Home Institution Title IX Coordinators do not agree on the appropriateness of ABR, they may consult with the TCC Title IX Administrator. The Complainant's Home Institution's Title IX Coordinator makes the final decision on whether ABR is appropriate. In making this determination, the Complainant's Home Institution's Title IX Coordinator may consider the following: The severity of the allegations, whether there is an ongoing threat of harm or safety, or risk of future harm, to others in the campus community, whether there is an identifiable power differential (with regard to positional authority or employment) between the Parties, and whether the Parties are participating in good faith. This determination is not subject to appeal.

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

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

⁵ Mediation is not permitted under California law to resolve reports or Complaints of Sexual Violence. The Home Institution's Title IX Coordinator(s) must specifically determine that it is permissible, under California Law, for resolving Prohibited Conduct in Employment.

If a Party withdraws from the ABR process, they may consider other resolution options, including initiating or resuming the Investigation and Hearing Resolution process. If the Home Institution's Title IX Coordinator(s) terminates the process, the Complainant's Home Institution's Title IX Coordinator, in consultation with the TCC Title IX Administrator, will determine potential next steps under this Policy, and will notify the Parties in writing, accordingly. Complainant's wishes regarding next steps will be considered in making this determination.

4. Agreement-Based Resolution Options

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

a) Facilitated Resolution Agreement

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

When a Facilitated Resolution Agreement is being negotiated between Parties from different TCC Institutions, each Party's Home Institution Title IX Coordinator will assist with facilitating the process, including meeting with their respective Parties to provide information regarding the process, managing expectations, communicating presented terms from the other Party, and explaining any impact those terms have on their Party's access to any TCC programs and activities.

b) Mediation

Under California law, mediation is not permitted, even on a voluntary basis, to resolve allegations involving Sexual Assault and Sexual Violence as defined in this Policy.⁶ Mediation may be permitted for other situations not involving Sexual Assault or Sexual Violence, such as reports involving allegations of Hostile Environment Sexual Harassment, as defined in this Policy. Mediation may be preferable for Parties who wish to have facilitated dialogue without the condition of Respondent acknowledging harm. The purpose of mediation is for the Parties who are in conflict to identify the alleged conduct, the implications of a Respondent's actions and, with the assistance of a trained Facilitator (mediator), identify points of agreement and appropriate remedies to address the harm. Either Party can request mediation to seek resolution.

During the mediation process, the Facilitator will guide a discussion between the Parties. The Parties are not permitted to contact one another outside of the mediation process.⁷ Meetings may be held in person or

⁶ Mediation is not permitted under California law to resolve reports or Complaints of Sexual Violence. The Home Institution's Title IX Coordinator(s) must specifically determine that it is permissible, under California Law, for resolving Prohibited Conduct in Employment.

⁷ In cases where the Parties have a No Contact Order implemented, the Parties will be permitted (not required) to have limited communication with one another in the presence of the Facilitator and for the purpose of participating in the process. All other communication is prohibited.

via videoconference. In circumstances where the Parties do not wish to meet face to face, either Party can request that the Facilitator conduct separate meetings.

c) Restorative Justice

To qualify for the Restorative Justice (“RJ”) resolution option, the Respondent must acknowledge the harm experienced by Complainant and agree to take responsibility for repairing the harm, to the extent possible, experienced by the Complainant, and any other relevant, directly impacted individuals in the TCC community. Respondent’s acknowledgment of harm is not an admission of a Policy violation(s), unless Respondent has expressly accepted responsibility pursuant to the process outlined in this Policy, Section XIII.C.

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

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

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

5. The Agreement-Based Resolution Process

a) Initiating the Agreement-Based Resolution Process

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

Upon confirmation of the Parties’ voluntary agreement to proceed with ABR and the selected option, the Home Institution Title IX Coordinator(s) will provide a written Notice of ABR to the Parties (or their respective Party for Cross-Campus matters) that explains:

- The specific allegation(s) and alleged Policy violation(s);
- The requirements of ABR;
- That the process is voluntary, and the Parties must not be required or pressured to participate;
- The Parties agree that this process is confidential related to any information including admissions of responsibility they share or receive during the ABR process concerning the allegations of the report or Complaint. No information concerning the allegations of Prohibited Conduct obtained solely within the ABR process may be disseminated to any person outside the ABR process, provided that any Party may generally discuss the allegations under investigation for the purpose of gathering evidence. Should the ABR process end or be terminated prior to reaching a Resolution

Agreement, information disclosed or obtained for purposes of the ABR process remains confidential, and shall not be used except where the Home Institution's Title IX Coordinator(s) has determined it is appropriate with regard to admission of responsibility in the same case, or to allegations of similar conduct raised against Respondent in another case;

- Any consequences resulting from participating in the ABR process, including the records that will be maintained or could be shared, and whether the Parties' Home Institution Title IX Coordinator(s) could disclose such information for use in a future TCC Resolution Process or TCC Institution-specific processes, including an Investigation and Hearing Resolution Process arising from the same or different allegations, as may be appropriate;
- Consequences should any Party fail to comply with the agreed upon terms applicable to them in the Resolution Agreement. This may include resuming or initiating the Investigation and Hearing Resolution process, and/or referral to the Party's Home Institution's Student Conduct or Human Resource office for review, which may result in new or additional discipline or sanctions, including probation, suspension, or expulsion;
- The Resolution Agreement resulting from the ABR process is binding on the Parties and is not subject to appeal;
- Once the Resolution Agreement is finalized and signed by the Parties, the Parties cannot initiate or resume an investigation process arising from the same allegations, unless it is determined that there was failure to comply with the terms of the Resolution Agreement and the matter should be resolved under a different resolution option;
- A matter is considered resolved and concluded once the agreed upon terms have been sufficiently completed;
- The decision to participate in the ABR process does not presume that the alleged Prohibited Conduct at issue has occurred;
- A statement that the Respondent is presumed not responsible for violating this Policy, unless Respondent admits to violations of this Policy;
- An explanation that all Parties may be accompanied by a Support Person, and/or an Advisor, who may be a parent, colleague, friend, or may be, but is not required to be, an attorney;
- A statement that any Party has the right to withdraw from the ABR process and may initiate or resume the Investigation and Hearing Resolution Process (if already begun), at any time before all Parties sign the Resolution Agreement. Should the Parties withdraw from the ABR process, information disclosed or obtained for purposes of the ABR process remains confidential as set forth above;
- A statement that the Home Institution Title IX Coordinator has the discretion to terminate the ABR process upon determination that the Parties are not engaging in the process in good faith, or upon receipt of evidence or information that would make addressing the alleged conduct no longer appropriate;
- A statement that participating in ABR, the Parties understand that timelines for any stages of the Resolution Process, including any pending Investigation and Hearing Resolution process, will be paused to allow the Parties full participation in the ABR Process and will only recommence if ABR

is ended, by withdrawal by a Party, or termination by the Home Institution's Title IX Coordinator(s);

- Information regarding Supportive Measures, which are equitably available to the Parties; and
- Examples of potential resolution terms that may be requested or offered in a Resolution Agreement.

b) Facilitating Agreement-Based Resolution and the Resolution Agreement

Upon confirmation that the Parties still wish to proceed with ABR after issuance of the Notice of ABR, and an option has been selected by the Parties and approved by the Home Institution's Title IX Coordinator(s), the Parties will then meet with the designated Facilitator(s) pursuant to their selected ABR option (Facilitated Resolution Agreement, Mediation, or RJ) to resolve Complainant's report or Complaint and facilitate the Resolution Agreement.

Any Party may craft or create proposed resolution terms for their Resolution Agreement and will be asked for their suggestions or ideas by their Home Institution's Title IX Coordinator. Examples of resolution terms that may be included in a Resolution Agreement include, but are not limited to:

- The Parties will not communicate or otherwise engage with one another, either directly or indirectly, by any means (Mutual No Contact Order) or agreement that Respondent will not communicate or otherwise engage with Complainant, either directly or indirectly, by any means (Unilateral No Contact Order);
- Class adjustments and/or restriction from enrolling in mutual classes with Complainant for a specified term(s);
- Housing relocation or removal, and/or restriction from living in specific residence halls for a specified term(s);
- Restriction from or limiting access to certain buildings on campus, including residence halls, dining halls, library, and recreational facilities;
- Changes in work schedules, locations, or assignments;
- Restrictions or limitations on participation in and/or presence at activities and events, such as extracurricular activities, athletics events, student organizations, social events, etc.;
- Sufficient completion of educational training or project by the Respondent, and sufficient completion of any assignments, such as a reflection paper or essay. Training or education topics may include, but are not limited to: affirmative consent, healthy relationships, bystander intervention, and drug or alcohol use (if related to the allegations);
- Sufficient completion of community service hours or project by the Respondent;
- Participation in and completion of mentoring, coaching, or counseling sessions within specified term(s), and sufficient completion of any assignments, such as a reflection paper or essay;
- An agreement to engage in a restorative justice process, such as a conference, circle, or facilitated dialogue;

- Sharing of Complainant's impact statement with Respondent, with optional reflection or response from Respondent;
- Disciplinary terms, such as agreement to serve conduct probation or suspension for a specified term(s), or to permanently separate from Respondent's Home Institution and ineligibility to re-enroll or apply for admission at any other TCC Institutions; and
- Agreement to have degree conferral delayed for specified term.

The Home Institution's Title IX Coordinator(s) may require certain resolution terms be included in the Resolution Agreement as a matter of practice, such as educational training and/or implementation or extension of a mutual or unilateral No Contact Order. Any agreed-upon remedies and disciplinary sanctions agreed to in ABR have the same effect as remedies given and disciplinary sanctions imposed following an investigation and hearing.

If a Resolution Agreement cannot be reached, either because the Parties do not agree, any Party withdraws from the process, or the Complainant Home Institution's Title IX Coordinator terminates the process for any reasons previously discussed, the Complainant's Home Institution's Title IX Coordinator may decide that the reported Prohibited Conduct will instead be addressed through the Investigation and Hearing Resolution process, and may include initiating the process, or continuing with any pending process paused for the ABR process. The Home Institution's Title IX Coordinator(s) (or TCC Title IX Administrator) will inform the Parties of such decision, in writing.

c) Finalizing the Resolution Agreement

If a Resolution Agreement is reached, the Home Institution's Title IX Coordinator(s) will review and approve the resolution terms. The Facilitator will draft the Resolution Agreement to include the resolution terms discussed with the Parties and approved by the Home Institution's Title IX Coordinator(s). The opportunity for any Party to withdraw from an ABR process concludes when the Parties and the Home Institution's Title IX Coordinator(s) sign the Resolution Agreement. Once signed, the agreed upon terms of the Resolution Agreement are binding on all Parties, and no appeal is permitted.

The TCC Title IX Administrator will provide copies of the Resolution Agreement to the Parties. The Respondent's Home Institution's Title IX Coordinator, if different from the Complainant's Home Institution's Title IX Coordinator, and/or Human Resources professional will monitor adherence and completion of the agreed upon terms and will update the Complainant accordingly. In situations involving a Cross-Campus Complaint, the Respondent's Home Institution's Title IX Coordinator and/or Human Resources professional will update the Complainant's Home Institution's Title IX Coordinator, who will update the Complainant, accordingly. The matter will be considered resolved and closed when it is determined that Respondent has sufficiently completed and/or complied with the terms of the Resolution Agreement.

The Parties' Home Institution's Title IX Coordinators and/or Human Resources professionals will keep records of all reports and timelines for any stages of the Resolution Process, Prohibited Conduct addressed through ABR consistent with their TCC Institution's record retention policies.

Records of the ABR process can be shared with other TCC Institution offices or administrators, as deemed appropriate and necessary by the Home Institution's Title IX Coordinator(s).

Any violations or unsuccessful completion of any terms of the Resolution Agreement may result in a referral for review by the appropriate office, which may result in disciplinary action. The Home Institution's Title

IX Coordinator(s), in consultation with the TCC Title IX Administrator, will determine next steps in the Resolution Process under this Policy should there be a failure to comply with the terms of the Resolution Agreement, including initiating or resuming the Investigation and Hearing Resolution process. The Complainant's wishes regarding next steps will be considered in this determination.

C. Acceptance of Responsibility by Respondent

At any point prior to the Hearing Decisionmaker issuing their Hearing Decision Report, a Respondent may accept responsibility for some, or all of the alleged Prohibited Conduct outlined in the governing Notice of Allegations document issued to the Parties. (Note: for cases processed under the Title IX Procedural Requirements, a Formal Complaint must be on file.) When Respondent accepts responsibility for the alleged Prohibited Conduct, the fact-finding hearing on the issue of whether the alleged Prohibited Conduct occurred and whether there was a Policy violation(s) is waived, and instead, the matter is referred to a Sanctions Decisionmaker to provide a Remedies and Sanctions Determination for the conduct for which Respondent has accepted responsibility. If Respondent accepts responsibility for only some of the alleged Prohibited Conduct, at the discretion Respondent's Home Institution, the matter may be forwarded to the Sanctions Decisionmaker to provide a Sanctions Determination for the accepted Prohibited Conduct, and the Investigation and Hearing Process will continue for the remaining non-accepted allegations, unless otherwise resolved through an Agreement-Based Resolution, if eligible. The Respondent's Home Institution may place any Sanctions Determination for the accepted Prohibited Conduct in abeyance until the conclusion of the Investigation and Hearing Resolution Process. If there is a Policy violation found with regard to any of the remaining allegations of Prohibited Conduct, the Sanctions Decisionmaker may consider any previously issued remedies and sanctions for conduct for which Respondent accepted responsibility, but only after a finding of responsibility has been made.

To accept responsibility for allegations of Prohibited Conduct under this Policy, a Respondent must sign a written document prepared by the TCC Title IX Administrator, that includes a statement that the Respondent is:

- Aware of the allegation(s) of Prohibited Conduct, including the factual allegations, and definitions of the Prohibited Conduct;
- Voluntarily accepting responsibility for all (or some, as explicitly specified) of the Prohibited Conduct;
- Acknowledging receipt of information regarding the implications of accepting responsibility, including a list of possible sanctions that can be imposed based on the nature of the Prohibited Conduct;
- Aware and agrees that by accepting responsibility, they have waived the fact-finding hearing, and any right to appeal the issue of their responsibility, and instead the matter will be referred to a Sanctions Decisionmaker to determine appropriate remedies and sanctions (Remedies and Sanctions Determination).

The TCC Title IX Administrator will provide a copy of Respondent's signed Acceptance of Responsibility to the Home Institution Title IX Coordinator(s).

Within five (5) business days of receiving the Respondent's signed Acceptance of Responsibility, the TCC Title IX Administrator will:

- Provide written notice to all Parties that Respondent has accepted responsibility for all (or specifically which conduct) and provide information regarding the next steps.
- In consultation with the Home Institution's Title IX Coordinator(s), designate a Sanctions Decisionmaker (internal or external to TCC), whose role will be to review the relevant documents, and issue a Remedies and Sanctions Determination. The Sanctions Decisionmaker's identity will be shared with the Parties, along with information regarding the process to object to the Sanctions Decisionmaker based on a conflict of interest or bias, pursuant Section V.

The Parties may submit a written statement, no longer than three (3) pages, related to suggested remedies or sanctions, and any other relevant information specific to remedies and sanctions for the Hearing Decisionmaker to consider in making their Remedies and Sanctions Determination. Statements must be submitted in writing to the TCC Title IX Administrator, within five (5) business days from confirmation of the Sanctions Decisionmaker. The TCC Title IX Administrator will provide copies to the Sanctions Decisionmaker and the Home Institution's Title IX Coordinator(s). The Parties will not receive a copy of any other Party's statement regarding remedies and sanctions.

The Parties' Home Institution(s) will submit written recommendations related to remedies and sanctions, and any other relevant information that would be important for the Hearing Decisionmaker to consider in making their Remedies and Sanctions Determination. The written recommendations must be submitted to the TCC Title IX Administrator within two (2) business days of receiving access to any Party statements. The TCC Title IX Administrator will provide the written recommendations to the Sanctions Decisionmaker. The Parties will not receive a copy of the Parties' Home Institutions' written recommendations regarding remedies and sanctions.

The Sanctions Decisionmaker will make their Remedies and Sanctions Determination based on review of the Prohibited Conduct accepted by the Respondent, relevant documents (limited to the Notice of Allegations, Respondent's Acceptance of Responsibility, any Party statements, and/or written recommendations by the Home Institution(s)), and any applicable information in this Policy, including factors relevant to sanctioning and possible sanctions as outlined in Section XVI. The Sanctions Decisionmaker shall give significant weight to the written Home Institution recommendations in issuing any sanction(s). The Sanctions Decisionmaker will not be provided access to any evidence that was gathered during the investigation process prior to Respondent accepting responsibility.

The Remedies and Sanctions Determination shall be issued to the Parties within ten (10) business days from receipt of the Home Institution recommendations.

1. Appealing the Sanctions Determination When Respondent Has Accepted Responsibility

The Parties have the right to appeal the Remedies and Sanctions Determination on the grounds that the Sanctions Decisionmaker has a conflict of interest or bias, and/or the sanction(s) are disproportionate to the conduct for which the Respondent accepted responsibility. Any appeal, limited to ten (10) pages, must be submitted in writing to the TCC Title IX Administrator within five (5) business days from issuance of the Remedies and Sanctions Determination to the Parties. TCC and the Parties will follow the process outlined in Section XVII. as applicable.

XIV. Investigation and Hearing Resolution Process that Applies to Title IX Sexual Harassment, Other Sex-Based Misconduct Cases, or Retaliation

Throughout the Investigation and Hearing Resolution Process, the Home Institution Title IX Coordinator(s), as well as the TCC Title IX Administrator, will work closely and cooperatively together. They will maintain open communication during all phases of the Investigation and Hearing Resolution Process, including the investigation, hearing, and appeal stages.

Respondents are presumed not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the Investigation and Hearing Resolution Process, and any applicable appeal process has concluded. TCC does not make determinations of responsibility prior to the completion of the Investigation and Hearing Resolution Process.

A. General Information

1. Nature of Process

The Investigation and Hearing Resolution Process under this Policy is not an adversarial process between a Complainant, a Respondent, and the witnesses, but rather a process for TCC to comply with its obligations under existing law. The Investigation and Hearing Resolution Process shall provide all Parties with appropriate due process and will reach reasonable conclusions based on the evidence collected.

2. Burden of Evidence

TCC has the burden of conducting an investigation that gathers sufficient evidence to determine whether Prohibited Conduct occurred. Complainant does not have the burden to prove, nor does Respondent have the burden to disprove, the underlying allegation(s) of Prohibited Conduct. Any Party may decide to limit their participation in part or all of the process, or to decline to participate. This does not shift the burden of proof away from TCC and does not indicate responsibility. See below for more information regarding Party participation in the investigation process (Section XIV.A.5) and hearing process (Section XV.B.4).

3. Evidence Standard

In evaluating all allegation(s) of Prohibited Conduct, and in any Investigation and Hearing Resolution Process, TCC will utilize the “Preponderance of the Evidence” standard, which means that the alleged Prohibited Conduct is more likely than not to have occurred.

4. Resolution Process Timeline and Extensions

Absent extensions for good cause, TCC strives to complete the entire Investigation and Hearing Resolution Process as thoroughly, equitably, and as promptly as possible within 150 business days from the issuance of the Notice of Investigation and Allegations to the Parties. This includes the initial assessment and evaluation of the allegations, issuance of notice letters initiating the process, investigation (interviews with the Parties and relevant witnesses), evidence review process, hearing, issuance of the hearing decision (and remedies and sanctions, if applicable), and any appeal process.

TCC has provided the following estimated timelines for the major stages of the Investigation and Hearing Resolution Process:

a) Timeline for Initial Assessment and Evaluation of Allegations

This phase is generally completed within 10 (ten) – 15 (fifteen) business days from submission of Complaint or request to investigate allegations, and Complainant's intake meeting with Complainant's Home Institution Title IX Coordinator. This stage includes the Complainant's Home Institution's Title IX Coordinator's assessment of the allegations, determination of whether the allegations meet the definitions of the Prohibited Conduct under this Policy, and decision of whether to dismiss or investigate the Complaint of Prohibited Conduct. This determination will be made once sufficient information has been gathered from the Complainant at the initial meeting and/or intake meeting.

b) Timeline for Investigation

This phase is generally completed within 80 (eighty) business days. This includes investigative interviews with the Parties and witnesses, gathering and reviewing any submitted or collected evidence, drafting the Preliminary Investigation Report (PIR) and providing the Parties an opportunity to review and respond to the PIR (Evidence Review Process), and issuance of the Final Investigation Report.

c) Timeline for Hearing and Hearing Decision Report (and Sanctioning, if applicable)

This phase is generally completed within 30 (thirty) to 40 (forty) business days from issuance of Final Investigation Report. This process includes scheduling the hearing, pre-hearing conference meetings, conducting the hearing, and the 15 (fifteen) -business day deadline for the Hearing Decisionmaker to issue their Hearing Decision Report. Unless the Parties agree, the hearing must be scheduled at least 10 (ten) business days from the date the Final Investigation Report was issued to the Parties. Scheduling the hearing will be completed as promptly as possible based on the Parties', any Advisors and/or Support Persons, and other participants' (Parties' Home Institution's Title IX Coordinator(s), Decisionmaker, TCC Title IX Administrator) availability and in consideration of campus closures, holidays, and exam periods.

d) Timeline for Hearing Decision and/or Sanctions Determination Appeal

This phase is generally completed within 20 (twenty) business days. This process includes any appeal submitted by one or all Parties, the assignment of an Appeal Decisionmaker, opportunity for the non-appealing Party to issue a response, and the 15 (fifteen)-business day deadline for the Appeal Decisionmaker to issue their decision.

A thorough investigation and procedurally proper hearing and appeal may necessitate one or more extensions for good cause. The timeline for any part of the Investigation and Hearing Resolution Process may be extended for good cause by the TCC Title IX Administrator. Good cause reasons for extension may include ensuring availability of the Parties, witnesses, or other participants in the process, ensuring that the Parties and witnesses have sufficient time to review and respond to materials, and ensuring the Investigator has sufficient opportunity to meet with the Parties and witnesses and gather evidence, as needed. The TCC Title IX Administrator will provide notice to all Parties of any timeline extensions. Failure to complete any specific stage, or the entirety of the Investigation and Hearing Resolution process within the estimated time period does not, in and of itself, constitute a procedural error. Any such argument of procedural error (as set forth in Section XVII.) must also include an explanation as to how the delay(s) materially impacted the outcome of the process.

For pending matters that involve a graduating student Respondent, the Respondent's Home Institution will determine degree issuance consistent with their Institution's process.

Any Party may decide to limit their participation in part or in all of the Investigation and Hearing Resolution Process under this Policy, or to decline to participate. This includes limited or no participation in the investigation, evidence review process, or hearing process.

5. Impact of Party Non-Participation in the Investigation and Hearing Resolution Process

A Party is not required to participate in any stage of the process; however, a Party's decision to limit participation may impact the process by, including but not limited to, delaying the process timeline, limiting the Party's opportunity to present or respond to relevant evidence, the available relevant evidence gathered by the Investigator, and/or available to the Hearing Decisionmaker, the Hearing Decisionmaker's opportunity to ask the Party questions regarding the allegations, and impacting the hearing outcome.

6. Privacy and Confidentiality in the Resolution Process

Parties may share confidential information received through the Investigation and Hearing Resolution Process under this Policy with their Support Person and/or Advisor consistent with the requirements of their Home TCC Institution. Each Party's TCC Institution will provide their Party a FERPA⁸ release form for their Support Person and Advisor that authorizes such sharing and participation. The Party's Home Institution's Title IX Coordinator and/or TCC is unable to share information with a Support Person and/or Advisor under this Policy until the form is sufficiently completed by the Party. The form must also be completed prior to the Support Person and/or Advisor attending any meetings or proceedings under this Policy. The Party's Home Institution's Title IX Coordinator and TCC Institution shall not restrict the ability of any Party to discuss the allegations under investigation for the purpose of gathering and presenting relevant evidence, including by speaking to witnesses, consulting with their family members, Confidential Resources, Support Person or Advisor, or otherwise to prepare for or participate in the Resolution Process under this Policy.

Parties, witnesses, Support Persons, and/or Advisors are expected to maintain the privacy of the information shared with them under this Policy. This information may not be shared with third parties, duplicated, disclosed publicly, or used for purposes not explicitly authorized by the Party's Home Institution Title IX Coordinator or TCC Institution. TCC may seek to restrict the role of any Support Person and/or Advisor who does not respect the sensitive nature of the process or who fails to abide by these expectations.

Any unauthorized disclosure of information or evidence obtained solely through the Resolution Process under this Policy may be referred to the appropriate TCC Institution's Student Conduct or Human Resources office for review. Any unauthorized disclosures made by a TCC Institution student or employee (subject to this Policy), including by Parties, witnesses, Support Person, or Advisor, may be subject to sanctions or discipline at the discretion of the discloser's TCC Home Institution.

For purposes of this paragraph, disclosures of such information and evidence for purposes of administrative proceedings or litigation related to the Complaint of Prohibited Conduct are authorized.

The Party's Home Institution's Title IX Coordinator and other administrators at TCC are permitted to share confidential information amongst other TCC Institution representatives who have a reasonable need to know, and such disclosure is not a violation of FERPA. The Party's Home Institution's Title IX Coordinator

⁸ Family Educational Rights and Privacy Act.

and TCC Institution will endeavor to respect any requests for confidentiality but will also weigh those requests against the TCC Institution's responsibility to maintain a safe environment for its community. Complete confidentiality cannot be guaranteed.

7. Right to an Advisor

Parties may elect to be accompanied by one Advisor, as defined in this Policy, during meetings and proceedings related to any ABR, investigation, and hearing process under this Policy. Parties are limited to one Advisor. Parties may be accompanied by one Support Person (see below) in addition to an Advisor. An Advisor can be anyone, and may be, but is not required to be, an attorney. Generally, it is not recommended that the selected Advisor be a Party or a witness in the same matter.

Unless otherwise specified in this Policy, the Advisor may not speak or write on behalf of the Party or otherwise disrupt any interviews or proceedings. TCC reserves the right to exclude or remove an Advisor who does not comply with this Policy. A Party's Advisor is expected to have reviewed this Policy to understand their role and expectations under this Policy prior to providing support to the Party. The Party's Home Institution's Title IX Coordinator and/or the TCC Title IX Administrator may require the Advisor to meet with the Party's Home Institution's Title IX Coordinator and/or the TCC Title IX Administrator to ensure the Advisor understands their role and the expectations under this Policy prior to their involvement in any process under this Policy. A Party and their Advisor are encouraged to contact the Party's Home Institution's Title IX Coordinator with any questions regarding this Policy and its Resolution Process and procedures.

Except in cases being processed as a Title IX Formal Complaint, where an Advisor is required at the hearing, a Party is not required to have an Advisor during any part of the Investigation and Resolution Process, including meetings, ABR, the investigation, or hearing process, and a TCC Institution is not required to provide one for the Party. Upon a Party's request, however, the Party's Home Institution's Title IX Coordinator may be able to connect a Party with a trained Advisor, if available, who may be an employee at a TCC Institution.

8. Support Person

Parties may elect to be accompanied by one Support Person, as defined in this Policy, during meetings and proceedings related to any ABR, investigation, and hearing process under this Policy. Parties are limited to one Support Person. A Support Person may not be a Party or a witness in the same matter. The Support Person's role is to provide emotional support throughout the process.

The Support Person may not speak or write on behalf of the Party or otherwise disrupt any interviews or proceedings. A Party's Support Person is expected to have reviewed this Policy to understand their role and expectations under this Policy prior to providing support to the Party. The Party's Home Institution's Title IX Coordinator and/or the TCC Title IX Administrator may require the Support Person to meet with the Party's Home Institution's Title IX Coordinator and/or the TCC Title IX Administrator to ensure the Support Person understands their role and the expectations under this Policy prior to their involvement in any process under this Policy. A Party and their Support Person are encouraged to contact the Party's Home Institution's Title IX Coordinator with any questions regarding this Policy and its Resolution Process and procedures. TCC reserves the right to exclude or remove a Support Person who does not comply with this Policy.

9. Special Rules for Title IX Sexual Harassment

Cases involving Title IX Prohibited Conduct must comply with specific procedural requirements (Title IX Procedural Requirements) in compliance with the 2020 Title IX Final Rule. In addition to the specific rules identified throughout this Policy in their respective section, the below special rules apply to processing Title IX Sexual Harassment cases.

a) Title IX Criteria

Allegations will constitute Title IX Sexual Harassment and will use the Title IX Procedural Requirements when:

1. The conduct is alleged to have occurred on or after August 14, 2020;
2. The conduct is alleged to have occurred in the United States;
3. The conduct is alleged to have occurred in a TCC Member Institution's s Education Programs or Activities; and,
4. The alleged conduct, if true, would constitute Prohibited Conduct under Title IX, specifically, Title IX Quid Pro Quo, Title IX Hostile Environment Harassment, Title IX Dating Violence, Title IX Domestic Violence, and/or Title IX Stalking Based on Sex, as defined in this Policy.

b) Complainant Status

A Complainant must be participating or attempting to participate in a TCC Institution's Education Programs or Activities at the time the Formal Complaint is filed in order to proceed under the Title IX Procedural Requirements.

c) Formal Complaint Required

A Formal Complaint must be filed to process allegations of Title IX Sexual Harassment where the Title IX Sexual Harassment occurred on any TCC Institution's campus or in locations, events, or circumstances within the United States over which a TCC Institution exercised substantial control over both the Respondent and the context in which the Title IX Prohibited Conduct occurs, and also includes any building owned or controlled by a student organization that is officially recognized by a TCC Institution.

A Formal Complaint may be filed with the Complainant's Home Institution's Title IX Coordinator in person, by mail, by electronic means (email or by submitting an online report form via the Home Institution's Title IX Office website, if applicable), by using the contact information listed in Section II of this Policy.

Where the Home Institution's Title IX Coordinator signs a Formal Complaint, the Home Institution Title IX Coordinator is not a Complainant or otherwise a Party. Except as specified below, a Formal Complaint shall initiate the Investigation and Hearing Resolution Process outlined in this document, including the Title IX Procedural Requirements. The Formal Complaint should include the date(s) of the alleged incident(s), the name of the Respondent, the location(s), and should describe the circumstances of the incident(s), where known.

A Formal Complaint must be on file for allegations of Title IX Sexual Harassment prior to engaging in Agreement-Based Resolution.

d) Mandatory Dismissal of a Formal Complaint

The Title IX Coordinator whose Home Institution has jurisdiction over the education programs and activities where the incident is alleged to have occurred shall dismiss the Formal Complaint, or any included allegations, at any time, if it is determined that:

- the conduct alleged in the Formal Complaint would not constitute Title IX Sexual Harassment as defined by this Policy, even if proved,
- the conduct did not occur in the TCC's education program or activity, and is not within the Title IX jurisdiction;
- the Title IX Coordinator is unable to identify the Respondent after taking reasonable steps to do so;
- the alleged conduct did not occur against a person in the United States; and/or
- at the time of filing the Formal Complaint, the Complainant was not participating in or attempting to participate in a TCC Institution's education program or activity.

A complaint or allegation dismissed under this process may be addressed under other procedures under this Policy, or under a policy or procedures of the Respondent's Home Institution.

Upon a dismissal required under this section, the TCC Title IX Administrator will promptly send written notice of the dismissal and reason(s) simultaneously to the Parties. The notice will inform the Parties if the complaint or allegation(s) will be addressed under another portion of this Policy. If the allegations do not meet the procedural requirements and definitions of Prohibited Conduct under this Policy, the Respondent's Home Institution may refer the matter for further resolution under other policies and procedures at the Respondent's Home Institution.

B. Initiation of The Investigation and Hearing Resolution Process

1. Notice of Allegations (NOA)

Once TCC has accepted the Formal Complaint or the Complaint for investigation, and has confirmed the allegations to be investigated, the Parties will be provided a written Notice of Allegations, which outlines the allegations within the scope of the investigation, the alleged Policy violation(s), the identity of the Investigator, and other important information related to the process. The issuance of the NOA communicates the initiation of the investigation process.

A Revised NOA must be provided to the Parties any time during the investigation to include allegations of Prohibited Conduct raised by the Complainant against the Respondent that were not included in the initial NOA that are raised later during the investigation process and are determined to be part of the scope of the investigation.

The NOA shall include, at a minimum:

- A reminder that the date and time of the initial interview with the Investigator, will generally be scheduled with a minimum of five (5) business days' notice, unless otherwise agreed upon by the Party;
- The investigation procedures, including the applicable determination procedures that will be used in the Investigation and Hearing Resolution process under this Policy, and a link to this Policy;
- Information about the ABR options, with a link to the full procedures;
- Sufficient information available at the time to allow the Parties to respond to the allegations, including the identities of the Parties involved in the incident(s), a description of the facts alleged to constitute Prohibited Conduct, the type of Prohibited Conduct, and the date(s) and location(s) of the alleged incident(s), if known;
- A statement that Retaliation is prohibited;
- A statement indicating whether the Investigator, or another individual, shall serve as the Decisionmaker;
- A statement indicating the expected length of the major stages of the Investigation and Hearing Resolution Process, as well as any applicable deadlines;
- A statement informing the Parties that the Investigator will establish and communicate, in writing, all investigation deadlines, including the final deadlines for submitting names of witnesses and evidence. These deadlines may be extended by the TCC Title IX Administrator for good cause, and any changes will be provided, in writing, to the Parties, along with the rationale for the revised deadline(s);
- The deadline and process for identifying any conflicts of interest or bias with the Investigator. A statement that the Respondent is presumed not responsible for the alleged Prohibited Conduct until a determination is made at the conclusion of the Investigation and Hearing Resolution Process. Prior to such a determination, the Parties will have an opportunity to present relevant and not otherwise impermissible evidence to a trained, impartial Hearing Decisionmaker;
- A statement that the Parties may have an Advisor who may be a friend, parent, therapist, colleague, and who may be, but is not required to be, an attorney;
- A statement that the Parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence upon the request of any Party, and will receive an investigation report that accurately summarizes this evidence;
- A warning that the Decisionmaker may exclude evidence at the hearing that was not presented during the investigation process;
- A statement that the individual TCC Institution's Student Conduct code prohibits knowingly making false statements or knowingly submitting false information during the Resolution Process; and

- The identification of the Investigator.

2. Complaints Initiated by the Institution

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

3. Designation of the Investigator

The TCC Title IX Administrator, in consultation with the Parties' Home Institutions' Title IX Coordinator(s), will designate a trained Investigator to conduct an adequate, reliable, and impartial investigation, in a reasonably prompt timeframe. TCC reserves the right to utilize internal or external Investigators. As required by California law, the designated Investigator will have undergone a comprehensive, trauma-informed training program for campus officials involved in investigating and adjudicating sexual assault, domestic violence, dating violence, and stalking cases.

The designated Investigator identity will be provided in the NOA. Any Party that believes that the designated Investigator has a conflict of interest or bias for or against complainants or respondents generally or an individual Complainant or Respondent, may submit an objection pursuant to Section V.

C. Investigation Process

1. Evidence Gathering

a) Interviews

After the Parties have been notified in writing of the confirmed Investigator, the Investigator will contact the Parties and identified witnesses to conduct their interviews. Interviews may be conducted in person, or via video conference. Recording investigative interviews, by any individual, and by any means, is prohibited.

The Investigator will provide to a Party or witness whose participation is invited or expected, advance written notice of the date, time, location, participants, and purpose of all meetings or proceedings with sufficient time to prepare to participate. The Investigator has discretion of the order in which to interview the Parties and witnesses.

A Party is permitted to have one Support Person, and one Advisor accompany them to any meetings with the Investigator and must provide at least 72-hour notice of the Support Person and/or Advisor's planned attendance at the meeting to ensure the appropriate FERPA documentation is completed in advance of the meeting.

TCC may adopt and apply other reasonable rules regarding decorum, provided they apply equally to the Parties. TCC will share expectations of decorum to be observed at all times in any meeting or proceeding under this Policy. These expectations are applied equally to all Parties, Support Persons and Advisors. TCC has the discretion to remove, with or without prior warning, from any meeting or proceeding a Party, witness, Advisor, or Support Person who does not comply with these expectations and any other applicable TCC rules or expectations.

All Parties will be provided equal opportunity to meet with the Investigator, submit relevant evidence, and identify relevant witnesses. The Investigator will meet separately with all Parties, and any identified witnesses that are deemed relevant, and will gather relevant documentary evidence provided by the Parties and any identified witnesses.

When a Party meets with the Investigator, the Investigator will ask questions related to the allegations in the Complaint, and Notice of Allegations, and the Party is given the opportunity to speak to the allegations and related events. Parties may identify relevant fact witnesses and provide evidence that is relevant to the allegations and not otherwise impermissible. This will include inculpatory evidence (that tends to show more likely that an individual engaged in the alleged conduct) and exculpatory evidence (that tends to show less likely that an individual engaged in the alleged conduct).

The Investigator has discretion regarding whom to interview to determine the facts relevant to the Complaint and scope of the investigation, and when to conduct follow-up interviews with Parties and witnesses.

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

b) Investigator Determination of Evidence Relevance

The Investigator will take reasonable steps to gather relevant available evidence. The Investigator may exclude evidence they determine to be irrelevant or impermissible. Parties may provide the Investigator with any evidence they believe to be relevant. Character evidence is not relevant evidence, and therefore will not be considered.

It is ultimately the role of the Hearing Decisionmaker to determine what weight, if any, to give to the evidence gathered.

TCC shall not restrict the ability of the Parties to discuss the allegations under investigation for the purpose of gathering and presenting relevant evidence.

The Investigator may gather information related to prior or subsequent conduct of the Respondent in determining pattern, knowledge, intent, motive, or absence of mistake.

c) Impermissible Evidence

The following types of evidence, and questions seeking that evidence, are impermissible. This means this information will not be accessed or considered, except by the Parties' TCC Home Institution(s) to determine whether one of the exceptions listed below applies. This information must not be disclosed and must not be otherwise used, regardless of relevance:

- Evidence that is protected under a privilege recognized by Federal or State law, unless the person to whom the privilege or confidentiality is owed has voluntarily waived the privilege or confidentiality;

- Evidence provided to an employee designated by TCC as exempt from internal reporting under this Policy, unless the person who made the disclosure or otherwise provided evidence to that employee has voluntarily consented to re-disclosure;
- A Party's or witness's records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the provision of treatment to the Party or witness, unless TCC obtains that Party's or witness's voluntary, written consent for use in the Resolution Process under this Policy; and
- Evidence that relates to the Complainant's sexual interests or prior sexual conduct, unless evidence about the Complainant's prior sexual conduct is offered to prove that someone other than the Respondent committed the alleged Prohibited Conduct or is evidence about specific incidents of the Complainant's prior sexual conduct with the Respondent that is offered to prove consent to alleged Prohibited Conduct. The fact of prior consensual sexual conduct between the Parties does not by itself demonstrate or imply the Complainant's consent to other sexual activity or preclude a determination that Prohibited Conduct occurred.

For cases of California Sex-Based Harassment the Investigator or Hearing Decisionmaker shall not consider the past sexual history of Complainant or Respondent except in the limited circumstances. Specifically, they shall not consider:

- Prior or subsequent sexual history between Complainant and anyone other than Respondent for any reason unless directly relevant to prove that physical injuries alleged to have been inflicted by Respondent were inflicted by another individual.
- The existence of a dating relationship or prior or subsequent consensual sexual relations between Complainant and Respondent unless the evidence is relevant to how the Parties communicated consent in prior or subsequent consensual sexual relations. Where the Investigator or Hearing Decisionmaker allows consideration of evidence about a dating relationship or prior or subsequent consensual sexual relations between Complainant and Respondent pursuant to this paragraph, the mere fact that Complainant and Respondent engaged in other consensual sexual relations with one another is never sufficient, by itself, to establish that the conduct in question was consensual.

Before allowing the consideration of any evidence proffered pursuant to this section, the Investigator or Hearing Decisionmaker shall provide a written explanation to the Parties as to why consideration of the evidence is consistent with this paragraph. If the issue is raised at the hearing, the Hearing Decisionmaker will include their written explanation in the Hearing Decision Report.

2. Evidence Review Process

At the conclusion of all fact-gathering and before issuing the Final Investigation Report, the TCC Title IX Administrator will provide the Parties access to the Preliminary Investigation Report (PIR) drafted by the Investigator, which includes all relevant evidence and not otherwise impermissible evidence gathered. -The purpose of this review process is to provide the Parties with an equal opportunity to meaningfully respond to the relevant and not otherwise impermissible evidence prior to the conclusion of the investigation and issuance of the Final Investigation Report. This is known as the Evidence Review Process. This opportunity will be provided to each Party, and their Advisor and/or Support Person, if any, regardless of whether the Party made the Complaint or participated in the investigation.

Absent good cause, Parties are provided with ten (10) business days to review and provide a written response to the evidence to the Investigator should they wish to do so. Parties are not required to submit a response. The TCC Title IX Administrator has the discretion to extend the evidence review period based on the volume and nature of the evidence and/or may grant a Party's request for additional time.

The Preliminary Investigation Report will include the following:

- The identities of the Parties;
- The identities of the witnesses;
- A summary of the allegations of the Prohibited Conduct and the alleged Policy violation(s); Information about the policies and procedures used to evaluate the allegations;
- A description of the procedural steps and process taken from the receipt of the Complaint through the investigation process, including any notifications to the Parties, interviews with Parties and witnesses, and methods used to gather other evidence;
- The relevant statements of the Parties and witnesses, and evidence gathered for each allegation;
- A summary of the relevant, and not otherwise impermissible, evidence gathered by the Investigator; and
- Explanations for why evidence or witnesses submitted by the Parties were not considered or interviewed by the Investigator.

Given the sensitive nature of the information provided in the PIR, the TCC Title IX Administrator will facilitate this review in a secure manner and has the discretion to determine how to provide access to the PIR to the Parties based on the particular circumstances of the case and any Party or witness privacy concerns. Unless provided express written permission and access by the TCC Title IX Administrator, neither the Parties, Advisors, Support Persons, nor anyone on any Party's behalf may copy, remove, photograph, print, image, screenshot, videotape, record, or in any other manner duplicate or remove the information contained in the PIR (unless a Party is describing or quoting the material in a written response to the evidence pursuant to the Evidence Review Process). Any TCC student or employee (subject to this Policy) who fails to abide by this may be subject to discipline. Any Advisor or Support Person who fails to abide by this may be subject to discipline, if applicable, and/or may be excluded from further participation in the process.

As part of this Evidence Review Process, the Parties may:

- Submit additional relevant evidence or information;
- Provide a written response to any of the relevant evidence;
- Submit proposed questions for the Investigator to ask of the other Parties or any witnesses;
- Request additional interviews and information-gathering; and/or
- Suggest additional witnesses for the Investigator to interview.

The Party's Advisor and/or Support Person may provide support to the Party during the Evidence Review Process; however, they are not permitted to speak or write on behalf of their Party. This includes any response to the Evidence Review Process.

The Evidence Review Process serves as the final opportunity to submit reasonably available evidence, or names of witnesses. Evidence, that was reasonably available, but not provided during the investigation process will not be considered by the Hearing Decisionmaker.

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

If additional evidence is submitted by the Parties, the Parties submit a written response to the evidence, or new evidence is gathered by the Investigator (through additional or follow-up interviews or additional fact-gathering), it will be included in either a Revised Preliminary Investigation Report or a separate addendum, as deemed appropriate by the Investigator.

All Parties will be provided a second reasonable opportunity to review and respond to any new evidence made available through the Revised Preliminary Report or in a separate addendum. The TCC Title IX Administrator will determine how much time is reasonable to review the new evidence. No new evidence will be accepted as part of any response to the second review and response period, except that the Investigator shall have the discretion to accept relevant evidence that was not previously available or known to exist, and that was not previously discoverable with the exercise of reasonable diligence.

The Investigator will determine when it is appropriate to conclude the Evidence Review Process. The TCC Title IX Administrator will notify the Parties when the Evidence Review Process is complete and when the Final Investigation Report is finalized.

3. Final Investigation Report

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

- The identities of the Parties;
- The identities of the witnesses;
- A summary of the allegations of the Prohibited Conduct and the alleged Policy violation(s);
- Information about the policies and procedures used to evaluate the allegations;
- A description of the procedural steps and process taken from the receipt of the Complaint through the investigation process, including, any notifications to the Parties, interviews with Parties and witnesses, and methods used to gather other evidence;
- The relevant statements of the Parties and witnesses, and evidence gathered for each allegation;
- A summary of the relevant, and not otherwise impermissible, evidence gathered by the Investigator;

- A statement describing how and when the parties were given the opportunity to review the evidence; and
- Explanations for why evidence or witnesses submitted by the parties were not considered.

The Final Investigation Report will not include findings of fact, findings of whether there was a Policy violation(s), or credibility determinations for Parties or witnesses.

The TCC Title IX Administrator will provide the Parties with access to the Final Investigation Report, including all attachments, at least ten (10) business days prior to the scheduled hearing. The Parties may submit a written response to the Final Investigation Report within ten (10) business days from receipt of access to the Final Investigation Report, or by the deadline otherwise communicated by the TCC Title IX Administrator. Written responses are incorporated into the materials that can be reviewed and considered by the Hearing Decisionmaker. Each Party will receive a copy of any other Party's written response to the Final Investigation Report.

XV. Hearing Process

The purpose of a hearing is for a Hearing Decisionmaker to determine whether the conduct occurred as alleged, and if so, whether that conduct violates this Policy. The Hearing Decisionmaker will make credibility determinations, findings of fact, and will determine whether a Policy violation(s) occurred. The Hearing Decisionmaker will also determine appropriate remedies and sanctions if a Policy violation(s) is found to have occurred. The hearing is a closed proceeding and will not be open to the public.

A. Prior to the Hearing

1. Hearing Coordinator

The TCC Title IX Administrator will be responsible for designating a Hearing Coordinator who will coordinate the hearing process. The TCC Title IX Administrator, or their designee, may serve as the Hearing Coordinator. The Hearing Coordinator will ensure the Hearing Decisionmaker is provided with all necessary materials, including the Final Investigation Report and attachments, as well as any written Party responses to the Final Investigation Report. The Hearing Coordinator will arrange the logistics for the hearing, including coordination of the pre-hearing conferences, a location for the hearing (if not conducted via video conference), and coordination of the date and time for the hearing. Other than at the pre-hearing conference, the Parties and their Advisors and/or Support Persons, if any, are prohibited from directly communicating with the Hearing Decisionmaker prior to the scheduled hearing. The Hearing Coordinator will act as a liaison between the Parties and the Hearing Decisionmaker on all procedural matters.

2. Designation of the Hearing Decisionmaker

The TCC Title IX Administrator, in consultation with the Parties' Home Institution's Title IX Coordinator(s), will designate a Hearing Decisionmaker distinct from the Hearing Coordinator and any Home Institution Title IX Coordinator, who will preside over the hearing and draft the Hearing Decision Report, including remedies and sanctions, if applicable. The Hearing Decisionmaker is a single individual. TCC reserves the right to utilize internal or external Decisionmakers. The Hearing Decisionmaker is responsible for overseeing the hearing, making procedural determinations, managing the questioning process (questions must be submitted by the Parties directly to the Hearing Decisionmaker or through the Hearing Coordinator), and issuing the Hearing Decision Report, as well as a Remedies and Sanctions Determination, if applicable.

The Hearing Decisionmaker will have had appropriate training in the definitions of Prohibited Conduct, the scope of the TCC Institution's education programs and activities, the Investigation and Hearing Resolution process under this Policy, bias, the ABR Process, hearing decision writing, assessing questions and evidence related to relevant and not otherwise impermissible evidence, and any technology to be used at the hearing.

The Hearing Coordinator will provide the Parties with written notice of the Hearing Decisionmaker's identity at the time of scheduling the hearing, as well as information regarding any Party's option to object to the Hearing Decisionmaker based on actual conflict of interest or bias pursuant to Section V.

3. Hearing Notice

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

- Confirmation of the assigned Hearing Decisionmaker;
- The time, date, and location of the hearing, including if the hearing will be conducted entirely via videoconference;
- The identity of all participants expected to participate in the hearing, including Parties, and witnesses approved by the Hearing Decisionmaker;
- A list of all documents the Hearing Decisionmaker may consider in reaching their determination;
- TCC's Hearing Expectations and Rules of Decorum; and
- A general overview of the hearing process.

4. Pre-Hearing Conferences

Prior to the hearing, each Party and their Advisors and/or Support Person will be offered the opportunity to meet with the Hearing Decisionmaker to review what to expect at the hearing, rules of decorum, and to provide the Parties and their Advisor and/or Support Person, if any, the opportunity to ask any procedural questions, including questions regarding the Hearing Notice. The Hearing Coordinator and the Party's Home Institution Title IX Coordinator may also be present at the pre-hearing conference. After the Hearing Decisionmaker has conducted the pre-hearing conferences with each Party, the Hearing Decisionmaker will issue a written summary of matters discussed at the pre-hearing conferences. Attending the pre-hearing conference is recommended, however, a Party may waive their opportunity for a pre-hearing conference and is not required to participate.

Parties are expected to notify the Hearing Coordinator of the identity of their Advisor and/or Support Person as soon as possible in advance of the scheduled hearing. The Hearing Coordinator will share this information with the Hearing Decisionmaker and other Parties through the Hearing Notice.

5. Witnesses Identified and Requested to Participate in the Hearing

The Parties and Hearing Decisionmaker all have the right to call witnesses. Unless notified otherwise by the Hearing Coordinator, Parties who wish to call witnesses must submit the name and contact information of the witness, as well as an explanation as to what testimony they will provide at the hearing, at least five (5) business days in advance of the hearing or upon request by the Hearing Coordinator.

Only witnesses who participated in the investigation will be permitted to participate in the hearing, unless the witness was otherwise unknown or not known to have relevant information during the course of the investigation. If the witness did not participate in the investigation, the Party must provide the reason the witness was not identified or was not interviewed by the Investigator, and what information the witness has that is relevant to the allegations. The Hearing Decisionmaker will then determine whether the witness has relevant information and if there is sufficient justification for permitting the witness to participate in the hearing after not having participated in the investigation. The Hearing Officer may instead send the case back to the Investigator to interview the newly proffered witness prior to the hearing taking place.

The Hearing Decisionmaker may determine not to call witnesses submitted by the Parties, and/or to call witnesses who were not submitted by the Parties, and who participated in the investigation.

The Hearing Decisionmaker will communicate to the Hearing Coordinator as soon as possible the witnesses they have determined should be called for the hearing. The Hearing Decisionmaker will document their explanations for determining not to call certain witnesses submitted by the Parties in the Hearing Decision Report.

With the assistance of the Parties' Home Institution Title IX Coordinator(s), the Hearing Coordinator will request the attendance of the relevant witnesses identified by the Hearing Decisionmaker, and a list of witnesses approved by the Hearing Decisionmaker will be provided to the Parties at least three (3) days prior to the hearing.

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

6. Proposed Questions Submitted by the Parties in Advance of the Hearing

No later than three (3) business days prior to the hearing, each Party shall submit to the Hearing Coordinator a preliminary list of questions they wish the Hearing Decisionmaker to ask of the other Party, or to a witness. The Parties will also have the opportunity to submit questions to the Hearing Decisionmaker at the hearing as well (and to have advisor-led questioning in Title IX Sexual Harassment cases). If the Hearing Decisionmaker determines that any questions are not relevant or seek otherwise impermissible evidence, the Hearing Decisionmaker shall exclude the question, not ask the question of the intended Party or witness, and explain the reason for the exclusion of the question at the hearing. Questions that are unclear or harassing of a Party or witness being questioned will not be permitted. The Hearing Decisionmaker must give a Party an opportunity to clarify or revise any question that the Hearing Decisionmaker has determined is unclear or harassing and, if the Party sufficiently clarifies or revises a question, and the question is relevant, the Hearing Decisionmaker will ask the question of the intended Party or witness.

B. During the Hearing

1. Hearing Recording

The hearing will be recorded by TCC, and this recording will be considered the only official recording of the hearing. The Hearing Coordinator is responsible for ensuring the hearing is audio recorded.⁹ No other individual is permitted to record while the hearing is taking place. For the purpose of preparing an appeal, a recorded Party may request to review the hearing recording, or review the transcript of the hearing, if

⁹ Hearings that take place via videoconference may include both an audio and visual recording. Only the audio recordings shall be retained in accordance with Section XVIII.

available, in-person or via video conference, and under supervision by a TCC representative or other designee. Requests should be made to the TCC Title IX Administrator.

Hearing audio recordings will be maintained for seven (7) years after the conclusion of the Resolution Process under this Policy, the Respondent's graduation, separation from TCC, or separation from TCC Institution employment, whichever is latest.

2. Separation of Parties

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

As standard practice, the Parties will be physically separated during the hearing and will participate virtually, unless all Parties request otherwise. If needed, the Party's Home Institution Title IX Coordinator may assist the Party with access to a private location to participate in the hearing. The Parties should request this assistance as soon as possible in advance of the hearing.

3. Hearing Expectations and Rules of Decorum

TCC expects that all participants in the hearing process do so truthfully and respectfully, and that all who have a responsibility for carrying out one or more aspects of the hearing process do so fairly and without prejudice or bias.

The Hearing Decisionmaker shall have the authority to maintain order and decorum at the hearing, including responding to disruptive or harassing conduct, and when necessary, to adjourn the hearing or exclude the disruptive person. In the event the Hearing Decisionmaker removes a Party's Advisor or Support Person, the Hearing Decisionmaker will have the discretion to appoint another Advisor for the remainder of the hearing. The Hearing Decisionmaker also has the authority to determine whether any questions are not relevant, abusive, intimidating, or disrespectful, and will not permit such questions.

4. Party and Witness Participation in the Hearing

While Party and witness participation is considered crucial to providing an equitable hearing process for the Parties and provides the Hearing Decisionmaker the opportunity to ask questions to inform their findings, TCC cannot compel Parties or witnesses (with the exception of the Investigator) to attend or participate in the hearing. Any Party or witness's decision not to participate will not be a reason to cancel or postpone a hearing. The TCC Title IX Administrator, in consultation with the Home Institution Title IX Coordinator(s) and Hearing Decisionmaker, may determine that the hearing will continue in the absence of any Party or any witness.

Parties or witnesses may choose to attend the hearing and not answer questions. The Hearing Decisionmaker may choose to place less or no weight upon statements by a Party or witness who refuses to respond to questions deemed relevant and not impermissible. The Hearing Decisionmaker will not draw any inference about the determination regarding responsibility solely based on a Party or witness's absence from the hearing or refusal to respond to questions deemed relevant and not impermissible, although this decision may impact the information available to the Hearing Decisionmaker in reaching their determination. However, the Hearing Decisionmaker may draw inferences if an individual selectively participates in the hearing (for example, answering some questions but declining to answer others).

The Parties, and their Advisors and/or Support Persons, if any, can be present in the hearing for the entire duration of the hearing. The witnesses will only be present in the hearing for the duration of their testimony.

Investigators who are current employees of a TCC Institution, or external investigators retained by TCC, are expected to participate in the hearing, if requested. Non-employee Investigators, including Investigators who have left employment with TCC, can be requested, but cannot be compelled, to participate in the hearing.

5. Participation of the Advisor and Support Person During the Hearing

Each Party is entitled to be accompanied by one Advisor and one Support Person at the hearing. The role of the Advisor at the hearing is to assist the Party with understanding and navigating the proceeding. Other than the limited opportunity to cross-examine the other Party and witnesses in Title IX Sexual Harassment cases, the Advisor may not advocate for, respond for, or otherwise speak or write on behalf of, a Party during the hearing. In the event that a Party does not appear for the Hearing, the Advisor for that Party may not participate in the hearing or submit questions to be asked on behalf of the Party.

The role of the Support Person is to provide emotional support to the Party during the proceeding. The Support Person may not advocate for, respond for, or otherwise speak or write on behalf of, a Party during the hearing. In the event that a Party does not appear for the Hearing, the Support Person for that Party may not participate in the hearing or submit questions to be asked on behalf of the Party.

6. Hearing Timeline

The following provides a general timeline for the Hearing; however, the Hearing Decisionmaker shall have the authority and discretion to change the order of process as necessary, to limit the time allotted to any phase of the hearing, and/or to limit the time allotted to the full hearing.

a) Opening Introductory Statements

The Hearing Decisionmaker will begin the hearing and provide information regarding the expected timeline of the hearing and allow the Parties and their Advisors, to ask any questions regarding the structure of the hearing.

Each Party will then be permitted to provide an opening introductory statement, no longer than five (5) minutes, unless otherwise extended at the discretion of the Hearing Decisionmaker. Any additional time granted to one Party must be provided to all other Parties, if requested. An Advisor and/or Support Person is not permitted to provide an opening introductory statement on behalf of their Party.

Following opening introductory statements, the Hearing Officer will call Parties and witnesses for questioning.

b) Questioning at the Hearing

The Hearing Decisionmaker will determine the order of questioning at the hearing. The Hearing Decisionmaker may change the order of questioning, with appropriate verbal notice to the Parties, if the Hearing Decisionmaker determines a change is necessary to accommodate a witness' schedule, or for other procedural reasons. The rules governing Impermissible Evidence set forth in Section XIV.C.1.c). shall be applied to all questioning. Only the Hearing Decisionmaker is permitted to ask questions of any Party or witness during the hearing. No Party may directly question the other Parties or witnesses. Advisors and/or Support Persons, if any, are not permitted to directly or indirectly question, or otherwise communicate with

the other Parties or witnesses.

The Hearing Decisionmaker will pose questions to the Parties and witnesses, including the questions the Hearing Decisionmaker approved to be asked that were submitted by each Party prior to the hearing. Each Party will then be provided an opportunity to submit follow-up written questions to the Hearing Decisionmaker to be asked of the other Parties and any witnesses, including questions challenging credibility. The Parties will submit their proposed questions through the Hearing Coordinator. The questions must be relevant to the allegations and must not seek otherwise impermissible evidence, not be duplicative or repetitive of information already gathered, and/or not be harassing of any individual providing testimony. The Hearing Decisionmaker will evaluate each question submitted by the Parties. If the Hearing Decisionmaker determines the question should not be asked, the Hearing Decisionmaker will not ask the Party or witness the question will state their reasoning for this determination on the record, and offer the Party an opportunity to reframe or resubmit the question. The Hearing Decisionmaker also has the authority to ask additional follow-up questions, or as otherwise deemed necessary. All determinations made by the Hearing Decisionmaker at the hearing are final, including determinations on questioning.

A Party may choose not to submit any questions for a Party or witness, either prior to the hearing or during the hearing. A Party's waiver of their right to submit questions does not eliminate the ability of the Hearing Decisionmaker to consider the testifying individual's statements made during the hearing and/or to the Investigator during the investigation process.

(1) Cross-Examination at the Hearing by Advisors

For cases of Title IX Sexual Harassment that are processed as Title IX Formal Complaints, in addition to questioning by the Hearing Decisionmaker described above, the Hearing Decisionmaker must permit each Party's Advisor to ask the other Party and any witnesses all relevant questions and follow-up questions, including those challenging credibility. If a Party does not have an advisor for the live hearing, the Party's Home Institution shall provide without fee or charge to that Party, an advisor of that Home Institution's choice, who may be, but is not required to be, an attorney, to conduct cross examination on behalf of that Party of the other Party/ies and witnesses. Each Party's Home Institution is obligated to ensure each Party has an advisor, either of the Party's or the Home Institution's choice regardless of whether or not the Party is present at the hearing. To ensure timely proceedings, a Party shall alert their Home Institution's Title IX Coordinator as soon as practicable if the Party will need an advisor for the hearing. Only relevant questions may be asked of the other Party or witness (referred to as "cross-examination").

Cross-examination at the live hearing must be conducted directly, orally, and in real time by the Party's advisor of choice and never by a Party personally. TCC and/or the Hearing Decisionmaker may restrict the extent to which advisors may participate in the proceedings.

Before the Complainant, Respondent, or witness answers a cross-examination or other question, the Hearing Decisionmaker must first determine whether the question is relevant and will instruct the Party or witness being asked the question whether they may answer. The Hearing Decisionmaker must explain to the Party proposing the question(s) any decision to exclude a question as not relevant. The rules governing Impermissible Evidence set forth in Section XIV.C.1.c) shall be applied to all questioning. The questions must be relevant to the allegations and must not seek otherwise impermissible evidence, not be duplicative or repetitive of information already gathered, and/or not be harassing of any individual providing testimony.

For allegations of Title IX Sexual Harassment and other Prohibited Conduct that have been consolidated into one case, cross examination may only be used when questioning a witness regarding Title IX Sexual Harassment that is being processed under a Formal Complaint.

c) Closing Statements and Concluding the Hearing

Following the questioning of Parties and witnesses, each Party will be permitted a reasonable opportunity, no longer than five (5) minutes, unless otherwise extended at the discretion of the Hearing Decisionmaker, to provide a closing statement. Any additional time granted to one Party must be provided to all other Parties, if requested. An Advisor and/or Support Person is not permitted to provide a closing statement on behalf of their Party.

The Hearing Decisionmaker will provide closing remarks, if any, and then conclude the hearing.

C. After the Hearing

1. Party Statements Regarding Remedies and Sanctions

Within five (5) business days of the hearing, each Party may provide to the TCC Title IX Administrator a written statement, limited to three (3) pages, related to suggested remedies and sanctions, and any other relevant information specific to remedies and sanctions for the Hearing Decisionmaker to consider in making their sanctions determination. If a Party chooses not to provide a written statement in accordance with this section, they will not be provided an additional opportunity to submit a written statement to the Hearing Decisionmaker.

If the Hearing Decisionmaker determines there was a Policy violation, the Hearing Decisionmaker will notify the TCC Title IX Administrator before issuing their Hearing Decision. The TCC Title IX Administrator will provide the Hearing Decisionmaker with copies of the Party statements, in accordance with Section XVI. The TCC Title IX Administrator will also provide copies of the Party statements to the Parties' Home Institution Title IX Coordinator(s) and appropriate administrator(s).

If the Hearing Decisionmaker determines there was not a Policy violation, the TCC Title IX Administrator will not release the Party statements to the Hearing Decisionmaker.

2. Notice of Hearing Outcome and Hearing Decision Report

In reaching findings and drafting their decision, the Hearing Decisionmaker will consider the investigation record, including the Final Investigation Report and attachments, which will include all relevant and not otherwise impermissible evidence gathered by the Investigator, and evidence accepted at the hearing.

The Hearing Decisionmaker will use the preponderance of the evidence standard, which means more likely than not, to determine whether the alleged Prohibited Conduct occurred, and if so, whether a Policy violation occurred. To the extent the Hearing Decisionmaker must make credibility determinations, such determinations shall not be based on an individual's status as complainant, respondent, or witness.

The Hearing Decisionmaker will not draw any inference about the determination regarding responsibility solely based on a Party's absence from the hearing or refusal to answer questions posed, although this decision may impact the information available to the Hearing Decisionmaker in reaching their determination. However, the Hearing Decisionmaker may draw inferences if an individual selectively participates in the hearing (for example, answering some questions but declining to answer others).

The Hearing Decision Report will include the following:

- A description of the Prohibited Conduct as defined in this Policy, and any other allegations, if applicable;

- A reference to the policies and procedures used to evaluate the allegations;
- A description of the procedural steps taken from receipt of the Complaint, (or TCC Institution's decision to initiate the process) through the determination;
- A list of Parties and witnesses who participated in the hearing and applicable credibility determinations;
- The Hearing Decisionmaker's evaluation of the relevant and not otherwise impermissible evidence along with the finding of facts;
- Finding for each allegation, with rationale;
- Policy findings, with rationale;
- Sanctioning determination with rationale (if applicable); and
- Remedies with rationale (if applicable).

Within fifteen (15) business days from the hearing, the TCC Title IX Administrator will issue to the Parties the Notice of Hearing Outcome and Hearing Decision Report, which will include the Hearing Decisionmaker's policy, and sanctioning, determinations, as applicable.

If the Hearing Decisionmaker finds a Policy violation, the Hearing Decisionmaker and TCC shall follow the procedures set forth in Section XVI, and the Hearing Decision Report will include a Remedies and Sanctions Determination.

If the Hearing Decisionmaker does not find a violation of Policy, the Hearing Decisionmaker's Hearing Decision Report will not include sanctions.

The TCC Title IX Administrator will explain the Appeal Rights and Process, including the permissible bases for appeal, in the Notice of Hearing Outcome. The Hearing Decisionmaker's determination(s) becomes final on the date on which an appeal would no longer be considered timely (see Section XVII).

XVI. Remedies and Sanctioning

This section sets forth the procedures to be followed should the Hearing Decisionmaker find a Policy violation(s) occurred. A student or employee found responsible for a Policy violation will be subject to sanction(s) regardless of whether legal proceedings involving the same incident are pending or anticipated.

If the Hearing Decisionmaker determines there was a Policy violation, prior to issuing the Hearing Decision Report, the Hearing Decisionmaker will notify the TCC Title IX Administrator of this determination. The TCC Title IX Administrator will take two steps:

- Home Institution Written Recommendations: They will notify the Home Institution Title IX Coordinator(s) and the appropriate administrator(s) of each Parties' Home Institution. The Parties' Home Institutions may submit a written recommendation related to remedies and sanctions, and any other relevant information that would be important for the Hearing Decisionmaker to consider in making their Remedies and Sanctions Determination. The Home Institution's written recommendation shall be completed collaboratively between each Party's Home Institution Title IX Coordinator and/or other appropriate Student Affairs administrator(s). The Parties' Home

Institutions will provide those recommendations to the TCC Title IX Administrator, who will transmit them to the Hearing Decisionmaker. The Parties' Home Institution written recommendations will not be shared with the Parties; and

- **Party Statements:** Pursuant to Section XIV.C.1, they will provide the Hearing Decisionmaker with any submitted written Party statements. If a Party did not provide a written statement, the Party will not be provided an additional opportunity to submit a written statement to the Hearing Decisionmaker. Any submitted Party statement(s) will not be shared with the other Parties.

The Hearing Decisionmaker will make their Remedies and Sanctions Determination based on the factual and Policy findings, written Party statements, written Home Institution recommendations, and other factors relevant to sanctioning as outlined below. The Hearing Decisionmaker shall give significant weight to the written Home Institution recommendations in issuing remedies and sanction(s). Expulsions and employment terminations are at the sole discretion of the Respondent's Home Institution.

The Hearing Decisionmaker will decide if remedies are appropriate in order to restore or preserve the Party's equal access to TCC's education, activity, and/or employment. Such remedies may include Supportive Measures. However, unlike Supportive Measures, remedies need not be non-disciplinary or non-punitive, and need not avoid unreasonably burdening the Respondent.

The factors a Hearing Decisionmaker (or Sanctions Decisionmaker)¹⁰ may consider in issuing sanctions include, but are not limited to:

- **Severity of the Violation:** The duration of the conduct; whether the conduct was repeated; the number of Policy violations; abuse of power; use of intimidation; use of force; level of endangerment to the Complainant; level of injury to the Complainant; presence of a weapon; deliberate embarrassment; exploitation of level of intoxication.
- **Aggravation:** Whether the Respondent used force, threat, violence, duress, or intentionally caused intoxication or impairment to engage in conduct without Complainant's consent.
- **Intent:** Whether Respondent intended to cause harm; whether Respondent premeditated the conduct; whether Respondent pressured others to engage in the conduct or similar conduct; whether Respondent was pressured by others to engage in the conduct.
- **Retaliation:** Whether Respondent complied with No Contact Orders, Supportive Measures, and other interim measures in place during the Investigation and Hearing Resolution process; whether Respondent continued to engage in alleged Prohibited Conduct after commencement of the investigation process; whether Respondent engaged in conduct meant to intimidate or harass the Complainant or participants for their participation in the investigation or hearing process; whether Respondent was forthcoming during the investigation and hearing process; whether Respondent engaged in any other conduct which would obstruct the investigation or hearing process, or impacted the fairness of the processes.
- **Impact:** The impact of Respondent's conduct and presence on the Complainant's safety and participation in any TCC Institution's education or employment programs and activities; the impact of Respondent's conduct on TCC's community; the impact of sanctions on Respondent's access to participation in TCC's programs, if applicable.

¹⁰ For cases where the Respondent has accepted responsibility pursuant to Section XIII.C.

Possible remedies and sanctions that the Hearing Decisionmaker may issue include:

- **Warning:** Written notice that the Respondent's behavior was in violation of this Policy and that future violations will result in more severe sanctions.
- **Restitution:** Reimbursement by the Respondent(s) to the TCC Institution, another TCC Institution, TCC, the Complainant(s), or a member of TCC's community to cover the cost of property damage or other loss.
- **Service Hours:** A set number of work hours the Respondent must complete. The Home Institution Title IX Coordinator(s) will determine the nature of the work to be performed. Generally, service hours are conducted within TCC.
- **Educational Program/Project:** Programs and activities designed to help the Respondent become more aware of the TCC Institution's policies and help the Respondent understand the inappropriateness of their behavior to avoid repeat offense, including, but not limited to, participation in an educational program or completion of an online program.
- **Counseling and/or Coaching Sessions:** A set number of counseling and/or coaching sessions that the Respondent must complete, as well completion of any assigned reflection essay or other assignment(s) within a specified time. The counselor, facilitator, and/or the Home Institution Title IX Coordinator(s) will review the required assignments for sufficiency.
- **Referral for Assessment:** A referral for an assessment with an appropriately trained therapist who will recommend a process for treatment. Reinstatement is conditioned upon receiving proof of completion of the recommended treatment.
- **Loss of Privileges:** Denial of specific privilege(s) for a defined period of time. Privileges include, but are not limited to, participation in extracurricular activities and events such as on-campus, or campus-sponsored or affiliated social events, intercollegiate athletics, intramural programs, student organizations, and student government, eligibility to apply for and gain on campus employment within TCC, as well as the privilege of living on campus, living in a specific residence hall, participation in commencement ceremonies, or having a vehicle on campus.
- **Restricted Access:** Conditions which specifically dictate and limit the Respondent's presence on campus and/or participation in TCC Institution-sponsored or affiliated activities and events. The restrictions will be clearly defined and may include, but are not limited to, presence in certain buildings or locations on campus, including residential and dining halls, sports and recreation fields, buildings, and courts, and classrooms. This also includes a No Contact Order, which prohibits communication, by any means, with the Complainant, and/or any other specified individual who participated in the investigation or hearing process. In cases involving Parties from different TCC Institutions-restricted access may extend to exclusion from another TCC Institution's campus, programs, activities, and events.
- **Removal of Offending Cause:** Requirement to remove the item which was the subject of the Complaint.
- **Relocation or Removal from Residence Halls:** Requirement that the Respondent relocate to another residence hall, or off-campus residence, by a specified date.

- **Conduct Probation:** Formal, written notice that the Respondent's behavior is in violation of its TCC Institution's policies and an expectation that the Respondent exhibit good behavior for a defined period of time. Pursuant to the Respondent's Home Institution's policy regarding Conduct Probation, such probation may limit Respondent's on-campus privileges. Any violation during the probationary period will result in increased sanctioning, including academic suspension or expulsion. Notice of Conduct Probation is sent to the Respondent's academic advisor, as well as to the Respondent's parent(s)/guardian if the Respondent is a minor.
- **Employment Probation:** Formal, written notice that the employee's conduct is in violation of its Institution Policies and an expectation that the employee exhibit good behavior for a defined period of time. Any further violations during the probationary period will result in increased sanctioning and may result in employment suspension without pay or termination of employment.

Suspension Up to One (1), Two (2), Three (3), Four (4), Five (5), Six (6), Seven (7), or Eight Semesters (8): Separation from the Institution for one (1), two (2), three (3), four (4), five (5), six (6), seven (7), or eight (8) semesters. During the suspension period, the Respondent is not permitted on campus, is not permitted to participate in any Institution-sponsored or affiliated program or activity, or events, and is not permitted to enroll in any courses and earn any credits towards the Respondent's degree. The terms of the suspension may include the designation of special conditions affecting eligibility for re-enrollment or special conditions to be in effect upon re-enrollment, including a term of Conduct Probation. A term of suspension may also include delayed conferral of degree. Notice of Respondent's suspension will be communicated to the Registrar and other appropriate administrator(s) at the other TCC Institutions to ensure compliance. The Respondent's Home Institution will determine degree and transcript status for suspended students.

- **Employment Suspension without Pay (staff and faculty, including student-employees):** Separation of employment for a defined period of time without pay for the time of separation.
- **Employment Termination:** Permanent separation of the employee from their position. If the Respondent is a student, they may be permanently separated from their student-employee position. A staff or faculty member who is terminated from their employment is not permitted to participate in any TCC Institution-sponsored or affiliated program or activity, or event. A staff, faculty, or student-employee terminated from their TCC Institution employment is not eligible for rehire at that TCC Institution.
- **Expulsion:** Permanent separation from their Home Institution and ineligibility to apply for admission at any other Institutions in the TCC. A Respondent who has been expelled is not permitted on any TCC Institution property and is not permitted to participate in any TCC Institution-sponsored or affiliated program, activity, or events.

The Respondent's Home Institution will determine degree and transcript status for expelled students.

- **Degree Non-Conferral, Delayed Degree Conferral, or Revocation of Degree: At the discretion of the Respondent's Home Institution.**

XVII. Appeal Rights and Process

Except as provided in Addendum A which has its own appeal process, a Complainant or Respondent who is not satisfied with the determinations made as to closure or dismissal of a Complaint, or the dismissal of any included allegations, under this Policy, and/or the Policy findings, or sanctions imposed at the

completion of the hearing process may submit an appeal (Appealing Party) to the TCC Title IX Administrator. The TCC Title IX Administrator, in consultation with the Parties' Home Institution's Title IX Coordinator(s), will identify an appropriately trained Appeal Decisionmaker to review and make a determination of the appeal(s).

When the TCC Title IX Administrator identifies an Appeal Decisionmaker, they will provide written notice of the individual's identity to the Parties, along with information regarding the process to object to the designated Appeal Decisionmaker on the basis of actual conflict of interest or bias pursuant to Section V.

A. Appeal Grounds

Each Party has a right to appeal:

- The dismissal of a Complaint or any included allegations;
- The Hearing Decisionmaker's Policy findings; and/or
- Any sanctions.

Appeals must be submitted in writing to the TCC Title IX Administrator within five (5) business days following the issuance of the Notice of the Hearing Outcome and Hearing Decision Report (Notice of Case Dismissal, or Remedies and Sanctions Determination for Complaints where Respondent accepted responsibility). The appeal must be no longer than 10 (ten) pages, and must specify which grounds the appeal is based upon and include any arguments the Party wishes to make in support of their appeal.

A Party may appeal based on one or more of the following grounds:¹¹

- **Procedural Error:** There was a procedural error(s) that would change the outcome of the matter (i.e., failure to follow the process outlined in this Policy). The appealing party must describe in their appeal the procedural error and its impact on the decision outcome.
- **Conflict of Interest or Bias:** Any Party's Home Institution Title IX Coordinator, the TCC Title IX Administrator, Investigator(s), Hearing Decisionmaker, and/or Sanctions Decisionmaker (for cases where the Respondent has accepted responsibility) has a conflict of interest or bias for or against complainants or respondents generally or an individual Complainant or Respondent, that would change the decision outcome. The appealing party must describe in their appeal the alleged conflict of interest or bias held by the individual and how this impacted the decision outcome.
- **New Evidence:** There is new evidence or information that would change the decision outcome that was not reasonably available or known (and could not have reasonably been known) during the investigation process or when the hearing decision or dismissal of complaint or allegations was made. Information that was known to the party during the resolution process but which they did not to present is not considered new evidence or information. The appealing party must describe in their appeal how the new evidence would change the decision outcome and why the new evidence was not reasonably available or reasonably known prior to the appeal.

¹¹ As explained in Section XIII.C., for cases where the Respondent has accepted responsibility, a Party may only appeal on the grounds that the Sanctions Decisionmaker had a conflict of interest or bias, and/or that the sanctions are disproportionate to the Prohibited Conduct for which Respondent accepted responsibility.

- **Disproportionate Sanctions:** The sanctions are disproportionate to conduct for which the Respondent accepted responsibility, or to the Hearing Decisionmaker's findings.

The submission of an appeal pauses the implementation of any sanctions, and any change in student or employee status, during the pendency of the appeal(s). Supportive Measures remain available during the appeal process.

B. Designation of Appeal Decisionmaker

As noted above, the TCC Title IX Administrator will designate an appropriate Appeal Decisionmaker to conduct a prompt, thorough, and impartial review of the appeal(s). The Appeal Decisionmaker will not be the same person as the Investigator, Hearing Decisionmaker, Sanctions Decisionmaker, TCC Title IX Administrator, or any of the Parties' Home Institution's Title IX Coordinator(s).

The Appeal Decisionmaker will have had appropriate training as required by Title IX and California law, which includes but is not limited to training in the definitions of Prohibited Conduct, the scope of the TCC Institution's education programs and activities, the Investigation and Hearing Resolution process under this Policy, bias, the ABR Process, and appeal process.

C. Appeal Response by Non-Appealing Party

The TCC Title IX Administrator will send a written notice of the appeal to the Non-Appealing Party or Parties and provide them with a copy of the appeal. A Non-Appealing Party or Parties may issue a response to the appeal. Any Party's decision not to submit a response to an appeal is not evidence that the Non-Appealing Party agreed with the appeal. The appeal response is limited to ten (10) pages, including attachments, and may address only the issues raised in the appeal. The Non-Appealing Party will have five (5) business days to submit their appeal response after receiving the notice of the appeal. Any response to the appeal must be sent to the TCC Title IX Administrator, who will provide the response to the Appeal Decisionmaker. Requests to submit an appeal response of more than ten (10) pages must be sent to the TCC Title IX Administrator, along with an explanation as to why additional pages are needed.

D. Appeal Clarification

If the Appeal Decisionmaker needs clarification on any point raised in the appeal, they may make a written request for clarification from the Appealing Party, through the TCC Title IX Administrator. The Appealing Party may respond in writing. The TCC Title IX Administrator will transmit the written response to the Appeal Decisionmaker. The Appeal Decisionmaker may not communicate directly with the Parties. The TCC Title IX Administrator will provide copies of any written communications to the Non-Appealing Party and to the Parties' Home Institution Title IX Coordinator(s).

E. Appeal Record

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

F. Appeal Decision Report

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

The Appeal Decisionmaker may decide to do the following:

- Uphold the findings and sanctions;
- Overturn the findings and/or sanctions;
- Modify the findings and/or sanctions; or
- Remand the case, to the Investigator for additional fact-gathering, or for a new hearing based on new evidence which could change the outcome; or
- If the Appeal Decisionmaker finds that The Title IX Coordinator, TCC Title IX Administrator, Investigator(s), and/or Hearing Decisionmaker had an actual conflict of interest or bias that changed the decision outcome, the Appeal Decisionmaker may, as appropriate, remand the case for a new hearing with a new Hearing Decisionmaker, or remand the case for a new investigation with a new investigator.

G. Notice of the Appeal Decision

The TCC Title IX Administrator will send the Notice of the Appeal Decision to the Parties within ten (10) business days of the submission of an appeal response from the Non-Appealing Party (or the deadline for the Non-Appealing Party to submit a response). The Notice of the Appeal Decision will include a copy of the written Appeal Decision Report. The notice will inform the Parties that there is no further review of the matter, no further right to appeal, and if applicable, that the matter is closed.

The determination regarding responsibility and sanctioning becomes final on the date of the Appeal Decision Report, unless the Appeal Decision Report determines further investigation, and/or a new or additional hearing or investigation is necessary based on new evidence available or actual conflict of interest or bias.

H. Final Remedies and Sanctioning Determination

After the issuance of the final decision (the Notice of Hearing Outcome and Hearing Decision Report if there is no appeal, or the Notice of Appeal Decision), the TCC Title IX Administrator will send a Notice of Final Outcome and Sanctions to the Parties, with a copy to the designated Student Affairs, faculty, or Human Resources administrator(s) within the Respondent's Home Institution, as appropriate. The designated administrator will review the issued remedies and sanctions and determine if any enhancements are warranted based on a Respondent's disciplinary history. Recommendations for enhancements based on a prior disciplinary history are not shared with the other Party.

For student Respondents, the Respondent's Home Institution's Title IX Coordinator is responsible for ensuring completion of the sanction(s), which may include collaboration with the appropriate Student Affairs administrator(s), as necessary.

For employee Respondents, the Respondent's Home Institution's designated Human Resource professional or other designated administrator is responsible for ensuring completion of the discipline or sanction(s). The Human Resource professional or other designated administrator shall update the Respondent's Home Institution Title IX Coordinator on sanction completion and/or compliance.

I. Failure to Complete or Comply with Imposed Sanctions

All Respondents are expected to comply with conduct sanctions, responsive actions, or corrective actions within the timeframe specified in the Parties' Notice of Remedies and Sanctions Determination. Respondents who need an extension to comply with their sanctions must submit a written request to their Home Institution Title IX Coordinator stating the reason(s) for needing additional time.

At the discretion of the Respondent's Home Institution, failure to follow through on conduct sanctions, responsive actions, or corrective actions by the date specified, whether by refusal, neglect or any other reason, may result in additional sanctions, responsive actions, or corrective actions, such as suspension, expulsion, termination, or transcript notations. Respondent students who fail to comply may be referred to their Home Institution's Student Conduct office, and employees who fail to comply may be referred to their Human Resource office. A student or employee Respondent who withdraws or leaves their employment prior to sanction completion may receive a notation on their transcript or employee record, respectively.

XVIII. Recordkeeping

Records of all reports and resolutions will be kept by the Home Institution's Title IX Coordinator(s) for a period of seven (7) years. All records will be afforded the confidentiality protections required by law, including but not limited to the Family Educational Rights and Privacy Act (FERPA) governing confidentiality of student information. This means that the TCC Institutions will protect the Party's privacy consistent with this Policy but may disclose information to those who have a legitimate need to know and in order to process Complaints under this Policy. Documents related to this process include: Complaints, Supportive Measures provided to the Parties, remedies provided to the Complainant, any Agreement-Based Resolution Process documents, if applicable, the Final Investigation Report and attachments, the hearing record, including any audio recording or transcript of the hearing, the Hearing Decision Report, and any sanctioning determination and appeal-related documents, if applicable.

Each Home Institution Title IX Coordinator will also retain, for a period of seven (7) years, all materials used to train their TCC Institution's Title IX administration, including Title IX Coordinators, Deputy Title IX Coordinators, Hearing Coordinators, Investigators, Decision-makers, and any person(s) facilitating the Agreement-Based Resolution process.

XIX. Crime and Incident Disclosure Obligations

The Clery Act is a federal crime and incident disclosure law. Pursuant to the Clery Act, each TCC Institution is required to include statistics about certain offenses, including some of the Prohibited Conduct in this Policy (Sexual Assault as defined by Title IX, Dating Violence, Domestic Violence, and Stalking), that occur in particular campus-related locations, in its annual security report (ASR) and provide those statistics to the United States Department of Education in a manner that does not include any personally identifying information about individuals involved in an incident. The Clery Act also requires the TCC Institution to issue timely warnings to the TCC Institution's community about certain crimes that have been reported and which may continue to pose a serious or continuing threat to campus safety. Consistent with the Clery Act, the TCC Institution withholds the names and other personally identifying information of Complainant(s) when issuing timely warnings to the TCC Institution's community.

As a condition of participation in CalGrants, the TCC Institutions state the following pursuant to section 67380 of the California Education Code:

The TCC Institutions require any report made by a victim or an employee pursuant to Section 67383 of a Part 1 violent crime, sexual assault, or hate crime, as described in Section 422.55 of the Penal Code, received by a campus security authority and made by the victim for purposes of notifying the TCC Institution or law enforcement, to be immediately, or as soon as practicably possible, disclosed to the local law enforcement agency with which the TCC Institution has a written agreement pursuant to Section 67381 without identifying the victim, unless the victim consents to being identified after the victim has been informed of the victim's right to have the victim's personally identifying information withheld. If the victim does not consent to being identified, the alleged assailant shall not be identified in the information disclosed to the local law enforcement agency, unless the TCC Institution determines both of the following, in which case the TCC Institution shall disclose the identity of the alleged assailant to the local law enforcement agency and shall immediately inform the victim of that disclosure:

(i) The alleged assailant represents a serious or ongoing threat to the safety of students, employees, or the TCC Institution.

(ii) The immediate assistance of the local law enforcement agency is necessary to contact or detain the assailant.

XX. Policy Review and Revision

This Policy, effective March 7, 2025, supersedes previous policies addressing Title IX Sexual Harassment and Retaliation, and is maintained by The Claremont Colleges Services (TCCS), and will be reviewed and updated regularly in a manner consistent with changes in federal and state law, regulations, and best practices that may require policy or procedural revisions.

XXI. Non-Discrimination Application and Additional Enforcement Information

Except where federal law requires distinctions, the requirements and protections of this Policy apply equally regardless of sex, sexual orientation, gender identity, gender expression, or other protected classes covered by federal or state law. All requirements and protections are equitably provided to individuals regardless of such status or status as a Complainant, Respondent, or witness.

Individuals who wish to file a Complaint about this Policy or process may contact the Department of Education's Office for Civil Rights using contact information available at <https://ocrcas.ed.gov/contact-ocr>.

Questions about Title IX may be referred to the individual's Home Institution Title IX Coordinator or to the assistant secretary for civil rights:

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

TCC Institutions whose employees are covered by this Policy are not required to report concerns directly to their immediate supervisors at their TCC Institution. Concerns about violations of this Policy may be reported to the U.S. Equal Employment Opportunity Commission (EEOC) and California Civil Rights Division (CCRD). Each investigate reports of unlawful harassment, discrimination, and retaliation, including sex-based harassment, in employment.

U.S. Equal Employment Opportunity Commission (EEOC)

Roybal Federal Building
255 East Temple St., 4th Floor
Los Angeles, CA 90012
(213) 785-3090
<https://www.eeoc.gov/contact-eeoc>

California Civil Rights Department (formerly DFEH)

320 West 4th Street, Suite 1000, 10th Floor
Los Angeles, CA 90013
Monday to Friday: 8am to 5pm
Phone: (800) 884-1684
<https://civildrights.ca.gov/>

XXII. Important Definitions

Advisor of Choice: An Advisor of Choice (Advisor) is an individual who provides guidance to the Complainant or Respondent throughout the Resolution Process, including any Agreement-Based Resolution Process, if applicable, as set forth in this Policy. Each Party is entitled to choose and consult with an Advisor, at their own expense, through any stage of the Resolution Process (including the Agreement-Based Resolution Process, when applicable). Parties may be accompanied by an Advisor to any meeting or proceeding to which they are required or are eligible to attend. A Party can select an Advisor at any time in the process. An Advisor can be any person, including a friend, colleague, and may be, but is not required to be, an attorney. Generally, it is not recommended that the selected Advisor be a Party or a witness in the same matter.

A Party does not have to have an Advisor during the Investigation and Hearing Resolution Process except in cases being processed as a Title IX Formal Complaint, an advisor is required for the hearing.

The Advisor's role is limited. Unless otherwise specified in this Policy, an Advisor may never speak or write on behalf of a Party or otherwise disrupt any meetings or hearings in any manner. Any restrictions on Advisor participation will be applied equally.

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

TCC reserves the right to exclude an Advisor who does not abide by these procedures and expectations set forth in this Policy.

Affirmative Consent: Affirmative Consent means affirmative, conscious, and voluntary agreement to engage in sexual activity. It is the responsibility of each person involved in the sexual activity to ensure that

they have the Affirmative Consent of the other or others to engage in the sexual activity. Affirmative Consent must be ongoing throughout a sexual activity and can be revoked at any time.

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

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

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

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

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

Affirmative Consent cannot be given if any of the following are present: Incapacitation, Force, or Coercion.

Consent may not be given by an individual who has not reached the legal age of consent under applicable law, which is the age of 18 in California.

Complainant: A Complainant is any individual, including a TCC Institution student or employee (including applicants for employment, student-employees, unpaid interns, volunteers, contractors), or participant in a TCC Institution's Education Program or Activity who has reported being, or is alleged to be, impacted by Prohibited Conduct as defined by this Policy, and who was employed, or participating or attempting to participate in a program or activity offered by a TCC Institution at the time of the alleged misconduct. This Policy only applies to employees of TCC Institutions as set forth above.

Complaint: A Complaint means an oral or written request to the Complainant's Home Institution's Title IX Coordinator that objectively can be understood as a request for the TCC Institution to investigate and make a determination about alleged Prohibited Conduct under this Policy. (Title IX Sexual Harassment requires the filing of a Formal Complaint as defined below.) A Complaint may be filed with the Complainant's Home Institution's Title IX Coordinator in person, by mail, by phone, by electronic means (email or by submitting an online report form via the Home Institution's Title IX Office website, if

applicable), by using the contact information listed in Section II.A, or as otherwise described in this Policy. *(Individuals who would like more information about making a Complaint or a Formal Complaint are encouraged to contact their Home Institution's Title IX Coordinator for additional information).*

A Complaint is not required to engage in the Agreement-Based Resolution process as explained in Section XIII.B. (A Formal Complaint is required for cases being processed as Title IX Sexual Harassment.)

Education Program or Activity: For purposes of this Policy, "Education Program or Activity" refers to all the operations of each TCC Institution, including, but not limited to: in-person and online educational instruction, employment, research activities, extracurricular activities, athletics, residence life, dining services, performances, and community engagement and outreach programs. The term applies to all activity that occurs on campus or on other property owned or occupied by a TCC Institution. It also includes off-campus locations, events, or circumstances over which a TCC Institution exercises substantial control over the Respondent and the context in which the Prohibited Conduct occurs, including Prohibited Conduct occurring in any building owned or controlled by a student organization that is officially recognized by a TCC Institution. It also includes conduct subject to the Respondent's Home Institution's disciplinary authority that occurs off-campus and conduct that takes place via TCC Institution sponsored electronic devices, computer and internet networks and digital platforms operated by, or used in the operations of, the TCC Institution or TCC. Conduct that occurs outside of the education program or activity may contribute to a hostile environment within the program or activity and may be covered by this Policy.

Conduct that is not covered by this Policy may still be addressed through other policies and processes, such as those under a TCC Institution's student codes of conduct, civil rights policies, discrimination and harassment policies, and/or any other applicable policy adopted by a TCC Institution.

Formal Complaint: Formal Complaint means a document filed by a complainant or signed by the Title IX Coordinator alleging Title IX Sexual Harassment against a respondent and requesting that the recipient investigate the allegation of Sexual Harassment. At the time of filing a Formal Complaint, a complainant must be participating in or attempting to participate in the education program or activity of the recipient with which the Formal Complaint is filed. A Formal Complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information required to be listed for the Title IX Coordinator and by any additional method designated by the recipient. As used in this paragraph, the phrase "document filed by a complainant" means a document or electronic submission (such as by electronic mail or through an online portal provided for this purpose by the recipient) that contains the complainant's physical or digital signature, or otherwise indicates that the complainant is the person filing the Formal Complaint. Where the Title IX Coordinator signs a Formal Complaint, the Title IX Coordinator is not a complainant or otherwise a party.

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

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

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

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

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

Reporting Party: An individual who makes a report of alleged Prohibited Conduct, as defined by this Policy. This can be any person, including an individual unassociated with TCC. A Reporting Party is not considered a Complainant for purposes of the Resolution Process under this Policy.

Respondent: A Respondent is an individual, or individuals, who are subject to a TCC Institution's disciplinary authority, and who has been reported to have engaged in conduct that could constitute Prohibited Conduct, as defined by this Policy. In some situations, an individual does not have to be enrolled or employed by TCC to qualify as a Respondent under this Policy and may be a third-party participant whom a TCC Institution has the ability to take corrective action against. This Policy only applies to employees of TCC Institutions as set forth above.

Responsible Employee: A Responsible Employee is designated by each TCC Institution. Please refer to your Home Institution for their Responsible Employee Policy definition of this term.

Supportive Measures: Individualized measures offered as appropriate, as reasonably available, without unreasonably burdening a Complainant or Respondent, not for punitive or disciplinary reasons, and without fee or charge to the Complainant or Respondent to:

- Restore or preserve that Party's access to any TCC Institution education program or activity, including measures that are designed to protect the safety of the Parties or the TCC Institution educational or working environment; or,
- Provide support during the TCC Resolution Process, including during an Agreement-Based Resolution process.

The range of Supportive Measures available is listed in Section VI of this Policy.

Support Person: A Support Person is an individual who provides emotional support to a Complainant or Respondent throughout the Resolution Process, including any Agreement-Based Resolution Process, if applicable, as set forth in this Policy. Each Party is entitled to one Support Person to provide them support through every stage of the Resolution Process (including the Agreement-Based Resolution Process). A Party's Support Person may not be acting as an attorney, nor may they be another Party or witness in the same matter.

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

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