HARVEY MUDD COLLEGE

ANNUAL FIRE SAFETY AND SECURITY REPORT

2026

January 1, 2025 – December 31, 2025

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Introduction

Message from President Nembhard

At Harvey Mudd College, our commitment to student safety, wellness, and mental health is central to everything we are working to achieve. As we advance our strategic plan, STEM for a Better World, building A Thriving Community stands out as a central goal—a foundation that empowers the academic excellence and innovation of our students, faculty, and staff to flourish. By prioritizing the health, safety, and sense of belonging for all members of the HMC community, we collectively can build an environment where success and inclusion can thrive.

We know that a college is only as strong as its community. Fostering a thriving community requires the collective dedication and care of every Mudder. Ensuring campus safety and personal wellbeing is a shared responsibility that strengthens our ability to fulfill the College's important mission: developing students who are both exceptional at STEM and exceptional at life.

This annual report provides important details on campus safety measures, crime statistics, and the proactive efforts happening to combat alcohol and drug abuse. I hope you will review and reflect on the information provided within this document so that we can collectively work together to foster a safer and more caring environment that empowers our students and their success.

Sincerely,

Harriet B. Nembhard

Message from AVP and Director of Campus Safety

On behalf of the Department of Campus Safety, I want to personally thank you for your interest in our Annual Fire Safety and Security Report. The Claremont Colleges Services (TCCS) Department of Campus Safety is made up of dedicated professionals who are committed to helping make Harvey Mudd College and The Claremont Colleges safe, welcoming, and supportive places to live, work, and learn.

Harvey Mudd College and the TCCS Department of Campus Safety publish this report to provide our community with important information about campus safety resources, policies, and services. Creating and maintaining a safe campus environment is a shared responsibility, and we encourage you to review this report to learn more about our department, the services we provide, and the many ways we work together to support campus safety.

As you read through the report, you will learn about our strong commitment to supporting victims of crime and the comprehensive resources available to assist them. You will also find important information on campus safety policies and procedures, crime statistics, emergency preparedness, and crime prevention programs designed to help keep our community informed and empowered.

Campus safety is most effective when it is built on collaboration and partnership. In support of Harvey Mudd College's commitment to fostering a secure and caring community, we work closely with many campus partners, including the Dean of Students Office, senior administrators, Campus and Residential Life, Facilities and Campus Services, and other departments that play a vital role in promoting the well-being of our students, faculty, staff, and visitors.

Our dedicated Campus Safety Officers work every day to build positive relationships across the campus community. Through visible engagement, exceptional service, and open communication, these officers strive to create an environment where everyone feels safe, respected, and supported. Their commitment reflects our shared belief that campus safety is strengthened through trust, connection, and community partnership.

It remains our goal to provide the highest quality public safety services to The Claremont Colleges community. We are honored to work alongside our campus partners and are grateful for the opportunity to serve and support all who live, learn, and work here.

Melinda Heikkinen
Assistant Vice President/Director of Campus Safety and Emergency Services
The Claremont Colleges Services

Accessibility to Information and Non-Discrimination Statement

Harvey Mudd College seeks to maintain an environment of mutual respect among all members of its community. All forms of harassment and discrimination on the basis of sex, gender identity and expression, pregnancy, religion, creed, color, race, national or ethnic origin, ancestry, sexual orientation, medical condition, physical or mental disability, age, marital status, veteran status, family care leave status or any other basis described in Harvey Mudd College's Nondiscrimination Policy or otherwise prohibited by state or federal law destroy the foundation for such respect and violate the sense of community vital to the College's educational enterprise. Sexual misconduct offenses are a form of sexual harassment and are strictly prohibited by the College. Retaliation against a person who reports, complains about, or participates in the investigation of a complaint of discrimination, harassment, and/or sexual misconduct is likewise prohibited.

This policy strictly prohibits discrimination against, or the harassment of, any individual at the College or at College activities occurring away from campus, including but not limited to all individuals regularly or temporarily employed, studying or with an official capacity at Harvey Mudd College (such as trustees, guest lecturers, volunteers and contractors). Persons violating this policy will be subject to disciplinary action up to and including discharge from employment or expulsion from the College. It is the responsibility of all faculty, staff and students at the College to ensure compliance with this policy. Accordingly, faculty, staff or students who believe they are being harassed or discriminated against, have observed harassment of, or discrimination against, another person at the College in violation of this policy, or who believe such conduct has occurred, should immediately report the incident following the complaint reporting procedures below.

Because harassment and discrimination can also constitute violations of federal and state law (Title VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, and/or Section 12940 of the State of California Government Code), individuals who feel that they have been subjected to harassment or discrimination may, in addition to notifying the College by using the complaint reporting procedures below, file a complaint with the appropriate state or federal agencies. Such complaints may be filed with the California Department of Fair Employment and Housing (DFEH) or the comparable federal agency, the Equal Employment Opportunity Commission (EEOC). Complaints may also be filed with the federal government's Office of Civil Rights (OCR).

As an educational institution, Harvey Mudd College is committed to the principle of free expression and the exploration of ideas in an atmosphere of civility and mutual respect. Thus, in keeping with the principles of academic freedom, there can be no forbidden ideas. Harvey Mudd College also recognizes that the educational process can often be disturbing and unsettling, particularly when one's current ideas or values are being challenged. This means that the learning, working, and living environments might not always be comfortable for all members of the College community. The College does not proscribe speech simply because it is offensive, even gravely so. In determining whether an act constitutes discrimination or harassment, the context must be carefully reviewed, and full consideration must be given to protection of individual rights, freedom of speech and academic freedom. In addition, consistent with California Education Code Section 94367, the definition of harassment contained in this policy and its application to student speech shall be subject to the limitations of the First Amendment to the United States Constitution and Article 1, Section 2 of the California Constitution.

Preparation of the Annual Security Report and Disclosure of Crime Statistics

Campus Safety and Veronica Clairmont, Associate Dean for Institutional Diversity at Harvey Mudd College, prepared this report to comply with the Jeanne Clery Campus Safety Act using information maintained by Campus Safety, information provided by other offices that include the Harvey Mudd Division of Student Affairs, the Title IX

Coordinator, Human Resources, Proctors, Mentors, Campus Security Authorities, online reporting, as well as information provided by local law enforcement agencies surrounding the main campus.

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

The College distributes a notice of the availability of this Annual Security and Fire Safety Report by October 1 of each year to every member of the College community. Anyone, including prospective students and employees, may obtain a paper copy of this report by contacting the Division of Student Affairs at Dean_of_Students@g.hmc.edu or by downloading a copy on the Campus Safety website. From the webpage, scroll down to Clery Reporting and expand the section to view the reports and click on Harvey Mudd College.

ANNUAL SECURITY REPORT

Reporting Crimes and Other Emergencies

Harvey Mudd College has several ways for campus community members and visitors to report crimes, serious incidents and other emergencies, to appropriate Harvey Mudd College and Campus Safety officials. Regardless of how and where you decide to report these incidents, it is critical for the safety of the entire Harvey Mudd College community that you immediately report all crimes/emergencies to Campus Safety at 909.607.2000 or by calling the Claremont Police Department at (909) 399-5411 or 911. To connect immediately with a staff member from Harvey Mudd College, call (909) 477-7944 to make a report to the dean on call. When crimes, serious incidents and other emergencies are reported, Campus Safety and Harvey Mudd College will conduct investigations and initiate appropriate follow-up actions, including issuing a Crime Alert, Timely Warning Notification or Emergency Notification.

Voluntary, Confidential Reporting

If crimes are never reported, little can be done to help other members of the community from also being victims. We encourage College community members to report crimes promptly and to participate in and support crime prevention efforts. The College community will be much safer when all members participate in safety and security initiatives.
If you are the victim of a crime or want to report a crime you are aware of, but do not want to pursue action within the College or criminal justice system, we ask that you consider filing a voluntary, confidential report. We also highly recommend this method for the accurate and prompt reporting of crimes when the victim of crime elects or is unable to make such a report to the TCCS Campus Safety and appropriate police agencies when the victim of a crime elects to or is unable to make such a report. Depending upon the circumstances of the crime you are reporting, you may be able to file a report while maintaining your confidentiality. The purpose of a confidential report is to comply with your wish to keep your personal identifying information confidential, while taking steps to ensure your safety and the safety of others. The confidential report allows the College to compile accurate records on the number and types of incidents occurring on campus. Reports filed in this manner are counted and disclosed in the Harvey Mudd College Annual Security and Fire Safety Report. In limited circumstances, the College may not be able to assure confidentiality, and you will be informed in those cases.
Anyone may call Campus Safety at 909.621.8170 or 909.607.2000 to report concerning information. A caller's information may remain confidential.

Another accessible avenue to easily report crimes is the LiveSafe app for smartphones. The LiveSafe app allows Harvey Mudd students to submit tips and reports quickly and discreetly, access essential safety resources and information, and to use the "SafeWalk" feature that includes a location sharing option so friends can track your travel between points to ensure your safe arrival. Students, faculty and staff can download the LiveSafe app from their mobile device for free. The app is available in the Apple app store and in Google Play. Once downloaded, the user will find their institution 'Harvey Mudd College' by clicking on 'Manage Organizations' in Settings. LiveSafe provides users the opportunity to do something when they see something. Users can send an email, make a phone call, and send pictures to Campus Safety in real time from the convenience of their mobile device. It also provides the user with updated information regarding: Emergency Procedures, Sexual Assault Assistance, Health and Wellness Assistance, Student Life Resources, and Local Resources.

Reporting to Campus Safety

We encourage all members of the College community to report all crimes and other emergencies to Campus Safety in a timely manner. Campus Safety has a dispatch center that is available by phone at 909.621.8170 or 909.607.2000 or in person twenty-four hours a day located inside the Administrative Campus Center (ACC), 101 S. Mills Ave., Claremont, CA 91711. Though there are many resources available, Campus Safety should be notified of any crime, whether or not an investigation continues, to assure the College can assess any and all security concerns and inform the community if there is a significant threat to the College community.

All crimes can be called in to Campus Safety at 909.607.2000 or 909.621.8170. Callers who wish to remain confidential should share with the Dispatcher who answered the call that they wish to keep their name private. Campus Safety Dispatch will honor that request and not press the caller for their information. However, please note that the Cisco IP Phones often still records a phone number that Dispatch may call back if additional information is necessary. Should a Campus Safety Incident Report result from the phone call, the caller information will be written as "Jane Doe" or "John Doe". The College has installed emergency phones throughout the campus. Phones are in numerous outdoor locations. Emergency phones provide direct voice communications to the Campus Safety Dispatch Center.

Anonymous Reporting

Anyone may share information anonymously through Campus Safety's Silent Witness Form available on the Campus Safety website at https://cuc.formstack.com/forms/silent_witness_incident_report. The form provides a user the opportunity to communicate directly with the Assistant Vice President of Campus Safety. It is not intended for reporting emergencies or crimes-in-progress. The user will submit a description of the event, date, time and location of the event. Contact information is optional. Once all pertinent information has been disclosed, the user will click the 'submit' button which in turn sends it directly to the Assistant Vice President of Campus Safety. By policy, we do not attempt to trace the origin of the person who submits this form, unless such is deemed necessary for public safety.

Community members can also make an anonymous report using the LiveSafe App. All messages sent to Campus Safety through the LiveSafe app give the user the option to send the transmission anonymously by simply clicking the box that asks the user if they wish to remain anonymous.

Reporting to Other Campus Security Authorities

Harvey Mudd College is very concerned about the safety and welfare of all students, employees and guests, and is committed to providing a safe and secure environment. Harvey Mudd College works with Campus Safety, the Claremont Police Department, an Emergency Preparedness Consultant and private security groups to maintain the

safety of the College community. All members of the Harvey Mudd College community are encouraged to report crime(s) to one or more of the following offices: The Division of Student Affairs, Human Resources, Campus Safety and the Claremont Police Department.

Harvey Mudd College prefers that community members promptly report all crimes and other emergencies directly to Campus Safety at 909.607.2000 or Claremont Police Department at (909) 399-5411. We recognize that some may prefer to report to other individuals or College offices. The Clery Act recognizes certain College officials and offices as "Campus Security Authorities (CSA)." The Act defines these individuals as an "official of an institution who has significant responsibility for student and campus activities, including, but not limited to, student housing, student discipline and campus judicial proceedings. An official is defined as any person who has the authority and the duty to take action or respond to particular issues on behalf of the institution."

While the College has identified over 100 CSAs (including all staff in the Division of Student Affairs, all faculty, some academic affairs staff, coaches and proctors), we officially designate the following offices as places where campus community members should report crimes:

Official	**Campus Address**	**Phone Number**
Campus Safety	101 Mills Ave.	909.607.2000
Vice President for Student Affairs	301 Platt Blvd.	909.621.8125
Assistant Vice President for Human Resources	301 Platt Blvd.	909.607.9700
Title IX Coordinator	301 Platt Blvd.	909.607.4015

Pastoral and Professional Counselors

According to the Clery Act, pastoral and professional counselors who are appropriately credentialed and hired by The Claremont Colleges Services (TCCS) to serve in a counseling role are not considered Campus Security Authorities when they are acting in the counseling role. As a matter of policy, Harvey Mudd College and TCCS encourages pastoral and professional counselors to notify those whom they are counseling of the voluntary, confidential reporting options available to them. The Claremont Colleges Chaplains work out of the McAlister Center. The McAlister Center is located at 919 N. Columbia Ave., and the Chaplains can be reached at 909.621.8685. As a matter of policy, the College encourages pastoral and professional counselors to notify those whom they are counseling of the voluntary, confidential reporting options available to them. Monsour Counseling and Psychological Services counselors work out of theTranquada Student Center at 757 College Way and can be reached by calling 909.621.8000.

It's Up to Each of Us

Harvey Mudd College takes great pride in its community of students, staff and faculty. This community is a great place to live, learn, work and study; however, this does not mean that the campus and members are immune from all of the other unfortunate circumstances that arise in other nearby communities. With that in mind, Harvey Mudd College has taken progressive measures to create and maintain a reasonably safe environment on campus. In addition to the services provided by Campus Safety, Harvey Mudd College has precautionary measures in place that are intended to enhance the quality of life and to assure the safety and security of the students, staff and faculty (for more information, see below in the section on 'Security of and Access to College Facilities').

Harvey Mudd College is a residential college; nearly all students live on campus. The Vice President for Student Affairs/Dean of Students is the college officer responsible for residential and campus life issues.

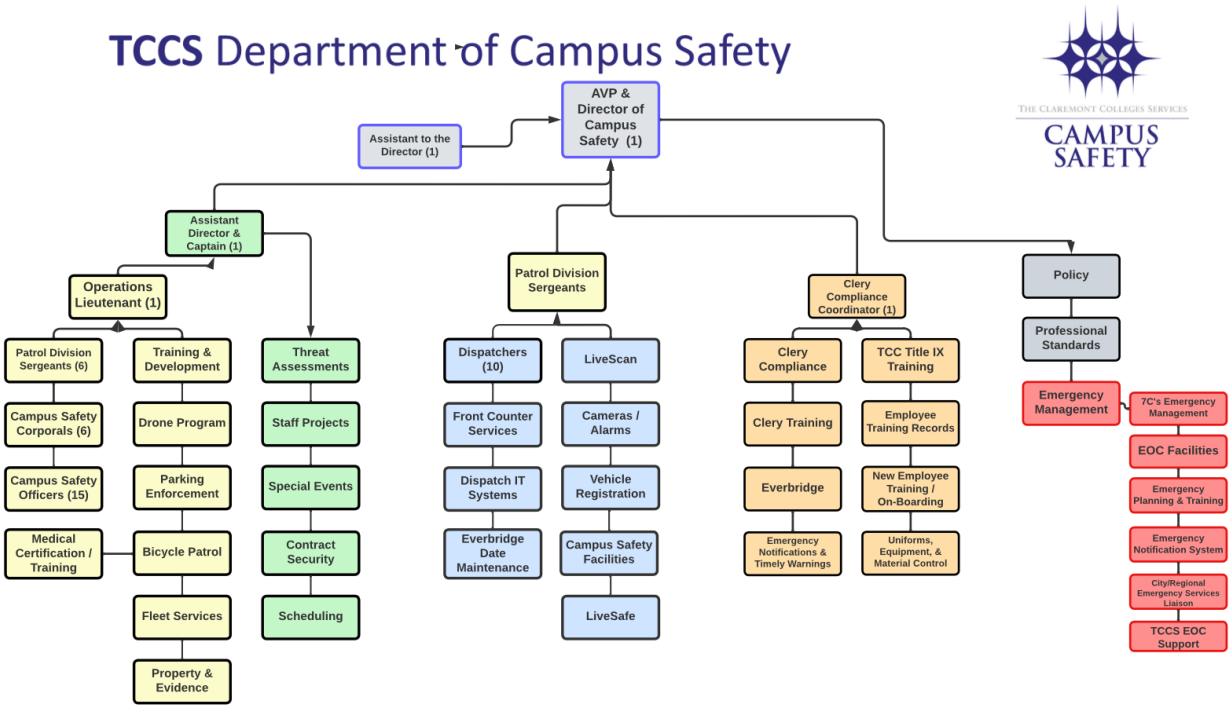
About The Claremont Colleges Services Department of Campus Safety

Role, Authority, Training and Jurisdiction

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

- First responders to emergencies of any kind.
- Protect the persons and property of students, faculty, staff and visitors to The Claremont Colleges.
- Patrol by vehicle, electric carts and on foot all campus streets, byways and interior areas.
- Apprehend criminals.
- Provide first aid until the arrival of paramedics.
- Provide security and traffic control at parties, special events and performances.
- Monitor fire alarms, intrusion alarms, theft alarms, panic alarm systems and a variety of temperature alarms campus-wide.
- Enforce traffic and parking regulations.
- Take reports of crimes and incidents and forward them to the Claremont Police Dept. for investigation.
- Provide incident reports to student deans and maintain records of crimes, incidents and reported activities for analysis purposes.
- Assist law enforcement and other emergency service providers as needed.
- Offer security survey/audit services to campus administrators.
- Provide security/crime prevention presentations to students and staff.

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



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

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

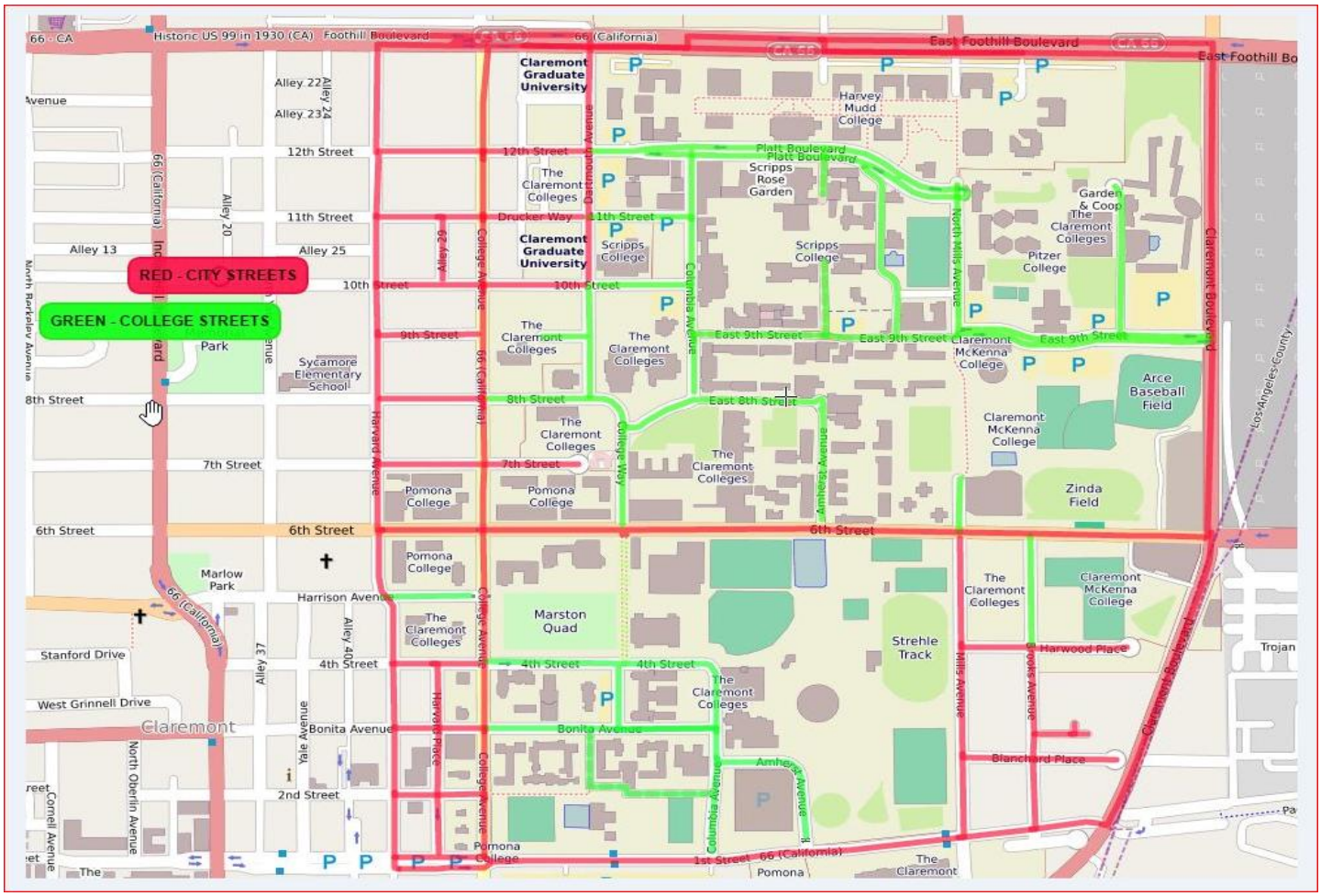
The exception to this is Keck Graduate Institute, which does not reside on the same parcel of land. KGI's borders and Campus Safety's patrol jurisdiction include: First Street to the north, Indian Hill Boulevard to the east, Arrow Highway to the south, and South Cambridge Avenue to the west.

Claremont McKenna College (CMC) owns the Roberts Campus East property. The Roberts Campus East Property, which encompasses a total of 75 acres, is bordered by Foothill Boulevard to the north, Monte Vista Avenue to the

east, Arrow Route to the south and Claremont Boulevard to the west. The East Campus is organized into two primary areas: 8 acres on the southern end of the site adjacent to Arrow Route is undesignated for development until future uses are identified and approved. 67 acres on the northern 85% of this site are being developed as a Sports Bowl. Set back off of Foothill Boulevard: Claremont Graduate University, Harvey Mudd College, Pomona College, Scripps College and TCCS own parcels of undeveloped land known as the North Campus Property. One specific parcel of North Campus Property is Pitzer College's Robert Redford Conservancy. All this land is bordered by the backyards of residential housing not affiliated with the Colleges to the north, Mills Avenue to the east, Foothill Boulevard to the south, and the California Botanical Gardens to the west.

Set back off the main street and north of Foothill Boulevard resides the Claremont Collegiate Apartments (CCA), which is Claremont Graduate University housing. CCA is bordered by TCCS undeveloped land that was formerly a golf course to the north, the Rancho Santa Ana Botanical Gardens to the east, the School of Theology, which is affiliated with The Claremont Colleges, but not owned or controlled by TCCS, to the southeast, Via Los Altos to the southwest, and Via Zurita Street to the west.

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



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

The Claremont Colleges' Campus Safety enjoys a highly effective and close working relationship with the City of Claremont Police Department, as well as the Upland Police Department. Set by our formal Memorandums of Understanding (MOUs) with both agencies, our local law enforcement partners ensure effective operational roles and responsibilities that directly support the mission of the Campus Safety Department and the safety and security of The Claremont Colleges. The police are notified immediately and respond to: crimes against persons, including violent crimes, major felonies, crimes involving a known or identified suspect, all private persons arrests on campus, and are called when police presence and/or assistance is deemed appropriate for the situation. As appropriate, and in accordance with Uniform Crime Reporting (UCR) standards, crime reports initiated by Campus Safety may be forwarded to the police agencies for investigation and mandated reporting. While Campus Safety Officers are non-sworn, when deemed appropriate, Campus Safety will initiate the investigation of misdemeanor and felony crimes occurring on campus and provide all documentation to the local law enforcement agency with jurisdiction for further follow-up. An MOU with these law enforcement agencies is maintained and available at all times, pursuant to the Kristen Smart Act of 1988 (State of California). More expansively, Campus Safety and the Claremont Police Department, with colleagues across The Claremont Colleges as is appropriate, convene regularly through in-person meetings, phone and electronic communication to discuss safety issues and work collaboratively and proactively.

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

Crimes Involving Student Organizations at Off-Campus Locations

Harvey Mudd College relies on its close working relationships with local law enforcement agencies to receive information about incidents involving HMC students and recognized student organizations, on and off campus. Although Harvey Mudd College does not have any non-campus locations of officially recognized student organizations, if Campus Safety learns of criminal activity involving students or student organizations, it will coordinate with the appropriate external law enforcement agency to forward information about the situation to the HMC Dean of Students office, as appropriate. HMC requires all recognized student organizations to abide by federal, state, and local laws, and College regulations. As per the Harvey Mudd College Student Handbook, the College may become involved in the off-campus conduct of recognized student organizations when such conduct is determined to violate College policy.

Timely Warning Notification

Purpose: The purpose of this policy is to outline procedures that The Claremont Colleges will use to issue Timely Warning Notices in compliance with the Clery Act. TCC are comprised of Claremont Graduate University, Claremont McKenna College, Harvey Mudd College, Keck Graduate Institute, Pitzer College, Pomona College, Scripps College and The Claremont Colleges Services (TCCS).

Procedures: A Timely Warning Notice will be issued in the event any of TCC or TCCS receives notice of an alleged Clery Act reportable crime (identified below) occurring on campus, on public property within or immediately adjacent to one of the campuses of TCCS, or in or on non-campus buildings or property controlled by any of TCCSs, where the College determines, in its judgment, that the allegations present a serious or continuing threat to the TCCS community. For purposes of this policy, "timely" means as soon as reasonably practicable after an incident has been reported to:

Campus Safety, one of the Campus Security Authorities (CSAs) identified by each college, or a local police agency. Please note that KGI has withdrawn from TCCS Campus Safety and has chosen to handle this service directly. As of 7/1/23, Timely Warning Notifications are not sent by TCCS Campus Safety to the KGI community for a Clery reportable crime happening within KGI geography. Determining which designated official from Campus Safety makes the decision is based on availability during a 24-hour cycle. Campus Safety maintains designated individuals throughout each 24-hour cycle who are trained in determining the need for issuing a Timely Warning Notification. These designated officials are: Assistant Vice President of Campus Safety, and the on-duty Lieutenant or Watch Commanders.

Whether to issue a Timely Warning Notice is determined on a case-by-case basis for Clery Act reportable crimes: arson, criminal homicide, burglary, robbery, sex offenses, aggravated assault, motor vehicle theft, hazing, domestic violence, dating violence, stalking, hate crimes, and arrests and referrals for liquor, drug or weapons violations as defined by the Clery Act. Timely Warning Notices also may be issued for other crimes as determined necessary by the Assistant Vice President of Campus Safety, dean on-call or senior administrator, but at a minimum, Timely Warning Notifications are issued for any Clery Act crime that is reported to a CSA, occurs within Clery geography and poses a serious or ongoing threat to the community.

Timely Warning Notices aid in the prevention of similar occurrences and will be issued even if insufficient information is available if it is likely that there is an ongoing threat to the community.

The above individuals determine if an alert should be sent and are the senders of the notices. In determining whether to issue a Timely Warning Notice, the responsible individuals described above will consider any factors reflecting on whether the reported crime represents a serious or continuing threat to the 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; (d) the continuing danger to the TCC community; and (f) the amount of information known by TCC and Campus Safety. TCCS Campus Safety will follow its Emergency 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 TCCS. Emergency Notification procedures are detailed later in this report.

A Timely Warning Notice Decision Matrix/Timely Warning Notice Determination Form will be used in the decision-making process to document the decision to alert or not to alert the community. Once completed, the form and all information related to the decision will be maintained by TCCS Campus Safety for a seven-year period. Timely Warning Notices will be distributed via email to all TCC students and employees.

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

Anyone with information about a serious crime or incident is encouraged to report the circumstances to Campus Safety by phone at 909.607.2000 or from campus phones at ext. 72000 and in person at the Campus Safety Office, Administrative Campus Center (ACC), 101 S. Mills Ave., Claremont, CA 91711. If a report is made to other TCC officials, those officials will immediately notify TCCS Campus Safety.

Emergency Response and Evacuation Procedures

Emergency Management

Incident Management Team

The Incident Management Team is the lead emergency response team for Harvey Mudd College. This team uses the Incident Command System and assigns Command and Section Leaders to lead the campus emergency response effort. These members work to gather incident information, create emergency actions plans and respond to events. HMC groups and members work under the direction of the IMT. Training for these members may include: Incident Command System (ICS) and the California Standardized Emergency Management System and National Incident Management System (SEMS/NIMS) courses, periodic drills and other training as appropriate. Duties during an emergency may include:

- Activation of the Emergency Operations Center
- Notification and activation of response team members
- Deployment of response efforts on campus
- Verification and release of incident information
- Update HMC community regarding emergency or incident
- Activation of Emergency Plans (e.g. Shelter-in-Place, Evacuate)
- Coordination of additional resources needed for incident

Damage Assessment

Members assigned to damage assessment may comprise facilities and maintenance staff. Routine training for members may include damage assessment, HAZMAT spill response, advanced PPE, safety and other training specific to the needs of the campus. Members meet regularly to discuss emergency procedures and review action plans with additional training conducted throughout the year. Duties during an emergency may include:

- Damage assessment of facilities and buildings
- Turning on/off utilities
- Repair and recovery of building heating and cooling systems
- Spill response
- Moving, lifting of heavy objects
- Debris clean up

First Aid Team

Trained First Aid Team members may assist those in need of minor medical treatment during an emergency in the event local emergency personnel are delayed. Members would include volunteers trained in First Aid, CPR and the use of an AED. Trained First Aid Team members may assist in the following:

- Conduct and record initial medical assessments
- Administer first aid
- Conduct rapid assessment (triage)

- Set up and manage First aid treatment area(s)
- Maintain records of treatment

Emergency Response Plans, Drills, Exercises and Training

Each member of TCC is responsible for the overall direction and planning for emergency situations on their campus or those that occur in the local or regional area affecting TCC. Coordinating with Campus Safety, each of TCC develop comprehensive, all-hazards Emergency Response Plans which outline the steps the institution will take to prevent and mitigate, prepare for, respond to, and recover from a full range of likely hazards TCC community may face.

Information pertaining to HMC Emergency Response Information can be found at the following link: https://www.hmc.edu/emergency-preparedness/

Included on the Harvey Mudd College emergency web page is detailed information regarding Harvey Mudd College's Emergency Notification Policy, including how to enroll in Harvey Mudd College's mass notification system, to ensure you receive emergency notices pertaining to TCC's via your personal mobile or electronic devices. Registering your mobile or electronic device to receive a text or voice message is optional and highly recommended. Every Harvey Mudd College community member is encouraged to add her/his cell phone to the system and to participate in regular Harvey Mudd emergency preparedness exercises.
To ensure these plans remain current and actionable, each of TCC conducts emergency management exercises. These exercises may include tabletop drills, emergency operations center exercises, or full-scale emergency response exercises. After-action reviews of all emergency management exercises can be used to document the exercise.

In conjunction with emergency management exercises, each of TCC will notify their community of the exercise(s) and remind the community of the information included in each colleges' publicly available information regarding Emergency Response Procedures. All emergency drills are coordinated through Facilities & Maintenance (F&M), all documentation of drill dates and times can be found in the Office of Facilities and Maintenance.

Preparedness and emergency response exercises help reinforce skills and knowledge needed during an actual emergency. Harvey Mudd College conducts the following exercises:

Fire, Life Safety Evacuation Exercise

Residence halls only, annually. The date of this exercise occurred on October 15, 2025. The time and date for 2026 is October 8.

- Sample of Student Instructions: HMC has scheduled our fall semester residence hall fire evacuation exercise on TBA. The exercise will begin when the fire alarm in the residence halls is activated. Below is information regarding what to do during an emergency, fire, and/or evacuation. Please review this information in advance of TBA since you will be required to follow these procedures during the exercise. In the event of an emergency call Campus Safety (909.607.2000) and report the location and nature of the emergency. If there is a fire, activate the closest fire alarm. Evacuate to the nearest evacuation site location and report to those around you. Fire procedure information can be found here.
- During an evacuation, calmly and quietly walk to the nearest exit. Do not use elevators. Follow the instructions of evacuation coordinators, proctors, or other emergency personnel. During the evacuation exercise, residents should close their room and/or exterior doors when evacuating. During a real emergency, the priority should be placed on safely evacuating the building as calmly and quickly as possible. Emergency evacuation site locations can be found on our campus map under Emergency Resources, Emergency

Assembly Locations. We have also attached a map with evacuation sites to this email. Please wait at the evacuation site until the all-clear is given by the emergency personnel and proctors. You will be required to check in with the proctor at the evacuation sites. If you are on the residential side of campus at the time of the fire drill, you are required to participate in the full evacuation procedure.

Academic and administrative buildings – annually, date and time will be announced.

- Faculty & Staff Instructions: During an evacuation, our responsibilities as HMC community members are:

  If safe to do so:

  - Shut down experiments, procedures, and processes that cannot be unattended.
  - Extinguish open flames and shut off noxious or flammable gas valves.
  - Secure valuables. Take your purses, wallets, and backpacks with you if they are nearby. For your safety, DO NOT venture to another room or area to retrieve belongings.
  - Close your office, lab, or room door behind you when you leave. During an evacuation, the top priority is not if the closed door is locked or unlocked; the priority is that it is closed, as a closed door may slow the spread of fire, smoke, and water. As you are leaving, advise others of the need to evacuate.
  - Calmly leave the building via the nearest safe exit and proceed to the nearest emergency assembly location. DO NOT use elevators to exit; use the stairs.
  - Emergency assembly locations can be found on our campus map under Emergency
  - Resources via the following link: https://www.hmc.edu/map/
  - Offer assistance to those around you that may have trouble evacuating.
  - When you reach the emergency assembly location, check in for roll call using the HMC APP, the QR Code provided by the Evacuation Coordinator, or directly with the Evacuation Coordinator to ensure you are accounted for (checking in helps to identify anyone that may be missing).
  - For your safety, DO NOT re-enter the building until authorized to do so by Campus Safety, Police, Fire Department Official, or the HMC Incident Commander (for this exercise, the building may be re-entered when the alarm is silenced).

Advanced planning and preparation are the most effective ways to assist you in responding calmly and effectively during an emergency. Here are some steps you can take as a staff member to help yourself and your colleagues prepare for a campus emergency:

1. Be familiar with the emergency plan for the buildings you regularly occupy. Where are the emergency exits, fire extinguishers, fire alarm pull stations, evacuation sites, shelter in place, and first aid kits located?

2. Be familiar with general emergency information; you can visit the Office of Emergency Preparedness website for more information: https://www.hmc.edu/emergency- preparedness/

3. Follow the appropriate procedures for all building alarms or incident alerts. Enroll yourself in the campus Emergency Notification System (Mudd Alert): https://www.hmc.edu/emergency-preparedness/mudd-alert/

4. If you or a colleague has a disability or may need assistance during an emergency, make sure that you know how best to support them, or that others know what your needs may be in an emergency.

5. Know how to report an emergency from the places you frequent during your time on campus (such as meeting locations or your office).

6. Participate in emergency preparedness exercises.

- Mass Notification System Test and Exercise – campus wide, twice annually
- Conducted in conjunction with Earthquake drop cover and hold exercise conducted on TBA. A second is generally conducted during the lock down exercise which will be conducted on TBA in the afternoon.
- Tabletop Emergency Response Exercises – In addition to their routine training the HMC Incident Management Team and HMC-CERT routinely conduct and participate in the campus exercises.
- Earthquake Exercise – campus wide annually
  Date: TBA
  Time: Before noon
  Length of drill: Approximately 10-15 minutes

What To Do:

Brief discussions about earthquakes with members of department and those that work nearby. This may include sharing a video of earthquake footage and/or how to Drop, Cover and Hold On. Here are a couple of video links you can use to share information with your colleagues on how to protect themselves during an earthquake:

- Great Shake Out - If You're Near a Sturdy Desk or Table (Earthquake Safety Video Series)
- Great Shake Out - If There's NO Sturdy Desk or Table (Earthquake Safety Video Series)
- MySafeLA.org

During the exercise, practice the Drop, Cover and Hold On technique for one minute. (We are not asking you to evacuate after practicing Drop, Cover, and Hold On).

- During an earthquake, our responsibilities as HMC community members are:
- DROP to the floor.
- Take COVER by getting under a sturdy desk or table for shelter (or cover your head with your arms).
- HOLD ON to your shelter and be prepared to move with it until the shaking stops.
- Stay away from windows and objects that may fall.
- Do not run outside.
- If you are outdoors when the shaking starts, stay in an open area then drop and cover.
- After the shaking stops, if the area you are in has sustained damage, evacuate to the nearest evacuation area. Evacuation site locations can be found at the following link

Offer assistance to those around you that may have trouble evacuating. When you reach the evacuation site, check in with Evacuation Coordinator or other emergency personnel to be sure you are accounted for during the roll-call process (checking in helps to identify anyone that may be missing). For your safety, DO NOT re-enter the building until authorized to do so by Campus Safety, Police or Fire Department Official, or the HMC Incident Commander. Prepare for the possibility of an aftershock.

Advanced planning and preparation are the most effective ways to assist you in responding calmly and effectively during an emergency. Here are some steps you can take as a staff member to help you and your colleagues prepare for a campus emergency.

1. In an emergency, take charge of yourself and those around you. Others may look to you for guidance and direction.
2. Be familiar with the emergency plan for the buildings you regularly occupy. Where are emergency exits, fire extinguishers, fire alarm pull stations, emergency phones/call boxes, evacuation sites, shelter in place and first aid kits located? Visit the Office of Emergency Preparedness **website** for more information.

   Office of Emergency Preparedness and Safety

   Platt Campus Center Basement

   Hours: Monday–Friday, 8 a.m.–5 p.m.

   https://www.hmc.edu/emergency-preparedness/
3. Follow the appropriate procedures for all building alarms or incident alerts. **Enroll** yourself and remind your colleagues to enroll in the campus Emergency Notification System.
4. If you or a colleague may need assistance during an emergency, make sure that you know how best to support them or that others know what your needs may be in an emergency.
5. Know how to report an emergency from your office or other locations you frequent on campus.
6. Participate in emergency preparedness exercises.

Evacuation Procedures

Evacuate a Building When:

1. A building alarm is activated.
2. An emergency email text message, or voice message is dispatched requiring a building evacuation.
3. An emergency order to evacuate is given by the police, fire department, or campus administration.

General Procedures:

1. Become familiar with the various exits in your building, residence hall and work area.
2. **Do not ignore a fire alarm.** However, during a shelter-in-place event, verify the alarm (by email, text message or phone) before evacuating.
3. When the fire alarm sounds, prepare to evacuate immediately.
4. Stay calm and walk quickly to the closest exit (or alternative, if nearest exit is blocked). **Do not use elevators.**
5. Walk in a single-file line, and stay to the right through corridors and stairwells.
6. If smoke is encountered, drop to the floor and crawl along the wall to nearest exit.
7. When approaching a closed door, feel the door with the back of your hand. If the door is cool, carefully open the door and (if you determine it is safe) proceed with the evacuation.
8. Once outside, move to the nearest evacuation assembly site or other area away from the affected building. Keep streets and walkways clear to provide access for emergency vehicles and personnel.
9. Report persons needing evacuation assistance, those who are unaccounted for, and those you know have left campus to the staff members (Proctors or On-Call ADs) taking attendance.

Emergency Evacuation for Persons with Disabilities:
In the event of a building evacuation, some individuals with disabilities may require special assistance.

Mobility-Impaired/Wheelchair:
Ask the person what assistance is needed and, if unable to use the stairs, follow directions for persons using wheelchairs. Seek the assistance of emergency personnel for wheelchair users on upper floors. Immediate evacuation should only be attempted if a life-threatening situation is imminent. **Do not use elevators.** If a person must be removed from a wheelchair, seek assistance to avoid injury and ask person about preferences with regard to:

- Ways of being removed from the wheelchair.
- Movement of extremities when lifting (may be limited due to pain, catheter, spasticity, braces, etc.).
- What to do once removed from the wheelchair.

Visually Impaired:

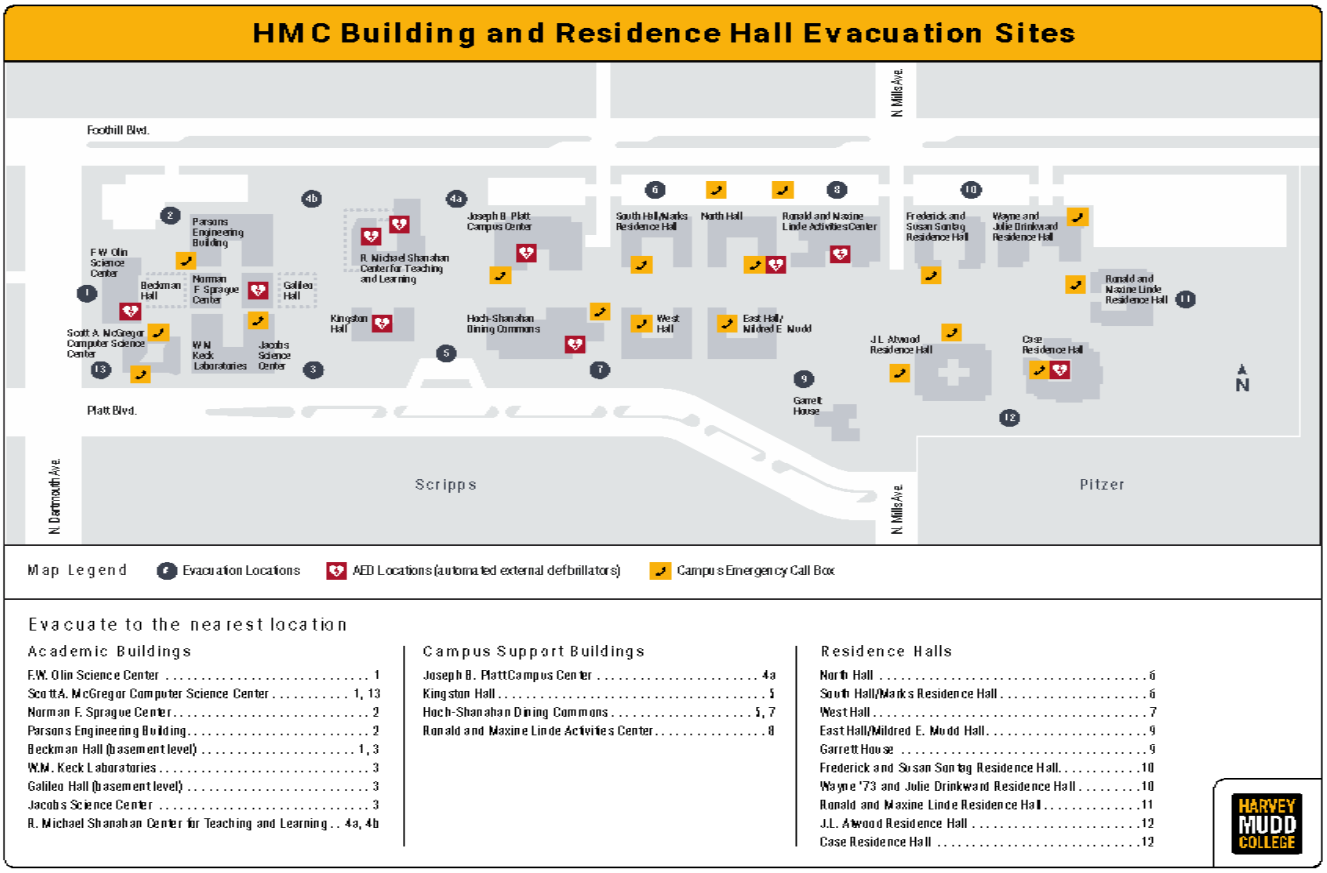
Act as a "sighted guide" to those who are visually impaired. Offer your elbow to the individual, tell the person where you are and advise them of obstacles along the evacuation route until you have reached the designated HMC evacuation site.

Hearing Impaired:
Persons with impaired hearing may not notice audio emergency alarms and will need to be notified by an alternative method.

- Write a note stating what the emergency is and the required action.
- Turn the room lights on and off to gain attention, then indicate through hand gestures or writing what is happening, what to do, and where to go.

No one should return to the building until an "ALL CLEAR" is given by authorities, Campus Safety, building evacuation coordinators or by a Mudd Alert message.

Evacuation Site Map



Emergency Notification

This policy statement summarizes Harvey Mudd College's emergency response and evacuation procedures, including protocols for sending Emergency Notifications.

An Emergency Notification will be issued in the event that Harvey Mudd College or Campus Safety receives notice of a situation that presents a significant emergency or dangerous situation at Harvey Mudd College or in the local area

affecting the health and/or safety of Harvey Mudd College community, in whole or in part. 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, Harvey Mudd College 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: Campus Safety, one of the *Campus Security Authorities* (CSAs), or a local police agency. Determining which designated official from Campus Safety makes the decision is based on availability during a 24-hour cycle. Campus Safety maintains designated individuals throughout each 24-hour cycle who are trained in determining the need for issuing an Emergency Notification. These designated officials are: Assistant Vice President of Campus Safety, Captain, or the on-duty Watch Commanders.

The Claremont Colleges are committed to ensuring the TCC community receives timely, accurate, and useful information in the event of an Emergency. To support this commitment, TCC has invested in several multi-modal forms of communications that allow administrators to distribute notices in the event of a critical incident or dangerous situation. The system used by TCC to integrate the mass notification process consisting of email, and text messaging is Everbridge.

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

With the end of federal and state public health emergency declarations, Harvey Mudd College has retired its Covid-19 notification system. If additional updates are warranted, or if we begin to experience another COVID-19 outbreak, the emergency website will be reactivated. Updates on testing requirements and other COVID-19 information will be communicated to students, faculty and staff directly via email.

Campus Safety and/or other Harvey Mudd College staff may become aware of a critical incident or other emergency situation that potentially affects the health and/or safety of TCCS campus community. Generally, TCC becomes aware of these situations when they are reported to Campus Safety Dispatch or upon discovery during patrol or other assignments.

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

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

In determining whether to issue an Emergency Notification, individuals may use a variety of notification methods to alert Campus Safety to an emergency, such as personal/office phones, emergency ring down phones, email, or in person. The Department of Campus Safety will consider all known factors reflecting on whether the situation represents an immediate threat to the health or safety of the College community, including, but not limited to, (a) the nature of the significant emergency or dangerous situation; (b) when and where the incident occurred; (c) when it was reported; (d) the continuing danger to the campus community; and (e) the amount of information known by the Department of Campus Safety.

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

The Claremont Colleges are a consortium of seven separate and distinct colleges that share a multitude of social, residential, dining, and academic programs, to name a few. Due to the nature of our configuration, once a significant emergency or dangerous situation occurring on one of the campuses has been established, and an emergency notification is deemed necessary, it is disseminated via text message to all seven-college students and employees enrolled in the Everbridge emergency management system. The only exception to this is as of 7/31/23, KGI no longer participates in Everbridge messages and has chosen to handle this service directly. Depending on the nature of the emergency situation, Campus Safety may work with TCCS Communications and the Claremont Police Department to issue subsequent notifications to a wider group of local community members. Harvey Mudd College will also post applicable messages about the dangerous condition on the College website to ensure the campus is aware of the situation and the steps they should take to maintain personal and campus safety.

Determining the Contents of the Emergency Notification

The Department of Campus Safety's Dispatch will choose the appropriate template in Everbridge, populate the template with the pertinent information necessary for the current emergency situation and send it out to students, faculty and staff at Harvey Mudd College and the other Claremont Colleges. Additional Emergency Notification messages will follow as information regarding the unfolding situation is known. Campus Safety is also tasked with promptly summoning the appropriate resources to mitigate and investigate such incidents, which may include the input of the Claremont Police Department and or Los Angeles County Fire Department. Those issuing the notification will use the following guidelines when determining the contents of the emergency message.

- The first message is intended to **Alert** the appropriate segment of TCC community of the emergency and the actions they should take to safeguard their and their neighbor's safety.
- The second message is intended to **Inform** the appropriate segment of TCC community about additional details of the situation. This message is generally distributed once first responders and the Emergency Operations Center has additional information about the dangerous situation.
- Finally, the third message is the **Reassure** notice that is generally distributed once the situation is nearly or completely resolved. The purpose of this message is to reassure TCC community that TCC or the College is working diligently to resolve or has resolved the dangerous situation. It can also be used to provide additional information about the situation and where resources will be available.

Procedures Used to Notify TCC Community and Larger Community

In the event of an emergency, TCC have various systems in place for communicating information quickly. Some or all of these communication methods may be activated in the event an Emergency Notification needs to be sent to the TCC community. These methods of communication at Harvey Mudd College include the mass notification system, Everbridge (Mudd Alert), Harvey Mudd College email system, campus PA system and/or emergency messages that

scroll across computer screens. Harvey Mudd College will post updates during a critical incident on our emergency page: http://www.hmc.edu/emergency/.

HMC 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 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 Campus Safety. The TCCS Communication Office would liaison with local media to further distribute the details of an incident as appropriate.

Individuals may also call the TCCS Campus Safety emergency line 909.607.2000 for information about the emergency situation. If the situation warrants, TCC may establish a telephone call-in center to communicate with the campus community during the emergency.

Security of and Access to Harvey Mudd College Facilities

At HMC, administrative buildings are open from 8 a.m. until 5 p.m., Monday through Friday. Some academic and administrative spaces are open longer for student, faculty and staff use. Access to individual classrooms and laboratories is limited to those who have an educational purpose to use those spaces after normal business hours. Similarly, access to most programs is limited to those enrolled in the program or otherwise authorized access. Only those who have a demonstrated need and are approved by the Vice President for Student Affairs and Dean of Students or Dean of Faculty are issued keys or door access cards to a building. Buildings are not accessible after hours without swipe card access, and all buildings are routinely checked by campus safety.

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

Special Considerations for Residence Hall Access

Facilities & Maintenance (F&M) issues each resident a key to their room at the beginning of the year. Residents of rooms that open directly to the exterior of the residence halls and are not equipped with card swipes, are required to return keys to F&M at the beginning of winter break. Campus offices and academic areas are completely closed to students living on campus during winter break (except authorized intercollegiate athletes, approved off-campus winter housing petitioners and students approved to return early). Since these rooms have direct access to the outdoors, the return of keys is necessary to ensure the security of everyone’s possessions during break. All residents are required to return keys to F&M at the end of the academic year. For the safety of each resident, no exceptions will be made. Students should carry their keys with them at all times and report lost or stolen keys immediately to F&M. These keys may not be copied or transferred. Proctors have master keys to all residence hall rooms in case of accidental lockouts or for emergencies. Summer residents are subject to the same regulations as during the regular academic year.

Card readers have been installed on all doors in East; suite entrances in Linde, Sontag, Drinkward and South; and the interior entries in Case. These provide greater security for student living areas, along with 24-hour access to residence hall common areas, the Platt Campus Center and the academic complex (via Parsons and Keck doors). Swipe and proximity authorization are coded on student ID cards, along with dining plan and library access. Only assigned residents of rooms/suites will be coded to have access.

Students are expected to carry their ID cards at all times. If a student loses her or his ID card, they must notify F&M as soon as possible. The lost ID card will be deactivated. The student will need to get a new ID card from Claremont Card Services, located on the first floor of the Claremont Colleges Library at 800 N. Dartmouth Ave., as soon as possible. If an ID card is broken or damaged, a student may take the damaged card to the Claremont Card Services to replace the ID card at no cost.

Campus Security Policies, Crime Prevention & Safety Awareness Programs

In addition to the information and programs offered by Campus Safety and other College offices during new student and employee orientation, HMC has established a number of policies and programs related to ensuring a reasonably safe campus. These policies and programs include:

Behavioral Intervention by the On-Call Deans

To extend our efforts on emergency preparedness and prevention, HMC evaluates behavioral threats through the on-call deans, which consists of staff members who have been trained in emergency response. The objective of the on-call deans is to evaluate and mitigate potentially threatening situations that may occur at HMC. Depending on the nature of the concern, the on-call deans may include other stakeholders from different offices at the Colleges who have more direct knowledge of a situation. For more information about the on-call deans and behavioral interventions, please contact the Associate Dean of Students and Director of Residential Life at ksandoval@hmc.edu.

Live Safe App

Live Safe is a free personal safety mobile application for students, staff, and faculty to engage in a two-way conversation with Campus Safety. It allows users to directly access Campus Safety and 911 emergency services. This service can create greater situational awareness and safety preparedness by educating the user

Teal Dot Bystander Intervention Program

In 2013 The Claremont Colleges partnered to implement a bystander intervention training program that demonstrates a way for all campus constituents to contribute to a safer environment, regardless of campus affiliation, commitments and/or interests. Teal Dot was created specifically for the Claremont College community and adapted from Green Dot, a national model out of the University of Kentucky. The mission of Teal Dot is to engage a critical mass of community members and empower them to take action when they see potentially dangerous behavior. Teal Dot is about culture change – harnessing the power of individual choices to shift our current norms. Teal Dot is offered to faculty, staff, and students every semester, including summers, on every campus. Trainees also have the opportunity to learn how to lead future sessions for peers.

Weapons and All Forms of Explosives Policy

Harvey Mudd College is committed to providing a living and learning environment as free from violence or threats of violence as it possibly can, and to taking reasonable and appropriate steps to provide for the safety of the College's students, faculty, staff, and visitors. Toward this end, this policy prohibits all forms of violence or threats of violence and also generally prohibits the possession, use, or storage of any weapons or other dangerous items on the HMC campus.

A. Weapons Possessing, using, or storing weapons on campus or at off-campus College-sponsored activities, including storing or transporting weapons or dangerous items in private cars or storage containers located on College property, is prohibited. Weapons include, but are not limited to: all firearms, BB guns, pellet

guns, projectile weapons, tasers and stun devices, slingshots, illegal knives (those with blades longer than 2.5 inches), inert mines, switchblades, and display or collectable weapons. It is also a violation of this policy to use an item with a lawful purpose (i.e. scissors, kitchen knives, baseball bat) in a manner which could or does result in an act of violence or a threat of violence against another person.

This policy does not apply to the ROTC or P.E. departments, which may use otherwise-prohibited items as part of their courses. A student using a weapon or replica weapon will not be in violation of this policy so long as the student is doing so as instructed by and under the supervision of their instructor. Use of a prohibited item not in compliance with an instructor's directives violates this policy. Moreover, no prohibited item may be stored inside a Residence Hall regardless of whether the item is used for ROTC or P.E.

B. Artificial Weapons Artificial, toy, or handmade play items resembling weapons must be decorated with bright colors so they can be identified from a distance as safe. Use of these items is limited to recreation in the residences and dorm courtyards. They are not permitted in academic or administrative areas of campus without advance approval from the Division of Student Affairs. If one of these items is perceived as dangerous or intimidating by a member of the community, the Vice President for Student Affairs/Dean of Students will ask the owner to remove it from public areas on campus.

C. Explosives Fireworks and all forms of explosives shall not be used or possessed anywhere on campus, except for the approved use of potentially explosive materials in campus laboratories. These prohibited materials include combustibles in containers, such as gasoline in cans and dry ice bombs. Students are reminded that California laws, Sections 12303.2 and 12312 of the Penal Code, establish stringent restrictions on these items.

Personal Safety

Theft, disorderly conduct, and alcohol related offenses are very common on College campuses. It is important to report any suspicious incidents to police and always remain alert and vigilant. One of the more serious crimes that is too often unreported is sexual assault. It is important to know what these crimes are, because in many cases, victims do not realize that they have been victimized. Additionally, crimes of this nature are very difficult for victims to report for a number of very complex reasons. We provide the following information to assist those who may have been survivors of sexual assault or who have a friend who has been sexually assaulted.

These policies may be found at the Emergency Preparedness web page (https://www.hmc.edu/emergency-preparedness/), the Policies, Procedures and Guidelines page (https://www.hmc.edu/human-resources/policies-procedures-and-guidelines/), and the Student Handbook (https://www.hmc.edu/student-life/student-handbook/).

Crime Prevention and Safety Awareness Programs

In addition to the services provided by Campus Safety, Harvey Mudd College has precautionary measures in place that are intended to enhance the quality of life and to assure the safety and security of the students, staff and faculty. Harvey Mudd College is a residential college; nearly all students live on campus. The Vice President for Student Affairs/Dean of Students is the College officer responsible for residential and campus life issues.

The following are precautionary measures in place for the safety of students, staff and faculty:

- A dean or professional staff member of the Division of Student Affairs is always on-call, 24 hours a day, seven days a week, throughout the academic year and summer.
- All residence halls are served by live-in proctors who are available and on-call throughout the school year to supervise and help govern residential life.
- Security alerts are distributed campus-wide in a timely manner to inform the campus community of crimes or suspected crimes that may threaten the safety of Harvey Mudd students and employees.
- Safety escort services are available through Campus Safety.
- Exterior emergency telephones linked directly to Campus Safety are located throughout the campus.

- An electronic alarm system connected directly to Campus Safety monitors a comprehensive network of intrusion and fire alarms campus wide.
- Campus Safety and campus maintenance and facilities staff conduct regular inspections of exterior lighting, doors, windows, hardware and grounds.
- Fire extinguishers are in every building. Fire sprinklers are in many buildings and smoke detectors are in each residence hall.
- The entire campus is secured with high security keyways not reproducible outside of the College's system. Lost keys may result in a lock rekeying and new key issued. Dorm keys are collected at the end of each semester or academic year to identify unreported lost keys. A lost building master key may result in the entire building being re-keyed.
- Administrative and academic buildings are locked and unlocked electronically and where appropriate by custodial staff on a daily schedule.
- The Office of Facilities and Maintenance controls key access. Sign-in and sign-out procedures are closely monitored and stored in a database system. Access to key lock boxes is restricted.
- All students, faculty and staff are enrolled in at least one means of instant notification through the Everbridge (Mudd Alert) emergency notification system. Emergency messages can be sent from Campus Safety and/or other College officials utilizing email, cell phones, landline phones and text messaging.
- All residential exterior doors are equipped with automatic lock mechanisms. A swipe card lock system has been installed where feasible—in campus residences. The system administrator in the Office of Facilities and Maintenance can customize access and update the system. The swipe card system prohibits residential access when students are not in residence.
- Exterior public address speakers are installed in areas of heaviest pedestrian traffic.
- A preventative maintenance program including scheduled checks for battery back-up systems, generator operations and other devices needed to preserve security is in place.
- Laundry room doors, windows and dorm room doors have peepholes.
- Campus-wide Emergency Evacuation Drills are held each semester.
- The Campus Emergency Response Plan is continually updated. Student, staff and faculty volunteers are continuously being trained for their emergency roles.
- Maps of below-grade utilities are kept updated.
- Exterior-mounted key safes (Knox Boxes) are installed for Campus Safety and Fire Department use.
- Student mailroom and music practice rooms are locked and secured facilities.
- Key staff members are trained to use AED devices, which are located in the Linde Activity Center, Galileo Auditorium Foyer, Platt Campus Center, Shanahan Center for Teaching and Learning, Olin Science Building, Kingston Hall, Hoch Shanahan Dining Commons, Case Residence Hall and North Residence Hall.
- Facilities and maintenance staff members utilize hand-held radios to enhance rapid response to campus needs.
- The College uses LiveSafe, a personal safety mobile application that can be used to engage in two-way conversation with Campus Safety. It allows students, staff, and faculty direct access to Campus Safety and 911 emergency services and creates greater situational awareness and safety preparedness by educating the user on daily safety-related updates and statistics.

Parental Notification Policy

The College reserves the right to report student discipline information to the parents or legal guardians of students. Federal legislation authorizes Harvey Mudd College to disclose disciplinary records concerning violations of the College'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 College may also notify parents when there is grave concern for a student's health, welfare or wellbeing.

Student Conduct

The Division of Student Affairs (DSA) is dedicated to engaging, developing and supporting students at Harvey Mudd College. As co-educators, DSA fosters holistic learning environments and collaborative efforts to create a community of care, inclusivity and respect. Innovative programs and partnerships aim to prepare students for personal, professional and academic growth, empowering them to thrive, lead and positively contribute to local and global communities.

DSA's 4 Leading Values:

- Community: A sense of belonging, support and connection with others that can help us grow, learn and thrive.
- Inclusion: Creating safe and accessible environments that embrace diverse learning styles, experiences and identities.
- Respect: Recognizing and valuing the intrinsic worth of every individual, appreciating distinct perspectives and contributions.
- Care: Offering support, guidance, active listening and addressing concerns to ensure a holistic approach to well-being.

DSA is responsible for administering the Student Handbook that articulates the College's Honor Code and Standards of Conduct, and for overseeing the Student Conduct Process in collaboration with the student conduct chairs.

Every dues-paying student at Harvey Mudd College is a member of Associated Students of Harvey Mudd College (ASHMC). ASHMC members are bound by the Harvey Mudd College Honor Code and are expected to maintain proper conduct at all times in both academic and extracurricular activities.

Standards of Conduct

Harvey Mudd College is an inclusive community of faculty, staff and students. Students entering the community are assumed to have an earnest purpose. Diligent pursuit of this purpose is enhanced by standards of conduct agreed upon by the community. These standards are:

1. Thoughtful respect for the rights of others;
2. Honesty and integrity in both academic and personal matters;
3. Responsible behavior both on and off campus;
4. Appropriate use of campus buildings and equipment, and;
5. Compliance with College regulations and policies.

Any student with visiting guests accepts responsibility for those guests' behavior, and the guests are responsible for observing the regulations of Harvey Mudd College and other colleges in the Claremont community. Any person who has been invited, either explicitly or implicitly, to one of the colleges in the Claremont community by a member of ASHMC is defined to be a guest of that member.

When students visit another Claremont college, they are responsible for observing the regulations of both that college and Harvey Mudd College. Students are reminded that they are at all times subject to federal, state and local laws. Students believed to violate these standards of conduct shall be reported to the Judiciary Board or Disciplinary Board Chair, who will initiate the procedures stated in the Student Conduct Process.

Reporting Violations of the Honor Code

Each member of ASHMC is responsible for observing the Honor Code and abiding by the Standards of Conduct.

1. Any member of ASHMC who commits an Honor Code violation shall self-report to one of the student conduct chairs. By doing so, they agree that they have committed the act for which they are self-reporting and that the act is a violation of the Standard of Conduct.
2. Any member of the Harvey Mudd community who observes an Honor Code violation shall report the violation to one of the student conduct chairs stating the offense and the names of all parties involved.
3. If a student conduct chair is advised that a person (or group of people) has/have committed a violation the Reporting Party will act as a Reporting Party unless the involved person(s) self-reports. It is not the responsibility of the student conduct chairs or the Honor Board to elicit self-reports from members of the student body.

HMC uses an anonymous reporting system called Mudders Care for Mudders for those who wish to report concerns or misconduct anonymously. This is an option for our community to report issues or ask questions in a confidential, safe way.

Faculty and Staff Conduct

Harvey Mudd College is committed to promoting and maintaining a working, learning and living environment that is free from discrimination, harassment and sexual misconduct. The College's Discrimination, Harassment and Sexual Misconduct Policy states that all faculty, staff, students and other members of the Harvey Mudd College community are responsible for ensuring that their conduct does not violate the policy. The Appropriate Behavior policies address the College's stance regarding intimate relationships between faculty/staff and students and are included in the Staff Handbook and Faculty Notebook.

Employees of HMC who are not students (generally "Faculty and Staff") are expected to abide by the rules of conduct presented in the Staff Handbook and Faculty Notebook.

Programs to Prevent Dating Violence, Domestic Violence, Sexual Assault and Stalking Policy Statements

Harvey Mudd College is committed to maintaining an environment for students, employees and visitors which 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 College has enacted a Prohibited Discrimination, Harassment, and Retaliation Policy to reflect and maintain Harvey Mudd College'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 found here: Prohibited Discrimination, Harassment, and Retaliation Policy. In addition to the policy, Harvey Mudd College provides written notification to students and employees about existing counseling and health services, victim advocacy, legal assistance, visa and immigration assistance, student financial aid and other campus and community-based victim services and programs via email, print materials, and the College's website.

The College's Policy prohibits all forms of sex or gender-based discrimination, harassment, and sexual misconduct, including sexual assault, dating and domestic violence, sexual exploitation, and stalking. The College's Policy also prohibits retaliation against a person who reports, complains about, or who otherwise participates in good faith in, any matter related to the Policy. The College 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 College expects that all Harvey Mudd College community members will take reasonable and prudent actions to prevent or stop Prohibited Conduct. The College strongly supports individuals who choose to take such action and will protect such individuals from retaliation.

Upon receipt of a report, the College will take prompt and equitable action to eliminate the Prohibited Conduct (if any),

prevent its recurrence, and remedy its effects. The College's process for investigating and responding to reported Prohibited Conduct is described within our Policy.

Students and employees who are found to have violated this Policy may face disciplinary action up to and including expulsion/termination.

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

The California State Penal Code utilizes the terms Sexual Battery, Rape, Corporal Injury on a Spouse or Cohabitant/Domestic Battery, and Stalking. Below are the definitions that pertain to California state law, including the definition for Affirmative Consent defined by Senate Bill 967.

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 the purpose of 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 the purpose of sexual arousal, sexual gratification, or sexual abuse, is guilty of sexual battery.

Any person who touches an intimate part of another person for the purpose of 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 the purpose of 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, and this is known or reasonably should be known to the person committing the act. Notwithstanding the existence of a conservatorship pursuant 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 by means of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on 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 in fact.
- Was not aware, knowing, perceiving, or cognizant of the essential characteristics of the act due to the perpetrator's fraudulent representation that the 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 intent to induce 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 actually 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 as a result of strangulation or suffocation, whether of a minor or serious 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 the purpose of 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
(e) (1) 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, 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 646.9: Stalking
(a) 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.

Bystander Intervention

Bystander engagement is encouraged at Harvey Mudd College through safe and positive intervention techniques and by empowering third-party intervention and prevention such as calling for help, using intervention-based apps, identifying allies, and/or creating distractions. Bystander education highlights the need for those who intervene to ensure their own safety in the intervention techniques they choose and motivates them to intervene as stakeholders in the safety of the community.

Teal Dot Bystander Intervention Program: A teal dot is any behavior, choice or action that promotes safety for everyone and communicates intolerance for sexual violence, dating/domestic violence and stalking. Examples include intervening in a high-risk situation; looking out for your friends at a party; hanging a prevention poster in your room; getting your organization trained in prevention; putting a link on your Facebook page to a campus prevention resource; or wearing a teal dot sticker or button. A teal dot is simply your individual choice at any given moment to make our campus safer. Teal Dot training is offered throughout the fall and spring semester for all students and employees at the Claremont Colleges.

Prevention, Awareness and Risk Reduction

Harvey Mudd College is committed to the prevention of and increasing awareness of sexual violence. All incoming students and new employees are provided with information, strategies and programs intended to prevent rape, sexual assault, dating/domestic violence and stalking before it occurs through the changing of social norms and other approaches; that includes a clear statement that Harvey Mudd College prohibits such acts, their definitions, the definition of consent, options for bystander intervention, information about risk reduction and our policies and procedures for responding to these incidents. Ongoing prevention and awareness campaigns are also offered throughout the year. These programs include but are not limited to:

- Review of sexual misconduct, harassment and discrimination policies during new staff and faculty orientation.
- AlcoholEdu is an interactive online program that uses the latest evidence-based prevention methods to create a highly engaging learning experience, inspiring students to make healthier decisions related to alcohol, cannabis, e-cigarettes, and other drugs.
- Training on sexual harassment are required of all faculty and staff via the EverFI platform.
- Faculty and staff are also required to complete yearly responsible employee training modules created by the Office of Title IX.
- All incoming students are required to complete a sexual harassment prevention training via the Everfi Platform, attend an in-person orientation session provided by RVCC: Recongnize Violence Change Culture and view an online orientation module created by the Office of Title IX.
- Ongoing programming is also offered through the Office of Title IX, the EmPOWER Center and HMC Peer Advocates.

Harvey Mudd College Sexual Misconduct and Complaint Resolution Policy

Institutional Values and Community Expectations

Harvey Mudd College ("College" or "HMC") is committed to providing a non-discriminatory and harassment-free educational, living, and working environment for all members of the HMC community, including students, faculty, administrators, staff, and visitors. The College will not tolerate sexual harassment or other forms of prohibited conduct. This Title IX Grievance Process ("Policy") prohibits all forms of sexual or gender-based harassment, discrimination, and other misconduct, including non-consensual sexual contact, non-consensual sexual penetration, sexual exploitation, intimate partner violence, and stalking. Misconduct of this nature is contrary to HMC's institutional values and is prohibited by state and federal law.

HMC encourages the prompt reporting of any incident of sexual or gender-based misconduct to the College and to local law enforcement or civil rights enforcement agencies. Upon receipt of a report, the College will take prompt and effective action by: supporting the individual who makes a report or seeks assistance under this Policy ("Reporting Party"); conducting a review of the reported conduct under Title IX of the Education Amendments of 1972 ("Title IX"); addressing the safety of individuals and the campus community; and as warranted, taking disciplinary action against the accused individual ("Responding Party"). The College's process for investigating and responding to reported Prohibited Conduct by students are contained in the Appendix A (Procedures for Resolving Complaints Against Students).

Retaliation (defined in Section IX.B. of this Policy) should be reported promptly to the Title IX Coordinator for investigation, which may result in disciplinary action independent of any sanction or interim measures imposed in response to the underlying allegations of discrimination and/or harassment.

The College encourages all members of our community to participate in the process of creating a safe, welcoming, and respectful environment on campus. In particular, the College expects that all HMC community members will take reasonable and prudent actions to prevent or stop an act of sexual misconduct. Taking action may include directly intervening when safe to do so, enlisting the assistance of friends, contacting law enforcement, or seeking assistance from a person in authority. Community members who chose to exercise this positive moral obligation will be supported by the College and protected from retaliation.

TCC Title IX Sexual Assault and Harassment Policy

II. 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."

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 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.

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 Institution's 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 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.

B. Effective Date

This Policy is effective March 28, 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.

Date of Incident	**Policy to Be Used for Title IX Conduct**	**Policy to Be Used for Other Sex-Based Misconduct**
August 1, 2024 – present	This Policy	This Policy
January 1, 2022 – July 31, 2024	This Policy	Use campus policy for definitions of Prohibited Conduct, use this Policy for procedures.
August 1, 2020-December 31, 2021	This Policy	Use campus policy (if any) for definitions of Prohibited Conduct, use this Policy for procedures.
Prior to August 14, 2020	See Respondent's Home Institution's applicable campus	See Respondent's Home Institution's applicable campus

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 Executive Vice President and Provost	Deanof.Students@cgu.edu (909) 607-1887 Jaline.najera@cgu.edu (909) 607-4404 Jody.waters@cgu.edu (909) 621-8068	160 E. 10th Street Harper Hall East Claremont, CA 91711
Claremont McKenna College	Claudia Catota Assistant Vice President for Civil Rights	Claudia.Catota@claremontmckenna.edu (909) 607-8131	385 E. 8th Stree 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 9171
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
Pomona College	Destiny Marrufo, Title IX Coordinator	Destiny.Marrufo@pomona.edu (909) 621-8017	333 N. College Way, Alexander Hall: Suite 113 Claremont, CA 91711
Scripps College	Valerie Newman, 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 Process 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)	● 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 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)	● 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.
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	● 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	● 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 will 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 – 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 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.

A. Sex-Based Harassment

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).
Title IX Hostile Environment Based on Sex	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. ● "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	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 For the purpose of these definitions, a Sexual Act is defined as conduct between persons consisting of: ● Contact between the penis and the vulva, or between penises and vulvas; ● Contact between the penis and the anus;

	• Contact between the mouth and the penis; • Contact between the mouth and the vulva; • Contact between the mouth and anus; • Contact between anuses; or, • Contact involving any of the above or the buttocks or breasts. Sexual Assault includes: • Rape—The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim. In California, Affirmative Consent is required. Attempted Rape falls under this prohibition. (This type of conduct is not eligible for mediation as a form of agreement-based resolution in California). • Fondling—The touching of the private body parts of another for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental incapacity. In California, Affirmative Consent is required. (This type of conduct is not eligible for mediation as a form of agreement-based resolution in California). • **Incest**—Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law. (This type of conduct is not eligible for mediation as a form of agreement-based resolution in California). **Statutory Rape**—Sexual intercourse with a person who is under the statutory age of consent. In California the statutory age of consent is 18. (This type of conduct is not eligible for mediation as a form of agreement- based resolution in California).

Title IX Dating Violence	Dating Violence is violence committed by a person:
	
	• Who is or has been in a social relationship of a romantic or intimate nature with the victim; and
	
	• Where the existence of such a relationship shall be determined based on a consideration of the following factors:
	
	  • The length of the relationship;
	  • The type of relationship; and
	  • The frequency of interaction between the persons involved in the relationship.
	Emotional and psychological abuse do not constitute violence for the purposes of this definition.

Title IX 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 • 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. Emotional and psychological abuse do not constitute violence for the purposes of this definition.
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: • 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 Continued	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. 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 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). Conditions may involve academics and/or extracurricular activities within TCC.
California Sex-Based Hostile Environment Harassment in Education Programs and Activities	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. 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.
California Sexual Violence	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 intentionally touch another person's body without Affirmative Consent. ● 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).
California Sexual Exploitation	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 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. Intimate body parts include genitals, groin area, breasts, buttocks, anus, vulva, and mouth.
Stalking Based on Gender Identity, Gender Expression and Sexual Orientation	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: ● a reasonable person to fear for the person's safety or the safety of others; or ● suffer substantial emotional distress.
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: ● 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	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: Sufficiently offends, humiliates, distresses, or intrudes upon its victim, so as to disrupt the victim's emotional tranquility in the workplace, or, Affects the victim's ability to perform the job as usual, or, Otherwise interferes with and undermines the victim's personal sense of well-being. For California 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. 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.

B. Retaliation

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

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 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.

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 a 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 Measures, 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. 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 Confidential Resources

1. Confidential Resources for Students

EmPOWER Center

1030 Dartmouth Avenue
909.607.2689
Director, Rima Shah

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.)
Available to the 5Cs*

TimelyCare (online app)

24/7 medical and mental telehealth care for all students, at no cost

The Chaplains for The Claremont Colleges

McAlister Center
919 N. Columbia Avenue
909.621.8685
chaplains@claremont.edu

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

Student Health Services

Tranquada Student Services Center – 1st Floor
757 College Way Claremont, CA 91711
909.621.8222
shsrecords@claremont.edu

2. Confidential Resources for Staff and Faculty

Employee Assistance Program (EAP)

800.234.5465
Contact your Human Resources Department (hr@hmc.edu) for access code

The Chaplains for The Claremont Colleges

McAlister Center
919 N. Columbia Avenue
909.621.8685
chaplains@claremont.edu

B. Off-Campus and Community-Based Confidential Resources

1. 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, 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)

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

800.656.HOPE (800.656.4673)

House of Ruth (Dating and Domestic Violence) (Pomona, CA)

877.988.5559 (toll-free hotline)
909.623.4364 (Pomona Outreach Office)

National Domestic Violence Hotline

(800) 799-SAFE (7233)
800.787.3224 (TTY)

2. Medical Resources

Pomona Valley Health Center

1798 North Garey Avenue
Pomona, CA 91767
909.865.9500

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 Complaint, as defined by this Policy in Section XXIII, requesting that the TCC Institution investigate and make a determination 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 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 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

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

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).

2. Institution-Designated Confidential Resources

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

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 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 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.

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; 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),[1] 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:

- Assistance with immediate safety concerns, care and support resources, medical providers, and law enforcement;
- Supportive Measures; and
- 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 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, 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:

- The Complainant's request not to proceed with 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 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 (with regard to 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 is able to conduct a thorough investigation under this Policy and obtain relevant evidence in the absence of 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 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 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 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.

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.

X. 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 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 the conduct alleged in the Complaint, even if proven, would not constitute Prohibited Conduct under this Policy.
- 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 XVIII.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 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.

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. 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, 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 decision. This Policy provides multiple ways to resolve a report or complaint 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 pursuant to 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.

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 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 Resolution[1]

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

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' 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, 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. Under California law, mediation is not a permitted resolution option to resolve reports or Complaints involving allegations of Sexual Assault or Sexual Violence.[2] 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.

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.[3] 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 preferrable 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.[4] 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.

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 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 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 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. 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 applicable. The Investigation and Hearing Resolution process and procedures are provided in Section XV.

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[1] Also referred to as Alternative Resolution Process.

[2] 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.

[3] 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.

[4] 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.

XIV. Respondent's Acceptance of Responsibility

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.

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.

In order 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 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 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.

A. Appealing the Sanctions Determination

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 XVIII. as applicable.

XV. Investigation and Hearing Resolution Process

This procedure is for all allegations of Prohibited Conduct where the Parties are 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 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 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 XV.A.5) and hearing process (Section XVI.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. 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. 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. 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. 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 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 XVIII.) 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.

5. Impact of Party Non-Participation in the Resolution Process
Any Party may decide to limit their participation in part or in all of the 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.
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 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 FERPA[1] 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 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 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.

8. 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.

B. Initiation of The Investigation and Hearing Resolution Process

1. 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 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 Decision maker;
- A statement indicating the expected length of the major 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. 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 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 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;

- 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 of 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. Expert and polygraph evidence 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 in Employment, 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.

XVI. 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 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 interested 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.
- 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.

4. 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.

5. 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. 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.[1] 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 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. 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. 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' 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 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.

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 violation of Policy, 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 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 was not a violation of Policy, 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 violation of Policy, the Hearing Decisionmaker and TCC shall follow the procedures set forth in Section XVII, and the Hearing Decision Report will 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 determinations become final on the date on which an appeal would no longer be considered timely (see Section XVIII).

[1] 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.

XVII. 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 XVI.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) [1] 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.

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, Two, Three, Four, Five, Six, Seven, or Eight Semesters: Separation from the Institution for one, two, three, four, five, six, seven, or eight 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.
- 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.

[1] For cases where the Respondent has accepted responsibility pursuant to Section XIV.

XVIII. 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 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:[1]

- 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.
- 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.

1. 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.

2. 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 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.

3. 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.

[1] 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.

XIX. 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.

XX. Crime and Incident Disclosure Obligations

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.

XXI. 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.

XXII. Non-Discrimination Application and Additional Enforcement Information

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 Contact OCR.

Questions about Title IX may be referred to the individua'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
915 Second Avenue Room 3310
Seattle, WA 98174-1099
Telephone: 206.607;1600
FAX. 206.607.1601; TDD: 800.877.8339
Email: OCR.Seattle@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

California Civil Rights Department (formerly DFEH)
320 West 4th Street, Suite 1000, 10th Floor
Los Angeles, CA 90013
Monday to Friday: 8 a.m. to 5 p.m.
Phone: 800.884.1684

XXIII. 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 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 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 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.

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 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.

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.

Appendix A: External Complaint Resolution Options

Discrimination, harassment, sexual misconduct, and retaliation are violations of federal and state law. This Policy and the HMC Prohibited Discrimination and Harassment Policy are intended to supplement and not replace such laws. Whether or not the Internal Complaint Resolution processes described in both policies are utilized, an HMC employee who believes that he or she has experienced discrimination, harassment, sexual misconduct, or retaliation may file a complaint with the California Department of Fair Employment and Housing, or the United States Equal Employment Opportunity Commission. In addition, students and/or employees may file a complaint with the Office of Civil Rights, United States Department of Education.

A person who believes he or she has experienced discrimination, harassment, sexual misconduct, or retaliation should be aware that both state and federal law impose time deadlines for the filing of complaints, and that the use of the Internal Complaint Resolution processes described in this Policy and the Prohibited Discrimination and Harassment Policy will not change such filing deadlines.

In addition to HMC's internal Complaint Resolution processes, an individual who is subjected to sexual misconduct may have recourse through the criminal justice system and/or civil litigation (including the right to seek a temporary restraining order and injunction prohibiting harassment pursuant to California Civil Code, section 527.6). HMC will provide full and prompt cooperation and assistance in notifying the proper law enforcement personnel if the individual chooses to pursue such legal action.

A criminal investigation into an allegation of sexual misconduct does not relieve or substitute for HMC's duty and authority to conduct its own prompt review of a complaint. Accordingly, HMC will typically not wait for the conclusion of a criminal investigation or proceeding to begin its own concurrent investigation and resolution of an alleged violation. The standards for criminal proceedings differ from those used in campus proceedings. As a result, conduct that may not be subject to criminal action may still be addressed through HMC's processes and procedures. A finding of "not guilty" in a criminal matter does not necessarily preclude a finding of an HMC policy violation in a campus proceeding.

Appendix B: What to do if you experience Sexual/Gender Violence

The first priority for a person who is sexually assaulted or subjected to another form of sexual/gender based violence is to seek safety. If there is an immediate danger or need for an emergency police or medical response, persons on campus should call Campus Safety at **909.607.2000** and/or dial 911. For persons off campus, dial 911.

Persons who experience any form of sexual misconduct are encouraged to seek support, as soon as possible, from someone trusted, such as a friend, family member, HMC faculty or staff member, or from one of the campus or community resources listed below.

On-Call Student Affairs Staff: Students can reach an on-call staff member 24 hours a day, seven days a week, by calling Campus Safety **909.607.2000** and asking to be put in touch with the on- call dean. Campus Safety will notify the AD who, in turn, will promptly contact the student directly.

Persons who experience sexual assault (particularly rape, forcible oral copulation or sodomy) 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 Services, or private physician.

The emergency room nearest HMC, which is also a County designated Sexual Assault Response Team (SART) Center, is located at Pomona Valley Hospital Medical Center, 1798 N. Garey Avenue, Pomona, CA 91767, **909.865.9500**. SART is a trauma informed/ survivor sensitive program designed to provide a team approach to responding to sexual assaults. Survivors may take a Support Person with them to the hospital. If assistance is needed in arranging for transportation or if a student would like a member of the HMC staff to accompany the student to the hospital, contact Campus Safety at 909.607.2000 and ask that the AD staff member be contacted. An AD is available whenever the College offices are closed to assist students in emergency situations.

Individuals 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. In addition, prompt reporting allows for the preservation of evidence, which will only be used if an individual decides (then or later) to press criminal charges or file civil suit. The preservation of evidence may assist in proving that the alleged criminal offense occurred or may be helpful in obtaining a protection order.

To preserve evidence, an individual should not bathe, douche, smoke, brush your 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 not possible to leave the scene undisturbed, evidence (e.g. bedding, towels, loose fabrics, prophylactics, and clothing) should be

placed in separate paper bags to be preserved.

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 report of an incident is made days, weeks, or even months after the assault, important support systems are still available and can be arranged, but the delay may make it more difficult to collect physical evidence of the sexual assault that could impact a criminal prosecution or civil lawsuit.

Hospitals that treat any physical injury sustained during a sexual assault are required to report it to law enforcement. An individual can choose whether or not 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 at a later time. If an individual does not wish to go to the hospital, Planned Parenthood, 1550 N Garey Avenue, Pomona, CA 91767, **800.576.5544** may be contacted, which has healthcare providers who can test and provide preservative treatment for sexually transmitted diseases or an individual can see a personal health care provider for tests and treatment.

Persons who experience sexual assault (particularly rape, forcible oral copulation or sodomy) are provided written material from the Title IX coordinator or any deputy coordinator. Harvey Mudd College will also provide the student or employee with a written explanation of their student or employee rights and options (written materials can be found below). In addition to the policy, Harvey Mudd College provides written notification via email to students and employees about existing counseling and health services, victim advocacy, student financial aid, and other campus and community-based victim services and programs. Individuals can also pick up brochures from the Assistant Vice President of Student Affairs & Title IX Coordinators Office in Platt. Students and employees are also given print materials and directed to the college website. Persons who disclose an experience of sexual assault to a responsible employee are provided the following material:

- Filing a Title IX Complaint Brochure
- Sexual Misconduct and Partner Violence Resource Brochure
- Sexual Misconduct and Resource Flow Chart
- The Claremont Colleges Title IX Policy Flow Chart
- The Claremont Colleges Title IX Policy
- The Claremont Colleges Title IX Policy Overview
- The Claremont College Title IX Alternative Resolution Process Overview
- What to Do When you Have Been Named in a Formal Complaint Brochure
- List of Confidential and Non-Confidential On- Campus and Off Campus Resources

On-Campus Resources
Monsour Counseling and Psychological Services
Phone: 909.621.8202
Office: Tranquada Student Services Center, 1st Floor
Hours: Monday–Friday, 8 a.m.–5 p.m. (after-hours emergencies, call Campus Safety)
Website: Monsour Counseling and Psychological Services

EmPOWER Center Sexual Assault & Intimate Partner Violence Resource Center
Phone: 909.607.2689
Office: 1030 Dartmouth Ave.
Hours: Monday–Friday, 8 a.m.–5 p.m.
Contact: Rima Shah at RShahEmPOWER@cuc.claremont.edu or Phone: 909.607.0690

McAlister Center Office of the Chaplains
Phone: 909.621.8685
Office: McAlister Center for Religious Activities
Hours: Monday–Friday, 8 a.m.–5 p.m.
Website: Chaplains

Off Campus Resources

House of Ruth
877.988.5559 (toll free)
Website: House of Ruth
[Provides emergency shelter, transitional housing and other services to women who are the survivors of domestic violence]

Project Sister
909.623.1619 (24/7 Crisis Hotline)
Website: Project Sister
[Provides crisis services to women and men who have been sexually assaulted or abused. Volunteer Advocates are also available to provide support and follow up services to sexual assault or abused survivors at the hospital, police station and court appearances.]

National Sexual Assault 24/7 Crisis Hotline
800.656.4673
Website: About the National Sexual Assault Telephone Hotline.
[Trained volunteers available to help survivors at affiliated crisis centers across the country.]

HMC Employee Assistance Program

800.234.5465
Live and Work Well (access code claremontcolleges)
[Available to benefit eligible faculty and staff] If you have been a survivor of sexual misconduct the sooner you seek help the more options you have available to you. The following steps are important to take as soon as possible.]

Other Resources

Health Education Outreach, The Claremont Colleges Services

Phone: 909.607.3602

Office: Tranquada Student Services Center, 1st Floor

Hours: Monday–Friday, 10 a.m.–5 p.m. Wednesday, 10 a.m.–7:30 p.m. (for after-hours emergencies, call Campus Safety)

Special services: free, anonymous HIV testing (Tuesdays, 11 a.m.–12:40 p.m.)
Website: Health Education Outreach

Student Health Services, The Claremont Colleges Services
Phone: 909.621.8222
Office: Tranquada Student Services Center, 1st Floor

Hours: Monday, Tuesday, Friday, 8 a.m.–5 p.m.
Wednesday, 8 a.m.–7 p.m.
Thursday, 9 a.m.–5 p.m.
(for after-hours emergencies, call Campus Safety)
Special services: STI testing, confidential HIV testing, contraception and counseling, emergency contraception/Plan B, pregnancy testing and counseling
Website: Student Health Services

Harvey Mudd Advocates for Survivors of Sexual Assault

Peer Advocates
Email: advocates@g.hmc.edu

Appendix C: Frequently Asked Questions

Below are some questions regarding sexual misconduct that are often asked by students:

Does information about a complaint remain confidential?

The confidentiality of all parties to a complaint of sexual misconduct must be respected, insofar as it does not interfere with the College's obligation to fully investigate allegations of sexual misconduct. Where confidentiality is not strictly kept, it will still be tightly controlled on a need-to-know basis. Dissemination of information and/or written materials to persons not involved in the complaint procedure is not permitted.

Violations of the privacy of the complainant or the Respondent may lead to disciplinary action by the College. In all complaints of sexual misconduct, both parties will be informed of the outcome. In some instances, the College may choose to make a brief public announcement of the nature of the violation and the action taken, without using the name or identifiable information of the alleged survivor. Certain College administrators are informed of the outcome within the bounds of student privacy (e.g., the President, Dean of Students, Director of Campus Safety, Title IX Coordinator).

If there is a report of alleged sexual misconduct to the College and there is evidence that a felony has occurred, local police will be notified if the complainant consents. This does not mean charges will be automatically filed or that a complainant must speak with the police. The College also must statistically report the occurrence on campus of major violent crimes, including certain sex offenses, in an annual report of campus crime statistics. This statistical report does not include personally identifiable information.

Will I (as a survivor) have to pay for counseling/or medical care?

Students can access the Student Health and Counseling Services, and the Counseling Services also hosts a support group for survivors of sexual assault. If you are accessing community and non-institutional services, payment for these services may be covered by your health insurance plan; please check your coverage. If you have elected coverage under the Claremont College's Student Health Insurance Plan ("SHIP"), payment for these services may also be covered under this insurance plan. SHIP documentation is available at: Student Health Services.

What, if anything, will my parents be told?

The College's primary relationship is to you, the student, and not to your parent/guardian. College officials will only speak with your parents/guardians at your request or when there is a significant threat to your health or safety.

Do I have to name the alleged perpetrator?

Yes, if you want the College to pursue its Investigation and Resolution Processes as outlined in the College's Policy on Discrimination, Harassment, Sexual Misconduct and Retaliation. No, if you choose to respond informally and do not file a formal complaint. You should consult the confidentiality provisions set forth in the policy in Section 12 of the Policy. Reporting Parties should be aware that not identifying the alleged perpetrator may limit the College's ability to respond comprehensively.

Will the alleged perpetrator know my identity?

Yes, if you file a formal complaint. Sexual misconduct is a serious offense and the Respondent has the right to know the identity of the complainant/survivor.

What do I do if I am accused of sexual misconduct?

DO NOT contact the Respondent. You may want to speak with someone in the campus community who can act as your Support Person/advisor. The Title IX Coordinator can explain the College's resolution processes for addressing sexual misconduct complaints. You may also want to seek confidential counseling through the Student Health and Counseling Services or seek support through off-campus services in the community.

What about legal advice?

Reporting Parties do not need private legal counsel to pursue criminal prosecution because representation will be handled by the District Attorney's office. However, you may want to retain an attorney if you are considering filing a civil action. Responding Parties may want to retain legal counsel given the potential for criminal and/or civil action.

What about changing residence hall rooms or other accommodations?

Either party may request a room change through the Title IX Coordinator who will work with the Dean of Students Office. Other accommodations available to the parties may include:

- Assistance with or rescheduling an academic assignment (paper, exams, etc.);
- Assistance in requesting an incomplete in a class;
- Assistance with transferring class sections, if available;
- Temporary withdrawal;
- Assistance with alternative course completion options; and
- Other accommodations for safety as necessary.

What should I do about obtaining medical treatment and preserving evidence of a sexual assault?

Survivors of a sexual assault (particularly rape, forcible oral copulation or sodomy) 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 Services, or private physician.

The emergency room nearest HMC, 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 trauma informed/ survivor sensitive program designed to provide a team approach to responding to sexual assaults.

Survivors may take a Support Person with them to the hospital. If you need assistance arranging for transportation or would like a member of the HMC staff to accompany, you to the hospital. Contact Campus Safety at (909) 607-2000 and ask that the On-Call Student Affairs staff member be contacted. An On-Call Student Affairs Staff member (aka AD) is available whenever the College offices are closed to assist students in emergency situations.

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. In addition, prompt reporting allows for the preservation of evidence, which will only be used if you decide (then or later) to press criminal charges or file civil suit.

To preserve evidence, you should NOT bathe, douche, smoke, brush your 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 not possible to leave the scene undisturbed, evidence (e.g. bedding, towels, loose fabrics, prophylactics, and clothing) should be placed in separate paper bags to be preserved.

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, you choose to report the incident days, weeks, or even months after the assault, important support systems are still available and can be arranged, but you need to know that delay may make it more difficult to collect physical evidence of the sexual assault that could impact a criminal prosecution or civil lawsuit.

Hospitals that treat any physical injury sustained during a sexual assault are required to report it to law enforcement. You may choose whether or not to speak to police at the hospital and do not need to make an immediate decision to press criminal charges. That decision can be made at a later time.If you do not wish to go to the hospital you may choose to contact Planned Parenthood, 1550 N Garey Avenue, Pomona, CA 91767, (800) 576-5544, which has healthcare providers who can test and provide preservative treatment for sexually transmitted diseases or see a personal health care provider for tests and treatment.

Will the complainant be sanctioned when reporting a sexual misconduct if they have illegally used drugs or alcohol?

No. The severity of the infraction will determine the nature of the College's response, but whenever possible the College will respond educationally rather than punitively to the illegal use of drugs and/or alcohol. The seriousness of sexual misconduct is a major concern and the College does not want any of the circumstances (e.g., drug or alcohol use) to inhibit the reporting of sexual misconduct.

Will the use of drugs or alcohol affect the outcome of a sexual misconduct complaint?

The use of alcohol and/or drugs by either party will not diminish the Respondent's responsibility. On the other hand, alcohol and/or drug use is likely to affect the Complainant's memory and, therefore, may affect the outcome of the complaint. A person bringing a complaint of sexual misconduct must either remember the alleged incident or have sufficient circumstantial evidence, physical evidence and/or witnesses to support their complaint. If the complainant does not remember the circumstances of the alleged incident, it may not be possible to impose sanctions on the Respondent without further corroborating information. Use of alcohol and/or other drugs will never excuse a violation by a Respondent.

Will either party's prior use of drugs and/or alcohol be a factor when reporting sexual misconduct?

Not unless there is a compelling reason to believe that prior use or abuse is relevant to the present complaint.

What should I do if I am uncertain about what happened?

If you believe that you have experienced sexual misconduct but are unsure of whether it was a violation of the College Policy, you should contact the College's Title IX Coordinator who can explain the Policy and resolution options. If you would like to speak with someone in strict confidence to explore the incident, you may want to first speak with a counselor at Monsour Counseling and Psychological Services, a chaplain from the McAlister Center, the EmPOWER center or a rape crisis hotline.

Appendix D: Sexual Misconduct Prevention and Risk Reduction

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 nonconsensual sexual act and reduce your risk of being accused of sexual misconduct:

- Clearly communicate your intentions to your sexual partner and give your partner a chance to clearly communicate 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; about 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 if there is any 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, even if the individual personally caused this.
- 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 verbal and non-verbal communication and 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 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.

- Take affirmative responsibility for your alcohol intake/drug use and acknowledge that alcohol/drugs lower your sexual inhibitions and may make you vulnerable to someone who views a drunk or high person as a sexual opportunity.
- Take care of your friends and ask that they take care of you. A real friend will challenge you if you are about to make a mistake. Respect them when they do.

Appendix E: Harvey Mudd College's External Reporting, Timely Warning, and FERPA Disclosure Obligations

The Jeanne Clery Campus Safety Act ("Clery Act")

Statistical Reporting

Under the Clery Act, certain College officials have a duty to report certain misconduct for federal statistical reporting purposes. All personally identifiable information is kept confidential, but statistical information must be passed along to campus law enforcement regarding the type of incident and its general location (on or off-campus, in the surrounding area, but no addresses are given) for publication in the annual Campus Security Report. This report helps to provide the community with a clear picture of the extent and nature of campus crime, to ensure greater community safety. Mandated federal reporters include: student/conduct affairs staff, campus law enforcement, local police, coaches, athletic directors, residence life staff, student activities staff, human resources staff, advisors to student organizations and any other official with significant responsibility for student and campus activities. The information to be shared includes the date, the location of the incident (using Clery location categories) and the Clery crime category. This reporting protects the identity of the survivors and may be done anonymously.

The Clery Act permits the College to publicly release the name, the nature of the violation and the sanction(s) for any student who is found in violation of a College policy that is a "crime of violence," including: arson, burglary, robbery, criminal homicide, sex offenses, assault, intimidation (which may encompass stalking and/or bullying), hazing, destruction/ damage/vandalism of property and kidnapping/abduction. The College will release this information to the Reporting Party in any of these offenses regardless of the outcome. FERPA allows for the release of student records beyond the Clery exceptions discussed above. Harvey Mudd College reserves the right to exercise discretion in making specific outcome information available to the community at large.

Timely Warning

Reporting Parties should also be aware that College 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 members of the campus community. For purposes of the Timely Warning requirement, the College will not disclose a Reporting Party's name. However, the College will provide enough information for community members to make safety decisions in light of the danger. The reporters for timely warning purposes are exactly the same as detailed in the paragraph above.

Family Educational Rights and Privacy Act ("FERPA")

A finding that a violation of HMC's sexual misconduct policy has occurred will become a part of the educational record of the Responding Party, if the Responding Party is a student. The educational records of students are protected from release under a federal law, FERPA. The College complies with FERPA regulations regarding the privacy of student records and observes the following exceptions to FERPA as mandated by the Clery Act:

1. The Responding Party(ies) in a non-consensual sexual contact/intercourse incident have the right to be informed of the finding, and sanction(s) of the investigation, in writing, without condition or limitation.

2. The Responding Party(ies) in sexual exploitation, sexual harassment, stalking, relationship violence and any other gender-based offense have the right to be informed of the finding, in writing, and to be informed of any sanction(s) that directly relate to them, and to essential facts supporting the outcome when the outcome is "responsible" (and the underlying offense is a crime of violence as defined below and in 34 C.F.R. 99.39) and/or it is equitable to share the essential findings with all parties.

Complaints of discrimination or harassment that are not governed by the TCC Title IX Grievance Process are subject to investigation and resolution under policies and procedures of the Respondent's college. Accordingly, complaints of discrimination and harassment in which a Harvey Mudd College student is named as a Respondent are governed by the policies and procedures set forth in the Harvey Mudd College Sexual Misconduct and Complaint Resolution Policy or the HMC **Prohibited Discrimination, Harassment, and Retaliation Policy**.

Confidentiality & Privacy

The College and TCC is committed to protecting the privacy of all individuals who are involved in a report of Prohibited Conduct. All College and TCC employees who are involved in the Title IX response, including the Title IX Coordinator, investigators, and hearing panel members, receive specific instruction about respecting and safeguarding private information. Throughout the process, every effort will be made to protect the privacy interests of all individuals involved in a manner consistent with the need for a thorough review of the report.
Privacy and confidentiality have distinct meanings under this Policy.

Privacy

Privacy generally means that information related to a report of misconduct will only be shared with a limited circle of individuals. The use of this information is limited to those College employees who "need to know" to assist in the active review, investigation, or resolution of the report. While not bound by confidentiality, these individuals will be discreet and respect the privacy of all individuals involved in the process.

Confidentiality

Reports concerning conduct prohibited under this Policy will be addressed confidentially to the extent possible. Such reports will be disclosed only to individuals who, in the interests of fairness and resolution, have a need to know, and as otherwise required by law. Persons involved in the administration of this Policy are required to maintain confidentiality.

In certain circumstances identified in California Education Code section 67383, the College is required to forward information concerning reports of violent crimes, including reports of sexual assaults, to a local law enforcement agency. Such information is forwarded without identifying the Complainant and Respondent, unless explicit consent is provided by the Complainant allowing for the sharing of personally identifying information. If the Complainant is under the age of 18, the College is required to comply with child abuse reporting laws.
Members of the HMC community who wish to seek advice or assistance concerning, or to discuss options for dealing with, sexual misconduct on a strictly confidential basis may speak with licensed counselors, clergy, medical providers in the context of seeking medical treatment, and rape crisis counselors, who, except in very narrow circumstances specified by law, will not disclose confidential communications. Students who wish to speak to a licensed counselor on a confidential basis may contact the Claremont Colleges Services Monsour Counseling Center or EmPOWER Center. The Employee Assistance Program is a resource for faculty and staff. The Chaplains of The Claremont Colleges are also available to counsel students, faculty, and staff on a confidential basis.

All participants in a grievance process involving an alleged violation of this Policy will be informed that confidentiality helps enhance the integrity of the process, protect the privacy interests of the parties, and protect the participants from

statements that might be interpreted to be retaliatory or defamatory. At the beginning of the process, the Complainant and Respondent will be asked to keep information related to the process private during the pendency of the process. This does not preclude the Complainant or Respondent Party from sharing information with family, legal counsel, advisors/support persons, or others as necessary in connection with the marshalling and presentation of evidence in connection with the process. Witnesses and support persons will, similarly, be asked to respect the privacy of the process.

Responsible Employees

Under Title IX, HMC is required to take immediate and corrective action if a "responsible employee" knew or, in the exercise of reasonable care, should have known about Prohibited Conduct. A "responsible employee" includes any employee who:

- Has the authority to take action to redress the harassment;
- Has the duty to report to appropriate school officials sexual harassment or any other misconduct by students or employees; or
- A student could reasonably believe has the authority or responsibility to take action.

Using this lens, employees with supervisory and leadership responsibilities on campus are considered "responsible employees." This may include, for example, faculty, coaches, administrators, proctors, mentors, and student leaders with a responsibility for student welfare.

The College requires that all "responsible employees" share a report of Prohibited Conduct or suspected Prohibited Conduct with the Title IX Coordinator or a member of the Title IX team.

The College also encourages all employees, even those who are not obligated to do so by this Policy, to report information regarding any incident of Prohibited Conduct directly to the Title IX Coordinator, a member of the Title IX team, a "responsible employee," or Campus Safety. The College cannot take appropriate action unless an incident is reported to the College.

The Title IX team, under the guidance of the Title IX Coordinator, will conduct an initial assessment of the conduct, the Complainant expressed preferences, if any, as to course of action, and the necessity of any interim measures to protect the safety of the complainant or the community.

Request for Confidentiality

Where a Complainant requests that their name or other identifiable information not be shared with the Respondent or that no formal action be taken, the College will balance the request with HMC's obligation to provide a safe and non-discriminatory environment for all College community members and to remain true to principles of fundamental fairness which require notice and an opportunity to respond before action is taken against a Respondent. In making this determination, the College may consider the seriousness of the conduct, the respective ages and roles of the Complainant and Respondent, whether there have been other complaints or reports of harassment or misconduct against the Respondent, and the rights of the Respondent to receive notice and relevant information before disciplinary action is sought. In some cases, the Title IX Coordinator, in consultation with appropriate administrators and TCC, may determine that the College needs to proceed with an investigation based on concern for the safety or well-being of the broader HMC community (e.g., concern about the risk of future acts of sexual violence or a pattern of sexual misconduct). HMC reserves the right to take appropriate action in such circumstances, including in cases where the individual reporting the Prohibited Conduct is reluctant to proceed.

The College will take all reasonable steps to investigate and respond to a report consistent with a Complainant's request for confidentiality or request not to take any action in response to the report, but HMC's ability to do so may be limited based on the nature of the Complainant's request. Where the College is unable to act in a manner consistent with a

Complainant's request, the Title IX Coordinator or a member of the Title IX team will inform the Complainant about the chosen course of action, which may include the College's seeking disciplinary action against a respondent. The chosen course of action may, alternatively, include steps to limit the effects of the alleged misconduct and prevent its recurrence without taking formal disciplinary action against or revealing the identity of the Respondent.

Timely Warnings

If a report of a Clery Act Reportable Crime discloses a serious or continuing threat to the HMC community, the College may issue a campus-wide timely warning (which may take the form of an email to campus) to protect the health or safety of the community. The timely warning will not include any identifying information about the complainant. Even where there is no continuing threat to warrant a Timely Warning Notification, the College may send campus-wide email notifications as an Alert Bulletin or Community Advisory to keep the community informed.

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

All College proceedings are conducted in compliance with the requirements of FERPA, the Clery Act, Title IX, and state and federal law. No information shall be released from such proceedings except as required or permitted by law and College Policy. For more information on timely warnings and FERPA, please see "Appendix F: Harvey Mudd College's External Reporting, Timely Warning, and FERPA Disclosure Obligations."

The College is committed to treating all members of the community with dignity, care, and respect. Any individual who experiences or is affected by Prohibited Conduct, whether as a Reporting Party, a Responding Party, or a third party, will have equal access to support and counseling services through the College. Interim measures (supportive and protective) are also available to all parties (see Section VIII of this Policy).

The College recognizes that deciding whether and how to make a report to the College or law enforcement can be difficult decisions. Making a report means telling someone in authority what happened, whether in person, by telephone, in writing, or by email. All individuals are encouraged to seek the support of campus and community resources. These trained professionals can provide guidance in making decisions, information about available resources and procedural options, and assistance to either party in the event that a report and/or resolution under this Policy is pursued. Individuals are encouraged to use all available resources on and off campus, regardless of when or where the incident occurred.

There are many resources available on campus and in the surrounding community. As detailed below, there are Confidential Resources that by law cannot share information without the consent of the individual seeking assistance. There are also a variety of College resources that will be discreet and private but are not considered confidential. These resources will maintain the privacy of an individual's information within the limited circle of those involved in the resolution of a complaint under this Policy. For more information about the difference between privacy and confidentiality, see Section IV of this Policy.

Confidential Resources

HMC encourages all community members to make a prompt report of any incident of Prohibited Conduct to the College and, in the case of incidents involving sexual violence, to law enforcement as well. For individuals who are not prepared to make a report, or who may be unsure what happened but are still seeking information and support, there are several legally protected, confidential resources available as designated below. These confidential resources will not share information with the College or anyone else without the individual's permission.

On Campus Confidential Resources:

Monsour Counseling and Psychological Services
Phone: 909.621.8202

Office: Tranquada Student Services Center, 1st Floor
Hours: Monday–Friday, 8 a.m.–5 p.m. (for after-hours emergencies, call Campus Safety)
Website: Monsour Counseling and Psychological Services

EmPOWER Center Sexual Assault & Intimate Partner Violence Resource Center
Phone: 909.607.2689
Office: 1030 Dartmouth Ave.
Hours: Monday–Friday, 8 a.m.–5 p.m.
Contact: Rima Shah at RShahEmPOWER@cuc.claremont.edu or 909.607.0690

McAlister Center Office of the Chaplains
Phone: 909.621.8685
Office: McAlister Center for Religious Activities
Hours: Monday–Friday, 8 a.m.–5 p.m.
Website: Chaplains

Off Campus Confidential Resources:

Project Sister Family Services Crisis Hotline
Hotline: 909.626.HELP (4357)
Hours: 24/7
Website: Project Sister
Project Sister Family Services Walk-in Counseling
Phone: 909.966.4155
Email: info@projectsister.org
Office: 363 S. Park Ave. #303
Hours: Monday–Thursday, 5–7 p.m.
Website: Project Sister walk-in clinic

House of Ruth Hotline (Dating violence)
Hotline: 877.988.5559
Hours: 24/7
Website: House of Ruth

Love is Respect National Dating Abuse Hotline
Hotline: 866.331.9497
Text: “loveis” to 22522
Online: Love is Respect: Chat With Us
Website: Love is Respect

National Domestic Violence Hotline
Hotline: 800.799.7233
Hours: 24/7
Website: National Domestic Violence Hotline

RAINN National Sexual Assault Crisis Hotline
Hotline: 800.656.4673
Hours: 24/7
(This hotline will transfer you to a local crisis hotline based on your phone’s area code.)
Website: RAINN
RAINN National Sexual Assault Crisis Online Chat*
Website: RAINN Online Chat
Hours: 24/7

Medical Resources

A medical provider can provide emergency and/or follow-up medical services. A medical exam has two goals: first, to diagnose and treat the full extent of any injury or physical effect (including prevention of sexually transmitted illnesses and pregnancy) and second, to properly collect and preserve evidence. There is a limited window of time following an incident of sexual assault to preserve physical and other forms of evidence. See Appendix C (What to Do If You Experience a Sexual/Gender Violence), to this Policy for additional information.

Taking the step to gather evidence immediately does not commit an individual to any particular course of action. The decision to seek timely medical attention and gather any evidence will, however, preserve the full range of options to seek resolution under this Policy or through the pursuit of criminal prosecution.

On campus, the Student Health Service can provide medical care but is not equipped for forensic examinations.

The medical facility closest to HMC which is equipped with a Sexual Assault Response Team to provide emergency care and provide a free, specialized forensic medical examination for survivors of sexual assault to treat injuries and collect evidence is:

Pomona Valley Hospital Medical Center ("PVHMC")
1798 North Garey Avenue
Pomona, CA 91767
Phone: 909.865.9500
Emergency Room: 909.865.9600
PVHMC is also a Los Angeles County designated Sexual Assault Team Center ("SART"). A SART is a trauma informed/survivor sensitive program designed to provide a team approach to responding to sexual assaults.

Additional Campus Resources

In addition to the Title IX team and the resources listed above, HMC community members have access to a variety of other resources provided by the College. The staff members listed below are trained to support individuals affected by sexual violence and to coordinate with the Title IX Coordinator consistent with the College's commitment to a safe and healthy educational environment.

HMC On-Call Dean
An on-call dean is available for assistance outside of normal business hours, by contacting Campus Safety and asking to be connected to the HMC on-call dean at 909.607.2000.

Campus Safety
Phone 909.607.2000
Office: Administrative Campus Center (ACC)
Hours: 24/7
Website: https://services.claremont.edu/campus-safety/

Health Education Outreach, The Claremont Colleges Services

Phone: 909.607.3602

Office: 330 E. 8th St.Hours: Monday–Friday, 10 a.m.–5 p.m. Wednesday, 10 a.m.–7:30 p.m. (for after-hours emergencies, call Campus Safety)

Special services: free, anonymous HIV testing (Tuesdays, 11 a.m.–12:40 p.m.)

Website: Health Education Outreach

Student Health Services, The Claremont Colleges Services

Phone: 909.621.8222

Office: Tranquada Student Services Center, 1st Floor
Hours: Monday, Tuesday, Friday, 8 a.m.–5 p.m.
Wednesday, 8 a.m.–7 p.m.
Thursday, 9 a.m.–5 p.m.
(for after-hours emergencies, call Campus Safety)
Special services: STI testing, confidential HIV testing, contraception and counseling, emergency contraception/Plan B, pregnancy testing and counseling
Website: Student Health Services

HMC Employee Assistance Program, Optum (for eligible faculty and staff)
800.234.5465
Live and Work Well (access code claremontcolleges)
If you are a victim or survivor of sexual harassment or misconduct, the sooner you seek help, the more options you have available to you. The following steps are important to take as soon as possible.

The College encourages all individuals to seek assistance from a medical provider and/or law enforcement immediately after an incident of sexual violence. This is the best option to ensure preservation of evidence and to begin a timely investigative and remedial response.
The College also encourages all individuals to make a report to the College and law enforcement. The College will provide assistance in notifying law enforcement if the individual so chooses. An individual who experiences sexual violence also has the right to decline to notify law enforcement.

Making a report to the College and law enforcement are not mutually exclusive. Both internal and criminal reports may be pursued simultaneously. The College has a strong interest in supporting individuals who have been subjected to sexual violence and other forms of Prohibited Conduct.

Making a report means telling someone in authority what happened, whether in person, by telephone, in writing, or by email. At the time a report is made, a Reporting Party does not have to decide whether or not to request any particular course of action, nor does a Reporting Party need to know how to label what happened. Choosing to make a report, and deciding how to proceed after making the report, can be a process that unfolds over time.

The College provides support that can assist each individual in making these important decisions and, to the extent legally possible, will respect an individual's autonomy in deciding how to proceed. In this process, the College will balance the individual's interest with its obligation to provide a safe and non-discriminatory environment for all members of the College community.

Any individual who reports Prohibited Conduct can be assured that all reports will be investigated promptly and resolved in a fair and impartial manner to the final result. A Reporting Party, a Responding Party, and all individuals involved can expect to be treated with dignity and respect. Upon any report under this Policy, the College will make an immediate assessment of any risk of harm to the Reporting Party or to the broader campus community and will take reasonable steps necessary to address those risks. Such steps will include interim measures to provide for the safety of the individual and the campus community.

Emergency and External Reporting Options
HMC strongly encourages all individuals who experience any form of sexual or intimate partner violence to contact the Claremont Police Department immediately. The Claremont Police Department can be reached by calling Campus Safety if one is on campus (909-607-2000) or by dialing 911 if one is off campus.

An on-call dean is also available to respond to calls for assistance outside of normal business hours and can be reached by calling Campus Safety (909.607.2000) and requesting to be connected to the HMC on-call dean.

As indicated above, the medical facility nearest to HMC which is equipped to provide emergency care is Pomona Valley Hospital Medical Center.

Reporting Parties may also pursue civil remedies (including a temporary restraining order or injunctive relief) from a court of law or file an administrative complaint with a government agency. For more information concerning external complaint resolution options, see Appendix B to this Policy for more information concerning External Complaint Resolution Options.

Campus Reporting Options

Reports concerning conduct prohibited under this Policy should be submitted to the Title IX Coordinator, a Deputy Title IX Coordinator, or a "responsible employee" by telephone, by e-mail, or in person as soon as possible after an incident. Reports may be submitted to the Title IX Team online at: https://cm.maxient.com/reportingform.php?HarveyMuddCollege&layout_id=2.
Reports may also be submitted to:

Campus Safety
Phone 909.621.8170
Office: Administrative Campus Center
Hours: 24/7
Website: Campus Safety

Anonymous Reporting

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

All reports go to the Title IX Coordinator or Campus Safety. The links to these reporting pages are respectively (1) Title IX Incident Report Form – Sexual Harassment and/or Sexual Misconduct and (2) Silent Witness Incident Reporting. . Opens in new tab. Opens in new tab
Upon receiving an anonymous report, the Title IX Coordinator will determine any appropriate steps, including individual or community remedies as appropriate, in consultation with the Assistant Vice President of Campus Safety and in compliance with all Clery Act obligations.

Reporting Considerations: Timeliness and Location of Incident

Complainant's and third parties are encouraged to report Prohibited Conduct as soon as possible to maximize the College's ability to respond promptly and effectively.
There is no time limit for making a report involving Prohibited Conduct, but HMC's ability to respond may diminish over time, as evidence may erode, memories may fade, and Respondent may no longer be affiliated with HMC.

An incident need not occur on campus to be reported to the College. Off-campus conduct that is likely to have a substantial effect on the Complainant's on-campus life and activities, or which poses a threat or danger to members of the HMC community, may also be addressed under other polices set in place by HMC.

If the Respondent is not a member of the HMC community, the College will still seek to take steps to end the harassment, prevent its recurrence, and address its effects, though HMC's ability to take disciplinary action against the Respondent may be limited.

Amnesty for Alcohol or Other Drug Use

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

Coordination with Law Enforcement

As explained above, the College will assist a person who experiences sexual or intimate partner violence, or other forms of Prohibited Conduct which may constitute a crime, in making a criminal report and will cooperate with law enforcement agencies if an individual decides to make a criminal complaint.

The burden of proof to establish a violation of this Policy differs from California criminal law. An individual may seek recourse under this Policy and/or pursue criminal action. Neither law enforcement's determination whether or not to prosecute a Responding Party, nor the outcome of any criminal prosecution, are determinative of whether a violation of this Policy has occurred. Proceedings under this Policy may be carried out prior to, simultaneously with, or following off-campus civil or criminal proceedings.

At the request of law enforcement, the College may agree to defer its complaint resolution process until after the initial stages of a criminal investigation. The College will, nevertheless, communicate with the complainant regarding Title IX rights, procedural options, and the implementation of interim measures to assure the safety and well-being of the complainant. The College will promptly resume its complaint resolution process as soon as it is informed that law enforcement has completed its initial investigation.

False Reports

The College will not tolerate intentional false reporting of incidents. The College takes the accuracy of information very seriously, as a charge of Prohibited Conduct may have severe consequences. A good-faith complaint that results in a finding of not responsible is not considered a false or fabricated accusation of sexual misconduct. When, however, a Reporting Party or third-party witness is found to have fabricated allegations or given false information with malicious intent or in bad faith, the individual may be subject to disciplinary action. Intentionally making a false report of any policy violation constitutes a violation of the Code of Conduct and may also constitute a violation of state criminal statutes and civil defamation laws.

Reports Involving Minors or Suspected Child Abuse

Under California law, all College employees are required to promptly report suspected child abuse and/or neglect, including sexual assault, when they know or reasonably suspect that a minor under the age of 18 has been the victim of child abuse or neglect. This duty exists regardless of whether the abuse or neglect is observed at work or in our private lives.

All College employees are required to immediately report any suspected child abuse and neglect to one of the numbers set forth below. If the abuse or neglect involves a member of the College community, the employee should also promptly report the incident to the Title IX Coordinator or a member of the Title IX team. The source of abuse does not need to be known in order to file a report.

It is not the responsibility of any employee, student, or volunteer to investigate suspected child abuse. This is the role of Child Protective Services and law enforcement authorities.
In addition to notifying the Title IX Coordinator or member of the Title IX team, any individual is required to make a direct report if a child is in immediate danger, call 911.

If there is no immediate danger, contact the Los Angeles County Department of Children and Family Services' Child Protection Hotline, 800.540.4000, or website, https://dcfs.lacounty.gov/contact/report-child-abuse

***Title IX Grievance Process August 2020**

For all Title IX cases occurring prior to August 2020, they will be adjudicated through the following policy. The Title IX Coordinator after receiving a report will determine which policy will be used. The below policy will be applied to Harvey Mudd College students, faculty, & Staff.

SEXUAL MISCONDUCT AND COMPLAINT RESOLUTION POLICY

Introduction: Institutional Values and Community Expectations

Harvey Mudd College ("College" or "HMC") is committed to providing a non-discriminatory and harassment-free educational, living and working environment for all members of the HMC community, including students, faculty, administrators, staff and visitors. The College will not tolerate sexual harassment or other forms of Prohibited Conduct. This Sexual Misconduct and Complaint Resolution Policy ("Policy") prohibits all forms of sexual or gender-based harassment, discrimination and other misconduct, including non-consensual sexual contact, non-consensual sexual penetration, sexual exploitation, intimate partner violence and stalking. Misconduct of this nature is contrary to HMC's institutional values and is prohibited by state and federal law.

HMC encourages the prompt reporting of any incident of sexual or gender-based misconduct to the College and to local law enforcement or civil rights enforcement agencies. Upon receipt of a report, the College will take prompt and effective action by: supporting the individual who makes a report or seeks assistance under this Policy ("Complainant"); conducting a review of the reported conduct under Title IX of the Education Amendments of 1972 ("Title IX"); addressing the safety of individuals and the campus community; and as warranted, taking disciplinary action against the accused individual ("Respondent"). The College's process for investigating and responding to reported Prohibited Conduct by students are contained in the Appendix A (Procedures for Resolving Complaints Against Students).
Retaliation (defined in Section VII.F. of this Policy) should be reported promptly to the Title IX Coordinator for investigation, which may result in disciplinary action independent of any sanction or interim measures imposed in response to the underlying allegations of discrimination and/or harassment.

Due to the complex nature of Sexual Misconduct, an individual who has been a victim of sexual assault, stalking, sexual exploitation, and/or sexual harassment may need support and assistance in obtaining one or more of the following:

- No-contact orders
- Counseling support (e.g., Monsour Counseling and Psychological Services
- Change in academic schedule
- The imposition of an interim suspension on the alleged perpetrator

This Policy does not alter any institutional obligations under federal disability laws including the Americans with Disabilities Act of 1990, and Section 504 of the Rehabilitation Act of 1973. Parties may request reasonable accommodations for disclosed disabilities to the Title IX Coordinator at any point before or during the HMC Sexual Misconduct and Complaint Resolution Policy process that do not fundamentally alter the Process. The Title IX Coordinator will not affirmatively provide disability accommodations that have not been specifically requested by the Parties, even where the Parties may be receiving accommodations in other institutional programs and activities.

Reporting Parties should also be aware that College 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 members of the campus community. For purposes of the Timely Warning requirement, the College will not disclose a Reporting Party's name. However, the College will provide enough information for community members to make safety decisions in light of the danger. The reporters for timely warning purposes are exactly the same as detailed in the paragraph above.

The College encourages all members of our community to participate in the process of creating a safe, welcoming and respectful environment on campus. In particular, the College expects that all HMC community members will take reasonable and prudent actions to prevent or stop an act of sexual misconduct. Taking action may include directly intervening when safe to do so, enlisting the assistance of friends, contacting law enforcement, or seeking assistance from a person in authority. Community members who chose to exercise this positive moral obligation will be supported by the College and protected from retaliation.

Scope of Policy

Policy

All forms of sexual or gender-based discrimination, harassment or other misconduct, including non-consensual sexual contact, non-consensual sexual penetration, sexual exploitation, intimate partner violence and stalking, are Prohibited Conduct. Retaliation against any person or group who makes a complaint, cooperates with an investigation, or participates in a grievance procedure is also a violation of this Policy. Misconduct of this nature ("Prohibited Conduct") is contrary to HMC's institutional values, is a violation of College policy, and will not be tolerated. Any individual who is found to have violated this Policy may face disciplinary sanctions up to and including expulsion and/or termination of employment.

This Policy applies to all faculty, staff and students of the College. It also applies to third parties (including but not limited to trustees, applicants, volunteers, campus visitors and vendors) who may have contact with members of the HMC community either on the HMC campus or at off-campus HMC events, programs and activities.

For purposes of this Policy, the Complainant is the person who is the subject or target of the reported misconduct. The Respondent is the person, group, or organization alleged to be responsible for the reported misconduct. A third party refers to any other participant in the process, including a witness or an individual who makes a report of conduct prohibited by this Policy. A witness may include an individual who observed behavior that is alleged to constitute a violation of policy or who communicated with one of the parties subsequent to an alleged incident of Prohibited Conduct.

This Policy applies to conduct occurring on campus or in connection with College-related, off-campus events, programs and activities, such as College functions hosted in private homes, off-site conferences and meetings, and College-sponsored study-abroad, internship, research and other programs. The Policy also may apply to conduct that occurred off-campus, but not at HMC-sponsored events, program or activities, if both parties are members of the HMC community and if the conduct could have a substantial adverse effect on or poses a threat to members of the HMC community.

A Complainant is encouraged to report misconduct regardless of where the incident occurred or who committed it. Even if the College does not have jurisdiction over the Respondent, the College will still take prompt action to attempt to provide for the safety and well-being of the Complainant and the broader campus community. Under the Clery Act and the Campus SaVE Act, the College will record and report all violations of this Policy.

Oversight and Enforcement Responsibility

The administration and enforcement of this Policy is the responsibility of the College's Title IX Coordinator. Title IX is a comprehensive federal law that provides:

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

The Title IX Coordinator oversees the College's overall compliance with Title IX, and is:

- Responsible for oversight of the investigation and resolution of all reports of all forms of Prohibited Conduct;
- Assisted by designated Deputy Title IX Coordinators in student affairs, human resources and the faculty, and by a Title IX team as detailed in this Policy. These Deputy Title IX Coordinators have a shared responsibility for supporting the Title IX Coordinator and are accessible to any member of the community for consultation and guidance;
- Knowledgeable and trained in College policies and procedures and relevant state and federal laws;
- Available to advise any individual, including a Complainant, a Respondent, or a third party, about the formal and informal courses of action available at the College and the courses of action available in the community;
- Available to provide assistance to any College employee regarding how to respond appropriately to a report of Prohibited Conduct;
- Responsible for monitoring full compliance with all procedural requirements and timeframes outlined in this Policy; and
- Responsible for training, prevention and education efforts and periodic reviews of climate and culture.

The Title IX team supports the Title IX Coordinator. Members of this interdepartmental team include the Title IX Coordinator and the Deputy Title IX Coordinators. In addition, depending on the roles of the Complainant and the Respondent, the Title IX team could include the Assistant Vice President for Human Resources, the Dean of the Faculty, and/or a representative from the Division of Student Affairs. Composition of the team will be limited to a small circle of individuals who "need to know" to implement procedures under this Policy.

The College's Title IX Coordinator, Danny Ledezma, can be reached in person at Platt Campus Center, by phone at 909.607.4015, or by email at dledezma@hmc.edu. The names and contact information of HMC's Deputy Title IX Coordinators can be found at https://www.hmc.edu/student-life/title-ix-sexual-misconduct/.

Inquiries or complaints concerning the application of Title IX may be directed to the College's Title IX Coordinator, to the Deputy Title IX Coordinators, and/or to the U.S. Department of Education's:

Office of Civil Rights
50 United Nations Plaza, Room 1545
San Francisco, CA 94102
Telephone: 415.486.5555
Email: ocr.SanFrancisco@ed.gov

Privacy vs. Confidentiality

The College is committed to protecting the privacy of all individuals who are involved in a report of Prohibited Conduct. All College employees who are involved in the College's Title IX response, including the Title IX Coordinator, investigators and hearing panel members, receive specific instruction about respecting and safeguarding private information. Throughout the process, every effort will be made to protect the privacy interests of all individuals involved in a manner consistent with the need for a thorough review of the report.

Privacy and confidentiality have distinct meanings under this Policy.

Privacy

Privacy generally means that information related to a report of misconduct will only be shared with a limited circle of individuals. The use of this information is limited to those College employees who "need to know" to assist in the active review, investigation, or resolution of the report. While not bound by confidentiality, these individuals will be discreet and respect the privacy of all individuals involved in the process.

Confidentiality

Reports concerning conduct prohibited under this Policy will be addressed confidentially to the extent possible. Such reports will be disclosed only to individuals who, in the interests of fairness and resolution, have a need to know, and as otherwise required by law. Persons involved in the administration of this Policy are required to maintain confidentiality.

In certain circumstances identified in California Education Code section 67383, the College is required to forward information concerning reports of violent crimes, including reports of sexual assaults, to a local law enforcement agency. Such information is forwarded without identifying the Complainant and Respondent, unless explicit consent is provided by the Complainant allowing for the sharing of personally identifying information. If the Complainant is under the age of 18, the College is required to comply with child abuse reporting laws.

Members of the HMC community who wish to seek advice or assistance concerning, or to discuss options for dealing with, Prohibited Conduct on a strictly confidential basis may speak with licensed counselors, clergy, medical providers in the context of seeking medical treatment, and rape crisis counselors, who, except in very narrow circumstances specified by law, will not disclose confidential communications. Students who wish to speak to a licensed counselor on a confidential basis may contact the Monsour Counseling and Psychological Services or EmPOWER Center. The Employee Assistance Program is a resource for faculty and staff. The Chaplains of The Claremont Colleges are also available to counsel students, faculty and staff on a confidential basis.

All participants in a complaint resolution process involving an alleged violation of this Policy will be informed that confidentiality helps enhance the integrity of the process, protects the privacy interests of the parties, and protects the participants from statements that might be interpreted to be retaliatory or defamatory. At the beginning of the process, the Complainant and Respondent will be asked to keep information related to the process private during the pendency of the process. This does not preclude the Complainant or Respondent from sharing information with family, legal counsel, advisors/support persons, or others as necessary in connection with the marshalling and presentation of evidence in connection with the process. Witnesses and support persons will, similarly, be asked to respect the privacy of the process.

Responsible Employees

Under Title IX, HMC is required to take immediate and corrective action if a "responsible employee" knew or, in the exercise of reasonable care, should have known about Prohibited Conduct. A "responsible employee" includes any employee who:

- Has the authority to take action to redress the harassment;
- Has the duty to report to appropriate school officials sexual harassment or any other misconduct by students or employees; or
- A student could reasonably believe has the authority or responsibility to take action.

Using this lens, employees with supervisory and leadership responsibilities on campus are considered "responsible employees." This may include, for example, faculty, coaches, administrators, proctors, mentors and student leaders with a responsibility for student welfare.

The College requires that all "responsible employees" share a report of Prohibited Conduct or suspected Prohibited Conduct with the Title IX Coordinator or a member of the Title IX team.

The College also encourages all employees, even those who are not obligated to do so by this Policy, to report information regarding any incident of Prohibited Conduct directly to the Title IX Coordinator, a member of the Title IX team, a "responsible employee," or Campus Safety. The College cannot take appropriate action unless an incident is reported.

The Title IX team, under the guidance of the Title IX Coordinator, will conduct an initial assessment of the conduct, the Complainant expressed preferences, if any, as to course of action, and the necessity of any interim measures to protect the safety of the Complainant or the community.

Request for Confidentiality

Where a Complainant requests that their name or other identifiable information not be shared with the Respondent or that no formal action be taken, the College will balance the request with HMC's obligation to provide a safe and non-discriminatory environment for all College community members and to remain true to principles of fundamental fairness, which require notice and an opportunity to respond before action is taken against a Respondent. In making this determination, the College may consider the seriousness of the conduct, the respective ages and roles of the Complainant and Respondent, whether there have been other complaints or reports of harassment or misconduct against the Respondent, and the rights of the Respondent to receive notice and relevant information before disciplinary action is sought. In some cases, the Title IX Coordinator, in consultation with appropriate administrators, may determine that the College needs to proceed with an investigation based on concern for the safety or well-being of the broader HMC community (*e.g.*, concern about the risk of future acts of sexual violence or a pattern of sexual misconduct). HMC reserves the right to take appropriate action in such circumstances, including in cases where the individual reporting the Prohibited Conduct is reluctant to proceed.

The College will take all reasonable steps to investigate and respond to a report consistent with a Complainant's request for confidentiality or request not to take any action in response to the report, but HMC's ability to do so may be limited based on the nature of the Complainant's request. Where the College is unable to act in a manner consistent with a Complainant's request, the Title IX Coordinator or a member of the Title IX team will inform the Complainant about the chosen course of action, which may include the College's seeking disciplinary action against a Respondent.

The chosen course of action may, alternatively, include steps to limit the effects of the alleged misconduct and prevent its recurrence without taking formal disciplinary action against or revealing the identity of the Respondent.

Timely Warnings

If a report of misconduct discloses a serious or continuing threat to the HMC community, the College may issue a campus-wide timely warning (which may take the form of an email to campus) to protect the health or safety of the community. The timely warning will not include any identifying information about the Complainant. Even where there is no imminent threat, the College may send campus-wide email notifications on all reported sexual misconduct.

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

All College proceedings are conducted in compliance with the requirements of FERPA, the Clery Act, Title IX, and state and federal law. No information shall be released from such proceedings except as required or permitted by law and College Policy. For more information on timely warnings and FERPA, please see "Appendix F: Harvey Mudd College's External Reporting, Timely Warning, and FERPA Disclosure Obligations."

Definitions of Consent and Prohibited Conduct

All sexual activity between members of the HMC community must be based on Affirmative Consent. Engaging in any sexual activity without first obtaining Affirmative Consent to the specific activity constitutes Sexual Misconduct and is a violation of this Policy, whether or not the conduct violates any civil or criminal law.

Affirmative Consent: Force, Coercion, Incapacitation, Drugs and Alcohol

Affirmative Consent

Consent consists of an affirmative, conscious decision by each participant to engage in mutually agreed-upon sexual activity. *In the state of California, sexual activity with a minor (under the age of 18) is never consensual, because a minor is considered incapable of giving consent due to age.*

The following are essential elements of effective consent:

Informed and reciprocal: All parties must demonstrate a clear and mutual understanding of the nature and scope of the act to which they are consenting and a willingness to do the same thing, at the same time, in the same way.

Freely and actively given: Consent cannot be obtained through the use of force, coercion, threats, intimidation or pressuring, or by taking advantage of the incapacitation of another individual.

Mutually understandable: Communication regarding consent consists of mutually understandable words and/or actions that indicate an unambiguous willingness to engage in sexual activity. In the absence of clear communication or outward demonstration, there is no consent. Consent may not be inferred from silence, passivity, lack of resistance, or lack of active response. An individual who does not physically resist or verbally refuse sexual activity is not necessarily

giving consent. Relying solely upon non-verbal communication can lead to a false conclusion as to whether consent was sought or given.

Not indefinite: Consent can be withdrawn by any party at any time. Recognizing the dynamic nature of sexual activity, individuals choosing to engage in sexual activity must evaluate consent in an ongoing manner and communicate clearly throughout all stages of sexual activity. Withdrawal of consent can be an expressed "no" or can be based on an outward demonstration that conveys that an individual is hesitant, confused, uncertain, or no longer a mutual participant. Once consent is withdrawn, the sexual activity must cease immediately, and all parties must obtain mutually expressed or clearly stated consent before continuing further sexual activity.

Not unlimited: Consent to one form of sexual contact does not constitute consent to all forms of sexual contact, nor does consent to sexual activity with one person constitute consent to activity with any other person. Each participant in a sexual encounter must consent to each form of sexual contact with each participant.

Even in the context of a current or previous intimate relationship, each party must consent to each instance of sexual contact each time. The consent must be based on mutually understandable communication that clearly indicates a willingness to engage in sexual activity. The mere fact that there has been prior intimacy or sexual activity does not, by itself, imply consent to future acts.

Force

Consent is not valid if obtained through force. Force is the use or threat of physical violence or intimidation to overcome an individual's freedom of will to choose whether or not to participate in sexual activity. For the use of force to be demonstrated, there is no requirement that a Complainant resists the sexual advance or request. However, resistance by the Complainant will be viewed as a clear demonstration of non-consent.

Coercion

Consent obtained through coercion is not valid consent. Coercion is the improper use of pressure to compel another individual to initiate or continue sexual activity against their will. Coercion can include a wide range of behaviors, including intimidation, manipulation, threats and blackmail. A person's words or conduct are sufficient to constitute coercion if they wrongfully impair another individual's freedom of will and ability to choose whether or not to engage in sexual activity. Coercion includes, but is not limited to: threatening to "out" someone based on sexual orientation, gender identity, or gender expression, and threatening to harm oneself if the other party does not engage in the sexual activity.

Incapacitation

Incapacitation is a state in which an individual cannot make an informed and rational decision to engage in sexual activity because they lack conscious knowledge of the nature of the act (*i.e.*, the ability to understand the who, what, when, where, why, or how of the sexual interaction) and/or are physically helpless. An individual is incapacitated, and therefore unable to give consent, if they are asleep, unconscious, or otherwise unaware that sexual activity is occurring.

Incapacitation may result from the use of alcohol and/or drugs. Consumption of alcohol or other drugs alone is insufficient to establish incapacitation. The impact of alcohol and drugs varies from person to person, and evaluating incapacitation requires an assessment of how the consumption of alcohol and/or drugs impacts an individual's:

- decision-making ability;
- awareness of consequences;
- ability to make informed judgments; or

- capacity to appreciate the nature and quality of the act.

Evaluating incapacitation also requires an assessment of whether a Respondent knew or should have known that the Complainant was incapacitated.

Alcohol and Other Drugs

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 or impairment. 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.

Being intoxicated or impaired by drugs or alcohol is never an excuse for Prohibited Conduct and does not diminish one's responsibility to obtain consent.

Forms of Prohibited Conduct

1. Sex or Gender-Based Discrimination

Sex or gender-based discrimination refers to the disparate treatment of a person or group because of that person's or group's sex, sexual orientation, gender identity, or gender expression.

2. Sexual and Gender-Based Harassment

"Sexual Harassment" is any unwelcome sexual advance, request for sexual favors, or other unwelcome conduct of a sexual nature, whether verbal, physical, graphic, or otherwise.

"Gender-Based Harassment" is harassment based on sex, sexual orientation, gender identity, or gender expression, which may include acts of aggression, intimidation, or hostility, whether verbal, physical, graphic, or otherwise. To qualify as Gender-Based Harassment, the conduct need not involve conduct of a sexual nature.

Generally speaking, harassment can be divided into two types of conduct:

- Quid Pro Quo Harassment. Submission to or rejection of such conduct is made, either explicitly or implicitly, a term or condition of an individual's employment, academic standing, or participation in any aspect of a College program or activity or is used as the basis for the College's decisions affecting the individual.
- Hostile Environment. A hostile environment exists when the conduct is sufficiently severe, pervasive, or persistent that it unreasonably interferes with, limits, or deprives an individual from participating in or benefiting from the College's education or employment programs and/or activities. Whether conduct is sufficiently severe, pervasive, or persistent is determined both from a subjective and objective perspective.

Harassing conduct can take many forms. The determination of whether an environment is hostile is based on the totality of the circumstances, including but not limited to: (1) the frequency of the conduct; (2) the nature and severity of the conduct; (3) whether the conduct was physically threatening; (4) the effect of the conduct on the Complainant's mental or emotional state, with consideration of whether the conduct unreasonably interfered with the Complainant's educational or work performance and/or College programs or activities; (5) whether the conduct was directed at more than one person; (6) whether the conduct arose in the context of other discriminatory conduct; and (7) whether the conduct implicates concerns related to academic freedom or protected speech.

A single isolated incident may create a hostile environment if the incident is sufficiently severe, particularly if the conduct is physical. A single incident of sexual assault, for example, may be sufficiently severe to constitute a hostile environment. In contrast, the perceived offensiveness of a single verbal or written expression is typically not sufficient to constitute a hostile environment.

Examples of harassment may include such conduct as: direct or implied threats that submission to sexual advances will be a condition of employment, work status, promotion, grades, or letters of recommendation; direct unwelcome propositions of a sexual nature; unwelcome subtle pressure for sexual activity, an element of which may be repeated requests for private meetings without an academic or employment purpose; and patterns of conduct which would discomfort and/or humiliate a reasonable person at whom the conduct was directed and which include one or more of the following: (1) unnecessary touching, patting, hugging, or brushing against a person's body; (2) remarks of a sexual nature about a person's clothing or body, whether or not intended to be complimentary; (3) remarks about sexual activity or speculations about previous sexual experience; or (4) other unwelcome offensive comments of a sexual nature, including sexually explicit statements, questions, jokes or anecdotes or certain unwelcome and offensive visual displays of sexually oriented images outside the educational context, including letters, notes, or electronic mail.

Harassment may be committed by anyone, regardless of gender, age, position or authority. While there is often a power differential between two persons, perhaps due to differences in age, social, educational, or employment relationships, harassment can occur in any context. Harassment can occur regardless of the relationship, position, or respective genders of the parties. It may affect the Complainant and/or third parties who witness or observe harassment and are affected by it.

Sexual misconduct is a form of sexual harassment and includes Non-Consensual Sexual Contact, Non-Consensual Sexual Penetration, Sexual Exploitation, Intimate Partner Violence, and Stalking, all of which are further defined below:

3. Non-Consensual Sexual Contact (or attempts to commit same)

Non-Consensual Sexual Contact is:

- any intentional sexual touching,
- with any object or body part,
- by any person upon any person,
- without consent.

Sexual Contact includes but is not limited to: intentional contact with intimate parts of another, causing another to touch one's intimate parts, or disrobing or exposure of another without permission. Intimate parts may include the breasts, genitals, buttocks, groin, mouth, or any other part of the body that is touched in a sexual manner.

4. Non-Consensual Sexual Penetration (or attempts to commit same)

Non-Consensual Sexual Penetration is:

- any sexual penetration,
- with any object or body part,
- by any person upon any person,

- without consent.

Sexual penetration includes but is not limited to: vaginal penetration by a penis, object, tongue or finger; anal penetration by a penis, object, tongue, or finger; and oral copulation (mouth to genital contact or genital to mouth contact), no matter how slight the penetration or contact.

5. Sexual Exploitation

Sexual Exploitation is:

- taking non-consensual or abusive sexual advantage of another,
- for one's own advantage or benefit,
- or to benefit or advantage anyone other than the one being exploited.

Sexual Exploitation includes, but is not limited to: invasion of sexual privacy; prostitution of another person; non-consensual video or audio-recording of sexual activity; sharing private sexual materials, such as video or pictures, without the consent of all involved parties; engaging in voyeurism; knowingly transmitting an STI or HIV to another person; exposing one's genitals in non-consensual circumstances; inducing another to expose their genitals; or inducing incapacitation with the intent to make one vulnerable to non-consensual sexual activity.

6. Intimate Partner Violence

Intimate partner violence is often referred to as dating violence, domestic violence, or relationship violence. Intimate partner violence is:

- any act of violence or threatened act of violence against a person who,
- is, or has been, involved in a sexual, dating, domestic, or other intimate relationship with the Respondent.

Intimate partner violence includes but is not limited to: physical violence, sexual violence, emotional violence and economic abuse. It may involve one act or an ongoing pattern of behavior. Intimate partner violence may take the form of threats, assault, property damage, or violence or threat of violence to one's self, to one's sexual or romantic partner, or to the family members or friends of the sexual or romantic partner. Intimate partner violence affects individuals of all genders, gender identities, gender expressions and sexual orientations and does not discriminate by racial, social, or economic background.

Verbal abuse is the extreme or excessive use of language, often in the form of insults, name-calling, and criticism, designed to mock, shame, embarrass, or humiliate the other intimate partner. Verbal abuse often has the aim of diminishing the Complainant's self-esteem, dignity, or security. Like other forms of verbal sexual harassment, the alleged verbal behavior must be: (1) objectively offensive and (2) sufficiently severe, persistent, or pervasive. Physical violence or abuse occurs when one intentionally or recklessly (1) causes bodily harm; (2) attempts to cause another bodily harm; or (3) puts another in fear of imminent bodily harm. Other forms of physical abuse include keeping an intimate partner captive, preventing them from leaving, or otherwise restraining them against their will.

Emotional and psychological abuse involves a persistent pattern or prolonged climate of dominating or controlling behavior, often involving some type of power imbalance. The abuser's behavior is often intended to terrorize, intimidate, isolate, or exclude an intimate partner, and can often result in measurable psychological harm, such as depression, anxiety, or post-traumatic stress symptoms. Common forms include gaslighting, double binds, body shaming, dominating, emotional blackmail, hidden daggers, baiting, infantilization and dozens of other commonly recognized tactics.

7. Stalking

Stalking is governed by this Policy when it is sex or gender-based. Stalking is:

- a course of physical or verbal conduct directed at another individual,
- which could reasonably be regarded as likely to alarm, harass, or cause fear of harm or injury to that person or to a third party.

A course of conduct consists of at least two acts. The feared harm or injury may be physical, emotional, or psychological or related to one's personal safety, property, education, or employment. Stalking includes cyber-stalking, a particular form of stalking in which electronic media such as the Internet, social networks, blogs, cell phones, texts, or other similar devices or forms of contact are used to pursue, harass, or make unwelcome contact with another person in an unsolicited fashion. Stalking may include but is not limited to pursuing, following, waiting for, surveilling/monitoring, or showing up uninvited at or near a residence, workplace, classroom, or other place frequented by the individual. Other examples of tactics and actions that could constitute stalking include unwelcome cards, letters, flowers, or presents; watching or following from a distance or spying with a listening device, camera, or global positioning system (GPS); installing tracking apps or keystroke recorders on electronic devices; approaching or showing up in places such as the target's home, workplace, or school when unwelcome; leaving strange or potentially threatening items for the target to find; sneaking into the target's home or car; and doing things to scare the target or let the target know the stalker has been there.

Resources

The College is committed to treating all members of the community with dignity, care and respect. Any individual who experiences or is affected by Prohibited Conduct, whether as a Complainant, a Respondent, or a third party, will have equal access to support and counseling services through the College. Interim measures (supportive and protective) are also available to all parties (see Section VIII of this Policy).

The College recognizes that deciding whether and how to make a report to the College or law enforcement can be difficult decisions. Making a report means telling someone in authority what happened, whether in person, by telephone, in writing, or by email. All individuals are encouraged to seek the support of campus and community resources. These trained professionals can provide guidance in making decisions, information about available resources and procedural options, and assistance to either party in the event that a report and/or resolution under this Policy is pursued. Individuals are encouraged to use all available resources on and off campus, regardless of when or where the incident occurred.

There are many resources available on campus and in the surrounding community. As detailed below, there are Confidential Resources who by law, must maintain confidentiality, except under rare circumstances as required by law. There are also a variety of College resources that will be discreet and private but are not considered confidential. These resources will maintain the privacy of an individual's information within the limited circle of those involved in the resolution of a complaint under this Policy. For more information about the difference between privacy and confidentiality, see Section IV of this Policy.

On Campus Confidential Resources:

Monsour Counseling and Psychological Services

Phone: 909.621.8202

Office: Tranquada Student Services Center, 1st Floor

Hours: Monday–Friday, 8 a.m.–5 p.m. (for after-hours emergencies, call Campus Safety)

Website: Monsour Counseling and Psychological Services

EmPOWER Center Sexual Assault and Intimate Partner Violence Resource Center

Phone: 909.607.2689

Office: 1030 Dartmouth Ave.

Hours: Monday–Friday, 8 a.m.–5 p.m.

Contact: Rima Shah at RShahEmPOWER@cuc.claremont.edu or 909.607.0690

McAlister Center Office of the Chaplains

Phone: 909.621.8685

Office: McAlister Center for Religious Activities

Hours: Monday–Friday, 8 a.m.–5 p.m.

Website: Chaplains

Off Campus Confidential Resources:

Project Sister Family Services Crisis Hotline*

Hotline: 909.626.HELP (4357)

Hours: 24/7

Website: Project Sister

Project Sister Family Services Walk-in Counseling*

Phone: 909.966.4155

Email: info@projectsister.org

Office: 363 S. Park Ave. #303

Hours: Monday–Thursday, 5–7 p.m.

Website: Project Sister walk-in clinic

House of Ruth Hotline* (Dating violence)

Hotline: 877.988.5559

Hours: 24/7

Website: House of Ruth

Love is Respect National Dating Abuse Hotline*

Hotline: 866.331.9497

Text: “loveis” to 22522

Online: Love is Respect: Chat With Us

Website: Love is Respect

National Domestic Violence Hotline*

Hotline: 800.799.7233

Hours: 24/7

Website: National Domestic Violence Hotline

RAINN National Sexual Assault Crisis Hotline*

Hotline: 800.656.4673

Hours: 24/7

(This hotline will transfer you to a local crisis hotline based on your phone’s area code.)

Website: RAINN

RAINN National Sexual Assault Crisis Online Chat*
Website: RAINN Online Chat
Hours: 24/7

Medical Resources

There is a limited window of time following an incident of sexual assault to preserve physical and other forms of evidence. The preservation of evidence may assist in proving that the alleged criminal offence occurred or that may be helpful in obtaining a protection order. Taking the step to gather evidence immediately does not commit an individual to any particular course of action. The decision to seek timely medical attention and gather any evidence will, however, preserve the full range of options to seek resolution under this Policy or through the pursuit of criminal prosecution.

A medical exam has two goals: first, to diagnose and treat the full extent of any injury or physical effect (including prevention of sexually transmitted illnesses and pregnancy) and second, to properly collect and preserve evidence. Information about seeking medical treatment may be found in Appendix C (What to Do If You Experience a Sexual Assault or Other Forms of Sexual/Gender Violence), to this Policy.

On campus, Student Health Services can provide medical care but is not equipped for forensic examinations.

The medical facility closest to HMC, which is equipped to provide emergency care and provide sexual assault medical exams is:

Pomona Valley Hospital Medical Center (“PVHMC”)

1798 North Garey Ave.

Pomona, CA 91767

Phone: 909.865.9500

Emergency Room: 909.865.9600

PVHMC is also a Los Angeles County Designated Sexual Assault Response Team ("SART") Center. A SART is a trauma-informed/survivor-sensitive program designed to provide a team approach to responding to sexual assaults.

Additional Campus Resources

In addition to the Title IX team and the resources listed above, HMC community members have access to a variety of other resources provided by the College. The staff members listed below are trained to support individuals affected by sexual violence and to coordinate with the Title IX Coordinator consistent with the College's commitment to a safe and healthy educational environment.

HMC On-Call Dean

An on-call dean is available for assistance outside of normal business hours by contacting Campus Safety and asking to be connected to the HMC on-call dean at 909.607.2000.

Campus Safety

Phone 909.621.8170

Office: Administrative Campus Center (ACC)

Hours: 24/7

Website: Campus Safety

Student Health Services

Phone: 909.621.8222

Office: Tranquada Student Services Center, 1st Floor

Hours: Monday, Tuesday, Friday, 8 a.m.–5 p.m.

Wednesday, 8 a.m.–7 p.m.

Thursday, 9 a.m.–5 p.m.

(for after-hours emergencies, call Campus Safety)

Special services: STI testing, confidential HIV testing, contraception and counseling, emergency contraception/Plan B, pregnancy testing and counseling

Website: Student Health Services

HMC Employee Assistance Program, Optum (for eligible faculty and staff)

800.234.5465

Live and Work Well (access code: claremontcolleges)

If you are a victim or survivor of sexual misconduct, the sooner you seek help, the more options you have available to you. The following steps are important to take as soon as possible.

Reporting

The College encourages all individuals to seek assistance from a medical provider and/or law enforcement immediately after an incident of sexual violence. This is the best option to ensure preservation of evidence and to begin a timely investigative and remedial response.

The College will provide assistance in notifying law enforcement if the individual so chooses. An individual who experiences sexual violence also has the right to decline to notify law enforcement.

Making a report to the College and law enforcement are not mutually exclusive. Both internal and criminal reports may be pursued simultaneously. The College has a strong interest in supporting individuals who have been subjected to sexual violence and other forms of Prohibited Conduct.

Making a report means telling someone in authority what happened, whether in person, by telephone, in writing, or by email. At the time a report is made, a Complainant does not have to decide whether or not to request any particular course of action, nor does a Complainant need to know how to label what happened. Choosing to make a report and deciding how to proceed after making the report can be a process that unfolds over time.

The College provides support that can assist each individual in making these important decisions and, to the extent legally possible, will respect an individual's autonomy in deciding how to proceed. In this process, the College will balance the individual's interest with its obligation to provide a safe and non-discriminatory environment for all members of the College community.

Any individual who reports Prohibited Conduct can be assured that all reports will be investigated and resolved in a fair and impartial manner. A Complainant, a Respondent, and all individuals involved can expect to be treated with dignity and respect. Upon receipt of any report under this Policy, the College will make an immediate assessment of any risk of harm to the Complainant or to the broader campus community and will take reasonable steps necessary to address those risks. Such steps will include interim measures to provide for the safety of the individual and the campus community.

Emergency and External Reporting Options

HMC strongly encourages all individuals who experience any form of Prohibited Conduct that may involve criminal conduct to file a report with the police department that has jurisdiction over the location where the incident occurred. If the incident occurred on campus, or elsewhere in Claremont, the **Claremont Police Department** can be reached by calling Campus Safety if on campus (909.607.2000) or by dialing 911 if off campus.

An on-call dean also is available to respond to calls for assistance outside of normal business hours and can be reached by calling Campus Safety (909.607.2000) and requesting to be connected to the HMC on-call dean.

As indicated above, the medical facility nearest to HMC which is equipped to provide emergency care is Pomona Valley Hospital Medical Center.

Reporting Parties may also pursue civil remedies (including a temporary restraining order or injunctive relief) from a court of law or file an administrative complaint with a government agency. For more information concerning external complaint resolution options, see Appendix B to this Policy for more information concerning External Complaint Resolution Options.

Campus Reporting Options

Reports concerning conduct prohibited under this Policy should be submitted to the Title IX Coordinator, a Deputy Title IX Coordinator, or a "responsible employee" by telephone, by email, or in person as soon as possible after an incident. Reports may be submitted to the Title IX Team online at: https://cm.maxient.com/reportingform.php?HarveyMuddCollege&layout_id=2.

Reports may also be submitted to:

Campus Safety

Phone 909.621.8170

Office: Administrative Campus Center (ACC)

Hours: 24/7

Website: Campus Safety https://services.claremont.edu/campus-safety/

Anonymous Reporting

Any individual may make an anonymous report concerning an act of Prohibited Conduct. An individual may report the incident without disclosing their name, identifying the Respondent, or requesting any action. The College's ability to respond to an anonymous report may, however, be limited depending on the extent of information available about the incident or the individuals involved. Upon receiving an anonymous report, the Title IX Coordinator will determine any appropriate steps, such as possible timely warning notifications

All reports go to the Title IX Coordinator or Campus Safety. The links to these reporting pages are respectively (1) Title IX Incident Report Form – Sexual Harassment and/or Sexual Misconduct and (2) Silent Witness Incident Reporting.

Upon receiving an anonymous report, the Title IX Coordinator will determine any appropriate steps, including individual or community remedies as appropriate, in consultation with the Assistant Vice President of Campus Safety and in compliance with all Clery Act obligations.

Reporting Considerations: Timeliness and Location of Incident

Reporting Parties and third parties are encouraged to report Prohibited Conduct as soon as possible to maximize the College's ability to respond promptly and effectively.

There is no time limit for making a report involving Prohibited Conduct, but HMC's ability to respond may diminish over time, as evidence may erode, memories may fade and Responding Parties may no longer be affiliated with HMC.

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

If the Respondent is not a member of the HMC community, the College will still seek to take steps to end the harassment, prevent its recurrence and address its effects, though HMC's ability to take disciplinary action against the Respondent may be limited.

Amnesty for Alcohol or Other Drug Use

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

Coordination with Law Enforcement

As explained above, the College will assist a person who experiences sexual or intimate partner violence, or other forms of Prohibited Conduct which may constitute a crime, in making a criminal report and will cooperate with law enforcement agencies if an individual decides to make a criminal complaint.

The burden of proof to establish a violation of this Policy differs from California criminal law. An individual may seek recourse under this Policy and/or pursue criminal action. Neither law enforcement's determination whether or not to prosecute a Respondent, nor the outcome of any criminal prosecution, are determinative of whether a violation of this Policy has occurred. Proceedings under this Policy may be carried out prior to, simultaneously with, or following off-campus civil or criminal proceedings.

At the request of law enforcement, the College may agree to defer its complaint resolution process until after the initial stages of a criminal investigation. The College will, nevertheless, communicate with the Complainant regarding Title IX rights, procedural options and the implementation of interim measures to assure the safety and well-being of the Complainant. The College will promptly resume its complaint resolution process as soon as it is informed that law enforcement has completed its initial investigation.

Statement Against Retaliation

It is a violation of College policy to retaliate in any way against an individual because they raised allegations of Prohibited Conduct. The College recognizes that retaliation can take many forms, including threats, intimidation, pressuring, continued abuse, violence, or other forms of harm to others; that retaliation may be committed by or against an individual or a group; and that a Complainant, Respondent, or third party may commit or be the subject of retaliation.

The College will take immediate action in response to any report of retaliation and will pursue disciplinary action as appropriate. An individual reporting Prohibited Conduct is entitled to protection from any form of retaliation following a report that is made in good faith, even if the reported Prohibited Conduct is later not proven.

False Reports

The College will not tolerate intentional false reporting of incidents. The College takes the accuracy of information very seriously, as a charge of Prohibited Conduct may have severe consequences. A good-faith complaint that results in a finding of not responsible is not considered a false or fabricated accusation of sexual misconduct. However, when a Complainant or third-party witness is found to have fabricated allegations or given false information with malicious intent or in bad faith, the individual may be subject to disciplinary action. Intentionally making a false report of any

policy violation constitutes a violation of the Code of Conduct and may also constitute a violation of state criminal statutes and civil defamation laws.

Reports Involving Minors or Suspected Child Abuse

Under California law, all College employees are required to promptly report suspected child abuse and/or neglect, including sexual assault, when they know or reasonably suspect that a minor under the age of 18 has been the victim of child abuse or neglect. This duty exists regardless of whether the abuse or neglect is observed at work or in our private lives.

All College employees are required to immediately report any suspected child abuse and neglect to one of the numbers set forth below. If the abuse or neglect involves a member of the College community, the employee should also promptly report the incident to the Title IX Coordinator or a member of the Title IX team. The source of abuse does not need to be known in order to file a report.

It is not the responsibility of any employee, student, or volunteer to investigate suspected child abuse. This is the role of Child Protective Services and law enforcement authorities.

In addition to notifying the Title IX Coordinator or member of the Title IX team, any individual is required to make a direct report as follows:

- If a child is in immediate danger, call 911.

If there is no immediate danger, contact the Los Angeles County Department of Children and Family Services' Child Protection Hotline, 800.540.4000, or website, https://dcfs.lacounty.gov/contact/report-child-abuse/

Interim Measures (Supportive and Protective)

Overview

Upon receipt of a report of Prohibited Conduct, the College will impose reasonable and appropriate supportive and protective measures ("interim measures") designed to eliminate the hostile environment and protect the parties involved. The College will make reasonable efforts to communicate with the parties to ensure that all safety, emotional and physical well-being concerns are being addressed. Interim measures may be imposed regardless of whether formal disciplinary action is sought by the Complainant or the College. The College will consider reasonable requests for remedies by the parties, as evaluated by the Title IX team, and will communicate decisions in writing. Interim measures should be designed to minimize the impact on the parties.

All individuals are encouraged to report concerns about the failure of another individual to abide by any restrictions imposed by an interim measure. The College will take immediate and responsive action to enforce a previously implemented measure.

Range of Measures

Interim measures will be implemented at the discretion of the College. Potential remedies, which may be applied to the Complainant and/or the Respondent, include:

- Access to on-campus counseling services and assistance with referrals to off-campus care
- Imposition of a no-contact directive
- Rescheduling of exams and assignments (in conjunction with appropriate faculty)
- Providing alternative course completion options (with the agreement of the appropriate faculty)

- Change in class schedule, including the ability to take an “incomplete,” to drop a course without penalty, or to transfer sections (with the agreement of the appropriate faculty)
- Change in work schedule or job assignment
- Change in on-campus housing
- Arranging to cancel a housing contract and pro-rating a refund in accordance with HMC housing policies
- Assistance from College support staff in completing housing relocation
- Limiting an individual or organization’s access to certain College facilities or activities pending resolution of the matter
- Voluntary leave of absence
- Providing an escort to ensure safe movement between classes, activities and employment responsibilities
- Providing student health services
- Providing academic support services, such as tutoring
- Interim suspension or College-imposed leave
- Any other remedy that can be tailored to the involved individuals to achieve the goals of this Policy

Interim Suspension or Separation

Where the report of Prohibited Conduct poses a substantial and immediate threat of harm to the safety or well-being of an individual, members of the campus community, or the performance of normal College functions, the College may place a student or student organization on interim suspension, or may impose leave for an employee. Pending resolution of the report, the individual or organization may be denied access to the campus, to specific campus facilities, and/or to any College activities or privileges for which they might otherwise be eligible, as the College determines appropriate. When interim suspension or leave is imposed, the College will make reasonable efforts to complete the investigation and resolution within an expedited time frame.

Procedures governing the interim suspension of students are contained in the Student Handbook. Provisions for suspension of faculty members are contained in the Faculty Notebook. Staff may be placed on leave at the discretion of the College.

Complaint Resolution Procedures

Overview

Resolving a complaint against a student, a faculty member, or a staff member will involve the same stages: an initial assessment and if there is reasonable cause to believe that a violation of this Policy has occurred, either informal or formal resolution. Different resolution procedures are used depending on whether the Respondent is a student, a faculty member, or a staff member.

The Role of the Title IX Team

The Title IX team, led by the Title IX Coordinator, assists in assessing and resolving reports involving violations of this Policy.

Although there are many reporting channels, all reports must be referred to the Title IX team to ensure the consistent application of this Policy and to enable the College to promptly eliminate, prevent the recurrence of, and address the effects of Prohibited Conduct.

The Title IX team's members are available to both students and employees, and to both Reporting Parties or Responding Parties, to provide guidance throughout the complaint resolution process.

Initial Title IX Assessment

Upon every report of Prohibited Conduct, the College will make an immediate assessment of any risk of harm to individuals or to the campus community and will take steps necessary to address such risks. These steps may include interim protective measures to provide for the safety of the individual and the campus community.

The initial review will proceed to the point where a reasonable assessment of the safety of the individual and of the campus community can be made. Thereafter, if there is reasonable cause to believe that a violation of the Policy has occurred, the matter will be referred for either informal or formal resolution, depending on a variety of factors, such as the nature of the allegation, the Complainant's wish to pursue disciplinary action and the risk posed to any individual or to the campus community by proceeding formally or informally.

Informal Resolution

Informal resolution is a remedy-based, non-judicial approach designed to eliminate Prohibited Conduct, prevent its recurrence and remedy its effects in a manner that meets the needs of the Complainant and campus community without taking disciplinary action against a Respondent. In determining whether a matter is appropriate for informal resolution, the Title IX Coordinator will consider a range of factors, including the severity of the alleged Prohibited Conduct and the College's legal obligations.

Where the Title IX Coordinator concludes that informal resolution may be appropriate, the College will take immediate and corrective action through the imposition of individual and community remedies designed to maximize the Complainant's access to the educational and extracurricular activities at the College and to eliminate a hostile environment. Examples of supportive and protective remedies are provided in Section VIII of this Policy, Interim Measures (Supportive and Protective). Other potential remedies include educational programming or training, direct confrontation of the Respondent, and/or indirect action by the Title IX Coordinator or the College. Depending on the form of informal resolution used, it may be possible to maintain anonymity.

The College will not compel a Complainant to engage in mediation, to directly confront the Respondent, or to participate in any particular form of informal resolution. Mediation, even if voluntary, may not be used in cases involving sexual violence. The decision to pursue informal resolution will be made when the College has sufficient information about the nature and scope of the conduct, which may occur at any time. Participation in informal resolution is voluntary, and a Complainant can request to end informal resolution at any time.

The Title IX Coordinator will maintain records of all reports and conduct referred for informal resolution. Informal resolutions will typically be completed within thirty (30) business days of the initial report.

Formal Resolution

Disciplinary action against a Respondent may only be taken through formal resolution procedures. Different resolution procedures apply depending on whether the Respondent is a student, faculty member, or staff member, but all procedures are guided by the same principles of fundamental fairness and respect for all parties, which require notice, an equitable opportunity to be heard and an equitable opportunity to respond to a report under this Policy.

The following formal resolution procedures apply based upon the role of the Respondent:

- Where an allegation is made against a student Respondent, complaints are handled through the processes outlined in Appendix A of this Policy;
- Where the Respondent is a faculty member, teaching/research assistant or staff member, complaints are handled in accordance with HMC's Prohibited Discrimination and Harassment Policy; and
- Where there are multiple Responding Parties or a Respondent with varying statuses, the Title IX Coordinator, in consultation with appropriate administrators, shall determine which procedure(s) will apply.
- Where the Respondent is an employee or student from one of the other Claremont Colleges, The Claremont Colleges Services or affiliates (e.g., California Botanical Garden), HMC will investigate the matter and take steps to stop the conduct and remedy its effects to the extent reasonably possible. Procedures that may lead to the imposition of discipline against the Respondent will, however, be those of the Respondent's home institution.

To determine whether a Respondent is responsible for a violation of this Policy, HMC applies a preponderance-of-the-evidence standard, meaning that HMC determines whether it is "more likely than not," based upon all of the evidence, that the Respondent is responsible for the alleged violation.

Time Frame for Resolution

The College seeks to resolve all reports within sixty (60) business days of the initial report. All time frames expressed in this Policy are meant to be guidelines rather than rigid requirements. Extenuating circumstances may arise which require the extension of time frames, including extension beyond 60 days. Extenuating circumstances may include the complexity and scope of the allegations, the number of witnesses involved, the availability of the parties or witnesses, the effect of a concurrent criminal investigation, any intervening school breaks or vacations, or other unforeseen circumstances.

In general, a Complainant and Respondent can expect that the process will proceed according to the time frames provided in this Policy. In the event that the investigation and resolution exceed such time frames, the College will notify all parties of the reason(s) for the delay and the expected adjustment in time frames. Best efforts will be made to complete the process in a timely manner by balancing principles of thoroughness and fundamental fairness, promptness and impartiality from the initial investigation until the final result.

Miscellaneous and Special Provisions

A. Application of Policy

This Policy applies to all reports of Prohibited Conduct occurring on or after the effective date of this Policy. Where the date of the reported Prohibited Conduct precedes the effective date of this Policy, the definitions of Prohibited Conduct in existence at the time of the report will be used. The complaint resolution process under this Policy will be used to investigate and resolve all reports made or pending on or after the effective date of this Policy, regardless of when the incident(s) occurred.

B. Advisor/Support Person

The Complainant and Respondent may be assisted and supported, in any meeting or other aspect of the processes and procedures outlined in this Policy, by an advisor/support person (including legal counsel) of her/his choice.

C. Academic Freedom

HMC adheres to principles of academic and expressive freedom. Nothing in this Policy shall be construed to limit the legitimate exercise of academic and expressive freedom, including but not limited to written, graphic, or verbal expression that can reasonably be demonstrated to serve a legitimate educational purpose. Nor shall this Policy be interpreted or applied in a manner that is inconsistent with California Education Code section 94367.

D. Consensual Relationships

1. Staff

The College discourages consensual intimate, amorous, or sexual relationships between students and staff and prohibits such relationships whenever a staff member assigned to an instructional, research, administrative, or other College employment responsibility is involved in a relationship with a student whom he or she supervises or evaluates or over whom he or she exercises authority.

2. Faculty

The College discourages consensual intimate, amorous, or sexual relationships between students and faculty. A sexual relationship between a faculty member and a student for whom the faculty member has, or should reasonably expect to have, academic responsibility entails a conflict of interest and, therefore, a breach of professional integrity. Accordingly, such relationships are prohibited even if consensual. Academic responsibility includes responsibility for teaching, advising, evaluating, or supervising a student in any aspect of the College's academic programs or the academic programs of other institutions of The Claremont Colleges.

E. Modification of Procedures and Processes

The College retains the authority to adapt or modify the complaint resolution process, for good cause and absent substantial conflict with the procedures and processes contained in this Policy, as part of the responsibility to ensure an equitable and prompt process for all parties. Certain modifications may, for example, be necessary to allow for the fair and prompt resolution of a complaint when it is received at the end of a term or during a break in the College's academic schedule.

F. Records and Record Retention

Records of all reports involving a violation of this Policy, and of the outcomes of such reports, shall be maintained by the Title IX Coordinator for the period of time mandated by applicable law and HMC's Record Retention Policy.

Should a student or employee be found to have violated this Policy, a record of the complaint and of any disciplinary action taken shall be made part of the student's conduct record or the employee's personnel file. Such records shall be used in reviewing any further conduct, or developing sanctions, and shall remain a part of a student's conduct record or an employee's personnel record.

When a student is permanently separated from HMC through a disciplinary dismissal, this is noted on the student's academic transcript. The Division of Student Affairs maintains indefinitely the conduct files of students who have been suspended or dismissed for disciplinary reasons. The conduct files of students who have not been disciplinarily

suspended or dismissed are maintained by the Division of Student Affairs for no fewer than seven years from the date of the incident.

G. Policy Dissemination

The Title IX Coordinator, Dean of Students, and Human Resources Office are responsible for distributing copies of this Policy to members of the HMC community. A notice of nondiscrimination which makes specific reference to this Policy and the College's Prohibited Discrimination, Harassment and Retaliation Policy shall also be provided to individuals employed by contract to perform services at HMC as well as to volunteers. References to this Policy are included in faculty, staff and student orientation materials and handbooks. In addition, this Policy is continuously available at appropriate campus locations and on the HMC website.

H. Policy Sources

California Education Code (Cal. Ed. Code §§ 200, *et seq.*; 66250, *et seq.*; 94385); California Fair Employment and Housing Act (Cal. Gov't Code §§ 12900, *et seq.*); Title VII of the Civil Rights Act of 1964 (42 U.S.C. §§ 2000e, *et seq.*); Title IX of the Education Amendments of 1972 (20 U.S.C. §§ 1681, *et seq.*); Jeanne Clery Campus Safety Act (20 U.S.C. §§ 1092(f), *et seq.*); Violence Against Women Reauthorization Act of 2013 (Pub. Law 113-4).

Appendix A: Procedures for Resolving Complaints Against Students

Overview

Harvey Mudd College ("HMC" or "College") will take prompt and appropriate action to address all student reports of Prohibited Conduct (as defined in section II.A of the HMC Sexual Misconduct and Complaint Resolution Policy ("Policy") in violation of the Policy. The Complainant (as defined in section II.B of the Policy), Respondent (as defined in section II.B of the Policy), and all other participants in the process will be treated with dignity, care and respect.

Advisor/Support Person

A Complainant, Respondent, or witness (as defined in Section II.B of the Policy) may have an advisor/support person of their choice with them at all meetings and any hearing that they attend in connection with the procedures outlined below.

The advisor/support person may be a friend, mentor, family member, attorney, member of The Claremont Colleges community, or any other person, as long as they are not also a witness or otherwise a participant in the complaint resolution proceedings.

An advisor/support person may not make a presentation or represent the Complainant or Respondent during any meeting or proceeding, except as otherwise provided herein. During any meeting or proceeding, the adviser/support person is present to observe and provide support and counsel to the party.

Although reasonable attempts will be made to schedule proceedings consistent with the advisor/support person's availability, the process will not be delayed to schedule the proceedings at the convenience of the support person. The Title IX Coordinator has the right at all times to determine what constitutes appropriate behavior on the part of an advisor/support person and to take appropriate steps to ensure compliance with the Policy and these procedures.

Initial Assessment

Upon receipt of a report of Prohibited Conduct committed by a student, the Title IX Coordinator or a Deputy Title IX Coordinator will make an initial assessment of the report, which will include an immediate assessment of any risk of harm to individuals or to the campus community, and will take steps necessary to address any such risks.

During an initial intake meeting with the Complainant, the Coordinator will:

- Assess the immediate physical safety and emotional well-being of the Complainant or any other individual involved, and make medical referrals as appropriate;
- Inform the Complainant of the right to notify (or decline to notify) law enforcement if the conduct is potentially criminal in nature, and the importance of the preservation of evidence;
- Make inquiries to understand the key facts upon which the Complainant bases the report (i.e., the who, what, where and when) to appropriately assess how to proceed;
- Assess the reported conduct to determine whether, under applicable federal law, the campus community should be notified;
- Discuss the range of Interim Measures (Supportive and Protective) available to the Complainant, including changes to academic, living, transportation and/or working situations, regardless of whether the Complainant files a formal complaint with HMC or local law enforcement;
- Provide the Complainant with written information about on- and off-campus resources and about the options for resolution, including informal and formal resolution procedures under the Policy;
- Discuss the Complainant's expressed preference for a manner of resolution and wishes with regard to protecting privacy;
- Explain to the Complainant the College's policy prohibiting retaliation;
- Notify the Complainant of the right to be accompanied to any meeting by an advisor/support person of choice;
- Determine the respective ages of the Complainant and Respondent, and if one is a minor, make the appropriate notifications under California's child abuse and neglect reporting requirements; and
- If the conduct is potentially criminal in nature, arrange to enter non-identifying information about the report into the College's daily crime log.

The Coordinator may also meet with the Respondent and other relevant parties as part of the initial assessment. If the Coordinator meets with the Respondent, the Respondent will be provided with information on the Respondent's rights and options under the Policy and these procedures, and with written materials about the availability and contact information of on- and off-campus support resources.

At the conclusion of the intake process, the Title IX Coordinator, or the Deputy Title IX Coordinator in consultation with the Title IX Coordinator, will make two threshold determinations: (1) whether the Complainant alleges conduct that, if true, could constitute a violation of this Policy, and (2) if so, whether the College should proceed through informal or formal resolution procedures.

If the first threshold is not met, the Complainant will be so advised, and the College will not proceed further. The College will, however, maintain a record of the report which may be considered in connection with any future complaint or investigation. If new evidence is provided at a later date, the Title IX Coordinator may reopen the complaint resolution process.

If the Complainant wishes to appeal a determination that the first threshold is not met, the Complainant may do so by submitting a written request for review to the Vice President for Student Affairs and Dean of Students (Dean of Students) within five (5) business days of receiving notification of the determination. The Dean of Students (or designee) will render a decision in writing within ten (10) business days of receiving the request for review. The decision of the Dean of Students (or designee) is final.

Notice to the Respondent

When a decision is made to initiate complaint resolution procedures, to impose interim measures (as defined in Section VIII of the Policy), or to take any other action that impacts a Respondent, the Title IX Coordinator will ensure that the Respondent is promptly notified in writing and is provided with information concerning the Respondent's rights and options under the Policy and these procedures, and with written materials about the availability and contact information of on- and off-campus support resources.

The written notice will state facts sufficient to apprise the Respondent of the nature of the allegations, including the Complainant's name; the nature of the alleged policy violation(s) (*e.g.*, sexual assault, harassment, exploitation, retaliation); the date(s) of the alleged policy violation(s); the location(s) where the violation(s) allegedly occurred; a brief description of the allegations; and the sanctions that may be imposed if the Respondent is found to have violated the Policy.

The notice will also include a statement that the Respondent is presumed not responsible for the alleged conduct, and that a determination regarding responsibility will be made at the conclusion of the process. The Complainant will also receive a copy of the notice.

Informal Resolution

If, following the initial assessment, the first threshold is met, the Title IX Coordinator will determine whether informal resolution is an option for dealing with the matter. Informal resolution is a remedy-based, non-judicial approach designed to eliminate Prohibited Conduct, prevent its recurrence and remedy its effects in a manner that meets the needs of the Complainant and campus community without disciplinary action against a Respondent. In determining whether the matter is appropriate for informal resolution, the Title IX Coordinator will consider a range of factors, including the severity of the alleged Prohibited Conduct and the College's legal obligations.

Where the Title IX Coordinator concludes that informal resolution may be appropriate, the College will take immediate corrective action through the imposition of individual and community remedies designed to eliminate a hostile environment and maximize the Complainant's access to educational and extracurricular activities at the College. Examples of supportive and protective remedies are provided in Section VIII of the Policy, Interim Measures (Supportive and Protective). Further potential remedies include targeted or broad-based educational programming or training, direct confrontation of the Respondent, and/or indirect action by the Title IX Coordinator or the College. Depending on the form of informal resolution used, it may be possible to maintain anonymity.

The College will not compel a Complainant to engage in mediation, to directly confront the Respondent, or to participate in any particular form of informal resolution. Mediation, even if voluntary, may not be used in cases involving sexual violence. The decision to pursue informal resolution will be made whenever the College has sufficient information about the nature and scope of the conduct, which may occur at any time. Participation in informal resolution is voluntary, and a Complainant can request to end an Informal resolution at any time.

The Title IX Coordinator will maintain records of all reports and conduct referred for Informal resolution. Informal resolution will typically be completed within thirty (30) business days of the initial report.

Formal Resolution

If, following the initial assessment, the first threshold is met, the Complainant alleging Prohibited Conduct may elect to pursue a formal resolution. Options for formal resolution include a conduct conference resolution or an investigative resolution (which involves an investigation, a hearing, sanctions if applicable, and appeal).

Conduct Conference Resolution

A conduct conference provides an opportunity for the Respondent to accept responsibility for their alleged conduct and proceed to a resolution without a formal investigation or hearing. If the Respondent agrees to a conduct conference, the Title IX Coordinator will meet with the Respondent to review the allegations. The Title IX Coordinator will provide the Respondent with information about the Respondent's rights, information about options under the Policy and these procedures, and written materials about the availability and contact information of campus resources and services. The Title IX Coordinator will offer the Respondent the opportunity to resolve the complaint through an administrative resolution by accepting responsibility for the alleged conduct. If the Respondent elects to acknowledge that the alleged conduct occurred and takes responsibility for the alleged conduct, the Respondent will sign a written acknowledgement, and the matter will be referred to the Dean of Students (or designee) for a decision concerning sanctions and any other remedial action that may be appropriate. The Complainant and Respondent will be notified of the resolution and any sanctions against the Respondent simultaneously, in writing. Either party may appeal the sanctions imposed, as provided in Section VIII, below.

If the Respondent contests responsibility for the alleged conduct, the conduct conference process will be concluded, and the matter will be referred for investigative resolution.

Investigative Resolution

As noted above, investigative resolution involves an investigation, a hearing, sanctions if applicable, and appeal.

Investigation

a. The Title IX Coordinator will either undertake an investigation of the complaint or select an internal or external investigator, or two-person investigative team (which may include two internal investigators, two external investigators, or a combination of one internal and one external investigator), to conduct an investigation. The investigator shall have specific training provided by entities such as SUNY Conduct Institute, ATIXA, etc., and experience investigating allegations of sexual harassment and sexual misconduct. The parties will have three (3) business days after being notified of the investigator's identity to object to the investigator's selection on the basis of perceived conflict of interest, bias, or prejudice. If either of the parties objects to the investigator selected, the Title IX Coordinator will evaluate whether the objection is substantiated, and if so, the Title IX Coordinator will remove and replace the investigator.

b. The investigator typically will meet separately with the parties and pertinent witnesses; offer the parties equal opportunity to submit and/or identify relevant information or evidence and to suggest questions to be posed to the other party or witnesses; and gather other relevant information or evidence reasonably available to the investigator and College, including documents, photographs, disciplinary history, social media, communications between the parties, medical records (with appropriate consent) and other electronic records as appropriate. Following the interview, each person will be provided with a draft summary of their statement so that they have the opportunity to comment on the summary and ensure its accuracy and completeness.

The investigator will review all information identified or provided by the parties and any other evidence obtained, and will determine the relevance and probative value of the information developed or received during the investigation. Witnesses must have observed the acts in question or have information relevant to the incident and may not participate solely to speak about an individual's character.

The Respondent will be informed in writing if during the investigation, conduct is disclosed which may constitute a further violation of this Policy, and will be afforded an opportunity to respond before the investigation is concluded.

All evidence obtained as part of the investigation will be shared with the parties for their review and comment as described below.

c. The preliminary investigation report shall include the investigator's summary of the investigation, the allegations at issue, disputed and undisputed facts, and all evidence (including both inculpatory and exculpatory), and witness statements. The investigator will not state an ultimate finding of whether the Respondent has or has not violated the Policy. The investigator shall submit the preliminary investigation report to the Title IX Coordinator. Once the Title IX Coordinator has agreed that the preliminary investigation is complete, the Title IX Coordinator will make the preliminary investigation report available to the parties simultaneously for review.

d. Within ten (10) calendar days after receiving the preliminary investigation report, both parties may provide written comments on the report, which may include proposing any follow-up questions for the other party or any witness, requesting a follow-up interview with the investigator to clarify or provide any additional information that such party believes is relevant to the investigation, identifying any new witnesses who should be interviewed, identifying any additional evidentiary materials that should be collected and reviewed to the extent that such items are reasonably available, and/or identifying and objecting to any information that such party believes was inappropriately included in the preliminary investigation report. The parties' comments will be attached to the final report. If the comments suggest that additional interviews or the consideration of additional material evidence is needed, the investigator, in consultation with the Title IX Coordinator, may determine that the investigation process will be extended.

e. After addressing any timely comments and updating the preliminary investigation report as necessary, or after the comment period has elapsed without comment, the Investigator will prepare a final investigation report that will contain all information from the preliminary report, supplemented by any additional information gathered. The final investigation report will not include an ultimate finding of whether the Respondent has or has not violated the Policy; however, if the Respondent admits responsibility for a violation of the Policy, the investigator's final investigation report will so indicate.

f. The investigator shall submit the final investigation report to the Title IX Coordinator. Once the Title IX Coordinator has agreed that the final investigation report is complete, the Title IX Coordinator will make the final investigation report available simultaneously to the parties. The parties will also be provided with information concerning next steps.

g. Given the sensitive nature of the information provided in the preliminary and final investigation reports, the Title IX Coordinator may elect to provide the parties access to the preliminary and/or final investigation reports in a secure manner (*e.g.*, by providing hard-copy materials in an office designated by the Title IX Coordinator, by providing digital copies of the materials through a protected "read-only" web portal). Neither

the Complainant nor the Respondent (nor the advisor/support person of either, including but not limited to family members and/or legal counsel) may copy, remove, photograph, print, image, videotape, record, or in any other manner duplicate or remove the information provided.

h. HMC will strive to complete the investigation (meaning the period from commencement of an investigation through completion of the final investigation report) within thirty (30) calendar days. This time frame may be extended as necessary to ensure the integrity and completeness of the investigation, depending on the availability of witnesses and/or the complexity of the circumstances.

i. At the request of law enforcement, the College may agree to defer its complaint resolution process until after the initial stages of a criminal investigation. The College will, nevertheless, communicate with the parties, consistent with law enforcement's request and the College's obligations, about resources and support, procedural options, anticipated timing and the implementation of any necessary interim measures for the safety and well-being of all affected individuals. The College will promptly resume its complaint resolution process as soon as the College is informed that law enforcement has completed its initial investigation.

Hearing

a. If a hearing is requested or required, the parties will have ten (10) calendar days after receiving the final investigation report to review the final investigation report and provide a response to the Title IX Coordinator. The Title IX Coordinator will ensure that each of the parties receives any response submitted by the other party.

b. The hearing is an opportunity for the parties to address a hearing panel or hearing officer in person and to question the other party and/or witnesses, and for the hearing panel or hearing officer to obtain information following the investigation which is necessary for a determination of whether a violation of the Policy occurred. The hearing is not intended to be a repeat of the investigation. The hearing panel or hearing officer will be well-versed in the facts of the case based upon the final investigation report and the Parties' responses to the report, if any.

c. The Dean of Students, in consultation with the Title IX coordinator, shall appoint a three-person hearing panel and shall appoint one of the hearing panel's members to serve as the panel chair. The panel shall be drawn from a pool of faculty and campus administrators who participate in annual training with respect to Title IX and this Policy. The Title IX Coordinator will coordinate the training via the SUNY Conduct Institute platform in conjunction with campus and external partners.

d. The Dean of Students, in consultation with the Title IX Coordinator and appropriate administrators, may elect to engage a qualified external hearing officer either to assist the hearing panel in the conduct of the hearing or to serve as the hearing officer in lieu of a panel. In determining whether to select a hearing officer, the Dean of Students will consider the nature of the allegations, the complexity of the case, whether there is any issue of conflict of interest, the availability of trained panel members, whether the College is in session or on break, and any other relevant factors.

e. The Title IX Coordinator will schedule a hearing date, time and location and provide the Parties with at least ten (10) calendar days' prior written notice of the hearing. The parties will also be provided with the names of the panel members and/or of any hearing officer. The parties will have three (3) business days after being notified of the identity of the panel and/or hearing officer to object to such person(s) on the basis of actual or perceived conflict of interest, bias, or prejudice. The Title IX Coordinator will evaluate whether the objection is substantiated, and if so, the Dean of Students, in consultation with the Title IX Coordinator, will remove and replace the panel member(s) and/or hearing officer.

f. In advance of the hearing, the Title IX Coordinator will contact the Complainant and Respondent to schedule a separate pre-hearing meeting with each party. At the pre-hearing meeting, each party will receive an explanation of the hearing process and have the opportunity to ask any questions. If the Complainant and/or

Respondent have elected to have advisors/support persons throughout the hearing process, the advisor/support person is encouraged to accompany the Complainant/Respondent to the pre-hearing meeting.

g. The hearing panel/officer has broad discretion to determine the hearing format. However, in all instances where a Respondent faces severe disciplinary sanctions (*i.e.*, expulsion or suspension) and the credibility of a witness (whether the Complainant, another witness, or both) is central to the adjudication of the allegation, the hearing panel/officer shall permit cross-examination of the parties and witnesses. Neither party shall be allowed to directly question or cross-examine the other during the hearing.

h. At least five (5) calendar days prior to the hearing, both parties shall submit in writing to the hearing panel/officer any questions that a party would like the hearing panel/officer to ask of the other party or of witnesses. The hearing panel/officer will decide whether the submitted questions are relevant to the matter and otherwise appropriate. This does not preclude either party from submitting questions during the hearing for the hearing panel/officer to ask of a party or witness.

The hearing panel/officer shall have the discretion to permit the parties' advisor/support person to cross-examine the other party and witnesses. Any request to permit a party's advisor/support person to cross-examine parties and/or witnesses should be submitted to the hearing panel/officer at least five (5) calendar days prior to the hearing.

In addition, five (5) calendar days prior to the hearing, the parties shall provide, for consideration by the hearing panel/officer, the names of any witnesses the parties suggest be called. Witnesses must have observed the conduct in question or have information relevant to the incident and may not be called solely to speak about an individual's character. In general, neither party will be permitted to call as a witness anyone who was not interviewed by the investigator as part of the investigation.
The hearing panel/officer shall decide the appropriateness of the potential identified witnesses and shall notify the parties prior to the hearing of the reasoning why any proffered witness would not be appropriate to call as a witness.

The hearing panel/officer shall likewise submit to the parties the names of additional witnesses who the hearing panel/officer would like to appear at the hearing. Although good-faith attempts shall be made by the College to secure the attendance of all requested and approved witnesses, the parties must recognize that the College does not have the power to subpoena witnesses to appear, and that accordingly, the College, through the Title IX Coordinator, will only be able to use good-faith efforts and HMC's own policies regarding cooperation to obtain the attendance of witnesses.

i. A typical hearing may include brief opening remarks by the hearing panel chair or hearing officer; questions posed by the hearing panel/officer to one or both of the parties; follow-up questions by one party to the other (typically with the Respondent questioning the Complainant first); questions by the hearing panel/officer to any witness including the investigator; and follow-up questions by either party (typically with the Respondent questioning the witness first). The hearing panel/officer also will afford either Party an opportunity to offer closing remarks at the end of the hearing. Offering closing remarks is completely voluntary.

j. The hearing is closed to all persons except the parties, the parties' respective advisors/support persons, appropriate witnesses while they are testifying, the Title IX Coordinator, and any person designated by HMC to serve as a hearing coordinator and/or note taker. Other than cross-examining the witnesses and the other party with the consent of the hearing panel/officer, advisors/support persons may not participate directly in, or interfere with, the proceedings. A record of the hearing, ordinarily in the form of a digital recording, will be made. Any such recording is College property. No other recording of the hearing is permitted.

k. As reasonable and appropriate, and based on the requests of the parties, the Title IX Coordinator will structure the hearing format to minimize or avoid any undue stress or burden on each party and to allow each party to hear the other's statement (such as participation by Skype, teleconference, or other means).

l. At any time prior to the close of the hearing, the parties may submit an impact or mitigation statement, no longer than 1,500 words, which will be considered by the hearing panel/officer and the Dean of Students (or designee) only upon a finding of responsibility for the alleged Policy violation. An impact statement is a written statement from the Complainant in which the Complainant describes the impact of the alleged Policy

violation on the Complainant, expresses the Complainant's preferences regarding appropriate sanctions, and identifies any aggravating circumstances that the Complainant wishes the hearing panel/officer to consider. A mitigation statement is a written statement from the Respondent in which the Respondent explains any factors that the Respondent believes should mitigate, or otherwise be considered in determining, the sanctions imposed. Impact and mitigation statements should be sent to the Title IX Coordinator, who will forward the submissions to the hearing panel/officer and ensure that each of the parties receives any statement submitted by the other party.

m. Following the close of the hearing, the hearing panel/officer will adjourn to executive session to consider all of the evidence and make a determination, by a preponderance of the evidence (and in the case of a hearing panel, by a majority vote), whether the Respondent has violated the Policy. This means that the hearing panel/officer will decide whether it is "more likely than not," based upon all of the evidence, that the Respondent is responsible for the alleged Policy violation. If the Respondent is found responsible for a violation of the Policy, the hearing panel/officer will also make a recommendation to the Dean of Students concerning the imposition of sanctions.

n. The hearing panel/officer will issue a written notice of hearing outcome which will contain the hearing panel/officer's factual findings, determination of whether a Policy violation occurred, rationale in support of the hearing outcome, and recommendations concerning sanctions if there is a finding of responsibility. The hearing panel/officer will strive to deliver the written notice of hearing outcome to the Dean of Students and the Title IX Coordinator within seven (7) calendar days of the hearing. Once the Dean of Students has acted on any sanction recommendation, the parties shall be provided simultaneous written notice of the hearing panel/officer's decision, the sanctions imposed by the Dean (if there is a Policy violation finding), and the appeal process.

Sanctions

If the Respondent is found responsible for a Policy violation, the hearing panel/officer shall make a recommendation to the Dean of Students (or designee) concerning the imposition of sanctions, who may accept, reject, or modify the recommended sanctions. The recommendation/imposition of sanctions should be guided by the following considerations: the interests of the community, the impact of the violation on the Complainant, documented student conduct history, and any mitigating or aggravating circumstances.

In connection with the recommendation/imposition of sanctions, the hearing panel/officer and/or Dean of Students (or designee) may also consider restorative justice outcomes that, taking into account the safety of the community as a whole, allow a Respondent to learn about the origins of their behavior, their responsibility for the behavior, and how they can change the behavior.

Sanctions may include, but are not limited to, one or more of the following:

- **Warning:** For minor infractions, the Respondent may be issued a written warning. The warning will be noted and may justify more severe sanctions in the event of any further violation of behavioral standards.

- **Conduct Probation:** The Respondent may be placed on conduct probation for a designated period of time and required to meet certain requirements during the probation. When a student is on conduct probation, they are subject to suspension or expulsion in the event of further violations of conduct standards. The student's academic advisor shall be advised of the student's probationary status.

- **Loss of Privileges:** The Respondent may be denied specific privilege(s) for a defined period of time. Privileges include, but are not limited to, participating in extracurricular activities and events (*e.g.*, social events, intercollegiate athletics, intramural programs, student organizations, student government); living

on campus; living in a specific residence hall; participating in commencement ceremonies; and having a vehicle on campus.

- **Restricted Access:** The Respondent's access to campus and/or participation in College-sponsored activities may be limited. Restrictions shall be clearly defined and may include, but are not limited to, exclusion from certain buildings or locations on campus and no-contact orders. In cases involving parties from different Claremont Colleges, restricted access may extend to other campuses.

- **Relocation or Removal from Residence Halls:** The Respondent may be assigned to a different room in the same residence hall or to a room in another residence hall, or the student may no longer be permitted to reside in HMC housing.

- **Community Service:** The Respondent may, as a sanction, be required to perform a specified number of hours of uncompensated service to the College, or to an off-campus non-profit organization, within a specified period of time. The assignment of duties must be preapproved by the Title IX Coordinator in consultation with appropriate College administrators. Students must provide appropriate documentation verifying their completed community service. Failure to complete the service satisfactorily within the specified period of time may result in further action through the student conduct process.

- **Educational Program/Project:** The Respondent may be required to complete a project, assignment, or activity to promote the Respondent's education and development. Such assignments are at the discretion of the hearing panel/officer. Assignments may include, but are not limited to, preparing a reflection or research paper; developing a presentation; engaging in a discussion with someone; writing an apology letter; reading specified materials; and completing an online training program dealing with sexual misconduct.

- **Referral for Counseling:** The Respondent may be required to meet with a health care provider and/or a mental health care provider (including a drug and alcohol counselor) within a specified time frame. In such a case, the student will be expected to participate fully in any relevant assessment requested by the provider and to comply with any consequent recommendation(s), such as a treatment plan or a referral to another provider.

- **Removal of Offending Cause:** The Respondent may be required to remove the item that was the subject of the complaint.

- **Restitution:** In cases where the Respondent is found responsible for damaging or misappropriating property, they may be required to reimburse the property owner for all or some of the cost.

- **Suspension:** The Respondent may be separated from the College for a defined period of time. During a period of suspension, the Respondent is neither permitted on campus nor permitted to participate in any College-sponsored or College-affiliated programs or activities. The terms of the suspension may include special conditions affecting the Respondent's eligibility for readmission, or to take effect upon readmission, including a term of conduct probation. During the suspension, the Respondent's transcript will bear the notation "ineligible to re-register" and the date range of the suspension. This notation will be removed upon the completion of the suspension.

- **Expulsion:** The Respondent may be separated from the College permanently. A student who has been expelled is neither permitted on campus nor permitted to participate in any College-sponsored or College-affiliated programs or activities. The Respondent's transcript will have the notation "ineligible to re-register."

- **Withholding of Degree:** Because a degree signifies not only successful completion of academic requirements, but also compliance with the College's standards and good standing in the HMC community, the College may, as a sanction for violation of this Policy, withhold a degree entirely or impose further conditions on the conferral of a degree (*e.g.*, require compliance with other sanctions as a prerequisite to the conferral of the degree).

In the event of an appeal, sanctions will normally be held in abeyance pending the outcome of the appeal. If, however, the College determines that there may exist a threat to the safety or welfare of the HMC community, sanctions will take effect immediately.

Appeals

Grounds for Appeal

Either party may appeal the hearing outcome and the sanctions on the grounds set forth below ("grounds for appeal"). However, if the Respondent accepted responsibility for the Policy violation, either party may appeal only the sanction determination.

1. **Significant Procedural Error**: A procedural error occurred which significantly affected the relevant decision/determination with respect to the appealing party (*e.g.*, substantiated bias, material deviation from established procedures). A description of the error and its impact must be included in the written appeal.

2. **New Information**: New information has arisen which was not known or available to the appealing party prior to the investigation determination; or information was improperly excluded from the investigation despite a request from the party to include it, which could have substantially affected the determination. Information that was known and available to the party but which the party chose not to present is not new information. A summary of the new or excluded evidence and its potential impact on the decision or determination must be included in the written appeal.

3. **Disproportionate Sanctions**: Either party may appeal the sanction because they feel that the sanction imposed for the Policy violation was disproportionate to the conduct found to have occurred. The written appeal must convey more than simple dissatisfaction with the sanction.

Appeal Procedures

1. Appeals must be submitted to the Dean of the Faculty (or designee) within five (5) business days of the date on which the person wishing to file an appeal is notified of the hearing panel/officer 's decision. The Dean of the Faculty has five (5) business days from the filing of the appeal to determine whether the appeal is based on one or more of the grounds for appeal. If the appeal is not based on one or more of the grounds for appeal, the appeal will be denied. If the appeal is not denied, the Title IX Coordinator will share the appeal with the other party, who shall have three (3) business days from the date on which the party is notified of the appeal to submit a response.

2. After the other party submits a response to the appeal or the time for the other party to submit a response lapses without a response, the Title IX Coordinator shall promptly send the appeal, any response, and the underlying appeal record to the President (or designee), who shall consider the appeal and take such action as s/he deems appropriate. The appeal record will consist of the investigator's final report and any supporting documents that accompany the report; any responses to the report submitted by the parties; the hearing

panel/officer ’s decision; impact and mitigation statements and any other documents that the Title IX Coordinator deems relevant to the appeal.

3. Appeals will be decided by the President (or the President’s designee) in a timely manner. There may, however, be circumstances that necessitate additional time for the President to reach a decision. While an appeal is under review, the Title IX Coordinator will update the parties about the timeline as necessary.

4. The Title IX Coordinator shall communicate the decision of the President (or the President’s designee) to the parties simultaneously. The decision of the President is final.

Miscellaneous and Special Provisions

Time Frame for Resolution

Typically, the student complaint resolution process (*i.e.*, assessment, investigation, hearing and appeal) will be completed within approximately sixty (60) calendar days following the College’s receipt of a report (i.e., complaint). This time frame may be extended for good cause, which may exist if there is an unavoidable delay due to academic breaks or other legitimate reasons, or if additional time is necessary to ensure the integrity and completeness of the investigation; to account for case complexities, including the number of witnesses and volume of information provided by the parties; or to accommodate the availability of witnesses and other persons integral to the complaint resolution process. In general, the parties can expect to receive periodic updates as to the status of the complaint resolution process.

Consolidated Investigations/Hearings

Where the Title IX Coordinator determines that an allegation of Prohibited Conduct includes more than one Respondent, the Title IX Coordinator may decide to investigate the allegation as a single matter and to institute a single resolution process. Similarly, where the Title IX Coordinator determines that multiple Reporting Parties have made allegations against one Respondent, the Title IX Coordinator may decide to investigate the reported events as a single matter and institute a single resolution process. If investigations/hearings involving multiple Reporting Parties and/or multiple Responding Parties are consolidated, each party will have access to all of the information being considered (subject to FERPA and other applicable privacy laws), including the information provided by all involved Reporting Parties, all involved Responding Parties, and all involved witnesses.

Respondent’s Conduct History

Generally, any prior HMC policy violation(s) by the Respondent are not admissible as information about the present allegation. The Title IX Coordinator may, however, supply information about previous behavior and/or complaints to the investigator or hearing officer/panel if:

1. The Respondent was previously found to be responsible for a similar violation; and
2. The information indicates a pattern of behavior by the Respondent and substantial conformity with the present allegation.

A Respondent’s prior conduct will be taken into consideration by the Dean of Students (or designee) when determining what sanction to impose.

Past Sexual History

The sexual history of a party, if offered by the other party, will not be admissible in an investigation or hearing. The parties’ past sexual interactions with one another also generally will not be admissible in an investigation or hearing unless the Title IX Coordinator determines that such information is highly relevant. If a party believes the past sexual

interactions of the parties to be relevant to the investigation and/or hearing, they must submit a written request to the Title IX Coordinator explaining the nature of the information and why the information is relevant to the investigation and/or hearing. The Title IX Coordinator will review the request and render a decision within two (2) business days.

Student Withdrawal and Notations in Academic Records

If a Respondent withdraws from the College while the complaint resolution process is pending, the presumption is that the College will complete the process despite the student's withdrawal. If the College elects to defer the process while the student is no longer enrolled, the student will be ineligible to re-register at the College until the process is completed. In such a case, the College will record the notation "ineligible to re-register" on the student's official transcript. The notation "ineligible to re-register" will also appear on the official transcript of a student who is suspended or expelled. When a student has withdrawn during a pending investigation, or has been suspended or expelled due to sexual misconduct, a notation of "ineligible to re-register" will be entered on their transcript.

Records

The Title IX Coordinator will retain records of all reports and complaints against students, whether resolved by means of informal or formal resolution. For reports and complaints against faculty and staff, records will be maintained in the Human Resources Office. For reports or complaints against faculty, records will be maintained in the Dean of Faculty Office.

Affirmative findings of responsibility in matters resolved through formal resolution remain part of a student's conduct record and an employee's personnel record. Such records shall be used in reviewing and developing sanctions for any further conduct.

When a student is permanently separated from HMC through a disciplinary dismissal, this is noted on the student's academic transcript. The conduct files of students who have been suspended or dismissed for disciplinary reasons are maintained by the Division of Student Affairs indefinitely. Conduct files of students who have not been disciplinarily suspended or dismissed are maintained by the Division of Student Affairs for no fewer than seven years from the date of the incident or the period of time mandated by applicable law and HMC's Record Retention Policy, whichever is longer. Further questions about record retention should be directed to the Division of Student Affairs.

Modification of Procedures and Processes

The College retains the authority to adapt or modify the complaint resolution process, for good cause and absent substantial conflict with the Policy and these procedures, as part of the responsibility to ensure an equitable and prompt process for all parties. Certain modifications may, for example, be necessary to allow for the fair and prompt resolution of a complaint that is received at the end of a term or during an academic break.

Responsible Employees

All faculty members, staff members, administrators, proctors, mentors, and some temporary student leaders (with the exception of those working in a confidential capacity such as counselors or chaplains) are obligated to report any disclosures related to the Harvey Mudd College community that involve allegations of sexual harassment, sexual misconduct, intimate partner violence, and stalking.

Should an allegation not fall under the jurisdiction of Title IX it could be adjudicated through the HMC Prohibited Discrimination, Harassment, and Retaliation Policy.

The following policy applied to all Harvey Mudd College students, faculty, and staff.

Prohibited Discrimination, Harassment, and Retaliation Policy

I. POLICY STATEMENT

Consistent with Harvey Mudd College's ("HMC" or "College") commitment to the principle of equal opportunity both as an institution of higher education and an employer, HMC prohibits discrimination and harassment based on race, color, creed, sex (including pregnancy, childbirth, breastfeeding or related medical conditions), gender, gender identity (including transgender identity and transitioning), gender expression and sex stereotyping, age, sexual orientation, national origin (including language use and protected use of a driver's license issued to undocumented persons under California Vehicle Code section 12801.9), ancestry, religion (including all aspects of religious belief, observance, religious dress and grooming practices), marital or registered domestic partner status, military service and veteran status, physical or mental disability, medical condition (including genetic characteristics and cancer or a record or history of cancer), genetic information, or any other legally protected class (collectively referred to as "protected characteristics" or "protected class"). The College also prohibits discrimination and harassment based on the perception that someone is a member of a protected class or is associated with a member of a protected class.

II. SCOPE OF POLICY

This Policy applies to all faculty, staff, and students of the College. It also applies to third parties (including but not limited to trustees, applicants, volunteers, unpaid interns, campus visitors, or vendors) who may have contact with members of the HMC community either on the HMC campus or at off-campus HMC events, programs, and activities, such as College functions hosted in private homes and College-sponsored conferences, meetings, study-abroad programs, internships, research and other programs. This Policy may also apply to off-campus conduct that does not occur at an HMC-sponsored event, program, or activity, if both parties are members of the HMC community, and if the conduct could have a substantial adverse effect on or pose a threat to members of the HMC community.

For purposes of the Policy, a Complainant is an individual alleged to be the subject of conduct that could constitute discrimination, harassment or retaliation ("Prohibited Conduct") as defined by this Policy. A Respondent is an individual, group, or organization who has been reported to have engaged in Prohibited Conduct. A Reporting Party is an individual who makes a report of alleged Prohibited Conduct. This can be any person, including individuals unassociated with HMC.

III. RESPONSIBILITY

All faculty, staff, students, and other members of the HMC community are responsible for ensuring that their conduct does not violate this Policy. If employees (i.e.: administrators, managers, supervisors, department chairs, faculty members), or residence hall proctors know that discrimination or harassment is occurring, receive a complaint of discrimination or harassment, or obtain other information indicating a possible violation of this Policy, they must take immediate steps to ensure that the matter is addressed.[1] Administrators, managers, supervisors, and department chairs have the further responsibility of preventing and eliminating discrimination and harassment within the areas they supervise.

IV. PROHIBITED CONDUCT

A. Discrimination

Prohibited discrimination is defined as any decision, act, or failure to act that improperly interferes with or limits an individual's or group's ability to participate in or benefit from the services, privileges, or activities of the College, or otherwise adversely affects an individual's employment, education, or living environment, when such decision, act, or failure to act is based on a protected characteristic (or based on a perception that an individual has the protected characteristic or associates with others who have, or are perceived to have, the protected characteristic).

Examples of discrimination include, without limitation: (1) denying an individual admission or employment based upon a protected characteristic, (2) denying pay increases, benefits, or promotions based on a protected characteristic, or (3) subjecting an individual to different academic standards or employment conditions because of a protected characteristic.

B. Harassment

1. Prohibited Harassment in General

Prohibited harassment is defined as conduct based on a protected characteristic (or based on a perception that an individual has the protected characteristics or associates with others who have, or are perceived to have, the protected characteristic) which is sufficiently severe, persistent or pervasive to alter or interfere with an individual's work or academic performance, or which creates an intimidating, hostile, or offensive work, educational, or living environment.

- Whether particular physical, verbal, or non-verbal conduct constitutes harassment in violation of this Policy will depend upon all of the circumstances involved, the context in which the conduct occurs, and the frequency, severity, and pattern of the conduct.
    - That one did not intend to harass an individual is no defense to a complaint of harassment. Regardless of one's intent, the effect and characteristics of one's behavior determine whether one's conduct constitutes harassment.
    - Conduct alleged to constitute harassment will be evaluated according to the objective standard of a reasonable person. Thus, conduct that is objectionable to some, but that is not severe, persistent, or pervasive enough to create an objectively intimidating, hostile, or offensive environment, is beyond the purview of this Policy.

Harassment can take many forms and will vary with the particular circumstances. Examples of harassment prohibited by this Policy may include, without limitation: (1) verbal conduct, such as epithets, derogatory jokes or comments, or slurs directed at an individual or group of individuals because of a protected characteristic; (2) visual displays, such as derogatory posters, photography, cartoons, or drawings not protected by policies on academic freedom and freedom of expression which ridicule or demean an individual on the basis of a protected classification; and/or (3) physical conduct, including unnecessary and unwanted touching and intentionally blocking normal movement. Generally, statements and/or conduct legitimately and reasonably related to the College's mission of education do not constitute harassment.

2. Sexual Harassment

One form of prohibited harassment is sexual harassment. For purposes of this Policy, sexual harassment may be either "quid pro quo" harassment, that is sexual advances or requests for sexual favors where submission is made an explicit or implicit term or condition of an individual's employment or education or where submission or rejection is used as

the basis for making employment or educational decisions affecting an individual; or "environmental " harassment, where the individual is subjected to a hostile or intimidating environment, in which verbal or physical conduct, because of its severity and/or persistence, is likely to interfere with an individual's work or education, or to affect adversely an individual's living conditions.

Sexual harassment includes harassment based on gender, gender identity, or gender expression, which may include acts of aggression, intimidation, or hostility, whether verbal, physical, graphic, or otherwise. To qualify as gender-based harassment, the conduct need not involve conduct of a sexual nature.

Examples of sexual harassment may include such conduct as: direct or implied threats that submission to sexual advances will be a condition of employment, work status, promotion, grades, or letters of recommendation; direct unwelcome propositions of a sexual nature; unwelcome subtle pressure for sexual activity, an element of which may be repeated requests for private meetings without an academic or employment purpose; and patterns of conduct which would cause discomfort to and/or humiliate a reasonable person at whom the conduct was directed and which include one or more of the following: (i) unnecessary touching, patting, hugging, or brushing against a person's body; (ii) remarks of a sexual nature about a person's clothing or body, whether or not intended to be complimentary; (iii) remarks about sexual activity or speculations about previous sexual experience; or (iv) other unwelcome offensive comments of a sexual nature, including sexually explicit statements, questions, jokes or anecdotes or certain unwelcome and offensive visual displays of sexually oriented images outside the educational context, including letters, notes, or electronic mail.

Sexual harassment may be committed by anyone, regardless of gender, age, position, or authority. While there is often a power differential between two persons, perhaps due to differences in age, social, educational, or employment relationships, harassment can occur in any context. It may affect the Complainant and/or third parties who witness or observe harassment and are affected by it.

3. Sexual Misconduct

Sexual misconduct is a form of sexual harassment and encompasses a range of behaviors, including but not limited to sexual violence, intimate partner violence, stalking (including cyber-stalking), and sexual exploitation. The College, together with other members of the Claremont Colleges Consortium, has adopted a comprehensive policy dealing with sexual harassment and specifically with sexual misconduct.

The policy can be found at [https://www.hmc.edu/student-life/title-ix-sexual-misconduct/] and is referred to as the Claremont Colleges Sexual Misconduct and Sex-Based Harassment Interim Policy (2024 Interim Policy). It is specifically designed to comply with Title IX of the Educational Amendments of 1972 (Title IX), a federal law that prohibits discrimination on the basis of sex and gender in a college's education programs and activities.

The Title IX Policy applies to any allegations of sexual harassment, including sexual misconduct, against HMC students that fall under that policy's definition of sexual harassment. Complaints by a HMC student against a student of another of the Consortium Colleges, or vice versa, are also governed by the Title IX Policy. Behavior that does not fall within the definition of sexual harassment under the Title IX Policy, but which, if proven true, would violate HMC policy will be reviewed and adjudicated under this Policy.

Allegations of sexual harassment against faculty and staff will be reviewed and adjudicated under this Policy, provided however, that if the alleged behavior would, if proven true, constitute a violation of Title IX., the College will use the Title IX Grievance Process to adjudicate the complaint, with the administration of the Process to be managed by the College and not the TCCS Title IX Administrator.

The processes and procedures to be used to review and adjudicate any student complaint of sexual harassment, including sexual misconduct, under this Policy shall comply with the requirements of Sections 66281.8 and 67386 of the California Education Code, and the definition of sexual harassment, sexual assault, intimate partner violence, stalking (including cyber-stalking), and sexual exploitation with California law. See e.g., Cal. Educ. Code §66262.5. Any investigation, hearing and/or appeal to be conducted in connection with a student complaint under this Policy shall utilize the investigative, hearing and appeal procedures contained in the Grievance Process section of the Title IX Policy applicable to students.

Students and all other members of the HMC community are strongly encouraged to become familiar with the Title IX Policy. Information concerning internal and external sexual misconduct reporting options, and campus and community resources available to aid victims of sexual misconduct can be accessed at Title IX and Sexual Assault or obtained from Danny Ledezma, the College's Title IX Coordinator, in person at Platt Campus Center, by telephone at 909.607.4015, or by email at dledezma@g.hmc.edu.

C. Retaliation

It is a violation of this Policy to take action against any individual for the purpose of interfering with any right or privilege secured by the Policy, or to retaliate against an individual because that individual raised allegations of discrimination or harassment, or otherwise cooperated or participated in the administration of this Policy. The College recognizes that retaliation can take many forms (*e.g.*, threats, intimidation, and reprisals), that retaliation may be committed by or against an individual or a group, and that a Complainant, Respondent, or third party may commit or be the subject of retaliation.

HMC will take prompt action to investigate any report of retaliation and will pursue disciplinary action as appropriate. An individual who in good faith reports what that individual believes to be Prohibited Conduct under this Policy is entitled to protection from any form of retaliation following the report, even if the reported Prohibited Conduct is later not proven.

V. COMPLAINT RESOLUTION PROCEDURES

A. Informal Resolution Procedures

Individuals who believe that they have been or may be the subject of discrimination, harassment, or other behavior prohibited by this Policy may choose to avail themselves of informal resolution procedures. Use of these procedures is not a prerequisite to the filing of a complaint under the formal resolution procedures described below. An individual who chooses to make use of informal resolution procedures may terminate the process at any time to pursue a formal complaint.

Informal resolution procedures are designed to correct, rather than punish, the offending behavior; sanctions ordinarily are imposed only within the formal, and not the informal, resolution framework.

1. Initiating Informal Resolution Procedures

Requests for assistance under these informal procedures may be oral or written and should be made as soon as possible after the most recent alleged act of discrimination, harassment, or retaliation.

Such requests should be directed to any of the following College representatives: vice presidents, managers, academic department chairs, Division of Student Affairs staff, Assistant Vice President for Human Resources, human resources staff, or, in cases involving sexual harassment or sexual misconduct, the Title IX Coordinator or a Deputy Title IX Coordinator[2].

To the greatest extent practicable and possible, requests for assistance under these informal procedures will be dealt with on a confidential basis, and disclosure of their existence will be made only as legally required or to those who, in the interests of fairness and problem resolution, have an immediate need to know. A person seeking assistance under these informal procedures who requests that their name be withheld from the person against whom the complaint is made must understand that it is not always possible to do so (and is not an option under formal resolution procedures). Such requests will be evaluated in the context of the College's obligation to provide a safe and discrimination/harassment-free learning, working, and living environment. Among the factors that HMC will consider is the seriousness of the alleged behavior and whether there have been other complaints concerning the person whose behavior is at issue.

Persons who wish to seek advice or assistance or to discuss options for dealing with issues involving discrimination, harassment, or other conduct prohibited by this Policy on a strictly confidential basis may do so by speaking with licensed counselors, clergy, medical providers in the context of providing medical treatment, and rape crisis counselors who, except in very narrow circumstances specified by law, will not disclose confidential communications. Students who wish to speak to a licensed counselor on a confidential basis may contact The Claremont Colleges Services' Monsour Counseling Center or the EmPower Center. The Employee Assistance Program is a resource for faculty and staff. The Chaplains of The Claremont Colleges are also available to counsel students, faculty, and staff on a confidential basis.

2. Approaches and Outcomes

An individual who requests assistance under the informal procedures will be advised of options for resolving the problem and about sources of further assistance. Informal resolution procedures may not be appropriate in all circumstances.

Requests for assistance may result in one of several approaches to achieve resolution. The person making use of these procedures may wish to communicate directly with the person(s) accused of violating this Policy about the offensive conduct and explain that it must stop; seek intervention by a supervisor, another College official, the Title IX Coordinator in cases of sexual harassment and sexual misconduct, when a student is involved, the academic department chair, the Vice President for Student Affairs and Dean of Students ("Dean of Students"), a Division of Student Affairs staff member, a residence hall proctor, or Human Resources; or seek a mediated or negotiated resolution (mediation is not an available outcome in cases involving sexual violence).

Informal resolutions may also result in "no contact" orders; limitations on privileges, activities, and access to facilities; academic accommodations; changes in campus housing, dining, or workspace locations; work schedule modifications; and other remedial assistance.

If a resolution is reached, no further action will be taken, and the matter will be considered closed. If the matter cannot be resolved informally, the college representative overseeing the informal resolution procedure will assist the Complainant in filing a formal complaint.

B. Formal Resolution Procedures

An individual who believes they have been subjected to discrimination, harassment, or other behavior prohibited by this Policy may file a formal complaint.[3] The filing of a formal complaint will result in an investigation to determine whether a violation of this Policy has occurred. An investigation may also be initiated without a formal complaint from any individual, and without regard to the time limitations for filing a complaint by an individual, at the request of the President, a member of the President's Cabinet, the Title IX Coordinator in matters involving sexual harassment or sexual misconduct prohibited by this Policy, or the Director for Human Resources.

1. Time Limitations

A formal complaint must be made within one year of the most recent alleged act of discrimination, harassment, or retaliation. Note, there are no time limits associated with complaints concerning sexual harassment or sexual misconduct.

Although the failure to initiate a complaint in accordance with the terms of this Policy, including the time limits set forth, shall constitute a waiver of the Complainant's right to utilize the complaint procedures described herein, the College nevertheless reserves the right to pursue an investigation as it deems appropriate whenever and however it receives allegations of, or information related to, a violation of this Policy.

2. Submitting a Formal Complaint

Formal complaints should be directed to any of the following: vice presidents, managers, academic department chairs, Division of Student Affairs staff, Director for Human Resources, Human Resources staff, or the Title IX Coordinator. Complaints should be in writing (although verbal complaints will be accepted) and should include details concerning the conduct that gives rise to the complaint, the name of the person against whom the complaint is made (i.e., the Respondent)), and the names of any witnesses.

The person receiving the complaint shall immediately notify appropriate College officers, supervisors, or others who have a need to know of the existence of the complaint, including, in the case of a complaint involving sexual harassment or sexual misconduct, the Title IX Coordinator. Complaints made against students shall be referred to the Dean of Students, complaints against faculty to the Vice President and Dean of the Faculty ("Dean of the Faculty"), and complaints against staff or other persons to the Director for Human Resources, who will oversee the investigation of the complaint (hereafter referred to as the "Responsible Administrator"). If the Responsible Administrator is the subject of the complaint, or if there is a conflict of interest, the President shall designate another College administrator to serve as the Responsible Administrator.

3. Supportive Measures

When appropriate, prior to or during an investigation, the College may take supportive measures that are designed to restore or preserve access to HMC's education programs or activities and/or protect student and employee safety.

Supportive measures include counseling, extensions of time or other course-related adjustments, modifications of work or class schedules, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of campus, and other similar supportive measures. Such measures shall not be punitive and, in the case of students, applied to the fullest extent possible to avoid depriving any student of their education.

The College may also suspend a student or employee (without pay) pending the completion of the Formal Resolution Procedures, particularly when in the judgment of the College, the imminent physical health or safety of any member(s) of the HMC community may be jeopardized by the on-campus presence of the student or employee.

A student who has been placed on interim suspension has the right, within three (3) business days of the notice of the suspension, to meet with the College's Dean of Students (or designee), to request re-consideration of the interim suspension. The College's Dean of Students (or designee) will review the decision to place the student on interim suspension to determine whether the decision to do so was arbitrary or capricious. A decision is arbitrary and capricious where there is no rational connection between the facts presented and the decision made.

The imposition of supportive measures is not indicative of a determination of responsibility or any other outcome. These measures may be modified at any time and may be kept in place after a final decision is reached as to whether a violation of this Policy has occurred.

4. Confidential Nature of Proceedings

All parties will be informed that confidentiality helps enhance the integrity of the investigation, safeguard the privacy interests of the parties, and protect the participants from statements that might be interpreted to be retaliatory or defamatory. At the beginning of the investigation, the Complainant and Respondent will be asked to keep information related to the investigation private during the pendency of the investigation. This does not preclude a party from sharing information with family, legal counsel, support persons or others as necessary in connection with the marshalling and presentation of evidence in connection with the investigation. Witnesses also will be asked to respect the confidential nature of the investigative process, to the extent consistent with applicable law.

5. Investigation Protocol

In response to a formal complaint, the Responsible Administrator will conduct an investigation or, in consultation with appropriate College administrators, will designate an investigator to conduct an investigation. The investigator may be one or more HMC employees or a qualified independent third party. The Complainant and Respondent will have the opportunity to challenge the appointment of the investigator(s) if a conflict of interest or bias is present.

Before the investigation of a complaint is undertaken, the Respondent shall be informed of the complaint and the identity of the Complainant and shall be provided with a written summary of the nature of and alleged factual bases for the complaint. If at any time during the investigation additional allegations are made concerning the behavior of the Respondent, which if true, would involve a violation of this Policy, the Respondent shall be so notified and afforded an opportunity to respond.

During the investigation, the Complainant and Respondent will be afforded a full and complete opportunity to present their respective cases to the investigator. Both the Complainant and the Respondent may present evidence and suggest witnesses to be interviewed and questions for the investigator ask the other party or witnesses. The investigator will

consider all such information when determining the persons to interview and the questions to ask, but these decisions remain in the investigator's discretion. The investigator may also choose to interview other witnesses not identified by the parties. Investigatory meetings shall not be recorded.4

Every effort shall be made to complete the investigation and resolve all reports of violations of this Policy within sixty (60) to ninety (90) business days of the date on which the formal complaint is made or as soon thereafter as practicable under the circumstances. Although every effort will be made to comply with this timeline, the complexity of the complaint or exigent, unforeseen, or unavoidable circumstances may require an extension of this period. The Complainant and Respondent will be notified of any timeline extension and the basis for such extension.

6. Investigation Results

The investigator shall document the results of the investigation in a written report. The report shall contain a summary of issues, key findings of fact, and an analysis of disputed facts based on all available evidence and credibility. Finally, the report will conclude with a determination of responsibility for a violation of this Policy or related policies based on *a preponderance of the evidence standard and* will include a discussion of the policy violations implicated by the complaint. Preponderance of the evidence" means that the information and facts establish that a Policy violation "more likely than not" occurred.

If the investigator is someone other than the Responsible Administrator, the investigator shall submit the report to the Responsible Administrator (or designee). Before acting on the report, the Responsible Administrator shall provide the Complainant and Respondent with an opportunity to review the report and provide comments, feedback, additional documentary evidence, requests for additional steps in the investigation, names of additional witnesses, questions to be asked the other party or witnesses, or any other information they deem relevant.

The Responsible Administrator has discretion to determine if the comments, feedback, and any other information submitted by the parties warrant further action before acting on the report. If the Responsible Administrator determines no further action is required, the report will be deemed final.

C. Decision, Sanctions, and Remedies

The Responsible Administrator (or designee) is responsible for acting on the investigative report. In those instances where the investigation is conducted by someone other than the Responsible Administrator, the Responsible Administrator shall, with due regard to the preponderance of the evidence standard, accept or reject the investigator's report, or take such further action as deemed appropriate.

If it is determined that the Respondent violated this Policy, the Responsible Administrator shall impose disciplinary sanctions commensurate with the violation and take such remedial actions as may be deemed appropriate. The determination of sanctions/remedial actions should be guided by the following considerations: applicable HMC policies and procedures, the interests of the community, the impact of the violation on the Complainant, documented conduct history, and any mitigating or aggravating circumstances

Sanctions may include, but are not limited to, verbal warnings, written warnings, loss of privileges, probation, suspension, dismissal/expulsion from the College, or termination of employment.

Remedies may include, but are not limited to, removing the Complainant or the Respondent from the hostile environment, changes in work or class schedules, changes in residence arrangements for students, contacting professors/supervisors, changes in work locations or assignments, changes in supervisory relationships, and/or "no contact" orders.

D. Appeals

1. Grounds for Appeal

The Complainant and/or the Respondent may appeal the decision of the Responsible Administrator. Appeals will normally only be considered if made on the following alleged grounds:

1. Significant Procedural Error: A procedural error occurred which significantly affected the relevant decision/determination as it applies to the appealing party (e.g., substantiated bias, material deviation from established procedures). A description of the error and its impact must be included in the written appeal.
2. New Information: New information has arisen which was not available or known to the appealing party prior to the investigation determination; or information was improperly excluded from the investigation despite a request from the party to include it, which could have substantially affected the determination. Information that was known to the party but which the party chose not to present is not new information. A summary of the new or excluded evidence and its potential impact on the decision or determination must be included in the written appeal.
3. Disproportionate Sanctions: Either party may appeal the sanction because they feel that the sanction imposed for the violation of this Policy are disproportionate to the conduct found to have occurred. The written appeal must convey more than simple dissatisfaction with the sanction.
4. Appeal Procedures

Appeals must be in writing and must be submitted to the Responsible Administrator (or designee) within five (5) business days after the date on which the person wishing to file an appeal is notified of the Responsible Administrator's decision. The Responsible Administrator has five (5) business days to determine if the appeal is based on one or more of the grounds for appeal; if it is not, the appeal will be denied. If the appeal is not denied, the Responsible Administrator will share the appeal with the other party, who shall have three (3) business days from the date on which they are notified of the appeal to submit a response. Absent a showing of good cause, appeals and responses to appeals shall not exceed ten (10) pages, 12-point font, double-spaced.

After the other party submits a response or the time for the other party to submit a response lapses without a response, the Responsible Administrator (or designee) shall promptly send the appeal, any response, and the underlying appeal record to the President (or President's designee), who shall consider the appeal and take such action they deem appropriate. If the President is involved in the underlying complaint, the appeal shall be directed to the Vice President, Chief Operating Officer and Treasurer or to the Chair or Vice-Chair of the Board of Trustees, who shall act in the President's place.

The appeal record will consist of the investigative file (which will include the initial report/complaint, the final investigative report, any responses to the report submitted by the parties; the decision of the Responsible Administrator (or designee); and any other documents that the Responsible Administrator deems relevant to the appeal itself).

The decision of the President (or designee) shall be final; no further appeals are allowed.

VI. SUPPORT PERSON/ADVISOR

In connection with the Complaint Resolution Procedures under this Policy, the Complainant and the Respondent will be permitted to have an advisor/support person, who is a friend, mentor, family member, attorney, member of the Claremont Colleges community, or any other person, as long as they are not also a witness or otherwise a participant in the complaint resolution proceedings, accompany him/her through every phase of the process. The support person/advisor may be present in an advisory or emotional-support capacity only, and shall not directly participate or intervene in meetings, the investigation, or other matters related to the College's response under this Policy. In the case of a sexual harassment or misconduct complaint, the provisions of the College's Title IX Policy dealing with support persons and advisors, will control.

VII. RECORD RETENTION

A copy of the "investigative file," any "record on appeal," and any decision on appeal shall, for the period of time mandated by HMC's record retention policy and applicable law, be maintained in the Division of Student Affairs for complaints against students and the Human Resources Office for complaints against all others.

Should a violation of this Policy be found, a record of the complaint and disciplinary action taken shall be made part of the personnel or student file of the person(s) found to have violated the Policy. In the event that the investigation does not result in a finding of violation of this Policy, no record of the complaint or investigation will become a part of any individual's personnel or student file.

Note that, whether or not a complaint is made under these formal resolution procedures, a record of all reports, complaints, and investigations involving sexual harassment or sexual misconduct, as well as of the outcomes of such reports, complaints, and investigations, shall be maintained by the Title IX Coordinator for the period of time mandated by HMC's record retention policy and applicable law.

VIII. FALSE ACCUSATIONS

Knowingly making a false accusation of discrimination or harassment under either the informal or the formal procedures of this Policy is itself a violation of this Policy and a basis for disciplinary action up to and including dismissal/expulsion from the College or termination of employment. Failure to prove a claim of discrimination or harassment is not the equivalent of a knowingly false accusation.

IX. ACADEMIC FREEDOM

HMC adheres to principles of academic and expressive freedom. Nothing in this Policy shall be construed to limit the legitimate exercise of academic and expressive freedom, including but not limited to written, graphic, or verbal expression that can reasonably be demonstrated to serve a legitimate educational purpose. Nor shall this Policy be interpreted or applied in a manner that is inconsistent with California Education Code section 94367.

X. CONSENSUAL RELATIONSHIPS

A. Staff

The College discourages consensual intimate, amorous, or sexual relationships between students and staff and prohibits such relationships whenever a staff member assigned to an instructional, research, administrative, or other College

employment responsibility is involved in a relationship with a student whom they supervise or evaluate or over whom they exercise authority.

B. Faculty

The College discourages consensual intimate, amorous, or sexual relationships between students and faculty. A sexual relationship between a faculty member and a student for whom the faculty member has, or should reasonably expect to have, academic responsibility entails a conflict of interest and, therefore, a breach of professional integrity. Accordingly, such relationships are prohibited even if consensual. Academic responsibility includes responsibility for teaching, advising, evaluating, or supervising a student in any aspect of the College's academic programs or the academic programs of other institutions that comprise the Claremont Colleges.

XI. ADDITIONAL RECOURSE

Discrimination, harassment, and retaliation are violations of federal and state law. This policy is intended to supplement and not replace such laws. Whether or not the internal complaint procedures described in this Policy are utilized, a College employee who believes that they are the victim of discrimination, harassment, or retaliation may file a complaint with the California Department of Fair Employment and Housing, or with the United States Equal Employment Opportunity Commission. In addition, students and/or employees may file a complaint with the Office of Civil Rights, United States Department of Education.

Persons who believe they are victims of discrimination, harassment, or other behavior prohibited by this Policy should be aware that both state and federal law impose time deadlines for the filing of complaints, and that the use of the internal complaint procedures described in this Policy will not change such filing deadlines.

In connection with claims involving sexual harassment including sexual misconduct, other forms of recourse are available which are described in detail in the College's Title IX Policy.

XII. POLICY DISSEMINATION

The Human Resources Office and the Division of Student Affairs are responsible for distributing copies of this Policy to faculty, staff, and students. A notice of nondiscrimination, which also makes specific reference to this Policy and the College's Title IX Policy, shall also be provided to individuals employed by contract to perform services at HMC and volunteers. References to this Policy are included in faculty, staff, and student orientation materials and handbooks. In addition, this Policy is continuously available at appropriate campus locations and on the HMC website.

XIII. MODIFICATION OF PROCEDURES AND PROCESSES

The College retains the authority to adapt or modify the complaint resolution process, for good cause and absent substantial conflict with the procedures and processes contained in this Policy, as part of the responsibility to ensure an equitable and prompt process for all parties.

XIV. POLICY SOURCES

California Education Code sections 200, *et seq.*; California Sex Equity in Education Act, California Education Code sections 66250, *et seq.*; California Education Code section 67386, California Education Code section 94385; California Fair Employment and Housing Act, California Government Code sections 12900, *et seq.*; Age Discrimination in

Employment Act of 1967, Title 29 of the United States Code, section 621; Title VI of the Civil Rights Act of 1964, Title 42 of the United States Code, section 2000d; Title VII of the Civil Rights Act of 1964, Title 42 of the United States Code, sections 2000e, *et seq.*; Section 504 of the Rehabilitation Act of 1973, Title 29 of the United States Code, section 794; Americans with Disabilities Act of 1990, Title 42 of the United Sates Code, sections 12101, *et seq.*; Title IX of the Education Amendments of 1972, Title 20 of the United States Code, sections 1681, *et seq*.; the Jeanne Clery Campus Safety Act, Title 20 of the United States Code, sections 1092(f), *et seq*.; and Violence Against Women Reauthorization Act of 2013 (VAWA), Title 34 of the United States Code, section 1229.

[1] In matters involving sexual harassment, all employees (including faculty, staff, administrators, coaches, student workers) and proctors, who have responsibilities for student welfare (commonly referred to as "Responsible Employees"), are required to promptly share with the Title IX Coordinator any report of sexual harassment or sexual misconduct which they receive or of which they become aware of.

[2] For a list of Deputy Title IX Coordinators, see https://www.hmc.edu/student-life/title-ix-sexual-misconduct/.

[3] Note, individuals who believe that they have been discriminated against on the basis of disability are referred to the College's Disability Grievance Policy and Procedure. A copy of the Policy is available online at https://www.hmc.edu/student-life/disability-resources/grievance-procedures/.

REVISION HISTORY

Revised Section V March 2004
Revised Section XVIII September 2004
Updated Section XVIII September 2005
Revisions pertaining to change in HGO and titles spring 2007
Revised and approved by The President's Cabinet April 2011
Revised May & August 2012 to incorporate Title IX/DOE requirements
Revised September 2013, October 2015, October 2016
Revised September 2017
Revised November 2017
Revised February 2018
Revised December 2018 – Title IX Contact Information
Revised March 2019
Revised and approved by The President's Cabinet October 30, 2019
Revised and approved by The President's Cabinet on September 15, 2021

Sex Offender Registration – Campus Sex Crimes Prevention Act (Megan's Law)

Members of the general public may request community notification flyers for information concerning sexually violent predators in a particular community by visiting the chief of law enforcement officer in that community. The State of California maintains a database of convicted sex offenders who are required to register their home addresses. This database can be found at: Search for Sex Offenders: http://meganslaw.ca.gov/disclaimer.aspx. For general information, see State of California Department of Justice, Megan's Law in California: http://www.meganslaw.ca.gov/

Missing Student Notification Policy

Emergency Contact Designation

The purpose of this protocol is to establish procedures for the response to reports of missing students as required by the

Higher Education Opportunity Act of 2008. This protocol applies to students who reside in campus housing.

A residential student is officially "determined to be missing" when a missing person report investigation concludes that the student has been absent from the College for a period of 24 hours or longer without any known reason. Campus Safety, in conjunction with the assistant vice president for student affairs, will make the official determination of whether a student is deemed missing. All residential students have the opportunity to identify an individual or individuals to be contacted by the assistant vice president for student affairs no more than 24 hours after the time that the student is determined to be missing.

Students age 18 and above and emancipated minors will be given the opportunity to designate a confidential individual or individuals to be contacted by the College no more than 24 hours after the time that the student is determined to be missing in accordance with the missing residential student procedure. A designation will remain in effect until changed or revoked by the student. Should the student not formally declare a separate missing person contact, the emergency contact on record will be notified. Students may update their missing person contact and their emergency contact information at any time by notifying DSA. This information will not be disclosed except to law enforcement personnel in furtherance of a missing person investigation or as required by law.

Students under the age of 18 (not emancipated) determined to be missing will require that the College notify a custodial parent or guardian, in addition to the student's designated contact, no more than 24 hours after the student is determined to be missing.

Missing Residential Student Investigation

If any member of the Harvey Mudd College community has reason to believe that a student may be missing, they should immediately notify DSA at 909.621.8125 (Monday–Friday, 8 a.m.–5 p.m.) or Campus Safety at 909.607.2000 (24 hours a day). The College will immediately initiate an investigation into any report of a missing person. If a student is determined to have been missing for 24 hours, the College and/or Campus Safety will notify the appropriate law enforcement agency and initiate the notification of appropriate emergency contacts.

The Clery Act requires institutions that maintain on-campus housing facilities to establish a missing student notification policy and related procedures (20 USC 1092 (j) Section 488 of the Higher Education Opportunity Act of 2008). In accordance with general institutional emergency notification procedures, when a Harvey Mudd College student is thought to be missing from the campus, the On-Call Dean should be immediately notified.

This protocol applies to students who reside in campus housing. A residential student is officially "determined to be missing" when a missing person report investigation concludes that the student has been absent from the College for a period of 24 hours or longer without any known reason. Campus Safety, in conjunction with the assistant vice president for student affairs, will make the official determination of whether a student is deemed missing. All residential students have the opportunity to identify an individual or individuals to be contacted by the assistant vice president for student affairs no more than 24 hours after the time that the student is determined to be missing.

Students age 18 and above and emancipated minors are given the opportunity to designate a confidential individual or individuals to be contacted by the College no more than 24 hours after the time that the student is determined to be missing in accordance with the missing residential student procedure. A designation remains in effect until changed or revoked by the student. Should the student not formally declare a separate missing person contact, the emergency contact on record will be notified. Students may update their missing person contact and their emergency contact information at any time by notifying the Division of Student Affairs.

The Division of Student Affairs is located in the Platt Campus Center (301 Platt Blvd., Claremont, CA 91711) or contact them by email at **dean_of_students@hmc.edu**. The email should include student name, student ID, and name and contact information for new missing person contact and/or emergency contact. This information will not be disclosed except to law enforcement personnel in furtherance of a missing person investigation or as required by law.

Students under the age of 18 (not emancipated) determined to be missing will require that the College notify a custodial parent or guardian, in addition to the student's designated contact, no more than 24 hours after the student is determined to be missing.

If any member of the Harvey Mudd College community has reason to believe that a student may be missing, they should immediately notify the Division of Student Affairs office at 909.621.8125 (Monday–Friday, 8 a.m.–5 p.m.) or Campus Safety at 909.607.2000 (24 hours a day). The College will immediately initiate an investigation into any report of a missing person. If a student is determined to have been missing for 24 hours, the College and/or Campus Safety will notify the appropriate law enforcement agency and initiate the notification of appropriate emergency contacts.

It is made clear to all students annually, that each residential student of HMC has the option to designate an individual to be contacted by the College no later than 24 hours after the time that Harvey Mudd College determines the student is missing. Students fill out the Emergency Contact Information Form through the student portal on an annual basis. This information is only accessible to College employees who are authorized campus officials and this information will not be disclosed to others with the exception to law enforcement personnel in the furtherance of a missing student investigation.

Daily Crime Log

Campus Safety maintains a Daily Crime Log of all crime reported to the Department. The log includes criminal incidents reported to Campus Safety during the last 60 days and is available on the Campus Safety website at https://services.claremont.edu/campus-safety/clery-reporting/. Any member of the Claremont Colleges and members of the public may also view the Clery Daily Crime Log at Campus Safety during normal business hours at 101 S. Mills Ave., Claremont, CA 91711. This log identifies the type, location, date, time and disposition of each criminal incident reported to Campus Safety. Any portion of the log that is older than 60 days will be made available within two business days from date requested for public inspection.

Fire Log

The Facilities and Maintenance Office maintains a Fire Log that includes the nature, date, time, and general location of every fire that occurs in on-campus residence hall facilities. The log is available for inspection by contacting the Senior Director for Facilities, Emergency Preparedness and Employee Safety in the Office of Facilities and Maintenance, Monday through Friday during normal business hours.

Disclosure of Results of Disciplinary Proceedings Policy Statement
In accordance with the Higher Education Opportunity Act, Harvey Mudd College will, upon written request, disclose to alleged victims of a crime of violence or a non-forcible sex offense, the report on the results of any disciplinary proceeding conducted by the institution against a student who is the alleged perpetrator of such crime or offense. If the

alleged victim is deceased as a result of such crime or offense, the next of kin of such victim shall be treated as the alleged victim for purposes of this policy.

Reports made to HMC officials and identifying information about the victim shall not be made public.
Reports made to medical professionals, licensed mental health counselors, and Chaplains will not be shared with third parties except in cases of imminent danger to the victim or a third party.

Policies Governing Alcohol and Other Drugs

HMC's Program Relating to the Prevention of Illegal Possession, Use and Distribution of Drugs and Alcohol by Students

1) The program is a set of standards of conduct prohibiting all students from unlawfully possessing, manufacturing, using or distributing drugs and alcohol on College property or at any activities of the College. In addition, this program is designed to address and eliminate occurrences of binge drinking (five or more drinks at a sitting for men and four or more drinks at a sitting for women) and its consequences.
2) The program is an imposition of disciplinary penalties on a student in the event of a violation of these standards of conduct. Whether there has been a violation will be determined in accordance with the College's procedures applicable to student discipline. When students visit another Claremont College, they are responsible for observing the regulations of both that college and HMC.
    a) Penalties will be of varying degrees of severity and may include: warnings, attendance in a substance abuse program, substance probation, community service, loss of residential privileges (temporary or permanently), suspension, expulsion or referral to governmental authorities for prosecution.
    b) The appropriate penalty shall be determined by taking into consideration all relevant circumstances, and particular penalties will not be associated with any particular violation.
3) Annually, the College will distribute to each student a written statement that will include a copy of this program and
    a) A description of the various federal, state and local laws relating to the unlawful use, possession or distribution of illicit drugs and alcohol and the penalties imposed;
    b) A description of the health risks associated with the use of illicit drugs and abuse of alcohol;
    c) A description of any drug and alcohol counseling, treatment, rehabilitation or reentry programs that are available to students;
    d) A statement of any regulations established from time to time by the College with respect to the unlawful use, possession and distribution of drugs and alcohol on College property and at College activities.
4) At least every two years, the College will review this program to determine its effectiveness and implement changes to the program if they are needed and ensure that the disciplinary penalties described above are consistently enforced.

HMC is committed to education and counseling as the primary focus of their substance abuse programs and will provide confidential professional assistance for any students who want it. Students are also provided with the alcohol.edu and basics. Students are urged to seek information and help regarding substance abuse for themselves or their friends. A variety of services, including counseling, educational materials, campus Alcoholics Anonymous meetings and referrals are available at the following offices:

- Division of Student Affairs, Associate Dean, Office of Wellbeing, 909.607.4101

- Monsour Counseling and Psychological Services, 909.621.8202
- Student Health Services, 909.621.8222

All incoming students receive online alcohol training trough AlcoholEdu through Vector Solutions in addition to an in-person workshop at the beginning of each academic year. All students receive ongoing education in the form of events hosted by the Offices of Housing and Residential Life and Health and Wellness that involve education and training around safe alcohol consumption, risks, and state and federal laws. Student leaders receive training about signs and symptoms of drug overdoses and how to identify misuse.

Local, State and Federal Laws

Some local, state and federal laws establish severe penalties for the unlawful possession or distribution of illicit drugs and alcohol. These sanctions, upon conviction, range from a fine and probation to lengthy imprisonment. The following are lists of topics covered by these laws below you can find details on the listed topics and laws.

- Students are not exempt from local, state, and federal law while on the Harvey Mudd College campus.
- The federal government, through the Drug Free Schools and Communities Act, requires that colleges enforce state and local laws concerning drugs and alcohol in order to remain eligible for federal funds including federal student financial aid.
- California has a strict host liability law. If a student sells or serves alcohol, she or he can be held responsible in a court of law for the conduct of any individual who is served if that person subsequently injures himself or herself, becomes ill, dies, or injures a third party.
- This is especially true when the person served is a minor or is already intoxicated. (California Business & Professions Code Sec. 25602(a)., California Vehicle Code Sec. 23153)
- The City of Claremont prohibits public intoxication, open containers of alcohol in vehicles, and consuming alcohol in public parks.
- It is illegal to sell, furnish or give alcoholic beverage to anyone under 21 or to anyone who is obviously intoxicated. (California Business & Professions Code Sec. 25658.)
- It is illegal for anyone under 21 to purchase or attempt to purchase alcoholic beverages or to possess alcoholic beverages in any public place, including streets or highways. (California Business & Professions Code Sec. 25662, 25658.5(a))
- It is illegal to sell alcohol without a valid license or permit. (California Business & Professions Code Sec. 23301.)
- It is illegal to drink while driving. (California Vehicle Code Sec. 23221, 23220)
- It is illegal to have an open container of alcohol in a moving vehicle. (California Vehicle Code Sec. 23222, 23223)
- It is illegal to drive under the influence of alcohol. (Intoxication is presumed when blood alcohol level is .08% or higher but may be found with blood alcohol levels of .05% to .08%). (California Vehicle Code Sec. 23152.)
- It is illegal for anyone under 21 to drive with a blood alcohol level of .05% or more or to drive 50 while under the influence of alcohol. (California Vehicle Code Sec. 23)
- It is illegal to ride a bicycle or to operate a water vessel, water ski or aquaplane while intoxicated.

- It is illegal to present any form of false identification to purchase, order or attempt to purchase any alcoholic beverage or to possess false evidence of age and identity. (California Business & Professions Code Sec. 25661.)
- It is illegal to sell or provide false evidence of age or identity and to anyone under age 21. (California Business & Professions Code Sec. 25661.)

- It is illegal for anyone under age 21 to enter or stay in a place licensed to sell liquor without a lawful reason to be there. (California Business & Professions Code Sec. 26665.)
- It is illegal to be found in a public place under the influence of liquor, drugs or controlled substances if you are unable to care for your own safety or interfere with the use of a public way. (California Penal Code Sec. 647(f), City of Claremont Municipal Code 9.23.010)
- Legal Penalties

- In general, a misdemeanor is punishable by fines up to $1,000 and/or imprisonment in the county jail for up to one year. A felony is punishable by imprisonment in state prison for more than one year. Other penalties stated below for a particular offense may be in addition to those stated for misdemeanors and felonies.

- Anyone who sells or gives any alcoholic beverage to a person under age 21 is guilty of a misdemeanor. Punishment may include a fine of
- $1,000, which may not be suspended and performance of not less than 24 hours of community service in addition to penalties provided for misdemeanor violations.
- Anyone under age 21 who purchases any alcoholic beverage or consumes an alcoholic beverage in any on-sale premises is guilty of a misdemeanor.

- Anyone under 21 who attempts to purchase any alcoholic beverage is guilty of an infraction and shall be punished by a fine of not more than $100. Any subsequent violation shall be punished by a fine of not more than $250 or 36 hours of community service.
- Anyone under 21 who is in possession of an alcoholic beverage in a public place or street or highway is guilty of a misdemeanor. (California Vehicle Code Sec. 23224.)

- Anyone under 21 who presents false evidence of age and identity to order or obtain any alcoholic beverage or who possesses false evidence of age and identity is guilty of a misdemeanor. Punishment shall include a fine of $250 which may not be suspended or performance of not less than 24 hours nor more than 32 hours of community service.
- Penalties for drunk driving:

- First Offense: Imprisonment in the county jail for not less than 96 hours, at least 48 hours of which shall be continuous, nor more than six months and by a fine of not less than three hundred ninety dollars ($390), nor more than one thousand dollars ($1000) and completion of a driving under the influence education program (at least 30 hours if blood alcohol was less than.20% and at least 45 hours if more than .20%). If under 21, suspension of driver's license for one year, over 21, suspension for six months. In addition, a period of probation from three to five years may be imposed. If registered to the driver, the vehicle may be impounded for 1 to 30 days.

- Second Offense (within 7 years): Fines from $390 to $1000, imprisonment in the county jail for not less than 90 days nor more than one year, driver's license suspension of 18 months. If registered to the driver, the vehicle will be impounded for 1 to 30 days.
- Third Offense: Fines from $390 to $1000, imprisonment in the county jail for not less than 120 days nor more than one year, driver's license revocation for four years. If registered to the driver, the vehicle may be impounded for 1 to 90 days or may be sold.

- Fourth Offense or greater: Fines from $390 to $1000, imprisonment in the county jail for not less than 180 days to three years in state prison, driver's license revocation for four years. If registered to the driver, the vehicle may be impounded for 1 to 90 days or may be sold.
- For all offenses: participation in an alcohol or drug program may be required and vehicles registered to the driver may be sold or impounded for periods up to three years.

- Driving privileges are suspended for six months for refusing to submit to a blood alcohol test. The suspension is for two years if there has been a prior conviction within seven years, and for three years if there have been three or more convictions within seven years.

HMC Sanctions

Sanctions imposed by the student conduct process may range from warnings to recommendations to the Division of Student Affairs for suspension or expulsion. The most severe penalties of failure of a course, on-record probation, suspension or expulsion must be recommended to the vice president for student affairs/dean of students for review and implementation. Failure to comply with assigned sanctions is a violation of the Standards of Conduct and will be adjudicated accordingly.

One or more of the following sanctions may be recommended during the student conduct process:

Warning: This sanction is given when a student is responsible for a violation that does not warrant severe action. When a student acknowledges responsibility or is found responsible, a warning is put on the student's student conduct record in the DSA office until graduation. A warning is intended for a student to learn from the experience and reflect on the importance of their behavior and its impact on the Harvey Mudd College community.

Fines: A student or residential community may be required to pay fines associated with violations of policies such as fire code, parking, pets and official residence hall closing/opening times.

Restitution: A student or residential community may be required to pay the costs for replacement, repair or special cleaning of any College property damaged by the student or community.

Relocation of Residence: A student may be sanctioned to relocate from a current residence hall room to another room on campus or to live off campus. This sanction is given primarily in cases that involve disrespect for the community in which the student resides. Relocation arrangements will be made specifically with the assistant dean for residential life.

Loss of Social Privileges: For a designated period of time, a student may not attend any College-sponsored social events, such as events sponsored by ASHMC. Under this sanction, a student loses all guest visitation privileges. The purpose of this sanction is to provide the student with time for reflection on the responsibility related to enjoying the privilege of attending social events and having visitors on campus. Specific questions about which events are prohibited will be addressed by the JB or DB chair.

Loss of Visitation: For a designated period of time, a student may not have any guests on HMC property.

Community Service: A set number of hours of community service may be assigned to a student. Upon completion of the service commitment, the student must have the supervisor sign a verification of community service form, which the student must then return to the JB or DB chair.

Substance Abuse Assessment: A student may be referred to a resource, either on campus or in the local community, that will conduct a substance abuse assessment by a health professional.

Educational Sanctions: A student may be required to complete workshops or attend programs on campus or in the local community on topics related to the violation, such as alcohol awareness. Students may be required to write a reflection paper, complete a module, make a presentation or complete a special project intended for learning from their behavior.

Academic Sanctions: The JB chair and/or the Honor Board may assign academic sanctions to a student. Any academic sanctions will be assigned in consultation with the professor of the course in which the Honor Code violation occurred. Possible academic sanctions include additional assignments, no credit for the original assignment/exam, a failing grade for the original assignment/exam, a reduced final grade for the course, a failing grade for the course, withdrawal from a course and/or the inability to take self-scheduled exams in the course.

- **Probation Level I:** Probation Level I is given when a student is responsible for a violation that is of a serious nature. It is stressed to a student that this is a time for reflection and contemplation about what they have done and what it means to live and abide by the Honor Code. If a student is found responsible for an Honor Code violation while on probation, this additional offense may result in a more severe sanction.

- **Probation Level II:** Probation Level II is the highest sanction a student may be issued and still actively attend the College. This sanction is given when a student is found responsible for a violation of a very serious nature but, in the chair's/board's judgment, should be allowed to continue their coursework at HMC. Probation II may entail a loss of social privileges for the length of the sanction, as well as appropriate educational assignments and/or sanctions to fit the violation based on the decision of the Honor Board. Students on Probation II may lose the privilege of membership in campus clubs or organizations, the ability to study abroad, the ability to hold a campus leadership position or the ability to participate in intercollegiate athletics. If the student is found responsible for any other violation while on Probation II, this violation may activate a sanction of suspension or expulsion.

Interim Suspension: In certain circumstances, the president may impose an interim College suspension prior to a student conduct hearing. Further, the vice president for student affairs/dean of students may, in certain circumstances, impose an interim residence hall suspension prior to a student conduct hearing.

- Interim suspension may be imposed only: a) to ensure the safety and well-being of members of the College community or preservation of College property; b) to ensure the student's own physical or emotional safety and well-being; or c) if the student poses a credible threat of disruption or of interference with the normal operation of the College.
- During the interim suspension from the College imposed by the president, the student shall be denied access to the campus (including classes) and all other College activities or privileges for which the student might otherwise be eligible as the president may determine to be appropriate.
- During interim suspension from the residence halls imposed by the vice president for student affairs/dean of students, the student shall be denied access to the residence halls and other College activities for which the student might otherwise be eligible as the vice president for student affairs/dean of students may deem appropriate.
- Interim suspension from campus or the residence halls will be followed with speedy access to a hearing for the suspended student(s).

Suspension: This sanction is given when a student is found responsible for a violation of an extremely serious nature or a repeat violation of the Honor Code. It may be immediate or take effect during the subsequent semester. If immediate, the student must leave campus within 24 hours unless they formally appeal the decision. A student who chooses to appeal should continue attending classes during the appeal process.

Continued class attendance, however, shall have no effect upon the outcome of the appeal. Once the sanction has been served, the student is free to return to HMC. If a student chooses to take classes while serving this sanction, no credits will be transferable back to HMC.

Expulsion: This sanction is given when a student is found responsible for a violation that is of the most severe nature. This sanction is given when it is found that the student grossly neglected the importance of the Honor Code. The student must leave campus within 24 hours unless they formally appeal the decision. A student who chooses to appeal should continue attending classes during the appeal process. Continued class attendance, however, shall have no effect upon the outcome of the appeal. A student who receives the sanction of expulsion may not return to HMC's campus for any reason, including alumni events.

Health Risks Associated with the Use of Illicit Drugs and the Abuse of Alcohol

The use of any mind- or mood-altering substance, including alcohol, can lead to psychological dependence, which is defined as a need or craving for the substance and feelings of restlessness, tension or anxiety when the substance is not used. In addition, with many substances, use can lead to physical tolerance, characterized by the need for increasing amounts of the substance to achieve the same effect and/or physical dependence, characterized by the onset of unpleasant or painful physiological symptoms when the substance is no longer being used. As tolerance and psychological or physical dependence develop, judgment becomes impaired and people often do not realize they are losing control over the use of the substance and that they need help.

Alcohol acts as a depressant to the central nervous system and can cause serious short- and long-term damage. Short-term effects include nausea, vomiting and ulcers; more chronic abuse can lead to brain, liver, kidney and heart damage and even eventual death. Ingesting a large amount of alcohol at one time (five or more drinks at a sitting for men, and four or more drinks at a sitting for women) can lead to alcohol poisoning, coma and death. Drugs such as LSD, amphetamines, marijuana, cocaine and alcohol alter emotions, cognition, perception, physiology and behavior in a variety of ways. Health risks include, but are not limited to, depression, apathy, hallucinations, paranoia and impaired judgment. In particular, alcohol and/or drug use inhibits motor control, reaction time and judgment, impairing driving ability. Abuse of either or both alcohol or drugs during pregnancy increases the risk of birth defects, spontaneous abortion and stillbirths.

Assistance for Alcohol Abuse and/or Drug Use Problems

The Claremont Colleges are committed to education and counseling as the primary focus of their substance abuse programs 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. A variety of services, including counseling, educational materials, campus Alcoholics Anonymous meetings and referrals are available at the following offices:

- Division of Student Affairs, Associate Dean, Office of Wellbeing, 909.607.4101
- Monsour Counseling and Psychological Services, 909.621.8202
- Student Health Services, 909.621.8222
- Health Education Outreach, 909.607.3602

All incoming first year students participate in an online module AlcoholEdu through EVERFI. HMC students participate in Brief Alcohol Screening and Intervention for College Students (BASICS) education with the

Office of Wellbeing when their behavior related to alcohol or other drugs is referred to student conduct. To protect students' privacy, information regarding a student during participation in any related program is treated as confidential.

Throughout the academic year the Office of Wellbeing at Harvey Mudd College will host programs. These program goals are to educate students on the health risks associated with alcohol and other drugs. These programs include Pop Up events, Alcohol and Drug Free Education Based Parties, training for student leaders, Community Forums in the Resident Halls, Fresh Check Day events, and individual interventions.

HMC's Drug Free Workplace Policy

HMC 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 College's intent to maintain a drug and alcohol-free work environment. All employees of HMC, including faculty, staff and student employees, must comply with this policy as a condition of employment. Persons who are not employees of the College but who perform work at the College for its benefit (such as contractors and their employees, temporary employees provided by agencies, visitors engaged in joint projects, volunteers, etc.) are also required to comply with this policy.

Prohibitions

HMC prohibits the unlawful: manufacture, possession, distribution, dispensation, sale, transportation, offer to sell, promotion, purchase and/or use of drugs (including marijuana1) or alcohol on HMC owned or controlled property, at HMC sponsored/sanctioned activities and events; and while employees or other persons as described above conduct or perform HMC-related business, regardless of location. In addition, employees shall not report for work or work under the influence of any drug or alcohol or other substance which will impair work performance, alertness, coordination or response, or affect the safety of others.

Nothing in this policy is meant to prohibit the appropriate use of over-the-counter medication or other medication that can legally be prescribed under both 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 Office if they believe the medication will impair their job performance, safety or the safety of others or if they believe they need a reasonable accommodation before reporting to work while under the influence of that medication. [For more information on how to request a reasonable accommodation, please contact HMC's Human Resources Office.]
This policy does not prohibit the use or consumption of alcohol at HMC sponsored activities or events where alcohol is served, or at social, business or professional events attended by HMC employees while performing work for or in their capacity as HMC employees. However, employees who choose to consume alcohol at such events must do so responsibly, they must conduct themselves properly and professionally at all times, and they must abide by all state and federal laws related to alcoholic beverages, including laws which prohibit the operation of vehicles while under the influence.

The College recognizes drug and alcohol abuse as treatable conditions. Employees who are concerned about problems related to substance use, abuse and rehabilitation should be aware that The Claremont Colleges sponsor and present seminars and workshops on these topics, from time to time, for all members of the College community. Other programs are available through the health insurance plans and the Employee Assistance Program (EAP) of The Claremont Colleges.

Of particular note is the EAP which provides counseling and other services for qualified employees with substance abuse and other personal or emotional problems. The EAP will treat information obtained regarding an employee during participation in such programs or services as confidential, in accordance with federal and state laws. The College 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 health care provider providing that such treatment is required and undertaken. The granting and returning from medical leaves is subject to applicable HMC personnel policies.

The Human Resources Department can also provide referral services for confidential, professional counseling, providing a constructive way for employees to voluntarily deal with drug or alcohol related and other problems. Employees who are also students should seek assistance for similar problems through the Student Health Center, Monsour Counseling Center or the Dean of Students' office.

Harvey Mudd College will impose sanctions on individuals and/or organizations that violate this policy. These sanctions will be consistently enforced and penalties will depend upon the severity of the offense. Penalties may include termination from employment and referral for prosecution of the most serious 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.

Alcohol and Other Drugs Policy

A. Introduction: Harvey Mudd College strives to maintain an environment that promotes the health and safety of the community and the responsible choices and behaviors of its members concerning the use of alcohol. The College recognizes that the consumption of alcohol in moderation by persons of legal drinking age can be a component of the social environment at the College. Therefore, students of legal drinking age are granted the privilege of responsible alcohol use on campus. The College expects students to conduct themselves in a moderate and responsible manner and in accord with the law and College policy at all times. The College complies with all federal, state and local laws and regulations governing the possession, use, sale and distribution of alcoholic beverages, illegal drugs and controlled substances by all members of the Harvey Mudd College community. The influence of alcohol or other drugs is not an excuse for unacceptable and irresponsible behavior and will not be seen as a mitigating factor in any proceeding to resolve alleged violations of College policy.

B. High-risk Alcohol and Drug Use Prevention Program: In compliance with the Drug-Free Schools and Campuses Regulations, Harvey Mudd College has developed this High-risk Alcohol and Drug Use Prevention Program Guide (hmc.edu/institutional-research/higher-education-opportunity-act-heoa). HMC electronically provides a copy of the AOD Guide as part of its Student Handbook, which is distributed to all students each August. HMC's AOD Guide includes the College's policies as well as guidelines to help students understand expectations for behavior and principles of collaborative enforcement.

C. Standard of Conduct Governing Alcoholic Beverages and Other Drugs
    1. The State of California prohibits the use, possession and purchase of alcohol by individuals under the age of 21 and the use of alcohol in public by all people, regardless of age. As required by law, HMC has established the following policies regarding alcohol use on campus and at HMC-sponsored events off campus:

a. Possession or use of alcohol in public is prohibited. Public locations include all grounds and dormitory exteriors, except those areas designated for approved parties.
b. Events involving drinking games and/or promoting binge drinking are prohibited.
c. Alcoholic beverages may not be served on HMC property or at any HMC event where persons under 21 years of age are present, unless written approval has been granted by the associate dean for campus life and a plan assuring compliance with the law is registered.
d. HMC events are defined as any on-campus event. In addition, those off-campus events that may be identified as being an activity of the College will also be governed by state law and College policy.
e. Students are responsible for abiding by the California alcohol laws and College policy. Failure to abide by the law or College policy will result in disciplinary sanctions.

2. Federal and state laws govern actions by all members of the Harvey Mudd College community. As required by law, HMC has established the following policies regarding the possession and use of drugs that are consistent with the federal and state laws governing drug use:
    a. The use, sale, manufacture, possession or distribution (providing, sharing, jointly purchasing, purchasing for others or otherwise making available) of all forms of illegal drugs, including edibles and drinkables, is prohibited.
    b. The use, sale or distribution of legally prescribed medication for use in a manner in which the medication was not intended (including use by someone other than the person to whom the medication was prescribed) is prohibited.
    c. Medical Marijuana: Marijuana use on campus is prohibited in compliance with federal law. Documentation of medically prescribed marijuana does not exempt a student from this policy. A student who qualifies for medical use under California's Compassionate Use Act should speak with the assistant dean for residential life regarding their option to live off campus.
    d. The display of drug paraphernalia, regardless of whether the item has an alternate legal use, is not permitted.

Dry Week

In order to allow new students time to acclimate to the College community, the Dry Week policy is in effect for each and every student the moment they arrive on campus for the fall semester and ends on Saturday, Sept. 3, at 6 p.m. (Other campuses may have different ending times.) During this time, students are not permitted to consume alcohol anywhere on the 5-C campuses. It is an Honor Code violation to do so. As decided by ASHMC, Dry Week begins for Summer Institute students when they arrive on campus.

Being "dry" means alcohol may not be consumed on campus. If alcohol is consumed elsewhere (in strict moderation, by people over age 21) and behavior upon return to campus is not disorderly, disruptive or does not involve associating with first-year students, it is considered acceptable for Dry Week. A modified form of Dry Week applies to the Admitted Student Program in spring.

Policies on College Parties

Parties cannot be registered during Dry Week, the first week of the school year and during Admitted Students Weekends or other campus events where minors will be present during or after the event. Additionally, parties are not allowed during summer break. In accordance with state liquor laws, no admission may be charged for any party serving alcohol.

Properly secured fences with guarded gates must enclose any party at which alcohol is not contained indoors; no alcohol may enter or leave the party.

At any 5-College party, alcohol must be distributed by 21-year-old or older servers who have extensive experience at 5-C events. Servers will be paid for their services and may not drink alcohol during the party. For all other parties, hosts must have previously attended a party-planning seminar which is administered by Social Committee chairs. It is the responsibility of the servers to check IDs and monitor sobriety. Only those 21 or older will be served. Campus Safety or the Division of Student Affairs (DSA) reserves the right to terminate any party. Note that these guidelines may be amended or abbreviated by the Social Committee and members of the Division of Student Affairs staff in special circumstances.

Hazing Policy

Harvey Mudd College is dedicated to building a campus culture where everyone feels supported, valued, and safe.

In alignment with the Stop Campus Hazing Act (SCHA), HMC has established this web page to outline the definition of hazing, our policy, and prevention efforts. Recognizing and understanding hazing behaviors is an important step in protecting the well-being of all community members and reinforcing our collective values.

Hazing is strictly prohibited by federal and California state law. No student, College employee, volunteer, student organization or athletic team shall conduct or condone hazing activities.

We ask all students, faculty, staff and guests to take a moment to review the following definitions, reporting and investigation procedures, and awareness programs. Together, we can help ensure that Harvey Mudd remains a safe and inclusive

Definition of Hazing

Definition of Hazing: 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 including:
- whipping, beating, striking, electronic shocking, placing of a harmful substance on someone's body, or similar activity;
- causing, coercing, or otherwise inducing sleep deprivation, exposure to the elements, confinement in a small space, extreme calisthenics, or other similar activity;
- causing, coercing, or otherwise inducing another person to consume food, liquid, alcohol, drugs, or other substances;
- causing, coercing, or otherwise inducing another person to perform sexual acts;

- any activity that places another person in reasonable fear of bodily harm through the use of threatening words or conduct;
- any activity against another person that includes a criminal violation of local, State, Tribal, or Federal law; and any activity that induces, causes, or requires another person to perform a duty or task that involves a criminal violation of local, State, Tribal, or Federal law."
- A **student organization** is defined as "an organization at an institution of higher education (such as a club, society, association, varsity or junior varsity athletic team, club sports team, fraternity, sorority, band, or student government) in which two or more of the members are students enrolled at the institution of higher education, whether or not the organization is established or recognized by the institution"

California Law

California Penal Code §245.6 outlines California's law against hazing. This law makes it illegal to engage in any activities that have the potential to cause bodily injury to a current or prospective member of an organization. The result of bodily injury is not required for an act to be considered hazing; it is the likelihood of bodily injury that classifies an act as hazing.

According to this law, hazing that does not result in bodily injury is considered a misdemeanor and is punishable by:

- A fine of up to $5,000 and/or
- Up to one (1) year in county jail

Hazing that does result in bodily injury or death can be considered a felony and is punishable by:

- Up to three (3) years in California state prison

Reporting Hazing Incidents

In situations where an individual experiences harm that is thought to be related to hazing, students have multiple avenues to report:

- Incident Reporting form
- Contact the Dean of Students at dean_of_students@hmc.edu
- Contact The Claremont Colleges' Campus Campus Safety (101 South Mills Ave, Claremont, CA 91711), 909.607.2000
- Notification of Law Enforcement: If criminal activity is suspected, Campus Safety, in collaboration with the VPSA/DOS, will coordinate with local law enforcement.

All reports will be handled with discretion to protect the privacy of individuals involved.

External Reporting Options

Claremont Police Department: 570 West Bonita Avenue, Claremont, CA 91711

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

Emergencies: Dial 9-1-1

909.399.5411 (non-emergency number)

Investigation Process

Upon receiving a hazing report, HMC's Division of Student Affairs will:

- Contact the involved student(s), generally by email, to request to meet with them for an initial intake and assessment meeting, and will provide the following information in their outreach:
    - An invitation to meet with the VPSA/Dean of Students to offer assistance and explain their rights, resources, and options under this policy;
    - Access to the administrative process via website link or attachment;
    - Information regarding available campus and TCCS resources;
    - A Receipt of Acknowledgement document that the student received the notification which must be returned within two business days from the date of notification;
    - Students who fail to respond to initial notification within the allotted two business days will be notified that the decision-making process and consequent sanctioning will proceed without the benefit of their input if there continues to be no response from the student within two business days of this additional email notification; and
    - A statement that retaliation for reporting a concern, filing a complaint, or participating in the complaint process, is prohibited.
- Provide Interim Measures:
    - Supportive Interventions: Implement interim measures as necessary during the investigation to mitigate risks without presuming guilt. These may include no-contact orders, temporary adjustments to housing or academic arrangements, or access to counseling services.
    - Communication: Clearly communicate these measures to all affected parties, ensuring they understand their rights and responsibilities.
- Conduct a Formal Investigation: If warranted, a thorough investigation will be led by the Division of Student Affairs.
- **A formal investigation will include:**
    - **Fact-Finding**
        - Interviews of all involved parties, including employees, students, and witnesses.
        - Gather and document evidence such as video footage, emails, or other relevant materials.
        - All parties involved should make every effort to maintain confidentiality in these discussions.
    - **Fair and Impartial Investigation**
        - Conduct a comprehensive investigation by an impartial investigator(s), including interviews and evidence collection.
        - Equitable Treatment: Ensure all parties have equal opportunities to present information and respond to findings.
    - **Reporting to Law Enforcement:** In cases involving potential criminal conduct, HMC will refer the matter to local law enforcement while continuing its internal investigation.
    - **Legal Compliance**
        - Ensure compliance with applicable laws and policies, such as
        - Consult with Harvey Mudd's Risk Management and Legal Affairs Office, who will coordinate with external legal counsel as needed, to ensure proper procedures are followed.
    - **Collaboration with Honor Code or Student Conduct**:
        - If the incident potentially violates the institution's Honor Code, notify the Honor Board Chairs for review.
        - Determine whether a parallel process is necessary if legal violations are identified.
- **Timing**

The College will strive to complete the entire administrative process in an expeditious manner, but the amount of time required will depend on the scope and circumstances of each particular matter.

- **Closure or Dismissal of a Complaint**
    - The investigation team shall provide the preliminary results of the investigation to the VPSA/Dean of Students. The VPSA/Dean of Students may dismiss the case if, based on the results of the investigation, they are either unable to substantiate an incident of hazing or conclude that that an incident of hazing has not occurred. In such cases, the accused student

will be notified in writing. Should additional information become available, the VPSA/DOS may reopen the case.

Resolution of a Complaint with Finding

- **Findings**
  - The investigation team prepares a detailed report summarizing the incident, findings, and recommended sanctions, if any.
- **Resolution of Complaint Through Admission of Responsibility**
  - If the accused student admits responsibility for a violation of one of the policies, the accuser(s) will be apprised of the charge and the student's recommended sanctions. The VPSA/DOS may impose additional sanctions. A letter from the VPSA/DOS delivered by email will serve as the official notice of the decision and sanctions. The decision letter will be shared with administrative units (e.g. Registrar, Campus Safety, Office of Human Resources (for student employees), etc. on a need-to-know basis.
- **For Cases Where There is No Admission of Culpability**
  - If the accused student does not admit responsibility, a formal process involving an Administrative Hearing Committee will be launched. Referral to the Administrative Hearing Committee (AHC) must be by a referral memo created by VPSA/DOS with name of the student(s), a description of the alleged misconduct (including pertinent dates, times, witness and/or evidence), and summarizing the content of earlier meetings regarding this case. If VPSA/DOS is not available to conduct this process, a designee will be appointed.

Remedies and Sanctions

Sanctions may include educational interventions, restorative practices (e.g. mediation, dialogue, or restorative justice to rebuild trust and address harm caused by the incident), probation, suspension, or expulsion, based on the severity of the incident. Examples may include, but are not limited to:

- **Warning**: Written notice that the student behavior was in violation of a college policy and that future violations will result in more severe sanctions.
- **Restitution**: Reimbursement by the student(s) to HMC, another TCC Institution, TCC, 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 student must complete. Generally, service hours are conducted within TCC.
- **Educational Program/Project**: Programs and activities designed to help the student become more aware of the relevant policies and help the student 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 student must complete, as well completion of any assigned reflection essay or other assignment(s) within a specified time.
- **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 student's presence on HMC's campus and/or participation in HMC-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 specified individuals 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.

- **Relocation or Removal from Residence Halls**: Requirement that the student relocate to another residence hall, or off-campus residence, by a specified date.
- **Conduct Probation**: Formal, written notice that the student's behavior is in violation of policies and an expectation that the student exhibits good behavior for a defined period of time. Any violation during the probationary period will result in increased sanctioning, including academic suspension or expulsion.
- **Suspension Up to One (1), Two (2), Three (3), Four (4), Five (5), Six (6), Seven (7), or Eight (8) Semesters**: 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 HMC-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 Student's suspension will be communicated to the Registrar and other appropriate administrator(s) at the other TCC Institutions to ensure compliance. In cases involving Parties from different TCC Institutions, suspension may extend to suspension from another TCC Institution's campus, programs, activities, and events.
- **Termination of Student Employment:** Current HMC student employees may be immediately terminated from employment positions at the college and ineligible for rehire for any future HMC student employment opportunities.
- **Expulsion**: Permanent separation from their Home Institution and ineligibility to apply for admission at any other Institutions in the TCC. A student 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.

Appeals

Students wishing to appeal the AHC process and/or sanctions must do so, in writing via email or hard copy, to the President within 3 business days following receipt of sanctions. **Students will have only one opportunity to appeal**. The appeal shall consist of one or more of the following exclusive grounds for appeal:

- **New Information**: There is new and significant applicable evidence that has not yet been considered. Information would be considered "new" if it was discovered after the student's hearing. Withheld information is not considered "new" information.
- **Excessive Sanctions**: Sanctions imposed are excessive to the violation(s) relative to sanctions imposed for similar violations under similar facts and circumstances.
- **Procedural Irregularity**: The written procedure was not followed through the AHC process (e.g., the student did not have the opportunity to present information at the hearing).

The written appeal must include:

- Names of the parties involved
- A clear statement of the nature of the appeal (must consist of one or more of the following exclusive grounds):
    - New information
    - Excessive sanctions
    - Procedural irregularity
- A narrative of the incident including:
    - Why it occurred
    - How it occurred
    - Where it occurred
    - Who was present

- The information on which the appeal is based
- The desired outcome

The President (or designee), may, in response to the written appeal and upon review of all information and testimony presented, revise or confirm an earlier AHC process decision. The decision of the appeal may be made with or without meeting with the student. After a decision has been reached, the student will be notified in writing by the President.

Recordkeeping

Records of all reports and resolutions will be kept by the Vice President for Student Affairs/Dean of Students for a period of five (5) 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 College will protect the student's privacy consistent with this Policy but may disclose information to those who have a legitimate need to know in order to process remedies and sanctions under this Policy. Documents related to this process include: Complaints, Supportive Measures provided to the parties involved, the Findings 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.

Follow-Up

- **Support Monitoring**
  - Ensure continued support for individuals impacted by the incident.
  - Provide periodic check-ins with students, staff and faculty involved.
- **Policy Feedback**
  - Collect feedback from those involved in the process to refine and improve procedures.

Hazing Prevention and Awareness Programs

HMC is dedicated to proactive hazing education and prevention through:

- Student participation in an online, awareness and prevention training workshop that will equip the community with tools to:
  - Define hazing and recognize warning signs of hazing
  - Identify the types of harm and impact that can result from hazing activities;
  - Differentiate healthy and unhealthy group behaviors and dynamics and create healthy group cultures.
- Education and Awareness for Prevention Strategies: Training on the development of positive organizational cultures by identifying activities that build group cohesion, sense of belonging, and support individual and leadership development without hazing.
- Bystander Intervention training to develop skills to intervene in situations where hazing occurs or is likely to occur.
- Campus-wide campaign to inform the HMC community on what hazing is and how to report incidents of hazing.
- Additional training for Claremont-Mudd-Scripps (CMS) athletes and employees includes:
  - CMS Athletes: All CMS athletes are required to participate in an annual, pre-season team meeting with the athletic directors that reviews the definitions of hazing, provides key examples, and works with the student-athletes to consider alternative activities that support team building and competitive success. Attendance is mandatory and compliance is tracked by the Associate Athletic Director/Senior Woman Administrator.
  - CMS Coaching Employees: CMS Coaches receive all communications with training opportunities listed above for CMC staff. Additionally, all CMS Coaches, including Assistant Coaches, are required to complete an online training administered by the U.S.

Center for Safe Sport that includes a module on hazing education and prevention. This training is required annually.

Transparency & Accountability

In compliance with the Stop Campus Hazing Act (SCHA), HMC will:

- Publish an Annual Hazing Report as part of the Annual Fire Safety and Security report: Detailing reported hazing incidents and outcomes; made publicly available on the HMC website.
- Maintain a Campus Hazing Transparency Report: Regularly updated to include information on hazing incidents and prevention policies, ensuring community awareness and institutional accountability. The report will contain the following information:
    - The name of such student organization;
    - A general description of the violation that resulted in a finding of responsibility, including:
        - whether the violation involved the abuse or illegal use of alcohol or drugs, ◊ the findings of the institution, and
        - any sanctions placed on the student organization by the institution, as applicable; and
        - The dates on which:

1. The incident was alleged to have occurred
2. The investigation into the incident was initiated
3. The investigation ended with a finding that a hazing violation occurred, and
4. The institution provided notice to the student organization (if applicable) that the incident resulted in a hazing violation.

The Campus Hazing Transparency report cannot include personally identifiable information.

Continuous Improvement

HMC will regularly review and update this policy to ensure effectiveness and compliance with federal and state laws, incorporating feedback from the campus community and evolving best practices in hazing prevention. Students, staff, and faculty are encouraged to provide feedback on the Anti-Hazing Policy to foster continuous improvement and inclusivity by emailing dean_of_students@hmc.edu.

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. Campus Safety maintains a close relationship with the Claremont police department to ensure that crimes reported directly to the police department that involve HMC are brought to the attention of Campus Safety.

Campus Safety collects the crime statistics disclosed in the charts through a number of methods. Dispatchers and officers enter all reports of crime incidents made directly to the department through an integrated computer aided-dispatch systems/records management system. After an officer enters the report in the system, a department administrator reviews the report to ensure it is appropriately classified in the correct crime category. The department periodically examines the data to ensure that all reported crimes are recorded in accordance with the crime definitions outlined in the FBI Uniform Crime Reporting Handbook and the FBI National Incident-Based Reporting System Handbook (sex offenses only). In addition to the crime data that Campus Safety maintains, the statistics below also include crimes that are reported to various Campus

Security Authorities, as defined in this report. The statistics reported here include the number of criminal incidents reported to the Claremont Police Department and surrounding agencies, as applicable. 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 offenses documented.

Definitions of Reportable Crimes

Primary Crimes

Murder and Non-Negligent Manslaughter – defined as the willful (non-negligent) killing of one human being by another.

Manslaughter by Negligence – defined as the killing of another person through gross negligence.

Sexual Assault (Sex Offenses) – Any sexual act directed against another person, without consent of the victim, including instances where the victim is incapable of giving consent.

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.

Fondling – The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.

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

Statutory Rape –Sexual intercourse with a person who is under the statutory age of consent.

Robbery – is defined as taking or attempting to take anything of value from the car, custody or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.

Aggravated Assault – is defined as an unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm.

Burglary – is the unlawful entry of a structure to commit a felony or a theft.

Motor Vehicle Theft – is the theft or attempted theft of a motor vehicle.

Arson – any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property of another, etc.

Hazing- 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.

Hate Crimes - 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. For Clery Act purposes, Hate Crimes include any of the categories listed above and includes the four additional categories below:

Larceny/Theft - is the unlawful taking, carrying, leading or riding away of property from the possession or constructive possession of another. It includes pocket picking, purse snatching, shoplifting, theft from building, theft from motor vehicle, theft of motor vehicle parts or accessories and all other larceny.

Simple Assault —an unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration or loss of consciousness.

Intimidation—to unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct but without displaying a weapon or subjecting the victim to actual physical attack.

Destruction/Damage/Vandalism of Property (except Arson)—to willfully or maliciously destroy, damage, deface or otherwise injure real or personal property without the consent of the owner or the person having custody or control of it.

Categories of Bias

Race – A preformed negative attitude toward a group of persons who possess common physical characteristics, e.g., color of skin, eyes, and/or hair; facial features, etc., genetically transmitted by descent and heredity, which distinguish them as a distinct division of humankind, e.g., Asians, blacks or African Americans, whites.

Gender – A preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender, e.g., male or female.

Gender Identity – A preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender identity, e.g., bias against transgender or gender non-conforming individuals. Gender non-conforming describes a person who does not conform to the gender-based expectations of society, e.g., a woman dressed in traditionally male clothing or a man wearing makeup. A gender non-conforming person may or may not be a lesbian, gay, bisexual, or transgender person but may be perceived as such.

Religion – A preformed negative opinion or attitude toward a group of persons who share the same religious beliefs regarding the origin and purpose of the universe and the existence or nonexistence of a supreme being e.g., Catholics, Jews, Protestants, atheists.

Sexual Orientation – A preformed negative opinion or attitude toward a group of persons based on their actual or perceived sexual orientation.

Ethnicity – A preformed negative opinion or attitude toward a group of people whose members identify with each other, through a common heritage, often consisting of a common language, common culture (often including a shared religion) and/or ideology that stresses common ancestry.

National Origin – A preformed negative opinion or attitude toward a group of people based on their actual or perceived country of birth.

Disability – A preformed negative opinion or attitude toward a group of persons based on their physical or mental impairments, whether such disability is temporary or permanent, congenital or acquired by heredity, accident, injury, advanced age or illness.

Dating Violence, Domestic Violence, Sexual Assault and Stalking

Dating Violence - 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 with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

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, or
- By any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

Sexual Assault is defined as any sexual act directed against another person, without consent of the victim, including instances where the victim is incapable of giving consent.

Stalking is defined as engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

(i) Fear for the person's safety or the safety of others; or (ii) Suffer substantial emotional distress.

2026 Harvey Mudd College Crime Statistics Chart					
Offense	Year	On-Campus	Residential Facility*	Non-campus Building or Property	Public Property
Murder and Non-negligent Manslaughter	**2023**	0	0	0	0
	2024	0	0	0	0
	2025	0	0	0	0
Manslaughter by Negligence	**2023**	0	0	0	0
	2024	0	0	0	0
	2025	0	0	0	0
Rape	**2023**	1	1	0	0
	2024	1	1	0	0
	2025	3	3	0	0
Fondling	**2023**	1	1	0	0
	2024	1	1	0	0
	2025	1	1	0	0
Incest	**2023**	0	0	0	0
	2024	0	0	0	0
	2025	0	0	0	0
Statutory Rape	**2023**	0	0	0	0
	2024	0	0	0	0
	2025	0	0	0	0
Robbery	**2023**	0	0	0	0
	2024	0	0	0	0
	2025	0	0	0	0
Aggravated Assault	**2023**	0	0	0	0
	2024	0	0	0	0
	2025	0	0	0	0
Burglary	**2023**	2	0	0	0
	2024	0	0	0	0
	2025	3	2	2	0
Motor Vehicle Theft***	**2023**	3	0	6	0
	2024	10	1	6	0
	2025	9	5	4	0
Arson	**2023**	0	0	0	0
	2024	0	0	0	0
	2025	1	1	0	0
Hazing	**2023**	N/A	N/A	N/A	N/A
	2024	N/A	N/A	N/A	N/A
	2025	0	0	0	0

Other Offenses		Arrest				Judicial Referral			
		On-Campus	Residential Facility*	Non-campus Building or Property	Public Property	On Campus	Residential Facility*	Non-campus Building or Property	Public Property
Liquor Law Violations	**2023**	0	0	0	0	0	0	0	0
	2024	0	0	0	0	2	2	0	0
	2025	0	0	0	0	9	7	1	1
Drug Abuse Violations	**2023**	0	0	0	0	0	0	0	0
	2024	0	0	0	0	2	2	0	0
	2025	0	0	0	0	0	0	0	0
Illegal Weapons Possession	**2023**	0	0	0	0	0	0	0	0
	2024	0	0	0	0	0	0	0	0
	2025	0	0	0	0	0	0	0	0
Dating Violence	**2023**	0	0	0	0				
	2024	0	0	0	0				
	2025	1	1	0	0				
Domestic Violence	**2023**	0	0	0	0				
	2024	0	0	0	0				
	2025	0	0	0	0				
Stalking	**2023**	0	0	0	0				
	2024	1	0	0	0				
	2025	0	0	0	0				

There were no hate crimes reported in 2023, 2024 or 2025

* Residential statistics are a subsection of the On-Campus totals

** Statistics were received from the Claremont Police Department, Upland Police Department and are included in this report.

Claremont Police Department has not ‘unfounded’ any crimes for Harvey Mudd College in 2023, 2024, or 2025

*** Motor Vehicle Theft includes the theft of electric scooters and electric bikes per The Clery Act.

2026 Fire Safety Report

Contains Statistics for 2023 thru 2025

Introduction

The Higher Education Opportunity Act (HEOA) requires all institutions of higher education that maintain on- campus housing to publish an annual Fire Safety Report. This report contains the information required by the HEOA for Harvey Mudd College. The annual report is posted and available on October 1 to all students, prospective students, faculty, and staff on the HMC website at: https://www.hmc.edu/institutional-research/higher-education-opportunity-act-heoa/

Fire Safety Information/Policies

Any fires on campus should be reported to Campus Safety immediately by calling 909-607-2000. Any reports of fires that have occurred after the fact should be directed to the Vice President for Student Affairs and Dean of Students at cmartinez@g.hmc.edu and the Assistant Vice President for Facilities and Maintenance at mpoehlman@hmc.edu.

Evacuation Procedures

Evacuate a Building When:

1. 1You see or smell smoke or see flames in your space.
2. A building alarm is activated.
3. An emergency email, text message, or voice message is dispatched requiring a building evacuation.
4. An emergency order to evacuate is given by the police, fire department, or campus administration.

General Procedures:

1. Become familiar with the various exits in your building, residence hall, and work area.
2. **Do not ignore the fire alarm.** However, during a shelter-in-place event, verify the alarm (by Mudd Alert notifications or other email, text message, or phone) before evacuating.
3. When the fire alarm sounds, prepare to evacuate immediately.
4. Stay calm and walk quickly to the closest exit (or alternative if the nearest exit is blocked). **Do not use elevators.**
5. Walk in a single file line and stay to the right through corridors and stairwells.
6. If smoke is encountered, drop to the floor and crawl along the wall to the nearest exit.
7. When approaching a closed door, feel the door with the back of your hand. If the door is cool, carefully open the door and (if you determine it is safe) proceed with the evacuation.
8. Once outside, move to the nearest evacuation assembly site or other area away from the affected building. Keep streets and walkways clear to provide access for emergency vehicles and personnel.
9. Report persons needing evacuation assistance, those who are unaccounted for, and those you know have left campus to emergency personnel and staff members (Proctors or On-Call ADs) taking attendance.

Emergency Evacuation for Persons with Disabilities:

In the event of a building evacuation, some individuals with disabilities may require special assistance.

Mobility-Impaired/Wheelchair:

Ask the person what assistance is needed and, if unable to use the stairs, follow directions for people using wheelchairs. Seek the assistance of emergency personnel for wheelchair users on upper floors. Immediate evacuation should only be attempted if a life-threatening situation is imminent. Do not use elevators. If a person must be removed from a wheelchair, seek assistance to avoid injury and *Emergency Evacuation for Persons with Disabilities:*

In the event of a building evacuation, some individuals with disabilities may require special assistance. If you or a community member requires assistance during an emergency, ensure that others are aware of those needs and how to provide support.

Mobility-Impaired:
Ask the person what assistance is needed and, if unable to use the stairs, follow directions for individuals using mobility devices. Seek the assistance of emergency personnel for users requiring mobility devices on upper floors. Immediate evacuation should only be attempted if a life-threatening situation is imminent. **Do not use elevators.** If a person must be removed from a wheelchair, seek assistance to avoid injury and ask the person about their preferences with regard to:

- Ways of being removed from a mobility device.
- Movement of extremities when lifting (may be limited due to pain, catheter, spasticity, braces, etc.).
- What to do once removed from the mobility device.

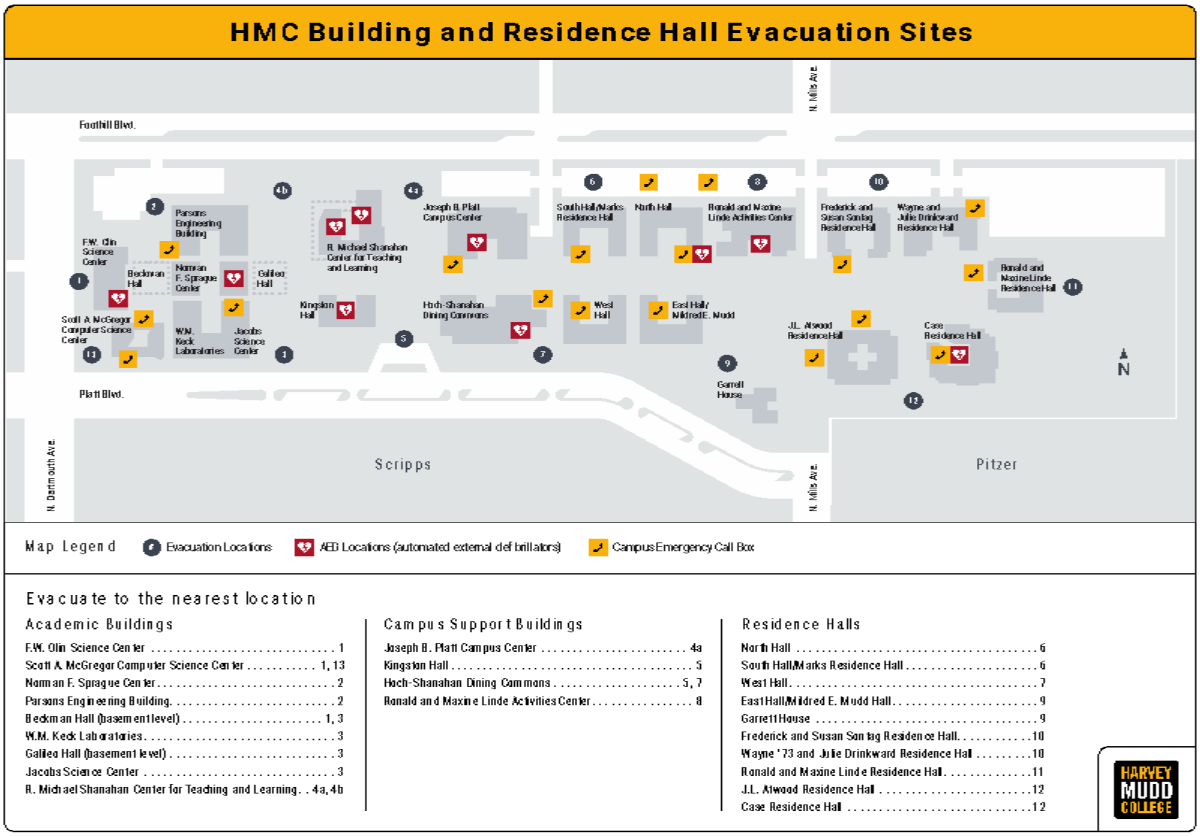
Visually Impaired:
Act as a "sighted guide" to those who are visually impaired. Offer your elbow to the individual, tell the person where you are and advise them of obstacles along the evacuation route until you have reached the designated HMC evacuation site.

Hearing Impaired:
Persons with impaired hearing may not notice audio emergency alarms and will need to be notified by an alternative method.

- *Write a note stating what the emergency is and the required action.*
- *Turn the room lights on and off to gain attention, then indicate through hand gestures or writing what is happening, what to do, and where to go.*

No one should return to the building until an "ALL CLEAR" is given by authorities, Campus Safety, building evacuation coordinators or by a Mudd Alert message.

Evacuation Site Map:



Safety and Security

When fire alarms sound in the residence halls, residents must evacuate immediately. Candles, incense, open flames and flammable liquids or gases, portable electrical appliances, and smoking are not allowed in the residence halls due to the hazards of fires. (Birthday and Hanukkah candles are okay if safely lit, constantly monitored, and quickly extinguished.) Tampering with the fire safety equipment (i.e., fire extinguishers, smoke detectors or fire alarm boxes) in the residence halls is a felony in the state of California. Covering or disabling smoke or heat detectors is dangerous and unlawful and will result in Disciplinary Board (DB) charges. People who start a fire or participate in the burning of something outside the guidelines below will be referred to DB.

Fires on campus must be registered with and approved by the Dean of Students office and the Los Angeles County Fire Department. To register a fire, a student needs to complete an event registration for the Dean of Students office. After being approved by the Dean of Students office, the student must then take the form to the local fire station (Station 101) to obtain a fire permit, which fire station personnel may or may not grant. Upon receiving a permit from the fire station, proof of the permit (in the form of a copy) must be provided to the Department of Student Affairs office. Campus Safety and College officials will use these guidelines to determine if a courtyard fire is safe and non-damaging.

The fire:

1. is fully contained (nothing hanging over the sides) in a barbecue grill that is elevated more than 6 inches off the ground and that is a maximum of 9 square feet in area and a minimum of 12 inches deep.
2. does not throw sparks or threaten anything nearby,
3. does not burn anything that gives off toxic gases, such as plastics or couches, or can explode, such as aerosol cans,
4. does not have wood or fuel for the fire that exceeds two feet tall,
5. is constantly monitored by a trained fire watch with the building's fire extinguisher and a garden hose connected to a water supply nearby,
6. is completely extinguished by the last person to leave the fire, and
7. is in compliance with the Fire Code, as determined by the Los Angeles County Fire Inspector.

Students and employees can report non-registered fires to the Student Affairs Office, Campus Safety, or the on- call staff (via contacting Campus Safety). Excessive clean-up of fires will follow normal ASHMC/F&M excessive clean-up procedures. According to the Fire Inspector, only one container of lighter fluid per barbecue may be stored in the exterior courtyard near the barbecue (not in student individual rooms). College-owned wood pallets or other materials may only be used with express written permission from F&M.

On-campus Housing Fire Safety Systems

Harvey Mudd College complies with local, state and national fire regulations. All of HMC's residential buildings have reportable fire alarm systems which are monitored 24-hours a day. Additionally, the residence halls have fire/smoke alarms and suppression equipment that include manual fire extinguishers and may also include automatic sprinkler systems. The fire safety systems are routinely inspected and monitored as mandated by the County of Los Angeles. A log of these inspections is maintained by the Facilities and Maintenance Department.

Fire Safety Systems in Residential Facilities

Facility	Year Built	Fire Alarm Monitoring Done On-Site (by Campus Safety)	Sprinkler System	Smoke Detection	Fire Extinguisher Devices	Evacuation Plans	Number of Evacuation (Fire) Drills Each Calendar Year
Atwood Residence Hall 1200 N. Mills Avenue	1981	Yes	No	Yes	Yes	Yes	2
Case Residence Hall 560 E. Foothill Blvd.	1985	Yes	No	Yes	Yes	Yes	2
Marks Residence Hall (South) 400 E. Foothill Blvd.	1968	Yes	Partial	Yes	Yes	Yes	2
Mildred Mudd Residence Hall (East) 445 Platt Blvd.	1958	Yes	No	Yes	Yes	Yes	2
North Residence Hall 440 E. Foothill Blvd.	1959	Yes	No	Yes	Yes	Yes	2
West Residence Hall 425 Platt Blvd.	1958	Yes	No	Yes	Yes	Yes	2
Linde Residence Hall 550 E. Foothill Blvd.	1993	Yes	Yes	Yes	Yes	Yes	2
Sontag Residence Hall 524 E. Foothill Blvd.	2004	Yes	Yes	Yes	Yes	Yes	2

Drinkward Residence Hall 540 E. Foothill Blvd.	2015	Yes	Yes	Yes	Yes	Yes	2

Fire Log

The Facilities and Maintenance Office maintains a Fire Log that includes the nature, date, time and general location of every fire that occurs in on-campus residence hall facilities. The log is available for inspection by contacting the Senior Director for Facilities, Emergency Preparedness and Employee Safety in the Office of Facilities and Maintenance, Monday through Friday during normal business hour.

Statistics and Related Information Regarding Fires in HMC Residential Facilities for 2023 thru 2025

Facility	Year	Total Fires in Each Building	Fire Number	Cause of Fire	Number of Injuries Requiring Treatment at a Medical Facility	Number of Deaths Related to Fire	Value of Property Damage Caused by Fire
Atwood Residence Hall 1200 N. Mills Avenue	2023	1	1	Burned Clothes in Dryer	N/A	N/A	$100
	2024	0	0	N/A	N/A	N/A	N/a
	2025	0	0	N/A	N/A	N/A	N/A
Case Residence Hall 560 E. Foothill Blvd.	2023	0	N/A	N/A	N/A	N/A	N/A
	2024	0	N/A	N/A	N/A	N/A	N/A
	2025	0	N/A	N/A	N/A	N/A	N/A
Marks Residence Hall (South) 400 E. Foothill Blvd.	2023	0	N/A	N/A	N/A	0	0
	2024	0	N/A	N/A	N/A	N/A	N/A
	2025	0	N/A	N/A	N/A	N/A	N/A
Mildred Mudd Residence Hall (East) 445 Platt Blvd.	2023	0	N/A	N/A	N/A	N/A	N/A
	2024	0	N/A	N/A	N/A	N/A	N/A
	2025	0	N/A	N/A	N/A	N/A	N/A
North Residence Hall 440 E. Foothill Blvd.	2023	0	N/A	N/A	N/A	N/A	N/A
	2024	0	N/A	N/A	N/A	N/A	N/A
	2025	0	N/A	N/A	N/A	N/A	N/A
West Residence Hall 425 Platt Blvd.	2023	0	N/A	N/A	N/A	N/A	N/A
	2024	0	N/A	N/A	N/A	N/A	N/A
	2025	0	N/A	N/A	N/A	N/A	N/A
Linde Residence Hall 550 E. Foothill Blvd.	2023	0	N/A	N/A	N/A	N/A	N/A
	2024	0	N/A	N/A	N/A	N/A	N/A
	2025	0	N/A	N/A	N/A	N/A	N/A
Sontag Residence Hall 524 E. Foothill Blvd.	2023	0	N/A	N/A	N/A	N/A	N/A
	2024	0	N/A	N/A	N/A	N/A	N/A
	2025	0	N/A	N/A	N/A	N/A	N/A
Drinkward Residence Hall 540 E. Foothill Blvd.	2023	0	N/A	N/A	N/A	N/A	N/A
	2024	0	N/A	N/A	N/A	N/A	N/A
	2025	0	N/A	N/A	N/A	N/A	N/A

Plans for Improvement

The Assistant Vice President of Facilities and Maintenance and the Assistant Vice President - Chief Human Resources Officer, in collaboration with the Division of Student Affairs and the President's Cabinet are responsible for oversight of all emergency response and preparedness initiatives on campus. The Physical Plant and Campus Planning Committee of the Board of Trustees with support from the Facilities and Maintenance staff have oversight of large-scale capital improvements. Initiatives for fire safety are reviewed by these groups regularly and as deemed appropriate. There are no immediate plans for large-scale capital improvements in the Residence Halls.