# 2025 Annual Security and Fire Safety Report

(covering January 1, 2024 – December 31, 2024)

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# I. Introduction: From the Interim Director of TCCS Campus Safety

To the Claremont McKenna College Community:

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

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

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

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

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

Desireé Flores
Interim Director, TCCS Campus Safety

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

CMC does not discriminate on any illegal basis in the administration of its admission, educational, or employment policies and practices, nor in the recruitment, training, promotion, financial support, or compensation of its faculty, students, or staff. The College complies with all applicable state and federal laws, including, but not limited to:

A. Title IX of the Higher Education Amendments of 1972
B. Title VII of the Civil Rights Act of 1964
C. California Fair Employment and Housing Act ("FEHA")
D. California Unruh Civil Rights Act
E. Family Educational Rights and Privacy Act of 1974
F. Section 504 of the Rehabilitation Act of 1973
G. Americans with Disabilities Act (the "ADA")
H. Age Discrimination in Employment Act of 1967, as amended by the Older Worker's Benefit Protection Act ("ADEA")
I. Any other applicable federal, state, or local law addressing nondiscrimination and/or equal employment opportunity.

Inquiries concerning the application of these laws to this institution should be referred to the Title IX Coordinator or the Director of Human Resources.

# II. Annual Security Report

## Reporting Crimes and Other Emergencies

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

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

## Reporting to Campus Safety

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

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

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

[1] http://colleges.claremont.edu/livesafe/

## Anonymous Reporting to Campus Safety

CMC encourages the accurate and prompt reporting of crimes to Campus Safety and appropriate police agencies by a victim, or on a victim's behalf when the victim of a crime is unable to make such a report. If you are interested in reporting a crime anonymously, you can utilize the Campus Safety's Silent Witness program that can be accessed through the Campus Safety website[2]. By policy, we do not attempt to trace the origin of the person who submits this form, unless such is deemed necessary for public safety. The form provides a user the opportunity to communicate directly with the Director of Campus Safety. It is not intended for reporting emergencies or crimes-in-progress. The user will submit a description of the event, date, time, and location of the event. Contact information is optional. Once all pertinent information has been disclosed, the user will click the 'submit' button which in turn sends it directly to the Director of Campus Safety.

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

## Voluntary, Confidential Reporting to CMC

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

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

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

[2] https://cuc.formstack.com/forms/silent_witness_incident_report
[3] https://itunes.apple.com/us/app/livesafe/id653666211
[4] https://play.google.com/store/apps/details?id=com.livesafe.activities
[5] https://www.cmc.edu/report-a-concern

## Reporting to Other Campus Security Authorities (CSAs)

While CMC prefers that community members promptly report all crimes and other emergencies directly to Campus Safety at 909-607-2000 and to the City of Claremont Police Department at 909-399-5411, we also recognize that some may prefer to report to other individuals or College offices. The Clery Act recognizes certain College officials and offices as "Campus Security Authorities (CSA)." The Clery Act defines these individuals as "official of an institution who has significant responsibility for student and campus activities, including, but not limited to, student housing, student discipline, and conduct proceedings. An official is defined as any person who has the authority and the duty to take action or respond to particular issues on behalf of the institution."

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

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

## Pastoral and Professional Counselors

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

## It's Up to Each of Us

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

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

## Responding to Crime Reports

When TCCS Campus Safety or CMC's Public Safety receives word of a serious incident or emergency that could be considered a crime or policy violation, Officers generate reports. Depending on the nature of the incident or emergency, Campus Safety and CMC Public Safety will forward information to the Claremont

Police Department and/or the Dean of Students Office for further investigation and follow-up.

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

## Preparation of the Annual Security Report & Disclosure of Crime Statistics

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

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

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

## About the TCCS Department of Campus Safety

**Role, Authority, Training and Jurisdiction**

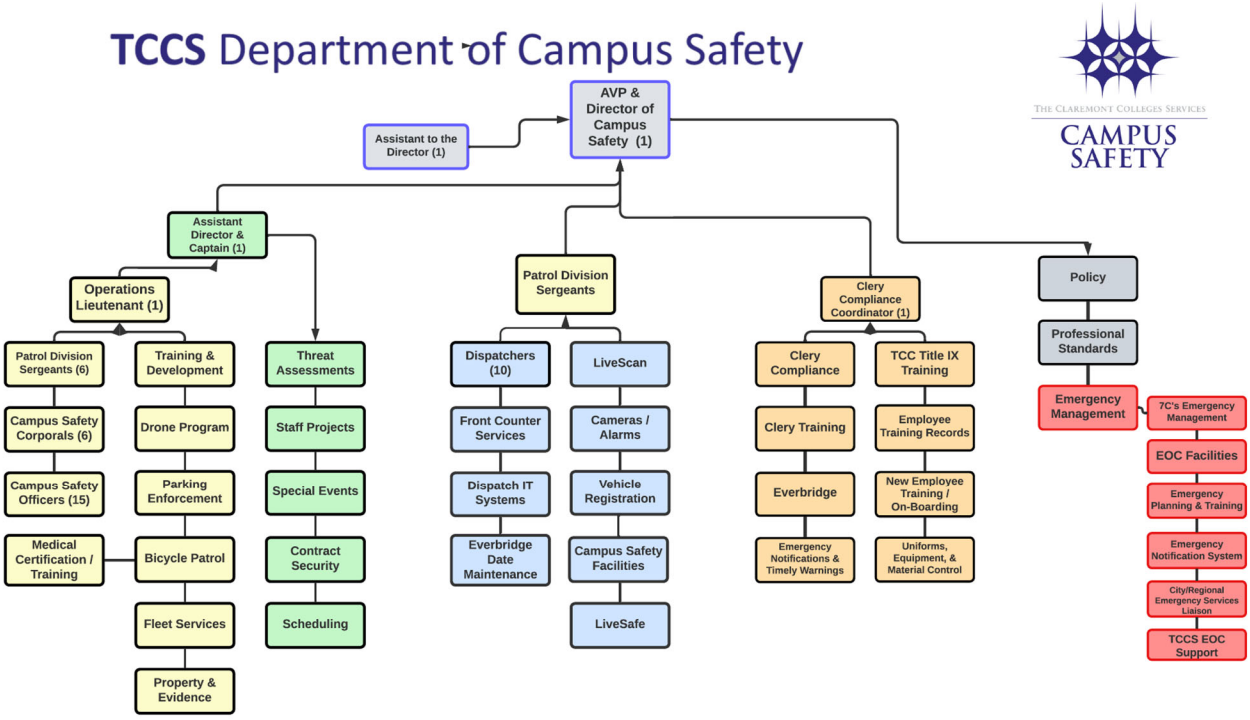
TCCS Campus Safety protects and serves The Claremont Colleges community 24 hours a day, 365 days a year. The Department is responsible for a number of campus safety and security programs that includes Emergency Management, Community Safety and Security Education, Physical Security, including security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

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

[6] https://www.cmc.edu/report-a-concern
[7] https://services.claremont.edu/campus-safety/
[8] http://cmc.edu/clery-report

- 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 a Clery Compliance Coordinator.




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

**Patrol Jurisdiction**

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

Claremont McKenna College (CMC) owns the 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:

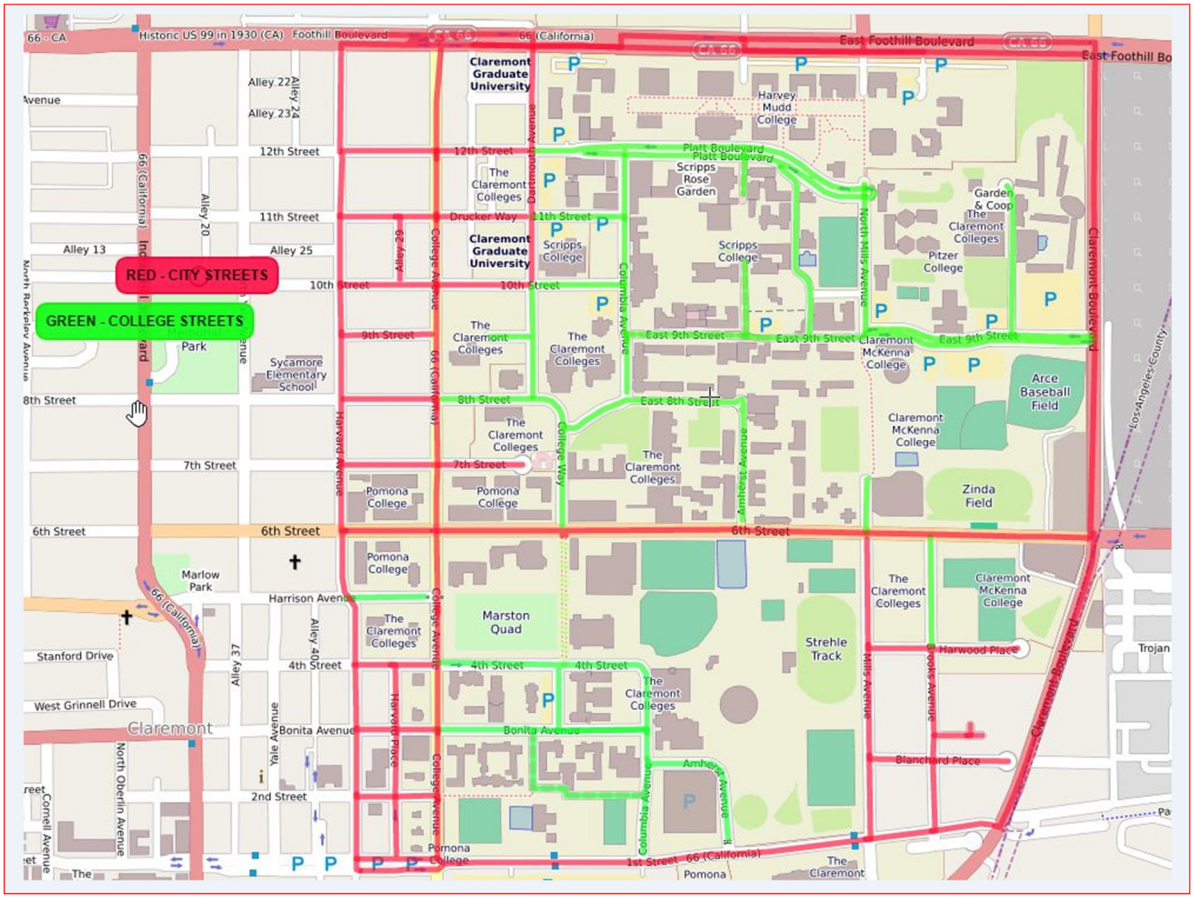
- 8 acres on the southern end of the site adjacent to Arrow Route.
    - This land is undesignated for development until future uses are identified and approved.
- 67 acres on northern 85% of this site, which is being developed as a Sports Bowl.

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

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

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

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




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

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

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

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

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

**Crimes Involving Student Organizations at Off-Campus Locations**

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

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

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

## Daily Crime and Fire Log

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

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

## Timely Warning Reports

**Purpose**

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

**Procedures**

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

[9] https://services.claremont.edu/campus-safety/

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

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

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

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

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

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

## Emergency Response and Evacuation Procedures

**Emergency Management at CMC**

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

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

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

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

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

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

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

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

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

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

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

**Emergency Notification System and Enrollment in Same**

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

There are 3 layers of notification under existing policy:

1. Emergency Notification - situations that present a significant emergency or dangerous situation at one of The Claremont Colleges campuses or in the local area affecting the health and/or safety of the community

2. Advisories - situations that require increased awareness or advisories (e.g., road closures, protests, water main breaks, etc.) that may directly or indirectly affect the campus. Generally, for information only, and may include an Incident that occurs adjacent to the campuses. May involve media and public safety agencies; road closures, etc.

3. Timely Warnings

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

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

**Confirming the Existence of a Significant Emergency or Dangerous Situation**

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

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

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

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

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

Determining which designated official from Campus Safety assists with Emergency Notifications is based on availability during a 24-hour cycle. Campus Safety maintains designated individuals throughout each 24-

hour cycle who are trained in determining the need for issuing alerts. These designated officials are the Assistant Vice President and Director of Campus Safety, and the Lieutenant, or Watch Commander.

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

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

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

**Initiating the Emergency Notification System**

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

The College communicates and works closely with local police, regularly requesting their cooperation in informing the College about reported situations that may warrant an emergency response. Based on nature of information and facts available, the Director of Campus Safety, Lieutenant, on-duty Watch Commander (or designee) will work with Campus Safety Dispatch to generate the notifications and whenever possible, in collaboration with the On-call Dean from the affected community and for CMC, coordination with Sr. leadership from the Office of Public Safety and Emergency Management (if applicable), take the initial lead consistent with existing MOUs 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.

[10] https://services.claremont.edu/blog/fall-2025-update/

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

The Claremont Colleges are a consortium of seven separate and distinct colleges that share a multitude of social, dining and academic programs, to name a few. Due to this configuration, once a significant emergency or dangerous situation occurring on one of the campuses is established that requires an emergency notification, the notification is disseminated via text message to six of the Claremont Colleges, students and employees enrolled in the Everbridge emergency management system. Depending on the nature of the emergency, Campus Safety may work with TCCS Communications and the Claremont Police Department to issue subsequent notifications to a wider group of local community members.

**Determining the Contents of the Emergency Notification**

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

1. **Alerting** the community (or appropriate segment of the community) of the emergency and the actions they should take to safeguard their and their neighbor's safety. Messages distributed in this stage of a rapidly unfolding incident will generally be short, precise, and directive. Examples include:
    - "The campus is experiencing a major power outage affecting the following buildings: Brown, Red, White, and Yellow Halls. All occupants of these buildings should immediately evacuate and meet at the designated evacuation assembly area."
    - "There is a chemical spill at Brown Hall. The chemical released is extremely hazardous if inhaled. Occupants of Brown Hall should immediately evacuate the building through the northeast exits. Follow the directions of fire personnel who are on scene. Meet at the designated evacuation assembly area or other safe area as designated by emergency personnel."

2. **Informing** the community (or appropriate segment of the community) about additional details of the situation. This message is generally distributed once first responders and the Emergency Operations Center has additional information about the dangerous situation. Examples include: "The power outage affecting Brown, Red, White, and Yellow Halls was caused by a cut power line. The local utility company is responding along with facilities personnel to repair the damage. We expect the outage will last until 2:00 p.m. Refer to TCC or individual institution homepages for additional information or dial xxx-xxxx."

3. **Reassuring** the community (or appropriate segment of the community) once the situation is nearly or actually resolved. The purpose of this message is to reassure the community that TCCS or CMC is working diligently to resolve the dangerous situation and/or that the situation is resolved. It can also be used to provide additional information about the situation and where resources will be available.

**Procedures Used to Notify The Claremont Colleges and Larger Community**

In the event of an Emergency, TCCS have various systems in place for communicating information quickly. Some or all of these communication methods may be activated in the event an Emergency Notification needs to be sent to of the community. These methods of communication at CMC include the mass notification system (Everbridge), CMC's email system, and campus bulletin boards or digital signs. CMC may

post updates during a critical incident on www.cmc.edu/emergency, as well as use fire alarms, social media posting, and runners.

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

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

**Trained Operators**

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

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

Primary (TCCS)

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

Secondary (CMC)

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

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

## Security of and Access to College Facilities

At CMC's campus, administrative buildings are open from 8:00 am until 5:00 pm, Monday through Friday and closed on the weekend and College holidays, unless access is specifically requested by appropriate College officials. Some academic and administrative spaces are open longer for student, faculty, and staff use. Access to individual classrooms and laboratories is limited to those who have an educational purpose to use those spaces after normal business hours. Similarly, access to most programs is limited to those enrolled in the program or otherwise authorized access. Only those who have a demonstrated need and approved by the Dean of Students or Dean of Faculty are issued keys or door access cards to a building.

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

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

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

**Special Considerations for Residence Hall Access**

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

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

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

**Security Considerations for the Maintenance of Campus Facilities**

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

[11] http://roberts-pavilion.cmc.edu/frequently-asked-questions-about-roberts-pavilion
[12] https://app.stackfm.com/Clients/EmployeesPortal/WorkOrdersForm/IssueSubmissionForm.aspx?pid=24&fid=650543

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

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

## Emergency Phones

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

## Campus Security Policies, Crime Prevention, & Safety Awareness Programs

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

**Behavioral Intervention by the On-Call Deans Group**

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

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

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

**Live Safe App**

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

**Explosives, Firearms, and Other Weapons**

CMC prohibits the possession and/or use of weapons and explosives on campus in accord with local and

[13] http://colleges.claremont.edu/livesafe/about/

state laws. Possessing, using or storing firearms, other weapons, ammunition, explosives or dangerous chemicals is prohibited. Please review CMC's Safe Campus Policy[14]. The Policy does not apply to the Physical Education or ROTC Programs, which may use otherwise-prohibited items as part of their courses.

**Crime Prevention and Safety Awareness Programs**

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

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

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

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

while an Officer responds. Community members are encouraged to use emergency phones for danger, fire, medical emergency, crimes-in-progress, or suspicious activity.

- Fire Alarm system response: CMC Public Safety Officers immediately report to the location if a fire alarm has been activated. While CMC Public Safety Officers respond to the immediate needs/location of the alarm, other agencies (e.g., police, fire, medical) will be directed to the location, as needed, by Campus Safety Dispatch. CMC Public Safety and TCC Campus Safety Officers will clear the way and guide other emergency service providers to the exact location. Officers know the campus streets and buildings and are trained in first aid response. Campus Safety has a close working relationship with the Claremont Police Department, the Los Angeles County Fire Department, and local ambulance providers.
- Facility Surveys: Annually each fall, CMC Public Safety, the Dean of Students Office, and CMC's Facilities Department conducts an evening safety walk to check exterior lighting, doors, windows, hardware, and grounds for possible improvements.
- Security cameras: A campus security team meets annually to review the locations of existing security cameras to suggest additional placements. Security cameras: The CMC Camera Committee is comprised of representatives from Public Safety, Facilities and IT to conduct annual assessments to review the existing security camera locations, vulnerability gaps and existing and future needs. This team also convenes bi-weekly to discuss issues such as preventative maintenance, landscape concerns impacting camera views, short term and long-term plans for replacement, and new construction additions to ensure an intentional overall security concept plan.
- Site security assessment services: TCCS Campus Safety and CMC Public Safety Officers provide security and traffic control at special events and performances.
- Free bicycle registration programming: Campus Safety Provides a free 10-year bike registry service (available at Campus Safety office from 8 a.m. to 5 p.m.).
- Free safety apps for smartphones: LiveSafe[15] is a smartphone app that helps members of The Claremont Colleges find resources and information as well as communicate suspicious or hazardous activities to Campus Safety.

## Student Conduct

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

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

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

[15] http://colleges.claremont.edu/livesafe/
[16] https://catalog.claremontmckenna.edu/content.php?catoid=39&navoid=7941
[17] https://catalog.claremontmckenna.edu/content.php?catoid=39&navoid=7975

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

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

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

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

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

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

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

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

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

From the Introductory Section of the Student Conduct Process:

> CMC (the "College") maintains expectations of its community members to conduct themselves in a responsible manner. These expectations are designed to support the educational mission of CMC and constitute the framework on which others depend.
>
> CMC advances its mission through two interdependent commitments: to the growth of our students' intellectual strengths and to their personal and social responsibility and accountability. CMC has adopted the Student Code of Conduct , which describes CMC's overarching expectations for student conduct and other College policies (including, but not limited to, those contained in the Guide to Student Life ) to:
>
> - support student development as responsible and mature adults;
> - support positive and healthy social interactions rooted in responsible decision-making;
> - promote the health and safety of CMC community members and its guests; and

[18] https://www.cmc.edu/report-a-concern
[19] http://convercent.com/report
[20] https://www.cmc.edu/dean-of-students/policies-and-procedures
[21] https://www.cmc.edu/dean-of-students

- maintain an environment that facilitates and promotes the broad educational mission and purpose of CMC.

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

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

## Parental Notification Policy

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

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

## Faculty & Staff Conduct

Employees of CMC who are not students (generally "Faculty and Staff") are expected to abide by the rules of conduct presented in the Staff Handbook[24] and Faculty Handbook[25].
From the *CMC Staff Handbook:*
CMC expects that all Employees will perform to the best of their abilities at all times. There will be occasions, however, where Employees perform at unsatisfactory levels, violate policies, or commit acts that are inappropriate. As previously noted, employment may be terminated at will by the Employee or CMC at any time with or without cause and without following any system of discipline or warnings. Nevertheless, CMC may choose to exercise its discretion to utilize forms of discipline that are less severe than termination in certain cases. Examples of such less severe forms of discipline include verbal warnings, written warnings, probationary action and demotion.

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

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

[22] https://catalog.claremontmckenna.edu/index.php?catoid=22%3E2018%20-%202019%20Policy%20Library%3C/a%3E%3Cbr/%3E%3Ca%20href=
[23] https://www.cmc.edu/report-a-concern
[24] https://catalog.claremontmckenna.edu/content.php?catoid=39&navoid=7921
[25] https://catalog.claremontmckenna.edu/content.php?catoid=39&navoid=7935
[26] https://catalog.claremontmckenna.edu/content.php?catoid=39&navoid=8058

Employees of The Claremont Colleges who work at The Claremont Colleges Services are governed by TCCS conduct policies and their respective departments.

## Anti-Hazing Policy

The College is committed to the safety of the students, student-athletes, faculty, staff, and visitors. An important element to a safe campus is a strong, effective, anti-hazing program. This Policy informs the CMC and CMS community of the College's comprehensive program to deliver hazing prevention education and training, provide a variety of options to report suspected hazing, and response framework for allegations, including possible sanctions for substantiated violations.

The College encourages all individuals who are the subject of potential hazing to pursue all legal remedies available to them, including reporting incidents of potential criminal conduct to law enforcement. If the conduct in question is alleged to be a violation of both College policy and the law, the College will proceed with its normal process, regardless of action or inaction by outside authorities. Decisions made or sanctions imposed through these or other College procedures are not subject to change because criminal charges arising from the same conduct are dismissed, reduced, or rejected.

Through the promulgation, implementation, and enforcement of this Policy, the College complies with California's Stop Campus Hazing Act[27], California Penal Code 245.6[28], and the federal Stop Campus Hazing Act[29].

**Prohibition Against Hazing**

The College is committed to maintaining an environment of social responsibility that is free of harm, including hazing. Hazing is also against the law, and CMC recognizes the act of hazing as illegal, irresponsible, intolerable, and inconsistent with our community values.

For the purposes of this Policy, hazing is defined as:

- Any intentional, knowing, or reckless act, activity, or method committed by a person (individually or in concert with other persons), whether through active or passive participation against another person or persons that
    - is committed in the course of a pre-initiation, an initiation into, an affiliation with, or the maintenance of membership in, without limitation, an official or unofficial student organization, club, body, center, or athletic team; and
    - causes or creates a risk of physical or psychological injury, above the reasonable risk encountered in the course of participation in the institution of higher education or the organization (e.g., the physical preparation necessary for participation in an athletic team).
- Hazing activities can be committed against current, former, or prospective students.
- Acts constitute hazing under this Policy *regardless* of the willingness of such other person(s) to participate in the activity or their actual *or* apparent consent to engage in the activity.

[27] https://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?lawCode=EDC&division=5.&title=3.&part=40.&chapter=5.1.&article=

[28] https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=245.6.&lawCode=PEN

[29] https://www.congress.gov/118/plaws/publ173/PLAW-118publ173.pdf

Hazing includes, but is not limited to, behaviors that:

- Emphasize a power imbalance between new members and veterans of the group or team that involve ridicule, embarrassment, and humiliation.
- Cause emotional anguish or physical discomfort that puts unnecessary stress upon the victims (e.g., verbal abuse, threats, sleep deprivation, confinement in spaces, exposure to elements, etc.).
- Have the potential to cause physical and/or emotional harm (e.g., beating, branding, excessive exercise, forced alcohol/food/drug consumption, extreme physical acts, sexual acts, etc.)
- Require someone to perform a task that violates any criminal law.

No policy can address all possible activities or situations that may constitute hazing or identify all groups that may be involved in hazing activities. Whether a particular activity constitutes hazing will depend on the circumstances and context in which that activity is occurring in light of the above framework.

In California, criminal prosecution for certain types of hazing incidents is possible. A person can be charged with a misdemeanor or felony, depending on the seriousness of any injuries. In addition to a conviction and possible incarceration, fines may be assessed. Please read Penal Code 245.6[30] for more information.

California also provides for civil liability for hazing activities under certain circumstances. Please read Education Code Section 66308[31] for more information.

**Education and Training of CMC Community Members**

A fundamental component of a comprehensive anti-hazing program is research-informed, effective training for the entire CMC Community. To ensure that every CMC community member has a foundational understanding of their role in promoting a safe environment that is free from hazing, minimum training outcomes include:

- Defining hazing and the range of hazing behaviors and scenarios;
- Identifying the types of harm and impact that can result from hazing activities;
- Differentiating healthy and unhealthy group behaviors and dynamics;
- Identifying activities that build group cohesion, sense of belonging, and support individual and leadership development without hazing;
- Developing skills to intervene in situations where hazing occurs or is likely to occur, including bystander intervention; and,
- Options for reporting allegations of hazing, including anonymous reporting options.

The College requires training on the above outcomes for all new students (incoming first-years and transfers) as well as annually for student-athletes, and student club/organization Executive Board members. Specifically:

- **New Students**: All incoming first-year and transfer students will be required to complete an interactive online training to gain a foundational understanding of recognizing, avoiding, and responding to hazing. This online training must be completed prior to students' arrival on campus for Orientation. Completion of this module will be tracked, and individual follow up will be done to

[30] https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=245.6.&lawCode=PEN

[31] https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=EDC&sectionNum=66308.

ensure all students complete the module. During Orientation, students will engage in in-person sessions and conversations to build on the knowledge they acquired in the online training.

- **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.
- **CMC Student Club and Organization Leaders**: In addition to requiring all club Executive Board members to complete an online training module, a minimum of two Executive Board members are required to participate in an annual in-person Club Leader training, which includes discussions that build on the skills and content learned in the online training.

Additionally, each year, faculty and staff, including coaches, will participate in training and will receive the policy to ensure they foster an environment that is free of hazing and promotes healthy group cohesion and development. Specifically:

- **Employees**: At the start of each academic year, the Vice President for Human Relations and Chief Diversity Officer will communicate the Hazing Policy to all employees (faculty and staff) via email. This email will include access to an interactive online training that provides a foundational understanding of recognizing, avoiding, and responding to hazing. Additionally, the Vice President for Human Relations and Chief Diversity Officer will present on the topic of Hazing during the fall semester to reinforce and relay critical information about this Policy.
- **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.

**Reporting Options**

CMC Community Members are encouraged to report concerns about potential hazing activities as follows:

Within the Claremont Colleges:

**Dean of Students Office**
Dianna "DT" Graves
Vice President for Student Affairs
(909) 621-8114
Dianna.graves@cmc.edu

Reports may also be anonymously submitted through the CMC Report a Concern[32] page by clicking on the "Student Conduct Violations, Including Hazing" tile.

[32] https://www.cmc.edu/report-a-concern

**Department of Campus Safety for The Claremont Colleges**
101 South Mills Avenue
Claremont, CA 91711
(909) 607-2000 (emergency)
(909) 621-8170

External Reporting Options

**The 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)

**Investigating and Responding to Hazing Allegations, including Possible Sanctions**

Students
The College expects its students to conduct themselves in socially responsible and respectful ways. Participation in hazing, either as an individual or as part of any recognized or unrecognized student group of the Claremont Colleges, may result in serious individual and organizational consequences including, but not limited to: disciplinary action up to and including suspension or expulsion; permanent loss of organizational recognition; and loss of eligibility to remain a member of any club, team, or other College-affiliated student group.

Allegations of hazing against students, including student-athletes, will be investigated and responded to through the College's Student Conduct Process[33] , administered by the Dean of Students Office. If allegations include students from the other Claremont Colleges, the College will contact those campuses to request they review the information provided and respond appropriately under their disciplinary processes.

Employees
Staff who are alleged to have participated in hazing will be subject to discipline, with sanctions ranging from warnings to termination.

Faculty who are alleged to have participated in hazing will be subject to the grievance procedures for redress and remedy with regard to the violation of established College policies and procedures, as outlined in the Faculty Handbook, Section 4.4.[34]

## Programs to Prevent Dating Violence, Domestic Violence, Sexual Assault, and Stalking

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

[33] https://catalog.claremontmckenna.edu/content.php?catoid=42&navoid=8740
[34] https://catalog.claremontmckenna.edu/content.php?catoid=39&navoid=8073

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

CMC provides comprehensive programming and initiatives to address dating violence, domestic violence, sexual assault, and stalking. CMC takes education and prevention on dating violence, domestic violence, sexual assault, and stalking seriously and has programs designed to educate the community about these important issues. Prevention and education programs focus on positive consent culture and include an overview of the College's policies and procedures, including a discussion on the definitions of prohibited conduct that are derived from the CMC Civil Rights Policy and TCC Interim Title IX Policy definitions in compliance with federal and state law; discussions on how to obtain Affirmative Consent; safe options for bystander intervention; resources to get further assistance; and reporting options. The College also conducts ongoing prevention and awareness campaigns for all students and employees.

**Training For New and Continuing Students**

To maintain an environment free from discrimination and harassment prohibited by law including sexual assault, domestic violence, and stalking, all students, including incoming students, participate annually in a web-based prevention and awareness program. This program includes the definitions of dating violence, domestic violence, sexual assault, stalking and affirmative consent per CMC policy definitions, crimes as defined by 34 C.F.R. §668.46, and California criminal definitions. The program also addresses issues related to alcohol and bystander intervention. Further additional resources related to the prohibited conduct and complaint reporting procedures and parties' rights are provided to first year, incoming students, and transfer students during orientation, outdoor adventure trips, and with first year guides.

**Training For Faculty and Staff**

All new employees participate in a web-based program or in-person training on prohibited conduct such as dating violence, domestic violence, sexual assault, stalking, sexual harassment, and bystander intervention per CMC policy definitions, crimes as defined by 34 C.F.R. §668.46, and California criminal definitions. In addition, staff participate annually in either an in person or online refresher training. The program discusses the definitions of sexual assault, dating violence, domestic violence, stalking and affirmative consent. Employees also receive information on reporting procedures and rights available in the complaint process.

**Risk Reduction**

To empower those who may be at risk, CMC promotes safety and supportive measures that may help students, including new incoming students, and employees. These individual preventive measures are risk reduction behaviors designed to decrease perpetration and bystander inaction and to increase empowerment for those who may be at risk. Risk reduction programming and dialogue are provided throughout the year to new and current students. Employees also risk reduction strategies and information bystander intervention in their annual training.

## Procedures to Follow if a Crime of Dating Violence, Domestic Violence, Sexual Assault, and Stalking Has Occurred

CMC strongly encourages individuals who are the subject of dating violence, domestic violence, sexual assault, and stalking, to report, including pursuing a civil case or reporting incidents of potential criminal conduct to law enforcement. Reports, inquiries or complaints can be made to internal or external agencies (or both).

**Reporting to CMC**

Complaints of dating violence, domestic violence, sexual assault, or stalking may be addresses through TCCS and CMC's administrative process. A reporting party can report an incident to the Title IX Coordinator. The Title IX Coordinator monitors the CMC's Grievance Procedures and ensures the process is fair and neutral and can assist in initiating the TCCS Grievance Procedures. To report an incident of sexual assault, domestic violence, dating violence or stalking a student can contact the Title IX Coordinator through different avenues. They make a phone call at (909) 607-3830, send an email to jrosas@cmc.edu or titleix@claremontmckenna.edu, they can also make an appointment to speak to the Title IX Coordinator and meet them in person at their office which is located on Claremont Mckenna's campus on the second floor if the Atheneum room 220.

**The Importance of Preserving Evidence**

If an incident of sexual assault, domestic violence, dating violence or stalking occurs it is important to preserve evidence to aid in the possibility of a successful criminal prosecution. The Complainant of a sexual assault should not wash, douche, use the toilet, or change clothing prior to a medical exam. Any clothing removed should be placed in a paper bag. Evidence of violence, such as bruising or other visible injuries, following an incident of domestic or dating violence should be documented including through the preservation of photographic evidence. Evidence of stalking including any communication, such as written notes, voice mail or other electronic communications should be saved and not altered in any way. The Complainant is encouraged to preserve this evidence in writing.

**Reporting to Law Enforcement and Making a Criminal Complaint**

Victims may choose to report a crime or deny reporting to law Enforcement. For crimes that occurred on CMC's campus, victims should report to Claremont Police Department. Victims may do so by calling 911 or going to the station. Claremont Police Department is located at 570 W. Bonita Claremont, CA 91711. Victims may also choose to report to Campus Safety by calling them at 909-607-2000 or going to their offices at 101 S. Mills Ave Claremont, CA 91711.

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

**Protective Orders**

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

**Court Ordered Restraining Orders**
Complainants may decide to request a court ordered restraining order or similar lawful orders issued by a criminal, civil, or tribal court. The Complainant can contact the EmPOWER Center at (909) 607-2689 or the Claremont Police Department-(909-399-5411) for more information on how to obtain restraining orders. CMC will comply with these court orders. The party who obtained the order should notify Claremont Police Department of the restraining order for it to be enforced. The party who obtained the order can notify Campus Security if they need assistance notifying Claremont Police Department.

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

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

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

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

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

**Written Notification**
CMC will provide Complainants alleging dating violence, domestic violence, sexual assault for stalking, with written notification about existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid and other services available to victims, both within the institution and in the community. This written notice additionally includes information on supportive measures and rights and options available throughout the reporting and complaint process, including administrative and criminal reporting options, advocates, preserving evidence, protective orders, and medical care. The written notice is also provided annually to all students and employees.

Accommodations or protective measures are available if the complainant requests them and if they are reasonable av available, regardless of whether the victim chooses to report the crime to campus safety or local law enforcement.

**Supportive Measures**

In response to all reports of an alleged violation of domestic violence, dating violence, sexual assault, and stalking, CMC may offer supportive measures as are necessary to support and protect the health and safety of the parties and the safety of the CMC community (or any of its individual members) pending the outcome of the Grievance Process. In order to access supportive measures, a person should contact the Title IX Coordinator a phone call at (909) 607-3830, send an email to jrosas@cmc.edu or titleix@claremontmckenna.edu, they can also make an appointment to speak to the Title IX Coordinator and meet them in person at their office which is located on Claremont Mckenna's campus on the second floor if the Atheneum room 220

Supportive Measures generally refer to support or assistance that can be provided to either party without impacting the rights of the other party and which may be implemented independent of the Grievance Process. Examples of such accommodations include:

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

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

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

**Registered Sex Offenders**

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 California Department of Justice maintains a website containing information about sexual offenders in California which may be found at meganslaw.ca.gov.

**Disciplinary Procedures**
To report an incident of sexual assault, domestic violence, dating violence or stalking a student can contact the Title IX Coordinator through different avenues. They make a phone call at (909) 607-3830, send an email to jrosas@cmc.edu or titleix@claremontmckenna.edu, they can also make an appointment to speak to the Title IX Coordinator and meet them in person at their office which is located on Claremont Mckenna's campus on the second floor if the Atheneum room 220.

**Applicable Complaint Procedures**
When a party makes a complaint alleging sexual assault, domestic violence, dating violence or stalking, the complaint may be processed under the CMC's Civil Rights Policy or TCCS Interim Sexual Harassment and Sex-Based Conduct Policy. Any allegations of sexual assault, dating violence, domestic violence and stalking involving student that fall under the Federal Title IX Regulations will be processed under The Claremont Colleges Interim Policy on Title IX Sexual Harassment, Other Sex-Based Conduct, and Retaliation ("TCCS Interim Policy"). Allegations that do not meet the threshold of the Federal Title IX Regulations such as Sexual Exploitation and other State specific laws will be processed under the CMC's Civil Rights Policy.

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.

**Simultaneous Written Notification**
Any communications relating to the outcome of an investigation or hearing, including any changes to the outcome or when the outcome becomes final, will be provided in writing to the Complainant and the Respondent at the same time.

## TCCS Interim Title IX Policy

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

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

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

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

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

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

Any person may report Prohibited Conduct under this Policy. The individual reporting the Prohibited Conduct need not be the individual subjected to the alleged misconduct. However, only the following individuals have the right to make a Formal Complaint alleging Title IX Sexual Harassment, a Complaint of Other Sex-Based Harassment, or Complaint of Retaliation, requesting that the TCC Institution investigate and make a determination about alleged Prohibited Conduct under this Policy:

1. A Complainant;
2. A parent, guardian, or other authorized legal representative with the legal right to act on behalf of a Complainant;
3. The Complainant's Home Institution's Title IX Coordinator upon making case-specific analysis
4. For Cross-Campus allegations of Prohibited Conduct, the Respondent's Home Institution's Title IX Coordinator, and upon consultation with the Complainant's Home Institution's Title IX Coordinator.

Any person wishing to report or file a Complaint of Prohibited Conduct may do so by contacting Joanna Rosas, CMC Title IX Coordinator. 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. Upon receipt of a report or Complaint of Prohibited Conduct, the Complainant's Home Institution's Title IX Coordinator will respond.

**Disclosing Prohibited Conduct to a Confidential Resour*ce***

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

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

There are two types of Confidential Resources at TCC.

1. Confidential Resources with the Legal Privilege of Confidentiality

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

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

Domestic Violence).

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

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

2. Institution-Designated Confidential Resources

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

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

Examples of Institution-designated Confidential Resources at TCC include but are not limited to: the Director of the EmPOWER Center and the Director of the Queer Resource Center (QRC).
Some campus advocates are Institution-designated Confidential Resources. All campus Advocates, however, are private resources, and do not have an obligation to share any information with the Title IX Coordinator. Please check with your individual TCC institution for a definitive list of confidential resources.

**Reporting Prohibited Conduct to a TCC Institution Employee and Their Reporting Obligations**
Employees should refer to their own TCC Institution's Responsible Employee Policy.

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

**Reporting 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.

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

- An invitation to meet with Complainant's Home Institution's Title IX Coordinator to offer assistance and explain their rights, resources, and options under this Policy;
- Access to this Policy via link or attachment;
- Information regarding available campus and community-based resources for counseling, health care, mental health, or victim advocacy. Upon request, information regarding legal assistance, visa and immigration assistance, student financial aid and other available services may be provided;
- The availability of Supportive Measures regardless of whether a Complaint is filed and/or any Resolution Process is initiated;
- Information regarding resolution options (Support-Based, Agreement-Based, and Investigation and Hearing Resolution) under this Policy, how to initiate such Resolution Processes including how to file a Formal Complaint to invoke the Title IX Procedural Requirements; and how those procedures work, including contacting and interviewing Respondent and seeking identification and location of witnesses;
- The right to notify law enforcement as well as the right not to notify law enforcement;

- The importance of preserving evidence and, in the case of potential criminal misconduct, how to get assistance from TCC Campus Safety or local law enforcement in preserving evidence;
- The right to have a Support Person and/or Advisor during any meetings or proceedings under this Policy, including the initial meeting with the Complainant's Home Institution's Title IX Coordinator; as well as the right to consult with an attorney, at their own expense, at any stage of the process if they wish to do so; and
- A statement that Retaliation for reporting a concern, filing a Complaint, or participating in the Complaint process, is prohibited.
- If the Title IX Coordinator who received the report is different from the Complainant's Home Institution's Title IX Coordinator, then the Title IX Coordinator who received the report will forward the report to the appropriate Home Institution Title IX Coordinator.

**Initial Intake Meeting and Assessment**

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

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

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

During this initial meeting, or in a separate follow-up meeting, the Complainant's Home Institution Title IX Coordinator will gather preliminary information about the nature of the circumstances or the report to determine appropriate next steps, including appropriate Supportive Measures, whether this Policy applies, and if so, which resolution option(s) may be appropriate based on the allegations and status of the Parties.

Information gathered may include names of individuals involved, date of incident(s), location of incident(s), and a description of the alleged incident. The Complainant's Home Institution's Title IX Coordinator may also determine that the provision of only Supportive Measures is the appropriate response under the Policy based on the information provided. The intake meeting is not intended to serve as an exhaustive interview, but rather to provide the Complainant's Home Institution's Title IX Coordinator with sufficient contextual information to determine the appropriate next steps to support the Complainant and to guide the TCC Institution's response. The initial assessment is not a finding of fact or responsibility. If the individual bringing forward the report or Complaint is not the actual Complainant, the Complainant's Home Institution's Title IX Coordinator will limit communication to general information regarding this Policy.

Should the Complainant wish to initiate a Resolution Process, the Complainant's Home Institution's Title IX Coordinator will determine whether this Policy applies and, if so, the appropriate Resolution Process under this Policy. The Complainant's Home Institution's Title IX Coordinator will communicate to the Complainant the determination whether to initiate the Resolution Process, close the matter due to insufficient information to warrant further review under this Policy, and/or refer the matter for handling under a different policy, and/or appropriate TCC Institution office for handling, pursuant to the dismissal provisions

of this Policy. 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.

**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.

**Emergency Removal for Title IX Sexual Harassment**

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

Emergency removals in Title IX Sexual Harassment cases will occur only after the Respondent's Home TCC Institution has completed the following steps:

1. Completion of an individualized safety and risk analysis. This analysis will focus on the specific Respondent and the specific circumstances arising from the allegations of Prohibited Conduct.
2. Determination that the following three components are present:
    a. An imminent and serious threat justifying emergency removal. This analysis should focus on the Respondent's propensity, opportunity, and/or ability to effectuate a stated or potential threat. This determination will be fact-specific.
    b. The threat is to the health or safety of a TCC Institution's students, employees, or other persons. This may be the Complainant, the Respondent, or any other individual.

c. And it is a threat arising from the allegations of Prohibited Conduct. For purposes of emergency removal under this Policy, the emergency situation must specifically arise from the allegations of Prohibited Conduct.

3. Consideration of the appropriateness of Supportive Measures in lieu of an emergency removal. Emergency removals should only occur when there are genuine and demonstrated emergency situations.
4. Respondent's Home Institution provides the Respondent with notice and an opportunity to appeal the decision immediately following the emergency removal. The Respondent's Home Institution will provide the Respondent with a sufficiently detailed notice, notifying the Respondent of the identified imminent and serious threat of health or safety to any individuals. Pursuant to the process identified in the applicable student conduct code, employee handbook, or similar policy of the Respondent's Home Institution, Respondent's Home Institution will provide the Respondent with notice and the opportunity to appeal the emergency removal decision immediately following the removal. The Respondent may challenge the decision by notifying their Home Institution Title IX Coordinator in writing.

**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.

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.

**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.

**Closure or Dismissal of a Complaint**

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

1. The Complainant's Home Institution's Title IX Coordinator is unable to identify the Respondent after taking reasonable steps to do so;
2. The Respondent is not participating in any TCC Institution education programs or activities, is no longer enrolled at any TCC Institution, and/or is not employed by a TCC Institution;
3. The Complainant voluntarily withdraws their Complaint in writing, and the Complainant's Home Institution's Title IX Coordinator determines they will not continue with the Complaint process against Complainant's wishes;
4. The Complainant voluntarily withdraws, in writing, some but not all allegations in a Complaint, and the Complainant's Home Institution's Title IX Coordinator determines that, the conduct that remains alleged in the Complaint would not constitute Prohibited Conduct under this Policy;
5. The Complainant's Home Institution Title IX Coordinator determines the conduct alleged in the Complaint, even if proven, would not constitute Prohibited Conduct under this Policy, or
6. Specific circumstances prevent a TCC Institution or TCC from gathering evidence sufficient to reach a determination as to the allegations.

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

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

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

The TCC Title IX Administrator will notify the Complainant that a dismissal may be appealed on any of the appeal grounds outlined in the Appeals Rights and Process. 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.

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

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

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

**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.

**Consolidation of Complaints and Allegations**

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

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

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

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

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

**Resolution Options (Support-Based, Agreement-Based, Respondent's Acceptance of Responsibility, and Investigation and Hearing Resolution)**

TCC recognizes that the decision of whether to engage in the Resolution Process, and which resolution process option to pursue is an important decision. This Policy provides multiple ways to resolve a report or complaint of Prohibited Conduct, including Support-Based Resolution, Agreement-Based Resolution, Respondent's acceptance of responsibility, and Investigation and Hearing Resolution options (collectively referred to as the "Resolution Process").

In response to a reported concern or Complaint alleging Prohibited Conduct, the Complainant's Title IX Coordinator will make initial contact. 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.

**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, are listed above.

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. 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**

The Agreement-Based Resolution (ABR) process is an alternative resolution option where the Parties each voluntarily agree to resolve the allegations or Complaint of Prohibited Conduct through a Resolution Agreement with agreed upon resolution terms and without engaging in an investigation or proceeding to a hearing where there is a determination of responsibility. No Party may be required to participate in the ABR, and it may never be a condition of enrollment, employment, or enjoyment of any other right or privilege of TCC. The Parties' Home Institution's Title IX Coordinators must determine that ABR is an appropriate resolution option. Generally speaking, ABR may be less time intensive than the Investigation and Hearing Resolution process, while affording Parties an opportunity to actively participate in a process that seeks to

provide autonomy with regard to achieving a desired outcome. ABR is a voluntary, structured interaction between or among affected Parties.

1. General Information and Requirements for Engaging in Agreement-Based Resolution

Unless the allegations are subject to the Title IX Procedural Requirements, a Complaint is not required for ABR; however, the Complainant must articulate the allegations of Prohibited Conduct they wish to resolve through the process. Allegations subject to the Title IX Procedural Requirements require a Formal Complaint to be on file before proceeding with ABR.

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

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

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

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

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

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

2. Determining Appropriateness of Agreement-Based Resolution

It is important to note that there are circumstances where ABR, or a specific option under ABR, is not available or is determined not appropriate to resolve a report or Complaint of Prohibited Conduct. For Title IX Sexual Harassment allegations, ABR involving a student and an employee is not permitted. Under California law, mediation is not a permitted resolution option to resolve reports or Complaints involving allegations of Sexual Assault or California Sexual Violence.5 Instead, a Facilitated Resolution Agreement or Restorative Justice process are permitted options to resolve such allegations. Also, the Complainant's Home Institution Title IX Coordinator has discretion to not offer ABR to resolve a particular matter, or to determine that the ABR process is not appropriate based on the circumstances of the report or Complaint, and that the matter must instead be resolved through an alternate resolution process option, such as the Investigation and Hearing Resolution process. In situations involving Cross-Campus Complaints when the Home Institution Title IX Coordinators do not agree on the appropriateness of ABR, they may consult with the TCC Title IX Administrator. The Complainant's Home Institution's Title IX Coordinator makes the final decision on whether ABR is appropriate. In making this determination, the Complainant's Home Institution's Title IX Coordinator may consider the following: The severity of the allegations, whether there is an ongoing threat of harm or safety, or risk of future harm, to others in the campus community, whether there is an identifiable power differential (with regard to positional authority or employment) between the Parties, and whether the Parties are participating in good faith. This determination is not subject to appeal.

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

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

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

4. Agreement-Based Resolution Options

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

a) Facilitated Resolution Agreement

The Facilitated Resolution Agreement is a process facilitated by the Home Institution's Title IX Coordinator(s), or other designated Facilitator, with the purpose of finding resolution that addresses the concerns and desired outcome for all Parties. The Parties meet separately with their Home Institution's Title IX Coordinator(s), and do not interact directly with the other Parties. While this option must still be approved by the Home Institution's Title IX Coordinator(s), this option allows the Parties flexibility in finding resolution as it does not have the same limitations as the other options (e.g., can be used to address any Prohibited

Conduct under this Policy, so long as it is approved by the Home Institution's Title IX Coordinator(s), it does not require the Respondent to acknowledge harm (Restorative Justice), and does not include any direct dialogue between the Parties (Mediation or Restorative Justice)).

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

b) Mediation

Under California law, mediation is not permitted, even on a voluntary basis, to resolve allegations involving Sexual Assault and Sexual Violence as defined in this Policy.6 Mediation may be permitted for other situations not involving Sexual Assault or Sexual Violence, such as reports involving allegations of Hostile Environment Sexual Harassment, as defined in this Policy. Mediation may be 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.7 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.

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

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

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

5. The Agreement-Based Resolution Process

a) Initiating the Agreement-Based Resolution Process

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

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

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

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

b) Facilitating Agreement-Based Resolution and the Resolution Agreement

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

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

- The Parties will not communicate or otherwise engage with one another, either directly or indirectly, by any means (Mutual No Contact Order) or agreement that Respondent will not communicate or otherwise engage with Complainant, either directly or indirectly, by any means (Unilateral No Contact Order);
- Class adjustments and/or restriction from enrolling in mutual classes with Complainant for a specified term(s);
- Housing relocation or removal, and/or restriction from living in specific residence halls for a specified term(s);
- Restriction from or limiting access to certain buildings on campus, including residence halls, dining halls, library, and recreational facilities;
- Changes in work schedules, locations, or assignments;
- Restrictions or limitations on participation in and/or presence at activities and events, such as extracurricular activities, athletics events, student organizations, social events, etc.;
- Sufficient completion of educational training or project by the Respondent, and sufficient completion of any assignments, such as a reflection paper or essay. Training or education topics

may include, but are not limited to: affirmative consent, healthy relationships, bystander intervention, and drug or alcohol use (if related to the allegations);
- Sufficient completion of community service hours or project by the Respondent;
- Participation in and completion of mentoring, coaching, or counseling sessions within specified term(s), and sufficient completion of any assignments, such as a reflection paper or essay;
- An agreement to engage in a restorative justice process, such as a conference, circle, or facilitated dialogue;
- Sharing of Complainant's impact statement with Respondent, with optional reflection or response from Respondent;
- Disciplinary terms, such as agreement to serve conduct probation or suspension for a specified term(s), or to permanently separate from Respondent's Home Institution and ineligibility to re-enroll or apply for admission at any other TCC Institutions; and
- Agreement to have degree conferral delayed for specified term.

The Home Institution's Title IX Coordinator(s) may require certain resolution terms be included in the Resolution Agreement as a matter of practice, such as educational training and/or implementation or extension of a mutual or unilateral No Contact Order. Any agreed-upon remedies and disciplinary sanctions agreed to in ABR have the same effect as remedies given and disciplinary sanctions imposed following an investigation and hearing.

If a Resolution Agreement cannot be reached, either because the Parties do not agree, any Party withdraws from the process, or the Complainant Home Institution's Title IX Coordinator terminates the process for any reasons previously discussed, the Complainant's Home Institution's Title IX Coordinator may decide that the reported Prohibited Conduct will instead be addressed through the Investigation and Hearing Resolution process, and may include initiating the process, or continuing with any pending process paused for the ABR process. The Home Institution's Title IX Coordinator(s) (or TCC Title IX Administrator) will inform the Parties of such decision, in writing.

c) Finalizing the Resolution Agreement

If a Resolution Agreement is reached, the Home Institution's Title IX Coordinator(s) will review and approve the resolution terms. The Facilitator will draft the Resolution Agreement to include the resolution terms discussed with the Parties and approved by the Home Institution's Title IX Coordinator(s). The opportunity for any Party to withdraw from an ABR process concludes when the Parties and the Home Institution's Title IX Coordinator(s) sign the Resolution Agreement. Once signed, the agreed upon terms of the Resolution Agreement are binding on all Parties, and no appeal is permitted.

The TCC Title IX Administrator will provide copies of the Resolution Agreement to the Parties. The Respondent's Home Institution's Title IX Coordinator, if different from the Complainant's Home Institution's Title IX Coordinator, and/or Human Resources professional will monitor adherence and completion of the agreed upon terms and will update the Complainant accordingly. In situations involving a Cross-Campus Complaint, the Respondent's Home Institution's Title IX Coordinator and/or Human Resources professional will update the Complainant's Home Institution's Title IX Coordinator, who will update the Complainant, accordingly. The matter will be considered resolved and closed when it is determined that Respondent has sufficiently completed and/or complied with the terms of the Resolution Agreement.

The Parties' Home Institution's Title IX Coordinators and/or Human Resources professionals will keep records of all reports and timelines for any stages of the Resolution Process, Prohibited Conduct addressed

through ABR consistent with their TCC Institution's record retention policies.

Records of the ABR process can be shared with other TCC Institution offices or administrators, as deemed appropriate and necessary by the Home Institution's Title IX Coordinator(s).

Any violations or unsuccessful completion of any terms of the Resolution Agreement may result in a referral for review by the appropriate office, which may result in disciplinary action. The Home Institution's Title X 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.

**Acceptance of Responsibility by Respondent**

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

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

- Aware of the allegation(s) of Prohibited Conduct, including the factual allegations, and definitions of the Prohibited Conduct;
- Voluntarily accepting responsibility for all (or some, as explicitly specified) of the Prohibited Conduct;
- Acknowledging receipt of information regarding the implications of accepting responsibility, including a list of possible sanctions that can be imposed based on the nature of the Prohibited Conduct;
- Aware and agrees that by accepting responsibility, they have waived the fact-finding hearing, and any right to appeal the issue of their responsibility, and instead the matter will be referred to a Sanctions Decisionmaker to determine appropriate remedies and sanctions (Remedies and Sanctions Determination).

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

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

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

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. 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.

Appealing the Sanctions Determination When Respondent Has Accepted Responsibility

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

**Investigation and Hearing Resolution Process that Applies to Title IX Sexual Harassment, Other Sex-Based Misconduct Cases, or Retaliation**

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

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

**Nature of Process**

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

**Burden of Evidence**

TCC has the burden of 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 and hearing process.

**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.

**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:

1. Timeline for Initial Assessment and Evaluation of Allegations

This phase is generally completed within 10 (ten) – 15 (fifteen) business days from submission of Complaint or request to investigate allegations, and Complainant's intake meeting with Complainant's Home

Institution Title IX Coordinator. This stage includes the Complainant's Home Institution's Title IX Coordinator's assessment of the allegations, determination of whether the allegations meet the definitions of the Prohibited Conduct under this Policy, and decision of whether to dismiss or investigate the Complaint of Prohibited Conduct. This determination will be made once sufficient information has been gathered from the Complainant at the initial meeting and/or intake meeting.

2. Timeline for Investigation

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

3. Timeline for Hearing and Hearing Decision Report (and Sanctioning, if applicable)

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

4. Timeline for Hearing Decision and/or Sanctions Determination Appeal

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

A thorough investigation and procedurally proper hearing and appeal may necessitate one or more extensions for good cause. The timeline for any part of the Investigation and Hearing Resolution Process may be extended for good cause by the TCC Title IX Administrator. Good cause reasons for extension may include ensuring availability of the Parties, witnesses, or other participants in the process, ensuring that the Parties and witnesses have sufficient time to review and respond to materials, and ensuring the Investigator has sufficient opportunity to meet with the Parties and witnesses and gather evidence, as needed. The TCC Title IX Administrator will provide notice to all Parties of any timeline extensions. Failure to complete any specific stage, or the entirety of the Investigation and Hearing Resolution process within the estimated time period does not, in and of itself, constitute a procedural error. Any such argument of procedural error must also include an explanation as to how the delay(s) materially impacted the outcome of the process.

For pending matters that involve a graduating student Respondent, the Respondent's Home Institution will determine degree issuance consistent with their Institution's process.

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

**Impact of Party Non-Participation in the Investigation and Hearing Resolution Process**

A Party is not required to participate in any stage of the process; however, a Party's decision to limit participation may impact the process by, including but not limited to, delaying the process timeline, limiting

the Party's opportunity to present or respond to relevant evidence, the available relevant evidence gathered by the Investigator, and/or available to the Hearing Decisionmaker, the Hearing Decisionmaker's opportunity to ask the Party questions regarding the allegations, and impacting the hearing outcome.

**Privacy and Confidentiality in the Resolution Process**

Parties may share confidential information received through the Investigation and Hearing Resolution Process under this Policy with their Support Person and/or Advisor consistent with the requirements of their Home TCC Institution. Each Party's TCC Institution will provide their Party a FERPA8 release form for their Support Person and Advisor that authorizes such sharing and participation. The Party's Home Institution's Title IX Coordinator and/or TCC is unable to share information with a Support Person and/or Advisor under this Policy until the form is sufficiently completed by the Party. The form must also be completed prior to the Support Person and/or Advisor attending any meetings or proceedings under this Policy. The Party's Home Institution's Title IX Coordinator and TCC Institution shall not restrict the ability of any Party to discuss the allegations under investigation for the purpose of gathering and presenting relevant evidence, including by speaking to witnesses, consulting with their family members, Confidential Resources, Support Person or Advisor, or otherwise to prepare for or participate in the Resolution Process under this Policy.

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

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

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

The Party's Home Institution's Title IX Coordinator and other administrators at TCC are permitted to share confidential information amongst other TCC Institution representatives who have a reasonable need to know, and such disclosure is not a violation of FERPA. The Party's Home Institution's Title IX Coordinator 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.

**Right to an Advisor**

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

Unless otherwise specified in this Policy, the Advisor may not speak or write on behalf of the Party or otherwise disrupt any interviews or proceedings. TCC reserves the right to exclude or remove an Advisor

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

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

**Support Person**

Parties may elect to be accompanied by one Support Person, as defined in this Policy, during meetings and proceedings related to any ABR, investigation, and hearing process under this Policy. Parties are limited to one Support Person. A Support Person may not be a Party or a witness in the same matter. The Support Person's role is to provide emotional support throughout the process.

The Support Person may not speak or write on behalf of the Party or otherwise disrupt any interviews or proceedings. A Party's Support Person is expected to have reviewed this Policy to understand their role and expectations under this Policy prior to providing support to the Party. The Party's Home Institution's Title IX Coordinator and/or the TCC Title IX Administrator may require the Support Person to meet with the Party's Home Institution's Title IX Coordinator and/or the TCC Title IX Administrator to ensure the Support Person understands their role and the expectations under this Policy prior to their involvement in any process under this Policy. A Party and their Support Person are encouraged to contact the Party's Home Institution's Title IX Coordinator with any questions regarding this Policy and its Resolution Process and procedures. TCC reserves the right to exclude or remove a Support Person who does not comply with this Policy.

**Special Rules for Title IX Sexual Harassment**

Cases involving Title IX Prohibited Conduct must comply with specific procedural requirements (Title IX Procedural Requirements) in compliance with the 2020 Title IX Final Rule. In addition to the specific rules identified throughout this Policy in their respective section, the below special rules apply to processing Title IX Sexual Harassment cases.

a) Title IX Criteria

Allegations will constitute Title IX Sexual Harassment and will use the Title IX Procedural requirements when:

1. The conduct is alleged to have occurred on or after August 14, 2020;
2. The conduct is alleged to have occurred in the United States;
3. The conduct is alleged to have occurred in a TCC Member Institution's s Education Programs or Activities; and,
4. The alleged conduct, if true, would constitute Prohibited Conduct under Title IX, specifically, Title IX Quid Pro Quo, Title IX Hostile Environment Harassment, Title IX Dating Violence, Title IX Domestic Violence, and/or Title IX Stalking Based on Sex, as defined in this Policy.

b) Complainant Status

A Complainant must be participating or attempting to participate in a TCC Institution's Education Programs or Activities at the time the Formal Complaint is filed in order to proceed under the Title IX Procedural Requirements.

c) Formal Complaint Required

A Formal Complaint must be filed to process allegations of Title IX Sexual Harassment where the Title IX Sexual Harassment occurred on any TCC Institution's campus or in locations, events, or circumstances within the United States over which a TCC Institution exercised substantial control over both the Respondent and the context in which the Title IX Prohibited Conduct occurs, and also includes any building owned or controlled by a student organization that is officially recognized by a TCC Institution.

A Formal Complaint may be filed with the Complainant's Home Institution's Title IX Coordinator in person, by mail, by electronic means (email or by submitting an online report form via the Home Institution's Title IX Office website, if applicable).

Where the Home Institution's Title IX Coordinator signs a Formal Complaint, the Home Institution Title IX Coordinator is not a Complainant or otherwise a Party. Except as specified below, a Formal Complaint shall initiate the Investigation and Hearing Resolution Process outlined in this document, including the Title IX Procedural Requirements. The Formal Complaint should include the date(s) of the alleged incident(s), the name of the Respondent, the location(s), and should describe the circumstances of the incident(s), where known.

A Formal Complaint must be on file for allegations of Title IX Sexual Harassment prior to engaging in Agreement-Based Resolution.

d) Mandatory Dismissal of a Formal Complaint

The Title IX Coordinator whose Home Institution has jurisdiction over the education programs and activities where the incident is alleged to have occurred shall dismiss the Formal Complaint, or any included allegations, at any time, if it is determined that:

- the conduct alleged in the Formal Complaint would not constitute Title IX Sexual Harassment as defined by this Policy, even if proved,
- the conduct did not occur in the TCC's education program or activity, and is not within the Title IX jurisdiction;,
- the Title IX Coordinator is unable to identify the Respondent after taking reasonable steps to do so;
- the alleged conduct did not occur against a person in the United States; and/or
- at the time of filing the Formal Complaint, the Complainant was not participating in or attempting to participate in a TCC Institution's education program or activity.

A complaint or allegation dismissed under this process may be addressed under other procedures under this Policy, or under a policy or procedures of the Respondent's Home Institution.

Upon a dismissal required under this section, the TCC Title IX Administrator will promptly send written notice of the dismissal and reason(s) simultaneously to the Parties. The notice will inform the Parties if the complaint or allegation(s) will be addressed under another portion of this Policy. If the allegations do not

meet the procedural requirements and definitions of Prohibited Conduct under this Policy, the Respondent's Home Institution may refer the matter for further resolution under other policies and procedures at the Respondent's Home Institution.

**Initiation of The Investigation and Hearing Resolution Process**

**Notice of Allegations (NOA)**

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

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

The NOA shall include, at a minimum:

- A reminder that the date and time of the initial interview with the Investigator, will generally be scheduled with a minimum of five (5) business days' notice, unless otherwise agreed upon by the Party;
- The investigation procedures, including the applicable determination procedures that will be used in the Investigation and Hearing Resolution process under this Policy, and a link to this Policy;
- Information about the ABR options, with a link to the full procedures;
- Sufficient information available at the time to allow the Parties to respond to the allegations, including the identities of the Parties involved in the incident(s), a description of the facts alleged to constitute Prohibited Conduct, the type of Prohibited Conduct, and the date(s) and location(s) of the alleged incident(s), if known;
- A statement that Retaliation is prohibited;
- A statement indicating whether the Investigator, or another individual, shall serve as the Decisionmaker;
- A statement indicating the expected length of the major stages of the Investigation and Hearing Resolution Process, as well as any applicable deadlines;
- A statement informing the Parties that the Investigator will establish and communicate, in writing, all investigation deadlines, including the final deadlines for submitting names of witnesses and evidence. These deadlines may be extended by the TCC Title IX Administrator for good cause, and any changes will be provided, in writing, to the Parties, along with the rationale for the revised deadline(s);
- The deadline and process for identifying any conflicts of interest or bias with the Investigator. A statement that the Respondent is presumed not responsible for the alleged Prohibited Conduct until a determination is made at the conclusion of the Investigation and Hearing Resolution Process. Prior to such a determination, the Parties will have an opportunity to present relevant and not otherwise impermissible evidence to a trained, impartial Hearing Decisionmaker;
- A statement that the Parties may have an Advisor who may be a friend, parent, therapist, colleague, and who may be, but is not required to be, an attorney;

- A statement that the Parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence upon the request of any Party, and will receive an investigation report that accurately summarizes this evidence;
- A warning that the Decisionmaker may exclude evidence at the hearing that was not presented during the investigation process;
- A statement that the individual TCC Institution's Student Conduct code prohibits knowingly making false statements or knowingly submitting false information during the Resolution Process; and
- The identification of the Investigator.

**Complaints Initiated by the Institution**

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

**Designation of the Investigator**

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

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

**Investigation Process**

**Evidence Gathering**

1. Interviews

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

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

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

TCC may adopt and apply other reasonable rules regarding decorum, provided they apply equally to the Parties. TCC will share expectations of decorum to be observed at all times in any meeting or proceeding under this Policy. These expectations are applied equally to all Parties, Support Persons and Advisors. TCC

has the discretion to remove, with or without prior warning, from any meeting or proceeding a Party, witness, Advisor, or Support Person who does not comply with these expectations and any other applicable TCC rules or expectations.

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

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

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

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

2. Investigator Determination of Evidence Relevance

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

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

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

The Investigator may gather information related to prior or subsequent conduct of the Respondent in determining pattern, knowledge, intent, motive, or absence of mistake.

3. Impermissible Evidence

The following types of evidence, and questions seeking that evidence, are impermissible. This means this information will not be accessed or considered, except by the Parties' TCC Home Institution(s) to determine whether one of the exceptions listed below applies. This information must not be disclosed and must not be otherwise used, regardless of relevance:

- Evidence that is protected under a privilege recognized by Federal or State law, unless the person to whom the privilege or confidentiality is owed has voluntarily waived the privilege or confidentiality;

- Evidence provided to an employee designated by TCC as exempt from internal reporting under this Policy, unless the person who made the disclosure or otherwise provided evidence to that employee has voluntarily consented to re-disclosure;
- A Party's or witness's records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the provision of treatment to the Party or witness, unless TCC obtains that Party's or witness's voluntary, written consent for use in the Resolution Process under this Policy; and
- Evidence that relates to the Complainant's sexual interests or prior sexual conduct, unless evidence about the Complainant's prior sexual conduct is offered to prove that someone other than the Respondent committed the alleged Prohibited Conduct or is evidence about specific incidents of the Complainant's prior sexual conduct with the Respondent that is offered to prove consent to alleged Prohibited Conduct. The fact of prior consensual sexual conduct between the Parties does not by itself demonstrate or imply the Complainant's consent to other sexual activity or preclude a determination that Prohibited Conduct occurred.

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

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

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

**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.

**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.

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

**Prior to the Hearing**

1. Hearing Coordinator

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

2. Designation of the Hearing Decisionmaker

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

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

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

3. Hearing Notice

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

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

4. Pre-Hearing Conferences

Prior to the hearing, each Party and their Advisors and/or Support Person will be offered the opportunity to

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

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

5. Witnesses Identified and Requested to Participate in the Hearing

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

Only witnesses who participated in the investigation will be permitted to participate in the hearing, unless the witness was otherwise unknown or not known to have relevant information during the course of the investigation. If the witness did not participate in the investigation, the Party must provide the reason the witness was not identified or was not interviewed by the Investigator, and what information the witness has that is relevant to the allegations. The Hearing Decisionmaker will then determine whether the witness has relevant information and if there is sufficient justification for permitting the witness to participate in the hearing after not having participated in the investigation. The Hearing Officer may instead send the case back to the Investigator to interview the newly proffered witness prior to the hearing taking place.

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

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

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

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

6. Proposed Questions Submitted by the Parties in Advance of the Hearing

No later than three (3) business days prior to the hearing, each Party shall submit to the Hearing Coordinator a preliminary list of questions they wish the Hearing Decisionmaker to ask of the other Party, or to a witness. The Parties will also have the opportunity to submit questions to the Hearing Decisionmaker at the hearing

as well (and to have advisor-led questioning in Title IX Sexual Harassment cases). If the Hearing Decisionmaker determines that any questions are not relevant or seek otherwise impermissible evidence, the Hearing Decisionmaker shall exclude the question, not ask the question of the intended Party or witness, and explain the reason for the exclusion of the question at the hearing. Questions that are unclear or harassing of a Party or witness being questioned will not be permitted. The Hearing Decisionmaker must give a Party an opportunity to clarify or revise any question that the Hearing Decisionmaker has determined is unclear or harassing and, if the Party sufficiently clarifies or revises a question, and the question is relevant, the Hearing Decisionmaker will ask the question of the intended Party or witness.

**During the Hearing**

1. Hearing Recording

The hearing will be recorded by TCC, and this recording will be considered the only official recording of the hearing. The Hearing Coordinator is responsible for ensuring the hearing is audio recorded.9 No other individual is permitted to record while the hearing is taking place. For the purpose of preparing an appeal, a recorded Party may request to review the hearing recording, or review the transcript of the hearing, if 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 impartial, fair, equitable, and timely hearing process for the Parties and provides the Hearing Decisionmaker the opportunity to ask questions to inform their findings, TCC cannot compel Parties or witnesses (with the exception of the

Investigator) to attend or participate in the hearing. Any Party or witness's decision not to participate will not be a reason to cancel or postpone a hearing. The TCC Title IX Administrator, in consultation with the Home Institution Title IX Coordinator(s) and Hearing Decisionmaker, may determine that the hearing will continue in the absence of any Party or any witness.

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

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

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

5. Participation of the Advisor and Support Person During the Hearing

Each Party is entitled to be accompanied by one Advisor and one Support Person at the hearing. The role of the Advisor at the hearing is to assist the Party with understanding and navigating the proceeding. Other than the limited opportunity to cross-examine the other Party and witnesses in Title IX Sexual Harassment cases, the Advisor may not advocate for, respond for, or otherwise speak or write on behalf of, a Party during the hearing. In the event that a Party does not appear for the Hearing, the Advisor for that Party may not participate in the hearing or submit questions to be asked on behalf of the Party.

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

6. Hearing Timeline

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

a) Opening Introductory Statements

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

Each Party will then be permitted to provide an opening introductory statement, no longer than five (5) minutes, unless otherwise extended at the discretion of the Hearing Decisionmaker. Any additional time granted to one Party must be provided to all other Parties, if requested. An Advisor and/or Support Person

is not permitted to provide an opening introductory statement on behalf of their Party.

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

b) Questioning at the Hearing

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

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

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

i. Cross Examination at the Hearing by Advisors

For cases of Title IX Sexual Harassment that are processed as Title IX Formal Complaints, in addition to questioning by the Hearing Decisionmaker described above, the Hearing Decisionmaker must permit each Party's Advisor to ask the other Party and any witnesses all relevant questions and follow-up questions, including those challenging credibility. If a Party does not have an advisor for the live hearing, the Party's Home Institution shall provide without fee or charge to that Party, an advisor of that Home Institution's choice, who may be, but is not required to be, an attorney, to conduct cross examination on behalf of that Party of the other Party/ies and witnesses. Each Party's Home Institution is obligated to ensure each Party has an advisor, either of the Party's or the Home Institution's choice regardless of whether or not the Party is present at the hearing. To ensure timely proceedings, a Party shall alert their Home Institution's Title IX Coordinator as soon as practicable if the Party will need an advisor for the hearing. Only relevant questions may be asked of the other Party or witness (referred to as "cross-examination").

Cross-examination at the live hearing must be conducted directly, orally, and in real time by the Party's advisor of choice and never by a Party personally. TCC and/or the Hearing Decisionmaker may restrict the

extent to which advisors may participate in the proceedings.

Before the Complainant, Respondent, or witness answers a cross-examination or other question, the Hearing Decisionmaker must first determine whether the question is relevant and will instruct the Party or witness being asked the question whether they may answer. The Hearing Decisionmaker must explain to the Party proposing the question(s) any decision to exclude a question as not relevant. The rules governing Impermissible Evidence shall be applied to all questioning. The questions must be relevant to the allegations and must not seek otherwise impermissible evidence, not be duplicative or repetitive of information already gathered, and/or not be harassing of any individual providing testimony.

For allegations of Title IX Sexual Harassment and other Prohibited Conduct that have been consolidated into one case, cross examination may only be used when questioning a witness regarding Title IX Sexual Harassment that is being processed under a Formal Complaint.

c) Closing Statements and Concluding the Hearing

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

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

**After the Hearing**

1. Party Statements Regarding Remedies and Sanctions

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

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

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

2. Notice of Hearing Outcome and Hearing Decision Report

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

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

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

The Hearing Decision Report will include the following:

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

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

If the Hearing Decisionmaker finds a Policy violation, the Hearing Decisionmaker and TCC shall follow the procedures in the TCC Policy and the Hearing Decision Report will include a Remedies and Sanctions Determination.

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

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

**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: They will provide the Hearing Decisionmaker with any submitted written Party statements. If a Party did not provide a written statement, the Party will not be provided an additional opportunity to submit a written statement to the Hearing Decisionmaker. Any submitted Party statement(s) will not be shared with the other Parties.

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

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

The factors a Hearing Decisionmaker (or Sanctions Decisionmaker)10 may consider in issuing sanctions include, but are not limited to:

- **Severity of the Violation**: The duration of the conduct; whether the conduct was repeated; the number of Policy violations; abuse of power; use of intimidation; use of force; level of endangerment to the Complainant; level of injury to the Complainant; presence of a weapon; deliberate embarrassment; exploitation of level of intoxication.
- **Aggravation**: Whether the Respondent used force, threat, violence, duress, or intentionally caused intoxication or impairment to engage in conduct without Complainant's consent.
- Intent: Whether Respondent intended to cause harm; whether Respondent premeditated the conduct; whether Respondent pressured others to engage in the conduct or similar conduct; whether Respondent was pressured by others to engage in the conduct.
- **Retaliation**: Whether Respondent complied with No Contact Orders, Supportive Measures, and other interim measures in place during the Investigation and Hearing Resolution process; whether Respondent continued to engage in alleged Prohibited Conduct after commencement of the investigation process; whether Respondent engaged in conduct meant to intimidate or harass the Complainant or participants for their participation in the investigation or hearing process; whether Respondent was forthcoming during the investigation and hearing process; whether Respondent engaged in any other conduct which would obstruct the investigation or hearing process, or impacted the fairness of the processes.

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

See CMC Civil Rights Policy below for list of possible remedies and sanctions.

**Appeals Rights and Process**

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

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

**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:

- **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.

**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.

**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.

**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).

**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.

**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.

**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.

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

**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.

**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.

## CMC Civil Rights Policy

The TCCS Title IX policies and procedures apply to all cases involving students of CMC in disciplinary action in cases of alleged dating violence, domestic, violence, sexual assault, and stalking. All other forms of conduct prohibited by Title IX shall be processed under this policy, provided that the jurisdictional requirements have been met.

Title IX Resolution Procedures for Certain Forms of Prohibited Conduct

As of August 28, 2024, the College is subject to a federal court's ruling that it must operate under the 2020 Title IX rule, which has specific procedural rules for resolving certain types of Prohibited Conduct. Therefore, the following types of Prohibited Conduct involving students, faculty, staff, or participants in CMC's education programs and activities:

- Quid Pro Quo Sexual Harassment
- Sex-Based Hostile Environment Harassment
- Sexual Assault Under Title IX
- Dating Violence
- Domestic Violence
- Stalking on the Basis of Sex

(collectively "Title IX Prohibited Conduct") will be processed under these Title IX Resolution Procedures until further notice, provided that the Title IX Prohibited Conduct occurred on CMC's campus or in locations, events, or circumstances over which CMC exercised substantial control over both the Respondent and the

context in which the Title IX Prohibited Conduct occurs, and also includes any building owned or controlled by a student organization that is officially recognized by CMC.

- All other definitions remain in effect.
- All principles, Protections for All Parties During Resolution Procedures, remain in effect unless explicitly contradicted by the Title IX Resolution Procedures.
- CMC reserves the right to use any of the provisions from the Formal Resolution Procedures that are necessary for processing a matter, provided that it does not conflict with the express requirements of these Title IX Resolution Procedures.
- CMC reserves the right to consolidate cases that arise from the same set of facts and circumstances but involve conduct that does not meet the definitions or geographic jurisdiction stated above and process the case using these procedures.

**Agreement-Based Resolution**

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

**Protections for All Parties During All Resolution Procedures**

As part of its commitment to providing an impartial, fair, equitable, and timely process, the College will:

- Treat all Parties with respect, dignity, and sensitivity throughout the process.
- Take appropriate action in response when on notice of Prohibited Conduct while preserving the rights of those against whom allegations have been made to receive procedural protections in the fact-finding and decision-making process.
- Acknowledge all reports of Prohibited Conduct promptly.
- Ensure that Supportive Measures are considered on a case-by-case basis.
- Remind the Parties that the investigation and adjudication of alleged Prohibited Conduct under this Policy is not an adversarial process but rather a process for the College to comply with its obligations under existing law and to ensure safety and access to CMC's education programs and activities.
- When initiating the Formal Resolution Procedures or the Title IX Resolution Procedures (as applicable), provide all Parties with appropriate process and reach reasonable conclusions based on the evidence collected.
- Ensure that the Resolution Procedures under this Policy will be conducted by qualified, impartial personnel in a manner that is impartial, fair, equitable, and timely to all Parties.
- Track cases to ensure reasonable progress, and close cases in a reasonably timely manner.
- Ensure that the Respondent is presumed not responsible for Prohibited Conduct until a determination is made at the conclusion of the Formal Resolution Procedures.
- Have the burden of conducting the Formal Resolution Procedures or the Title IX Resolution Procedures (as applicable) in a manner that gathers sufficient evidence to determine whether Prohibited Conduct occurred. Complainant does not have the burden to prove, nor does Respondent have the burden to disprove, the underlying allegation or allegations of Prohibited Conduct. Any Party may decide to limit their participation in part or all of the process, or to decline to participate. This does not shift the burden of proof away from the College and does not indicate responsibility.

- During the Formal Resolution Procedures or the Title IX Resolution Procedures (as applicable), provide an equal opportunity for the Parties to present fact witnesses and other inculpatory and exculpatory evidence that are relevant and not otherwise impermissible.
- Remind the Parties of their ability to access support services, including those provided by Monsour Counseling and Psychological Services for students and the Employee Assistance Program for faculty and staff.
- For students, protect confidentiality consistent with the Family Education Rights and Privacy Act (FERPA).
- For all Parties, make all reasonable efforts to protect confidentiality consistent with relevant legal requirements and with the need to conduct an impartial, fair, equitable, and timely process under the Resolution Procedures, including by restricting access to information to those with a legitimate need to know, consistent with the requirements of Confidentiality and Privacy as set forth below.
- All Parties should understand that information collected through the Resolution Procedures may be subpoenaed in a criminal and/or civil proceeding.
- Provide written notice of the policies implicated by the Complaint, these Resolution Procedures, the alleged facts related to any potential Policy violation, and the maximum possible sanctions that may be imposed if Respondent is found responsible.
- Provide both Parties the opportunity to challenge the appointment of the Title IX Coordinator, the Investigator, the Hearing Officer, Appeal Officer, a Panel Member, or the Sanctioning Officer if there is a possible or actual Conflict of Interest or bias.
- Allow the Complainant and the Respondent to choose to participate or decline to participate in the event the Formal Resolution Procedures or the Title IX Resolution Procedures (as applicable) are activated, with the understanding that the Formal Resolution Procedures or the Title IX Resolution Procedures (as applicable) may continue without their involvement and that the College will determine an outcome based on the information available.
- Notify both Parties of the option to have a Support Person and Advisor of their choice present at any meeting related to a Complaint and at any point during the Resolution Procedures.
- Provide written notice of the resolution of any Formal Resolution Procedures or the Title IX Resolution Procedures (as applicable), including any appeal.
- Seek to complete the Resolution Procedures within a timely manner as described in the Time Frames section below, when feasible, recognizing that this time frame will vary based upon the nature of the case and the need for an impartial, fair, equitable, and timely process.

**Confidentiality**

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

- Complainants, Respondents, and witnesses may be provided with confidential access to written materials or other confidential information throughout the Resolution Procedures. The Parties may share such confidential information with individuals within a Party's support group, such as a Support Person, or other close family members, as may be reasonably necessary and appropriate to promote an impartial, fair, equitable, and timely process. However, confidential information that is obtained from a Party through any proceeding initiated under this Policy may not be shared outside these parameters unless otherwise specifies in this Policy. In the absence of obtaining relevant written consent, this duty of confidentiality shall continue after the conclusion of these Resolution Procedures. The purpose of sharing information is to allow each Party equal opportunity to meaningfully respond to the evidence prior to conclusion of the process, to submit any additional relevant evidence and questions for Parties or witnesses, and the names of any additional witnesses with relevant information. Given the sensitive nature of the information provided, CMC will facilitate

this review in a secure manner. None of the Parties nor their Advisors or Support Persons may copy, remove, photograph, print, image, videotape, record, or in any manner otherwise duplicate or remove the information provided.

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

**Addressing Conflicts of Interest or Bias**

Any individual carrying out any part of this Policy shall be free from any actual Conflict of Interest or demonstrated bias. Under this Policy, no individual that is implementing the Resolution Procedures may have a bias in favor of or against Complainants or Respondents generally or regarding the specific Parties in the matter.

Should the Title IX Coordinator have a Conflict of Interest or Bias, the Title IX Coordinator shall immediately notify the Executive Vice President/Chief Operating Officer will reassign, the role of Title IX Coordinator for purposes of carrying out the handling and finalization of the Resolution Procedures.

Bias or a Conflict of Interest is not presumed. To establish bias or Conflict of Interest, the Party making the assertion must demonstrate facts that show a Conflict of Interest or Bias by Preponderance of Evidence.

Should any individual with a role in the process believe they have a Conflict of Interest or Bias, they shall immediately notify the Title IX Coordinator so that the Title IX Coordinator may reassign the role as appropriate. This Policy will note where Parties have the opportunity to challenge the participation of any individual implementing this Policy based on evidence of actual Conflict of Interest or demonstrated bias.

**Advisors**

An Advisor is an individual who provides guidance to the Complainant or Respondent throughout the Resolution and Agreement-Based Resolution Procedures. Each Party is entitled to choose and consult with an Advisor of choice, at their own expense, through every stage of the Resolution Process (including the Agreement-Based Resolution Procedures, when applicable). A Party can select an Advisor at any time in the process. If the Party is a student and does not have an Advisor at the evidence review stage of the Formal Resolution Process or the Title IX Resolution Procedures (as applicable), the College will provide the student with an Advisor until the end of the Appeal. The following parameters apply:

- An Advisor can be any person, including a friend, colleague, or an attorney. Except in cases of Dating Violence, Domestic Violence, Stalking, and Sexual Assault under Title IX, generally, the selected Advisor should not be a Party or a witness in the same matter.
- A Party does not have to have an Advisor during the investigation and Agreement-Based Resolution Procedures. Parties in this process may be accompanied by an Advisor to any meeting or proceeding to which they are required or are eligible to attend.

- An Advisor's role is limited. Except where explicitly stated by this Policy, Advisors shall not participate directly in the process. An Advisor may never speak on behalf of a Party or otherwise disrupt any meetings or hearings in any manner. Any restrictions on Advisor participation will be applied equally.
- A Party's Advisor is expected to have reviewed this Policy to understand their role and expectations under this Policy prior to providing support to the Party. The College's Title IX Coordinator may require the Advisor to meet with the Title IX Coordinator and ensure the Advisor understands their role and the expectations under this Policy prior to their involvement in any process under this Policy. A Party and their Advisor are encouraged to contact the College's Title IX Coordinator with any questions regarding this Policy and its Resolution Procedures.
- The College reserves the right to exclude from the Resolution Procedures an Advisor who does not abide by these procedures.

**Support Persons**

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

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

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

**Time Frames**

Generally, the College seeks to resolve all reports of Prohibited Conduct in a timely manner on notice of the allegations. Time frames expressly outlined in these Resolution Procedures are meant as guidelines rather than rigid requirements. Extenuating circumstances may arise that require the extension of time frames. Extenuating circumstances may include the complexity and scope of the allegations, the number of witnesses, the availability of the Parties or witnesses, the effect of a concurrent criminal investigation, any intervening College closure or holiday, or other unforeseen circumstances. If the process exceeds these time frames, the College will notify the Complainant and Respondent of the reason(s) for the delay and the expected adjustment in time frames. Best efforts will be made to complete the process in a timely manner by balancing principles of thoroughness and fundamental fairness with promptness. If the delay is caused by the lack of response of either Party the College will move forward with the process with the information available at that time.

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

1. Intake: ten (10) business days.
2. Investigation Phase One: fifty (50) business days.

3. Response to Preliminary Investigation Report: ten (10) business days.
4. Investigation Plan and Final Investigation Report: thirty (30) business days.
5. Preparation of Hearing and Hearing: forty-five (45) business days.
6. Hearing Determination: fifteen (15) business days
7. Appeal: fifteen (15) business days

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

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

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

**Supportive Measures**
See section above on supportive measures.

**Alleged Violations of Terms of Supportive Measures**
In the event of being notified of a possible violation of any term of a Supportive Measures by either Party, the Title IX Coordinator (or other responsible administrator) will promptly arrange a meeting with the Party to discuss the possible violation. The Title IX Coordinator will decide, based on a Preponderance of the Evidence, whether a student Party violated any term of an Interim Suspension, and if so, the appropriate sanction for the violation. Human Resources shall be decisionmaker in the event of an allegation of violation by a staff member. Faculty will be referred to the Faculty Handbook Section 4.3. for Grounds for Dismissal and Suspension without Pay for Cause for any violations by Faculty of Supportive Measures.

Typically, the decisionmaker will use graduated sanctions, but a single serious violation or one that threatens the integrity of this process, such as an attempt to intimidate or otherwise influence a witness, can result in the imposition of a full Academic Suspension or leave without pay or termination for staff.

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

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

For cases of sex discrimination and Sex-Based Harassment only, the College may remove a Respondent from the College's education program or activity on an emergency basis, where the College:

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

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

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

**Emergency Suspensions with Pay for Faculty**

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

**Appealing Emergency Removals and Administrative Leaves**

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

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

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

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

**Intake and Assessment of a Report of Prohibited Conduct**
Intake and Assessment occurs whenever the College receives a report or Complaint of Prohibited Conduct under this Policy. To proceed to the Resolution Procedures, the report or Complaint must contain allegations that, if established by a preponderance of evidence, would meet all of the elements of a definition of Prohibited Conduct under this Policy.

A Complainant can be:

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

**Outreach to Potential Complainant**
Upon receiving a report of alleged Prohibited Conduct, the Title IX Coordinator will assess the report and provide outreach, as appropriate, to each identifiable individual who is alleged to have experienced the Prohibited Conduct. The outreach will include all of the following information:

- The College has received a report of Prohibited Conduct that may have violated this Policy.
- A statement that retaliation for filing a Complaint or participating in a Complaint process, or both, under this Policy is prohibited;
- Counseling resources within the College or in the community;
- Where a crime may have occurred, notice that the individual has the right, but not the obligation, to report the matter to law enforcement;
- The College's investigation procedures established pursuant to the requirements of this Policy;
- Potential Supportive Measures, such as no-contact directives, housing changes, and academic schedule changes, where applicable;
- The importance of preserving evidence;
- A request to meet with the Title IX Coordinator to discuss options for responding to the report; and
- The manner in which the College responds to reports of Prohibited Conduct and a description of potential disciplinary consequences.

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

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

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

- Access to this Policy;
- Information regarding available campus and community 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;
- The options for resolution (no action, prevention, ABR, Formal Resolution Procedures, or the Title IX Resolution Procedures (as applicable) and how to initiate the Resolution Procedures;
- 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 Campus Safety or local law enforcement in preserving evidence;
- For cases of California Sexual Violence, the role of victim advocates and a student's right to consult with an attorney, at their own expense, at any stage of the process if they wish to do so.
- The identification and location of witnesses;
- The right to an Advisor, if applicable, during the Resolution Procedures under this Policy including the initial meeting with the Title IX Coordinator;
- A statement that retaliation for filing a complaint, or participating in the complaint process, is prohibited; and
- Information on how to initiate the Formal or the Title IX Resolution Procedures (as applicable), or Resolution-Based Agreement process and how those procedures work, including contacting and interviewing Respondent and seeking identification and location of witnesses.

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

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

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

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

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

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

- The severity of the alleged Prohibited Conduct, including whether the Prohibited Conduct if established, would require the removal of a Respondent from campus or imposition of another disciplinary sanction to end the Prohibited Conduct and prevent its recurrence;
- The scope of the alleged Prohibited Conduct, including information suggesting a pattern, ongoing Prohibited Conduct, or Prohibited Conduct alleged to have impacted multiple individuals;
- Whether the College could end the alleged Prohibited Conduct and prevent its recurrence without initiating its Formal Resolution Procedures or the Title IX Resolution Procedures (as applicable);
- Whether the individual has a history of arrests or records from a prior institution indicating a history of violence;
- Whether the individual threatened further Prohibited Conduct or other violence against the Complainant or others;
- Whether the Prohibited Conduct was committed by multiple alleged perpetrators;
- Whether the Respondent reportedly used a weapon or physical restraints or engaged in battery;
- Whether the Complainant is a minor;
- Whether the Respondent is a faculty or staff member with oversight of students;
- Whether there is a power imbalance between the Complainant and Respondent;
- Whether the Complainant believes that the Complainant will be less safe if the Complainant's name is disclosed or an investigation is conducted; and
- Whether the College is able to conduct a thorough investigation and obtain relevant evidence in the absence of the Complainant's cooperation. The Title IX Coordinator will inform the Complainant if factors require the College to activate the Resolution Procedures against a Complainant's wishes and will explain that the Complainant is not required to participate in the Resolution Procedures.

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

If the Title IX Coordinator determines that it can honor the Complainant's request for confidentiality and not file a Complaint, the College shall still take reasonable steps to respond to the report, consistent with the request, to limit the effects of the alleged Prohibited Conduct and prevent its recurrence without initiating the Formal Resolution Procedures or the Title IX Resolution Procedures (as applicable) against the Respondent or revealing the identity of the Complainant. These steps may include increased monitoring, supervision, or security at locations or activities where the alleged misconduct occurred; providing additional training and education materials for students and employees; or conducting climate surveys regarding sexual violence. CMC shall also take immediate steps to provide for the safety of the Complainant while keeping the Complainant's identity confidential as appropriate. These steps may include implementing Supportive Measures, changing living arrangements or course schedules, assignments, or tests. The steps the College will take may not include the imposition of disciplinary sanctions or other actions against the Respondent. The Complainant shall be notified that the steps the College will take to respond to the report will be limited by the request for confidentiality.

If the Title IX Coordinator determines that it must disclose the Complainant's identity to the Respondent and/or proceed with the initiation of Resolution Procedures, the Title IX Coordinator shall inform the Complainant prior to making this disclosure or initiating the Resolution Procedures. The College shall also take immediate steps to provide for the safety of the Complainant where appropriate. For cases of Sexual Violence under the California Education Code, if a Complainant requests that the College inform the

Respondent that the Complainant asked the College not to investigate or seek discipline, the College shall honor this request.

**Dismissal of a Complaint**

For conduct that is not covered by the Title IX Resolution Procedures, CMC may dismiss a Complaint of Prohibited Conduct (whether received orally or in writing) or determine that the Formal Resolution Procedures should not be initiated if:

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

The College will attempt to clarify the allegations with the Complainant prior to dismissing a report or Complaint. Upon dismissal, CMC will promptly notify the Complainant in writing of the basis for the dismissal. If the dismissal occurs after the Respondent has been notified of the allegations, CMC will notify the Parties simultaneously, in writing. If a dismissal of one or more allegations changes the appropriate decision-making process under these Resolution Procedures, the Title IX Coordinator will include that information in the notification.

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

**Initiation of Resolution Procedures**

The Title IX Coordinator will determine (consistent with the section above) whether to initiate the Formal Resolution Procedures or the Title IX Resolution Procedures (as applicable) after making a determination as to whether the allegations on their face if they could be established by a preponderance of the evidence, constitute Prohibited Conduct under this Policy and/or the TCC Title IX Policy and which Resolution Procedures are appropriate. These determinations will be promptly documented in writing by the Title IX Coordinator.

- Where the Title IX Coordinator determines that the allegations on their face do not present a potential violation of this Policy or the TCC Title IX Policy, the Title IX Coordinator will within ten (10) business days notify the Complainant in writing that the complaint will not be processed under this Policy without further information. The Title IX Coordinator will refer the Complainant to another College office if appropriate and will notify the Complainant of any referral.
- Where the Title IX Coordinator determines that the allegations on their face if they could be established by a preponderance of the evidence, constitute Prohibited Conduct under this Policy and that initiation of the Formal Resolution Procedures or the Title IX Resolution Procedures (as applicable) under this Policy is appropriate, the Title IX Coordinator will within ten (10) business days (or as reasonable if there are any safety concerns) conduct an intake meeting with the Respondent

(see below) and then send a Notice of Referral for Formal Resolution Procedures or the Title IX Resolution Procedures (as applicable) to the Complainant and Respondent.

- Where the Title IX Coordinator determines that the allegations on their face if they could be established by a preponderance of the evidence, constitute Prohibited Conduct under the TCC Title IX Policy and that a formal investigation under the TCC Title IX Policy is appropriate, the Title IX Coordinator will within ten (10) business days meet with the Respondent (see below) and then refer the matter to the applicable TCC Title IX Resolution Procedures.

**Intake Meeting with the Respondent Regarding Allegations of Prohibited Conduct**

If the Title IX Coordinator determines that the Complainant's report or Complaint on its face, contains an allegation that if established by a preponderance of the evidence, could constitute Prohibited Conduct under this Policy and/or the TCC Title IX Policy, the Title IX Coordinator will contact the Respondent to request a confidential meeting to review the alleged Prohibited Conduct and advise the Respondent of the ability to bring a Support Person and Advisor.

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

**Agreement-Based Resolution**

**Agreement-Based Resolution as a Form of Resolution Procedures**

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

**General Information and Requirements for Engaging in Agreement-Based Resolution**

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

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

The ABR options available under this Policy include, but are not limited to: Facilitated Resolution Agreement, Mediation, and Restorative Focused Options. Each option is further described below and is led by a designated Facilitator who is appropriately trained on the ABR option and must not have any Conflict of Interest or bias for or against complainants or respondents generally or an individual Complainant or Respondent. The Chief Diversity Officer or Title IX Coordinator may serve as the Facilitator or designate another external or internal Facilitator. The Investigator, Hearing Decision maker, or any other decision maker within the process for the same matter under this Policy may not serve as the Facilitator. Regardless of the elected option, the Parties may have a Support Person and/or Advisor present with them through the ABR process. The Facilitator and/or the College reserve the right to exclude or remove a Support Person and/or Advisor who does not comply with this Policy during the ABR process. Unless they have decided to withdraw from the ABR process, the Parties are required to actively participate in the selected ABR process, including by attending the meetings, engaging with the Facilitator, providing timely responses, and completing any actions required in their ABR process. Either Party may withdraw at anytime, in which case the Formal Resolution Procedures will resume (or be initiated). The opportunity for any Party to withdraw from an ABR process concludes when the Parties and the Title IX Coordinator sign the Resolution Agreement. Once signed, the agreed-upon terms of the Resolution Agreement are binding on all Parties, and no withdrawal or appeal is permitted.

The Facilitator will provide regular status updates to the Parties and Title IX Coordinator, if applicable. The Title IX Coordinator will assist in managing the ABR process to the extent necessary to ensure the process is moving forward in a productive and timely manner, and they will be available to the Parties should they have any questions or concerns throughout the ABR process.

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

ABR may be initiated at any time during the Formal Resolution Procedures 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 the CMC Civil Rights Policy.

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

**Determining Appropriateness of Agreement-Based Resolution**

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

**Right to Withdraw or Discretion to Terminate the Agreement-Based Resolution Procedures**

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

If a Party withdraws from the ABR process, the College may initiate or resume the Formal Resolution Procedure or the Title IX Resolution Procedures (as applicable)s. The Title IX Coordinator will notify Parties in writing if they determine they need to terminate the ABR process.

**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:

1. Facilitated Resolution Agreement

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

2. Mediation

Under California law, mediation is not permitted, even on a voluntary basis, to resolve allegations involving Sexual Assault and Sexual Violence as defined in this Policy. Mediation may be permitted for other situations not involving Sexual Assault or Sexual Violence, such as reports involving allegations of other Prohibited Conduct defined in this Policy. Mediation may be preferable for Parties who wish to have facilitated dialogue without the condition of Respondent acknowledging harm. The purpose of mediation is for the Parties who are in conflict to identify the alleged conduct, the implications of a Respondent's actions and, with the assistance of a trained Facilitator (mediator), identify points of agreement and appropriate remedies to address the harm. Either Party can request mediation to seek resolution.
During the mediation process, the Facilitator will guide a discussion between the Parties. The Parties are not permitted to contact one another outside of the mediation process. Meetings may be held in person or via videoconference. In circumstances where the Parties do not wish to meet face to face, either Party can request that the Facilitator conduct separate meetings.

3. Restorative Options

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

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

A Restorative Conference, generally, is a structured, facilitated dialogue between the individual(s) who caused harm and the individual(s) impacted by the harm.
A Restorative Circle, generally, is similar to a Restorative Conference, but utilizes a circle process to facilitate the dialogue and may include a talking piece that is passed around the circle allowing for each person in the circle, while holding the talking piece, to speak and be heard.

**The Agreement-Based Resolution Procedures**

1. Initiating the Agreement-Based Resolution Procedures

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

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

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

there was failure to comply with the terms of the Resolution Agreement and the matter should be resolved under a different resolution option;

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

2. Facilitating Agreement-Based Resolution and the Resolution Agreement

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

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

- The Parties will not communicate or otherwise engage with one another, either directly or indirectly, by any means (Mutual No Contact Order) or agreement that Respondent will not communicate or otherwise engage with Complainant, either directly or indirectly, by any means (Unilateral No Contact Order);
- Class adjustments and/or restriction from enrolling in mutual classes with Complainant for a specified term(s);
- Housing relocation or removal, and/or restriction from living in specific residence halls for a specified term(s);
- Restriction from or limiting access to certain buildings on campus, including residence halls, dining halls, library, and recreational facilities;
- Changes in work schedules, locations, or assignments;

- Restrictions or limitations on participation in and/or presence at activities and events, such as extracurricular activities, athletics events, student organizations, social events, etc.;
- Sufficient completion of educational training or project by the Respondent, and sufficient completion of any assignments, such as a reflection paper or essay. Training or education topics may include, but are not limited to: affirmative consent, healthy relationships, bystander intervention, and drug or alcohol use (if related to the allegations);
- Sufficient completion of community service hours or project by the Respondent;
- Participation in and completion of mentoring, coaching, or counseling sessions within specified term(s), and sufficient completion of any assignments, such as a reflection paper or essay;
- An agreement to engage in a restorative justice process, such as a conference, circle, or facilitated dialogue;
- Sharing of Complainant's impact statement with Respondent, with optional reflection or response from Respondent;
- Disciplinary terms, such as agreement to serve conduct probation or suspension for a specified term(s), or to permanently separate from the College and ineligibility to re-enroll, or be employed, or apply for admission at any other TCC Institutions; and
- Agreement to have degree conferral delayed for specified term.

The Title IX Coordinator may require certain resolution terms be included in the Resolution Agreement, 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 a Formal Resolution Procedure.

3. Finalizing the Resolution Agreement

If a Resolution Agreement is reached, the Title IX Coordinator or the Chief Diversity Officer will review and approve the resolution terms. The Facilitator will draft the Resolution Agreement to include the resolution terms discussed with the Parties and approved by the Title IX Coordinator.

The Title IX Coordinator will provide copies of the Resolution Agreement to the Parties. The Title IX Coordinator, Dean of Faculty, and/or Human Resources professional will monitor adherence and completion of the agreed upon terms and will update the Complainant accordingly. The matter will be considered resolved and closed when it is determined that Respondent has sufficiently completed and/or complied with the terms of the Resolution Agreement.

The Title IX Coordinators and/or Human Resources professionals will keep records of all reports and timelines for any stages of the Resolution Procedures, Prohibited Conduct addressed through ABR consistent with the College's record retention policies.

Any violations or unsuccessful completion of any terms of the Resolution Agreement may result in a referral for review by the appropriate office, which may result in disciplinary action. The Title IX Coordinator will determine next steps in the Resolution Procedures under this Policy should there be a failure to comply with the terms of the Resolution Agreement, including initiating or resuming the Formal Resolution Procedures or the Title IX Resolution Procedures (as applicable). The Complainant's wishes regarding next steps will be considered in this determination.

**Formal Resolution Procedures (Fact-Finding and Determination Procedures)**

**Principles Applicable to All Formal Resolution Procedures and the Title IX Resolution Procedures**

The Civil Rights Resolution Procedures ("Formal Resolution Procedures") address the College's commitment to providing an adequate, reliable, and impartial investigation of Complaints to investigate and resolve reports or Complaints of Prohibited Conduct defined above. In addition, if the same set of alleged facts for a matter reviewed by these Formal Resolution Procedures also implicate any other College Policy or the Title IX Resolution Procedures, that other Policy violation will be integrated into and resolved by these Formal Resolution Procedures.

The maximum possible sanctions for Policy violations pursuant to these Formal Resolution Procedures or the Title IX Resolution Procedures (as applicable) include:

- Suspension or expulsion for students;
- Dismissal or termination of employment for staff members;
- Dismissal or termination for adequate cause for Faculty Members; and
- Banning from campus and terminating contracts with third Parties.

The College exercises its judgment in designing reasonable sanctions. Not all violations will be deemed equally serious offenses, and the College reserves the right to impose different sanctions depending on the severity of the offense and to take Non-Disciplinary, Administrative Measures as appropriate. Non-Disciplinary, Administrative Measures may include, but are not limited to, delaying the conferral of a degree until the conclusion of the Resolution Procedures where allegations, if true, may result in a student's suspension or expulsion. The following provisions apply to all Formal Resolution Procedures or the Title IX Resolution Procedures (as applicable). The Title IX Resolution Procedures have specific provisions required by law, which are set forth in the Title IX Resolution Procedures.

1. Written Notice

The Title IX Coordinator will provide each Party with a written Notice of Allegations for Formal Resolution or the Title IX Resolution Procedures (as applicable), The Notice shall include statements as required by law, which shall include to a minimum:

- The College's Formal Resolution Procedures or the Title IX Resolution Procedures (as applicable), including the applicable determination procedure, and any Agreement-Based Resolution procedures, with a link to the full procedures;
- The specific allegations, including the identity of the Parties, and dates and location if known;
- Sufficient information available at the time to allow the Parties to respond to the allegations, including the identities of the Parties involved in the incident(s), a description of the facts alleged to constitute Prohibited Conduct, the type of Prohibited Conduct, and the date(s) and location(s) of the alleged incident(s);
- A statement that Retaliation is prohibited;
- Contact information for the assigned Investigator and Decision maker (depending on the nature of the process), as well as the process for raising a challenge to the appointed Investigator, Decision maker, or Title IX Coordinator, and the deadline for doing so;
- A statement indicating the expected length of the major stages of the Formal Resolution Procedures or the Title IX Resolution Procedures (as applicable), as well as any applicable deadlines
- Whether the Investigator, or another individual, shall serve as the Decision maker
- A statement that the Respondent is presumed not responsible for Prohibited Conduct until a determination is made at the conclusion of the Formal Procedures or the Title IX Resolution Procedures (as applicable). Prior to such a determination, the Parties will have an opportunity to present relevant and not otherwise impermissible evidence to a trained, impartial Decision maker;

- A statement indicating that the Parties may have an Advisor of Choice who may be a friend, colleague, therapist, or attorney;
- A statement that the Parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence, and to provide a response;
- A statement that CMC prohibits knowingly making false statements or knowingly submitting false information during any Resolution procedures, with a link to the relevant policy(ies); and
- The date and time of the initial interview with the Investigator, with a minimum of five (5) days' notice.

The Title IX Coordinator will provide an updated Notice in the event of new allegations of Prohibited Conduct that arise during the course of the Formal Resolution Procedures or the Title IX Resolution Procedures (as applicable) that could subject either Party to new or additional sanctions under this Policy. The updated Notice will include the specific Prohibited Conduct and related Policy violations at issue. If the College has reasonable concerns for the safety of any person as a result of providing a Notice under this section, the College may reasonably delay providing Notice of the allegations in order to address the safety concern appropriately. Reasonable concerns will be based on an individualized safety and risk analysis and not on speculation or stereotypes.

2. Decision-Making Standard

To determine whether a Respondent is responsible for engaging in Prohibited Conduct under this Policy, the College applies a Preponderance of the Evidence decision-making standard. All determinations will be made by a preponderance of the evidence.

3. Evidentiary Considerations

While these Formal Resolution Procedures are not governed by civil or criminal rules of evidence, it should include only information that is relevant, non-repetitive and the sort of information a reasonable person would find reliable. Evidence is relevant in cases of Prohibited Conduct if it is related to the allegations of Prohibited Conduct under review as part of the

4. Formal Resolution Procedures.

Within that framework, the Investigator and Decision Makers will adhere to the following:

- Questions of either Party or any witness that are repetitive, irrelevant, or harassing will not be permitted.
- Questions are relevant when they seek evidence that may aid in showing whether the alleged Prohibited Conduct occurred, and evidence is relevant when it may aid a Decision Maker in determining whether the alleged Prohibited Conduct occurred.
- The Decision Makers may not make an adverse inference from either Parties decision not to participate in the Formal Resolution Procedures or the Title IX Resolution Procedures (as applicable) and will make a determination of Responsibility or Non-Responsibility based solely upon the information presented during the Formal Resolution Procedures or the Title IX Resolution Procedures (as applicable).

The following types of evidence, and questions seeking that evidence, are impermissible. This means this information will not be accessed or considered, except when offered by a Party to the College to determine whether one of the exceptions listed below applies. This information will not be disclosed or otherwise used, regardless of relevance:

1. Evidence that is protected under a privilege recognized by Federal or State law, unless the person to whom the privilege or confidentiality is owed has voluntarily waived the privilege or confidentiality;

2. Evidence provided to a Confidential Resource, unless the person who made the disclosure or otherwise provided evidence to that Confidential Resource has voluntarily consented to re-disclosure;
3. A Party's or witness's records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the provision of treatment to the Party or witness, unless the College obtains that Party's or witness's voluntary, written consent for use in the Formal Resolution Procedures or the Title IX Resolution Procedures (as applicable); and
4. Evidence that relates to the Complainant's sexual interests or prior sexual conduct, unless evidence about the Complainant's prior sexual conduct is offered to prove that someone other than the Respondent committed the alleged conduct or is evidence about specific incidents of the Complainant's prior sexual conduct with the Respondent that is offered to prove Affirmative Consent to alleged Sex-Based Harassment. The fact of prior consensual sexual conduct between the Parties does not by itself demonstrate or imply the Complainant's Affirmative Consent to other sexual activity or preclude a determination that Prohibited Conduct occurred.

Information about the past sexual history of the Complainant or the Respondent shall not be considered except in these limited circumstances:

- Prior or subsequent sexual history between the Complainant and anyone other than the Respondent will only be considered if directly relevant to prove that physical injuries alleged to have been inflicted by the Respondent were inflicted by another individual.
- The existence of a dating relationship or prior or subsequent consensual sexual relations between the Complainant and the Respondent will only be considered if the evidence is relevant to how the Parties communicated Affirmative Consent in prior or subsequent consensual sexual relations.
- Where consideration of evidence about a dating relationship or prior or subsequent consensual sexual relations between the Complainant and the Respondent is permitted, the mere fact that the Complainant and the Respondent engaged in other consensual sexual relations with one another will not be sufficient, by itself, to establish that the conduct under review in the Formal Resolution Procedures was consensual.
- Before allowing consideration of any evidence of sexual history, the Investigator or Decision Makers will provide a written explanation to the Parties as to why consideration of the evidence is consistent with this Policy.
- Information about the good or bad character of the Complainant or Respondent is generally not relevant except in the unusual circumstance when such information could prove or disprove a relevant pattern of conduct or knowledge of wrongdoing. Information that shows a pattern of similar behavior may be included if the Investigator or Decision Maker deems it relevant, regardless of whether the prior behavior was the subject of any disciplinary proceeding.
- In cases where Faculty is the Respondent, the Chief Diversity Officer will consult with the Chair of Investigation Review Panel. to determine the admissibility of evidence under these legally-required parameters.
- The Title IX Coordinator will determine if the Investigator and the Decision Makers will have access to prior Complaints involving either Party if there is a pattern of similar behavior or if a prior complaint may be deemed material in the current investigation.

Advisors and the Parties may, in written form, note objections to questions posed during the hearing. The Decision Makers has no obligation to respond to the objections other than to include them in the record.

5. Alcohol or Substance Use

The use of alcohol or other drugs will never be a defense for or mitigate any behavior that violates College Policy.

6. Accepting Responsibility

At any point during a Formal Resolution Procedures or the Title IX Resolution Procedures (as applicable), a Respondent can accept Responsibility for the identified Policy violation(s) and proceed directly to Sanctions. In doing so, the Respondent waives any right to appeal the determination of Responsibility.

7. No Communication Amongst Participants During the Formal Resolution Procedures

To promote an impartial, fair, equitable, and timely process, the Complainant, Respondent and witnesses should not discuss the matter amongst themselves during the pendency of the Formal Resolution Procedures other than as needed for the Complainant and Respondent to prepare for or participate in the Resolution Procedures.

To preserve impartiality, any administrator with a role in the Formal Resolution Procedures or the Title IX Resolution Procedures (as applicable) (e.g. sanctioning officer, appeal officer) may not discuss the matter with any participant during the pendency of the Formal Resolution Procedures, except as specifically outlined in the CMC Civil Rights Policy.

Any Advisor or Support Person who fails to adhere to the requirements set out in this Policy may be prohibited from further participation in the Resolution Procedures. The Chief Diversity Officer will seek to provide reasonable warnings and opportunities to conform prior to prohibiting an individual from further participation as a Support Person.

**Formal Resolution Procedures for Staff or Third-Party Respondents**

These procedures will be administered in accordance with the principles applicable to all Formal Resolution Procedures as stated above. For staff, the procedures below shall be followed, unless the requirements for Student Respondents apply (for cases involving a staff Complainant and a student Respondent). For third Parties, the College will address the matter and respond appropriately based on the circumstances presented, including imposition of remedial measures and sanctions as appropriate. Any cases that fall under the Title IX Resolution Procedures shall be processed under those procedures.

The Chief Diversity Officer will appoint a trained internal or external investigator (the "Investigator") to conduct an impartial, fair, equitable, and timely investigation of the Complaint in accordance with the parameter established above. For investigations under this section each Party shall receive a Notice of Allegations.

The Investigator will interview all Parties and relevant witnesses and gather relevant documentary evidence provided by the Parties and any identified witnesses. Interviews may be conducted in person, or via video conference. When a Party meets with an Investigator, the Investigator will ask questions related to the allegations in the complaint and a Party is given the opportunity speak to the allegations and related events. Parties may identify fact witnesses and provide evidence that is relevant to the allegations and not otherwise impermissible. This will include inculpatory evidence (that tends to show it more likely that someone committed a violation) and exculpatory evidence (that tends to show it less likely that someone committed a violation). The Investigator ultimately determines whom to interview to determine the facts relevant to the Complaint.

The Investigator will hold individual interviews with Parties and witnesses to ask relevant and not otherwise impermissible questions and follow-up questions, including questions exploring credibility. Only the Investigator and the Party or witness may attend each individual interview, and a Party may be accompanied by their Support Person. Additional attendees may be permitted at the discretion of the Title IX Coordinator in connection with an approved disability-related accommodation.

The individual interviews may be conducted with all participants physically present in the same geographic location, or, at CMC's discretion, with all participants joining virtually through a video conferencing option.

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

**Evidence Review at the Conclusion of Initial Fact-Gathering**

At the conclusion of all fact-gathering, the Investigator will provide each Party and their Advisor, if any, the opportunity to review all relevant and not otherwise impermissible evidence gathered.

The purpose of the inspection and review process is to allow each Party the equal opportunity to meaningfully respond to the evidence prior to conclusion of the investigation, to submit any additional relevant evidence and questions for Parties or witnesses, and the names of any additional witnesses with relevant information. This is the final opportunity to offer evidence, or names of witnesses. Given the sensitive nature of the information provided, CMC will facilitate this review in a secure manner. None of the Parties nor their Advisors may copy, remove, photograph, print, image, videotape, record, or in any manner otherwise duplicate or remove the information provided. Any Party who fails to abide by this may be subject to discipline. Any Advisor who fails to abide by this may be subject to discipline and/or may be excluded from further participation in the process.

The Parties will have a minimum of 5 business days to inspect and review the evidence and submit a written response in writing to the Investigator. CMC will provide access to copies of the Parties' written responses to the Investigator to all Parties and their Advisors, if any, when requested by the Parties. The Title IX Coordinator shall have the discretion to extend the evidence review period based on the volume and nature of the evidence. At the conclusion of the evidence review, when deemed appropriate by the Investigator, the Investigator shall then conduct any additional fact-gathering as may be necessary. If new, relevant evidence is gathered during this second fact-gathering period, the new evidence will be made available for review by the Parties and their Advisors. The Parties shall have 5 business days to provide a response to the newly-gathered evidence. No new evidence will be accepted as part of any response, except that the Investigator shall have the discretion to accept relevant evidence that was not previously available or known to exist, and that was not previously discoverable with the exercise of reasonable diligence.

The Investigator will consider the Parties' written responses before finalizing the investigation report.

At the conclusion of the investigation, the Investigator will prepare an Investigation Report, which will contain a summary of issues, key findings of fact, a credibility assessment, and an analysis of disputed facts based on all available evidence. The Investigation Report will include recommended findings of fact based on a preponderance of the evidence standard, and an assessment of any Policy violations based on such

findings of fact. Although not required, the Investigation Report may contain such underlying investigation materials as the Investigator determines is reasonably appropriate in view of the nature of the Complaint and the investigation.

The Investigation Report will be made available to both Parties for review, who will then have five (5) business days for them to submit a response to the Chief Diversity Officer. Except for good cause shown and accepted at the discretion of the Chief Diversity Officer, late responses or responses of more than five (5) pages (including any exhibits or appendices) will not be considered.

The Chief Diversity Officer may allow exceptions to these timing and length requirements upon written request by a Party and for good cause shown. The Chief Diversity Officer's determination with respect to whether to allow any exception is discretionary and is not subject to appeal.

The Chief Diversity Officer will then review the Report and any responses with the relevant Sanctioning Officer as identified in the Sanctions section of this Policy, based on the Respondent's status. The Sanctioning Officer can accept the recommendation, remand to the Investigator for further fact-finding, or reject for procedural error that substantially affected the outcome and remand for correction.

As to staff, the determination of Responsibility and sanctions are final and are not subject to appeal, except for cases of Title IX Sex-Based Harassment involving a student, in which case the Appeal Procedures applicable to student shall be followed. Nothing in this Policy or these Resolution Procedures alters an employee's at will employment status.

Students are always treated as students under the Formal Resolution Procedures, even if the conduct giving rise to the alleged Policy violation occurred while the student was working for the College.

In cases with allegations of Sex-based Harassment involving a staff member and a student or a third Party and a student, the College may, within the sole discretion of the Title IX Coordinator, utilize a hearing appropriate to the circumstances to address such conduct.
For all other cases, the Parties shall be notified of the outcome as it relates to them.

**Formal Procedures for Student Respondents**
These procedures will be administered in accordance with the principles applicable to all Formal Resolution Procedures as stated above. Any cases that fall under the Title IX Resolution Procedures shall be processed under those procedures.

1. Appointment of Investigator

The Title IX Coordinator will appoint a trained internal or external investigator or investigative team (the "Investigator") to conduct an adequate, reliable, confidential, and impartial investigation of the Complaint. The Title IX Coordinator's choice of Investigator will be based on several factors, including the Parties involved, the complexity of the Complaint, and the need to avoid any potential Conflict of Interest. Where appropriate, and at the discretion of the Investigator, the Investigator may engage the independent assistance of professional experts, such as case involving an unusual or otherwise complex question (e.g., academic freedom, mental health or trauma issues). Any cases that fall under the Title IX Resolution Procedures shall be processed under those procedures.

2. Appointment of Hearing Officer

The Title IX Coordinator will appoint a trained internal or external Hearing Officer or Hearing Officer team (the "Hearing Officer") to conduct a reasonable, impartial, and prompt adjudication meeting of the Complaint. The Title IX Coordinator's choice of Hearing Officer will be based on several factors, including the Parties involved, the complexity of the Complaint, and the need to avoid any potential Conflict of Interest.

The Hearing Officer is responsible for maintaining an orderly, fair, and respectful hearing and has the authority to respond to disruptive or harassing behavior. The Hearing Officer can adjourn or exclude the offending person at any time during the Hearing proceedings.

3. Investigation Phase One

The Investigator will establish an Investigation Plan. The Investigator will brief the Title IX Coordinator and Hearing Officer on the preliminary investigation plan in writing or orally. The Investigator will then conduct an Investigation based upon the facts and circumstances reported to the College and developed through the course of the investigation, including interviews and follow-up interviews as feasible and appropriate with the Complainant, the Respondent, and any witnesses, and gathering other relevant materials (i.e. text messages, social media posts, pictures) to the extent reasonable and appropriate.

Complainant, Respondent, and witnesses are expected to respond to the Investigator's request to schedule an interview or to provide other evidentiary materials within a timely manner, generally within five (5) business days of the Investigator's request. If a Party or witness fails to respond in a reasonable time, the Investigator may continue the investigation without the benefit of this information.

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

Information may be developed during the investigation that indicates additional potential Policy violations in addition to those identified in the Notice of Referral for Formal Resolution. In such circumstances, the Investigator shall review such additional potential violations with the Title IX Coordinator, who shall assess whether reasonable cause exists to believe the Respondent engaged in the newly-discovered Prohibited Conduct. If so, the Title IX Coordinator shall send a written Amended Notice of Referral for Formal Resolution or Referral to the Title IX Procedures to include the relevant information.

When the Investigator determines that the investigation is reasonably complete, the Investigator will prepare a Preliminary Investigation Report, which will include:

- A summary of the incident, alleged Prohibited Conduct from the initial notice, the Complainant's allegations, and the Respondent's response;
- Identification of any new potential allegations of Prohibited Conduct raised by the information developed through the investigation and as authorized for incorporation by the Title IX Coordinator;
- A description of relevant, material undisputed facts; and
- A description of relevant, material facts in dispute (organized by definition of Prohibited Conduct).

The Investigator will notify the Title IX Coordinator once the Preliminary Investigation Report is available for review. The Investigator will share the Preliminary Investigation Report with the Title IX Coordinator for approval. Once approved, prior to any hearing, the Title IX Coordinator will notify the Parties and Hearing Officer when the Preliminary Investigation Report is available by confidential access (such as a protected, "read-only" posting to a secure web portal) to view the Report. Neither the Complainant nor Respondent

(nor anyone on their behalf) may copy, remove, photograph, print, image, videotape, record, or in any manner otherwise duplicate or remove the information provided.

4. Response to Preliminary Investigation Report

The Parties will have five (5) business days to submit a written request outlining any additional investigation steps that they believe are necessary or objections to the information included the Preliminary Investigation Report, including:

- Posing any follow-up issues or questions for any witness, the Complainant or Respondent;
- Requesting a follow-up interview with the Investigator to clarify or provide any additional information that such Party believes is relevant to the investigation or to seek clarification from the Investigator on aspects of the Preliminary Investigation Report;
- Identifying any new witnesses who should be interviewed (including a description of what topics/issues the witness should be asked to address and why this is necessary for the investigation);
- Identifying any additional evidentiary materials that should be collected and reviewed to the extent that such items are reasonably available (e.g., text messages, social media postings, etc.), understanding that the Investigator lacks the power to subpoena evidence; and,
- Identifying and objecting to any information that such Party believes was inappropriately included in the Preliminary Investigation Report.

After considering these requests, the Investigator will develop a Final Investigation Plan that outlines any additional investigatory steps to be taken and briefly explains any denied requests. The Investigator will also address any objections to the information included in the Preliminary Investigation Report. To the extent such objections are accepted, the Investigator will redact the Preliminary Investigation Report and investigation materials accordingly. The Investigator will maintain copies of both the complete and redacted investigation materials. To the extent such objections are not accepted, the Investigator will summarize these reasons but also note the Party's objection(s).

The Investigator will brief the Title IX Coordinator on the Final Investigation Plan in writing or orally. The Title IX Coordinator will share the Final Investigation Plan with the Parties. If no one requests any further investigation or otherwise objects to the Preliminary Investigation Report, such Preliminary Investigation Report shall be deemed the Final Investigation Report.

**Investigation Plan and Final Investigation Report**

Investigation Phase Two

The Investigator will complete the investigation as outlined in the Final Investigation Plan. After the Investigator determines that the final investigation is complete, the Investigator will prepare a Final Investigation Report. The Investigator will share the Final Investigation Report with the Title IX Coordinator for approval. Once approved the Title IX Coordinator will notify the Parties and Hearing Officer when the Final Investigation Report is available to review and will provide confidential access (such as a protected, "read-only" posting to a secure web portal) to view the Final Investigation Report. The Final Investigation Report will highlight any additions or modifications from the Preliminary Investigation Report for ease of reference.

Neither the Complainant nor Respondent (nor anyone on their behalves) may copy, remove, photograph, print, image, videotape, record, or in any manner otherwise duplicate or remove the information provided.

The Hearing Officer will have the opportunity to review the Final Investigation Report. The Hearing Officer can make requests for additional investigation or clarification to the Title IX Coordinator on aspects of the

Final Investigation Report. The Title IX Coordinator will relay the request to the Investigator. If the Hearing Officer makes additional requests, the Title IX Coordinator will notify the Parties.

**Hearing**

A Hearing will be held in which the Hearing Officer will make findings of fact on disputed facts relevant to the definitions of Prohibited Conduct and determine if a Policy violation occurred based on the facts the Hearing Officer determined to have occurred.

Questioning

All questions during the Hearing shall be asked by the Hearing Officer. The Hearing Officer will question the Parties and whichever witnesses the Hearing Officer deem necessary to make their decision. The Hearing Officer will also pose all pre-approved questions from the Parties. Neither the Parties, their Advisor, or Support Person will be able to ask questions of the witnesses or the other Parties through the duration of the Hearing. All questions must be asked through the Hearing Officer.

Five (5) business days before the Hearing, each Party must submit questions to the Title IX Coordinator that they request the Hearing Officer to pose to the witnesses and Party at the Hearing. Questions will be limited to facts developed during investigation. The Title IX Coordinator will share those questions with the Hearing Officer. The Hearing Officer will permit any relevant and not otherwise impermissible questions as set forth above in this Policy (including questions that are unclear or harassing). The Hearing Officer must give a Party an opportunity to clarify or revise a question that was deemed unclear or harassing. If the Hearing Officer allows questions related to the existence of a dating relationship or prior or subsequent consensual sexual relations between the complainant and the respondent, they must first provide a written explanation to the Parties as to why consideration of this evidence is being admitted. This explanation shall be consistent with this Policy.

During the Hearing, a Party may submit additional questions to the Hearing Officer. The Hearing Officer will determine during the Hearing which questions will be accepted or denied and must explain any decision to exclude a question as not relevant or otherwise impermissible. The Hearing Officer will then pose approved questions to the witnesses or the Parties. No request will be accepted after the witness or Party has been dismissed. The Parties will generally be able to submit questions once for each witness and Party. It is at the discretion of the Hearing Officer to determine if they will allow more than one set of questions.

Scheduling

The Hearing date will be scheduled no sooner than ten (10) business days after the release of the Final Investigation Report. The Title IX Coordinator will notify the Parties and witnesses of the Hearing date in writing. The Investigator must be available during the Hearing and may be called upon as a witness. All Parties and witnesses must attend the Hearing.

Participation of Parties and Witnesses

If either Party participates in the Investigation, they must also answer questions during the Hearing in order for the information they provided during the investigation to be considered during the Hearing so that the Hearing Officer may adequately assess the Party's credibility. However, if a Party does not participate at all, the Hearing Officer may not draw a negative inference from their lack of participation. If a Complainant chooses not to participate in the Hearing, the College's ability to fully investigate and respond to the complaint will be limited. The College may not be able to move forward to determine if a Policy violation occurred.

If a Party who participates in the investigation wishes to attend the Hearing but not answer any questions, they will be permitted to do so. However, the Party's participation will be limited to attendance only. The Party will not be permitted to submit questions for any of the witnesses or Parties. The Hearing Officer may choose to place less or no weight upon statements by a Party or witness who refuses to respond to questions deemed relevant and not impermissible.

If a Party does not participate in the Investigation but wishes to attend the Hearing, the Party cannot testify during the Hearing, answer questions at the Hearing, or otherwise present new information at the Hearing. The Party will be limited to only submitting questions for the Hearing Officer to pose about facts developed during the Investigation or during the Hearing.

The Hearing is closed and not open to the public. The Investigator and witnesses will only be in the Hearing room when they are called as a witness. A Party or witness may make a request to participate in the Hearing in an alternative, remote meeting room or with a partition screen in the Hearing room (while not providing testimony.) The alternative meeting room will be equipped with videoconferencing capabilities so that they can participate in the Hearing. The Parties must make their request at least forty-eight (48) hours before the date of the Hearing, and witnesses shall do so as well to the extent they have forty-eight (48) hours advance notice. The Parties' Advisors may remain in the Hearing room for the duration of the Hearing.
The Hearing will be audio recorded and later transcribed by a transcription service. Audio recordings will be maintained by the College consistent with its record retention policies. Transcripts of the Hearing will be made available upon Parties' request.

Hearing Procedures
The Chief Diversity Officer and Title IX Coordinator will be present for the duration of the Hearing. The Hearing Officer will oversee the Hearing Meeting, which will generally follow the format below. The Hearing Officer in consultation with the Title IX Coordinator may change the order of the witnesses and Parties if they deem it necessary.

- The Title IX Coordinator will make opening introductions.
- The Hearing Officer will explain the rules for the Hearing.
- Witnesses called
- The Hearing Officer will determine the order of witnesses and ask questions of the witnesses,
- Parties may submit additional questions to Hearing Officer
- Hearing Officer will ask approved questions.
- Complainant called
- Hearing Officer will ask questions of the Complainant
- Parties may submit additional questions to Hearing Officer
- Hearing Officer will ask approved questions.
- Respondent called
- Hearing Officer will ask questions of the Respondent
- Parties may submit additional questions to Hearing Officer
- Hearing Officer will ask approved questions.
- The Complainant will have five (5) minutes to give an oral closing statement.
- The Respondent will have five (5) minutes to give an oral closing statement.

Hearing Officer will adjourn the Hearing.

Notice of Hearing Decision

The Title IX Coordinator will send the written Hearing Officer's decision simultaneously to the Parties within fifteen (15) business days of end of the Hearing. The decision will include whether a policy violation was found to have occurred and the basis for that determination, including factual findings related to the definitions of Prohibited Conduct. The written determination will include:

- Identification of the Prohibited Conduct that was alleged to have occurred; Information about the Formal Resolution Procedures that the College used to evaluate the allegations of Prohibited Conduct;
- An evaluation of the relevant and not otherwise impermissible evidence and determination whether the Prohibited Conduct occurred as defined by this Policy;
- The College's procedures for the Parties to appeal.

If Neither Party Appeals:

- If the Hearing Officer does not find Respondent Responsible for any Prohibited Conduct or other violation of College Policy, the Resolution Procedures will be closed.
- If the Hearing Officer finds Respondent Responsible for the alleged Prohibited Conduct or other violation of College Policy, the matter will be referred for Sanctioning.

If Either Party Appeals:

- Sanctioning will take place after the Appeal for Students in Formal Procedures are completed.

**Appeals for Students in Formal Procedures**

Appeals are confined to a review of the case record. They are not a de novo hearing. In any request for Appeal, the burden of proof lies with the Party requesting the Appeal.

Complainant and Respondent each may appeal an adverse finding or a dismissal of a Complaint.

The Party who first submits the written appeal shall be the "Appellant," and the responding Party shall be the "Appellee." The grounds for appeal are limited to the following categories:

1. Procedural Error: A procedural error occurred that would change the outcome. A description of the error and its impact on the outcome of the case must be included in the written appeal; or
2. New Evidence: New evidence or information has arisen that was not available or known to the Party during the investigation, that would change the outcome. Information that was known to the Party during the Resolution Procedures but which they chose not to present is not considered new information. The new evidence, an explanation as to why the evidence was not previously available or known, and an explanation of its potential impact on the Hearing Panel's determination must be included in the written appeal; or
3. Actual Conflict of Interest or Demonstrated Bias: The Title IX Coordinator, Investigator, or others with a role in the Resolution Procedures with an actual Conflict of Interest or demonstrated bias for or against Complainants or Respondents generally, or the individual Complainant or Respondent, that would change the outcome. Any evidence supporting the alleged Conflict of Interest or demonstrated bias must be included in the written appeal.

An Appeal is not allowed simply to express dissatisfaction with the findings. If an Appeal does not state one of the permissible grounds for Appeal, it will be rejected by the Chief Diversity Officer. The Chief Diversity Officer will notify the Party if they can cure the impermissible grounds for Appeal and give a new deadline to submit the corrected Appeal.

The Complainant has five (5) business days from receiving either the written notice of the Chief Diversity Officer's decision not to proceed with the Resolution Procedures or the written notice of the Hearing Officer's decision to submit a written Appeal to the Chief Diversity Officer.
The Respondent has five (5) business days from receiving the written notice of the Hearing Officer's decision to submit a written Appeal to the Chief Diversity Officer.

The Chief Diversity Officer will share the request for Appeal with the Appellee, who shall have five (5) business days to submit a response statement. The Appeal and Appeal Response are limited to ten (10) pages (including any attachments or exhibits that are not part of the Final Investigation Report). Except for good cause shown and accepted at the discretion of the Chief Diversity Officer, late responses or responses of more than ten (10) pages will not be considered.
The Appeal Record consists of the Final Investigation Report (with attachments), the Hearing transcript, the Hearing Officer's decision, the Appeal, the Appeal Response, and, when called into question by an Appeal, the Investigator's Final Investigation Plan.

During the pendency of the appeal, Respondent's relationship with the College will maintain the status quo (e.g. if Respondent was on Interim Suspension or Leave pending the Process, the Interim Suspension or Leave remains in place).

The Chief Diversity Officer will refer the Appeal Record to an Appeal Officer. The Chief Diversity Officer will appoint a trained internal or external Appeal Officer (such as a retired judicial officer, student affairs officer, or similarly experienced professional) ("Appeal Officer") to conduct a fair and impartial review of any appeals submitted by a Complainant or Respondent.

In cases of Appeals of Dismissals, if the Appeal Officer determines that the allegations, if true, would establish that Respondent engaged in Prohibited Conduct and the Title IX Coordinator declined to initiate the Formal Resolution Procedures for that violation (either in total or in part), the Appeal Officer will send the case back to the Title IX Coordinator with instructions to initiate the Formal Resolution Procedures for the allegation(s).

If the Appeal Officer determines that a Procedural Error significantly impacted the decision or determination, the Appeal Officer will return the case to the Title IX Coordinator with instructions to correct the error. In rare cases when the procedural error cannot be corrected (as in cases of bias), the Appeal Officer may order a new Hearing or other appropriate procedural relief.

If the Appeal Officer determines that new information (or previously excluded information) should have been considered, the Appeal Officer will return the case to the Title IX Coordinator with instructions for the Investigator to include the information in the Final Investigation Report and to allow the Parties to respond consistent with the review process. The Appeal Officer may also order a new Hearing.

Appellant and Appellee will be notified in writing by the Title IX Coordinator of the outcome of the appeal within ten (10) business days of receipt of Appellee's response statement. The Appeal Officer's decision is final and not subject to appeal.

**Sanctions for Students**
See sanctions section below.

**Formal Resolution Procedures for Faculty Respondents**
These procedures will be administered in accordance with the principles applicable to all Formal Resolution Procedures as stated above. Any cases that fall under the Title IX Resolution Procedures shall be processed under those procedures.

**Appointment of Investigator**
The Title IX Coordinator will appoint a trained internal or external investigator or investigative team (the "Investigator") to conduct a reasonable, impartial, confidential, and prompt investigation of the Complaint. The Title IX Coordinator's choice of Investigator will be based on several factors, including the Parties involved, the complexity of the Complaint, and the need to avoid any potential Conflict of Interest. The appointed investigator or investigators must have experience in higher education conducting investigations involving Civil Rights. Where appropriate, and at the discretion of the Investigator, the Investigator may engage the independent assistance of professional experts, such as in a case involving an unusual or otherwise complex questions (e.g., academic freedom, mental health or trauma issues, or collection of electronic evidence). The Title IX Coordinator and Chair of the Investigation Review Panel may offer suggestions on this engagement to the Investigator.

**Appointment of Investigation Review Panel and Panel Chair**
The Title IX Coordinator will also assemble an Investigation Review Panel. All Investigation Review Panel members receive training with respect to the College's Civil Rights Policies. The principal functions of the Investigation Review Panel are to:

- Provide an independent, community-based procedural check to help ensure an impartial, fair, equitable, and timely Process; and;
- Following a confidential deliberation, using the parameters of the Formal Resolution Procedures established by this Policy, make findings of fact as to responsibility regarding allegations of Prohibited Conduct by a Preponderance of the Evidence.

**Composition of Investigation Review Panel for Faculty Respondents**
The Chief Diversity Officer will select five (5) Faculty Members by lot from a pool of Faculty Members who have been elected to the Administration Committee over the previous seven years provided that all Panel members shall be faculty of equal or higher rank than the faculty Respondent. The Panel will elect its Chair. If any prospective Panel Member discloses a potential or actual Conflict of Interest or Bias that precludes such individual from serving, another Panelist will be chosen by lot.

- The Panel Chair's responsibilities include:
- Reviewing and consulting with the Investigator as to the Preliminary Investigation Plan;
- Reviewing the Preliminary Investigation Report, including any requests by the Parties for further or follow-up investigation, and requesting additional or follow-up investigation;
- Reviewing the Final Investigation Report, asking final questions of the Investigator; and,
- Moderating the Investigation Review Hearing.

The Title IX Coordinator will promptly notify the Parties of the proposed composition of the Investigation Review Panel. If a Party objects to a Panel Member's involvement based upon a Conflict of Interest or bias, the Party must provide written notice explaining the alleged conflict or bias to the Title IX Coordinator within two (2) business days. The Title IX Coordinator will promptly rule on the objection and provide notice to the Party and, if the Title IX Coordinator finds a possible or actual Conflict of Interest or potential bias, a new Panel Member shall be selected through the appropriate process.

**Preliminary Investigation Phase**

The Investigator will establish a Preliminary Investigation Plan. The Investigator will brief the Panel Chair and the Title IX Coordinator on the basic nature of the case and the preliminary investigation plan in writing or orally. The Panel Chair has two (2) business days to provide any input to the Investigator on the preliminary investigation plan, including with respect to any potential issues that may warrant special consideration or expertise, such as questions of academic freedom, mental health or trauma issues, or electronic evidence. The Investigator reserves the right to begin investigating prior to receiving input on the plan if the composition of the Investigation Review Panel is delayed or if waiting for input could impact the timely gathering of information.

The Investigator will then conduct a Preliminary Investigation based upon the facts and circumstances reported to the College and gathered in preceding steps of the process. The Preliminary Investigation shall include interviews and follow-up interviews as feasible and appropriate with the Complainant, the Respondent, and any witnesses who may have relevant information. It shall also include collection of other pertinent evidentiary materials to the extent reasonable and appropriate.

The Complainant, Respondent, and any witnesses shall respond to the Investigator's request to schedule an interview or to provide other evidentiary materials in a timely manner, generally within five (5) business days of the Investigator's request. If a Party or witness fails to respond in reasonably timely fashion, the Investigator may continue the investigation without the benefit of this information.

The Investigator will prepare a written summary of each interview and send the same to the witness for a review of accuracy. Unless the witness requests additional time which is deemed reasonable by the investigator, the witness statement will be deemed accurate if the witness does not provide feedback on the statement within two (2) business days of the Investigator's emailing it to the witness at the individual's College email address or, for individuals not affiliated with the College, an email address they have previously provided.

Information may be developed during the course of the preliminary investigation that indicates additional allegations of Prohibited Conduct in addition to those identified in the Notice of Referral for Formal Resolution. In this circumstance, the Investigator shall review such additional potential allegations with the Title IX Coordinator. The Title IX Coordinator will evaluate this information consistent with the standards for an intake assessment outlined above. If the new information indicates that additional Prohibited Conduct may have occurred under this Policy and/or the TCC Title IX Policy and which resolution process is appropriate, the Title IX Coordinator shall send a written Revised Notice of Referral for Formal Resolution that includes the relevant information and new potential allegations of Prohibited Conduct.

Once the Investigator determines that the Preliminary Investigation is reasonably complete, the Investigator will prepare a Preliminary Investigation Report. The Report shall include:

- A summary of the incident, alleged definitions of Prohibited Conduct from the initial Notice, the Complainant's allegations, and the Respondent's response;
- Identification of any new potential allegations of Prohibited Conduct raised by the information developed through the Preliminary Investigation and as authorized for incorporation by the Title IX Coordinator;
- A description of undisputed facts;
- A description of material facts in dispute; and
- An analysis and assessment of disputed facts based on all available evidence, including a credibility assessment (organized by definition of Prohibited Conduct).

The Investigator will notify the Parties once the Preliminary Investigation Report is available to review and will provide confidential access (such as a protected, "read-only" posting to a secure web portal) to view the Preliminary Investigation Report. Neither the Complainant nor Respondent (nor anyone on their behalf) may copy, remove, photograph, print, image, videotape, record, or in any manner otherwise duplicate or remove the information provided.

Response to Preliminary Investigation Report

The Parties will have five (5) business days to submit a written request outlining any additional investigation steps that they believe are necessary or objections to the information included in the Preliminary Investigation Report, including:

- Posing any follow-up issues or questions for any witness, the Complainant or Respondent;
- Requesting a follow-up interview with the Investigator to clarify or provide any additional information that such Party believes is relevant to the investigation or to seek clarification from the Investigator on aspects of the Preliminary Investigation Report;
- Identifying any new witnesses who should be interviewed (including a description of what topics/issues the witness should be asked to address and what the interview would contribute to the investigation);
- Identifying any additional evidentiary materials that should be collected and reviewed to the extent that such items are reasonably available (e.g., text messages, social media postings, etc.), understanding that the Investigator lacks the power to subpoena evidence; and,
- Identifying and objecting to any information that such Party believes was inappropriately included in the Preliminary Investigation Report.

After considering these requests, the Investigator will develop a Final Investigation Plan that will outline any additional investigatory steps to be taken and will also briefly explain any requests that the Investigator recommends be denied. The Investigator will also address any objections to the information included in the Preliminary Report. To the extent such objections are accepted, the Investigator will redact the Preliminary Investigation Report and investigation materials accordingly. The Investigator will maintain copies of both the complete and redacted investigation materials. To the extent such objections are not accepted, the Investigator will summarize these reasons but also note the Party's objection(s).

The Investigator will then circulate the Preliminary Investigation Report (as may be redacted), the Parties' responses (if any), and the Final Investigation Plan to the Investigation Review Panel, who will have five (5) business days to review the materials and to provide feedback to the Panel Chair. The Investigator will consult with the Panel Chair on the proposed Final Investigation Plan in writing or in a meeting. After considering the Panel Chair's feedback, the Investigator will complete a Final Investigation Plan and will within two (2) business days, notify the Parties and the Investigation Review Panel of the Final Plan in writing, which will again include a brief explanation as to the reasons for denying or not pursuing any requests for additional investigation.

Any appeal based on an Investigator's determinations set forth in the Final Investigation Plan is limited to the grounds and timing specified in Appeals and can only be appealed by Respondent after the sanctioning phase or by the Complainant after a finding of Non-Responsibility.

If no one requests any further investigation or objects to the Preliminary Investigation Report, such Report shall be deemed the Final Investigation Report, and the Title IX Coordinator will schedule the Investigation Review Meeting consistent with the steps described below.

Final Investigation Phase

The Investigator will complete the investigation as outlined in the Final Investigation Plan. After the Investigator determines that the final investigation is reasonably complete, the Investigator will prepare a Final Investigation Report. The Investigator will notify the Parties and the Investigation Review Panel once the Final Investigation Report is available to review and will provide confidential access (such as a protected, "read-only" posting to a secure web portal) to view the Final Investigation Report. The Final Investigation Report will highlight any additions or modifications from the Preliminary Investigation Report for the Parties' and Review Panel's ease of reference. The Parties and Investigation Review Panel will have ten (10) business days to review the Final Investigation Report. The Parties will have electronic access to the report. However, neither the Complainant nor Respondent (nor anyone on their behalf) may copy, remove, photograph, print, image, videotape, record, or in any manner otherwise duplicate or remove the information provided.

Scheduling the Investigation Review Hearing

The Title IX Coordinator will schedule the Investigation Review Meeting and will provide written notice to the Parties, Investigator, and the Review Panel of the date, time, and location of the Meeting. This Investigation Review Hearing will normally be held within five (5) business days following the conclusion of the review period designated for the Final Investigation Report.

This notification will also remind the Parties that they have the ability to present a written statement in response to the Investigator's Final Investigation Report. Any written statement must be submitted to the Title IX Coordinator two (2) business days in advance of the Investigation Review Hearing and will be shared with the other Party and the Investigation Review Panel. Written statements are limited to no more than ten (10) pages (including any attachments or exhibits that are not part of the investigation record). Except for extenuating circumstances shown and accepted at the discretion of the Panel Chair, late responses or responses of more than ten (10) pages will not be considered.

**Investigation Review Hearing**

The Panel Chair moderates the Investigation Review Hearing and will explain the scope and sequence of the Hearing.

The Title IX Coordinator will attend in an oversight capacity only to monitor that the Hearing conforms to the standards for fairness, neutrality, and equality, as well as to address any procedural questions that may arise.

The purpose of the Investigation Review Hearing is for the Investigation Review Panel to make findings of fact and to determine whether the Respondent is responsible for violating the identified policies by a preponderance of the evidence. The Investigation Review Panel shall receive the Final Investigative Report and access to any underlying investigative materials it may request.

The Investigation Review Hearing is closed and not open to the public. The Investigator and witnesses will only be in the Hearing room when they are called as a witness. A Party or witness may make a request to participate in the Hearing in an alternative, remote meeting room or with a partition screen in the Hearing room (while not providing testimony.) The alternative meeting room will be equipped with videoconferencing capabilities so that they can participate in the Hearing. The Parties must make their request at least 48 hours before the date of the Hearing, and witnesses shall do so as well to the extent they have 48 hours advance notice. The Parties' Advisors may remain in the Hearing room for the duration of the Hearing.

The Investigation Review Hearing will be recorded, and the Panel Chair has unreviewable discretion to provide either audio or video recording, with the recording made available to the Complainant and Respondent upon request after the Hearing. The Parties may attend via videoconference. The Panel Chair in consultation with the Chief Diversity Officer may change the order of the witnesses and Parties if they deem it necessary. The Hearing will normally follow the sequence set forth below:

- The Chief Diversity Officer will make opening introductions.
- The Panel Chair will explain the rules for the Hearing.
- Witnesses called
    - The Panel Chair will determine the order of witnesses and ask questions of the witnesses,
    - Parties may submit additional questions to Panel Chair
    - Panel Chair will ask approved questions.
- Complainant called
    - Panel Chair will ask questions of the Complainant
    - Parties may submit additional questions to Panel Chair
    - Panel Chair will ask approved questions.
- Respondent called
    - Panel Chair will ask questions of the Respondent
    - Parties may submit additional questions to Panel Chair
    - Panel Chair will ask approved questions.
- The Complainant will have five (5) minutes to give an oral closing statement.
- The Respondent will have five (5) minutes to give an oral closing statement.

Panel Chair will adjourn the Hearing.

Questioning

All questions during the Investigation Review Hearing shall be asked by the Panel Chair. The Panel Chair will question the Parties and whichever witnesses the Investigation Review Panel deem necessary to make their decision. The Panel Chair will also pose all pre-approved questions from the Parties. Neither the Parties, Advisor, or Support Person will be able to ask questions of the witnesses or the other Parties through the duration of the Hearing. All questions must be asked through the Panel Chair.

Five (5) business days before the Investigation Review Hearing, each Party must submit questions to the Title IX Coordinator and Panel Chair that they request the Investigation Review Panel to pose to the witnesses and Party at the Hearing. Questions will be limited to facts developed during investigation. The Title IX Coordinator and Panel Chair will share those questions with the Investigation Review Panel. The Investigation Review Panel will briefly explain any denied question request in writing and share with the Parties the day before the Hearing.

During the Hearing, a Party may submit additional questions to the Investigation Review Panel Chair. The Investigation Review Panel will determine during the Hearing which questions will be accepted or denied. The Investigation Review Panel will then pose approved questions to the witnesses or the Parties. No request will be accepted after the witness or Party has been dismissed. The Parties will generally be able to submit questions once for each witness and Party. It is at the discretion of the Investigation Review Panel to determine if they will allow more than one set of questions.

Participation of Parties and Witnesses

If either Party participates in the Investigation, they must also answer questions during the Investigation Review Hearing in order for the information they provided during the investigation to be considered during

the Investigation Review Hearing. However, if a Party does not participate at all, the Hearing Officer may not draw negative inference from their lack of participation. If a Complainant chooses not to participate in the Hearing, the College's ability to fully investigate and respond to the Complaint will be limited. The College may not be able to move forward to determine if a Policy violation occurred.

If a Party who participates in the Investigation wishes to attend the Investigation Review Hearing but not answer any questions, they will be permitted to do so. However, the Party's participation will be limited to attendance only. The Party will not be permitted to submit questions for any of the witnesses or Parties.

If a Party does not participate in the Investigation but wishes to attend the Investigation Review Hearing, the Party cannot testify during the Hearing, answer questions at the Hearing, or otherwise present new information at the Hearing. The Party will be limited to only submitting questions for the Review Panel to pose about facts developed during the Investigation or during the Investigation Review Hearing.

The Investigation Review Hearing is closed and not open to the public. The witnesses will only be in the Investigation Review Hearing room when they are called as a witness. A Party or witness may make a request to participate in the Investigation Review Hearing in an alternative, remote meeting room or with a partition screen in the Investigation Review Hearing room. The alternative meeting room will be equipped with videoconferencing capabilities so that they can participate in the Hearing. The Parties must make their request at least forty-eight (48) hours before the date of the Hearing, and witnesses shall do so as well to the extent they have forty-eight (48) hours advance notice. The Parties' Advisors may remain in the Hearing room for the duration of the Hearing.

The Hearing will be audio and video recorded. Video recordings will be maintained by the College consistent with its records retention policies. Transcripts of the Hearing will be made available upon Parties' request provided that the case is still pending.

Investigation Review Panel's Deliberations
The Investigation Review Panel will then deliberate in confidence, and the deliberations cannot be recorded, nor may any Investigation Review Panel member discuss the deliberations with anyone following the deliberations. The Title IX Coordinator will be present during deliberations to serve in a consulting role for members of the Review Panel but will not participate in the deliberations or have a vote.

**Written Determination of the Decision-Maker for Matters Involving Faculty**

- Each Investigation Review Panel member has a single vote and will note their individual vote anonymously (using the preponderance of the evidence standard) for each allegation of Prohibited Conduct.
- A finding of Responsibility will be made if at least four (4) out of five (5) Investigation Review Panel members find a violation of Policy, after having determined that Prohibited Conduct occurred.
- The Panel Chair prepares the Investigation Review Panel Hearing Decision, which will contain all elements discussed immediately above. The decision will not attribute any statements or opinions to any individual Review Panel member.
- The Title IX Coordinator will distribute the Investigation Review Panel Hearing Decision to the Complainant and Respondent within five (5) business days of the Review Meeting.

**Notice of Investigation Review Hearing Decision**
The Title IX Coordinator will send the written Investigation Review Panel's decision simultaneously to the Parties within fifteen (15) business days after the end of the Hearing. The decision will include whether a

policy violation was found to have occurred and the basis for that determination, including factual findings regarding Prohibited Conduct. The written determination will include:

- Identification of the alleged Prohibited Conduct that was alleged to have occurred;
- Information about Formal Resolution Procedures that the College used to evaluate the allegations of Prohibited Conduct;
- An evaluation of the relevant and not otherwise impermissible evidence and determination whether the Prohibited Conduct occurred as defined by this Policy;
- A determination of whether there was a finding of responsibility. for engaging in Prohibited Conduct under this Policy;
- The College's procedures for the Parties to appeal.

**Appeals for Faculty**

The following provisions apply to appeals of determinations or dismissal decisions for Faculty pursuant to this Resolution Procedures. The Party who first submits the written appeal is the "Appellant," and the responding Party is the "Appellee." Appeals are confined solely to a review of the Appeal Record (as defined below). The burden of proof lies with the Party requesting the appeal.

An appeal is not allowed simply to express dissatisfaction with the findings. Instead, the grounds for appeal are limited to the following categories:

- **Procedural Error:** A procedural error occurred that would change the outcome. A description of the error and its impact on the outcome of the case must be included in the written appeal; or
- **New Evidence:** New evidence or information has arisen that was not available or known to the Party during the investigation, that would change the outcome. Information that was known to the Party during the Resolution Procedures but which they chose not to present is not considered new information. The new evidence, an explanation as to why the evidence was not previously available or known, and an explanation of its potential impact on the Hearing Panel's determination must be included in the written appeal; or
- **Actual Conflict of Interest or Demonstrated Bias**: The Title IX Coordinator, Investigator, or others with a role in the process with an actual Conflict of Interest or demonstrated bias for or against Complainants or Respondents generally, or the individual Complainant or Respondent, that would change the outcome. Any evidence supporting the alleged Conflict of Interest or demonstrated bias must be included in the written appeal.

The Complainant has five (5) business days from receiving written notice of the Chief Diversity Officer's decision not to proceed with the Resolution Procedures, five (5) business days from receiving written notice of the Investigation Review Panel's determination of No Responsibility, or five (5) business days from receiving determination of sanctions to submit a written appeal to the Chief Diversity Officer.
The Chief Diversity Officer will reject any non-conforming appeals and give the appealing Party three (3) business days for one final opportunity to submit an appeal consistent with the grounds specified above. Assuming a conforming appeal is received, the Chief Diversity Officer will share the request for Appeal with the Appellee, who shall have five (5) business days to submit a response statement.

The Chief Diversity Officer will appoint a trained Appeal Officer to conduct a fair and impartial review of any appeals submitted by a Complainant or Respondent. For faculty Respondents the Appeal Officer will be the Vice President for Academic Affairs/Dean of the Faculty or designee, unless there is a Conflict of Interest as determined by the Review Panel Chair, in which case an external third Party mediator or similar service will be used.

Within five (5) business days of receiving the appellee's responsive statement (or five (5) business days after the deadline has passed when the appellee elects not to submit a statement) the Chief Diversity Officer will also refer the written appeal, any response, and the underlying case record (the "Appeal Record") to the Appeal Officer. Appeals and responses to them shall not exceed ten (10) pages (including any attachments or exhibits that are not part of the investigation record).

The Appeal Officer will determine whether any grounds for the Appeal are substantiated. For cases involving a determination to dismiss the report or Complaint at any point prior to the fact-finding decision, if the Appeal Officer determines that the allegations, if they could be established by a preponderance of the evidence, would meet a definition of Prohibited Conduct, and the Chief Diversity Officer declined to initiate the Formal Process for that violation (either in total or in part), the Appeal Officer will send the case back to the Chief Diversity Officer with instructions to initiate the Formal Process for the allegation(s).

If the Appeal Officer determines that the Request for Appeal shows a Procedural Error that significantly impacted the relevant decision or determination, the Appeal Officer will return the Complaint to the Chief Diversity Officer with instructions to correct the error and to reconvene the Investigation Review Panel Meeting to reconsider the findings as appropriate. In rare cases where the procedural error cannot be corrected (as in cases of bias), the Appeal Officer will order a further process that removes the earlier source of error, except at the discretion of the President (or designee), the results of a reconvened Investigation Review Panel Meeting cannot be appealed again.

If the Appeal Officer determines that the Appeal shows New Information (or previously excluded evidence) that should have been considered, the Complaint will be returned to the Chief Diversity Officer, who in turn will direct the Investigator to draft a new Final Investigation Report in light of the new or previously-excluded information only. The Chief Diversity Officer will promptly reconvene the Investigation Review Panel Meeting to reconsider the original findings as appropriate. The findings of the reconvened Investigation Review Panel Meeting are not appealable again.

The Appeal Officer will prepare a written Appeal Outcome Notice that will include an explanation of the basis of the decisions on appeal. The Appeal Outcome Notice will generally be provided to Appellant and Appellee within ten (10) business days of receipt of Appellee's response statement. The Appeal Officer's Appeal Outcome Notice is final.
During the pendency of the appeal, Respondent's relationship with the College will maintain the status quo (e.g., if Respondent was on Interim Suspension pending the Process, the Interim Suspension remains in place).

**Sanctions in all Formal Resolution Procedures and Title IX Resolution Procedures**
If a Respondent is found responsible for violating a Policy adjudicated under this Process, after the Appeal Process has been completed the Chief Diversity Officer will notify the Parties in writing that the matter is being referred for Sanctioning as follows:

- For staff and third Party Respondents: the Executive Vice President and Chief Operating Officer (or designee) determines Sanctions.
- For student Respondents: the Vice President for Student Affairs (or designee) determines sanctions.
- For faculty: described below.

Any one or more of the sanctions listed below may be imposed on a Respondent found responsible for a violation under this Resolution Procedures. Sanctions not listed here may be imposed in consultation with and approval by the Chief Diversity Officer. Sanctions are assessed in response to the specific violation(s)

and any prior discipline and academic dishonesty history of the Respondent. Some of the sanctions listed are applicable only to students, as indicated.
The College exercises its judgment in designing reasonable sanctions. Not all violations will be deemed equally serious offenses, and the College reserves the right to impose different sanctions depending on the severity of the offense. Sanctions may not be appealed.

**Sanctioning Procedures for Student, Staff, and Third Party Respondents**
The Complainant and the Respondent may submit a Consideration of Sanctions statement to the Title IX Coordinator within five (5) business days of receiving the Final Investigation Report or upon receiving the Appeal Decision. The Consideration of Sanctions statement should outline the sanctions the Party believes should be considered by the Sanctioning Officer as well as an explanation of why the requested sanctions are reasonable and appropriate.

After the time period for submitting any Consideration of Sanctions statements has expired, the Sanctioning Officer will determine or recommend sanctions. The Sanctioning Officer will receive the case record, Consideration of Sanctions statements, and Respondent's prior conduct history (including any prior employment discipline history).

The Sanctioning Officer shall notify the Title IX Coordinator in writing of the sanctioning decision within five (5) business days of receiving the case. The Title IX Coordinator will notify the Parties of the sanctioning decision within two business days of receiving it from the Sanctioning Officer.

The Complainant and the Respondent may submit a Consideration of Sanctions statement to the Chief Diversity Officer within five (5) business days of the Chief Diversity Officer's notification. The Consideration of Sanctions statement should outline the sanctions the Party believes should be considered by the Sanctioning Officer as well as an explanation of why the requested sanctions are reasonable and appropriate.

The Chief Diversity Officer will provide the statements to the Chair of the Review Panel, who will reconvene the Panel to recommend sanctions, consistent with this framework and any prior disciplinary history of the Respondent.

Four of five members of the Review Panel must concur that the violation(s) constitute adequate cause for suspension without pay or termination for cause as defined in the Faculty Handbook (Section 4.3.1). A serious violation of a Civil Rights Policy will normally be sufficient to establish that a Respondent engaged in "personal misconduct that is directly and substantially related to the fitness of a Faculty Member as a teacher and/or a researcher" as outlined in the Faculty Handbook.
The Panel Chair shall simultaneously notify the Parties in writing of the sanctioning decision within five (5) business days of receiving the case from the Chief Diversity Officer.

**Implementation of Sanctions for Termination or Suspension of Faculty Employment**
If the Sanction recommended is termination of employment or suspension without pay, the recommendation of the Review Panel will be sent to the President and the Chairman of the Board for further action in accordance with the Section 4.3.2.4[35] of the Faculty Handbook ("Presidential Action" and "Board

[35] https://catalog.claremontmckenna.edu/content.php?catoid=39&navoid=8073#procedures-in-matters-involving-sanctions-of-dismissal-or-suspensions-without-pay

Action.") No separate hearing under 4.3.2.4 is required; rather, the Review Panel's decision serves as the recommendation contemplated by Section 4.3.2.4 which will go to the President.

If the Sanction recommended does not rise to the level of termination of employment or suspension without pay, the recommendation of the Review Panel will be sent to the Dean of Faculty for implementation.

**Possible Sanctions for All Respondents**

Possible Sanctions include:

- **Warning:** Written notice that the Respondent's behavior was in violation of the College's Civil Rights and/or other College Policy and that future violations will result in more severe sanctions.
- **Restitution**: Reimbursement by the Respondent(s) to the College, another Claremont College, the Claremont University Consortium, the Complainant(s), or a member of The Claremont Colleges community to cover the cost of property damage or other loss.
- **Fine:** A monetary penalty assessed as appropriate to the violation.
- **Service Hours (students only):** A set number of work hours the Respondent must complete. The Title IX Coordinator will determine the nature of the work to be performed. Generally, service hours are conducted on campus.
- **Educational Program/Project:** Programs and activities designed to help the Respondent become more aware of College policies and help the Respondent understand the inappropriateness of their behavior, including, but not limited to, participation in an educational program or completion of an online program.
- **Referral for Assessment:** A referral for an assessment with an appropriately-trained therapist who will recommend a process for treatment. Reinstatement is conditioned upon receiving proof of completion of the recommended treatment.
- **Loss of Privileges:** Denial of specific privilege(s) for a defined period. Privileges for students include, but are not limited to, participation in extra-curricular activities and events such as social events, intercollegiate athletics, intramural programs, student organizations, and student government, as well as the privilege of living on campus, living in a specific residence hall, participation in commencement ceremonies, or having a vehicle on campus. Privileges for staff include, but are not limited to: limitation on access to attendance at athletic events, or advising clubs, or academic advising. Privileges for faculty include, but are not limited to, removal as academic chair or other leadership positions.
- **Restricted Access:** Conditions which specifically dictate and limit the Respondent's presence on campus and/or participation in College-sponsored activities. The restrictions will be clearly defined and may include, but are not limited to, presence in certain buildings or locations on campus or a no contact order. In cases involving Parties from different Claremont Colleges, restricted access may extend to exclusion from another college campus.
- **Removal of Offending Cause:** Requirement to remove the item which was the subject of the Complaint.
- **Relocation or Removal from Residence Halls (students only)**: Requirement that the Respondent relocate to another residence hall, or off-campus, by a specified date.
- **Conduct Probation (students only):** Formal, written notice that the Respondent's behavior is in violation of College policies and an expectation that the Respondent exhibit good behavior for a defined period of time. Any violation during the probationary period will result in increased sanctioning and may result in suspension or expulsion from the College. Notice of Conduct Probation is sent to the Respondent's academic Advisor as well as to the Respondent's parent(s)/guardian if the Respondent is a minor.

- **Employment Probation:** Formal, written notice that the employee's conduct is in violation of College policies and an expectation that the employee exhibit good behavior for a defined period of time. Any further violations during the probationary period will result in increased sanctioning and may result in employment suspension without pay or termination of employment.
- **Suspension (students only):** Separation from the College for a defined period. During the suspension period the Respondent is not permitted on campus, is not permitted to participate in any College-sponsored or affiliated program or activity, and is not permitted to earn any credits towards the Respondent's degree. The terms of the suspension may include the designation of special conditions affecting eligibility for re-enrollment or special conditions to be in effect upon re-enrollment, including a term of Conduct Probation.
- **Suspension without Pay (staff and faculty):** Separation of employment for a defined period without pay for the time of separation.
- **Employment Termination**: Permanent separation of the employee from the College if the respondent is staff or faculty and permanent separation of the employee from their student position if the respondent is a student.
- **Expulsion (students only):** Permanent separation from the College. A Respondent who has been expelled is not permitted on campus and is not permitted to participate in any College-sponsored or affiliated program or activity.
- **Revocation of Degree (students only):** A Respondent's degree may be revoked if the Respondent is found responsible after having graduated. A Respondent whose degree has been revoked is not permitted on campus and is not permitted to participate in any College-sponsored or affiliated program or activity.
- **Non Conferral of Degree (students only):** A Respondent who is otherwise eligible to graduate but has a formal process for a possible Policy violation in process as of the date the Board of Trustees conditionally confer degrees, may still walk at graduation but will not be conferred a degree until a finding of no responsibility is made or if a finding of responsibility is made with a sanction of suspension, until the suspension is served. If there is a finding of responsibility and the sanction is expulsion, the Respondent will not be conferred a degree.

**Sanctioning Guidelines for Specific Prohibited Conduct**

Although it is not possible to outline specific sanctions to be imposed in all cases involving Sexual Assault (California and Title IX), Dating Violence, Domestic Violence, or Stalking Based on Sex, the following guidelines have been established to provide notice to the community and provide context for the Sanctioning Officer in determining appropriate sanctions:

- For staff or third Party Respondents: Normally termination for cause or lifetime ban from campus.
- For student Respondents: Normally expulsion or a minimum 1-year suspension.
- For faculty Respondents: Normally suspension without pay or termination for adequate cause.

**Title IX Resolution Procedures for Certain Forms of Prohibited Conduct**

As of August 28, 2024, the College is subject to a federal district court's ruling that it must operate under the 2020 Title IX rule, which has specific procedural rules for resolving the following categories of Prohibited Conduct:

- Quid Pro Quo Sexual Harassment
- Sex-Based Hostile Environment Harassment
- Sexual Assault Under Title IX
- Dating Violence
- Domestic Violence
- Stalking on the Basis of Sex

For purposes of this Policy, these categories of Prohibited Conduct will be called "Title IX Prohibited Conduct."

If Title IX Prohibited Conduct involving students, faculty, staff, or participants in CMC's education programs and activities 1) occurred on CMC's campus or 2) in locations, events, or circumstances over which CMC exercised substantial control over both the Respondent **and** the context in which the Title IX Prohibited Conduct occurs (which includes any building owned or controlled by a student organization that is officially recognized by CMC), it will be processed under these Title IX Resolution Procedures until further notice.
All other definitions remain in effect. All principles stated in Protections for All Parties During Resolution Procedures, remain in effect unless explicitly contradicted by these Title IX Resolution Procedures, in which case the Title IX Resolution Procedures control.

CMC reserves the right to 1) use any non-conflicting provisions from the Formal Resolution Procedures that are necessary for processing a matter; and 2) consolidate cases that arise from the same set of facts and circumstances but involve conduct that does not meet the definitions or geographic jurisdiction stated above and process the case using these Title IX Resolution Procedures.

**Filing a Formal Complaint**
A Formal Complaint is required to initiate these Title IX Resolution Procedures. A Formal Complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information listed for the Title IX Coordinator. A Formal Complaint is a "document filed by the Complainant", which means a document or electronic submission (such as by electronic mail or through an online portal provided for this purpose by CMC) that contains the Complainant's physical or digital signature, or otherwise indicates that the Complainant is the person filing the Formal Complaint.

Where the Title IX Coordinator signs a Formal Complaint, the Title IX Coordinator is not a Complainant or otherwise a Party. A Formal Complaint shall trigger an investigation except as specified below. The Formal Complaint should include the date(s) of the alleged incident(s), the name of the Respondent, and should describe the circumstances of the incident(s), where known.

**Dismissal of a Formal Complaint**
CMC shall investigate the allegations in a Formal Complaint, except as follows:

1. Mandatory Dismissal

CMC shall dismiss the Formal Complaint if the conduct alleged in the Formal Complaint:

- would not constitute Prohibited Conduct as defined by this policy, even if proved;
- did not occur in CMC's education program or activity; or
- did not occur against a person in the United States

The dismissal does not preclude action under another policy or procedure of CMC.

2. Discretionary Dismissal

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

- A Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the Formal Complaint or any allegations therein;
- The Respondent is no longer enrolled in or employed by CMC;

- Specific circumstances prevent CMC from gathering evidence sufficient to reach a determination as to the Formal Complaint or allegations therein; or
- The Prohibited Conduct occurred prior to August 14, 2020, in which case, CMC's Civil Rights Policy then in effect shall be used.

**Consolidation of Formal Complaints**

CMC may consolidate Formal Complaints as to allegations of Title IX Prohibited Conduct against more than one Respondent, or by more than one Complainant against one or more Respondents, or by one Party against the other Party, where the allegations of Title IX Prohibited Conduct arise out of the same facts or circumstances. Where a grievance process 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.

**Notice of Charges**

Initial Notice of Charges

Upon receipt of a Formal Complaint, prior to commencing the investigation, CMC shall provide the following written notice to the Parties who are known. This notice shall include:

- This policy (as a link or attachment).
- Notice of the allegations of Title IX Prohibited Conduct potentially constituting Title IX Prohibited Conduct as defined in this policy, including sufficient details known at the time and with sufficient time to prepare a response before any initial interview. Sufficient details include the identities of the Parties involved in the incident, if known, the conduct allegedly constituting Title IX Prohibited Conduct under this policy, and the date and location of the alleged incident, if known.
- A statement that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process.
- Notification to the Parties that they may have an advisor of their choice, who may be, but is not required to be, an attorney.
- Notification to the Parties that they may inspect and review evidence, as set forth in this policy.
- Any provision in CMC's code of conduct that prohibits knowingly making false statements or knowingly submitting false information during the grievance process.
- Describes the standard of evidence that will be used.
- Lists all possible sanctions CMC may impose

Amended Notice of Charges

If, in the course of an investigation, CMC decides to investigate allegations about the Complainant or Respondent that are not included in the initial notice of charge, CMC must provide notice of the additional allegations to the Parties whose identities are known.

**Principles for the Title IX Resolution Procedures**

In addition to following the principles applicable to all Resolution Procedures and all Formal Resolution Procedures, when implementing these Title IX Resolution Procedures, CMC shall:

- Not restrict the ability of either Party to discuss the allegations of Title IX Prohibited Conduct under investigation or to gather and present relevant evidence.
- Provide the Parties with the same opportunities to have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by an Advisor of their choice, who may be, but is not required to be, an attorney, and not limit the choice or presence of Advisor for either the Complainant or Respondent in any meeting or grievance proceeding; however, CMC may establish restrictions regarding the extent to which the Advisor may

participate in the proceedings, as long as the restrictions apply equally to both Parties. For the purposes of this policy, the role of the Advisor is limited to the following: the Advisor may attend any interview or meeting connected with the grievance process but may not actively participate in interviews nor provide testimony or argument on behalf of the Party. The Advisor may attend the live hearing and may conduct cross-examination of the other Party and any witness at the hearing; otherwise, the Advisor may not actively participate in the hearing.

Agreement-Based Resolution

Consistent with the requirements of this section, at any time prior to reaching a determination regarding responsibility CMC may facilitate an Agreement-Based Resolution that does not involve a full investigation and adjudication, provided that CMC:

- Provides to the Parties a written notice disclosing:
    a. The allegations,
    b. The requirements of the Agreement-Based Resolution Process including the circumstances under which it precludes the Parties from resuming a Formal Complaint arising from the same allegations, provided, however, that at any time prior to agreeing to a resolution, any Party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the Formal Complaint, and
    c. Any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared.
- Obtains the Parties' voluntary, written consent to the informal resolution process; and
- Does not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student.
- Completes the informal resolution process within 60 days of receiving the Formal Complaint, unless unusual or complex circumstances exist.
- Complies with its legal obligations under Title VII and FEHA.

CMC will not offer an Agreement-Based Resolution in the Title IX Resolution Procedures unless a Formal Complaint is Filed.

Investigation of Formal Complaints

The Title IX Coordinator will appoint an Investigator, who may be an employee or official of CMC or may be an external investigator with appropriate experience or expertise. The Parties will be provided with notice of the identity of the appointed Investigator and will be informed that any objections to the service of the appointed Investigator on grounds of conflict of interest or a lack of impartiality should be submitted in writing to the Title IX Coordinator within three days of notice of the appointment. The Title IX Coordinator will decide promptly whether the objection will be granted and whether the appointed Investigator will or will not conduct the investigation.

In cases involving faculty, the appointed investigator or investigators must have experience in higher education conducting investigations involving Civil Rights. Where appropriate, and at the discretion of the Investigator, the Investigator may engage the independent assistance of professional experts, such as in a case involving an unusual or otherwise complex questions (e.g., academic freedom, mental health or trauma issues, or collection of electronic evidence). The Title IX Coordinator and Chair of the Investigation Review Panel may offer suggestions on this engagement to the Investigator.

When investigating a Formal Complaint CMC shall, within 30 days of receiving the Formal Complaint, unless unusual or complex circumstances exist:

- Engage in fact-gathering of all relevant facts. Credibility resolutions and fact-finding shall be conducted in the live hearing phase of the grievance process.
- Provide both Parties an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a Formal Complaint, including the evidence upon which CMC does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a Party or other source, so that each Party can meaningfully respond to the evidence prior to conclusion of the investigation.
- Prior to completion of the investigative report, send to each Party and the Party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy, and the Parties must have at least 10 days to submit a written response, which the investigator will consider prior to completion of the investigative report.
- Make all such evidence subject to the Parties' inspection and review available at any hearing to give each Party equal opportunity to refer to such evidence during the hearing, including for purposes of cross-examination; and
- Create an investigative report that fairly summarizes relevant evidence and, at least 10 days prior to a hearing or other time of determination regarding responsibility, the Title IX Coordinator shall send to each Party and the Party's advisor, if any, the investigative report in an electronic format or a hard copy, for their review and written response. Upon finalization of the investigative report, the Title IX Coordinator shall provide it to the decision-maker(s).

**Additional Procedures Applicable to Faculty Matters**

Appointment of Investigation Review Panel and Panel Chair

The Title IX Coordinator will also assemble an Investigation Review Panel. All Investigation Review Panel members receive training with respect to the College's Civil Rights Policies. The principal functions of the Investigation Review Panel are to:

- Provide an independent, community-based procedural check to help ensure an impartial, fair, equitable, and timely Process; and;
- Following a confidential deliberation, using the parameters of the Formal Resolution Procedures established by this Policy, make findings of fact as to Responsibility regarding allegations of Prohibited Conduct) by a Preponderance of the Evidence.

Composition of Investigation Review Panel for Faculty Respondents

The Chief Diversity Officer will select five (5) faculty members by lot from a pool of faculty members who have been elected to the Administration Committee over the previous seven years provided that all Panel members shall be faculty of equal or higher rank than the faculty Respondent. The panel will elect its Chair. If any prospective Panel Member discloses a potential or actual Conflict of Interest or Bias that precludes such individual from serving, another Panelist will be chosen by lot.

The Title IX Coordinator will promptly notify the Parties of the proposed composition of the Investigation Review Panel. If a Party objects to a Panel Member's involvement based upon a Conflict of Interest or bias, the Party must provide written notice explaining the alleged conflict or bias to the Title IX Coordinator within two (2) business days. The Title IX Coordinator will promptly rule on the objection and provide notice to the Party and, if the Title IX Coordinator finds a possible or actual conflict of interest or potential bias, a new Panel Member shall be selected through the appropriate process.

With respect to the investigation:

- The Investigator will establish a Preliminary Investigation Plan. The Investigator will brief the Panel Chair and the Title IX Coordinator on the basic nature of the case and the preliminary investigation plan in writing or orally. The Panel Chair has two (2) business days to provide any input to the Investigator on the preliminary investigation plan, including with respect to any potential issues that may warrant special consideration or expertise, such as questions of academic freedom, mental health or trauma issues, or electronic evidence. The Investigator reserves the right to begin investigating prior to receiving input on the plan if the composition of the Investigation Review Panel is delayed or if waiting for input could impact the timely gathering of information.
- After drafting the Preliminary Investigation Report and allowing Parties to respond to the Report, the Investigator will develop a Final Investigation Plan that will outline any additional investigatory steps to be taken and will also briefly explain any requests that the Investigator recommends be denied. The Investigator will also address any objections to the information included in the Preliminary Report. To the extent such objections are accepted, the Investigator will redact the Preliminary Investigation Report and investigation materials accordingly. The Investigator will maintain copies of both the complete and redacted investigation materials. To the extent such objections are not accepted, the Investigator will summarize these reasons but also note the Party's objection(s).
- The Investigator will then circulate the Preliminary Investigation Report (as may be redacted), the Parties' responses (if any), and the Final Investigation Plan to the Investigation Review Panel, who will have five (5) business days to review the materials and to provide feedback to the Panel Chair. The Investigator will consult with the Panel Chair on the proposed Final Investigation Plan in writing or in a meeting. After considering the Panel Chair's feedback, the Investigator will complete a Final Investigation Plan and will within two (2) business days, notify the Parties and the Investigation Review Panel of the Final Plan in writing, which will again include a brief explanation as to the reasons for denying or not pursuing any requests for additional investigation.

**Live Hearings Under the Title IX Resolution Procedures**

Requirement of a Live Hearing for Fact-Finding and Determining Responsibility

Following the investigation, within 30 days of sending the Final Investigative Report to the Parties, unless unusual or complex circumstances exist, CMC shall conduct a live hearing in front of the decision-maker(s), which may be an individual or a Review Panel, for the purposes of determining responsibility for allegations of Title IX Prohibited Conduct in the Formal Complaint. The decision-maker(s) cannot be the same person(s) as the Title IX Coordinator or the investigator(s). In cases involving faculty, the Review Panel described above must be used.

The live hearing will be closed. The only individuals permitted to participate in the hearing are as follows: the Complainant and Respondent, the decision-maker(s), the advisor for each Party, any witnesses (only while being questioned), and any individual providing authorized accommodations or assistive services.

If a Party does not have an advisor present at the live hearing, CMC shall provide without fee or charge to that Party, an advisor of CMC's choice, who may be, but is not required to be, an attorney, to conduct cross examination on behalf of that Party. CMC is obligated to ensure each Party has an advisor, either of the Party's or CMC's choice regardless of whether or not the Party is present at the hearing. To ensure timely proceedings, a Party shall alert the Title IX Coordinator as soon as practicable if the Party will need an advisor.

Live hearings may be conducted with all Parties physically present in the same geographic location or, at CMC's discretion, any or all Parties, witnesses, and other participants may appear at the live hearing virtually, with technology enabling participants simultaneously to see and hear each other.

At the request of either Party, CMC shall provide for the live hearing to occur with the Parties located in separate rooms with technology enabling the decision-maker(s) and Parties to simultaneously see and hear the Party or the witness answering questions.
CMC shall create an audio or audiovisual recording, or transcript, of any live hearing and make it available to the Parties for inspection and review. Any other recording is prohibited, and violations may result in discipline.

The Parties shall separately participate in a pre-hearing meeting with the Panel Chair (in faculty matters) or the individual decision-maker in all other cases to go over the process and administration of the live hearing, including setting deadlines for submitting and exchanging names of witnesses, evidence, and pre-hearing questions. The Parties will also be permitted to submit questions during the live hearing. Participation in this pre-hearing meeting is required in order to facilitate the efficient and fair administration of the live hearing process.

Questioning at the Live Hearing

- In cases involving faculty, the Panel Chair moderates the Investigation Review Hearing and will explain the scope and sequence of the Hearing.
- At the live hearing, the decision-maker(s) must permit each Party's advisor to ask the other Party and any witnesses all relevant questions and follow-up questions, including those challenging credibility.
- Only relevant cross examination and other questions may be asked of a Party or witness.
- Decision-maker(s) also have the right to question a Party or witness.
- Cross examination at the live hearing must be conducted directly, orally, and in real time by the Party's Advisor and never by a Party personally, notwithstanding CMC's ability to otherwise restrict the extent to which Advisors may participate in the proceedings.
- Before the Complainant, Respondent, or witness answers a cross-examination or other question, the Panel Chair (in faculty matters) or individual decision-maker (in all other cases) must first determine whether the question is relevant and must explain to the Party proposing the questions any decision to exclude a question as not relevant.
- Questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.

Use of Witness Statements
The decision-maker(s) cannot draw an inference about the determination regarding responsibility based solely on a Party's or witness's absence from the live hearing or refusal to submit to questioning.

Written Determination of the Decision-Maker

- The decision-maker(s) shall issue a written determination regarding responsibility within five (5) business days of the hearing. If the decision-maker is a Review Panel, a majority of the Review Panel members must find that a policy violation occurred for a finding of responsibility. To reach this

determination, the decision-maker must apply the standard of evidence required by this policy. The written determination must include:
    - Identification of the allegations potentially constituting Title IX Prohibited Conduct as defined by this policy;
    - A description of the procedural steps taken from the receipt of the Formal Complaint through the determination, including any notifications to the Parties, interviews with Parties and witnesses, site visits, methods used to gather other evidence, and hearings held;
    - Findings of fact supporting the determination;
    - Conclusions regarding the application of CMC's policy to the facts;
    - A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions imposed on the Respondent, and whether remedies designed to restore or preserve equal access to CMC's education program or activity will be provided to the Complainant; and
    - The procedures and permissible bases for the Complainant and Respondent to appeal, as set forth in this policy.
- CMC shall provide the written determination to the Parties simultaneously.
- The determination regarding responsibility becomes final either on the date that CMC provides the Parties with the written determination of the result of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely.

**Appeals of Decisions Issued Under the Title IX Resolution Procedures**

Grounds

Within ten (10) days of receiving the written determination, either Party may appeal from a determination regarding responsibility, and from CMC's dismissal of a Formal Complaint or any allegations therein, on the following grounds:

- **Ground 1:** Procedural irregularity that affected the outcome of the matter;
- **Ground 2:** New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and
- **Ground 3**: The Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that affected the outcome of the matter.

Appeals must be sent to the Title IX Coordinator in writing.

Response to Appeals

As to all appeals in the Title IX Resolution Procedures, the Title IX Coordinator (or designee) shall:

- Notify the other Party in writing immediately when an appeal is filed and implement appeal procedures equally for both Parties;
- Ensure that the decision-maker(s) for the appeal is not the same person as the decision-maker(s) that reached the determination regarding responsibility or dismissal, the investigator(s), or the Title IX Coordinator;
- Ensure that the decision-maker(s) for the appeal complies with the standards set forth in this policy;
- Give the non-appealing Party an opportunity to submit a written statement in response to the appeal within 10 days of receiving the appeal, which shall be transmitted within 2 business days to the Appeal decision-maker(s).

Decision on Appeal

Within 20 days of receiving the appeal and the response, the Appeal decision-maker(s) shall issue a written decision describing the result of the appeal and the rationale for the result; and provide the written decision

simultaneously to both Parties. The Appeal decision-maker(s) may deny the appeal or, if the appeal ground(s) has or have been met, may return the case to the initial decision-maker(s) for reconsideration, or convene a new hearing. If a case is returned to the initial decision-maker(s), the Appeal decision-maker(s) shall identify which aspects merit further review.

The Sanctions process describes above.

**Miscellaneous and Special Provisions**

**Record Retention**

The College maintains Resolution Procedure records for seven (7) years. For a student Respondent, the records will be maintained for seven (7) years past the student's graduation (or if the student leaves the College before graduation, for seven (7) years after departure). For a faculty or staff Respondent, the records will be maintained for seven (7) years past the conclusion of the Resolution Procedures or seven (7) years past the end of employment, whichever is later.

**Modification of Resolution Procedures**

For good cause, and when not in substantial conflict with the Resolution Procedures, the Title IX Coordinator retains the authority to adapt or modify the investigation and disciplinary process as part of the Title IX Coordinator's responsibility to ensure an impartial, fair, equitable, and timely and prompt process for all Parties. For example, certain modifications may be necessary to allow for the fair and prompt resolution of a Complaint when it is received at the end of a term or during a break in the College's academic schedule.

**Termination of Resolution Process Upon Satisfactory Resolution**

The College reserves the right to terminate the Formal Resolution Procedures when it is able to reach a settlement with Respondent that satisfies the College's obligations under Title IX, Title VI, Title VII, and other relevant discrimination laws to end the alleged conduct, prevent its recurrence, and remedy its effects on Complainant and the College community.

**Independent Investigation**

The College, at the discretion of the General Counsel, may conduct an additional, investigation independent of the circumstances involved in the Resolution Procedures at any time.

**Notations in Academic Records**

The College will note "Ineligible to Register" on a student's official CMC transcript if a student is suspended or expelled from the College under the Formal Resolution Procedures or the Title IX Resolution Procedures. In cases of suspension, the notation will remain on the official transcript during the period of suspension only. If a student is expelled, the notation will remain on the official transcript permanently. In addition, the Dean of Students will truthfully respond, consistent with FERPA, to another institution's verification of status request sent as a result of a student's attempt to enroll at another institution.

**Continuation of the Formal Resolution Procedures or the Title IX Resolution Procedures if Respondent Withdraws**

If a student withdraws while this process is pending, the presumption is that the College will complete the Formal Resolution Procedures or the Title IX Resolution Procedures (as applicable) despite the student's withdrawal. If the College elects to defer the Formal Resolution Procedures while the student is no longer enrolled, the student will be ineligible to register at the College until the Formal Resolution Procedures or the Title IX Resolution Procedures (as applicable) have been is completed. In such cases, the College will record "Ineligible to Register" on a student's official transcript.

## Missing Student Notification Policy

The Clery Act requires institutions that maintain on campus housing facilities to establish a missing student notification policy and related procedures (20 USC 1092 (j) Section 488 of the Higher Education Opportunity Act of 2008).

When it is determined that a residential student is missing from CMC, staff at CMC, in collaboration with Campus Safety and local law enforcement, will be guided by this Missing Student Notification Policy and related procedures

**Confidential Contact**

Students who reside in college housing are encouraged to register one or more people as a confidential contact for the College to contact strictly for the purposes of a missing person investigation. Confidential missing person contact(s) can be, but are not required to be, the same as the student's emergency contact(s). The confidential missing person contact(s) will be kept confidential and can only be accessed by authorized College officials. College officials may only disclose the confidential contact(s) to law enforcement officials for the purposes of a missing student investigation. Students may update their confidential missing person contact(s) and their emergency contact information at any time by notifying the Dean of Students Office or updating the information on their student portal.

A student's confidential missing person contact(s) will be contacted by Campus Safety or other authorized campus officials within 24 hours of when the student is determined to be missing. They may also be contacted sooner to support attempts to verify whether the student is a missing person.

In addition to their confidential missing person contact(s), the parents/guardians of residents under the age of 18 who are not emancipated, will also be contacted by Campus Safety or other authorized campus officials within 24 hours of when the student is determined to be missing. Parents/guardians may also be contacted sooner to support attempts to verify whether the student is a missing person.

**Investigation and Notification Procedures**

If any member of the CMC community has reason to believe that a student may be missing, he or she must immediately notify the Department of Campus Safety at 909-607-2000 (24/7/365) and then the Dean of Students Office at 909-621-8114 (Monday-Friday, 8:00 am to 5:00 pm, Pacific). If a report of a missing student is first received by the Dean of Students Office, then they will immediately notify Campus Safety upon receipt of a report that a student may be missing.

After notifying the Department of Campus Safety, students in the Washington D.C. Program may also call the Director of the Program at (240) 577-2015.

There are no mandatory waiting periods to commence an investigation of persons believed to be missing. The College will initiate an investigation into any report of a missing person as soon as information about a missing student is received by the College or the Department of Campus Safety. In coordination with Campus Safety, the appropriate Dean of Students representative or other designated individual, will coordinate efforts to find the missing student, which could include, for example, contacting the student's roommate or Resident Assistant, searching a student's use of their ID card, checking on their class attendance with their faculty, and/or checking social networks.

**Under the Clery Act, from the moment a student is determined to have been missing for twenty-four (24) hours or more, the notification of local law enforcement and the student's confidential missing person**

**contact is *required* within the next 24 hours.** At CMC, when a student is determined to have been missing for twenty-four (24) hours or more, within the next 24 hours, the College and/or Department of Campus Safety will notify the appropriate law enforcement agency (for CMC's main campus, this means the Claremont Police Department) and will initiate the notification procedures as set forth in this policy.

## CMC Policies Governing Alcohol and Other Drugs

The mission of CMC is to educate students for thoughtful and productive lives and roles of responsible leadership. In support of this mission, we seek to provide a living and learning environment in which students can advance their own intellectual, social, moral and personal development and in which all members of our community work together in pursuit of the CMC mission. The irresponsible, abusive, or illegal use of alcohol and other drugs is antithetical to the pursuit of our mission and students' growth and development and can result in negative consequences for the individual and the community. Negative consequences include, but are not limited to, hangovers and blackouts, disruptive behavior, academic impacts, vandalism, impaired driving, alcohol or drug dependence or addiction, sexual assault, and personal injury and death.

CMC expects students and staff to conduct themselves in a responsible manner and in accord with the law and CMC's policies. CMC complies with all federal, state, and local laws and regulations governing the possession, use, sale, and distribution of alcoholic beverages, illegal drugs, and controlled substances by all members of the CMC community. The College uses licensed bartenders for ticketed events to enforce California's drinking regulations. To drink alcohol at such events, students must provide a government issued photo identification (ID) with proof that they are of legal age. Additionally, students who are 21 or older are provided a wristband. CMC Public Safety, Campus Safety, and members of the Dean of Students Office, including Resident Assistants, are the primary enforcement agents at the college. Students in possession of a false ID will have the ID confiscated and will be subject to conduct proceedings. Regardless of age, when students drink in an immoderate, irresponsible, or unsafe manner, college personnel intervene to enforce community expectations of responsible moderation, and the students are subject to conduct proceedings. CMC authorizes Campus Safety to act in an enforcement role on behalf of the institution when Public Safety, a CMC professional staff member or a Resident Assistant is not present or has requested support.

Similarly, the use of illicit drugs is prohibited and monitored. The possession and use of marijuana, though legal in California, is not permitted on campus in compliance with federal law. CMC Public Safety, Campus Safety, and members of the Dean of Students Office, including Resident Assistants, are the primary enforcement agents at the college. Resident Assistants or other college personnel who observe the possession or use of marijuana or other illegal substances are to notify Campus Safety immediately. Campus Safety protocol is to confiscate the illegal substances, take a thorough report, and notify the Dean of Students Office. Those students are subject to the college's conduct process. The influence of alcohol or other drugs is not an excuse for unsafe or irresponsible behavior and will not be seen as a mitigating factor in any proceeding to resolve alleged violations of College policy.

For more information, please see the High-risk Alcohol and Drug Use Prevention Program Guide[36] along with the College's Drug-Free Schools and Communities Act Biennial Review[37] and the annual disclosures[38] sent to all students.

[36] https://catalog.claremontmckenna.edu/content.php?catoid=30&navoid=4711
[37] https://claremontmckenna.box.com/s/zewz54rhz04a1up9yfdsy99uffx208wu
[38] https://claremontmckenna.box.com/s/qiq8r8e7bdvl35ta3xzlwcsvdp5b8l2e

**College Regulations Regarding Alcohol**

The following policies are in place to ensure the moderate and responsible use of alcohol by members of CMC community.

1. The purchase, possession, or consumption of alcohol (including beer, wine, and hard alcohol/liquor) by any person under the age of 21 is prohibited.
2. Providing alcohol or access to alcohol to individuals under the age of 21 is prohibited.
3. Alcohol may not be served, consumed, or present at intercollegiate athletic events.
4. When alcohol will be present at a College-sponsored or affiliated event (including student hosted events) and students will be present, the event must be registered and approved by the Student Activities Office. Such events must comply with the Guidelines for the Use of Alcohol at Formal Activities and Events.
5. The sale of alcohol is prohibited without a liquor license.
6. Common-source containers of alcohol (including, but not limited to, kegs, kegerators, multi-gallon containers, and punch bowls) are not permitted on campus unless approved by Student Activities staff through the Event Registration process.
7. Event staff and security reserve the right to refuse entry to any student or guest.
8. Attendees may not bring more than one drink into or out of an event.
9. Alcohol use is not permitted on campus prior to the first day of classes each semester regardless of when the student returns to campus for that semester.
10. Student fee money may not be used to purchase alcohol.
11. Students who wish to consume alcohol at school sponsored functions must prove their age by presenting their government issued ID, such as a state issued driver's license, state or federal agency issued ID card, or passport.
12. Visibly intoxicated attendees will not be served alcohol and may be removed from any event.
13. Food water and other non-alcoholic beverages must be available throughout the event.
14. Public intoxication (openly drunken, disorderly behavior) is prohibited.
15. The display of alcohol containers in windowsills or in clear view of the public is not permitted.
16. Any alcohol remaining after an event will be disposed of by event staff.
17. Students found responsible for violations of federal, state or local laws or College regulations governing the possession, use, sale, or distribution of alcoholic beverages will be subjected to CMC educational or disciplinary sanctions and may be referred to local law enforcement.

**College Regulations Regarding Drugs**

The following policies are in place to prevent drug abuse and distribution by members of CMC community.

1. The use, sale, manufacture, possession, or distribution (providing, sharing, jointly purchasing, purchasing for others, or otherwise making available) all forms of illegal drugs (per Federal statutes) including edibles and drinkables are prohibited.
2. The use, sale, or distribution of legally prescribed medication for use in a manner in which the medication was not intended (including use by someone other than the person to whom the medication was prescribed) is prohibited.
3. Marijuana use on campus is prohibited in compliance with Federal law. Documentation of medically prescribed marijuana does not exempt a student from this Policy. A student who qualifies for medical use under California’s Compassionate Use Act should speak with the Dean of Students regarding their option to live off campus.
4. The display of drug paraphernalia, regardless of whether the item has an alternate legal use, is not permitted.
5. Students found responsible for violations of federal, state or local laws or College regulations governing the possession, use, sale, or distribution of drugs will be subjected to CMC educational or

disciplinary sanctions and may be referred to local law enforcement.

**Facts About Alcohol**

1. The average serving of wine (5 oz), beer (12 oz), or hard alcohol/liquor (1.5 oz) contains approximately the same amount of alcohol.
2. It takes approximately one hour for the body to process (oxidize) the amount of alcohol in an average serving.
3. If a person drinks slowly (one average drink per hour or less), there is less likelihood of intoxication. A faster rate of consumption will produce a buildup of alcohol in the bloodstream, resulting in intoxication.
4. Eating before and while consuming alcohol will slow the rate at which alcohol is absorbed into the bloodstream.
5. Diluting alcohol with another liquid such as water slows down the absorption, but mixing alcohol with a carbonated beverage increases the rate of absorption.
6. The body oxidizes alcohol at a fairly constant rate. Nothing will accelerate the sobering-up process. You can give a drunk person gallons of coffee, for example, and the result will not be sobriety, but a wide-awake drunk.
7. Alcohol depresses the central nervous system. The relaxed "high" people often feel from drinking results from the alcohol depressing upper levels of the brain that store learned behavior such as judgment and self-control. Higher levels of alcohol depress deeper levels of the brain producing increased impairment.
8. Consuming alcohol while taking over-the-counter or prescription medications or illegal drugs is dangerous and presents serious health and safety concerns.
9. Binge drinking is defined by the Center for Disease Control and Prevention as a pattern of drinking that brings a person's blood alcohol concentration (BAC) to .08 grams percent or above. This typically happens when men consume five or more drinks and when women consume four or more drinks in about two hours.
10. Binge drinking is associated with many health problems including unintentional injuries (falls, burns, drowning, crashes), intentional injuries (fighting, sexual assault), alcohol poisoning, liver disease, sexually transmitted diseases, and unintended pregnancy.

**California Laws Governing Alcohol Use on Campus**

Members of the CMC community are expected to be familiar with federal, state and local laws regarding alcohol. Students should be familiar with California laws governing the consumption of alcohol. The following summarizes those laws most relevant to all persons who might find themselves on the Claremont McKenna College campus. The list is provided for as a reference and is not all inclusive.

- It is illegal for persons under the age of 21 to possess an alcoholic beverage in any public place or any place open to the public (CA Business and Professions Code 25662).
- Any person who furnishes gives or sells any alcoholic beverage to someone under the age of 21 is guilty of a misdemeanor (CA Business and Professions Code 25658(a)).
- Any person under the age of 21 who attempts to purchase an alcoholic beverage is guilty of an infraction (CA Business and Professions Code 25658.5).
- Any person under the influence of alcohol in a public place and unable to exercise care for one's own safety or that of others is guilty of a misdemeanor (CA Penal Code 647(f)).
- It is illegal for persons to operate a motor vehicle while under the influence of alcohol or other intoxicants or with a blood alcohol level of .08% or higher (CA Vehicle Code Section 23152). NOTE: A golf cart is a motor vehicle.
- It is unlawful for a person under the age of 21 years who has 0.05 percent or more, by weight, of

alcohol in his or her blood to drive a vehicle (CA Vehicle Code Section 23140(a)).

- It is illegal for a person under the age of 21 to drive a vehicle when he or she has a blood alcohol concentration (BAC) of .01% or higher (CA Vehicle Code Section 23136(a)).
- It is a misdemeanor to ride a bicycle under the influence of alcohol, drugs or both (CA Vehicle Code Section 21200.5).
- It is an infraction to possess an open container of an alcoholic beverage while in a motor vehicle (CA Vehicle Code Section 23223).
- It is an infraction for an owner or driver of a motor vehicle to allow an open container of alcohol in the passenger area (CA Vehicle Code Section 23225).

Violations commited by non-CMC students, will be addressed in accordance with exisiting MOUs (Memorandum of Understanding) between CMC Public Safety, TCC Campus Safety and the relevant law enforcement agency with jurisidictional responsibility. CMC Public Safety will complete relevant reports relating to alcohol related incidents and in instances where there is an active investigation or violation of law, that might necessitate an arrest, relevant law enforcement agencies will be requested for assistance/enforcement.

Violations commited by non-CMC students, will be addressed in accordance with exisiting MOUs (Memorandum of Understanding) between CMC Public Safety, TCC Campus Safety and the relevant law enforcement agency with jurisidictional responsibility. CMC Public Safety will complete relevant reports relating to alcohol related incidents and in instances where there is an active investigation or violation of law, that might necessitate an arrest, relevant law enforcement agencies will be requested for assistance/enforcement.

For more information about alcohol laws in California, please refer to https://www.abc.ca.gov/law-and-policy/

**Underage Drinking**

It is illegal for anyone under 21 years of age to attempt to purchase, consume, possess, or knowingly and intentionally transport any liquor, malt or brewed beverage. It is also illegal to lie about age to obtain alcohol and to carry a false identification card. It is also illegal to serve alcohol to a minor.

**Carrying False I.D.**

It is illegal for anyone under 21 to possess an identification card falsely identifying that person by name, age, date of birth, or photograph as being 21 or older to attempt to obtain liquor, malt, or brewed beverage by using the identification card of another or by using an identification card that has not been lawfully issued to or in the name of the person who possesses the card.

**Public Intoxication**

It is illegal to appear in any public place manifestly under the influence of alcohol to the degree that you may endanger yourself or other persons or property, or annoy others in your vicinity.

Public intoxication is a crime when a person appears in any public place manifestly under the influence of alcohol or a controlled substance to the degree that he may endanger himself or other persons or property, or annoy persons in his vicinity.

Public intoxication also leads to other behaviors and important health concerns. Oftentimes public intoxication contributes to many criminal mischiefs and disorderly conducts on campus. Persons must be responsible for their own actions and know their limits and tolerance levels before consuming alcohol.

**Serving/Furnishing Alcohol to Obviously Intoxicated Person**
It is illegal to sell, furnish, give, or cause to be sold, furnished or given away, any alcoholic beverage to any obviously intoxicated person.

**Driving Under the Influence (DUI)**
In California, it is illegal to operate a motor vehicle with a Blood Alcohol Concentration level (BAC) or .01% BAC if you are under age 21, and it is illegal to operate a motor vehicle with a BAC of .08% at any age. Drivers under age 18 may not operate a motor vehicle with ANY measurable BAC. Penalties for a first offense include jail time of 4 days to 6 months, fines of up to $1,000, driver's license suspension of 30 days to 10 months, and required installation of an Interlock Ignition Device.

**Refusing a Chemical Test**
Any person who drives a motor vehicle automatically gives consent to one or more chemical test (e.g., breath, blood, or urine). This implied consent means that a person doesn't have the right to an attorney before testing. If a person refuses to submit to a chemical test: 1) the test will not be conducted; 2) the person's license will be suspended for one year; 3) the person will most likely be charged with DUI.

**Container Laws**
In California, it is illegal to possess an open container of an alcoholic beverage in a car, even if that beverage has not been consumed.

**California Laws Governing Drug Use on Campus**
Members of the CMC community are expected to be familiar with federal, state and local laws regarding drugs. The following list is provided for as a reference and is not all inclusive.

- Possession of Marijuana (California Health & Safety Code Section 11357)
- Possession for Sale of Marijuana (California Health & Safety Code Section 11359)
- Transportation of Marijuana (California Health & Safety Code Section 11360)
- Possession of Drug Paraphernalia (California Health & Safety Code Section 11364)
- Unauthorized Possession of Controlled Substances (California Health & Safety Code Sections 11350 & 11377)
- Possession for Sale of Controlled Substances (California Health & Safety Code Sections 11351 & 11378)
- Sale of Synthetic Cannabinoid or Stimulant Compound Derivative (California Healthy & Safe Code Sections 11357.5 and 11375.5). Possession of these items are prohibited under federal law (21 United States Code 811).
- Transportation of Controlled Substances (California Health & Safety Code Sections 11352 & 11379)
- Possession with intent to manufacture methamphetamine (California Health & Safety Code Section 11383)
- Federal Omnibus Drug Initiative of 1988: Gives courts the authority to suspend eligibility for Federal student aid when sentencing an individual convicted of possession or distribution of a controlled substance.

Please visit the National Institute on Drug Abuse website [39] for more information.

[39] https://www.drugabuse.gov/drug-topics/commonly-used-drugs-charts

CMC Public Safety Officers, On-Call Deans, DOS staff and other CMC leadership, will address policy violations around drug possession and/or other unknown substance use/abuse in real time. Student welfare will be considered first priority, with subsequent documentation and follow-up to address long term care and safety, as well as possible disciplinary action based on CMC's Student Code of Conduct Policy. Drug incidents that constitute violations of federal and state law will be addressed in accordance with exisiting MOUs (Memorandum of Understanding) between CMC Public Safety, TCC Campus Safety and the relevant law enforcement agency with jurisidictional responsibility. CMC Public Safety will complete relevant reports relating to drug related incidents and in instances where there is an active investigation or violation of law, that might necessitate an arrest, relevant law enforcement agencies will be requested for assistance/enforcement.

**Alcohol and Drug Policies Specific to Faculty and Staff**

CMC seeks to maintain a work and educational environment that is safe for Employees and students and conducive to hard work and high educational standards. CMC complies with all appropriate federal, state and local regulations regarding illicit use of drugs and the abuse of alcohol in the workplace.

Drug and alcohol use is highly detrimental to the work place and to the efficiency and productivity CMC desires to promote. The use, possession, distribution or sale of drugs or alcohol, or being under the influence of drugs or alcohol, is strictly prohibited while working or while on CMC premises. Violation of this policy will result in disciplinary action, possibly including discharge. This policy is not construed to prohibit the use of alcohol at social or business functions sponsored by CMC where alcohol is served. However, Employees must remember their obligation to conduct themselves properly at all times while at College sponsored functions or while representing CMC at off-campus events.

Legally prescribed medications are excluded from this rule and permitted only to the extent that the use of such medications does not adversely affect the Employee's work ability, job performance, or the safety of that individual or others. Employees using prescription drugs that may impair their abilities are to notify their supervisor in advance so that appropriate precautions may be taken.

**Drugs Risks and Consequences**

Alcohol and other drug use during pregnancy increases risk of physical harms to fetus.
Additional risks of harm may occur from toxic impurities present in street drugs.
Additional risks of harm may occur from the use of prescription drugs in ways other than prescribed.
Drugs taken by injection can increase the risk of infection (e.g., HIV, hepatitis, etc.) through needle contamination.

For more information visit the National Institute on Drug Abuse (NIDA) website: www.drugabuse.gov.

**Drug and Alcohol Abuse Education Programs**

## Resources for Students

CMC is concerned about the harm that can come to students who use and abuse drugs, including alcohol. CMC has a strong support structure for students concerned about or involved in the abuse or misuse of alcohol and use or abuse of other drugs, including Resident Assistants, deans, first year guides, faculty members, counselors, chaplains, and many others. Campus resources include:

Health Education Outreach (HEO): (909) 607-3602
Monsour Counseling and Psychological Services (MCAPS): (909) 621-8202
Student Health Services: (909) 621-8222
For after-hours emergencies contact Campus Safety: (909) 607-2000

College's Drug-Free Schools and Communities Act Biennial Review[40]

## Resources for Faculty and Staff

CMC wishes to assist employees who recognize that they have a problem with alcohol or drugs that may interfere with their ability to perform their job in a satisfactory manner. Employees who have a problem with alcohol or drugs and who decide to enroll voluntarily in a rehabilitation program will be given unpaid time off to participate in the program unless it would result in an undue hardship to provide time off. The employee may use any accrued sick time or vacation benefits while on leave. CMC's health benefits will be administered as under the FMLA policy.

If an employee requests time off to participate in such a program, CMC will also make reasonable efforts to keep the fact that the employee enrolled in the program confidential.

CMC reserves the right to request proof of the employee's attendance in a rehabilitation program.

Nothing in this policy shall be construed to prohibit CMC from refusing to hire, declining a request for a leave, or discharging an employee who, because of the employee's current use of alcohol or drugs, violates CMC's policies, or is unable to perform his or her duties in a manner which would not endanger his or her health or safety or the health or safety of others.

*Outdoor Class*

[40] https://claremontmckenna.box.com/s/zewz54rhz04a1up9yfdsy99uffx208wu

## Annual Disclosure of Crime Statistics

The 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 all police departments where CMC owns or controls property to ensure that crimes reported directly to these police departments that involve CMC are brought to the attention of Campus Safety.

Campus Safety collects the crime statistics disclosed in the charts through a number of methods. Campus Safety dispatchers and officers enter all reports of crime incidents made directly to the department into a records management system. After an officer enters the report in the system, a department administrator reviews the report to ensure it is appropriately classified in the correct crime category. The Department periodically examines the data to ensure that all reported crimes are recorded in accordance with the crime definitions outlined in the FBI Uniform Crime Reporting Handbook and the FBI National Incident-Based Reporting System Handbook (sex offenses only). In addition to the crime data that Campus Safety maintains, the statistics below also include crimes that are reported to various Campus Security Authorities (CSAs) as defined in this report. The statistics reported here generally reflect the number of criminal incidents reported to the various authorities. The statistics reported for the subcategories on liquor laws, drug laws and weapons offenses represented the number of people arrested or referred to campus authorities for respective violations, not the number of offenses documented.

**Definitions of Reportable Crimes**

**Murder/Non-Negligent Manslaughter** - the willful killing of one human being by another.

**Manslaughter by Negligence** - the killing of another person through gross negligence.

**Sexual Assault** - any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.

A. Rape - the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim. This offense includes the rape of both males and females.
B. Fondling - the touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.
C. Incest - sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
D. Statutory Rape — sexual intercourse with a person who is under the statutory age of consent.

**Robbery** - taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.

**Aggravated Assault** - an unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm.

**Burglary** - the unlawful entry of a structure to commit a felony or a theft.

**Motor Vehicle Theft** - the theft or attempted theft of a motor vehicle.

**Arson** - any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property of another, etc.

**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 criminal offense that manifests evidence that the victim was intentionally selected because of the perpetrator's bias against the victim. Hate crimes includes all of the crimes listed above plus the following additional crimes:

**Larceny/Theft** - the unlawful taking, carrying, leading or riding away of property from the possession or constructive possession of another.

**Simple Assault** - an unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration or loss of consciousness.

**Intimidation** - to unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack.

**Destruction/Damage/Vandalism or Property** - to willfully or maliciously destroy, damage, deface or otherwise injure real or personal property without the consent of the owner or the person having custody or control of it.

***Categories of Prejudice***

**Race** - A preformed negative attitude toward a group of persons who possess common physical characteristics genetically transmitted by descent and heredity which distinguish them as a distinct division of humankind.

**Religion** - A preformed negative opinion or attitude toward a group of persons who share the same religious beliefs regarding the origin and purpose of the universe and the existence or nonexistence of a supreme being.

**Sexual Orientation** - A preformed negative opinion or attitude toward a group of persons based on their actual or perceived sexual orientation.

**Gender** - A preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender (e.g., male or female).

**Gender Identity** - A preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender identity, e.g., bias against transgender or gender non-conforming individuals.

**Ethnicity** - A preformed negative opinion or attitude toward a group of people whose members identify with each other, through a common heritage, often consisting of a common language, common culture (often including a shared religion) and/or ideology that stresses common ancestry.

**National Origin** - A preformed negative opinion or attitude towards a group of people based on their actual or perceived country of birth.

**Disability** - A preformed negative opinion or attitude toward a group of persons based on their physical or mental impairments, whether such disability is temporary or permanent, congenital or acquired by heredity, accident, injury, advanced age or illness.

**Dating Violence, Domestic Violence, and Stalking**

**Dating Violence** - violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. It includes, but is not limited to, sexual or physical abuse or the threat of such abuse.

**Domestic Violence** – a felony or misdemeanor crime of violence committed:

- By a current or former spouse or intimate partner of the victim;
- By a person with whom the victim shares a child in common;
- By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
- By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or,
- By any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

**Stalking** - engaging in a course of conduct directed at a specific person that would cause a reasonable person to -

- (i) Fear for the person's safety or the safety of others; or
- (ii) Suffer substantial emotional distress.

Schools are also required to report the following three types of incidents if they result in either an arrest or disciplinary referral: Liquor Law Violations, Drug Law Violations, and Illegal Weapons Possession (defined by state and municipal laws).

Campus crime statistics must be reported by location:

**On campus** - any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution's educational purposes, including residence halls; and any building or property that is within or reasonably contiguous to the area identified in the above definition that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes (such as a food or other retail vendor).

**On campus student housing** - any student housing facility that is owned or controlled by the institution, or is located on property that is owned or controlled by the institution, and is within the reasonably contiguous geographic area that makes up the campus.

**Non-campus buildings or property** - any buildings or property owned or controlled by a student organization that is officially recognized by the institution; or any building or property owned or controlled by an institution that is used in direct support of, or in relation to, the institution's educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution. This includes property located at the Washington D.C. Program, as well as other hotels and campgrounds which CMC students stay at on college-sponsored overnight trips.

**Public Property** - all public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus, or immediately adjacent to and accessible from the campus.

The annual report is to be made available to all currently enrolled students and all employees by October 1 each year. The report must also be provided to any prospective student or prospective employee upon request. The report must be distributed to all current students and employees by one of the following: directly by publications and mailings; by the US Postal Service; by campus mail; email or a combination of these methods. Posting the Annual Campus Safety Report on an Internet or Intranet Web site is also permissible as long as the required recipients are notified and provided the exact (URL) Internet or Intranet web site at which the report is posted.

Neither Campus Safety nor CMC Public Safety has the ability to deem allegations as "unfounded," and thus the following crime charts do not fail to include any such "unfounded allegations."

*Roberts Hall North and Adams Hall*

## 2024 CMC Crime Statistics Chart

| Offense | | On-Campus | Residential Facility | Non-campus Building/Property** | Public Property |
|---|---|---|---|---|---|
| **Criminal Homicide** | | | | | |
| *Murder and Non-negligent Manslaughter* | **2022** | 0 | 0 | 0 | 0 |
| | **2023** | 0 | 0 | 0 | 0 |
| | **2024** | 0 | 0 | 0 | 0 |
| *Manslaughter by Negligence* | **2022** | 0 | 0 | 0 | 0 |
| | **2023** | 0 | 0 | 0 | 0 |
| | **2024** | 0 | 0 | 0 | 0 |
| **Sex Offenses** | | | | | |
| *Rape* | **2022** | 1 | 1 | 1 | 0 |
| | **2023** | 3 | 3 | 1 | 0 |
| | **2024** | 4 | 4 | 0 | 0 |
| *Fondling* | **2022** | 2 | 1 | 0 | 0 |
| | **2023** | 2 | 2 | 0 | 0 |
| | **2024** | 2 | 1 | 0 | 0 |
| *Incest* | **2022** | 0 | 0 | 0 | 0 |
| | **2023** | 0 | 0 | 0 | 0 |
| | **2024** | 0 | 0 | 0 | 0 |
| *Statutory Rape* | **2022** | 0 | 0 | 0 | 0 |
| | **2023** | 0 | 0 | 0 | 0 |
| | **2024** | 0 | 0 | 0 | 0 |
| **Robbery** | **2022** | 0 | 0 | 0 | 0 |
| | **2023** | 1 | 0 | 0 | 0 |
| | **2024** | 0 | 0 | 0 | 0 |
| **Aggravated Assault** | **2022** | 0 | 0 | 0 | 0 |
| | **2023** | 0 | 0 | 0 | 0 |
| | **2024** | 0 | 0 | 0 | 0 |
| **Burglary** | **2022** | 10 | 6 | 5 | 0 |
| | **2023** | 4 | 0 | 0 | 0 |
| | **2024** | 2 | 0 | 1 | 0 |
| **Motor Vehicle Theft**** | **2022** | 13 | 0 | 0 | 0 |
| | **2023** | 25 | 0 | 0 | 0 |
| | **2024** | 13 | 0 | 1 | 0 |
| **Arson** | **2022** | 0 | 0 | 0 | 0 |
| | **2023** | 1 | 0 | 0 | 0 |
| | **2024** | 1 | 0 | 0 | 0 |

| Arrests | | On-Campus | Residential Facility | Non-campus Building or Property* | Public Property* |
|---|---|---|---|---|---|
| Liquor Law Violations | 2022 | 0 | 0 | 0 | 0 |
| | 2023 | 0 | 0 | 0 | 0 |
| | 2024 | 0 | 0 | 0 | 0 |
| Drug Abuse Violations | 2022 | 0 | 0 | 0 | 0 |
| | 2023 | 0 | 0 | 0 | 0 |
| | 2024 | 0 | 0 | 0 | 0 |
| Illegal Weapons Possession | 2022 | 0 | 0 | 0 | 0 |
| | 2023 | 0 | 0 | 0 | 0 |
| | 2024 | 0 | 0 | 0 | 0 |

| Judicial Referrals | | On-Campus | Residential Facility | Non-campus Building or Property* | Public Property* |
|---|---|---|---|---|---|
| Liquor Law Violations | 2022 | 1 | 1 | 0 | 0 |
| | 2023 | 0 | 0 | 0 | 0 |
| | 2024 | 0 | 0 | 0 | 0 |
| Drug Abuse Violations | 2022 | 15 | 11 | 2 | 0 |
| | 2023 | 4 | 3 | 0 | 0 |
| | 2024 | 7 | 5 | 0 | 0 |
| Illegal Weapons Possession | 2022 | 0 | 0 | 0 | 0 |
| | 2023 | 0 | 0 | 0 | 0 |
| | 2024 | 0 | 0 | 0 | 0 |

| VAWA Amendment Offenses | | On-Campus | Residential Facility | Non-campus Building or Property* | Public Property* |
|---|---|---|---|---|---|
| Dating Violence | 2022 | 1 | 1 | 0 | 0 |
| | 2023 | 2 | 2 | 0 | 0 |
| | 2024 | 1 | 1 | 0 | 0 |
| Domestic Violence | 2022 | 0 | 0 | 0 | 0 |
| | 2023 | 0 | 0 | 0 | 0 |
| | 2024 | 0 | 0 | 0 | 0 |
| Stalking | 2022 | 0 | 0 | 0 | 0 |
| | 2023 | 2 | 0 | 0 | 0 |
| | 2024 | 0 | 0 | 0 | 0 |

**Unfounded Crimes**

2022: There were no unfounded crimes.

2023: There were no unfounded crimes.

2024: There were no unfounded crimes.

**Hate Crimes:**

2022: There were no reportable hate crimes.

2023: There was one on-campus Robbery characterized by religious bias.

2024: There were no reportable hate crimes.

* Statistics were requested from law enforcement agencies with jurisdiction over these locations, but some agencies did not respond or their responses were provided in a format not usable for Clery reporting.

**The Clery Act defines motor vehicles as vehicles that are self-propelled and run on the surface and not on rails.
Of the 25 motor vehicle thefts reported in 2023, 24 are electric scooters, bikes, skateboards, or golf carts.
Of the 14 motor vehicle thefts reported in 2024, 10 are electric scooters, bikes, skateboards, or golf carts.

**College Areas and Campus Map**

CMC owns or controls space for educational purposes at the following locations:

- In Claremont, California:
  - Main campus, business address: 500 E. Ninth Street, Claremont, CA, 91711
- In Montclair, California:
  - Residences: 4785 Cypress Street, Montclair, CA, 91763
  - Residences: 4825 Cypress Street, Montclair, CA, 91763
  - Residences: 4828 Cypress Street, Montclair, CA, 91763
  - Residences: 4865 Cypress Street, Montclair, CA, 91763
- In Washington, D.C.:
  - 1101 17th Street NW, Suite 604, Washington, DC, 20036
  - Residences: 415 L Street NW, Washington, DC, 20001
  - Residences: 425 L Street NW, Washington, DC, 20001
- In Lee Vining (near Mono Lake), California:
  - Burger Sierra Research Station: 677 Log Cabin Mine Road, Lee Vining, California, 93541

Although not required by current law, CMC provides a "boundary" map of our main Claremont campus as well as property that is owned by The Claremont Colleges Services that is frequently used by CMC students, faculty, and staff. We offer this to help readers understand and define the borders of our campus.

*Kravis Center*

# Claremont McKenna College – Clery Map

CMC — CMC main campus, deemed on campus property

CUC — CUC property, deemed on campus property

CMC or CUC owned roads, deemed "on campus." All other roads = Public Property or owned by another institution.

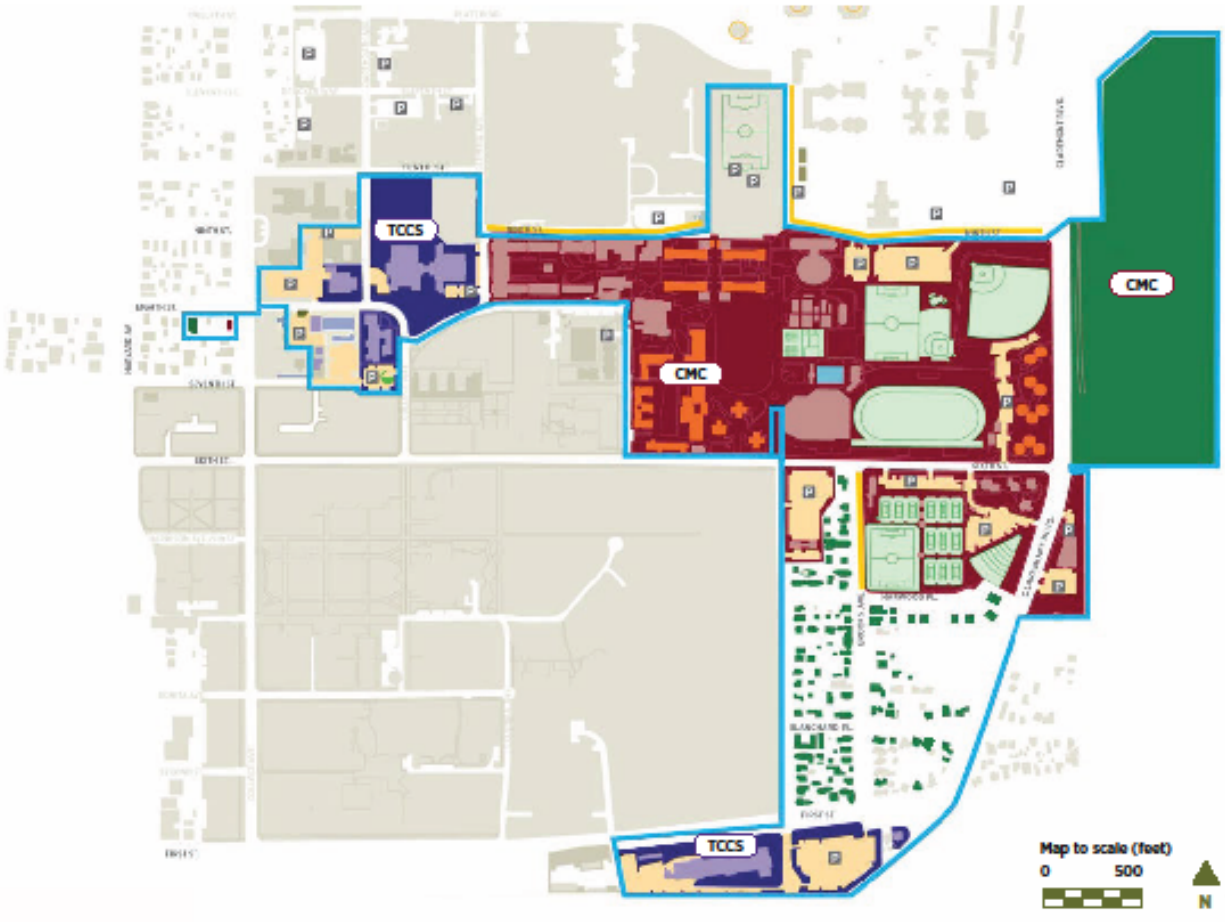
CMC Core Campus Boundary

CMC or CUC parking lots, deemed "on campus property."

CMC on campus residential facilities

CMC private property

CMC Main campus, athletic fields




Revised 09/2024

## III. Crime Prevention Tips

While the CMC campus is a reasonably safe environment, crimes do occur. We offer the following safety tips so that you may increase your awareness of measures that you can take to protect yourself, other CMC community members, and property.

- Exterior doors should never be propped open. A propped door puts everyone at risk.
- Residence hall room doors should be locked at all times even when leaving for a short time.
- Keys or key-cards should be carried at all times and never loaned to others.
- Exercise good judgment when walking, jogging, or engaged in solitary activity, especially at night. Consider working out in one of our indoor exercise facilities.
- Engrave, mark, and/or photograph your property and record serial numbers and property description.
- Consider not bringing expensive jewelry, valuable property, and important keepsakes to campus.
- Purses, backpacks, and other personal property should not be left unattended or unsecured in office buildings, libraries, and other common use areas.
- Parked cars should be locked at all times and valuables should be concealed.
- Become familiar with the location of emergency phones throughout the campuses and use them if you have an emergency or observe criminal or suspicious activity.
- Program the phone number of Campus Safety (909-607-2000) and your Resident Assistant into your cellphone.
- Travel across campus with a friend, sticking to lighted paths and walkways. When this is not possible, you may call Campus Safety to request an escort.
- All crimes and suspicious persons should be reported to Campus Safety immediately.

It is most helpful to Campus Safety if you can provide your name, telephone number and location as well as the following information on any crime suspect: physical appearance, clothing, height, weight, coloring, approximate age, sex, scars, or other noticeable features (glasses, facial hair, etc.), and whether or not s/he displayed or threatened a weapon. If a vehicle is involved, please note: last direction of travel, license plate number and state, make and model of the vehicle, color and body type, and other identifying marks (rust, dents, etc.).

### Theft

Theft is a common occurrence on college campuses. Oftentimes this is due to the fact theft is a crime of opportunity. Confined living arrangements, recreation facilities, and many open classrooms and laboratories provide thieves with effortless opportunities. Occupants of the residence halls often feel a sense of security and home atmosphere and become too trusting of their peers, while others leave classrooms and laboratories unlocked when not occupied for short periods of time.

It is important to be very vigilant when it comes to suspicious persons. Never leave items and valuables lying around unsecured. Doors should be locked at all times. The following is a list of suggestions to help you not fall victim of theft:

- Keep doors to residence halls, labs, and classrooms locked when not occupied.
- Do not provide access to unauthorized persons in buildings or classrooms.
- Do not keep large amounts of cash with you.
- Lock all valuables, money, jewelry, checkbooks, and passports in a lock box or locked drawer.
- Take a photograph of any valuable possessions, including makes, models, and serial numbers, and email it to yourself so that you can access it later.

- Using a personal engraver, mark specific identifying symbols into your items.
- Don't leave laptop computers or textbooks unattended in labs or libraries, even if it is for a short period of time.
- Don't lend credit cards or identification cards to anyone.
- Report loitering persons or suspicious persons to police immediately; don't take any chances.

### Identity Theft

Identity theft is a crime in which someone wrongfully obtains and uses another person's personal information in some ways that involve fraud or deception, typically for economic gain. This personal data could be a Social Security number, bank account, or credit card information.

Persons involved in identity theft often use computers or other forms of media to assist them.

There are measures you can take to prevent this from happening to you:

- Do not give anyone your personal information unless there is a reason to trust them and the release is for good reason.
- Never give your credit card information, date of birth, or other information over the telephone, unless you can confirm the person receiving that information.
- Complete a credit check frequently to assure there is no suspicious activity.
- Examine financial information often to assure all transactions are authorized and accounted for.
- Use computer security software on computers and install firewalls.
- Report any suspicious computer activity (possible email scams) to your Resident Technology Assistant (RTA) or computer lab manager.

## IV. Annual Fire Safety Report and Disclosure of Fire Statistics

The Higher Education Opportunity Act enacted on August 14, 2008, requires institutions that maintain on-campus student housing facilities to publish an annual fire safety report that contains information about campus fire safety practices and standards of the institution. The following report details all information required by this Act for CMC.

### Definitions

**On-Campus Student Housing** – A student housing facility that is owned or controlled by the institution, or is located on property that is owned or controlled by the institution, and is within a reasonable contiguous area that makes up the campus.

**Fire** – Any instance of open flame or other burning in a place not intended to contain the burning or in an uncontrolled manner.

### Fire Safety

CMC takes fire safety very seriously and continues to enhance its programs to the CMC community through education, engineering and enforcement. Educational safety prevention programs are presented throughout the year to all students and staff. Automatic sprinkler systems and fire alarm systems are recognized engineered building features that help to provide for a safe living environment. All College residence halls and apartments are provided with automatic sprinkler systems, smoke detectors, carbon monoxide detectors, and building fire alarm systems to provide early detection and warning of a possible fire emergency. Additional fire safety features for College residence halls and apartments are detailed in this section in the chart entitled "Description of On-Campus Student Housing Fire Safety Systems."

CMC maintains and tests all fire alarms and automatic fire suppression systems in accordance with the appropriate National Fire Protection Association Standard and California Fire Code to ensure system readiness and proper operation in the event of a fire emergency. The sprinkler systems and fire suppression systems are inspected annually by certified outside contractors. Fire extinguishers are inspected monthly by the CMC Facilities Department.

Additional protection is provided by TCCS Campus Safety and CMC Public Safety Officers who are trained for initial response to fire incidents occurring at CMC facilities. Officers provide assistance in building evacuation and extinguishment/confinement of small fires.

## Fire Safety Education and Training Programs for Students, Faculty and Staff

Training Programs for Students, Faculty and Staff CMC's Office of Public Safety and Emergency Management provides annual training to Resident Assistants, Building Coordinators, Housekeeping personnel, and new employees, to include faculty and staff:

- Fire prevention
- What to do in the event of a fire
- How to report a fire or other emergency
- Use of fire extinguishers and other safety systems

Students, faculty, and staff are instructed to call Campus Safety at 909-607-2000 for all emergencies, including e a fire emergency. TCCS Campus Safety Dispatchers are trained in dispatching immediate on-duty/on-site CMC Public Safety Officers who will respond in real time to evacuate CMC staff, faculty and students and with fire extinguishers to address the safety concern, if able. In addition, TCCCS Campus Safety Dispatchers will request local firefighter resources, with shared radio frequencies to respond, wherein Campus Safety Officers and CMC Public Safety Officers will act as pathfinders to direct them to the threat. Non-emergency notifications (e.g., evidence that something burned) are made to Campus Safety (101 S. Mills Avenue, 909-607-2000) other relevant support entities including Resident Assistants or the Dean of Students Office (Heggblade Center, 909-621-8114) and Facilities & Campus Services (Story House, 909-621-8112)

Building Coordinators (at least two per building) receive monthly training in how to assist during a variety of incidents or crisis situations. Resident assistants also view training materials on the website for the Center for Campus Fire Safety[41]. The training includes fire prevention efforts, policies and procedures, evacuation plans, how to educate residents in the policies and procedures, and behavioral expectations around fire safety on campus.

In addition, students are provided twice-yearly training about fire safety. The resident assistants host a hall meeting for all residents each semester in which they review fire safety policies as well as evacuation procedures. Students are told that they are required to participate in fire drills twice each year. Students are provided a printed list of prohibited items including halogen lamps, candles, hot plates, and microwaves. They are also familiarized with behavioral expectations such as:

- Candles, fire pits, or any other flame may not be used on campus unless they are used as part
- of a campus event and approved by the Associate Dean of Students for Student Engagement.
- Cook only where allowed. Set a timer on your phone to remind you that food is cooking.
- Never burn candles in your residence hall or apartment room.
- Make sure cigarettes and ashes are out. Never toss hot cigarettes butts or ashes in trash cans.

[41] http://www.campusfiresafety.org/Training-Activities/Campus-Fire-Safety-for-Students/Share

- Don’t smoke when you have been drinking or are drowsy.
- Never use an extension cord with appliances like a refrigerator.
- Do not overload electrical outlets.
- Never cover light fixtures or smoke detectors.
- Never disable a smoke detector or fire alarm.

**Fire Incident Reporting**
Students, faculty, and staff are instructed to call 9-1-1 to report a fire emergency.
Non-emergency notifications (e.g., evidence that something burned) are made to:

- Resident Assistants or the Dean of Students Office (Heggblade Center, 909-621-8114)
- Facilities & Campus Services (Story House, 909-621-8112)
- Campus Safety (101 S. Mills Avenue, 909-607-2000)

## On-Campus Student Housing Fire Drills

Unannounced fire drills and/or fire system tests are conducted in all on-campus residence halls during the school year to allow occupants to become familiar with and practice their evacuation skills. The drills are conducted by the Office of Public Safety and Emergency Management with assistance from CMC Public Safety Officers and Resident Assistants. The drills conform to the California Fire Code. All College residence halls have emergency evacuation plans and pre-identified evacuation assembly areas. These are shared with all students via Resident Assistant training and other yearly community training such as emergency Evacuation Drills, in response to earthquakes, fires and other critical incidents that would require immediate evacuation and subsequent recovery and reconstitution.

Full evacuation fire drills are held each semester in occupied residence halls and periodically in non-residential buildings, in accordance with California Fire Code (CFC) 403.4, which requires fire drills at least twice per year for the secondary (college) level. Response and evacuations are timed for post exercise debrief. Fire drills are documented and records are maintained by the Office of Public Safety and Emergency Management. The Office of Public Safety and Emergency Management will have a representative, such as the Executive Director of Public Safety and Emergency Management, the Assistant Director of Public Safety or the Environmental Health and Safety Manager for Emergency Management present during the fire evacuation drills, in coordination with the Dean of Students Office, Residential Life and in partnership with Resident Assistants, who will be briefed prior to the exercise and post exercise, to discuss success points and areas of focus for improvement. For non-residential buildings, the same process will occur, with Building Safety Coordinators taking the place of the Resident Assistant.

## Evacuation of Residence Halls in the Event of a Fire

Through the annual, unannounced drills, CMC prepares its community, consisting of students, faculty and staff for the proper evacuation protocols to follow in the event of a fire. Upon being alerted to a fire alarm, personnel are required to leave their building, report to their designated evacuation assembly area, and report to their Building Coordinator or Resident Assistant.

If a student, faculty or staff member notices a fire in a residence hall or other building, that has not yet been reported, the person should activate the fire alarm, evacuate to the designated evacuation assembly area, and call TCCS Campus Safety at 909-607-2000 to report the location and nature of the fire. Personnel should then report to their Resident Assistant or Building Coordinator.

Evacuees maintain a distance of generally at least 50 feet away from the building, 500 feet away for explosions or further if necessary. No one may return to an evacuated building unless told to do so by appropriate incident response personnel.

In the event that persons with mobility challenges need to be assisted during an evacuation, fire/ambulance personnel will conduct stairway evacuations of wheelchair users. As a precaution, anyone using a wheelchair should consider being housed on the ground level floor, whenever possible.

All College residence halls have assigned evacuation assembly areas and evacuation routes, which are that posted within every residence hall.

### Smoking and Open Flames in On-Campus Student Housing Facilities

All CMC residence halls are smoke-free. This includes the hallways, stairwells, balconies and terraces.

CMC's Smoking Policy[42] can be found online.

Due to fire hazards, open flames are also not permitted on CMC's campus unless they are used in conjunction with a campus event and are approved by the Director of Student Activities. Barbeque areas are provided near certain residence halls, but personal barbeques are not allowed on campus.

CMC's Open Flames Policy[43] can be found online.

### Appliances in On-Campus Student Housing Facilities

To mitigate risks of fires, CMC limits the quantity and types of appliances allowed in all on-campus student housing facilities. No more than two high-wattage appliances may be used at one time in an on-campus student housing room or apartment. Air conditioning units, halogen lights, washing machines and dryers, and cooking appliances with heating elements are prohibited in all on campus residence halls.

CMC's Appliance Policy[44] can be found online.

### Plans for Future Improvements in Fire Safety

CMC continues to monitor trends related to residence hall fire incidents and alarms to provide a fire safe living environment for all students. The Executive Director of Public Safety and Emergency Management continues to attend national, state and localized training to ensure fire safety compliance as well as to collaboratively strategize with CMC key leadership, to facilitate the development of new innovative programs, policies, and systems for the safety of all students, faculty and staff. CMC is examining additional mass notification systems and increasing new capabilities within the existing Everbridge platform. Currently there are no infrastructure or system improvement additions or modifications planned for the future.

[42] https://catalog.claremontmckenna.edu/content.php?catoid=42&navoid=8707#smoking-policy
[43] https://catalog.claremontmckenna.edu/content.php?catoid=42&navoid=8707#open-flames
[44] https://catalog.claremontmckenna.edu/content.php?catoid=42&navoid=8707#appliance-policy

## Fire Statistics for On-Campus Student Housing Facilities - 2022

| Building | Address All in Claremont | # | Date | Cause | Injuries Requiring Treatment | Deaths Related to fire | Property Damage Value ($) | Report Number |
|---|---|---|---|---|---|---|---|---|
| Appleby | 408 E. 8th St. | 0 | N/A | N/A | N/A | N/A | N/A | N/A |
| Auen | 497 E. 6th St. | 0 | N/A | N/A | N/A | N/A | N/A | N/A |
| Beckett | 726 N. Amherst Ave. | 0 | N/A | N/A | N/A | N/A | N/A | N/A |
| Benson | 411 E. 6th St. | 0 | N/A | N/A | N/A | N/A | N/A | N/A |
| Berger | 413 E. 6th St. | 1 | 1/27/22 | Candle | N/A | N/A | $0.00 | 20223709 |
| Boswell | 849 N. Mills/410 E. 9th St (FD) | 0 | N/A | N/A | N/A | N/A | N/A | N/A |
| Crown | 650 Amherst Ave. | 1 | 9/25/22 | Electrical | 0 | 0 | $200.00 | 20226441 |
| Fawcett | 695 E. 6th St. | 0 | N/A | N/A | N/A | N/A | N/A | N/A |
| Green | 845 N. Mills Ave./ 412 E. 9th St.(FD) | 0 | N/A | N/A | N/A | N/A | N/A | N/A |
| Marks | 400 E. 6th St. | 0 | N/A | N/A | N/A | N/A | N/A | N/A |
| Phillips | 415 E. 6th St./734 N. Amherst Ave.(FD) | 0 | N/A | N/A | N/A | N/A | N/A | N/A |
| Stark | 455 E. 6th St. | 0 | N/A | N/A | N/A | N/A | N/A | N/A |
| Valach | 412 E. 6th Street | 0 | N/A | N/A | N/A | N/A | N/A | N/A |
| Wohlford | 406 E. 9th St. | 0 | N/A | N/A | N/A | N/A | N/A | N/A |
| Student Apartments | 651 E. 6th St. | 0 | N/A | N/A | N/A | N/A | N/A | N/A |
| Student Apartments | 661 E. 6th St. | 0 | N/A | N/A | N/A | N/A | N/A | N/A |
| Student Apartments | 671 E. 6th St. | 0 | N/A | N/A | N/A | N/A | N/A | N/A |
| Student Apartments | 681 E. 6th St. | 0 | N/A | N/A | N/A | N/A | N/A | N/A |

## Fire Statistics for On-Campus Student Housing Facilities - 2023

| Building | Address All in Claremont | # | Date | Cause | Injuries Requiring Treatment | Deaths Related to fire | Property Damage Value ($) | Report Number |
|---|---|---|---|---|---|---|---|---|
| Appleby | 408 E. 8th St. | 0 | N/A | N/A | N/A | N/A | N/A | N/A |
| Auen | 497 E. 6th St. | 0 | N/A | N/A | N/A | N/A | N/A | N/A |
| Beckett | 726 N. Amherst Ave. | 0 | N/A | N/A | N/A | N/A | N/A | N/A |
| Benson | 411 E. 6th St. | 0 | N/A | N/A | N/A | N/A | N/A | N/A |
| Berger | 413 E. 6th St. | 0 | N/A | N/A | N/A | N/A | N/A | N/A |
| Boswell | 849 N. Mills/410 E. 9th St (FD) | 0 | N/A | N/A | N/A | N/A | N/A | N/A |
| Crown | 650 Amherst Ave. | 0 | N/A | N/A | N/A | N/A | N/A | N/A |
| Fawcett | 695 E. 6th St. | 0 | N/A | N/A | N/A | N/A | N/A | N/A |
| Green | 845 N. Mills Ave./ 412 E. 9th St.(FD) | 0 | N/A | N/A | N/A | N/A | N/A | N/A |
| Marks | 400 E. 6th St. | 0 | N/A | N/A | N/A | N/A | N/A | N/A |
| Phillips | 415 E. 6th St./734 N. Amherst Ave.(FD) | 0 | N/A | N/A | N/A | N/A | N/A | N/A |
| Stark | 455 E. 6th St. | 0 | N/A | N/A | N/A | N/A | N/A | N/A |
| Valach | 412 E. 6th Street | 0 | N/A | N/A | N/A | N/A | N/A | N/A |

| | | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| Wohlford | 406 E. 9th St. | 0 | N/A | N/A | N/A | N/A | N/A | N/A |
| Student Apartments | 651 E. 6th St. | 0 | N/A | N/A | N/A | N/A | N/A | N/A |
| Student Apartments | 661 E. 6th St. | 0 | N/A | N/A | N/A | N/A | N/A | N/A |
| Student Apartments | 671 E. 6th St. | 0 | N/A | N/A | N/A | N/A | N/A | N/A |
| Student Apartments | 681 E. 6th St. | 0 | N/A | N/A | N/A | N/A | N/A | N/A |

## Fire Statistics for On-Campus Student Housing Facilities – 2024

| Building | Address All in Claremont | # | Date | Cause | Injuries Requiring Treatment | Deaths Related to fire | Property Damage Value ($) | Report Number |
|---|---|---|---|---|---|---|---|---|
| Appleby | 408 E. 8th St. | 0 | N/A | N/A | N/A | N/A | N/A | N/A |
| Auen | 497 E. 6th St. | 0 | N/A | N/A | N/A | N/A | N/A | N/A |
| Beckett | 726 N. Amherst Ave. | 0 | N/A | N/A | N/A | N/A | N/A | N/A |
| Benson | 411 E. 6th St. | 0 | N/A | N/A | N/A | N/A | N/A | N/A |
| Berger | 413 E. 6th St. | 0 | N/A | N/A | N/A | N/A | N/A | N/A |
| Boswell | 849 N. Mills/410 E. 9th St (FD) | 0 | N/A | N/A | N/A | N/A | N/A | N/A |
| Crown | 650 Amherst Ave. | 0 | N/A | N/A | N/A | N/A | N/A | N/A |
| Fawcett | 695 E. 6th St. | 0 | N/A | N/A | N/A | N/A | N/A | N/A |
| Green | 845 N. Mills Ave./ 412 E. 9th St.(FD) | 0 | N/A | N/A | N/A | N/A | N/A | N/A |
| Marks | 400 E. 6th St. | 0 | N/A | N/A | N/A | N/A | N/A | N/A |
| Phillips | 415 E. 6th St./734 N. Amherst Ave.(FD) | 0 | N/A | N/A | N/A | N/A | N/A | N/A |
| Stark | 455 E. 6th St. | 0 | N/A | N/A | N/A | N/A | N/A | N/A |
| Valach | 412 E. 6th Street | 0 | N/A | N/A | N/A | N/A | N/A | N/A |
| Wohlford | 406 E. 9th St. | 0 | N/A | N/A | N/A | N/A | N/A | N/A |
| Student Apartments | 651 E. 6th St. | 0 | N/A | N/A | N/A | N/A | N/A | N/A |
| Student Apartments | 661 E. 6th St. | 0 | N/A | N/A | N/A | N/A | N/A | N/A |
| Student Apartments | 671 E. 6th St. | 0 | N/A | N/A | N/A | N/A | N/A | N/A |
| Student Apartments | 681 E. 6th St. | 0 | N/A | N/A | N/A | N/A | N/A | N/A |

*Phillips Hall*

## Description of CMC On-Campus Student Housing Fire Safety Systems — Residence Halls/Apartments

| Building Name | Address | Year Built or Renovated | Fire Sprinklers | Fireproof Frame | Sq. Ft. Protected | CO Detection | Smoke Detection | Fire Extinguishing Devices | Evacuation Plans and Placards | Evacuation Drills per Year (2023 & 2024) | Fire Alarm Monitoring done on site | Annual Fire Alarm Testing | Fire Dept Water/Standpipe Connection |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Appleby Hall | 408 E. 9th Street | 2003 | Yes | Yes | 15,680 | Yes | Yes | Yes | Exits directly outside | 2 in 2023<br>2 in 2024 | Yes, Campus Safety | Yes | 408 E. 9th Street |
| Auen Hall | 497 E. 6th Street | 2008 | Yes | Yes | 24,629 | Yes | Yes | Yes | Hallways | 2 in 2023<br>2 in 2024 | Yes, Campus Safety | Yes | 497 E. 6th Street |
| Beckett Hall | 726 North Amherst Avenue, c/s 8th | 2013-14 | Yes | Yes | 17,194 | Yes | Yes | Yes | Hallways | 2 in 2023<br>2 in 2024 | Yes, Campus Safety | Yes | 726 N. Amherst Ave. |
| Benson Hall | 411 East 6th Street, c/s Amherst | 2014 | Yes | Yes | 17,421 | Yes | Yes | Yes | Hallways | 2 in 2023<br>2 in 2024 | Yes, Campus Safety | Yes | 411 E. 6th Street |
| Berger Hall | 413 East 6th Street, c/s Amherst | 2013 | Yes | Yes | 15,110 | Yes | Yes | Yes | Hallways | 2 in 2023<br>2 in 2024 | Yes, Campus Safety | Yes | 413 E. 6th Street |
| Boswell Hall | 410 East 9th Street | 2003 | Yes | Yes | 15,742 | Yes | Yes | Yes | Exits directly outside | 2 in 2023<br>2 in 2024 | Yes, Campus Safety | Yes | 410 E. 9th Street |
| Valach Hall | 650 North Amherst Avenue | 2015 | Yes | Yes | 13,744 | Yes | Yes | Yes | Hallways | 2 in 2023<br>2 in 2024 | Yes, Campus Safety | Yes | 400 E. 6th Street |
| Crown Hall | 650 N. Amherst Ave. | 2008 | Yes | Yes | 37,257 | Yes | Yes | Yes | Hallways | 2 in 2023<br>2 in 2024 | Yes, Campus Safety | Yes | 650 N. Amherst Ave. |
| Fawcett Hall | 695 N. Mills Ave. | 2008 | Yes | Yes | 24,629 | Yes | Yes | Yes | Hallways | 2 in 2023<br>2 in 2024 | Yes, Campus Safety | Yes | 695 N. Mills Ave. |

| Building Name | Address | Year Built or Renovated | Fire Sprinklers | Fireproof Frame | Sq. Ft. Protected | CO Detection | Smoke Detection | Fire Extinguishing Devices | Evacuation Plans and Placards | Evacuation Drills per Year (2023 & 2024) | Fire Alarm Monitoring done on site | Annual Fire Alarm Testing | Fire Dept Water/Standpipe Connection |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Green Hall | 412 E. 9th Street | 2003 | Yes | Yes | 15,677 | Yes | Yes | Yes | Each apt. enters directly outside | 2 in 2023<br>2 in 2024 | Yes, Campus Safety | Yes | 412 E. 9th Street |
| Marks Hall | 400 E. 6th Street | 2014-15 | Yes | Yes | 28,754 | Yes | Yes | Yes | Hallways | 2 in 2023<br>2 in 2024 | Yes, Campus Safety | Yes | 400 E. 6th Street |
| Phillips Hall | 734 N. Amherst Ave | 2013 | Yes | Yes | 15,973 | Yes | Yes | Yes | Hallways | 2 in 2023<br>2 in 2024 | Yes, Campus Safety | Yes | 734 N. Amherst Ave |
| Stark Hall | 455 East 6th Street, c/s Amherst | 1997 | Yes | Yes | 32,400 | Yes | Yes | Yes | Hallways | 2 in 2023<br>2 in 2024 | Yes, Campus Safety | Yes | 499 E. 6th Street |
| Wohlford Hall | 406 E. 9th Street | 2018 | Yes | Yes | 16,270 | Yes | Yes | Yes | Exits directly outside | 2 in 2023<br>2 in 2024 | Yes, Campus Safety | Yes | 406 E. 9th Street |
| Student Apartments-651 | 651 East 6th Street, c/s Claremont | 1995 | Yes | No | 10,969 | Yes | Yes | Yes | Exits directly outside | 2 in 2023<br>2 in 2024 | Yes, Campus Safety | Yes | 651 E. 6th Street |
| Student Apartments-661 | 661 East 6th Street, c/s Claremont | 1995 | Yes | No | 13,372 | Yes | Yes | Yes | Exits directly outside | 2 in 2023<br>2 in 2024 | Yes, Campus Safety | Yes | 661 E. 6th Street |
| Student Apartments-671 | 671 East 6th Street, c/s Claremont | 2018 | Yes | No | 8,800 | Yes | Yes | Yes | Exits directly outside | 2 in 2023<br>2 in 2024 | Yes, Campus Safety | Yes | 671 E. 6th Street |
| Student Apartments-681 | 681 East 6th Street, c/s Claremont | 2018 | Yes | No | 8,800 | Yes | Yes | Yes | Exits directly outside | 2 in 2023<br>2 in 2024 | Yes, Campus Safety | Yes | 681 E. 6th Street |

**Appendix: Contact List**

- Campus Safety Office, 101 S. Mills Ave., 909-607-2000
- Dean of Students Office, Heggblade Center, 400 E. Ninth St, 909-621-8114
- Title IX Coordinator, Athenaeum #217, 385 E. Eighth St., 909-607-8131
- Office of Civil Rights, Heggblade Center, Second Floor, 400 E. Ninth St., 909-607-0347
- Human Resources Office, 528 N. Mills Ave. West, 909-607-1236
- Dean of the Faculty's Office, Athenaeum North 225, 909-621-8117
- Monsour Counseling and Psychological Services (MCAPS), Tranquada Center, 757 College Way, 909-621-8202
- Student Health Services (SHS), Tranquada Center, 757 College Way, 909-621-8222
- Health Education Outreach (HEO), Tranquada Center, 757 College Way, 909-607-1147
- The Washington (DC) Program, 1101 17th St NW, Suite 604, Washington, D.C., 240-577-2015
- Claremont Police Department, 570 W. Bonita Ave, 909-399-5411 (business) or 9-1-1 (emergency)