



OXY

Occidental College

# ANNUAL FIRE SAFETY & SECURITY REPORT

---

2020

## Table of Contents

<b>About Occidental College</b> .....	6
Preparation of the Annual Security Report and Crime Statistics .....	6
<b>Campus Safety Department</b> .....	8
Role, Authority, and Training .....	8
Working Relationship with Local, State, and Federal Law Enforcement Agencies .....	8
Safety Escort Program .....	9
Additional Campus Safety Department Services .....	11
Campus Safety Patrol Zone (Service Area) .....	11
<b>Reporting Crimes or Other Emergencies</b> .....	12
Campus Safety .....	12
Title IX Office, Human Resources, Dean of Students Office .....	12
Reporting to Other Campus Security Authorities .....	13
<b>Campus Security Policies, Crime Prevention, and Safety Awareness Programs</b> .....	15
Crime Prevention and Safety Awareness Programs .....	15
Residential Education and Housing Services .....	15
Additional Campus Safety and Security Policies .....	16
Daily Crime Log .....	16
Timely Warning Reports .....	17
Safety Bulletins .....	17
<b>Sexual Misconduct, Intimate Partner Violence, and Stalking: Policy</b> .....	18
What to Do If You Experience Sexual Harassment, Sexual Assault, Intimate Partner Violence, or Stalking .....	19
Sexual Misconduct Resources .....	20
Sexual Misconduct, Intimate Partner Violence (Dating and Domestic Violence), and Stalking Defined .....	27
California Definitions: Sexual Misconduct, Intimate Partner Violence, and Stalking .....	33
Sexual Misconduct & Intimate Partner Violence: Definitions of Key Terms .....	34
Privacy and Confidentiality: Understanding the Differences .....	38
Reporting Sexual Misconduct, Intimate Partner Violence (Dating Violence, Domestic Violence), and Stalking .....	40
How the College Addresses Reports of Sexual Misconduct, Intimate Partner Violence (Dating Violence, Domestic Violence), and Stalking .....	43
Additional Provisions .....	75
Retaliation .....	78
Title IX Investigation Training .....	79
<b>Prevention of Sexual Misconduct, Intimate Partner Violence, and Stalking</b> .....	80
Prevention Education and Awareness Programs .....	81
Project S.A.F.E.'s Empowerment-Based Violence Prevention Workshop .....	82
Specific Programming by Project S.A.F.E. in 2019 .....	83
Risk Reduction .....	87
Registered Sex Offender Information/Megan's Law .....	91
<b>Emergency Management</b> .....	92

Disaster Preparedness and Response Plan .....	92
Emergency Response Exercises .....	93
Annual Publication of Emergency Response and Evacuation Procedures .....	93
Emergency Notification to the College Community (OxyAlerts, Etc.) .....	93
<b>Security of and Access to College Facilities .....</b>	<b>96</b>
Access to Occidental College: Policy .....	96
Academic and Administrative Building Access Information .....	96
Residence Hall Access Information .....	96
Card Key Access Policy .....	97
Facilities Management Support .....	97
Security Considerations Used in the Maintenance of Campus Facilities .....	98
<b>Residential Education and Housing Services .....</b>	<b>99</b>
Missing-Student Notification Policy .....	99
The Office of Student Conduct .....	100
The Student Code of Conduct .....	101
<b>Alcohol and Other Drugs Policy .....</b>	<b>104</b>
Student Alcohol Policy .....	104
Student Drug Policy .....	106
Employee Drugs and Alcohol Policy .....	108
California State Alcoholic Beverage Laws and Penalties .....	109
Associated Health Risks and Resources .....	111
Medical Amnesty Policy .....	113
Parental Notification .....	114
<b>Annual Disclosure of Crime Statistics .....</b>	<b>115</b>
Definitions of Reportable Clery Crimes .....	115
Crime Statistics .....	120
Crimes Involving Student Organizations at Off-Campus Locations .....	122
Clery Act Geography .....	122
<b>Fire Safety Report .....</b>	<b>126</b>
Viewing the Fire Log .....	126
Fire Drills .....	126
Fire Alarm Inspection and Fire Hydrant Testing .....	126
Fire Safety .....	127
Evacuation Procedures .....	130
Fire Safety Policies .....	130
Fire Safety Education and Training Programs .....	132
Fire Reporting .....	132
Future Improvements for Fire Safety .....	132
Statistics for Residence Hall Buildings .....	133
<b>Emergency Services Contact Information .....</b>	<b>135</b>

## Message from The President



Occidental College's Annual Fire Safety and Security Report contains important information for the College community and is published to comply with the provisions of the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act. The Clery Act requires all colleges and universities that receive federal student financial aid to annually report crime data and to disclose important campus safety and security policies.

As a college, we are committed to living up to our institutional values in all aspects of campus life and ensuring that Occidental is a place where everyone feels safe and valued. This report describes the policies, procedures, and shared efforts to provide a safe learning, working, and living environment for the Occidental community. It includes data on reportable Clery crimes, Violence Against Women Act offenses, and disciplinary referrals by the College. Campus Safety and other College departments work together to deter crime, and have increased the number and variety of proactive safety and security measures in place.

Safety at Occidental is paramount, and we expect that the entire community will contribute to fostering and maintaining a secure and supportive campus environment. Ultimately, information, education, and personal awareness are some of the most powerful tools we have to protect the safety of everyone on campus.

Harry J. Elam, Jr.  
*President*

## Message from The Director of Campus Safety



Occidental College strives to provide a safe and secure environment where students, staff and faculty can learn and grow. That cannot happen without the active participation of everyone on campus. The information contained in this Annual Fire Safety and Security Report will help you do your part by understanding the policies, safety and security programs, and resources the College offers. As required by the *Clery Act*, this report contains crime statistics for the last three calendar years. I encourage you to read this document and use this important safety information to enhance your learning, living, and working experience at Occidental College. On behalf of the Campus Safety Department, I thank you for your help in making Occidental a great place to be.

Rick C. Tanksley

*Director of Campus Safety*

[rtanksley@oxy.edu](mailto:rtanksley@oxy.edu) | (323)259-2599

## About Occidental College

Occidental College is a private liberal arts college located in the Eagle Rock neighborhood of Los Angeles. As an institution located within a major metropolitan area, the College is proactive in its efforts at crime prevention, and values the safety and security of all members and guests of the campus community.

Occidental's professionally trained Campus Safety officers, Residential Education and Housing Services staff, administrators, faculty, staff, and students all share the important responsibility of contributing to a safe environment. They strive to promptly and efficiently respond to reports of crime and serious incidents and offer appropriate resources and support to crime victims. Occidental takes progressive measures to create and maintain a safe environment on campus.

### Preparation of the Annual Security Report and Crime Statistics

The Clery Act requires colleges and universities to collect and disclose statistics for Clery crimes and maintain an open and easily understood daily crime log. Occidental is required by the Clery Act each year to prepare, publish, and distribute to students and employees (by October 1) an accurate and complete AFSSR that includes three calendar years of campus crime statistics, policy statements, and other safety-related information.

With the passage of the amendments to the Clery Act in the Violence Against Women Act of 2013 reauthorization, institutions are required to take additional specific steps to disclose statistics, policy statements, and other safety-related information on sexual assaults, dating and domestic violence, and stalking on campus.

Occidental College prepares its Annual Fire Safety and Security Report (AFSSR) to comply with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act. The Clery Act promotes consumer protection and transparency about crime and other public safety matters. The Clery Act requires institutions that participate in federal student financial aid programs under Title IV of the Higher Education Act of 1965 to provide accurate and complete information about campus safety and crime prevention to the campus community. The AFSSR informs students, employees (faculty, staff, and administrators), and visitors about where to go to report crimes.

At Occidental, the preparation of the AFSSR is a continuing collaborative effort by the Campus Safety Department and the Clery Act Compliance Team (Clery team). The Clery team consists of: the Title IX Coordinator; Director of Campus Safety; General Counsel; Director of Residential Education and Housing Services; Assistant Director of Student Conduct and Housing Services; Director of Human Resources; and the Project S.A.F.E. (Sexual Assault Free Environment) Manager/ Survivor Advocate. Crime statistics are gathered from the Campus Safety Department, those individuals identified as Campus Security Authorities, local law enforcement agencies, the Residential Education and Housing Services Department, the Environmental Health & Safety Manager, the Conduct Office, and the Title IX Office.

Anonymous, aggregate statistics are gathered from the Survivor Advocate/Project S.A.F.E. Each year, the AFSSR is updated to include the most current College safety and security policies.

The process by which the AFSSR is prepared involves the Clery team reviewing all of the crime reports which were gathered by the aforementioned entities and individuals, meeting with them to clarify any ambiguities, and then organizing and finalizing the classification of the reports for the annual statistics, taking into. The Clery team then reviews each of the most current safety and security policies, highlighting any revisions from prior policies, ensuring the most up-to-date and final policies are identified for inclusion in the AFSSR. Finally, she does a final revision and submits the AFSSR.

Occidental notifies its current students and employees of the AFSSR's publication by email. A paper copy of the report is available to any current or prospective student or employee at the Campus Safety Department office in the Facilities Management Building on the Occidental campus. The AFSSR can be found on the Campus Safety Department website at [oxy.edu/campus-safety](http://oxy.edu/campus-safety); the Admission Office website at [oxy.edu/admission-aid](http://oxy.edu/admission-aid); and the Human Resources Department website at [oxy.edu/human-resources/working-oxy](http://oxy.edu/human-resources/working-oxy).

# Campus Safety Department

## Role, Authority, and Training

The Campus Safety Department provides safety, security, and emergency response services for the College 24 hours a day, seven days a week. The Department includes 15 full-time, unarmed, uniformed officers, plus the Director of Campus Safety. Typical patrols are carried out on foot, on bicycle, or in marked Campus Safety patrol vehicles.

All full-time officers are registered with the California Department of Consumer Affairs' Bureau of Security and Investigative Services as security guards, and have the same powers to arrest as those of any other private citizen. All officers possess current and valid First Aid, Cardiopulmonary Resuscitation (CPR), and Automated External Defibrillator (AED) certifications. Officers are also trained in De-Escalation. The Department also uses a variety of electronic devices including security cameras, fire alarms, intrusion alarms, card access systems, and blue-light emergency phones (which are located throughout campus).

Complaints or commendations concerning Campus Safety personnel performance may be filed through the Human Resources office or Dean of Students office.

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

The Campus Safety Department maintains a close working relationship with the Los Angeles Police Department's Northeast Division and calls on the LAPD for support as needed. Campus Safety staff may occasionally work with other law enforcement agencies, as necessary, including the Secret Service, California Highway Patrol, Federal Bureau of Investigation, the Los Angeles County Sheriff's Department, and the Los Angeles Unified School District Police Department.

All law enforcement agencies are expected to check in with the Campus Safety Department when on campus.

Occidental finalized a "Memorandum of Agreement" (MOA) with the LAPD in March of 2016 that outlines which agency will have jurisdiction over which types of offense to provide service and protection to the Occidental community. The 2016 MOA is still in effect, but is in the process of being renewed. (The MOA can be viewed on the Campus Safety website:

[www.oxy.edu/sexual-respect-title-ix/policies-procedures/lapd-memorandum-agreement-faq](http://www.oxy.edu/sexual-respect-title-ix/policies-procedures/lapd-memorandum-agreement-faq))

Campus Safety officers have no arrest authority beyond that of an ordinary citizen. A safety officer may make an arrest in the event a felony is committed in his or her presence. Safety officers are expected to render all possible assistance provided such assistance can be given without significantly endangering the officer or others not involved in the crime. While the Campus Safety Department will maintain confidentiality of incidents, pursuant to the MOA, LAPD is notified of all serious crime on campus and is



immediately notified of all major crimes. The College contacts the Los Angeles Fire Department (LAFD) for fire and emergency medical needs. All victims are offered an opportunity to report crimes to LAPD where appropriate under the MOA.

Annually, the Director of Campus Safety is provided with a report of all crime occurring on campus. Additionally, special needs are communicated between agencies as they occur. The Director determines instances where state police resources are needed. Crimes committed at off-campus facilities under Occidental's control will be disclosed in these statistics if they come to the attention of the Campus Safety Department or other Campus Security Authorities.

## **Safety Escort Program**

### **REGULATIONS**

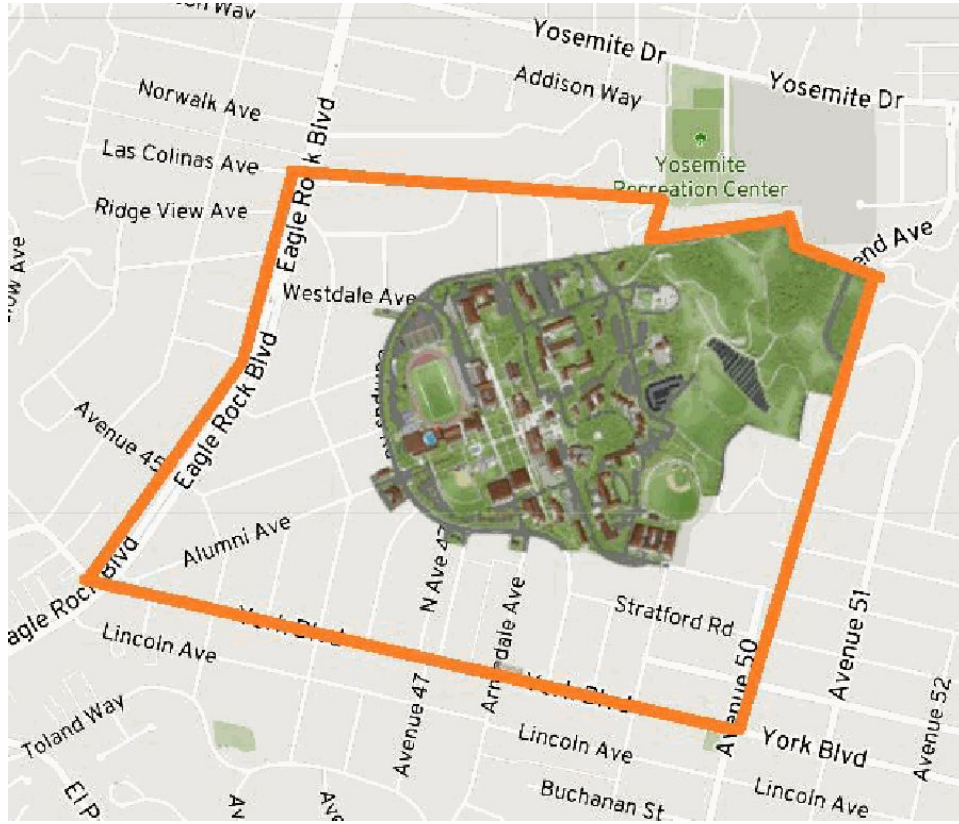
Campus Safety officers provide safety escorts upon request to locations on and off campus. The safety escort service is available 24/7, year-round, within the established boundaries set forth below, and is open to students, staff, faculty, and visitors. The nature of the request and distance of travel will be taken into account on a case-by-case basis. Medical escorts will be handled in the same manner as safety escort requests, with the understanding that an exigent circumstance should exist that precludes alternative arrangements from being carried out at that time. (Campus Safety does not have the personnel or resources to perform scheduled transports or regularly recurring requests for transportation.) More information on the program can be found on the Campus Safety webpage at:

[www.oxy.edu/campus-safety/programs/safety-escorts](http://www.oxy.edu/campus-safety/programs/safety-escorts).

To request a safety escort, call the Campus Safety office at **(323)259-2599** or use any of the blue campus assistance telephones.

### **SAFETY ESCORT SERVICE BOUNDARIES**

- West from campus to Eagle Rock Boulevard
- North from campus to Las Colinas Avenue
- East from campus to Avenue 50
- South from campus to York Boulevard



## **Additional Campus Safety Department Services**

The Campus Safety Department also provides support services for the College community. Among other things, Campus Safety:

- Coordinates campus emergency preparedness and response efforts
- Provides leadership of the Emergency Preparedness Committee (chaired by the Director of Campus Safety)
- Provides Emergency Notifications and Timely Warnings as required and/or warranted
- Notifies LAPD of all Part I violent crimes as required by Education Code section 67380
- Maintains readiness of OxyAlert notification system; tests and initiates system in conjunction with the Office of Marketing and Communications
- Coordinates emergency planning including residence hall fire drills, campus emergency drills, and participation in the Great California ShakeOut
- Provides educational emergency preparedness and response materials
- Manages the campus parking permit and traffic regulation program
- Documents reports of vehicle accidents and damage
- Gathers, maintains, and disseminates information on safety and security policies and incidents of crime on campus
- Assists with building lockouts
- Maintains lost-and-found centers (located at the Campus Safety Office, Mary Norton Clapp Library, and Office of Student Life)
- Responds to activated intrusion, security, and fire alarms for the entire campus and other College-owned properties
- Provides ongoing training to the campus in technical and tactical topics, as well as College safety and security policies and procedures
- Transports students 24 hours a day/seven days a week on campus and in our patrol zone, as needed

## **Campus Safety Patrol Zone (Service Area)**

The Campus Safety “patrol zone,” as defined by the Clery Act, encompasses the safety escort service area described on page 9, plus the Oxy Arts Building, a College-owned property located at 1471 York Blvd.

## Reporting Crimes or Other Emergencies

Occidental's policies encourage accurate and prompt reporting of all crimes to Campus Safety as well as the appropriate police agency in the jurisdiction (Los Angeles Police Department), when the victim of a crime elects to, or is unable to, make such a report. This is intended to strike a balance between empowering victims to make the decision about whether and when to report a crime, and encouraging members of the Occidental community to report crimes of which they are aware. Occidental does not have campus police.

### Campus Safety

Students and employees should report crimes or other emergencies occurring on campus to Campus Safety for an immediate response. A Campus Safety officer will meet the person who reported the crime, obtain additional information and begin an investigation, if necessary. When appropriate, victims are advised to contact the LAPD to file an additional report and to notify Campus Safety with the case number.

Campus Safety officers can be reached 24 hours a day/seven days a week. The Campus Safety office is located in the Facilities Management Building on campus at the intersection of Campus Road and Baer Road.

#### Campus Safety Department

(323)259-2599 or dial 5 on any campus phone

#### Director of Campus Safety

Rick C. Tanksley  
rtanksley@oxy.edu  
(323)259-2599

### EMERGENCY PHONES

There are 24 blue-light telephones available for emergency use on Occidental's campus. Fifteen of these phones are yellow-box emergency telephones in outdoor locations, which provide a direct line to Campus Safety by simply pushing the red button. These telephones can be used to report a criminal incident, a fire, or any other type of emergency. Weekly checks are conducted, typically on Sundays, to ensure proper function and connectivity.

### Title IX Office, Human Resources, Dean of Students Office

Students and employees may also report criminal actions that may violate College policies to the Title IX Coordinator, Human Resources Department, and Dean of Students Office. (The College's Sexual Misconduct and Discrimination, Harassment, and Retaliation policies provide additional details about

reporting crimes.) Reports received by these offices are directed to Campus Safety and an incident report is prepared. Incident reports are shared with the Clery Act Compliance Coordinator for purposes of classifying reports for annual statistical disclosure and assessing the necessity for timely warning or emergency notifications.

**Title IX Office**

Title IX Coordinator  
Alexandra Fulcher  
[afulcher@oxy.edu](mailto:afulcher@oxy.edu)  
(323)259-1338

**Human Resources**

Randy Glazer  
Associate Vice President for Human Resources/ Chief Human Resources Officer  
[rglazer@oxy.edu](mailto:rglazer@oxy.edu)  
(323)259-2526

**Dean of Students Office**

Vice President of Student Affairs and Dean of Students  
Rob Flot  
[flot@oxy.edu](mailto:flot@oxy.edu)  
(323)259-2661

## Reporting to Other Campus Security Authorities

### CAMPUS SECURITY AUTHORITY (CSA) POLICY

The College urges community members to promptly report all crimes and other emergencies directly to the Campus Safety Department in an accurate and timely manner. Victims and witnesses are encouraged to report crimes on a voluntary, confidential basis. Some individuals may prefer to report crimes to College employees or offices other than Campus Safety. The Clery Act recognizes certain college officials and offices as being a “Campus Security Authority” (CSA). The Act defines a CSA as being an “official of an institution who has significant responsibility for student and campus activities, including, but not limited to, student housing, student discipline, and campus judicial proceedings.” An official is defined as “any person who has the authority and the duty to take action or respond to particular issues on behalf of the institution.” An official’s job function and not his/her title determine if s/he is a CSA.

CSAs include but are not limited to the following individuals:

- A member of campus police or Campus Safety/security responsible for campus security;
- An individual who has responsibility for campus security but does not constitute a police or security department (for example, monitoring the entrance to a building);

- An individual or organization specified in the institution's security policy as an individual or organization to which students and employees should report criminal offenses;
- Officials with significant responsibility for student and campus activities.

The College requires that any Occidental CSA who becomes aware of a crime at Occidental or a crime involving a member of the College community must immediately report the incident to Campus Safety or Title IX, as appropriate.

## **PASTORAL AND PROFESSIONAL MENTAL HEALTH COUNSELORS**

According to the Clery Act, pastoral and professional mental health counselors are exempt from being Campus Security Authorities when they are acting in their counseling roles.

Occidental educates its pastoral and professional counselors annually on how students and employees may voluntarily, confidentially report crimes, and encourages them in writing to share that information with the people they are counseling, if and when they deem it appropriate.

## **TITLE IX RESPONSIBLE EMPLOYEES**

A "Responsible Employee" includes any Occidental College employee who: (1) Has the authority to take action to redress harassment; (2) Has the duty to report to appropriate school officials sexual harassment or any other misconduct by students or employees; or (3) A student could reasonably believe has the authority or responsibility to take action. All College employees who do not have legally protected confidentiality are considered Responsible Employees. This includes all employees with supervisory or leadership responsibilities on campus, including, but not limited to, faculty, coaches, administrators, staff members and Resident Advisors. The College requires that all Responsible Employees share a report of misconduct with the Title IX Coordinator or a Deputy Title IX Coordinator so that the College can take immediate and corrective action to respond to allegations of prohibited conduct.

## **VOLUNTARY, CONFIDENTIAL REPORTING**

Students and employees may report crimes involving sexual misconduct on a voluntary, confidential basis to the Title IX Office (and for inclusion in the annual statistics) via the Title IX Office's Online Sexual Violence Anonymous Reporting Form. (The link to the online form is located on the Title IX Office website: <https://www.oxy.edu/sexual-respect-title-ix>.)

The Campus Safety Department, Information Technology Services Department, and LiveSafe (a mobile app developer) have been collaborating on the configuration and release of an Occidental College version of the LiveSafe mobile app that will, among other features, allows students and employees to report crimes on a voluntary, confidential basis directly to the Campus Safety Department via the app. The Occidental College version of the LiveSafe app went live in September 2019.

Employees may make anonymous reports concerning students by submitting an online Oxy Care Report via the secure MyOxy portal.

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

During Orientation, first-year students and parents are introduced to services offered by Campus Safety and informed about crime on campus and in the surrounding neighborhood. Crime prevention and awareness programs are offered by various campus organizations throughout the year. The awareness and crime prevention programs serve to encourage students and employees to be mindful of their personal safety and security, and that of the campus community.

Information about campus security procedures, crime prevention, and how to report crimes are included in the orientation for new employees and the employee handbook. Employees are kept informed of new security policies and procedures on an ongoing basis.

In 2019, Campus Safety, in collaboration with Information Technology Services, introduced the mobile safety app LiveSafe.

## Crime Prevention and Safety Awareness Programs

- Safety Escort Program: 24/7 safety escorts are available through Campus Safety on campus and within the established service zone. (See page 10.)
- Hall Spreads: At the start of every school year, Residential Education staff share crime prevention strategies and security procedures, with students who live in residence halls.
- Orientation: First-year students and parents are provided various training sessions, including one hosted by Campus Safety; a training on crime prevention techniques; Alcohol and Other Drugs prevention education training led by a Physician's Assistant from Emmons Wellness Center; Title IX Policy presentation facilitated by the Title IX Coordinator; a Sexual & Power-Based Violence Prevention education program by a guest speaker; and an Oxy Upstander (active bystander) training facilitated by Project S.A.F.E. peer educators.

## Residential Education and Housing Services

- Alcohol and Drug Awareness: Each year, all first-year students are required to go through training that teaches about the effects of alcohol and drugs, the College's alcohol and drug policy, the amnesty policy, community standards, safe drinking, the physiological response to alcohol, watching out for friends, and facts and myths about alcohol and drugs. Details about the programming are described in the College's Biennial Review dated April 2018, which is available for inspection at the Dean of Students Office.
- Sexual Assault Awareness: Ongoing residence hall spread programming includes information from Project S.A.F.E. regarding safe sex, sexual assault awareness and prevention, sexual misconduct policy, gender violence, consent, and gender and sexuality.

- RHES Staff prevention emails: Ongoing information sent to students living in residence halls to address safety and security issues.

## Additional Campus Safety and Security Policies

### FIREARMS AND WEAPONS

The possession, storage, or use of firearms, explosives of any type (including fireworks), chemicals or weapons of any sort is not permitted anywhere on campus. This includes hunting bows and arrows and hunting knives. The term "weapon" means firearms, explosives, metal knuckles, and knives with blades more than 2.5 inches long, or any other instrument identified as a weapon in published College policies. Any item that is brandished as a weapon will be treated as a violation of College policy. Items include, but are not limited to, use of a fake or toy gun, brandishing a pocket knife, or a hand held under clothing to simulate a weapon.

## Daily Crime Log

The daily crime log is a list of all crimes (and alleged crimes) reported to Campus Safety officers within the College's patrol zone in the most recent 120-day period. The log is available online 24 hours a day, seven days a week to the campus community and members of the public at [www.oxy.edu/campus-safety/daily-crime-log](http://www.oxy.edu/campus-safety/daily-crime-log).

The log identifies the nature, location, time of occurrence, time reported, case number, and disposition (if known) of each criminal incident reported to the Campus Safety Department. Crimes and alleged crimes are logged according to the date the Campus Safety Department received the report. An entry, an addition to an entry, or a change in the disposition of a complaint to the daily crime log must be recorded within two business days of the reporting of the information to the Campus Safety Department.

In addition to the daily crime log online, a paper copy of the last 60 days of information is available in the Campus Safety office, located in the Facilities Management building at the corner of Campus Road and Baer Road. Upon request, copies of older daily crime log entries shall be made available within two business days. Requests may be made by calling or visiting the Campus Safety office, or by filling out the online request form. The link to the online request form is on the daily crime log webpage: [www.oxy.edu/campus-safety/daily-crime-log](http://www.oxy.edu/campus-safety/daily-crime-log).

Crime reports received from local law enforcement agencies that cannot be matched to other crimes already entered in the crime log will be entered into the log according to the date the Campus Safety Department received the report from the local law enforcement agency, rather than the date the crime occurred, as with all crime log entries.



## Timely Warning Reports

The *Clery Act* requires colleges and universities to issue timely warnings to the campus community for *Clery Act* crimes that occur within the College's *Clery* geography and

- are reported to campus security authorities (Campus Safety Department or other Campus Security Authorities) or local police agencies; and
- are considered by the institution to represent a *serious or continuing threat* to students and employees.

The timely warning requirement is intended to alert the campus community to potentially dangerous criminal activity on or near campus to enable people to protect themselves and prevent similar or repeat occurrences. To ensure the timeliness of the alert, a warning is issued as soon as pertinent information is available.

After learning that an incident has occurred, the Director of Campus Safety, and/or College designee will determine if the incident merits a timely warning, consulting with the *Clery* Team as appropriate. If it is determined a timely warning is necessary, the Director of Campus Safety, and/or College designee, will decide the content and best delivery method(s) of the warning. Time permitting, additional input may be garnered from members of the *Clery* Team or other sources. The Director of Campus Safety, *Clery Act* Compliance Coordinator, and/or College designee will issue the timely warning consistent with the distribution methods described herein.

Crime reports are evaluated on a case-by-case basis, depending on the facts of the case and information known at the time of the initial report. Timely warnings are primarily distributed via the College's email system, but may also be distributed via text messages.

When information about the seriousness or ongoing nature of the crime is unclear, deference is given to the assessment of local law enforcement authorities. Additionally, if, in the professional judgment of the local law enforcement authorities, issuing a timely warning would compromise efforts to address the crime, the notification may be delayed. In such cases, the Director of Campus Safety or designee would be notified that a timely warning would compromise law enforcement efforts. Once the potentially compromising situation has been addressed, the timely warning shall be issued immediately.

## Safety Bulletins

The College issues "safety bulletins" via campus wide e-mail, which are informational messages to advise of circumstances that may affect or be of interest to students, faculty, and staff.

In the event the Director of Campus Safety determines that any informational message should be issued, they and/or the Office of Marketing and Communications may send a campuswide message.

## Sexual Misconduct, Intimate Partner Violence, and Stalking: Policy

It is the policy of Occidental College to maintain an environment for students, faculty, administrators, staff, and visitors that is free of all forms of discrimination and harassment, including sexual misconduct.

Effective August 14, 2020, the College instituted an Interim Sexual Misconduct Policy (the "Policy"). The Policy continues to reflect and maintain its institutional values and community expectations, to provide for fair and equitable procedures for determining when this Policy has been violated, and to provide recourse for individuals and the community in response to violations of this Policy.

The College prohibits the crimes of dating violence, domestic violence, sexual assault, and stalking as those terms are defined for the purposes of the *Clery Act*.

This Policy prohibits all forms of sexual or gender-based discrimination, harassment, and misconduct, including sexual assault, non-consensual sexual contact, intimate partner violence, sexual exploitation, and stalking. The 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. All of the foregoing conduct is referred to as "Prohibited Conduct."

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

Upon receipt of a report, the College will take prompt and equitable action to eliminate the Prohibited Conduct (if any), prevent its recurrence, and remedy its effects.

The College is committed to treating all members of the community with dignity, care, and respect. Any student who experiences or is affected by violations under this Policy, whether as a Complainant, a Respondent, or a Third Party, will have equal access to support and counseling services through the College.

The College strongly encourages individuals to report Prohibited Conduct. The College recognizes, however, that the decision to report Prohibited Conduct (to the College and/or law enforcement) can be difficult. The College strongly encourages individuals who are considering whether to report Prohibited Conduct to seek the support of confidential campus and community resources. These trained professionals can provide guidance in making decisions, information about available resources and procedural options, and assistance to either party in the event that a report and/or resolution under this Policy is pursued. These resources are available regardless of when or where the incident occurred.

When used in the Policy, "Complainant" refers to the individual who is identified as the subject of Prohibited Conduct. "Respondent" refers to the individual alleged to have engaged in Prohibited Conduct. A "Third

Party” refers to any other participant in the process, including a witness or an individual who makes a report on behalf of a Complainant.

## **What to Do If You Experience Sexual Harassment, Sexual Assault, Intimate Partner Violence, or Stalking**

- 1. Get to a safe place.** Any place away from the person(s) harming you.
- 2. Access campus and local community services to receive the care, support, and assistance you deserve.** You can contact Oxy’s Survivor Advocate, Marianne Frapwell, at ((323)259-1359) during regular business hours. After hours, the Oxy 24/7 Confidential Hotline ((323)341- 4141) can connect you to a survivor advocate at Oxy’s community partner Peace Over Violence. Counselors on the Peace Over Violence/L. A. Rape and Battering Hotline ((213)626-3393) or the National Sexual Assault Hotline ((800)656-4673) can also help explain resources, reporting processes, and options seven days a week, 24 hours a day.
- 3. Preserve evidence in cases of sexual violence, intimate partner violence, or stalking.** It is important to preserve evidence that may assist law enforcement personnel. If possible, place each item of clothing you were wearing at the time of the assault in a separate paper bag and do not shower, bathe, douche, wash, or clean any part of your body, including brushing your teeth, until you have had a forensic medical exam. If possible, do not clean the area or move anything around where assault has occurred, in case law enforcement and detectives need access to the area.
- 4. Seek medical care as soon as possible.** If within 96 hours of an assault: Call Occidental’s Survivor Advocate ((323)259-1359) or Oxy’s 24/7 Confidential Hotline ((323)341- 4141) to arrange transportation to one of three local hospitals that have a Sexual Assault Response Team (SART) available 24 hours a day, seven days a week. If after 96 hours of an assault: Still consider a possible SART exam, or human immunodeficiency virus (HIV) testing and sexually transmitted infections (STI) testing at Emmons Wellness Center. Emmons also can provide prophylaxis (measures to prevent disease).
- 5. Consider filing a report with the College’s Title IX Office, the Los Angeles Police Department Northeast Division, and/or Campus Safety Department.** Survivors can request a victim advocate or the Oxy Survivor Advocate for confidential support and to ensure their rights are respected during interviews with law enforcement. The Title IX Office and Campus Safety are available to help survivors file a report with the police. On campus, reports can be filed with the Title IX Coordinator, Deputy Coordinators, the Dean on Duty, and Campus Safety by phone, in writing, or by email.

## LOCAL SART (SEXUAL ASSAULT RESPONSE TEAM) HOSPITALS

At SART hospitals, survivors can access a free medical exam, and forensic evidence can be collected for later use if the survivor wishes to pursue a report in the future. **Taxi vouchers are available** at Campus Safety, Project S.A.F.E., Emmons Wellness Center, and Residential Education and Housing Services to provide free transportation to SART centers. The Oxy Survivor Advocate is available during business hours to accompany survivors to access off-campus resources. After hours, the Oxy 24/7 Confidential Hotline (323)341- 4141 can connect you to a survivor advocate at Peace Over Violence.

### ***Rape Treatment Center at Santa Monica- UCLA Medical Center***

(424)259-7208  
 1250 16th St.  
 Santa Monica, CA 90404

### ***San Gabriel Valley Medical Center***

(877)209-3049  
 438 W. Las Tunas Drive  
 San Gabriel, CA 91776

## Sexual Misconduct Resources

### THE COLLEGE'S TITLE IX COORDINATOR

The Title IX Coordinator coordinates the College's compliance with Title IX and related provisions of the Clery Act (as amended by VAWA). The Title IX Coordinator oversees the College's centralized response to all reports of Prohibited Conduct to ensure consistent implementation of this Policy and compliance with federal and state law. The Title IX Coordinator and designated staff will, among other things:

- Communicate with members of the College community regarding applicable law and policy and provide information about reporting and support options.
- Review applicable College policies to ensure institutional compliance with applicable federal and state law.
- Monitor the College's administration of its own applicable policies, including record keeping, adherence to timeframes, and other procedural requirements.
- Conduct training regarding Title IX, related provisions of the Clery Act (as amended by VAWA), and Prohibited Conduct as defined in this Policy.
- Respond to any report to the Title IX Coordinator regarding conduct that may violate this Policy. In this capacity, the Title IX Coordinator will oversee the response to, and resolution of, such alleged misconduct, direct the provision of any remedial and protective measures (including oversight of the failure to abide by an interim protective measure), and monitor the administration of any request for review of the finding.

The Title IX Coordinator may delegate responsibilities under this Policy to designated administrators or external professionals, who will have appropriate training and/or experience. When used in this Policy, the

Title IX Coordinator may include an appropriate designee. The Title IX Coordinator's contact information is:

**Alexandra Fulcher**

**Title IX Coordinator**

(323)259-1338 | [afulcher@oxy.edu](mailto:afulcher@oxy.edu)

## FOR STUDENTS ONLY

- Dean of Students Office/Dean on Duty (reach by calling Campus Safety)
- Call Campus Safety at (323)259-2599 24 hours a day, or
- Call the Dean of Students Office at (323)259-2661, Monday-Friday, 9 a.m.-5 p.m.

## COMMUNITY RESOURCES FOR STUDENTS AND EMPLOYEES

Students, faculty, and staff may also access resources in the local community. These organizations provide crisis intervention services, counseling, medical attention, and assistance in dealing with the criminal justice system. All individuals are encouraged to use the resources that are best suited to their needs, whether on or off campus.

### LAPD

911 (24 hours)

For dispatch, 877-ASK-LAPD (877-275-5273)

### LAPD Northeast Division

*(Occidental is located in Northeast Division)*

(323)561-3211

3353 N. San Fernando Road, Los Angeles, CA 90065

[www.lapdonline.org/northeast\\_community\\_police\\_station](http://www.lapdonline.org/northeast_community_police_station)

### Peace Over Violence (POV)

(213)955-9090

1015 Wilshire Blvd., Suite 200, Los Angeles, CA 90017

[www.peaceoverviolence.org](http://www.peaceoverviolence.org)

*POV case managers can provide assistance and support with the medical, psychological, emotional, and criminal legal process as well as accompaniment to hospitals, law enforcement agencies, and court appointments. All services are free and offered in English, Spanish, and ASL. The Peace Over Violence website also contains a list of various legal options and resources available to survivors:*

[www.peaceoverviolence.org/legal-services/?rq=your%20rights](http://www.peaceoverviolence.org/legal-services/?rq=your%20rights)

### Los Angeles LGBT Center

(323) 993-7400

1625 N. Schrader Blvd., Los Angeles, CA 90028

[www.lalgbtcenter.org](http://www.lalgbtcenter.org)

*Provides support and advocacy services for LGBTQ community members.*

There are many resources available on campus and in the surrounding community. These include Confidential Resources, which by law cannot share information without the consent of the individual seeking assistance (in most circumstances). There are also a variety of College resources that will be discreet and private but are not considered confidential. These resources will maintain the privacy of an individual's information within the limited need-to-know circle of those involved in the resolution of a complaint under this Policy. (For more information about the difference between "confidential" and "private" in the context of support and reporting resources, please see the section "Privacy and Confidentiality: Understanding the Differences" on pages 33-35.)

## CONFIDENTIAL RESOURCES FOR STUDENTS AND EMPLOYEES

An individual who seeks completely confidential assistance may do so by speaking with professionals who have a legally protected confidentiality. Students may report crimes on a voluntary, confidential basis on campus to the Project S.A.F.E. Senior Manager and Survivor Advocate, Emmons Wellness Center counselors, and ordained clergy in the Office for Religious & Spiritual Life.

Employees may access confidential assistance through the Employee Assistance Program. Information shared with these resources will remain confidential and will not be shared with the College or anyone else without express permission of the individual seeking services.

When a report involves suspected abuse of a minor under the age of 18, these confidential resources are required by state law to notify child protective services and/or local law enforcement.

The College strongly encourages all community members to make a prompt report of any incident of Prohibited Conduct to local law enforcement and the College. For individuals who are not prepared to make a report, or who may be unsure how to proceed, but are still seeking information and support, there are several legally-protected confidential resources available as listed below. These confidential resources will not share information with the College or anyone else without the individual's permission.

## ON-CAMPUS CONFIDENTIAL RESOURCES (NON-MEDICAL)

### *For Students*

#### **Occidental Sexual Violence Survivor Advocate**

**Marianne Frapwell, MSW, MBA**

(323)259-1359

[mfrapwell@oxy.edu](mailto:mfrapwell@oxy.edu)

*Accessible during business hours to provide completely confidential crisis support and resource options to students who experience sexual violence of any kind, including sexual assault, dating or domestic violence, stalking, sexual exploitation or sexual harassment. Support includes, but is not limited to, advising, academic flexibility, and accompanying survivors to rape treatment centers, or legal or law enforcement meetings. (Outside of business hours, advocacy services are provided by Peace Over Violence, and can be requested by calling the Oxy 24/7 Confidential Hotline listed below.) The Survivor Advocate also manages the Project S.A.F.E. office, which conducts comprehensive outreach and educational programming.*

**Oxy 24/7 Confidential Hotline**

(323)341- 4141

**Emmons Wellness Center**

(323)259-2657

[www.oxy.edu/emmons-wellness-center](http://www.oxy.edu/emmons-wellness-center)

*Provides confidential psychological counseling services.*

**Office for Religious and Spiritual Life**

(323)259-2621

[www.oxy.edu/office-religious-spiritual-life](http://www.oxy.edu/office-religious-spiritual-life)

*Provides spiritual guidance and, in the context of ordained clergy, confidential support.*

**For Employees**

**Employee Assistance Program**

*Provides confidential telephone or face-to-face consultation with a licensed professional counselor.*

(800)854-1446 (multilingual)

[www.unum.com/lifebalance](http://www.unum.com/lifebalance)

Emmons Wellness Center can provide referrals for employees.

**OFF-CAMPUS CONFIDENTIAL COMMUNITY RESOURCES**

**Rape, Abuse and Incest National Network (RAINN)**

*A confidential and anonymous national sexual assault and intimate partner violence and stalking hotline.*

(800)656-HOPE (1-800-656-4673)

[www.rainn.org](http://www.rainn.org)

**Peace Over Violence's L.A. Rape and Battering Hotline**

*The Los Angeles Rape and Battering hotline is a confidential 24-hour hotline where staff and volunteers are available to provide emotional support, advocacy, information and referrals.*

(626)793-3385 – West San Gabriel Valley

(213)626-3393 – Central Los Angeles

(310)392-8381 – South Los Angeles

[www.peaceoverviolence.org](http://www.peaceoverviolence.org)

**National Domestic Violence Hotline**

(800)799-SAFE (800-799-7233)

1-800-787-3224 TTY

[www.thehotline.org](http://www.thehotline.org)

## CONFIDENTIAL MEDICAL RESOURCES

In California, medical providers who treat a physical injury sustained from an assault, physical or sexual, are required by state law to report the assault to law enforcement. However, the patient has the right to request that a survivor advocate be present when the patient speaks with law enforcement and to request that law enforcement not pursue a criminal charge at that time. Further, the disclosure of private information contained in most medical records is generally protected by HIPAA, and community medical providers will not notify the College (or anyone else, other than law enforcement).

A SART (Sexual Assault Response Team)-equipped medical provider can provide emergency and/or follow-up medical services. The medical exam has two goals: first, to diagnose and treat the full extent of any injury or physical effect (including prevention of sexually transmitted illnesses and pregnancy) and second, to properly collect and preserve evidence.

Following an incident of sexual assault, there is a limited window of time (often about 96 hours) in which to preserve some physical evidence. However, this estimate should not deter survivors from requesting a forensic exam if it has been longer than 96 hours, as it may still be possible to gather other evidence and address related medical needs. It may also be possible to obtain evidence from towels, sheets, clothes, and other items for longer periods of time. It is best to gather evidence prior to washing a person's body or changing clothing. If clothes have been changed, the clothes worn at the time of the incident should be brought to the examination in a clean, sanitary container such as a paper grocery bag or wrapped in a clean sheet (plastic containers do not breathe and may render evidence useless). A change of clothing should also be brought to the hospital, as the clothes worn at the time of the incident will likely be kept as evidence.

Taking the steps to gather evidence immediately does not commit an individual to any particular course of action, or require an individual to file a police report. The decision to seek timely medical attention and gather any evidence, however, will preserve the full range of options to seek resolution under this Policy or through the pursuit of criminal prosecution, and may be helpful in obtaining protective orders.

On campus, Emmons Student Wellness Center can provide medical care; however, Emmons is not equipped for forensic examinations. As with off-campus medical providers, Emmons medical providers who treat a physical injury sustained from an assault, physical or sexual, are required by state law to report the assault to law enforcement.

Taxi vouchers are available at Campus Safety, Emmons Student Wellness Center, and Residential Education and Housing Services to provide free transportation to local medical centers. The Survivor Advocate is also available to accompany survivors to access off-campus resources. The two off-campus medical centers listed below are all designated by Los Angeles County as Sexual Assault Response Team ("SART") Centers. While the specific process and resources each SART Center offers may vary, generally each SART Center will provide an immediate, victim-centered response following an incident of sexual assault, including collaboration between the hospital, law enforcement agencies, and sexual assault counselors to provide comprehensive treatment options.



\*Medical providers who treat a physical injury sustained from an assault, physical or sexual, are required by state law to report the assault to law enforcement.

**San Gabriel Valley Medical Center**

(877)209-3049 (24/7 SART Hotline)

438 W. Las Tunas Drive

San Gabriel, CA 91776

[www.sgvmc.com/Clinical-Services/Sexual-Assault-Response-Team.aspx](http://www.sgvmc.com/Clinical-Services/Sexual-Assault-Response-Team.aspx)

**Rape Treatment Center at Santa Monica-UCLA Medical Center**

(424)259-7208

1250 16th St.

Santa Monica, CA 90404

[www.uclahealth.org/santa-monica/rape-treatment](http://www.uclahealth.org/santa-monica/rape-treatment)

*Additionally, the Rape Treatment Center employs on-site survivor advocates who can provide support to survivors.*

## LIST OF RESOURCES FOR REPORTING, CARE, AND SUPPORT

Below is a list of reporting, care, and support options, with accompanying contact information.

**California Women's Law Center (CWLC)**

(323) 951-1041

360 North Pacific Coast Hwy.,

Suite 2070 El Segundo, CA 90245

[www.cwlc.org](http://www.cwlc.org)

The CWLC has attorneys available to serve as a resource/advisor to complainants, men and women, who are filing Title IX sexual assault, harassment, or gender discrimination complaints and going through the resolution process.

\*Please note, however, that the College does not endorse or recommend this organization (or their attorneys), and that the organization makes an independent decision about the cases that it will accept and the terms of the representation.

**DFEH Los Angeles Office**

(213) 439-6799

320 West 4th Street, 10th Floor

Los Angeles, CA 90013

Any employee may pursue any charge of discrimination or harassment with the California Department of Fair Employment and Housing (DFEH).

**EEOC Los Angeles District Office**

(800)669-4000

Roybal Federal Building

255 East Temple Street, 4th Floor

Los Angeles, California 90012

Any employee may pursue any charge of discrimination or harassment with the federal Equal Opportunity Employment Commission (EEOC).

**Occidental College Human Resources Office**

(323)259-2613

[hr@oxy.edu](mailto:hr@oxy.edu)

Arthur G. Coons Administrative Center, 1st Floor

Addresses complaints of Prohibited Conduct against all employees (faculty, administration, and staff). Available on weekdays during regular office hours to respond to complaints related to employees of the College, including faculty.

**Project SAFE (Sexual Assault-Free Environment)**

Office: (323)341-4750

Survivor Advocate: (323)259-1359

Stewart-Cleland Hall, Lower Lounge

[www.oxy.edu/project-safe](http://www.oxy.edu/project-safe)

An on-campus prevention and education support program dedicated to ending sexual violence on campus through resources, advocacy, and educational programming related to issues of sexual violence and intimate partner violence.

**United States Department of Education**

Office for Civil Rights, San Francisco Office

U.S. Department of Education

50 United Nations Plaza, Room 1545

San Francisco, CA 94102

Telephone: (415)486-5555

TDD: (800)877-8339

E-mail: [OCR.sanfrancisco@ed.gov](mailto:OCR.sanfrancisco@ed.gov)

Inquiries or complaints concerning the College's compliance with Title IX and Title VI may be referred to the U.S. Department of Education's Office for Civil Rights.

### **Bureau for Private Postsecondary Education**

Physical Address:

Bureau for Private Postsecondary Education  
2535 Capitol Oaks Drive, Suite 400, Sacramento, CA 95833

Mailing Address:

Bureau for Private Postsecondary Education  
P.O. Box 980818  
West Sacramento, CA 95798-0818

The Bureau accepts all types of complaints related to the College, and may refer any complaint it receives including complaints related to institutional policies or procedures, or both, to the College, an accrediting agency, or another appropriate entity for resolution.

More information about filing a complaint with the Bureau can be found at:

[bppe.ca.gov/enforcement/faqs.shtml](http://bppe.ca.gov/enforcement/faqs.shtml) and [bppe.ca.gov/enforcement/complaint.shtml](http://bppe.ca.gov/enforcement/complaint.shtml).

For complaints: (888)370-7589, press 3 when prompted.

### **ANONYMOUS REPORTING**

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

The Online Sexual Violence Anonymous Reporting Form can be accessed via the link below which can also be found on the Title IX Office website ([www.oxy.edu/sexual-respect-title-ix](http://www.oxy.edu/sexual-respect-title-ix)).

[https://cm.maxient.com/reportingform.php?OccidentalCollege&layout\\_id=42](https://cm.maxient.com/reportingform.php?OccidentalCollege&layout_id=42).

The Title IX Coordinator will receive the anonymous report and will determine any appropriate steps, including individual or community remedies as appropriate, and in consultation with the Clery Team, compliance with all Clery Act obligations.

## **Sexual Misconduct, Intimate Partner Violence (Dating and Domestic Violence), and Stalking Defined**

### **TITLE IX SEXUAL HARASSMENT**

"Title IX Sexual Harassment" is a subset of Prohibited Conduct. Under Department of Education regulations (see 34 C.F.R., Part 106) issued in May 2020 to implement Title IX of the Education Amendments of 1972, the College is required to prohibit certain forms of sexual harassment as defined in those regulations.

Prohibited Conduct meets the definition of *Title IX Sexual Harassment* when:

- An Employee conditions the provision of an aid, a benefit, or a service on an individual's participation in unwelcome sexual conduct (i.e., Quid Pro Quo sexual harassment), within the United States; or
- A Student, Employee, or Third Party engages in unwelcome conduct on the basis of sex that would be determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies another person equal access to the College's programs or activities, in the United States; or
- A Student, Employee, or Third Party engages in Sexual Assault, Domestic Violence, Dating Violence, or Sexual and/or Gender-based Stalking as defined below; and
  - The alleged conduct was perpetrated against a person in the United States; and
  - The conduct took place within the College's programs and activities.

Conduct takes place within the "College's programs and activities" when that conduct occurs: (1) in a location, at an event, or in a circumstance where the College exercises substantial control over both the respondent and the context in which the conduct occurs; or (2) in any building owned or controlled by a student organization recognized by the College. Events that occur off campus or in locations with no connection to the College are unlikely to be considered a College program or activity. Conduct that does not meet this strict definition for Title IX Sexual Harassment is still prohibited by this policy if it otherwise constitutes Prohibited Conduct as further defined below. Prohibited Conduct under the definition of Title IX Sexual Harassment will follow the disciplinary resolution procedures outlined in Appendix

The following Prohibited Conduct definitions apply for purposes of the definition of Title IX Sexual Harassment:

*Title IX Quid Pro Quo Sexual Harassment*

Conduct on the basis of sex by which an employee of the College conditions the provision of an aid, benefit, or service of the College on an individual's participation in unwelcome sexual conduct.

*Title IX Severe, Pervasive and Objectively Offensive Sexual Harassment*

Conduct on the basis of sex that constitutes unwelcome conduct determined by a reasonable person to be so severe, pervasive and objectively offensive that it effectively denies a student or employee equal access to the College's education program or activity.

*Title IX Sexual Assault*

Title IX sexual assault includes rape, fondling, incest, or statutory rape, defined as follows:

- Rape is the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral-genital contact of another person without affirmative consent.
- Fondling is the touching of the private body parts of another person for the purpose of sexual gratification, without affirmative consent.
- Incest is sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- Statutory rape is sexual intercourse with a person who is under the statutory age of consent. Under California law, individuals younger than 18 years of age are legally incapable of giving

consent to sexual penetration or contact by an adult (someone 18 years of age or older) who is three or more years older than the individual.

*Title IX Domestic Violence*

Conduct, on the basis of sex, that constitutes a felony or misdemeanor crime of violence committed:

- By a current or former spouse or intimate partner of the complainant;
- By a person with whom the complainant shares a child in common;
- By a person who is cohabitating with, or has cohabitated with, the complainant as a spouse or intimate partner;
- By a person similarly situated to a spouse of the complainant 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 complainant 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.

*Title IX Dating Violence*

Conduct that constitutes violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the complainant. The existence of such a relationship will be determined based on the parties' statements and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For the purposes of this definition, dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of domestic violence.

*Title IX Stalking*

Conduct on the basis of sex that constitutes a course of conduct directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others or suffer substantial emotional distress. For the purposes of this definition:

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

**NON-TITLE IX MISCONDUCT**

Non-Title IX Misconduct is Prohibited Conduct that falls within the Scope of this Policy and the definitions below but that does not fall within the definition of Title IX Sexual Harassment, either due to the nature of the conduct or because it did not reportedly occur within a program or activity of the College in the United States. Non-Title IX Misconduct will follow the disciplinary resolution procedures outlined in Appendix B or Appendix C. Such conduct is defined for purposes of this policy as:

Non-Title IX Sexual Assault

Sexual Assault (i.e., rape, fondling, incest, or statutory rape) as defined in the Title IX Sexual Assault definition above that did not reportedly occur in a program or activity of the College in the United States.

Non-Consensual Sexual Contact

Any intentional touching of a person's breast(s), buttock(s), groin, genitals, or other intimate parts without affirmative consent. Touching may be over or under clothing and may include the respondent touching the complainant, the respondent making the complainant touch the respondent or another person, or the respondent making the complainant touch the complainant's own body.

Sex or Gender-Based Discrimination

The disparate treatment of a person or group because of that person's or group's sex, sexual orientation, gender identity, or gender expression.

Sexual or Gender-Based Harassment

"Harassment" is conduct that creates an intimidating, offensive, or hostile working or learning environment or that unreasonably interferes with work or academic performance based on a person's protected status, including sex, sexual orientation, gender identity, or gender expression. All such conduct is unlawful.

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

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

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

Quid Pro Quo Harassment. Submission to or rejection of such conduct is made, either explicitly or implicitly, a term or condition of an individual's employment, academic standing, or participation in any aspect of a College program or activity or is used as the basis for the College's decisions affecting the individual.

Hostile Environment. A hostile environment exists when the conduct is sufficiently severe, pervasive, or persistent that it unreasonably interferes with, limits, or deprives an individual from participating in or benefiting from the College's education or employment programs and/or activities. Whether conduct is sufficiently severe, pervasive, or persistent is determined both from a subjective and objective perspective.

Harassing conduct can take many forms. The determination of whether an environment is hostile is based on the totality of the circumstances, including but not limited to: (1) the frequency of the conduct; (2) the nature and severity of the conduct; (3) whether the conduct was physically threatening; (4) the effect of the conduct on the complainant's mental or emotional state, with consideration of whether the conduct unreasonably interfered with the complainant's educational or work performance and/or College programs or activities; (5) whether the conduct was directed at

more than one person; (6) whether the conduct arose in the context of other discriminatory conduct; and (7) whether the conduct implicates concerns related to academic freedom or protected speech.

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

Sexual or Gender-Based Harassment:

- May be blatant and intentional and involve an overt action, a threat or reprisal, or may be subtle and indirect, with a coercive aspect that is unstated.
- May be committed by anyone, regardless of gender, age, position or authority. While there is often a power differential between two persons, perhaps due to differences in age, social, educational or employment relationships, harassment can occur in any context.
- May be committed by a stranger, an acquaintance, or someone with whom the complainant has an intimate or sexual relationship.
- May be committed by or against an individual or may be a result of the actions of an organization or group.
- May occur by or against an individual of any sex, sexual orientation, gender identity, or gender expression.
- May occur in the classroom, in the workplace, in residential settings, or in any other setting.
- May be a one-time event or can be part of a pattern of behavior.
- May be committed in the presence of others or when the parties are alone.
- May affect the complainant and/or third parties who witness or observe harassment and are affected by it.

Examples of conduct that may constitute Sexual Harassment as defined above may include a severe, persistent, or pervasive pattern of unwelcome conduct that includes one or more of the following:

- Physical conduct, including unwelcome touching, sexual/physical assault, impeding, restraining, or blocking movements, or unwanted sexual advances;
- Verbal conduct, including making or using derogatory comments, epithets, slurs or humor; verbal abuse of a sexual nature, graphic verbal commentaries about an individual's body, sexually degrading words used to describe an individual, suggestive or obscene letters, notes, or invitations; or objectively offensive comments of a sexual nature, including persistent or pervasive sexually explicit statements, questions, jokes, or anecdotes;
- Visual conduct, including leering, making sexual gestures, displaying of suggestive objects or pictures, cartoons, or posters in a public space or forum; or severe, persistent, or pervasive visual displays of suggestive, erotic, or degrading sexually oriented images that are not pedagogically appropriate;
- Written conduct, including letters, notes or electronic communications containing comments, words, or images described above;

- Quid pro quo conduct, including direct propositions of a sexual nature between those for whom a power imbalance or supervisory or other authority relationship exists; offering educational or employment benefits in exchange for sexual favors; making submission to sexual advances an actual or implied condition of employment, work status, promotion, grades, or letters of recommendation, including subtle pressure for sexual activity, an element of which may be repeated requests for private meetings with no academic or work purpose; or making or threatening reprisals after a negative response to sexual advances.

Sexual Exploitation

Any act where one person violates the sexual privacy of another or takes unjust or abusive sexual advantage of another. Sexual exploitation may include:

- surreptitiously observing another individual's nudity or sexual activity or allowing another to observe consensual sexual activity without the knowledge and consent of all parties involved;
- recording, photographing, transmitting, showing, viewing, streaming, or distributing intimate or sexual images, audio recordings, or sexual information without the knowledge and consent of all parties involved;
- exposing one's genitals or inducing another to expose their own genitals;
- knowingly exposing another individual to a sexually transmitted disease or virus; and
- inducing incapacitation for the purpose of making another person vulnerable to non-consensual sexual activity.

Non-Title IX Stalking

Stalking as defined in the Title IX Stalking definition above that did not reportedly occur in a program or activity of the College in the United States, or that otherwise fits within the definition of stalking but does not fall within the Title IX Stalking definition because the reported conduct is not directed at the alleged victim on the basis of sex.

Non-Title IX Dating Violence

Dating violence as defined in the Title IX Dating Violence definition above that did not reportedly occur in a program or activity of the College in the United States.

Non-Title IX Domestic Violence

Domestic violence as defined in the Title IX Domestic Violence definition above that did not reportedly occur in a program or activity of the College in the United States.

***Occidental's policy and policy definitions of sexual misconduct, intimate partner violence, and stalking are those that are applied to members of the Occidental community. These also constitute violations of California state law.***



## California Definitions: Sexual Assault, Intimate Partner Violence, and Stalking

Crimes generally referred to as sexual assault may be prosecuted through California's sexual battery laws. **Sexual Battery** is defined by California's Penal Code Section 243.4 as:

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

As used in this subdivision, "touches" means physical contact with another person, whether accomplished directly, through the clothing of the person committing the offense, or through the clothing of the victim.

- (f) As used in subdivisions (a), (b), and (c), "touches" means physical contact with the skin of another person whether accomplished directly or through the clothing of the person committing the offense.

The following terms have the following meanings:

- (1) "Intimate part" means the sexual organ, anus, groin, or buttocks of any person, and the breast of a female.
- (2) "Sexual battery" does not include the crimes defined in Section 261 or 289.
- (3) "Seriously disabled" means a person with severe physical or sensory disabilities.

(4)“Medically incapacitated” means a person who is incapacitated as a result of prescribed sedatives, anesthesia, or other medication.

(5)“Institutionalized” means a person who is located voluntarily or involuntarily in a hospital, medical treatment facility, nursing home, acute care facility, or mental hospital.

(6)“Minor” means a person under 18 years of age.

California Penal Code Section 646.9 defines **Stalking** as:

- a.. Any person who willfully, maliciously, and repeatedly follows or willfully and maliciously harasses another person and who makes a credible threat with the intent to place that person in reasonable fear for his or her safety, or the safety of his or her immediate family, is guilty of the crime of stalking.
- b.. Any person who violates subdivision (a) when there is a temporary restraining order, injunction, or any other court order in effect prohibiting the behavior described in subdivision (a) against the same party

California Penal Code Section 13700 defines **Abuse and Domestic Violence** as:

**Abuse** means intentionally or recklessly causing or attempting to cause bodily injury, or placing another person in reasonable apprehension of imminent serious bodily injury to himself or herself, or another.

**Domestic Violence** means abuse committed against an adult or a minor who is a spouse, former spouse, cohabitant, former cohabitant, or a person with whom the respondent has had a child or is having a child where the presumption applies that the male parent is the father of the child of the female parent under the Uniform Parentage Act, or is having or has had a dating or engagement relationship.

**Cohabitant** means two unrelated adult persons living together for a substantial period of time, resulting in some permanency of relationship. Factors that may determine whether persons are cohabiting include, but are not limited to, (1) sexual relations between the parties while sharing the same living quarters, (2) sharing of income or expenses, (3) joint use or ownership of property, (4) whether the parties hold themselves out as husband and wife, (5) the continuity of the relationship, and (6) the length of the relationship.

California does not define “dating violence.”

## **Sexual Misconduct & Intimate Partner Violence: Definitions of Key Terms**

To provide clarity to all individuals as to the kinds of behavior, which constitute Sexual Misconduct and/or Intimate Partner Violence, the College further defines key terms which the College will use in evaluating whether Prohibited Conduct has occurred.

## AFFIRMATIVE CONSENT

Affirmative Consent means affirmative, conscious, and voluntary agreement to engage in sexual activity. Affirmative consent is required for any sexual activity to occur between two or more individuals. It is the responsibility of each person involved in the sexual activity to ensure that the person has the affirmative consent of the other(s) to engage in the sexual activity.

Consent: Under California law, consent means positive cooperation in act or attitude pursuant to an exercise of free will. The person must act freely and voluntarily and have knowledge of the nature of the act or transaction involved.

The following are essential elements of affirmative consent:

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

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

*Mutually understandable:* Communication regarding consent consists of mutually understandable words and/or actions that indicate a mutually unambiguous willingness to engage in sexual activity. Consent may not be inferred from silence, passivity, lack of resistance, or lack of active response. An individual who does not physically resist or verbally refuse sexual activity is not necessarily giving consent. Relying solely upon non-verbal communication can lead to a false conclusion as to whether consent was sought or given.

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

*Not unlimited:* Consent to one form of sexual contact does not constitute consent to all forms of sexual contact, nor does consent to sexual activity with one person constitute consent to activity with any other person. Each participant in a sexual encounter must consent to each form of sexual contact with each participant. Even in the context of a current or previous intimate relationship, each Party must consent to each instance of sexual contact each time. The consent must be based on mutually understandable communication that clearly indicates a willingness to engage in sexual activity. The mere fact that there has been prior intimacy or sexual activity does not, by itself, imply consent to future acts.

**Age:** The state of California considers sexual intercourse with a minor to be unlawful. A person who engages in felony unlawful sexual intercourse as described in the California Penal Code does so without effective consent as defined by the College's Interim Sexual Misconduct Policy. Specifically, there is no effective consent under the College's Interim Sexual Misconduct Policy where one Party (the "minor") is under the age of 18, and the other Party is more than three years older than the minor.

**It shall not be a valid excuse to alleged lack of affirmative consent that the Respondent believed that the Complainant consented to the sexual activity under either of the following circumstances: (a) the Respondent's belief in affirmative consent arose from the intoxication or recklessness of the Respondent, or (b) the Respondent did not take reasonable steps, in the circumstances known to the Respondent at the time, to ascertain whether the Complainant affirmatively consented.**

## **FORCE**

Force is the use or threat of physical violence to overcome an individual's freedom of will to choose whether or not to participate in sexual activity or provide consent. Consent obtained by force is not valid.

For the use of force to be demonstrated, there is no requirement that a Complainant resist the sexual advance or request. However, evidence of resistance by the Complainant will be viewed as a clear demonstration of a lack of consent.

## **INTIMIDATION**

Intimidation is the use of implied threats to overcome an individual's freedom of will to choose whether or not to participate in sexual activity or provide consent. Consent obtained by intimidation is not valid.

## **COERCION**

Coercion is the improper use of pressure to compel another individual to initiate or continue sexual activity against that individual's will. Consent obtained through coercion is not valid.

Coercion can include a wide range of behaviors, including intimidation, manipulation, threats, and blackmail. A person's words or conduct are sufficient to constitute coercion if they wrongfully impair another individual's freedom of will and ability to choose whether or not to engage in sexual activity. Examples of coercion include threatening to "out" someone based on sexual orientation, gender identity, or gender expression and threatening to harm oneself if the other Party does not engage in the sexual activity. When someone indicates, verbally or physically, that they do not want to engage in a particular sexual activity, that they want to stop a particular activity, or that they do not want to go past a certain point of sexual interaction, continued activity or pressure to continue beyond that point can be coercive. The College will evaluate the following in determining whether coercion was used: (a) the frequency of the application of pressure, (b) the intensity of the pressure, (c) the degree of isolation of the person being pressured, and (4) the duration of the pressure.

## INCAPACITATION

Incapacitation is a state where an individual cannot make an informed and rational decision to engage in sexual activity because of a lack of conscious understanding of the fact, nature, or extent of the act (e.g., to understand the who, what, when, where, why, or how of the sexual interaction) and/or is physically helpless. For example, an individual is incapacitated, and therefore unable to give consent, if the individual is asleep, unconscious, or otherwise unaware that sexual activity is occurring. An individual will also be considered incapacitated if the person cannot understand the nature of the activity or communicate due to a mental or physical condition.

Incapacitation may result from the use of alcohol, drugs, or other medication. Consumption of alcohol or other drugs alone is insufficient to establish incapacitation.

The impact of alcohol and drugs varies from person to person, and evaluating incapacitation requires an assessment of how the consumption of alcohol and/or drugs impacts an individual's: (1) decision-making ability; (2) awareness of consequences; (3) ability to make informed judgments; or (4) capacity to appreciate the nature and the quality of the act.

**It shall not be a valid excuse that the Respondent believed that the Complainant affirmatively consented to the sexual activity if the Respondent knew or reasonably should have known that the Complainant was unable to consent to the sexual activity under any of the following circumstances: (a) the Complainant was asleep or unconscious; (b) the Complainant was incapacitated due to the influence of drugs, alcohol, or medication, so that the Complainant could not understand the fact, nature, or extent of the sexual activity; (c) the Complainant was unable to communicate due to a mental or physical condition.**

Whether the Respondent reasonably should have known that the Complainant was incapacitated will be evaluated using an objective reasonable person standard. The fact that the Respondent was actually unaware of the Complainant's incapacity is irrelevant to this analysis, particularly where the Respondent's failure to appreciate the Complainant's incapacitation resulted from the Respondent's failure to take reasonable steps to determine the Complainant's incapacitation or where the Respondent's own incapacitation (from alcohol or drugs) caused the Respondent to misjudge the Complainant's incapacity.

It is the responsibility of each Party to be aware of the intoxication level of the other Party before engaging in sexual activity. In general, sexual activity while under the influence of alcohol or other drugs poses a risk to all Parties. If there is any doubt as to the level or extent of the other individual's intoxication, it is safest to forgo or cease any sexual contact or activity.

Being intoxicated by drugs or alcohol is no defense to any violation of this Policy and does not diminish one's responsibility to obtain consent.

## Privacy and Confidentiality: Understanding the Differences

The College is committed to protecting the privacy of all individuals involved in the investigation and resolution of reports under this Policy. The College also is committed to assisting students, employees, and third Parties in making informed choices. With respect to any report under this Policy, the College will make reasonable efforts to protect the privacy of participants, in accordance with applicable state and federal law, while balancing the need to gather information to take steps to eliminate Prohibited Conduct, prevent its recurrence, and remedy its effects.

All College employees who are involved in the College's Title IX response receive specific instruction about respecting and safeguarding private information, and for ensuring that the victim's personally identifying information will not be included in any publicly available recordkeeping, including *Clery Act* reporting and disclosures such as the Annual Fire Safety and Security Report and the daily crime log. (Personally identifying information is defined in Section 40002(a) of the *Violence Against Women Act of 1994* as "individually identifying information for or about an individual, including information likely to disclose the location of a victim of domestic violence, dating violence, sexual assault or stalking ... ." It includes a person's first and last name; a home or other physical address; contact information; a social security number, driver's license number, passport number or student ID number; and any other information, including date of birth, racial or ethnic background, or religious affiliation that would serve to identify any individual.)

**"Privacy" and "confidentiality" have distinct meanings under this Policy.**

### PRIVACY

Privacy generally means that information related to a report of Prohibited Conduct ***will only be shared with a limited circle of individuals who "need to know" in order to assist in the assessment, investigation, or resolution of the report.*** While not bound by confidentiality, these individuals will be discreet and respect the privacy of all individuals involved in the process.

The privacy of student education records will be protected in accordance with the *Family Educational Rights and Privacy Act* (FERPA), as outlined in the College's FERPA policy ([www.oxy.edu/student-handbook/general-college-policies/family-education-rights-privacy-act-ferpa](http://www.oxy.edu/student-handbook/general-college-policies/family-education-rights-privacy-act-ferpa)). The privacy of an individual's medical and related records may be protected by the *Health Insurance Portability and Accountability Act* (HIPAA), excepting health records protected by FERPA and by the *California Confidentiality of Medical Information Act* (CMIA). Access to an employee's personnel records may be restricted by applicable California and federal law.

While there are certain limitations on privacy, the College generally will not release the names of the Complainant or Respondent to the general public without express written consent or absent another exception consistent with the law. The release of names will be guided by applicable law, including FERPA and the *Clery Act*.

In addition, no information shall be released from a proceeding to enforce this Policy except as required or permitted by law and College policy.

## CONFIDENTIALITY

Confidentiality generally means that information shared by an individual with designated campus or community professionals ***cannot be revealed to any other individual without the express permission of the individual except as otherwise provided by law.***

The confidentiality of information shared by an individual with designated campus or community professionals generally is governed by California law, including California Evidence Code restrictions on disclosure of information by mental health providers, ordained clergy, rape crisis counselors, and attorneys, all of whom have legally protected confidentiality. These individuals are prohibited from breaking confidentiality unless there is an imminent threat of harm to self or others.

An individual who seeks confidential assistance may do so by speaking with professionals who have a legally protected confidentiality. Note, however, that these confidential resources are required by state law to notify child protective services and/or local law enforcement of any report that involves suspected abuse of a minor under the age of 18.

## REQUESTS FOR CONFIDENTIALITY

A student may desire to report Prohibited Conduct to the College but maintain confidentiality; if so, the Title IX Coordinator will evaluate such requests. Where a Complainant requests that the Complainant's name or other identifiable information not be shared with the Respondent or that no formal action be taken, the Title IX Coordinator, in conjunction with the Title IX team, will balance the Complainant's request with its dual obligation to provide a safe and non-discriminatory environment for all College community members and to remain true to principles of fundamental fairness that ordinarily provide for notice and an opportunity to respond before action is taken against a Respondent. In making this determination, the College may consider the seriousness of the conduct, the respective ages and roles of the Complainant and Respondent, whether there have been other complaints or reports of harassment or misconduct against the Respondent, and the rights of the Respondent to receive notice and relevant information before disciplinary action is sought.

The College will take all reasonable steps to investigate and respond to the complaint consistent with the request for confidentiality or request not to pursue an investigation, but its ability to do so may be limited based on the nature of the request by the Complainant. Where the College is unable to take action consistent with the request of the Complainant, the Title IX Coordinator or a member of the Title IX team will inform the Complainant about the chosen course of action, which may include the College seeking disciplinary action against a Respondent. Alternatively, the course of action may also include steps to limit the effects of the alleged harassment and prevent its recurrence that do not involve formal disciplinary action against a Respondent or revealing the identity of the Complainant.

## Reporting Sexual Misconduct, Intimate Partner Violence (Dating Violence, Domestic Violence), and Stalking

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

The College also strongly encourages all individuals to make a report to the College and to local law enforcement, although neither is required. These reporting options are not mutually exclusive. Both internal and criminal reports may be made simultaneously.

The College has a strong interest in supporting survivors of sexual harassment, sexual violence, stalking, and intimate partner violence and strongly encourages all individuals or third-party witnesses to report any incident to the College.

Making a report means telling a Responsible Employee what happened — in person, by telephone, in writing, or by email. At the time a report is made, a Complainant does not have to request any particular course of action, nor does a Complainant need to know how to label what happened. Choosing to make a report, and deciding how to proceed after making the report, can be a process that unfolds over time. The College provides support that can assist each individual in making these important decisions, and will respect an individual's autonomy in deciding how to proceed to the extent legally possible. In this process, the College will balance the individual's interest with its obligation to provide a safe and non-discriminatory environment for all members of the College community. The Interim Sexual Misconduct Policy applies to students and employees. When the accused is an employee and discipline is imposed, additional procedures are applicable as described in the Employee and Faculty Handbooks.

The College will investigate and resolve all reports of Prohibited Conduct in a fair and impartial manner. A Complainant, a Respondent, and all individuals involved will be treated with dignity and respect. In response to all reports of Prohibited Conduct, the College will make an immediate assessment of 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 may include interim measures to provide for the safety of the individual and the campus community.

The College's Interim Sexual Misconduct Policy can be read in full on the Title IX Office's website: [www.oxy.edu/sexual-respect-title-ix/policies-procedures](http://www.oxy.edu/sexual-respect-title-ix/policies-procedures).

### EMERGENCY AND EXTERNAL REPORTING OPTIONS

Complainants have the right to notify or decline to notify law enforcement. The College strongly encourages all individuals to seek assistance from law enforcement immediately after an incident of sexual misconduct, intimate partner violence, or any other Prohibited Conduct. This is the best option to ensure preservation of evidence and to begin a timely investigative and remedial response. Police have unique legal authority, including the power to seek and execute search warrants, collect forensic evidence, make arrests, and assist in seeking emergency protective orders. The College will help any



Occidental community member to get to a safe place and will provide transportation to the hospital, coordination with law enforcement, and information about on- and off-campus resources and options for resolution.

- LAPD (Los Angeles Police Department) 911
- LAPD Northeast Division: (323)561-3211

## OTHER REPORTING CONSIDERATIONS

### ***Timeliness and Location of Incident***

Complainants and third-party witnesses are encouraged to report Prohibited Conduct as soon as possible in order to maximize the College's ability to respond promptly and effectively. The College does not, however, limit the time frame for reporting. If the Respondent is not a member of the Occidental community, the College will still seek to meet its Title IX obligation by taking steps to end the prohibited conduct, prevent its recurrence, and address its effects, but its ability to take disciplinary action against the Respondent will, of course, be limited.

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

### ***Amnesty for Alcohol or Other Drug Use or Other Conduct Violations by Students***

The College strongly encourages the reporting of Prohibited Conduct under this Policy. It is in the best interest of this community that as many Complainants as possible choose to report to college officials and that participants in the grievance process are forthright in sharing information. To guard against discouraging reporting or participation, a student who reports Prohibited Conduct or participates in the grievance process, either as a Complainant, Respondent, or a third-Party witness, will not be subject to disciplinary action by the College for personal consumption of alcohol or drugs or other violations of the conduct policy (not including the Interim Sexual Misconduct Policy) at or near the time of the incident, provided that any such violations did not and do not place the health or safety of any other person at risk and do not involve plagiarism, cheating, or academic dishonesty. The College may, however, initiate an educational discussion or pursue other educational remedies with the student regarding alcohol or other drugs. **Being intoxicated by drugs or alcohol is no defense to any violation of the Policy and does not diminish one's responsibility to obtain consent.**

### ***Coordination with Law Enforcement***

The College strongly encourages Complainants to pursue criminal action for incidents of sexual harassment, sexual violence, and intimate partner violence that may also be crimes under California law. The College will assist a Complainant in making a criminal report and cooperate with law enforcement agencies if a Complainant decides to pursue the criminal process to the extent permitted by law.

The College's Policy, definitions, and burden of proof may differ from California criminal law. A Complainant may seek recourse under the Policy and/or pursue criminal action. Neither law enforcement's determination whether or not to prosecute a Respondent, nor the outcome of any criminal

prosecution, are determinative of whether a violation of the Policy has occurred. Proceedings under this Policy may be carried out prior to, simultaneously with, or following civil or criminal proceedings off campus.

The College may not delay conducting its own investigation unless specifically requested by the law enforcement (e.g., LAPD). In the event of such specific request, the College shall defer its investigation only during the time that law enforcement is gathering evidence, which should not exceed ten (10) days absent extenuating circumstances. The College will nevertheless communicate with the Complainant and Respondent (if appropriate) regarding Title IX rights, procedural options, and the implementation of supportive measures to assure safety and well-being. The College will promptly resume fact-gathering as soon as it is informed that law enforcement has completed its initial investigation.

### ***False Reports***

The College takes the accuracy of information very seriously, as a report of Prohibited Conduct may have severe consequences. A good-faith complaint that results in a finding of not responsible is not considered a false or fabricated report of Prohibited Conduct. However, when a Complainant or third Party witness is found to have fabricated allegations or given false information with malicious intent or in bad faith, the Complainant may be subject to disciplinary action. It is a violation of the Code of Student Conduct to make an intentionally false report of any Policy violation, and it may also violate state criminal statutes and civil defamation laws.

### ***Reports Involving Minors or Suspected Child Abuse***

Under California law, an individual must make a mandatory report of suspected child abuse and neglect, including sexual assault, when that individual, in their professional capacity or within the scope of their employment, has knowledge of, or observes, a minor under the age of 18 whom the individual knows or reasonably suspects has been the survivor of child abuse or neglect.

All College employees are required to immediately report any suspected child abuse and neglect to the Title IX Coordinator and the Director of Campus Safety. The source of abuse does not need to be known in order to file a report.

The College will report all suspected child abuse and neglect, including sexual assault, to law enforcement and/or the Los Angeles County Department of Child and Family Services. The College must act quickly regarding all reasonable suspicions of sexual or physical abuse. It is not the responsibility of any employee, student, or volunteer to investigate suspected child abuse. This is the role of Child Protective Services and law enforcement authorities.

In addition to notifying the Title IX Coordinator and Director of Campus Safety, any individual may make a direct report as follows:

- If a child is in immediate danger, call 911.
- If there is no immediate danger, contact the Child Protection Hotline 24 hours a day, 7 days a week, at (800)540-4000. If calling from outside of California, call (213)639-4500.

## How the College Addresses Reports of Sexual Misconduct, Intimate Partner Violence (Dating Violence, Domestic Violence), and Stalking

The College will respond to all reports of Prohibited Conduct in a fair and impartial manner. A complainant, a respondent, and all individuals involved will be treated with dignity and respect. In response to all reports of Prohibited Conduct, the College will make an immediate assessment of a risk of harm to the complainant, respondent, or to the broader campus community and will take steps to address those risks. These steps may include interim supportive or protective measures to provide for the safety of the individual and the campus community.

Reports of violations of this Policy may be made to the Title IX Coordinator. A formal complaint may be filed at any time by using the form provided at <https://www.oxy.edu/sexual-respect-title-ix>. A formal complaint may be submitted by dropping it off at the Title IX Office, by email, or by mail. Upon receipt of any formal complaint, the Title IX Coordinator will contact the complainant to conduct an intake interview.

In the event that a complainant has filed a formal complaint but then declines to participate in an intake interview, if the formal complaint contains an allegation meeting all of the jurisdictional elements of this Policy, the formal complaint is signed and requests an investigation, the Title IX Coordinator will put the respondent on notice of the allegation and commence the investigation process.

### Complainant And Respondent Rights During The Process

*The Complainant and Respondent have the right:*

- To know in advance the names of all persons to be called.
- To have an adviser of their choice (one person) to accompany them throughout the proceeding, including interviews, meetings, conduct conferences, and hearings.
- To not have irrelevant sexual history presented or discussed.
- To be present and speak on their own behalf and pose questions to all participants (through their advisors).
- To have access to the investigation report, College policy, and any other materials presented as part of the adjudicative process.
- To not have to see or be in the presence of the person named in the complaint.
- To be informed in writing of the outcome of the hearing and the process in a timely manner.
- To appeal the outcome of a conduct conference or formal hearing based upon the procedures used, or new information unavailable during the proceedings.

## OVERVIEW OF RESOLUTION OPTIONS

The College is committed to providing a prompt, thorough, equitable, and impartial resolution of all reported violations of this Policy. The College uses two processes to resolve reports of Prohibited Conduct under this Policy: Disciplinary Resolution, which involves an investigation and adjudication, and if appropriate, the imposition of sanctions, and Adaptable Resolution, which includes restorative options for resolving reports. The Title IX Coordinator will determine the appropriate resolution process after making an initial assessment of the reported information, considering the stated interests of the parties, campus safety, and the College's obligation to maintain an environment free from harassment and discrimination.

The processes under this Policy are separate and distinct from California's criminal procedures. Proceedings under this Policy may be carried out prior to, simultaneously with, or following civil or criminal proceedings off-campus. Neither a decision by law enforcement regarding prosecution nor the outcome of any criminal proceeding will be considered determinative of whether a violation of this Policy occurred.

### Initial Assessment

After receiving a report of Prohibited Conduct, the Title IX Office will gather information about the reported conduct and respond to any immediate health or safety concerns raised by the report. The Title IX Office will assess the complainant's safety and well-being, offer the College's immediate support and assistance, and assess the nature and circumstances of the report to determine whether the reported conduct raises a potential Policy violation, whether the reported conduct is within the scope of this Policy, and the appropriate manner of resolution under this Policy. As part of the initial assessment, the Title IX Office will:

- assess the nature and circumstances of the report;
- address immediate physical safety and emotional well-being;
- notify the complainant of their right to contact (or decline to contact) law enforcement or seek a civil protection order;
- notify the complainant of the right to seek medical treatment;
- notify the complainant of the importance of preservation of evidence;
- communicate necessary details of the report to Campus Safety to enter the report into the College's daily crime log if required by the Clery Act;
- provide the complainant with written information about on- and off-campus resources;
- notify the complainant of the range of interim or supportive measures available, including the right to reasonable interim remedial measures

regardless of whether they choose to participate in a College or law enforcement investigation;

- provide the complainant with an explanation of the procedural options, including Disciplinary Resolution and Adaptable Resolution;
- discuss the complainant's preference for manner of resolution and any barriers to proceeding;
- discuss the process for filing a formal complaint;
- notify the complainant of the right to be accompanied by an advisor of choice;
- assess for any pattern of conduct by the respondent;
- explain the College's policy prohibiting retaliation, that the College will take prompt action when retaliation is reported, and how to report acts of retaliation; and
- determine age of the complainant; and if the complainant is a minor, or was a minor at the time of the alleged Prohibited Conduct, make the appropriate notifications to state agencies.

Any Supportive Measures put in place will be kept private, except to the extent that doing so impairs the ability of the institution to provide the supportive measures. For example, to effectuate a housing change, staff at Residential Education and Housing Services will be informed of the need to assist with a housing change as directed by the Title IX Coordinator but will not be provided with any of the details of any complaint. When the Title IX Coordinator decides to initiate an investigation, impose interim protective measures, or take any other action that impacts a respondent, the Title IX Coordinator will also ensure that the respondent is notified and receives written information on available resources and options.

At the conclusion of the initial assessment, the College will proceed with one of the following options:

- Proceed with an investigation and resolution under the Disciplinary Resolution process as outlined in [Appendix A](#), [Appendix B](#), or [Appendix C](#). This will occur when a complainant requests an investigation and the Title IX Coordinator determines it is appropriate; when the Title IX Coordinator determines that an investigation must be pursued even when a complainant requests that no investigation be pursued; or when Adaptable Resolution is not appropriate or available.
- Proceed with the Adaptable Resolution process as outlined in [Appendix D](#). This will always require the consent of the complainant. The consent of the respondent is also required when the form of resolution involves the respondent.

- If outside the scope of this Policy, refer the matter to another appropriate office or department for resolution under the relevant policy.
- Close the report with the option to re-open it at another time if the complainant requests resolution or if the College subsequently determines there is a need to further investigate the alleged misconduct.

### **Formal Complaints, Dismissals and Appeals of Dismissals**

A formal complaint for purposes of this Policy is a document filed by a complainant or signed by the Title IX Coordinator alleging Title IX Sexual Harassment and requesting that the College investigate the allegation. A formal complaint may be filed at any time by using the form provided at <https://www.oxy.edu/sexual-respect-title-ix>. A form may be submitted by dropping it off at the Title IX Office, by email, or by mail. Upon receipt of a complaint, the Title IX Coordinator will contact the complainant to conduct an intake interview. When a complainant submits a formal complaint, the Title IX Coordinator will first promptly determine whether:

- the conduct alleged would, if proved, constitute Title IX Sexual Harassment;
- the conduct alleged occurred in the College's education program or activity;
- the conduct alleged occurred in the United States;
- the conduct alleged occurred on or after August 14, 2020; and
- the complainant is participating in or attempting to participate in the College's education program or activity at the time the complaint is filed.

If the formal complaint satisfies all of these elements, it will be investigated and resolved as a Title IX Sexual Harassment matter through the procedures outlined in Appendix A. If it appears based upon initial review or upon information gathered during an investigation that a formal complaint does not satisfy and/or no longer satisfies all of these elements, the College will dismiss the formal complaint for purposes of the Title IX Sexual Harassment process. The Title IX Coordinator may upon such dismissal transfer the matter for handling under the disciplinary processes outlined in Appendix B or Appendix C, or other College procedures, as deemed appropriate by the College.

Even if the allegations of a formal complaint fall within the definition of Title IX Sexual Harassment, the Title IX Coordinator may (but is not required to) dismiss a formal complaint or any allegations therein if at any time during the investigation or resolution process:

- 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 or employed by the College; or
- Specific circumstances prevent the College from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

If a formal complaint is dismissed by the College under the circumstances described above, the College will simultaneously provide to the parties written notice of the dismissal and the reasons for the dismissal, and notice of the parties' opportunity to appeal such dismissal through the appeal procedures outlined in Appendix G.

### **Formal Complaints Signed by Title IX Coordinator**

In cases where it appears based on an initial report that the elements stated above would be satisfied, but the complainant does not wish to file a formal complaint, the Title IX Coordinator may, in their discretion, decide to sign a complaint of Title IX Sexual Harassment and initiate an investigation and resolution process under the process outlined below. If this occurs, the Title IX Coordinator will not be a complainant or otherwise a party to the matter. Additionally, if a formal complaint is dismissed as described above because it does not fit within the definition of Title IX Sexual Harassment, but the Title IX Coordinator determines that the allegations of the complaint may constitute Non-Title IX Misconduct, the Title IX Coordinator may (upon the resolution of, and to the extent consistent with the result of, any appeal of such dismissal), address the alleged Non-Title IX Misconduct through the disciplinary resolution procedures outlined in Appendix B or Appendix C.

### **Balancing Complainant Autonomy with the College's Responsibility to Investigate**

In order to protect the safety of the campus community, the Title IX Coordinator may need to proceed with an investigation even if a complainant specifically requests that the matter not be pursued. The Title IX Office may also initiate an investigation of potential violations of this Policy even absent a formal report or identified complainant or respondent and even if a report has been withdrawn. In such a circumstance, the Title IX Coordinator will take into account the complainant's articulated concerns, the safety of the campus community, fairness to all individuals involved, and the College's obligations under Title IX.

A complainant may request that their name or other personally identifiable information not be shared with a respondent, that no investigation be pursued, or that no disciplinary action be taken. In these instances, before taking any further investigative steps, a member of the Title IX Office will discuss any concerns with the complainant and seek to address and remedy barriers to reporting and/or participation based upon concerns about retaliation or other lack of clarity in understanding procedural options and potential outcomes. In reaching a determination on

whether to honor a complainant's request that the matter not be pursued, the Title IX Coordinator will balance the complainant's request against the following factors:

- the totality of the known circumstances;
- the nature and scope of the alleged conduct, including whether the reported behavior involves the use of a weapon;
- the respective ages and roles of the complainant and respondent;
- the risk posed to any individual or to the campus community by not proceeding, including the risk of additional violence;
- whether there have been other reports of other Prohibited Conduct or other misconduct by the respondent;
- whether the report reveals a pattern of misconduct related to Prohibited Conduct at a given location or by a particular group;
- the complainant's interest in the College not pursuing an investigation or disciplinary action and the impact of such actions on the complainant;
- whether the College possesses other means to obtain relevant evidence;
- fairness considerations for both the complainant and the respondent;
- the College's obligation to provide a safe and non-discriminatory environment; and
- any other available and relevant information.

The Title IX Coordinator will consider what steps may be possible or appropriate when a respondent is unknown or the complainant requests anonymity, and what other measures or remedies might be considered to address any effects of the reported behavior on the campus community. The Title IX Coordinator will make a determination regarding the appropriate manner of resolution under the policy. The College will seek resolution consistent with the complainant's request, if it is possible to do so, based upon the facts and circumstances, while also protecting the health and safety of the complainant and the College community.

Where the Title IX Coordinator determines that a complainant's request(s) can be honored, the College may nevertheless take other appropriate steps to eliminate the reported conduct, prevent its recurrence, and remedy its effects on the complainant and the College community. Those steps may include offering appropriate remedial measures to the complainant, providing targeted training and prevention programs, and/or providing or imposing other remedies. The Title IX Coordinator may also request that a report be reopened and pursued under this Policy if any new or additional information becomes available, and/or if the complainant decides that they would like Disciplinary Resolution to occur.

In those instances when the Title IX Coordinator determines that the College must proceed with an investigation despite the complainant's request that it not occur, the Title IX Coordinator will notify the complainant that the College intends to initiate an investigation. The College's ability to



investigate and respond fully to a report may be limited if the complainant requests anonymity or declines to participate in an investigation. The College will, however, pursue other steps to limit the effects of the potential Prohibited Conduct and prevent its recurrence. In all cases, the final decision on whether, how, and to what extent the College will conduct an investigation and whether other interim remedial or protective measures will be taken in connection with a report of Prohibited Conduct will be made in a manner consistent with this Policy.

## **SUPPORTIVE MEASURES AND REMEDIES**

Upon receipt of a report, the College will provide reasonable and appropriate supportive measures designed to eliminate the alleged hostile environment and protect the Parties involved. The College will make reasonable efforts to communicate with the Parties to ensure that all safety, emotional and physical well-being concerns are being addressed. Supportive measures may be imposed regardless of whether formal disciplinary action is sought by the Complainant or the College, and regardless of whether the crime is reported to Campus Safety or local law enforcement.

A Complainant or Respondent may request a No Contact Letter or other protection, or the College may choose to impose supportive measures at its discretion to ensure the safety of all Parties, the broader College community, and/or the integrity of the process. The College will maintain the privacy of any remedial and protective measures provided under this Policy to the extent practicable and will promptly address any violation of the protective measures. All individuals are encouraged to report concerns about failure of another individual to abide by any restrictions imposed by a supportive measure. The College will take immediate and responsive action to enforce a previously implemented restriction if such restriction was violated.

### ***Range of Measures***

#### ***Students***

Supportive measures will be implemented at the discretion of the College. Potential remedies, which may be applied include:

- Access to counseling services and assistance in setting up an initial appointment, both on and off campus;
- Imposition of campus “No Contact Letter;”
- Rescheduling of exams and assignments (in conjunction with appropriate faculty and deans as necessary);
- Providing alternative course completion options (with the agreement of the appropriate faculty);
- Change in class schedule, including the ability to take an “incomplete,” drop a course without penalty or transfer sections (with the agreement of the appropriate faculty);
- Change in work schedule or job assignment;
- Change in on-campus housing;

- Arranging to dissolve a housing contract and pro-rating a refund in accordance with campus housing policies;
- Assistance from College support staff in completing housing relocation;
- Limiting an individual or organization’s access to certain College facilities or activities pending resolution of the matter;
- Voluntary leave of absence;
- Providing an escort to ensure safe movement between classes and activities;
- Providing medical services;
- Providing academic support services, such as tutoring;
- Interim suspension or College-imposed leave;
- Any other remedy that can be tailored to the involved individuals to reasonably achieve the goals of this Policy.

### **Employees**

Remedies may include but are not limited to offering to remove the Complainant or the Respondent from the hostile environment; changes in classes; changes in residence arrangements; changes in schedules or work hours; changes in work assignment/location; a “no contact” order.

*Complainants (students and employees) may also be able to obtain an order of protection, “no contact” order, a restraining order, or a similar lawful order issued by a criminal, civil, or tribal court, which the Title IX Coordinator or CRC will explain to complainants in the intake meeting.*

### **INTERIM SUSPENSION OR SEPARATION**

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

A student Respondent who has been put on interim suspension has the right to a meeting within three (3) days with the Dean of Students or designee to appeal the interim suspension. The Dean of Students (or designee) reviews the appeal to determine whether the decision to put a student on interim suspension was arbitrary or capricious. A decision is arbitrary and capricious where there is no rational connection between the facts presented and the decision made.

Provisions for suspension of faculty members are contained in the Faculty Handbook. Staff may be placed on leave at the discretion of the College.

## **DISCIPLINARY RESOLUTION OF A GRIEVANCE OF TITLE IX SEXUAL HARASSMENT**

### **Notice of Investigation**

Upon the filing of a Formal Complaint, written notice will be provided to the parties. The notice will include the following information:

- The specific allegation and the specific conduct that is alleged to have occurred;
- The identity of the parties;
- The date and location (if known) of the conduct that is alleged to have occurred;
- A copy of this Policy, which contains the process that will be followed, including an explanation that each party will have the right to inspect and review all evidence (get language) prior to the completion of the investigation;
- A statement indicating that the decision to accept a complaint does not presume that the conduct at issue has occurred, and that the respondent is presumed not responsible, unless and until, at the conclusion of the process below, there is a determination of responsibility;
- An explanation that each party may be accompanied by an advisor of their choice, who may be a parent, friend, attorney, or union representative;
- The date and time of the initial meeting with the Title IX Coordinator, with a minimum of three (3) business days' notice;
- The College's alcohol and drug amnesty policy;
- The College's prohibition against providing false information as part of an investigation or adjudication process;
- The name and contact information for the assigned Investigator; and
- Information regarding Supportive Measures, which are available equally to the respondent and to the complainant.

Should additional allegations be added to the investigation at a later time, the respondent will again be provided with full written notice.

### **Preliminary Investigation**

The Investigation process, up to evidence review, is generally expected to take thirty (30) business days, which may be extended for Good Cause by the Title IX Coordinator. Both parties will be notified, in writing, of any extension granted and the reason for the extension.

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 telephone or video conference.

The Investigator will prepare a summary of each interview (“Interview Summary”). The Investigator will share the Interview Summary with the interviewee. The interviewee will have three (3) business days to correct or comment on any statements made in the Interview Summary. The deadline may be extended for Good Cause, upon request to the Investigator. If the interviewee has no corrections to, or comments on, the Interview Summary, the interviewee will sign an acknowledgement that the interviewee has reviewed and agrees that the Interview Summary is accurate. If the interviewee has corrections or comments to the Interview Summary, the interviewee may submit a written response within three (3) business days reflecting any additions or changes which the interviewee believes are necessary to ensure the accuracy of the interviewee’s statement. If no response is received from the interviewee by the deadline, their Interview Summary may be included in the Investigation Report and will be presumed to be accurate. In all instances where the Investigator includes the Interview Summary as an exhibit to a report, the Investigator will also include any response.

Each party will be provided with an opportunity to offer relevant witnesses and evidence. The Investigator will consider all relevant evidence, both inculpatory and exculpatory. All information for consideration by the Hearing Officer must be provided to the Investigator as part of the investigation process. Information that was not provided to the Investigator will not be allowed during the hearing itself, unless it can be clearly demonstrated that such information was not reasonably known to or available to the parties at the time of the investigation. If new evidence is provided at the hearing, the Hearing Officer either reject the new evidence, or send the case back to the Investigator for further fact-gathering, in the sole discretion of the Hearing Officer.

Evidence Review

At the conclusion of all interviews and fact gathering, and when the evidence has been gathered, the Investigator will provide each party the opportunity to review all of the evidence gathered that is directly related to the allegation(s). This will include both inculpatory and exculpatory evidence. Given the sensitive nature of the information provided, the information will be provided in a secure manner (e.g., by providing digital copies of the materials through a protected, “read-only” web portal). Neither the complainant nor the respondent (nor their advisors) may copy, remove, photograph, print, image, videotape, record, or in any manner otherwise duplicate or remove the information provided. Any student or employee 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.

Each party may respond to the evidence gathered. Each party will have ten (10) business days in which to respond to the evidence. Each may provide a response in writing to the Investigator. The Investigator will incorporate any response provided by the parties into the Investigation Report. Along with their response to the evidence, each party may also submit a written request for additional investigation, such as a request for a follow-up interview(s) with existing witnesses to clarify or provide additional information, including offering questions to the Investigator to pose to

witnesses or to the other party. This response may include written, relevant questions that a party would like the Investigator to ask of any party or witness (at the discretion of the Investigator). If any of the questions posed will be excluded as not relevant, or not likely to lead to relevant information, the Investigator will explain to the party who proposed the questions any decision to exclude a question as not relevant.

Upon receipt of each party's response to the evidence reviewed, the Investigator will determine if any additional investigation is needed. In addition, either party may offer new witnesses or other new evidence. The Investigator will consider the responses provided, will pose questions to parties or witnesses as appropriate (at the discretion of the Investigator), and interview new witnesses, and accept new, relevant, evidence. If new relevant evidence is provided by either party, or gathered by the Investigator, the newly gathered evidence (including answers to clarifying questions) will be made available for review by each party. Each party will have five (5) business days in which to respond to the new evidence. Each may provide a response in writing, or verbally, to the Investigator. The Investigator will incorporate any written response provided by the parties into the Investigation Report.

Any evidence to be considered by the Hearing Officer must be provided to the Investigator during the fact-gathering portion of the investigation. Information that was not provided to the Investigator will not be allowed during the hearing itself, unless it can be clearly demonstrated that such information was not reasonably known to, or available to, the parties at the time of the investigation. Should new evidence be presented at hearing, the Hearing Officer has the authority to reject the new evidence, or to send the matter back to the Investigator for further, limited, fact-gathering.

*Exclusion of Questions Regarding Complainant's Past Sexual Behavior, or Predisposition*

Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant and will not be asked, unless such questions and evidence about the complainant's prior sexual behavior are offered for one of two reasons: (a) to prove that someone other than the respondent committed the conduct alleged by the complainant, or (b) 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.

*Investigation Report*

The Investigator will prepare a written report summarizing all the relevant evidence gathered and all investigative steps taken to date. Each party will be provided with a copy of the written report and will have ten (10) business days to provide a response. Upon receipt of any response(s), the Investigator will then complete the Investigation Report, which will include as an attachment all relevant evidence gathered during the investigation, as well as all interview notes and interview summaries, showing the original (as sent to each interviewee for review) and the revised version, after corrections or additions by each interviewee.

*Conclusion of Investigation, Notice of Hearing*

The Title IX Coordinator will review the Investigation Report, with appendices. The Title IX Coordinator may require that the Investigator conduct additional investigation. Once the Investigation Report is final, it will be provided through a protected, read-only, server, together with all appendices, to each party. At the same time, each party will be provided with a Notice of Hearing, which will include information regarding the date of the hearing, the identity of the Hearing Officer, and any deadlines for submission of evidence, names of witnesses, or questions to be reviewed by the Hearing Officer to ensure relevance. The hearing will be scheduled no less than ten (10) business days from the date of the Notice of Hearing.

Within three (3) business days of receipt of the Notice of Hearing, either party may object to the Hearing Officer on the basis of an actual bias or conflict of interest. Any objection is to be in writing and sent to the Title IX Coordinator. Should the Title IX Coordinator determine that there is a bias or conflict of interest, the Title IX Coordinator will remove the Hearing Officer and appoint another.

### **Hearing**

Hearings will be held via videoconferencing. Prior to the hearing, the Hearing Officer will receive instructions regarding the operation of any audio-visual equipment for the hearing. Each participant shall also be provided with instructions on how to access the hearing. Each hearing will be audio recorded. No individual is permitted to record while the hearing is taking place. The recording is the property of Occidental College but will be available to the parties for listening by contacting the Title IX Coordinator.

The complainant, respondent, and the Hearing Officer all have the right to call witnesses. Witnesses must have information relevant to the incident. No party will be permitted to call as a witness anyone who was not interviewed by the Investigator as part of the Preliminary Investigation. Each party must submit the names of witnesses they would like to call to the Title IX Coordinator no less than five (5) business days in advance of the hearing.

Five (5) business days prior to the hearing, each party must submit to the Title IX Coordinator a preliminary list of questions they wish to pose to the other party, or to a witness. If the Hearing Officer determines that any questions are not relevant, the Hearing Officer will explain the reason for the exclusion of the question at the hearing.

The Hearing Officer will have the authority to limit the time allotted to any phase of the hearing, and/or to limit the time allotted to the full hearing. Any such limitation will be communicated to the parties no later than three (3) business days before the hearing.

The hearing will start with an overview of the hearing process from the Hearing Officer. The Hearing Officer will then pose questions to the complainant. When the Hearing Officer has concluded, the respondent's advisor will then pose questions to the complainant. If the Hearing Officer has any additional questions, those will be posed by the Hearing Officer. If the respondent's advisor has any follow-up questions for the complainant, the advisor will ask those questions. The same process will then be followed for questions posed to the respondent by the

Hearing Officer, followed by questions from the complainant's advisor to the respondent. This process will then be followed for any witnesses who are to be interviewed.

The Hearing Officer will have the authority to maintain order and decorum at the hearing. The Hearing Officer also has the authority to determine whether any questions are abusive, intimidating, or disrespectful, and will not permit such questions. Further, the Hearing Officer may refuse to allow any questions that seek information that is not relevant under this Policy. The Hearing Officer is not required to provide a lengthy or complicated explanation but is required only to explain the reason why a question will not be permitted.

If either party does not appear, their advisor will be present for the purpose of asking questions of the other party, or of witnesses. During the hearing, if either party has any follow-up or clarifying questions for the other party, or for witnesses, the questions must be submitted in writing to the Hearing Officer. The Hearing Officer will determine the relevance of each question and explain why any question is deemed irrelevant. At the hearing, the Hearing Officer will not consider any statement(s) of any party or witness who does not appear at the hearing, and who is not cross-examined. Each party will have the opportunity to make a closing statement. This statement is to be made by the party directly, and not by their advisor. This closing statement is not evidence but is intended as an opportunity to address the decision-maker directly.

Following the conclusion of the hearing, the Hearing Officer will prepare a written notice of hearing outcome. To the extent credibility determination needs to be made, determinations will not be based on a person's status as complainant, respondent, witness. The Hearing Officer's written determination regarding responsibility and any sanctions, as determined by the procedures outlined in Appendix E or Appendix F, will be provided to the parties within fifteen (15) business days of the hearing. The Hearing Officer's written determination will include:

- Identification of the Prohibited Conduct section(s) of this policy, and of any other College policy sections considered in the investigation, alleged to have been violated;
- A description of the procedural steps taken from the receipt of the complaint through the determination, including but not limited to, as applicable, 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 the College's definitions of Prohibited Conduct to the facts;
- A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility;
- A statement of, and rationale for, any sanction imposed on the respondent, and whether remedies designed to restore or preserve equal access to the educational program or activity of the College will be provided by the College to the complainant; and

- Identification of procedures and permissible bases for the parties to appeal.

The written decision will not be redacted and will be sent simultaneously to each party. The determination regarding responsibility becomes final either on the date that the parties are provided 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.

Advisor for Hearing

Each party is entitled to one advisor at the hearing. The role of the advisor is to ask questions of the other party and of witnesses, but not to advocate for, or otherwise speak on behalf of, the advisee during the hearing. No party will be permitted to ask questions of the other party, or of a witness. An advisor of the College’s choosing will be provided for any party who does not have an advisor.

Sanctions and Remedies

Upon conclusion of the adjudication process, when there is a finding of responsibility, the complainant will be offered such remedies designed to restore or preserve equal access to the institution’s education program or activity. If the Hearing Officer determines that the respondent is responsible for one or more violations of the College’s antidiscrimination policies, the College will issue sanctions commensurate with the violation(s), in accordance with Appendix E or Appendix F. Any sanctions issued will be included in the Hearing Officer’s written determination.

Appeals

Appeals may be filed by either party and must be sent to the Title IX Coordinator. When an appeal is filed, the other party will be notified, in writing, and will then have five (5) business days to respond to the appeal. Any party’s decision not to submit a reply to an appeal is not evidence that the non-appealing party agreed with the appeal. The appeals process is documentary only, and no hearing is held. Appeals will follow the procedures outlined in Appendix G.

**DISCIPLINARY RESOLUTION OF A GRIEVANCE OF NON-TITLE IX MISCONDUCT AGAINST A STUDENT**

Notice of Investigation

If (1) the Title IX Coordinator determines that the complainant’s report must proceed through Disciplinary Resolution; (2) either the complainant or respondent declines to pursue Adaptable Resolution; or (3) either the complainant or respondent fails to respond to the Title IX Coordinator’s inquiry regarding Adaptable Resolution, the Title IX Coordinator will notify both parties, in writing, that the complaint will proceed through Disciplinary Resolution. The Title IX Coordinator’s written notification to the respondent and complainant will include:

- The complainant’s name;
- Nature of the report;



- Specific policy violation(s) alleged (e.g., sexual assault, sexual harassment, retaliation);
- Date(s) of alleged policy violation(s);
- Location(s) of alleged policy violation(s);
- Brief description of allegation(s);
- A statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility will be made at the conclusion of the Disciplinary Resolution process;
- A statement that the parties have the right to review and inspect all evidence being considered by the Investigator or Hearing Officer during the Disciplinary Resolution process, consistent with this Policy; and
- A statement regarding the College's policy related to false reports and making knowingly false statements during the Disciplinary Resolution process.

The notice of the complaint will also be accompanied with a request for a meeting with the Title IX Coordinator within three (3) business days. At the meeting, or if the respondent does not respond to the meeting request or is unable to meet within three (3) business days, the Title IX Coordinator will provide the following information in writing:

- On- and off-campus resources, including counseling, health, mental health, legal assistance (including connecting respondent with visa and immigration advisory resources), student financial aid, and other available services.
- The range of supportive measures and remedies available, including changes to academic, living, transportation, and/or working situations, or other supportive measures as may be appropriate.
- An overview of the procedural options and process, including Adaptable Resolution and Disciplinary Resolution.
- Explain that the student has a right to an advisor of their choice during the process and provide a list of College employees trained as advisors upon request.
- The College's alcohol and drug amnesty policy.
- The College's policy prohibiting retaliation.

Concurrently, the Title IX Coordinator will select a trained internal or external Investigator ("Investigator") to conduct a reasonable, impartial, and prompt investigation of the complaint ("Investigation"). The Title IX Coordinator will select an Investigator based on several factors, including the parties involved, the complexity of the complaint, the need to avoid any potential conflict of interest, and who may best conduct a fair and equitable investigation for all parties involved. The Title IX Coordinator will notify the parties, in writing, of the name of the designated Investigator at the time the Title IX Coordinator issues the notice of investigation. The parties will have three (3) business days to object to the Investigator's selection on the basis of bias or conflict of interest. If either of the parties objects, the Title IX Coordinator will evaluate whether

the objection is substantiated. The Title IX Coordinator will remove and replace any Investigator the Title IX Coordinator finds to have an actual bias or conflict of interest against either party.

The Investigator will commence the investigation once the time for the parties to object has passed or any objections have been resolved.

### **Preliminary Investigation**

The Investigator will begin with a Preliminary Investigation, with an anticipated timeline of thirty (30) business days for completion. The purpose of a Preliminary Investigation is to identify and gather all relevant facts. Generally, the Investigator will conduct the Preliminary Investigation in the following order:

#### **Initial Fact-Gathering**

The Investigator will interview all parties and relevant witnesses and gather documentary evidence provided by the parties and any identified witnesses. The Investigator will prepare a summary of each interview (“Interview Summary”). The Investigator will share the Interview Summary with the interviewee. The interviewee will have three (3) business days opportunity to correct or comment on any statements made in the Interview Summary. The deadline may be extended for good cause, upon request to the Investigator. If the interviewee has no corrections to, or comments on, the Interview Summary, the interviewee will sign an acknowledgement that the interviewee has reviewed and agrees that the Interview Summary is accurate. If the interviewee has corrections or comments to the Interview Summary, the interviewee may submit a written response within three days reflecting any additions or changes which the interviewee believes are necessary to ensure the accuracy of the interviewee’s statement. If no response is received from the interviewee by the deadline, their Interview Summary may be included in the Investigation Report and will be presumed to be accurate. In all instances where the Investigator includes the Interview Summary as an exhibit to a report, the Investigator will also include any response.

#### **Evidence Review**

Once the Initial Fact-Gathering is complete, the Title IX Coordinator will provide the Interview Summaries and any documentary evidence gathered to the parties for review. Given the sensitive nature of the information provided, the Title IX Coordinator will provide the information in a secure manner (e.g., by providing digital copies of the materials through a protected, “read-only” web portal). Neither the complainant nor the respondent (or their advisors, including but not limited to family members and/or legal counsel) may copy, remove, photograph, print, image, videotape, record, or in any manner otherwise duplicate or remove the information provided. Any student who fails to abide by this Policy may be subject to discipline. Any advisor who fails to abide by this Policy may be subject to discipline and/or may be excluded from further participation in the process. The parties may respond to the Interview Summaries and any documentary evidence; the parties will submit any response within ten (10) business days of being notified of their opportunity to review the documents. The parties may respond in one or both of the following ways:

- The parties may provide a written response. The Investigator will incorporate any written response provided by the parties in the Investigation Report.
- The parties may submit a written request for additional investigation. Such requests may include, but are not limited to, the following: (1) request(s) for follow-up interview(s) with existing witnesses to clarify or provide additional information, including offering questions to the Investigator to pose to witnesses (at the discretion of the Investigator); (2) request(s) for interviews with new witnesses; or (3) request(s) to consider new evidence. Any request for additional investigation will explain the reason for the request.

*Rebuttal Fact-Gathering*

The Investigator may conduct follow-up interviews with the parties and witnesses based upon evidence gathered during the preliminary investigation and the parties' request for additional investigation, if any. The parties and witnesses can expect that, in these follow-up interviews, the Investigator will seek responses to specific allegations or evidence (e.g., an Investigator may show one of the parties a series of text messages between himself or herself and another witness and ask about the content of the text messages). To the extent additional material, witnesses or evidence are identified during evidence review, the Investigator will conduct additional interviews and gather additional evidence consistent with the procedures outlined above. Any and all information for consideration by the Hearing Officer should be provided to the Investigator during the preliminary investigation. Information that was not provided to the Investigator will not be allowed during the hearing itself, unless it can be clearly demonstrated that such information was not reasonably known to or available to the parties at the time of the investigation.

*Investigation Report*

The Investigator will prepare an Investigation Report summarizing the facts and evidence gathered in the course of the Preliminary Investigation. The Investigator will not state factual findings or ultimate findings as to whether the respondent has, or has not, violated one or more of the College's policies in the Investigation Report. The Investigator will attach as appendices to the Investigation Report all Interview Summaries and any documentary evidence gathered in the Preliminary Investigation, including any written responses to the evidence submitted by the parties. When the Investigator determines that the Preliminary Investigation is complete, the Investigator will submit the Investigation Report to the Title IX Coordinator. The Title IX Coordinator may require the Investigator to conduct additional investigation; if so, the Investigator will conduct additional investigation consistent with the procedures outlined above.

Once the Title IX Coordinator has agreed that the Preliminary Investigation is complete, within five (5) business days, the Title IX Coordinator will provide the Investigation Report to the parties. The parties will have ten (10) business days to review the Investigation Report and provide a response to the Title IX Coordinator. The Title IX Coordinator will provide the parties' response, if any, to the Hearing Officer, and to the other party. Given the sensitive nature of the information provided, the Title IX Coordinator will provide the Investigation Report in a secure manner (e.g., by providing digital copies of the materials through a protected, "read-only" web portal). Neither the complainant nor the respondent (or their advisors, including but not limited to family members and/or legal counsel) may copy, remove, photograph, print, image, videotape, record, or in any

manner otherwise duplicate or remove the information provided. An advisor who fails to abide by this Policy may be subject to discipline and/or may be excluded from further participation in the process.

### **Hearing**

The hearing is an opportunity for the parties to address the Hearing Officer in person, to question the other party and/or witnesses through indirect cross-examination, and for the Hearing Officer to obtain information following the investigation that is necessary to make a determination of whether a Sexual Misconduct Policy violation occurred. The hearing will be conducted as follows:

#### **Hearing Officer**

The hearing will be conducted by a Hearing Officer, who is selected by the College. The Hearing Officer will be an individual other than the Investigator or Title IX Coordinator. The Hearing Officer will receive annual training regarding the College's policies and procedures, the handling of student sexual misconduct cases, and other relevant issues.

The Hearing Officer must be impartial and free from bias or conflict of interest. The parties will be informed of the identity of the Hearing Officer and vice versa before the pre-hearing meeting. If the Hearing Officer has concerns that they cannot conduct a fair or unbiased review, the Hearing Officer must report those concerns in advance of the pre-hearing meeting to the Title IX Coordinator and a different Hearing Officer will be assigned. Similarly, the parties will have three (3) business days to object to the Hearing Officer's selection on the basis of bias or conflict of interest. If any party objects, the Title IX Coordinator will evaluate whether the objection is substantiated. The Title IX Coordinator will remove and replace any Hearing Officer the Title IX Coordinator finds to have a bias or conflict of interest against any party.

The Hearing Officer has broad discretion to determine the hearing format. However, in all instances in which a respondent faces severe disciplinary sanctions (i.e., expulsion or suspension), and the credibility of any party or witness is central to the adjudication of the allegation, the Hearing Officer will conduct a live hearing, at which they will permit indirect cross-examination of the parties and witnesses. For purposes of this Policy, the term Indirect Cross-Examination means the Hearing Officer will allow the parties and/or their advisors to submit proposed questions for the parties and witnesses, as well as follow-up questions based on testimony provided during the hearing. The Hearing Officer will ask the parties and witnesses the proposed questions that the Hearing Officer determines are consistent with this Policy and are probative of facts relevant to the adjudication of the matter. The Hearing Officer may refuse to allow questions that are unduly harassing or that seek information that is not relevant under this Policy.

The Hearing Officer is responsible for maintaining an orderly, fair, and respectful hearing and has broad authority to respond to disruptive or harassing behaviors, including adjourning the hearing or excluding the offending person. Parties may make requests to the Title IX Coordinator related to the format or the nature of their participation in the hearing. The Title IX Coordinator will work with the Hearing Officer to accommodate reasonable requests. All hearings will occur via videoconferencing.

### Scheduling

The Title IX Coordinator will schedule a hearing date and time and notify the parties of the same. The Hearing Officer will strive to hold a hearing within ten (10) business days from receipt of the Investigation Report and the parties' responses, if any.

### Pre-Hearing Meeting

Prior to the hearing, or, at the latest, on the day of the hearing, the Hearing Officer or a designated Hearing Coordinator will conduct a pre-hearing meeting with the parties prior to commencing the hearing. At this pre-hearing meeting, each party will receive an explanation of the hearing process and have the opportunity to ask any questions. If the complainant and/or respondent have elected to have advisors throughout the hearing process, the advisor is encouraged to accompany the complainant/respondent to this meeting.

### Witnesses

The complainant, respondent, and the Hearing Officer all have the right to call witnesses. Witnesses must have observed the conduct in question or have information relevant to the incident and cannot be called solely to speak about an individual's character. In general, no party will be permitted to call as a witness anyone who was not interviewed by the Investigator as part of the College's investigation. If any party wishes to call witnesses, whether or not they were previously interviewed as part of the College's Investigation, the following must be submitted no later than five (5) business days before the hearing to the Hearing Officer and Title IX Coordinator via e-mail:

- The name of any witness (es)
- A written statement and/or description of what each witness observed, if not already provided during Investigation;
- A summary of why the witness' presence is relevant to making a decision about responsibility at the hearing; and
- The reason the witness was not interviewed by the Investigator, if applicable.

The Hearing Officer will determine if the proffered witness(es) has relevant information and if there is sufficient justification for permitting a witness who was not interviewed by the Investigator. The Hearing Officer may also require the Investigator to interview the newly proffered witness.

When witnesses are approved to be present, the respondent and complainant will be provided with a list of witnesses and any relevant documents related to the witnesses' appearance at the hearing no later than three (3) business days before the hearing.

### Case Presentation

The hearing is intended to provide a fair and ample opportunity for each side to present their account of the incident and for the Hearing Officer to determine the facts of the case and make a determination as to whether College policy was violated. The hearing is not intended to be a repeat of the Investigation. The Hearing Officer will be well-versed in the facts of the case based upon the Investigation Report and the parties' responses to the Investigation Report, if any. The Hearing Officer will make a hardcopy of the Investigation Report, the parties' responses to the Investigation Report, Interview Summaries, and any documentary evidence provided to the Investigator available to the parties for their use during the hearing.

The complainant and the respondent, their advisors, and the Hearing Officer will attend the hearing. Advisors may only be present during the hearing if the party they are advising is also present. A Hearing Coordinator designated by the College will be present to ensure the orderly handling of the hearing. Other College administrators may attend at the request of or with the prior approval of the Hearing Officer, but the parties will be notified in advance of anyone who will be in attendance. Any individual appearing as a witness will be present only while providing a statement and responding to questions.

The Hearing Officer has absolute discretion to decide upon a format for the hearing and to determine which witnesses are relevant to the outcome determination. A Hearing Officer may decline to hear from a witness where they conclude that the information is not necessary for their outcome determination. A typical hearing may include brief opening remarks by the Hearing Officer; questions posed by the Hearing Officer to one or both of the parties; questions by the Hearing Officer to any witness; and indirect cross-examination by either party to any party or witnesses. The Hearing Officer also will afford any party an opportunity at the end of the hearing to offer closing remarks. A decision whether to offer closing remarks is completely voluntary; however, closing remarks may only be made by the parties, and not their advisors. The Hearing Officer will have discretion to impose time limits on closing remarks.

*Expectations of the Complainant, Respondent, and Witnesses at a Hearing*

Students, staff, and faculty have the responsibility to participate fully and truthfully in any proceeding under this Policy. If any party chooses not to appear at the hearing, they will not be permitted to cross-examine the witnesses or any party during the hearing, nor will they be permitted to offer witnesses, documents, or a closing statement. If any party chooses not to appear at the hearing, the College may move forward with the hearing and imposition of findings and sanctions, if any, in absentia. In reaching findings in absentia, the Hearing Officer may rely on: (1) any information in the Final Investigation Report; (2) any documentary evidence disclosed to the Investigator; (3) any statements made during the hearing; and (4) any documentary evidence presented at the hearing. If the complainant chooses not to appear at the hearing, the College's ability to fully investigate, adjudicate, and respond to the complaint may be limited.

*Record of Hearing*

The hearing is closed to the public. The College will keep an official transcript or recording of the hearing; any other recording is prohibited. No camera, TV, or other equipment, including cell phones, will be permitted in the hearing room, except as arranged by the College.

### Standard of Evidence

The Hearing Officer will determine a respondent's responsibility by a preponderance of the evidence. This means that the Hearing Officer will decide whether it is "more likely than not," based upon all the evidence, that the respondent is responsible for the alleged violation(s).

### Notice of Hearing Outcome

Following the hearing, the Hearing Officer will consider all of the evidence and make a determination, by a preponderance of the evidence, whether the respondent has violated the Sexual Misconduct Policy. In making this determination, the Hearing Officer will independently review and assess all evidence collected and presented at the hearing. Where appropriate, the Hearing Officer may also assess credibility. The Hearing Officer will issue a written notice of hearing outcome (the "Final Report"), which will contain the Hearing Officer's factual findings, determination of whether a Sexual Misconduct Policy violation occurred, and a summary of the Hearing Officer's rationale in support of the hearing outcome. The Hearing Officer's written determination regarding responsibility and any sanctions will be provided to the parties within fifteen (15) business days of the hearing.

### Sanctions and Remedies

Upon conclusion of the adjudication process, when there is a finding of responsibility, the complainant will be offered such remedies designed to restore or preserve equal access to the institution's education program or activity. If the Hearing Officer determines that the respondent is responsible for one or more violations of the College's antidiscrimination policies, the College will issue sanctions commensurate with the violation(s), in accordance with Appendix E.

### Appeals

Appeals may be filed by either party and must be sent to the Title IX Coordinator. When an appeal is filed, the other party will be notified, in writing, and will then have five (5) business days to respond to the appeal. Any party's decision not to submit a reply to an appeal is not evidence that the non-appealing party agreed with the appeal. The appeals process is documentary only, and no hearing is held. Appeals will follow the procedures outlined in Appendix G.

## **RESOLUTION OF A GRIEVANCE OF NON-TITLE IX MISCONDUCT AGAINST ADMINISTRATOR, STAFF MEMBER, OR FACULTY MEMBER**

### Notice of Investigation

The Title IX Coordinator's written notification to the respondent will state facts sufficient to apprise the respondent of the nature of the allegations, including specifically:

- The complainant's name;
- Nature of the complaint;
- Specific policy violations alleged (e.g., sexual assault, racial harassment, retaliation);

- Dates of alleged policy violations;
- Locations of alleged policy violations;
- Brief description of the incident/ alleged misconduct;
- An overview of the procedural options and process, including Adaptable Resolution and Disciplinary Resolution;
- The availability of an advisor of their choice; and
- A description of the College’s policy prohibiting retaliation

In the notice to the respondent, the Title IX Coordinator will request a meeting within three (3) days of transmittal of the notice. If the respondent does not respond to the meeting request, the investigation may proceed without the respondent’s participation.

**Investigation**

The Title IX Coordinator will select a trained internal or external Investigator or a two- person investigative team, (which may include a combination of one internal and one external Investigator) (the “Investigator”) to conduct a reasonable, impartial, and prompt investigation of the complaint (“Investigation”). The Title IX Coordinator will notify the parties, in writing, of the name of the Investigator within three (3) business days of the Investigator’s selection. Both parties will have three (3) business days to object to the Investigator’s selection on the basis of bias or conflict of interest. If either of the parties objects, the Title IX Coordinator or other College Administrator if the objection is against the Title IX Coordinator, will evaluate whether the objection is substantiated. The Title IX Coordinator will remove and replace any Investigator the Title IX Coordinator finds to have a bias or conflict of interest against either party.

Reasonable effort will be made to complete the investigation within sixty (60) business days of the date the formal complaint is made or as soon thereafter as practical under the circumstances. The Title IX Coordinator will provide the complainant and the respondent with notice of any delays and give them a new timetable for completion of the investigation.

The investigation will include an interview(s) with the complainant, the respondent and/or any other person who may have information regarding the incident, each of whom is encouraged to cooperate with any investigation. The Investigator may also gather any relevant documents. The Investigator will also conduct follow-up interviews, as necessary. The Investigator will take steps to ascertain the accuracy of the notes taken in each interview, whether by reading the notes back to the person interviewed at the conclusion of the interview, or by providing a copy of the notes and requesting corrections.

The Title IX Coordinator will provide the Interview Summaries and any documentary evidence gathered to the parties for review. Given the sensitive nature of the information provided, the Title IX Coordinator will provide the information in a secure manner (e.g., by providing digital copies of the materials through a protected, “read-only” web portal). Neither the complainant nor the respondent (or their advisors, including but not limited to family members and/or legal counsel) 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 Policy may be subject to discipline. Any advisor who fails to abide by this Policy may be subject to discipline and/or may be excluded from further participation in the process. The parties may respond to the Interview Summaries and any documentary evidence; the parties will submit any response within ten (10) business days of being notified of their opportunity to review the documents. The parties may respond in one or both of the following ways:

- The parties may provide a written response. The Investigator will incorporate any written response provided by the parties in the Final Investigation. Report.
- The parties may submit a written request for additional investigation. Such requests may include, but are not limited to, the following: (1) request(s) for follow-up interview(s) with existing witnesses to clarify or provide additional information, including offering questions to the Investigator to pose to witnesses; (2) request(s) for interviews with new witnesses; or (3) request(s) to consider new evidence. Any request for additional investigation will explain the reason for the request.

The Investigator will review the evidence submitted by the parties and conduct any additional fact-gathering as may be necessary.

The Investigator will prepare a Final Report for the Title IX Coordinator. The report will state (1) the ultimate finding(s) (e.g., whether the respondent did, or did not, violate College Policy); (2) the specific factual findings in support of the Investigator's ultimate finding(s); and (3) the specific evidence upon which the Investigator relied in making each factual finding. The standard for determining whether the policy has been violated is the preponderance of the evidence standard, i.e., whether it is more likely than not that a violation of College policy occurred. Where applicable, the report will have attached as appendices the testimonial and documentary evidence from the Investigation. Once the Investigator is satisfied that the report is complete, the Investigator will submit the report to the Title IX Coordinator. The Title IX Coordinator will review the report and assess whether the report demonstrates, by a preponderance of the evidence, that: (1) the evidence supports the Investigator's factual findings; and (2) the Investigator's factual findings support the Investigator's ultimate finding of responsibility or non-responsibility.

Once the report is finalized, the Title IX Coordinator will issue a resolution letter to the complainant and respondent. The resolution letter will briefly describe how the investigation was conducted, as well as the ultimate finding(s) (i.e., whether the respondent did, or did not, violate College policy) and the specific factual findings in support of the Investigator's ultimate finding(s).

### **Sanctions**

Where the Investigator concludes that a violation of this Policy has occurred, the appropriate College officers will take prompt and appropriate remedial action, including disciplinary action, as described in Appendix F.

## Appeals

The right to appeal is limited and applies only in cases where suspension without pay or termination of employment are appropriate disciplinary actions for the alleged conduct. An appeal for such cases will follow the procedures outlined in Appendix G

### **ADAPTABLE RESOLUTION PROCEDURES**

Adaptable resolution is a voluntary, remedies-based, structured interaction between or among affected parties that balances support and accountability without taking formal disciplinary action against the respondent. Adaptable resolution is generally designed to allow the respondent to acknowledge harm and accept responsibility for repairing harm (to the extent possible) experienced by the complainant and/or the College community. Adaptable resolution is designed to eliminate the Prohibited Conduct, prevent its recurrence, and remedy its effects in a manner that meets the needs of the complainant while maintaining the safety of the campus community. Adaptable resolution may not be used in cases where an employee is alleged to have committed Title IX Sexual Harassment against a student.

The Title IX Coordinator reviews the matter to the extent necessary to confirm that it is of the type that would be appropriate for an adaptable resolution process and that use of an adaptable resolution process was without pressure or compulsion from others. The adaptable resolution options available under this Policy recognize:

- The goal of adaptable resolution is to address the Prohibited Conduct, identify ways that individuals and/or the community have been harmed, and develop a resolution agreement to address the harm and prevent future Prohibited Conduct;
- Participation is voluntary and both a complainant and a respondent, as well as any other participating individuals, must consent in writing to participation in adaptable resolution;
- The written consent will inform the complainant and the respondent that either can request to end adaptable resolution at any time and pursue formal resolution. Written consent will also inform parties that information gathered and utilized in adaptable resolution by and between the parties cannot be used in any other College process, including formal resolution, if adaptable resolution ends and formal resolution begins or resumes;
- The College will not pressure or compel a complainant to engage in mediation, to directly confront the respondent, or to participate in any particular form of adaptable resolution;
- Prohibited Conduct affects complainants, respondents, witnesses, friends, community members, family members, and others;
- Complainants, respondents, and other participants in adaptable resolution often benefit when resolution processes and outcomes are tailored to meet their unique needs and interests;

- Complainants and other participants in adaptable resolution may find it useful to meet with a respondent who acknowledges the substance of the underlying events and who acknowledges that complainants or participants have reported experiencing harm as a result;
- Structured interactions between participants can facilitate long-term healing and reduce recidivism; and
- Participants in adaptable resolution processes must be protected from secondary victimization and other potential harms, including the pressure to proceed through adaptable resolution instead of formal resolution.

### **Adaptable Resolution Options**

The adaptable resolution options will be enabled by a trained coordinator. The adaptable resolution coordinator must be impartial and free from bias or conflict of interest. If the adaptable resolution coordinator has concerns that they cannot facilitate a fair or unbiased process, the adaptable resolution coordinator must report those concerns to the Title IX Coordinator and a different adaptable resolution coordinator will be assigned. Similarly, a complainant, a respondent, or any other participant who has concerns that the assigned adaptable resolution coordinator cannot enable a fair and unbiased process, may report those concerns to the Title IX Coordinator who will assess the circumstances and determine whether a different adaptable resolution coordinator should be assigned to the adaptable resolution process.

If a party requests the initiation of an adaptable resolution process and the Title IX Coordinator agrees that the matter is appropriate for adaptable resolution, each party will receive a written notice that discloses:

- The allegations;
- The requirements of the adaptable resolution process, including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations;
- The parties' right to withdraw from adaptable resolution and resume or initiate disciplinary resolution with respect to the formal complaint; and
- Information about maintenance of records or how records could be shared.

With approval from the Title IX Coordinator, after consultation and intake with the adaptable resolution coordinator, the complainant and the respondent may voluntarily agree on the process that best meets the interests and needs of the parties. Adaptable resolution may include one or more of the following restorative approaches:

***Facilitated Dialogue:*** A structured and facilitated conversation between two or more individuals, most often the complainant, the respondent, and/or other community members. The focus is often on providing a space for voices to be heard and perspectives to be shared. Depending on stated interests, the participants may sometimes work towards the development of a shared agreement, although working towards an agreement is not always the intended outcome.

**Restorative Circle or Conference Process:** A facilitated interaction where the individuals who have experienced harm can come together with an individual(s) who assumes responsibility for repairing the harm (to the extent possible). A circle or conference may include multiple members of the community to explore individual and community impact, harm, obligations, and opportunity for repairing them. Parties must agree on all those who will be present.

**Shuttle Negotiation:** An indirect, facilitated conversation individually with the complainant, the respondent, and/or other participants to discuss experience and perspective and explore interests while working towards meeting expressed needs. This negotiated process does not require direct interaction between the parties or the parties and other participants, but rather, independently, with a coordinator.

**Circle of Accountability (COA):** A facilitated interaction between the respondent and College faculty and/or staff designed to provide accountability, structured support, and the development of a learning plan. The focus of a COA is to balance support and accountability for an individual who has acknowledged their obligation to repair harm and willingness to engage in an educational process. The COA model does not require participation from the complainant, but as with other types of adaptable resolution, it must be voluntary for the complainant and the respondent.

Measures that may be agreed to as a result of the adaptable resolution process may include:

- Alcohol education classes for the respondent;
- Regular meetings with an appropriate College individual, unit, or resource;
- Permanent extension of a no contact directive;
- Restriction from participation in specific clubs and/or organizations;
- Respondent restriction from participation in particular events;
- Respondent completion of an educational plan with regular meetings with the adaptable; resolution coordinator or other appropriate College staff or faculty member; and/or
- Counseling sessions for the respondent.

Individuals who wish to participate in an adaptable resolution process must have successfully completed preparatory meetings with the adaptable resolution coordinator. Individuals may be accompanied by an adviser at any meetings related to the adaptable resolution process.

### **Adaptable Resolution Agreements**

Any agreements reached in an adaptable resolution must be documented by the adaptable resolution coordinator and approved by the Title IX Coordinator to ensure consistency with the College's Title IX obligations. An agreement will not be considered valid if the Title IX Coordinator does not approve it. If the Title IX Coordinator or designee approves an agreement after the parties have voluntarily reached consensus as to its terms, the respondent will be required to comply with the agreement. If no agreement is reached, the matter may be referred to the Title IX Coordinator for further action. Once the Title IX Coordinator approves an agreement, the parties are bound by its terms and cannot return to Disciplinary Resolution.

To fairly assess pattern or systemic behavior, the Title IX Coordinator will maintain records of all reports and conduct referred for adaptable resolution. The time frame for completion of adaptable resolution may vary, but the College will seek to initiate action within fifteen (15) business days of the initial assessment. While the College will seek to honor confidentiality of the parties' communications with the facilitator during the adaptable resolution process to the extent necessary to facilitate the resolution, the College may be required to produce records created during this process in response to a judicial subpoena or a FERPA educational record request. If adaptable resolution is stopped prior to completion, statements made by a party in adaptable resolution may not be used in a disciplinary resolution process related to that matter.

### **Adaptable Remedies or Interventions for the College Community**

In addition to interventions applied to the respondent, and regardless of whether the College pursues an Disciplinary Resolution or takes other formal disciplinary action, the Title IX Coordinator may find it helpful or necessary to request or require the respondent or others to undertake specific steps designed to eliminate the misconduct, prevent its recurrence, and/or remedy its effects. Examples include, but are not limited to, the following:

- Requesting or requiring a College entity to provide training for its staff or members;
  - Requesting or requiring the respondent to receive training;
  - Continuing any of the protective and supportive measures previously established;
  - Identifying the need for any additional or ongoing measures, supports and remedies;
- or
- Revising College policies, practices, or services.

## **SANCTIONS**

### *Student Sanctions*

If a report proceeds through Disciplinary Resolution and the respondent is found responsible for one or more violations of the College's antidiscrimination policies, the College will issue sanctions commensurate with the violation(s). The Title IX Coordinator will designate three trained individuals to serve on a three-person panel ("Review Panel") to determine sanctions. The Title IX Coordinator will notify the parties, in writing, of the name of the designated Review Panelists at least five (5) business days prior to the hearing. The parties will have three (3) business days to object to any Review Panelist on the basis of actual bias or conflict of interest. If any party objects, the Title IX Coordinator will evaluate whether the objection is substantiated. The Title IX Coordinator will remove and replace any Review Panelist the Title IX Coordinator finds to have a bias or conflict of interest against either party.

The Title IX Coordinator will also notify the parties that they have the opportunity to submit an Impact Statement to the Review Panel at least five (5) business days prior to the hearing. The Review Panel will review the parties' Impact Statements, and all other materials in the case, including the Hearing Outcome

and attached appendices, in assessing the appropriate sanction. The Review Panel does not have the power or ability to alter the findings (factual or ultimate) by the Hearing Officer.

This policy prohibits a broad range of conduct, all of which is serious in nature. In keeping with the College's commitment to foster an environment that is safe, inclusive, and free from discrimination and harassment, the Review Panel has great latitude in the imposition of sanctions tailored to the facts and circumstances of each report, the impact of the conduct on the complainant and surrounding community, and accountability for the respondent. The imposition of sanctions is designed to eliminate Prohibited Conduct, prevent its recurrence, remedy its effects and restore or preserve the complainant's equal access to College education programs or activities, while supporting the College's educational mission. Sanctions may include educational, restorative, rehabilitative, and punitive components. Some conduct, however, is so egregious in nature, harmful to the individuals involved, and/or so deleterious to the educational process that it requires severe sanctions, including suspension or expulsion.

In determining the appropriate sanction, the Review Panel may consider factors including but not limited to the following:

- the nature and violence of the conduct at issue;
- the impact of the conduct on the complainant;
- the impact or implications of the conduct on the community or the College;
- prior misconduct by the respondent, including the respondent's relevant prior discipline or criminal history (if available);
- maintenance of a safe and respectful environment conducive to learning;
- protection of the College community; and
- any other mitigating, aggravating, or compelling circumstances in order to reach a just and appropriate resolution in each case.

The Title IX Coordinator also has the discretion to review any interim protective or remedial measures to determine whether they should be changed or are no longer applicable. The Review Panel will issue a determination on sanctions and the parties will receive notice of the determination within five (5) business days of the Review Panel's receipt of all materials in the case. For cases involving allegations of Title IX Sexual Harassment, the Review Panel's determination regarding sanctions will be included in the Hearing Officer's written determination.

Any one or more of the sanctions listed here may be imposed on a respondent who is found responsible for a violation of the College's Sexual Misconduct Policy. Sanctions are assessed in response to the specific violation(s) and any prior discipline history of the respondent. Sanctions are effective immediately. If the respondent appeals the findings contained in the Final Report, the sanctions will continue in effect during the appeal. The sanctions may be lifted only if, as a result of the final outcome of the appeal, the respondent is found not responsible for one or more of the original policy violations submitted to the Review Panel.

List of Possible Sanctions

Any one or more of the sanctions listed below may be imposed on a respondent who is found responsible for a violation of the College's Sexual Misconduct Policy. Sanctions not listed here may be imposed in consultation with and approval by the Title IX Coordinator.

Campus Community: In all instances where a student is found responsible for engaging in Prohibited Conduct, the Title IX Coordinator will consider and determine whether non-disciplinary, administrative measures for the larger campus community are appropriate. Such remedial, community-based responses may include educational initiatives and/or trainings, climate surveys, or other appropriate measures.

Educational Initiatives: Any student found responsible for engaging in Prohibited Conduct, who is not permanently separated from the College, will be required to complete non-disciplinary, educational initiatives at the discretion of the Review Panel.

Warning: Notice, in writing, that continuation or repetition of Prohibited Conduct may be cause for additional disciplinary action.

Censure: A written reprimand for violating the Sexual Misconduct Policy. This conduct status specifies a period of time during which the student's good standing with the College may be in jeopardy. The student is officially warned that continuation or repetition of Prohibited Conduct may be cause for additional conduct action including probation, suspension, or expulsion from the College.

Disciplinary Probation: Exclusion from participation in privileged activities for a specified period of time (privileged activities may include, but are not limited to, elected or appointed ASOC offices, student research, athletics, some student employment, and study abroad). Additional restrictions or conditions may also be imposed. Violations of the terms of disciplinary probation or any other College policy violations may result in further disciplinary action.

Restitution: Repayment to the College or to an affected party for damages resulting from a violation of this Code. To enforce this sanction, the College reserves the right to withhold its transcripts and degrees or to deny a student participation in graduation ceremonies and privileged events.

Removal from Campus Housing: Students may be removed from College housing and/or barred from applying for campus housing due to disciplinary violations of this Code.

Suspension: Exclusion from College premises, attending classes, and other privileges or activities for a specified period of time, as set forth in the suspension notice. Notice of this action will remain in the student's conduct file and will be permanently recorded on the student's academic transcript. Conditions for readmission may be specified in the suspension notice.

Expulsion: Permanent termination of student status and exclusion from College premises, privileges, and activities. This action will be permanently recorded on the student's academic transcript.

Revocation of Admission and/or Degree: Admission to, or a degree awarded by, the College may be revoked for fraud, misrepresentation in obtaining the degree or violation of College policies, the Student Code of Conduct or for other serious violations committed by a student prior to enrollment or graduation.

Withholding Degree: The College may withhold awarding a degree otherwise earned until the completion of the process set forth in this Policy, including the completion of all sanctions imposed, if any.

Other: Other sanctions may be imposed instead of, or in addition to, those specified here. Service, education or research projects may also be assigned.

Multiple Sanctions: More than one of the sanctions listed above may be imposed for any single violation.

#### Employee Sanctions

If the respondent is found responsible for a violation of one or more of the College's antidiscrimination policies, the Disciplinary Resolution process concludes with the imposition of discipline. If the respondent is found not to have violated any antidiscrimination policy, the Disciplinary Resolution has concluded. If, however, the respondent is found not to have violated any antidiscrimination policy but is found to have engaged in inappropriate or unprofessional conduct which violates the College's Standards of Conduct and Performance policy, the appropriate College officers will take prompt and appropriate remedial action, including disciplinary action, limited to the actions set forth below.

#### Remedies

Remedies may include but are not limited to offering to remove the complainant or the respondent from the hostile environment; changes in classes; changes in residence arrangements; changes in schedules or work hours; changes in work assignment/location; a "no contact" order.

#### Discipline

Persons who violate one or more of the College's antidiscrimination policies will be disciplined. The particular form of discipline will depend on the nature of the offense. Such discipline will be imposed pursuant to and in accordance with any and all applicable College rules, policies and procedures. A person against whom such discipline is imposed will have any rights to contest the imposition of discipline as may otherwise exist under applicable College rules, policies or procedures.

Discipline will be imposed by the Operative Vice President in consultation with the Director of Human Resources or the Title IX Coordinator if there is a violation of this Policy. In the event that the Operative Vice President is the respondent in the case, the President of the College will consult with the Director of Human Resources or the Title IX Coordinator if there is a violation of this Policy. The Operative Vice President has the discretion to implement a variety of disciplinary actions. If the decision-maker has found that the respondent sexually assaulted the complainant in violation of this Policy, it is expected that the Operative Vice President will terminate the respondent's employment (absent extenuating circumstances). The Title IX Coordinator will notify the parties of the disciplinary actions within five (5) business days of receipt of the Operative Vice President's Decision. For cases involving allegations of Title IX Sexual Harassment, the determination regarding sanctions will be included in the Hearing Officer's written determination.

Any one or more of the disciplinary actions listed here may be imposed on a respondent who is found responsible for a violation of the College's antidiscrimination policies. Disciplinary actions not listed here may be imposed in consultation with the Title IX Coordinator. Disciplinary actions are assessed in response to the specific violation(s) and any prior discipline of the respondent.

Possible Disciplinary actions include, but are not limited to:

- Warning: Verbal Notice, with documentation in the personnel file, that continuation or repetition of Prohibited Conduct may be cause for additional disciplinary action.



- Reprimand: A written reprimand for violating one or more of the College's antidiscrimination policies. The employee is officially warned that continuation or repetition of Prohibited Conduct may be cause for additional conduct action including probation, suspension, or termination of employment.
- Restricted Access or Modification of Duties: Conditions which specifically dictate and limit the respondent's presence on campus, restrict or modify employment duties and/or participation in College sponsored or related activities. The restrictions will be clearly defined and may include, but are not limited to, presence in certain buildings or locations on campus.
- Probation: Formal, written notice that the employee's conduct is in violation of the College's antidiscrimination and/or other College policy and an expectation that the employee exhibits good behavior for a defined period of time. Any violation during the probationary period may result in further disciplinary action including but not limited to suspension without pay or termination of employment.
- Suspension Without Pay: Separation of employment for a defined period of time without pay for the time of separation. During the suspension period, the employee is not permitted on campus and is not permitted to participate in, or supervise, any College sponsored or affiliated program or activity. The terms of the suspension may include the designation of special conditions affecting eligibility to continue employment upon completion of the suspension period. The Director of Human Resources will determine, consistent with law and College policy, whether and to what extent the employee will be eligible for benefits during this suspension and notify the employee, in writing, of that determination.
- Termination of Employment: Permanent separation of the employee from the College.
- Referral to Faculty Hearing Committee: Referral by the Dean of the College to the elected members of the Advisory Council ("Hearing Committee") for the imposition of disciplinary action. The Dean of the College will notify the Faculty Council President when the Dean convenes the Hearing Committee. The Hearing Committee excludes the Dean of the College and the appointed members of the Advisory Council. The Hearing Committee will elect their own chair from among their members and will establish a reasonable timetable for the imposition of disciplinary action. The Hearing Committee will accept as true the finding as to whether the alleged conduct violated the Sexual Misconduct Policy. The parties will have the opportunity to submit an Impact Statement to the Hearing Committee, and the Hearing Committee will review the parties' Impact Statements, and all other materials in the case (redacted as necessary and appropriate), including the Hearing or Investigation Outcome and attached appendices, in assessing the appropriate sanction.

The Hearing Committee's review is documentary only and no hearing is held. Following standard practice, the Title IX Coordinator will be available throughout deliberations to address questions about the Sexual Misconduct Policy and related procedures. Any decision to warn, reprimand, or dismiss a faculty member requires a two-thirds majority of the members conducting the hearing, the vote in each instance to be taken by secret ballot.

The Hearing Committee will make a recommendation to the Dean of the College, subject to her or his approval. Acceptance of the Hearing Committee's decision will normally be expected. The Title IX

Coordinator will notify the parties of the Hearing Committee’s decision in writing. The Hearing Committee’s decision on disciplinary action may be appealed to the President by either party. An appeal must be submitted in writing to both the Title IX Coordinator and the President within five (5) business days of receipt of the Hearing Committee’s decision on disciplinary action. When an appeal is filed, the other party will be notified in writing and then have five (5) business days to respond to the appeal. The parties will generally be notified in writing of the outcome of the appeal within ten (10) business days of receipt of the non-appealing party’s response statement.

The President will transmit to the Board of Trustees the full report of the Hearing Committee, stating its action, and/or her or his decision after an appeal. If the Board of Trustees chooses to review the case, its review should be based on the record. The decision of the Hearing Committee will either be sustained or the proceeding will be returned to the Hearing Committee with objections specified and with or without suggesting a different decision. In such a case the Hearing Committee will reconsider, taking account of the stated objections and any other decision recommended, and receiving new evidence if necessary. It will frame its decision and communicate it in the same manner as before. Following study of the Hearing Committee’s reconsideration, the Board of Trustees will make a final decision. The Dean of the College, all members of the Hearing Committee, the President, and the Board of Trustees will complete Title IX training facilitated by the Title IX Coordinator prior to commencing any role in any case under the Sexual Misconduct Policy.

Other: Other actions may be imposed instead of, or in addition to, those specified here. Service, education, training, coaching, or research projects may also be assigned.

Multiple Disciplinary Actions: More than one of the actions listed above may be imposed for any single violation.

*Accommodations and Non-Disciplinary Administrative Measures*

In addition to, and independent of, the results of the investigation and disciplinary process, the Title IX Coordinator, in consultation with the Operative Vice President and Director of Human Resources, will determine any appropriate non-disciplinary, administrative measures. Such measures may include various forms of remedial, community-based responses, such as educational initiatives and/or trainings. In addition, the Title IX Coordinator will continue to provide for the care and support of the parties as appropriate, including the ongoing provision of appropriate accommodations.

**APPEAL PROCEDURES**

Appeals of hearing or investigative outcomes may be filed by either party. Appeals must be sent to the Title IX Coordinator within five (5) business days of receipt of the Final Report. When an appeal is filed, the other party will be notified, in writing, and then have five (5) business days to respond to the appeal. Any party’s decision not to submit a reply to an appeal is not evidence that the non-appealing party agreed with the appeal.

The appeals process is documentary only, and no hearing is held. Either party may file an appeal of: 1) a determination regarding responsibility; and/or 2) the Title IX Coordinator’s dismissal of a formal complaint or any allegations therein from the Title IX Sexual Harassment process as outlined in Formal Complaints, Dismissals and Appeals of Dismissals, on the following grounds:

- Procedural irregularity that affected the outcome of the matter;
- 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;
- 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; and/or
- The decision of the decision-maker was arbitrary or capricious.

The Title IX Coordinator will appoint the Appeals Officer from a member of the trained Appeals Panel and will notify the parties of that appointment in writing. The Appeals Officer will not have any actual conflict of interest or bias. The Appeals Officer cannot be the Hearing Officer, the Investigator, or the Title IX Coordinator. The parties will have five (5) business days to object to the Appeal Officer's selection on the basis of bias or conflict of interest. Any objection is to be in writing and sent to the Title IX Coordinator. Should the Title IX Coordinator determine that there is a bias or conflict of interest, the Title IX Coordinator will remove the appeals officer and appoint another.

The role of the Appeal Officer is limited. Appeals are not intended to be a full rehearing of the complaint. Appeals are confined to a review of the Appeal Record for the grounds stated above. The findings contained in the Investigator's or Hearing Officer's Final Report are presumed to have been decided reasonably and appropriately. The party submitting the appeal carries the burden of proof to demonstrate that either the procedural irregularity, the proposed new evidence, or the alleged bias affected the outcome of the matter, or that the decision of the decision-maker was arbitrary or capricious. The Appeal Officer will determine whether any grounds for the appeal are substantiated. The Appeal Officer may deny the appeal, or if one or more of the appeal grounds have been met, may:

- Return the case to the original Hearing Officer for reconsideration; or
- Appoint an alternate Hearing Officer to review the case.

The parties will generally be notified in writing of the outcome of the appeal within ten (10) business days of receipt of non-appealing party's response statement. The Appeal Officer's decision is final and is not subject to appeal.

## Additional Provisions

### ADVISOR OF CHOICE

Throughout any investigation or resolution, each party has the right to consult with an advisor of their choosing. The advisor may be any person, including an attorney. The parties may be accompanied by their respective advisor at any meeting or proceeding related to the investigation or resolution of a report under this Policy. While the advisor may provide support and advice to the parties at any meeting and/or proceeding, the institution may establish restrictions regarding the extent to which the advisor may participate in the proceedings. Advisors may not speak on behalf of the parties or otherwise participate in, or in any manner delay, disrupt, or interfere with meetings and/or proceedings, with the exception that a

party's advisor participating in a hearing under Appendix A will ask questions of the other party and witnesses. Generally, the Title IX Office and Investigator will communicate directly with the complainant or respondent. An advisor should plan to make themselves reasonably available, and the College will not unduly delay the scheduling of meetings or proceedings based on the advisor's unavailability.

## **TRAINING**

The College provides training to all individuals within the community who are involved in responding to, investigating, or resolving reports of Prohibited Conduct. If the College retains an individual outside the community to respond to, investigate, or resolve reports of Prohibited Conduct, the College requires the retained individual has received adequate training consistent with the College's standards. All advisors, including those that are not members of the College community, shall be offered training on the College's policy. Separate training sessions are offered for community members interested in serving as advisors to assist students going through the complaint process.

## **NOTIFICATIONS**

The Title IX Coordinator will make reasonable efforts to ensure that the Complainant and the Respondent simultaneously are notified of the status of the Grievance Process, consistent with the processes described herein. Both Parties may, at any time, request a status update from the Title IX Coordinator.

## **MODIFICATION OF THE GRIEVANCE PROCESS**

The College will follow the grievance process described herein barring exceptional circumstances. In rare instances, however, the College may be required to adapt or modify the grievance process (including timelines) to ensure prompt and equitable resolution of a report of Prohibited Conduct. The College reserves this right. In such instances, the College will notify both Parties of the modification of the grievance process and, if appropriate, the exceptional circumstances requiring the College to adapt or modify the grievance process.

## **ALCOHOL AND SUBSTANCE USE**

The purpose of this grievance process is to resolve reports of discrimination, harassment, and retaliation against individuals because of sex or gender. It is not the purpose of this grievance process to subject individuals to disciplinary action for their own personal consumption of alcohol or drugs. Consistent with the purpose of the grievance process, the College will not subject individuals who participate in the grievance process to disciplinary action for information revealed in the course of the grievance process, provided that the individual's behavior did not, and does not, place the health and safety of others at risk. In all instances, the College may pursue educational initiatives or remedies related to an individual's consumption of alcohol or drugs.

The use of alcohol or other drugs will never function as a defense for engaging in Prohibited Conduct.

## **PAST SEXUAL HISTORY**

In general, a Complainant's prior sexual history is not relevant and will not be provided to the Investigator or Hearing Officer. Where there is a current or ongoing relationship between the Complainant and the Respondent, and the Respondent alleges consent, the prior sexual history between the Parties may be relevant to assess the manner and nature of communications between the Parties. As noted in the Interim Sexual Misconduct Policy, however, the mere fact of a current or previous dating or sexual relationship, by itself, is not sufficient to constitute consent. Any prior sexual history of the Complainant with other individuals is typically not relevant and will not be permitted.

## **RESPONDENT'S PRIOR CONDUCT HISTORY**

Where there is evidence of a pattern of conduct similar in nature by the Respondent, either prior, or subsequent, to the conduct in question, regardless of whether there has been a finding of responsibility, this information may be deemed relevant and probative to the Hearing Officer's determination of responsibility, and/or the Review Panel's determination of sanction. The CRC will make a determination of relevance based on an assessment of whether the previous incident was substantially similar to the conduct cited in the report and indicates a pattern of behavior and substantial conformity with that pattern by the Respondent. Where there is a prior finding of responsibility for a similar act of Prohibited Conduct, there is a presumption of relevance and the finding may be considered in making a determination as to responsibility and/or assigning of a sanction.

The College, through the CRC, may choose to provide this information to the Investigator or Hearing Officer, with appropriate notice to the Parties. Alternatively, a Party may request in writing that information under this section be admitted. A request to admit such information must be submitted to the CRC. The CRC will assess the relevance of this information and determine if it is appropriate for inclusion in the investigation report.

## **CONSOLIDATION OF INVESTIGATIONS**

The Title IX Office has the discretion to consolidate multiple reports into a single investigation if evidence relevant to one incident might be relevant to the others. Consolidation might involve multiple complainants and a single respondent, multiple respondents, or conduct that is temporally or logically connected. In the event that the allegations under this Policy involve allegations of a violation of a separate policy, whether Student Code of Conduct, Faculty Handbook, or Staff Handbook, the College will have the right, within its sole discretion, to consolidate those other allegations within one investigation and/or hearing.

## **FAILURE TO COMPLY WITH INVESTIGATION AND DISCIPLINARY PROCESS**

If an Advisor fails to comply with the procedures set forth herein, including through a material breach of confidentiality, the College reserves the right to exclude the advisor from further participation in the process. If a participant fails to comply with the procedures set forth herein, including through a material breach of confidentiality, the College reserves the right to bring additional charges of misconduct against the participant. The CRC is responsible for interpreting and applying this provision.

## **INTEGRITY OF PROCEEDING**

These procedures are entirely administrative in nature and are not considered legal proceedings, but rather procedures designed to address policy violations. No party may audio or video record the proceedings. Advisors may not speak for, or on behalf of, parties, with the exception of a party's advisor participating in a hearing under Appendix A, who will ask questions of the other party and witnesses but will not otherwise act on behalf of a party.

## **RECORDS**

The Title IX Coordinator will retain records of all reports and complaints, regardless of whether the matter is resolved by means of Initial Assessment, Adaptable Resolution or Disciplinary Resolution. Complaints resolved by means of an Initial Assessment or Adaptable Resolution are not part of a student's conduct file or academic record. Affirmative findings of responsibility in matters resolved through Disciplinary Resolution are part of a student's conduct record. Such records will be used in reviewing any further conduct, or developing sanctions, and will remain a part of a student's conduct record. In addition to records kept by the Title IX Coordinator, the conduct files of students who have been suspended or expelled from the College are maintained in the Dean of Students Office indefinitely. Conduct files of students who have not been suspended or expelled are maintained in the Dean of Students Office for no fewer than seven years from the date of the incident. Further questions should be directed to the Title IX Office.

## **Retaliation**

Retaliation is a materially adverse action, and may include intimidating, threatening, coercing, or discriminating against any individual for the purpose of interfering with any right or privilege secured by Title IX or its implementing regulations or this policy, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing regarding Prohibited Conduct (including both Title IX Sexual Harassment and Non-Title IX Misconduct).

Intimidation, threats, coercion, or discrimination, including charges against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or formal complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by Title IX or its implementing regulations, constitutes retaliation, as does any adverse action taken against a person for making a good faith report of Prohibited Conduct or participating in any proceeding under this Policy.

Retaliation may include intimidation, threats, coercion, harassment, or other materially adverse employment or educational actions that would discourage a Reasonable Person from engaging in activity protected under this Policy. Charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of a grievance process under this Policy does not constitute prohibited retaliation, provided, however, that a determination regarding responsibility is not alone sufficient to establish that any party made a materially false statement in bad faith. The College will take immediate and responsive action to any report of retaliation and will pursue disciplinary action as appropriate. An individual reporting Prohibited Conduct is entitled to protection from any form of retaliation following a report that is made in good faith, even if the report is later not proven.

As explained below, any employee may pursue any charge of discrimination or harassment with the California Department of Fair Employment and Housing (“DFEH”) or the federal Equal Opportunity Employment Commission (“EEOC”). It is unlawful to retaliate against any employee for opposing the practices prohibited by the California Fair Employment and Housing Act or comparable federal law or for filing a complaint with, or for otherwise participating in, an investigation, proceeding, or hearing conducted by the DFEH or EEOC.

## **Title IX Investigation Training**

The Title IX Coordinator, Internal Investigators, and External Investigators receive ongoing training (and at minimum, annual training) on dating violence, domestic violence, sexual assault, and stalking. Investigators are instructed on investigative techniques, questioning witnesses when conducting interviews, understanding and avoiding bias in investigations, and sorting relevant from irrelevant evidence. Additionally, the Investigators receive training on trauma-informed forensic interviewing, *Violence Against Women Act* updates, and bystander intervention issues.

# Prevention of Sexual Misconduct, Intimate Partner Violence, and Stalking

Occidental prohibits sexual assault, sexual harassment, intimate partner violence (such as dating violence and domestic violence), sexual exploitation and stalking, and takes a proactive role in seeking to prevent sexual assault, sexual harassment, intimate partner violence (such as dating violence and domestic violence), sexual exploitation and stalking from occurring.

All students are required to complete the online education programs on sexual violence prevention from EverFi before they are allowed to register for classes. During Orientation, first-years also are required to attend sessions on bystander intervention, affirmative consent and other prevention training. Project S.A.F.E. (Sexual Assault Free Environment), Occidental's prevention education and advocacy support program, reinforces those messages with dozens of training and education sessions throughout the academic year. Project S.A.F.E. also puts on a series of major awareness programs throughout the year, including Take Back the Week, Denim Day, and Empowerment Week.

Incoming international students receive preparatory training through their international student orientation before joining all incoming students in the training sessions on prevention and bystander intervention.

All primary prevention and awareness programs at Occidental include the Clery-required elements, a statement of prohibited conduct, and local jurisdiction definitions. Specifically, the programming educates participants on the definitions of dating violence, domestic violence, sexual assault, stalking, and consent (in reference to sexual activity) for the local jurisdictions, which are listed on pages 27 and 28.

## TITLE IX OFFICE

### *Prevention and Awareness Programs*

The College is committed to the prevention of Prohibited Conduct through regular and ongoing education and awareness programs. Incoming students and new employees receive primary prevention and awareness programming as part of their orientation, and returning students and current employees receive ongoing training and related education.

In addition to addressing reports of sexual misconduct, the Title IX Office coordinates educational programs and campaigns to promote the awareness of dating violence, domestic violence, sexual assault, and stalking on campus, and provides in-person training and presentations to several student groups and employees on campus, annually. Additionally, the Title IX Coordinator and Deputy Title IX Coordinators train faculty, staff, and senior administrators throughout the year with the goal of making all community members aware of their rights and responsibilities, and educating them on how to respond to reports of sexual assault and other forms of sex discrimination.



### ***Title IX and Public Awareness Events***

Consistent with guidance from the Office for Civil Rights of the Department of Education, public awareness events such as “Take Back the Night,” the Clothesline Project, candlelight vigils, protests, or other forums in which community members disclose incidents of Prohibited Conduct do not initiate the College’s Title IX obligations, including its obligation to investigate reports of sexual harassment or sexual violence. Such events may, however, inform the need for campus-wide educational and prevention efforts, and the College may implement broad community initiatives in response to such events where appropriate.

### **PROJECT S.A.F.E.**

Project S.A.F.E. is a *prevention and intervention support program* dedicated to ending sexual violence on Occidental’s campus. Project S.A.F.E. provides resources, advocacy, and educational programming related to issues of sexual assault, dating violence, and stalking.

Project S.A.F.E. also provides training and education on active bystander education through the Occidental Upstander bystander model.

## **Prevention Education and Awareness Programs**

### **DEFINITIONS**

*Awareness programs* means community-wide or audience-specific programming, initiatives, and strategies that increase audience knowledge, and share information and resources to prevent violence, promote safety and reduce perpetration.

*Ongoing prevention and awareness campaigns* means programming, initiatives, and strategies that are sustained over time and focus on increasing understanding of topics relevant to, and skills for, addressing dating violence, domestic violence, sexual assault, and stalking, using a range of strategies with audiences throughout the College community.

*Primary prevention programs* means programming, initiatives, and strategies intended to stop dating violence, domestic violence, sexual assault, and stalking before they occur through the promotion of positive and healthy behaviors that foster healthy, mutually respectful relationships and sexuality, encourage safe bystander intervention, and seek to change behavior and social norms in healthy and safe directions.

### **“BYSTANDER INTERVENTION” DEFINED**

Bystander intervention encompasses safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault or stalking. Bystander intervention includes recognizing situations of potential harm, understanding institutional structures, and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking action to intervene.

## Project S.A.F.E.'s Empowerment-Based Violence Prevention Workshop

Project S.A.F.E.'s "Empowerment-Based Violence Prevention Workshop" has several research-based components. The "Power in Numbers" education component is adapted from Green Dot's community mobilization strategy. Characterized as a bystander intervention model, the Green Dot model is based on decades of research around four main subjects: 1) the acknowledgment that violence prevention education solely based on statistics and definitions of power-based violence has not been successful in reducing power-based violence; 2) bystander behavior literature; 3) perpetrator data; and 4) as a prevention tool, the research on innovation and social diffusion theory.

The bystander intervention component of the Empowerment-Based Violence Prevention Workshop is grounded in bystander effect research that indicates that when individuals are faced with potentially risky, dangerous, or emergency situations, there tends to be

- a diffusion of responsibility: individuals will not react because they assume someone else will handle it
- evaluation apprehension: when faced with a high-risk situation, individuals will not act for fear of looking "foolish"
- pluralistic ignorance: when faced with a high-risk or ambiguous situation, individuals will defer to the cues of those around them before they decide to respond
- confidence in skills: individuals are more likely to intervene when they feel confident that their intervention will be effective
- modeling: individuals are most likely to intervene in high-risk situations when they have seen someone else model it first.

Based on this research, Project S.A.F.E. has adapted Green Dot's "Direct, Distract and Delegate" skill-building model to "Be Upfront, Distract and Entrust."

Through this model, students are able to either confront a person in a risky behavior, create a distraction in order to prevent the incident from happening, or trust in someone to either do the latter or refer. Project S.A.F.E.'s workshop creates a space for intervention identification, skill practice, and behavior reinforcement.

## Specific Programming by Project S.A.F.E. in 2019

Note: Sometimes multiple prevention and awareness programs were conducted during the same training session with a given group.

### PREVENTION AND AWARENESS PROGRAMS

#### *Empowerment-Based Violence Prevention Workshop (Active Bystander Intervention)*

In addition to the concepts and techniques described in the previous section (“Project S.A.F.E.’s Empowerment-Based Violence Prevention Workshop”), these workshops typically included information that specifically applied to the group being trained.

Tennis Team	2/6/19
Volleyball Team	2/28/19
Men's Water Polo Team	3/5/19
Women's Lacrosse	3/20/19
Women's Lacrosse	3/20/19
Men's Basketball Team	3/21/19
Women's Soccer Team	3/25/19
Women's Softball Team	4/1/19
Women's Water Polo Team	4/4/19
Greek: Delta	4/7/19
Greek: Theta	4/7/19
Greek: Alpha	4/21/19
Greek: Zeta	4/21/19
Swim Team	4/23/19
Multicultural Summer Institute Students	7/16/19
First-Year Student Orientation	8/25/19
Men's Baseball Team	9/24/19
Women's Basketball Team	10/1/19
Women's and Men's Golf Team	10/9/19

#### *How to Be a First Responder*

This training covered how to identify different forms of sexual violence, including sexual assault, domestic and dating violence, stalking and sexual harassment; the neurophysiology of trauma responses; effective strategies for providing empowerment-based support for first responders when encountering incidents of sexual violence; and how to be an active bystander. The training also provided information about on-campus resources for confidential and health-related support.

Multicultural Summer Institute Resident Advisors and Teaching Assistants	7/10/19
Campus Safety Officers (1st Shift)	7/24/19

Campus Safety Officers (2nd Shift)	7/24/19
OxyEngage Trip Leaders	8/16/19
Resident Advisors	8/21/19
Orientation Team Leaders	8/18/19

***Sexual Violence and Youth Mentorship***

This training introduced concepts of sexual violence and dating violence and how to discuss these topics and provide age-appropriate information and support to middle-school age mentees participating in an outreach program.

•WYSE (Women and Youth Supporting Each Other)	1/25/19
---	---------

***Careers in Mental Health***

This training introduced sexual violence advocacy as a potential career path for students interested in mental health. Introduced concepts of crisis intervention response when working with individuals experiencing mental health or trauma-related mental health crises and a discussion of the personal impact of being a first responder and how to manage personal trauma responses in crisis situations.

•Active Minds Student Group	2/20/19
-----------------------------	---------

***Campus Sexual Violence and Prevention – Orientation Debrief Sessions***

Project SAFE Programming Assistants and staff helped Orientation Team Leaders run facilitated dialogues with their incoming student groups to debrief a mandatory orientation presentation.

•New Student Orientation	8/25/19
--------------------------	---------

***Title IX Information Sessions***

The Survivor Advocate presented on the anticipated changes to federal Title IX regulations and the impact this could have on campus services and resources.

Information Session for Staff and Faculty	1/24/19
Policy Overview Session	2/12/19
Campus Climate Survey Town Hall	4/9/19

***EverFi Sexual Violence Prevention Module (online program)***

All student are required to complete “Think About It” by EverFi, an online education program that covers sexual violence and alcohol and drug prevention, before they can register for classes. (Each class year completes a different module.)

•All Students (mandatory)	Summer 2019
---------------------------	-------------

## TRAINING ON AVAILABLE RESOURCES

### *Resources for Survivors*

Core Studies Program Faculty Orientation	8/20/19
Incoming Students' Family Orientation	8/23/19

## PREVENTION AND PUBLIC AWARENESS EVENTS

### *Project SAFE Mission and Resources Awareness Tabling*

UN Week Student Organization Fair	2/6/19
Campus Resource Fair	8/23/19
Student Involvement Fair	9/5/19

### *Take Back the Week (week-long event series)*

#### *Programming for all students.*

Take Back the Week is Project S.A.F.E.'s week of programming dedicated to raising awareness about and preventing sexual assault. Programming includes daily community-building and educational activities in the academic quad, and evening special events.

#### *Tabling in the Quad Activities*

•Chalking the Quad – Students were encouraged to write messages of support and local resource information on the quad in chalk.	4/22/19
•Dear Survivor Photo Project – Students wrote messages of support for survivor and were included in an Instagram photo campaign	4/23/19
•Event and Awareness Promotion – Information was shared about upcoming events in which they could get involved to support survivors of sexual violence, participate in healing activities, or learn more about sexual assault prevention	4/24/19

#### *Keynote: Wild Survivor Dreams: Dreaming a Future Beyond Sexual Assault*

4/23/19

Project SAFE invited Leah Lakshmi Piepzna-Samarasinha, to give a keynote speech exploring how survivor brilliance is dreaming a world beyond sexual abuse, prisons, and white supremacist ableist cissexist patriarchy.

#### *Take Back the Night Survivor Speak-Out*

4/24/19

Survivors were invited to share their stories in a supportive environment.

**CareWebs Workshop**

4/23/19

Leah Lakshmi Piepzna-Samarasinha introduced the concept of CareWebs in this interactive workshop exploring collective care and ways for survivors to access various kinds of support through their communities and relationships.

**Survivor Self-Care Healing Event**

4/25/19

The final event of Take Back the Week, Project SAFE Programming Assistants hosted a self-care and decompression event for survivors.

**Trauma-Informed Yoga Workshop**

A trauma-informed yoga instructor led an 8-week long class that met once weekly, designed to support survivors in reconnecting with their bodies in a safe environment.

- All students

2/17/19  
2/24/19  
3/3/19  
3/10/19  
3/17/19  
3/24/19  
3/31/19  
4/7/19

**Empowerment Week (week-long event series)**

**Programming for all students**

A week of programming dedicated to raising awareness about and preventing dating violence and intimate partner violence.

- **Tabling the Quad** - All week Project SAFE Programming Assistants and staff hosted an informational table on the quad to promote Empowerment Week and distribute materials related to healthy relationships and intimate partner violence.
 

10/21/19  
10/22/19  
10/23/19  
10/24/19  
10/25/19
- **“Chalk the Quad”** – Project SAFE staff and Programming Assistants hosted an informational table to kick-off Empowerment Week. Students participated in a public chalk event where they wrote myth-busting phrases, facts, supportive messages, and resource information about interpersonal violence in the Academic Quad.
 

10/21/19  
10/23/19
- **Tie-Dye Activity** for Interpersonal Violence Awareness – Project SAFE staff and Programming Assistants hosted an informational table for Empowerment Week. Community members were invited to tie-dye t-shirts purple as the color for Domestic Violence Awareness.
 

10/22/19  
10/23/19

•**Healthy Relationships Workshop - Project SAFE Programming**  
 Assistants hosted an informational workshop on healthy relationships for Empowerment Week. 10/22/19

**Gardening as Healing with FEAST** 10/25/19  
 Project SAFE staff and Programming Assistants partnered with FEAST (Food, Energy, and Sustainability Team) to run a workshop making mosaic pots to hold plants.

**Hoodprofet Keynote and Open Mic Night** 10/23/19  
 A Project SAFE Programming Assistant hosted a local poet and activist to hold a performance, followed by an open mic event for students and community members.

## Risk Reduction

*Risk reduction* means options designed to decrease perpetration and bystander inaction, and to increase empowerment for victims in order to promote safety, and to help individuals and communities address conditions that facilitate violence.

## INCREASING COMMUNITY SAFETY WHILE REDUCING RISK FACTORS ON CAMPUS

Reducing incidences of sexual and relationship violence on college campuses requires a multifaceted approach that includes both empowering and cultivating a community that cares for one another and addressing risk factors associated with sexual assault, dating violence, stalking and personal safety. Project S.A.F.E. firmly believes that no one is ever at fault or responsible for experiencing sexual violence. We recognize that only those who commit sexual violence are responsible for such conduct. The following protective and risk reduction strategies are provided in order to encourage healthy and safe encounters as well as mitigate the risk of experiencing or perpetrating sexual violence as outlined by best practices in violence prevention education models.

Here are some strategies to consider:

***If you or your friends are on campus, consider:***

- Being aware of what is going on around you at all times. If possible, don't wear headphones or be distracted by texting or talking on the phone.
- Most colleges employ a system of emergency call boxes across the campus. Consider familiarizing yourself with Oxy's emergency system and call box locations so that you know what to do and where to go in case of a sudden emergency.
- Walking or running on well-traveled and well-populated routes when moving around campus. At night, take routes that you are fully familiar with and, if possible, take a

friend. Campus Safety provides students and faculty with a free, safe, and reliable way to travel during all hours of the day. You can contact Campus Safety at (323)259-2599 or the emergency line at (323)259-2511 (or dial 5 from any campus phone).

- Attending a workshop on sexual assault risk reduction offered on campus. Project S.A.F.E. values its partnership with Peace Over Violence, our local rape crisis/domestic violence agency, and coordinates Peace Over Violence's Empowerment-Based Self Defense Workshops on campus throughout the year.

***If you or friends live in a residential hall or apartment, consider:***

- Checking that the main entrance to your residence hall or apartment remains locked at all times.  
Main entrances tend to be staffed and/or are monitored frequently.
- Keeping your dorm room, especially when alone in the room or sleeping.
- If you lose your apartment or room key, getting your locks replaced as soon as possible.
- If you have a car, parking in a safe, well-lit location and keeping it locked at all times.
- If you've had the windows open while at home, closing and locking them before you leave the room or apartment, especially if you reside in a ground-level room.
- If you are uncomfortable with a situation or people involved, trusting your instincts and taking action or getting help to increase your sense of safety and empowerment.
- If you attend an event with friends, and if there is a possibility you might get separated, agreeing to periodically check in with each other either in person or via text message.
- Not engaging intimately with someone who may have over-consumed alcohol or drugs.

***If you or friends are on social media and/or like techy gadgets, consider:***

- Privatizing or filtering your social media platforms.
- Downloading or connecting with one or several of these applications in order to stay connected with others.

### ***Apps***

Please note that some of these applications allow others to track your location in real time using GPS. If someone wants permission to be one of these contacts, or wants access to these applications and it makes you uncomfortable, let someone know or contact your confidential and/or campus resources.

#### **LiveSafe (iOS and Android) - [www.livesafemobile.com](http://www.livesafemobile.com)**

The Campus Safety Department, office of Information Technology Services, and LiveSafe (mobile app developer) collaborated on the configuration and release of an Occidental College version of the LiveSafe mobile app. Among many features, the app includes the SafeWalk feature, which allows students and employees to invite friends to virtually accompany them to their destination. The app will



also contain an extensive list of on and off-campus resources and a Safety Map feature showing locations on campus where various services are located. The Occidental College version of the LiveSafe app is currently live and in use as of the fall semester of 2019.

**bSafe (iOS and Android) - <https://getbsafe.com>**

bSafe allows you to assign “Guardians” from your contacts that will be able to monitor your progress home, and who will be alerted with your GPS location if the SOS button is activated. The app also allows the user to set an automated alarm, alerting your Guardians if you fail to check in after a set amount of time, and comes with a fake phone call functionality to help remove yourself from uncomfortable situations.

**Circle of 6 U (iOS and Android) - <https://www.circleof6app.com/>**

Building off the success of the original Circle of 6 app, the U version has been created specifically with college students in mind. If you find yourself in an uncomfortable or risky situation, two taps on your phone will activate an alert to your circle, including your GPS location. The U version of the app includes campus-specific resources for students, with both phone numbers and links to a variety of hotlines and help centers local to them.

**OnWatch (iOS and Android) - [www.onwatchoncampus.com](http://www.onwatchoncampus.com)**

Designed for college students, OnWatch incorporates designated groups of friends with the ability to also call local and campus police simultaneously. With the “Watch my Back” function, you can program a timed session that will alert your emergency groups should you not respond to the alarm when the clock runs out.

**React Mobile (iOS and Android) - [www.reactmobile.com](http://www.reactmobile.com)**

Using a predetermined contact circle, React Mobile allows users to send out an emergency contact blast to the entire group – without having to first unlock the phone. The app also allows friends or family to virtually “walk” you home, keeping tabs on your progress using GPS technology.

**Watch Over Me (iOS and Android) - [www.watchovermeapp.com](http://www.watchovermeapp.com)**

Offering both free and subscription services, the concept behind Watch Over Me is simple: set a time frame and activity you’d like the app to “watch” you for, and periodically check in via a button to confirm your safety. Should the button hit zero without a check-in, your designated friends will be contacted, alerting them to your GPS location. The app also includes a one tap emergency contact button, and the ability to report witnessed crimes in the paid version.

**myPlan App from One Love Foundation (iOS and Android) - [www.joinonelove.org/get-help](http://www.joinonelove.org/get-help)**

Offering resources, safety planning information, and a lethality assessment on relationship violence.

***If you or friends are attending social events or parties, consider:***

- More than 90% of sexual assaults that occur among college students involve people who know each other, and the majority involves the use of alcohol or other drugs.
- Drinking and drug use can impair judgment. Trust your instincts. If you feel uncomfortable or unsafe about a person or situation, trust your gut and feel empowered to remove yourself from the situation.
- If you drink, drinking responsibly: Consider eating a full meal before going out, have a glass of water between each drink, know your limits and don't go beyond them, have a designated driver, and don't let anyone else make the decision of how much you will drink.
- Only drinking something that you have poured yourself or that comes in a pre-sealed container. Premixed drinks can have more alcohol in them than you might want to drink. Also, drugs like Rohypnol and GHB are being dissolved in drinks, causing the person who consumes the beverage to lose consciousness quickly. Don't drink something that has been left unattended.
- Not going anywhere with someone you don't know well. If you do leave a party with a new friend, tell the friends you came with where you are going and when you are coming back.
- When on a date, letting someone you trust know whom you are with and where you are going, and when you expect to get home. Make sure your date understands the rules of verbal and sober consent and that you have that consent before engaging in any sexual behavior.
- Having a designated driver. If you are the designated driver for the evening, stay sober and be responsible for your less-than-sober friends.
- Getting involved if you believe that someone is at risk. If you see someone in trouble or someone pressuring another person, don't be afraid to intervene.

***If you or friends are engaging in sexual activity:***

- Clearly communicate your intentions to the other person and give them a chance to clearly communicate their intentions to you.
- Listen carefully. Take time to hear what the other person has to say. If you feel you are receiving unclear or conflicting messages from the other person, you should stop, defuse any sexual tension, and communicate clearly.
- Do not assume that you have consent to sexual activity just because someone leaves or goes to a private location with you.
- Understand and respect personal boundaries and do not make assumptions about consent. Do not pressure a potential partner.
- Consider that your potential partner could be intimidated by you, or be fearful. You may have a power advantage simply because of your gender, status, or size.

- Understand that consent to one form of sexual activity does not constitute consent for any other sexual activity.
- Silence and passivity cannot be interpreted as an indication of consent. Read the other person carefully, paying attention to verbal and non-verbal communication and body language. If it is not clear by the other person's words and/or actions that they are a willing participant in that specific activity, then stop and have a conversation.

## **Registered Sex Offender Information/Megan's Law**

The federal Campus Sex Crimes Prevention Act requires that institutions of higher education issue a statement advising the campus community on how to access law enforcement agency information provided by a state concerning registered sex offenders. It also requires that offenders who are required to register in a state provide notice to each institution of higher education in that state at which the person is employed, carries on a vocation, or is a student. As the Campus Safety Department is not a law enforcement agency, the registration process is conducted at the Los Angeles Police Department.

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

Locally, the sex offender registry may be accessed for free at the LAPD's Northeast Station, 3353 N. San Fernando Road, Los Angeles, CA 90065. For more information, visit [meganslaw.ca.gov](http://meganslaw.ca.gov).

## Emergency Management

In 2008, the College instituted a standing Committee on Emergency Preparedness. The committee currently includes the Associate Vice President of Hospitality Services; Dean of Students and Director of Residential Education, Housing Services, and Student Conduct; Risk Management Coordinator; the Director of the Child Development Center; the Associate Vice President of Marketing and Communications; the Benefits and Compensation Manager; and the directors of Communications, Emmons Student Wellness Center, Facilities Management, and Human Resources. The Associate Vice President for Information Technology Services/Chief Technology Officer and Director of Campus Safety co-chair the committee.

The Campus Safety Department and the Office of Environmental Health and Safety collaborate to compile an emergency procedure flip-chart-style handbook that describes the appropriate courses of action for many emergency situations, including evacuation plans. The handbook is updated as needed and distributed to all offices and residence halls. Additionally, it is posted in hallways in campus buildings and gathering areas on campus. Copies also are available at the Campus Safety office.

In the event of a campus emergency, information and updates are routinely sent out via email and text to Occidental students, faculty and staff via the College OxyAlert emergency notification system. Information and updates may also be posted on the College website ([www.oxy.edu](http://www.oxy.edu)) as well as its Facebook ([www.facebook.com/occidental](http://www.facebook.com/occidental)) and Twitter ([twitter.com/occidental](http://twitter.com/occidental)) accounts. Information may also be posted through an out-of-state, toll-free telephone number ((866)961-3300). The telephone number is connected to a message service that provides accurate and updated information.

### Disaster Preparedness and Response Plan

The Emergency Operations Plan is the foundation and guide for response to a disaster by Occidental administration, faculty, staff, and students. The purpose of the Plan is to protect life, property, and the environment, and to maintain the basic operations of the College following a disaster. Details of the specific incidents shall dictate the level and type of response. However, the framework of the response (including establishing an Emergency Operations Center [EOC] and On-Scene Response and Policy Group) remains the same.

The complete Emergency Operations Plan, Active Shooter Emergency Action Plan, "Common Sense Advice for Earthquakes," and a disaster preparedness checklist are available at [www.oxy.edu/campus-safety/emergency-preparations-response-plans/emergency-operations-plan](http://www.oxy.edu/campus-safety/emergency-preparations-response-plans/emergency-operations-plan) and [www.oxy.edu/campus-safety/emergency-preparedness-response-plans/active-shooter-emergency-action-plan](http://www.oxy.edu/campus-safety/emergency-preparedness-response-plans/active-shooter-emergency-action-plan).

In the event of a significant emergency or a dangerous situation, Campus Safety and/or other first responders would secure the location and evacuate students to pre-identified places (if the situation required it). The College has stored emergency food, water, and essential supplies; and has back-up

communication systems in place, should they become necessary. The Disaster and Emergency Response Plan is a living document and is constantly being updated.

## **Emergency Response Exercises**

Occidental conducts annual emergency management exercises to test emergency procedures. The scenarios for these exercises change every year and include several departments on campus, including Campus Safety and Facilities Management.

Disaster preparation and response drills occur annually. Occidental participates in the Great California ShakeOut drill held each October. Unannounced fire drills are held annually to stress safe evacuation, assembly, and accountability in residence halls and the Library. Documentation of the drills is maintained in the Environmental Health & Safety and Campus Safety offices.

## **Annual Publication of Emergency Response and Evacuation Procedures**

### ***Earthquake Drill: Great ShakeOut***

*Thursday, October 15, 2019*

Occidental participates in the California's Great ShakeOut "Drop, Cover and Hold On" drill held the third Thursday of October every year. The entire campus community participates in the Great ShakeOut drill; extended drills with building evacuations are conducted in the Library and Arthur G. Coons Administrative Center, and staff also will evacuate from the Johnson Student Center. This test is announced to students, staff, and faculty with a series of emails, which also give instructions regarding what to do in an earthquake and during the drill. The Great ShakeOut is a chance for all first responders on campus to test their coordination efforts and evaluate how, or if, any emergency plans need to be improved or supported through modification, additional training, or otherwise.

All emergency notification systems that were tested--OxyAlert, emergency siren, and loudspeaker--functioned properly for the duration of the drill

## **Emergency Notification to the College Community (OxyAlerts, Etc.)**

The College will immediately notify the campus community upon confirmation of an emergency or dangerous situation that involves an immediate threat to the health or safety of students or employees. An "immediate" threat includes an imminent or impending threat, such as an approaching fire, earthquake, gas leak, or an outbreak of serious illness. These situations may occur on campus or in the local neighborhood and pose an immediate threat to the health and safety of campus community members.

Occidental's OxyAlert is a multi-platform emergency notification service that is mandatory for students. Faculty and staff are automatically enrolled in the service, but may opt out. OxyAlert can be used to send emergency messages via voicemail, email, and text message within minutes of the occurrence of an incident.

In addition, information and updates may also be posted on the College website ([www.oxy.edu](http://www.oxy.edu)) as well as its Facebook ([www.facebook.com/occidental](http://www.facebook.com/occidental)) and Twitter ([twitter.com/occidental](http://twitter.com/occidental)) accounts, and an out-of-state, toll-free telephone number ((866)961-3300). (The toll-free telephone number is connected to a message service that provides accurate and updated information.)

When an emergency notification is necessary, the Campus Safety Department will develop the content and decide the appropriate delivery method. Time permitting, additional input may be obtained from other relevant sources (e.g., the Title IX Office). The Campus Safety Department, Senior Director of Student Wellness, the Office of Marketing and Communications and designees have the authority to compose and send a campuswide notification without delay and to provide follow-up information as it becomes available. Occidental performs a campuswide test of the OxyAlert system twice a year. Currently, the College sends all timely warnings and emergency notifications to the entire campus community, and does not narrow the reach of notifications based on a determination of who is or isn't likely to be directly affected.

The following procedures outline the process the College uses when issuing emergency notifications:

### **A) CONFIRMING THE EXISTENCE OF A SIGNIFICANT EMERGENCY OR DANGEROUS SITUATION**

In the event the Campus Safety Department, Senior Director of Student Wellness, or other College designee learns of a critical incident or other emergency situation that potentially affects the health and/or safety of the campus community, they will attempt to verify as quickly as possible that a legitimate emergency or dangerous situation exists. Confirmation may involve speaking with eyewitnesses, checking with relevant departments on campus, and/or consulting with local law enforcement, the local fire department, local public health departments or other government agencies.

Once there is confirmation of an emergency or dangerous situation that poses an immediate threat to the health or safety of the campus community, the College will, without delay, and taking into account the safety of the community, determine the content of the notification and initiate the notification system, unless issuing a notification will, in the professional judgment of responsible authorities, compromise efforts to assist a victim or contain, respond to or otherwise mitigate the emergency. In those instances, the College may elect to delay issuing an emergency notification. As soon as the condition that may compromise efforts is no longer present, the College (via the Director of Campus Safety and/or other College designee, with the approval of the College President or his designees, such as the Dean of the College, the Chief Operating Officer and/or the Dean of Students) will issue the emergency notification to the campus community by activating the College's emergency notification system through one or more of the procedures set out below.

## **B) DETERMINING THE CONTENTS OF THE EMERGENCY NOTIFICATION**

The Director of Campus Safety, Senior Director of Student Wellness, the Office of Marketing and Communications and designees have the authority to determine the content of the notification, taking into consideration the nature of the threat, the facts that are known about the situation, the actions members of the campus community are being asked to take to protect their safety, and any other relevant information that will not compromise in assisting a victim or containing, responding to, or otherwise mitigating the emergency. The goal of the emergency notification is to ensure that individuals are made aware of the emergency and know what steps to take to safeguard their personal and community safety.

## **C) PROCEDURES USED TO NOTIFY THE CAMPUS COMMUNITY**

In the event of an emergency, the following methods of communication may be activated by the Director of Campus Safety, the Director of Communications/Office of Marketing and Communications, the Senior Director of Student Wellness, or the Director of Facilities:

- Audible siren system
- OxyAlert (multi-platform, mass-notification system, including e-mail and text alerts)
- College Facebook and Twitter accounts
- Verbal announcements within a building
- Public address system on Campus Safety patrol vehicles

The College may post updates during an emergency on the Occidental homepage and the College Facebook and Twitter accounts.

## **D) PROCEDURES FOR DISSEMINATING EMERGENCY INFORMATION TO THE LARGER COMMUNITY**

### ***(Individuals and Organizations Outside the Campus Community)***

If the College activates its emergency notification system in response to an emergency, the Campus Safety Department and the Office of Marketing and Communications are responsible for notifying the larger community of the emergency. The Office of Marketing and Communications is primarily responsible for external crisis communications and for updating notices on Facebook, Twitter, and other social networking platforms. It is also responsible for maintaining communications with national, regional, and local news and radio outlets, should the situation require it.

## **ENROLLING IN OCCIDENTAL'S EMERGENCY NOTIFICATION SYSTEM (OXYALERT)**

The College automatically enrolls all students, faculty, and staff in the OxyAlert system. (Faculty and staff, though strongly encouraged to stay enrolled in the service, are able to opt out.) Anyone enrolled in the OxyAlert system is required to update their information annually. Information regarding enrollment in OxyAlert is provided during new student orientation, new employee orientation, and through distribution of the College's AFSSR.

# Security of and Access to College Facilities

## Access to Occidental College: Policy

Occidental is a private college that is open to the public. Entrance may be denied and trespass laws may be invoked when a person engages in misconduct or presents a threat to the campus community.

Students, faculty, and staff are encouraged to carry College identification (ID) when on campus. A special ID is available to alumni for a small fee. Identification is required for admission to the Academic Commons, athletic facilities, and most campus events.

## Academic and Administrative Building Access Information

Academic and business/administrative buildings are open during regular business hours. All such buildings are locked after regular business hours. (After-hours access requires physical keys and/or special card key permissions.) Students must obtain written permission for after-hours use of any building or facility. For safety reasons, two or more students are required to be present in any classroom, lab, computer lab, or reading reference room after 10 p.m. The Academic Commons is open 24 hours a day Monday-Thursday (closes at 10 p.m. Friday, open 9 a.m.-10 p.m. Saturday, opens 10 a.m. Sunday) while classes are in session and during finals.

## Residence Hall Access Information

Occidental houses approximately 1,670 students in 17 residence halls and themed communities. Entrances to residence halls are locked at all times for the safety of residents and the protection of personal property. Most residence halls use electronic key card systems to regulate access, though some of the themed communities use physical key locks. All members of the campus community are expected not to prop open any locked doors; Campus Safety and Residential Education staff enforce this policy through frequent patrols and rounds. Students observed propping residence hall doors will be referred to the Office of Student Conduct.

To gain access to a residence hall, visitors must notify their hosts of their arrival and ask to be met at the door. Professional staff members supervise resident advisors assigned to all residence halls. Professional Residential Education staff members are on duty at all times. Safety and security issues are part of resident advisor staff training each year.

All student residence hall rooms are equipped with smoke detectors that are on building power with a battery backup; they are regularly inspected. Berkus House, Haines Hall, Eileen Norris Hall, and 4909 Rangeview (SAE House) have local building fire alarm systems. The themed communities at 1480 Campus Road, 4873 Stratford Road, and 4863 Stratford Road have smoke detectors in the hallways and student rooms. The fire alarm sprinkler systems in Bell-Young Hall, Berkus Hall, Braun Hall, Chilcott Hall,



Erdman Hall, Newcomb Hall, Pauley Hall, Stearns Hall, Stewart-Cleland Hall, and Wylie Hall are monitored by an outside company that alerts both the Los Angeles Fire Department and Campus Safety when an alarm is activated. Campus Safety conducts unannounced fire drills in all residence halls annually. Evacuation results are recorded and evaluated after each drill.

The use of fire alarm systems and fire-fighting equipment without the existence of an actual fire is a violation of California state law. Triggering a false fire alarm could result in a misdemeanor charge, which includes a citation and possible disciplinary action.

During the winter break, all residence hall rooms are secured. Students requiring housing at that time must make prior arrangements with the Office of Residential Education and Housing Services. Exterior locks on buildings using physical key locks (as opposed to electronic card key access) are temporarily changed during the winter and summer breaks to increase security. Additional information about student housing can be found at [oxy.edu/residential-education-housing-services](https://oxy.edu/residential-education-housing-services).

## Card Key Access Policy

It is the College's policy to keep all interior and exterior doors closed and locked to discourage unwanted entrance to College facilities. It is the responsibility of all College personnel, students, faculty, administrators, and staff to ensure doors to facilities they use are kept closed and locked at all times when the facility is not in use or has limited occupancy. Breaches of physical security jeopardize everyone's personal safety and security, as well as the property of the College.

Control of access is an essential ingredient to safety and security. Card key access via the College ID card is centralized through the Campus Card Office, operated by Hospitality Services. ID cards are the property of the College. Access is granted via requests by authorized individuals, and regulated by an appropriate balance of convenience and security. Access will be discontinued when an individual leaves the College. Individuals are responsible for safeguarding their ID card and taking reasonable precautions to protect it from unauthorized use.

## Facilities Management Support

The Facilities Management Department (FM) maintains College buildings, structures, and grounds. FM personnel are responsible for inspecting campus facilities and making repairs that affect safety and security. FM staff members, with the help of Campus Safety officers, respond to reports of potential safety hazards.

Contractors and service providers wear identifying badges when working on campus. They are required to check in and out with FM staff whenever visiting campus. A number of projects related to safety and security are carried out each year through the College's Major Remodel and Repair Program including abatement of hazardous materials, trip and fall hazards, elevator modernization, roof replacement, lock and door replacement, security alarm systems, fire alarm panel replacement, fire sprinkler installation, and lighting improvements.

The Environmental Health and Safety (EH&S) manager is the point of contact for compliance issues such as work safety, laboratory safety, air quality standards and fire safety. The EH&S manager works with administration, faculty, staff, students, and loss-control representatives to develop and implement environmental health and safety programs. The EH&S manager is responsible for the maintenance of fire and life safety systems and oversees construction projects involving these systems. The EH&S manager manages hazardous materials and hazardous waste removal, such as asbestos and lead-paint abatement. Additionally, the EH&S manager is responsible for underground storage-tank regulation issues and compiles the Annual Fire Safety Report.

## **Security Considerations Used in the Maintenance of Campus Facilities**

Occidental takes care to ensure that all campus facilities are well-maintained and secure. Sidewalks and other pathways are designed to provide safe, well-lit routes from parking areas to buildings and from building to building. Groundskeeping personnel trim shrubs to clear sidewalks, walkways, and building entrances. The lighting on all campus walkways is inspected annually.

New streetlights and pedestrian walkway lights are added when new parking areas and walkways are developed, roadways are changed, and/or playing fields are relocated. We encourage community members to promptly report any safety or security concerns, including those about locking mechanisms, lighting, or landscaping to Facilities Management at (323)259-2651.

# Residential Education and Housing Services

## Missing-Student Notification Policy

Students are responsible for knowing the following:

Occidental College takes student safety very seriously. To this end, the following policy and procedure has been established to assist in locating Occidental students living in College-owned on-campus housing who, based on the facts and circumstances known to Occidental, have been determined to be missing.

At the beginning of each academic semester, Occidental will inform students residing in on-campus housing that Occidental will notify a parent, guardian or one or more individuals selected by the student not later than 24 hours after the time the student is determined to be missing. This information will include the following:

- Students have the option of identifying one or more individuals to be contacted by Occidental not later than 24 hours after the time the student has been determined to be missing by Occidental Campus Safety or our local law enforcement agency. Students can register this contact information confidentially through the Residential Education and Housing Services Office.
- This information will only be accessible to authorized campus officials and may not be disclosed, except to law enforcement personnel in furtherance of a missing person investigation.
- If the student is under 18 years of age, and not an emancipated individual, Occidental is required to notify a custodial parent or guardian within 24 hours after the time that the student is determined to be missing, in addition to any additional contact person(s) designated by the student.
- Occidental will notify the appropriate law enforcement agency not later than 24 hours after the time that the student is determined to be missing (unless the local law enforcement agency was the entity that made the determination that the student is missing).
- If Occidental Campus Safety or law enforcement personnel have been notified and make a determination that a student who is the subject of a missing person report has been missing for more than 24 hours and has not returned to campus, Occidental will initiate the emergency contact procedures in accordance with the student's designation.

Occidental College will follow the following notification procedure for a missing student who resides in on-campus housing:

- Anyone receiving or making a missing student report should immediately report the information to Occidental Campus Safety by calling (323)259-2599.
- Any official missing person report relating to this student shall be referred immediately to Occidental Campus Safety.

- Once Occidental receives a missing student report the following offices will be notified: Vice President of Student Affairs and Dean of Students; Residential Education and Housing Services; Occidental Campus Safety.
- If Occidental College, after investigating the official report, determines the student has been missing for 24+ hours, Occidental will contact the local law enforcement agency in addition to the individual(s) identified by the student and the custodial parent or legal guardian if the student is under 18 and not emancipated.

Upon notification from any entity that any student may be missing, Occidental College may use any of the following resources to assist in locating the student. These resources may be used in any order and combination.

- Through the REHS Office, the Resident Advisors may be asked to assist in physically locating the student by keying into the student's assigned room and talking with known associates.
- Campus Safety may search on-campus public locations to find the student (library, cafeteria, etc.).
- Campus Safety may issue an ID picture to assist in identifying the missing student.
- The Dean's Office may try to contact known friends, family, or faculty members for last sighting or additional contact information.
- Student Affairs or academic departments may be contacted to seek information on last sighting or other contact information.
- Campus Safety or the REHS Office may access card access logs to determine last use of the card and track the card for future uses.
- Campus Safety may access vehicle registration information for vehicle location and distribution to authorities.
- ITS may be asked to look up email logs for last login and use of Occidental College email system.

If there is any indication of foul play, the local police department will immediately be contacted for assistance.

## The Office of Student Conduct

### MISSION

The Office of Student Conduct is designated by the Vice President for Student Affairs and Dean of Students to administer the Occidental College Code of Student Conduct (the “Code”). When a violation of College policy is alleged, the Office of Student Conduct engages with those involved, investigates and takes appropriate action in accordance with the Code (or refers the matter to the appropriate office for resolution).

In furtherance of Occidental College's commitment to excellence, equity, community, and service, the Office of Student Conduct encourages and expects Students to:

- respect themselves and others;
- resolve conflicts peacefully;
- repair harm caused by their actions;
- understand their responsibility to both the local and global community; and
- participate in a complex, pluralistic, and interdependent world.

The Office of Student Conduct strives to create an environment in which Students seek truth and justice, thoughtful decision-making is paramount, and all community members are grounded in the values of trust, honesty, and respect.

## **JURISDICTION**

Occidental College holds its students accountable for their behavior on campus. The College may also choose to address off-campus behavior whether that behavior constitutes a violation of local, state, federal law, or a violation of College regulations, if that behavior:

1. occurs in connection with a College-Sponsored event or when Students are acting as representatives of the College;
2. directly affects another member of the Occidental community;
3. adversely affects the peace, comfort, safety, or security of others; and/or
4. adversely affects the integrity of the educational or developmental process.

Students are responsible for their individual conduct, even though conduct may occur before classes begin or after classes end, as well as during the academic year and between terms of actual enrollment. The Office of Student Conduct decides whether to respond to allegations of off-campus misconduct (and if so, how), on a case-by-case basis.

## **The Student Code of Conduct**

### **RULES AND REGULATIONS**

Occidental expects its students to meet high standards of honor and good citizenship and to conduct themselves, both on- and off-campus, in a manner that reflects credit on themselves and the College. Students shall convey these expectations to their guests.

#### ***No Smoking***

Smoking of any substance is prohibited inside all College facilities including resident halls and balconies. Smoking is also prohibited within 30 feet of any residence hall.

### ***Standards of Behavior***

The following, while not exhaustive, represents behavior subject to Conduct action:

- a. Conduct which threatens or endangers the health or safety of any person, including physical abuse, verbal abuse, threats, intimidation, harassment, and/or coercion.
- b. Possession of a weapon. A "weapon" includes explosives, metal knuckles, knives with blades more than two and a half (2.5) inches long, firearms including guns, air/pellet guns, paint guns, gun replicas (including facsimile water pistols), or any other instrument used or designed to be used to intimidate, threaten, and/or injure any person.
- c. Reckless, disorderly, or lewd conduct.
- d. Recklessly interfering with normal College or College-sponsored activities, including but not limited to studying, teaching, research, administration, or emergency services, such as fire and police.
- e. Unauthorized entry or use of College facilities. This includes unauthorized possession, duplication, or use of keys or access cards to any College premises.
- f. Unauthorized use of an Oxy ID card. Students may not permit other persons to use their ID card for any reason. The only person permitted to use an ID card is the individual to whom the card is issued.
- g. Unauthorized or inappropriate use of College computers, e-mail, or network; or other violations as specified by the most current Appropriate Use of Technology Policy published by Occidental Information Technology Services.
- h. Use of electronic or other devices to record any person while on College premises without their prior knowledge, or without their effective consent.
- i. Failure to comply with any sanction(s), administrative and/or educational, imposed in accordance with the Code.
- j. Furnishing false information to the College or a College official, or withholding information that may impede an investigation. This includes, but is not limited to, any false report, warning, or threat of fire, explosion, or other emergency.
- k. Violation of the College Alcohol and Other Drugs Policy: Alcohol Policy.
- l. Violation of the College Alcohol and Other Drugs Policy: Drug Policy.
- m. Forgery, unauthorized alteration, or unauthorized use of any College document or instrument of identification.

- n. Substantially interfering with the freedom of expression of others.
- o. Attempted or actual theft of College property or the property of others.
- p. Damage to College property or the property of others, including littering. Departments may have additional regulations and/or requirements dealing with conduct and/or use of College funds or property.
- q. Failure to comply with the reasonable directions of College officials, including Campus Safety officers and residence hall staff, acting in performance of their duties. This also includes failure to identify oneself to these persons when requested.
- r. Violations of other College regulations, rules, or policies.
- s. Conduct that could result in the violation of any federal, state, or local law.
- t. Students are to maintain adequate oversight of their guests and to exercise good judgment when inviting guests into the community. Guests include individuals invited or signed in by the student or the student's passive acceptance of an individual's known presence. Guests also include individuals who are not personally invited, but who respond to a general invitation.
- u. Hosting non-official events or other activities that create a nuisance or endanger the safety of the community.
- v. Retaliation: Acts or attempts to retaliate or seek retribution against any complainant, complaining witness, respondent, or individual or group of individuals otherwise involved in the complaint, investigation, and/or resolution of an allegation of a policy violation. Retaliation can be committed by any individual or group of individuals, not just a complainant, complaining witness, or respondent. Retaliation can take many forms, including continued abuse, violence, or other forms of harm to others.

The College will, upon written request, disclose to the alleged victim of a crime of violence (as that term is defined in Section 16 of Title 18, United States Code) or a non-forcible sex offense, the report on the results of any disciplinary proceeding conducted by the College 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 the purposes of this paragraph.

## PROCEDURAL PROTECTIONS

Students alleged to have violated this Code can expect that all procedures outlined in the Code will be followed. Students and Organizations are entitled to procedural protections.

The Student Code of Conduct can be read in its entirety at <https://www.oxy.edu/student-handbook>.

# Alcohol and Other Drugs Policy

*Students are responsible for knowing the following:*

Occidental College's Alcohol and Other Drugs Policy complies with the requirements set forth by the Drug-Free Schools and Community Act Amendments of 1989. This act requires the College to certify that it is in compliance with the regulations and that it has implemented a program to prevent the unlawful possession, use or distribution of illicit drugs and alcohol by all students and employees both on school premises and as part of any of its activities.

The Alcohol and Other Drugs Policy describes the standards of conduct regarding the possession, use or distribution of alcohol, controlled substances and marijuana; sanctions enforced under College policy, and local, state, and federal law; and information regarding health risks and treatment services for substance abuse. This policy was revised during the academic year of 2016-2017 and became effective on August 1, 2017.

## PHILOSOPHY

The health and wellbeing of every Occidental student is the responsibility of the entire Occidental community. Occidental College is committed to providing a safe campus environment that encourages intellectual, cultural and social learning and personal development. Each member must make informed decisions regarding personal use of alcohol and other drugs that reflect a respect for themselves, others and the community at large.

The Alcohol and Other Drugs Policy applies to all students and student groups associated with the Occidental College community (including applicants while visiting campus). Members of the Occidental community are considered adults and are thus expected to abide by Federal and California State Law regarding the possession, consumption, and distribution of drugs and alcohol. Relevant sections of these statutes are summarized below.

Occidental College takes an educational approach when working with students involved in alcohol and other drug policy violations. Every effort is made to connect students with appropriate resources on campus including, but not limited to, counseling, medical, and mental health services. A list of campus resources and possible sanctions for violations of this policy is outlined below.

The College's Alcohol and Other Drug Committee reviews this policy every two years.

## Student Alcohol Policy

### OCCIDENTAL EXPECTATIONS OF BEHAVIOR

Occidental respects the rights of community members to exercise their legal options regarding alcohol consumption and recognizes that responsible alcohol use can be compatible with healthy adult behavior



and successful social events. As such, Occidental College has identified expectations of behavior that support the safe and legal consumption of alcohol. Any student who consumes alcohol remains responsible for any violation of the College's Code of Student Conduct. The Dean of Students Office is responsible for interpreting and implementing this Policy.

1. **Under-age drinking:** Students under the age of 21 may not possess or consume alcohol. A state of intoxication implies consumption. Possession of open containers, including empty bottles used as decoration, by anyone under the age of 21 is prohibited.
2. **Respect for the community while under the influence:** Students in lawful possession of alcohol shall not disrupt the community in the residence halls, on campus, or in the surrounding environment. Students who use alcohol shall do so in a way that does not compromise, or infringe on, the rights and safety of others.
3. **Alcohol possession/consumption in dry residence halls:** Students shall not possess, consume or be in the presence of alcohol, regardless of a student's age, at any time in the following buildings: Bell Young Hall, Pauley Hall, Stewart-Cleland (Stewie) Hall, Braun Hall, Chilcott Hall, and the Substance Free Living Residence Hall.
4. **Alcohol possession/consumption on other areas of campus:** Alcohol is not permitted in any common area of the residence halls. Students of age who are not living in dry residence halls may possess and consume alcohol in their residence hall room. Open containers of alcohol are prohibited on campus grounds unless approved by the College for special events.
5. **Responsible drinking at social events:** Organized drinking games or items used for the purpose of quick or mass consumption of alcohol or any other fluids are prohibited. Public intoxication and events where there is pressure or an expectation to consume excessive amounts of alcohol are prohibited. The College strongly discourages "pre-gaming" and "doing shots" of hard alcohol because these behaviors maximize the dangers associated with intoxication and the risk of alcohol poisoning. "Pre-gaming" is the consumption of large amounts of alcohol in a short period of time prior to attending a social event. Virtually all of the alcohol poisoning cases on campus involve hard alcohol consumption and occur from "pre-gaming."
6. **Supplying alcohol to peers and guests:** Providing alcohol to underage individuals is prohibited. Hosts are responsible for their guests' alcohol consumption and the behavior of their guests. Guests include individuals invited or signed in for by the student or the passive acceptance of an individual's known presence. Guests also include individuals who are not personally invited, but who attend in response to a general invitation.
7. **Supplying alcohol to prospective students:** The entire Occidental College community is responsible for the wellbeing of prospective students visiting the campus. Giving or offering alcohol to a prospective student is strictly prohibited. Information gathered about the use of alcohol by prospective students during their visit will be shared with Admissions to add to the file of the prospective student. This could hinder the ability of the prospective student to be admitted to the College.
8. **Serving alcohol at student-sponsored events:** Any student-sponsored event where alcohol is served must follow Student Life, Involvement, and Community Engagement (SLICE) protocol (see Campus Events Coordinated by Students Policy). Serving alcohol to intoxicated persons

or underage students is prohibited. Bulk containers, kegs, or any alcohol dispensing-device requiring a tap are not permitted on campus with the exception of a registered event with a licensed bartender present.

9. **Sale of alcoholic beverages:** The unlicensed sale of alcoholic beverages is prohibited. This includes the selling of tickets to events where alcoholic beverages are provided, charging admission or accepting donations for any activity involving alcohol without a license. Also, a student organization may not use ASOC funds to purchase or provide alcohol at its social events, either on or off campus.
10. **Driving under the influence:** Operating a vehicle under the influence of alcohol is prohibited. "Vehicle" is defined as anything used for transporting people or goods, especially on land, such as a car, truck, bicycle or cart.
11. **Off-campus policy violation:** Students associated with Occidental College who violate any College policy, city laws or ordinances, or state or federal laws off-campus are subject to disciplinary action from the College and arrest by law enforcement.

## Student Drug Policy

Students have the right to live and work in an environment free from the effects of drugs and drug abuse. Occidental College students are expected to comply with federal, state, and local laws, to follow the requirements of the College's drug policy and to respect the right to a drug-free environment shared by all members of the campus community. Federal and state laws subject persons involved in the use, sale, or distribution of illegal drugs\* to criminal action, including arrest, fine, and imprisonment. Occidental fully supports these laws by prohibiting the possession, use, sale, and/or distribution of illegal drugs on campus. Any violation of this Policy shall result in disciplinary action.

"Illegal Drugs" refers to "Controlled Substances" as defined in Schedules I through V, section 22 of the Controlled Substances Act (21 U.S.C. Section 812) and also found in the Health and Safety Code Section 11054-11058.

### GENERAL GUIDELINES

1. As a general rule, law enforcement agencies permit an educational institution to address the illegal use of drugs by students in accordance with its disciplinary policies and procedures. However, the College cannot deny the Los Angeles Police Department or federal or state narcotics officers the right of access to the campus or entry to College buildings for the purpose of investigating the illegal use or sale of drugs.
2. Students who use illegal drugs or possess drug paraphernalia shall be subject to disciplinary action.
3. The College reserves the right to request outside assistance in connection with the possession, use, sale or distribution of illegal drugs and drug paraphernalia.

## OCCIDENTAL EXPECTATIONS OF BEHAVIOR

1. **Illegal substance use:** The use, abuse, sale, manufacturing, possession and/or distribution of illegal drugs or drug paraphernalia is prohibited. A student is deemed to have distributed illegal drugs or drug paraphernalia if they sell, exchange, share, jointly purchase, or otherwise make available any illegal drug or drug paraphernalia to another.
2. **Over-the-counter and prescription substance use:** The abuse, sale, and/or distribution of over-the-counter or prescription drugs (pharmaceuticals), or other substances is prohibited. This includes the use of the pharmaceutical/substance for anything aside from its intended purpose, by someone other than the intended recipient, and in a dosage other than what is prescribed. Any student who sells, provides, shares or otherwise makes available a pharmaceutical/substance to another person may be found responsible for violating the Occidental drug policy. A student is deemed to have distributed a pharmaceutical or substance if they sell, exchange, share, jointly purchase, or otherwise make available any pharmaceutical or substance to another.
3. **Medical marijuana possession:** The College does not allow any exceptions to this Policy including the possession or use of marijuana for medical purposes, even if such possession or use otherwise meets the qualifications of the California Compassionate Use Act, or any future legislation that is specific to the state of California. Students who believe they may be adversely affected by this Policy should contact the Dean of Students Office for more information.
4. **Supplying prospective students with drugs and/or pharmaceuticals:** The entire Occidental College community is responsible for the wellbeing of prospective students visiting the campus. Giving or offering illegal drugs, pharmaceuticals or other substances to a prospective student is strictly prohibited. Information gathered about the use of illegal drugs, pharmaceuticals, or other substances by prospective students during their visit will be shared with Admissions to add to the file of the prospective student. This could hinder the ability of the prospective student to be admitted to the College.
5. **Illegal activity by association:** Students who are in the presence of such activities/items as outlined above shall also be subject to disciplinary action.

## DRUG OFFENSES AND PENALTIES

The Federal Controlled Substances Act provides penalties of up to 15 years imprisonment and fines up to \$25,000 for unlawful distribution or possession with intent to distribute illegal drugs. For the unlawful possession of illegal drugs, a person is subject to up to one year of imprisonment and fines up to \$5,000. Any person who unlawfully distributes an illegal drug to a person under 21 years of age may be punished by up to twice the term of imprisonment and fined otherwise authorized by law.

The unlawful use, possession, distribution, manufacturing, or dispensing of illegal drugs is prohibited by Occidental College. Criminal Sanctions under California Law for the unlawful possession or distribution of illegal drugs and alcohol include the following:

1. **Possession of Controlled Substances:** Imprisonment in county jail for possession of specified controlled substances, including opium derivatives and cocaine (Health and Safety Code Section 11350).
2. **Selling of Controlled Substances:** Imprisonment in State prison for two to four years for possession or sale of specified controlled substances including opium derivatives and cocaine (Health and Safety Code Section 11351).
3. **Possession of Marijuana:** A person in possession of less than 28.5 grams of marijuana is subject to an infraction and may be fined; Possession of more than 28.5 grams shall be punished by imprisonment in county jail and/or a fine (Health and Safety Code Section 11357).
4. **Possession with Intent to Sell Marijuana:** shall be punished by imprisonment (Health and Safety Code Section 11359).
5. **Distribution of Prescription Drugs:** it is unlawful for any person who is not a pharmacist to manufacture, compound, furnish, sell, or dispense any dangerous drug or dangerous device, or to dispense or compound any prescription (Business and Professions Code Section 4051 (a)).
6. **Under the Influence of Controlled Substance:** No person shall use or be under the influence of any controlled substance. Any person convicted of violating this is guilty of a misdemeanor and shall be sentenced to up to one year in a county jail, up to five years of informal probation, drug counseling and/or community service. (Health and Safety Code Section 11550 (a)).

\*Changes in state law regarding marijuana or other controlled substances do not negate applicable federal statutes.

## SANCTIONS

Students found in violation of this Policy shall be referred to the Office of Student Conduct, where they shall meet with a conduct officer to assess responsibility and discuss possible sanctions in accordance with the Code of Student Conduct. A fundamental principle guiding the imposition of sanctions is founded on the College's mission to balance upholding community standards with the educational development of its students.

Possible sanctions (including expulsion) are outlined in the conduct section of the Student Handbook. All sanctions are cumulative, and a student's past conduct history is taken into consideration when issuing a sanction. Sanctions may also be enhanced based on the severity of the behavior and impact on the College community. More than one sanction may be imposed for any single violation.

## Employee Drugs and Alcohol Policy

In accordance with applicable law, the College maintains a drug-free workplace policy. The unlawful use, possession, distribution, manufacturing, or dispensing of illegal drugs is prohibited by Occidental College.

The following rules and standards of conduct apply to all employees:

- Employees are prohibited from unlawfully manufacturing, distributing, selling, offering to sell, dispensing, possessing, purchasing or using illegal drugs or controlled substances at any time either during work hours or non-work hours, including meal and break periods. Employees are expected to report to work unimpaired by illegal or controlled substances.
- The College will not condone abusive or inappropriate use of alcohol, including incident of drunkenness or any level of intoxication during normal work hours or while performing work for the College. Employees are expected to report to work unimpaired by alcohol.
- The College is not a “dry” campus. On occasion, the College hosts or facilitates event where alcohol is served. While participating in business-related or College social events where alcohol is served, employees are expected to use good judgment in consuming alcohol, drink moderately, remain responsible, professional and sober at all times, and abide by all state and federal laws related to alcoholic beverages, including laws which prohibit the operation of vehicles while under the influence.

Employees who violate these rules and standards of conduct may be subject to discipline, up to and including termination of employment and may be referred from prosecution for unlawful conduct. The College also supports enforcement, by applicable law enforcement agencies, of all local, state, and federal laws and ordinances. Violations of local, state, and federal laws and ordinances for unlawful possession or distribution of drugs and alcohol may result in misdemeanor or felony convictions and/or the imposition of other legal sanctions, including but not limited to fines, imprisonment, forfeiture of personal and real property, loss of driving privileges, and required attendance at substance abuse education or treatment programs.

The entire Employee Drugs & Alcohol Policy is available to view at:

[www.oxy.edu/sites/default/files/assets/HR/Employee-Drug-Alcohol-Policy\\_Revised\\_2017.pdf](http://www.oxy.edu/sites/default/files/assets/HR/Employee-Drug-Alcohol-Policy_Revised_2017.pdf)

## California State Alcoholic Beverage Laws and Penalties

All colleges must abide by federal, state and local laws and all campus policies incorporate such laws into college life. The laws of the State of California specify that people under the age of 21 may not consume, possess or distribute alcohol. In addition, it is unlawful for any person to sell, furnish or give any alcoholic beverage to anyone under the age of 21. Minors who use false identification in order to obtain alcoholic beverages are guilty of a misdemeanor. In compliance with state and local laws, Occidental prohibits the illegal use of alcohol on College property and as part of any College-sponsored activity (on- or off-campus).

Violations of federal, state or local law, even within regularly scheduled College facilities, occur at the risk of the individuals and are not the responsibility of the College.

California laws regarding the use of alcoholic beverages are highlighted below and are accurate as of May 2017. The laws are abbreviated for general use and may not cover all situations. It is the

responsibility of the server or consumer of alcoholic beverages to be aware of, and abide by, all federal, state and local laws and ordinances.

Examples of common offenses and penalties include:

1. **Open Container:** Possession of any can, bottle, or other receptacle containing any alcoholic beverage that has been opened, or a seal broken, or the contents of which have been partially removed, in any city- and county-owned public place can result in a fine (California Business And Professions Code section 25620 (a)).
2. **Minor in Possession (MIP):** Any person under the age of 21 years who has any alcoholic beverage in their possession on any street or highway or in any public place or in any place open to the public is guilty of a misdemeanor and shall be punished by a fine of \$250 or the person shall be required to perform not less than 24 hours or more than 32 hours of community service hours (California Business and Professions Code section 25662 (a)).
3. **Driving Under the Influence (DUI):** Driving under the influence with a blood alcohol content (BAC) level of .08 or higher or driving under the influence of a drug or combination of both is a misdemeanor with possible fines, county prison sentence, and driver's license suspension (California Vehicle Code sections 23152 (a) & (b)).
4. **Driving Under the Influence (DUI) While Under Age 21:** Drivers under 21 with a BAC of .05 or higher can have their vehicles towed and driver's license suspended, be charged a fine, and be required to complete a mandatory alcohol education program of three months or longer (California Vehicle Code sections 23136 and 23140).
5. **Cycling Under the influence (CUI):** Bicycling under the influence of an alcoholic beverage can result in jail sentencing and a base fine of \$250. Riders under 21 may also lose their driver's license for one year (California Vehicle Code section 21200.5).
6. **Providing False Identification:** Attempting to purchase alcohol using false identification can result in jail time and a minimum fine of \$250 or community service hours (California Business and Professions Code section 25661).
7. **Under 21 Purchase of Alcohol:** Any person under the age of 21 years who purchases any alcoholic beverage in any on-sale premises (e.g., bar or licensed club or restaurant) is guilty of a misdemeanor (California Business and Professions Code section 25658(b)).
8. **Selling Alcohol without a License:** is a misdemeanor (California Business and Professions Code section 23301).
9. **Drunk in Public (DIP):** Public intoxication is considered disorderly conduct, which is a misdemeanor offense and can result in jail time and a fine (California Penal Code section 647(f)).
10. **Furnishing Alcohol to a Person Under 21 or an Intoxicated Person:** Selling or furnishing alcohol to a person under 21 or to an obviously intoxicated person is a misdemeanor (California Business and Professions Code section 25658).



## STUDENTS

Occidental College encourages students to approach any Dean, Resident Advisor, or faculty member with whom they feel comfortable if they suspect that they or one of their fellow students has an alcohol or drug abuse problem. Counselors at Emmons Wellness Center can provide consultation and referral to students with problems or concerns related to alcohol and drug use. All counselors have been trained to assure appropriate confidentiality of information gathered in these sessions.

## EMPLOYEES

The College encourages and will reasonably accommodate employees with chemical dependencies (alcohol or drug) to seek treatment and/or rehabilitation, including through an unpaid leave where such leave would constitute a reasonable accommodation. Employees may also use any accrued, unused sick leave and vacation before taking unpaid leave for this purpose. Please note that, if time off qualifies for a Family and Medical Leave, the employee is required to use applicable Family and Medical Leave and the time will be counted against the employee's entitlement under the Family and Medical Leave Act and California Family Rights Act.

It is the responsibility of each employee to seek and accept assistance before alcohol and drug problems lead to corrective action, including termination. An employee's decision to seek assistance before alcohol and drug problems lead to disciplinary action will not be used as the basis for corrective action and will not be used against the employee in any disciplinary proceedings. At the same time, performance standards must be maintained, and alcohol or drug abuse will not be an acceptable excuse for performance that requires corrective action. Employees who wish to discuss options for treatment and/or rehabilitation related to chemical dependencies may contact Danita Maxwell, Director of Human Resources. In addition, the College provides an Employee Assistance Program ("EAP") for full-time, regular employees. Employees who do not wish to contact Human Resources may contact the EAP provider directly at 1-800-854-1446 (multi-lingual) or [www.unum.com/lifebalance](http://www.unum.com/lifebalance).

## INFORMATION AND REFERRALS FOR DRUG & ALCOHOL ADDICTION TREATMENT

### **Pasadena Council on Alcoholism and Drug Dependence**

(626) 795-9127

1245 E. Walnut St.

Pasadena, CA 91106

[www.socialmodelrecovery.org/pasadena-council-alcoholism-and-drug-dependence-pcadd](http://www.socialmodelrecovery.org/pasadena-council-alcoholism-and-drug-dependence-pcadd)

### **Al-Anon Family Groups of Greater Los Angeles**

(818) 760-7122

Central Office

4936 Lankershim Blvd.

North Hollywood, CA 91601

[www.alanonla.org](http://www.alanonla.org)



**San Gabriel Valley Narcotics Anonymous Help Line**

(626) 584-6910

[www.sgvna.com](http://www.sgvna.com)

Emmons Wellness Center can work with students, faculty, and staff on a direct referral to drug and alcohol treatment programs in the area as well as independent providers and counselors.

**INPATIENT AND OUTPATIENT TREATMENT**

**Glendale Adventist Medical Center (inpatient only)**

(818) 409-8000

1509 Wilson Terrace, Glendale, CA 91206

**Las Encinas Hospital**

(626) 795-9901

2900 E. Del Mar Blvd. Pasadena, CA 911207

**Della Martin Center for Behavioral Sciences at Huntington Hospital**

(626) 397-2323

100 W. California Blvd.

Pasadena, CA 91109

**The Haven at College**

(310) 822-1234

817 W. 34th Street

Los Angeles, CA 90089

[www.thehavenatcollege.com](http://www.thehavenatcollege.com)

*The Haven at College has a treatment program specifically for college students that provides outpatient and residential treatment.*

For additional information on local resources, consult with the staff at Emmons Student Wellness Center or visit: [www.oxy.edu/emmons-wellness-center](http://www.oxy.edu/emmons-wellness-center).

**Medical Amnesty Policy**

The welfare of students is of the highest importance to Occidental College. Students that are intoxicated at a level requiring medical attention, and/or the friends of such students, should always seek appropriate assistance from Campus Safety, Residential Education staff, or other local emergency services. The medical amnesty clause is included to promote student safety and to encourage students and third parties to promptly notify the appropriate staff or local emergency services in the event of such need.

Under this policy, when a student experiences a physical and/or psychological crisis while under the influence of alcohol or other drugs and the student or one or more friends of the student proactively

requests medical assistance, the College will mitigate the resulting disciplinary actions for both the student in crisis and the student(s) calling for help. The students will be referred to an educational or developmental program so that they learn and grow from the situation; and, no or reduced Code of Student Conduct sanctions may be imposed. Students that do not complete the educational or developmental program recommendations may be faced with disciplinary action consistent with College policy.

While the College reserves the right to refuse a grant of amnesty under certain extenuating circumstances, a student or students calling for assistance on behalf of an intoxicated student will generally be granted amnesty. Consistent with putting the student's health and safety first, the College will approach serious or repeated incidents with a higher degree of concern and a high level of intervention.

This policy does not protect students who are found to be in violation of other Occidental College policies from disciplinary action. Likewise, this policy does not prevent action by police or other law enforcement personnel. The Amnesty Policy does not grant amnesty to possession with intent to distribute drugs.

### **APPLICATION TO STUDENT ORGANIZATIONS**

In circumstances where an organization is found to be hosting an event where medical assistance is required or sought for a member or guest, the organization (depending upon the circumstances) may be held responsible for violations of the Alcohol and Other Drugs Policy through the conduct process.

However, the organization's willingness to seek medical assistance for a member or guest will be viewed as a mitigating factor in determining a sanction for any violations of the Alcohol and Other Drugs Policy. For more information on student groups and organizations, please review section D.3 of the Student Code of Conduct.

### **Parental Notification**

The Family Educational Rights and Privacy Act (FERPA) permits Occidental College administrators to notify the parents or guardians of students who violate campus alcohol and drug policies. Parents or guardians may also be contacted to inform them of the events surrounding their student's emergency medical transport for treatment or evaluation due to presumed consumption of alcohol and/or controlled substances. More information regarding "Family Educational Rights and Privacy Act (FERPA)" can be found online at this link:

[www.oxy.edu/student-handbook/general-college-policies/family-education-rights-privacy-act-ferpa](http://www.oxy.edu/student-handbook/general-college-policies/family-education-rights-privacy-act-ferpa).

## Annual Disclosure of Crime Statistics

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (20 USC § 1092(f)) requires colleges and universities to disclose information about crime on and around their campuses in this Annual Fire Safety and Security Report.

Crime statistics for three years are published in the Annual Fire Safety and Security Report by October 1 of each year and submitted annually to the U.S. Department of Education. Crimes are reported in the following categories:

### Definitions of Reportable Clery Crimes

#### CRIMINAL OFFENSES

##### ***Murder/Non-Negligent Manslaughter***

The willful (non-negligent) killing of one human being by another.

##### ***Manslaughter by Negligence***

The killing of another person through gross negligence.

##### ***Rape***

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

##### ***Fondling***

The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.

##### ***Incest***

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

##### ***Statutory Rape***

Sexual intercourse with a person who is under the statutory age of consent.

### ***Robbery***

The taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/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. For reporting purposes, this definition includes: unlawful entry with intent to commit a larceny or a felony; breaking and entering (forcible entry) with intent to commit a larceny; and all attempts to commit any of the aforementioned.

### ***Motor Vehicle Theft***

The theft or attempted theft of a motor vehicle.

### ***Arson***

The willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, or personal property of another, etc.

## **HATE CRIMES**

A criminal offense that manifests evidence that the victim was intentionally selected because of the perpetrator's bias against the victim.

In addition to the criminal offenses listed above, Larceny-Theft, Simple Assault, Intimidation, and Destruction/Damage/Vandalism of Property are included in Clery Act statistics only if they are Hate Crimes.

### ***Larceny/Theft***

The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another. Constructive possession is the condition in which a person does not have physical custody or possession, but is in a position to exercise dominion or control over a thing.

### ***Simple Assault***

An unlawful physical attack by one person upon another where neither the offender displays a weapon, or 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***

To willfully or maliciously destroy, damage, deface, or otherwise injure real or personal property without the consent of the owner or person having custody or control of it.

## **CATEGORIES OF BIAS (UNDER THE CLERY ACT)**

### ***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.

### ***Gender Identity***

A preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender identity.

### ***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 and or ideology that stresses common ancestry.

### ***National Origin***

A preformed negative opinion or attitude toward a group of people based on their actual or perceived country of birth.

### ***Disability***

A preformed negative opinion or attitude toward a group of persons based on their physical or mental impairments, whether such disability is temporary or permanent, congenital, or acquired by heredity, accident, injury, advanced age or illness.

## **VIOLENCE AGAINST WOMEN ACT (VAWA) OFFENSES**

### ***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. The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For the purposes of this definition: (a) Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse; (b) Dating violence does not include acts covered under the definition of domestic violence.

### ***Domestic Violence***

A felony or misdemeanor crime of violence committed:

- (i) by a current or former spouse or intimate partner of the victim;
- (ii) by a person with whom the victim shares a child in common;
- (iii) by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner
- (iv) 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
- (v) 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.

***Course of Conduct*** means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.

***Reasonable Person*** means a reasonable person under similar circumstances and with similar identities to the victim.

**Substantial Emotional Distress** means significant mental suffering or anguish that may, but does not necessarily require medical or other professional treatment or counseling.

A single course of conduct may include varying Stalking activities and **may include acts committed over electronic communication (e.g., emails, texts, or social media)**.

## **ARRESTS AND DISCIPLINARY REFERRALS**

### ***Weapons Law Violations***

The violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices, or other deadly weapons.

### ***Drug Law Violations***

The violation of laws prohibiting the production, distribution and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use. The unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation or importation of any controlled drug or narcotic substance. Arrests for violations of state and local laws, specifically those relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs.

### ***Liquor Law Violations***

The violation of state or local laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, or use of alcoholic beverages, not including driving under the influence and drunkenness.

# Crime Statistics

## CRIMINAL OFFENSES

Offense	2019					2018					2017				
	On-Campus Property		Non-Campus Building or Property	Public Property	Unfounded Crimes	On-Campus Property		Non-Campus Building or Property	Public Property	Unfounded Crimes	On-Campus Property		Non-Campus Building or Property	Public Property	Unfounded Crimes
	Student Housing	Total On Campus				Student Housing	Total On Campus				Student Housing	Total On Campus			
Murder/ and Non-negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Manslaughter by Negligence	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Rape	6	8	0	0	0	7	9	1	0	0	8	10	2	0	0
Fondling	2	3	0	0	0	3	4	0	1	0	5	6	2	0	0
Incest	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	1	1	0	0	0	0	0	0	0	0	0	1	0	0
Burglary	0	5	0	0	0	12	14	0	0	0	3	5	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	1	0	0	0	0	2	0	0	0
Arson	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

(“On-Campus Student Housing Facilities” is a subset of the “On-Campus” category.)

### Violence Against Women Act (VAWA):

Domestic Violence	1	0	0	0	0	0	0	0	0	0	0	0	1	0	0
Dating Violence	0	0	0	0	0	2	2	0	0	0	3	3	0	0	0
Stalking	0	0	0	0	0	0	2	1	0	0	4	10	0	0	0



Offense	2019					2018					2017				
	On-Campus Property		Non-Campus Building or Property	Public Property	Unfounded Crimes	On-Campus Property		Non-Campus Building or Property	Public Property	Unfounded Crimes	On-Campus Property		Non-Campus Building or Property	Public Property	Unfounded Crimes
	Student Housing	Total On Campus				Student Housing	Total On Campus				Student Housing	Total On Campus			

**Arrests:** -----

Weapons	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Drug Abuse Violation	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0
Liquor Law Violation	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

**Referred for Disciplinary Action:** -----

Weapons	1	1	0	0	0	1	1	0	0	0	1	1	0	0	0
Drug Abuse Violation	92	92	0	0	0	86	87	0	0	0	19	27	0	0	0
Liquor Law Violation	98	98	0	0	0	86	87	0	0	0	105	111	0	0	0

(“On-Campus Student Housing Facilities” is a subset of the “On-Campus” category.)

Note: Due to different methods of statistical analysis, The Los Angeles Police Department (LAPD) was able to provide crime statistics only according to the date crimes *occurred*, not by the date they were *reported* (as the *Clery Act* requires colleges and universities to do). Occidental College has incorporated all LAPD arrests and reports of Clery crimes that occurred within the College’s Clery geography into these statistics. However, due to the different methods of grouping crime statistics, the College was unable to know if there were any reports of Clery crimes made to LAPD in 2017 for crimes that *occurred* in other years. (For example: If a burglary occurred in 2016, but was reported in 2017—the burglary would be part of LAPD’s 2016 statistical report, whereas Clery Act statistics would count the burglary report in 2017.)

## HATE CRIMES

**2019:**No hate crimes were reported in 2019.

**2018:**No hate crimes were reported in 2018.

**2017:**One on-campus, residence hall Vandalism characterized by gender identity bias, and one on-campus, residence hall Intimidation characterized by gender bias.

## UNFOUNDED CRIME REPORTS

According to the *Clery Act*, a reported crime can only be designated unfounded if, after a full investigation by sworn or commissioned law enforcement personnel, the sworn or commissioned law enforcement personnel make a formal determination that the report is false or baseless. As stated on page 5 of this report, the Occidental College Campus Safety Department does not currently have any sworn law enforcement and therefore does not have the ability to unfound crime reports. For the three years of crime statistics included in this *Annual Fire Safety & Security Report*, no crime reports were designated “unfounded.”

## Crimes Involving Student Organizations at Off-Campus Locations

Subject to applicable law, the Campus Safety Department and the LAPD’s Northeast Division share information with each other as needed about criminal activity in and around the campus, as well as at non-campus locations of recognized student organizations. Annually, the Director of Campus Safety is provided by LAPD with a report of all crime occurring on campus and at noncampus locations owned or controlled by officially recognized student organizations within its jurisdiction. Occidental College requires all recognized student organizations to abide by federal, state, and local laws, and College policies and procedures.

## Clery Act Geography

### DEFINITIONS

Under the *Clery Act*, the **on-campus** category encompasses the following:

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 paragraph (1) of this 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).

**Controlled by** means that your institution (or an institution-associated entity as described below) directly or indirectly rents, leases or has some other type of written agreement (including an informal one, such as a letter or an e-mail) for use of a building or property, or a portion of a building or property. Even if there is no payment involved in the transaction, for Clery Act purposes, a written agreement for the use of space gives your institution control of that space for the time period specified in the agreement.

**Reasonably contiguous** refers to a building or property your institution owns or controls that is in a location that you and your students consider to be, and treat as, part of your campus.

Under *Clery*, **public property** encompasses the following:

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 *Clery* definition of **non-campus** buildings or property is:

Any building or property owned or controlled by a student organization that is officially recognized by the institution; or any building or property owned or controlled by an institution that is used in direct support of, or in relation to, the institution's educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution.

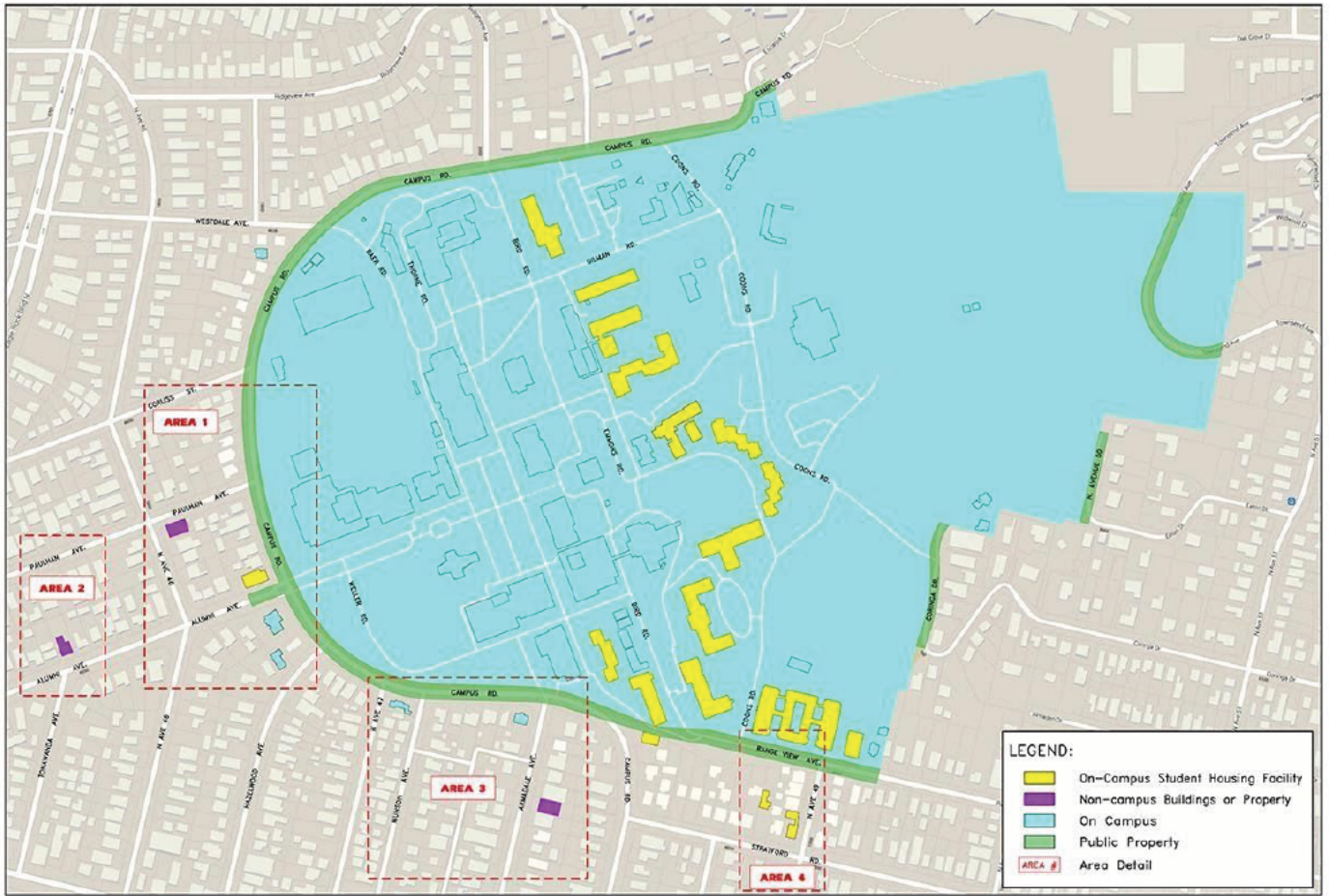
Some examples of non-campus property:

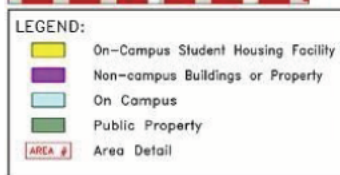
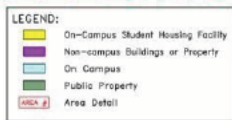
- Research boats
- Off-campus classroom space and student housing that is rented or leased by the College for study abroad or other programs
- Hotel rooms rented for overnight student trips lasting two or more nights
- Residential houses located off campus that are owned and controlled by Greek organizations which are recognized by the College

Not all law enforcement agencies responded to Occidental's requests for Clery crime statistics.

Not pictured in these maps: Occidental College's *Clery Act* geography beyond ~1,000 feet of the main campus.

### CLERY GEOGRAPHY MAPS





## Fire Safety Report

In August 2008, the *Higher Education Opportunity Act* (HEOA) amended the *Higher Education Act* (HEA) to include new reporting requirements for all institutions of higher education. Beginning with the 2009 academic year, institutions that maintained on-campus student housing were required to publish an Annual Fire Safety Report, keep a fire log, and maintain fire statistics.

### Viewing the Fire Log

Upon request, the fire log may be viewed in person in the Facilities Management Office. To view the fire log, contact the Environmental Health & Safety Department during normal business hours at (323)259-2933.

### Fire Drills

Fire drills are a test of student and staff response as well as system functionality.

For the health and safety of all members of the community, residents are expected to comply with all fire and safety regulations required by the College or applicable local, state, and federal law. Fire drills are held throughout the year and they are unannounced to students. Instructions for the evacuation of the halls in the event of a fire or emergency are provided in student rooms and on hall bulletin boards. All residents must evacuate the residence hall or house in the event a fire alarm is activated, whether for the purpose of a drill or in the case of an actual fire.

Residents and their guests must meet at their hall's designated meeting spot to check-in and to receive further instruction from a staff member. Students who fail to comply with this policy will be referred to the Office of Student Conduct.

### Fire Alarm Inspection and Fire Hydrant Testing

The Los Angeles Fire Department tracks annual fire protection equipment inspections and notifies Occidental College when inspection reports need to be completed.

All buildings on campus passed the fire alarm inspection tests in 2019, which were conducted between July 24, 2019 and August 9, 2019. Fire protection equipment has been fully tested in accordance with "Regulation number 4" of the Los Angeles Fire Code and the equipment is fully operable.

All fire hydrants on campus were tested to make sure they were in working condition on August 14, 2019.

## Fire Safety

There are several systems and protocols to fire safety at Occidental College residence halls; it includes building fire detection and suppression systems, regular fire drills, mandatory evacuations for any fire alarm activations, fire safety training, and fire reporting policies.

On-campus buildings are equipped with fire detection systems such as smoke and heat detectors. Resident hall rooms are equipped with smoke detectors that are dependent on building power but are equipped with a battery backup in case of power outages. The facilities department supervises fire alarm devices; these devices report a trouble signal to the panel when any are damaged or removed.

Fire doors are kept open with magnetic door holders until the fire alarm system is activated. When the system is activated, the doors are released and close, limiting the spread of smoke and fire.

Some residence halls are equipped with whole building or partial fire sprinkler systems. A few buildings are equipped with kitchen hood fire suppression systems.

The fire safety equipment for each resident hall is listed below:

### NEWCOMB HALL

Newcomb Hall has a fully automated fire sprinkler system. The fire alarm system is monitored 24/7 by an outside contractor. Smoke detectors in resident hall rooms air circulation soffits report to the building fire alarm system. The additional smoke detectors in the room are local only and do not report to the fire alarm panel. The emergency lighting system is operated by an inverter and a battery bank.

### ERDMAN HALL

Erdman Hall has a fully automated fire sprinkler system. The fire alarm system is monitored 24/7 by an outside contractor. Smoke detectors in resident hall rooms are local only and do not report to the building fire alarm panel. The emergency lighting system is operated by a battery bank and inverter.

### CHILCOTT HALL

Chilcott Hall has a partial fire sprinkler system that covers the basement area and the trash chute. There is a wet standpipe system with a fire hose located on each floor. The building fire alarm system is local only. Smoke detectors in resident hall rooms are local only (with one exception) and do not report to the fire alarm panel. One room is equipped for students with hearing impairment and has a smoke detector connected to the building system, a bed shaker alarm, and an in-room strobe. Emergency lighting is supplied by battery powered bug-eye lights and exit signs.

### **HAINES HALL**

Haines Hall has a building fire alarm system that is local only. Smoke detectors in resident hall rooms are local only and do not report to the building fire alarm panel. All resident hall rooms have mini-horns. Emergency lighting is supplied by battery powered bug-eye lights and exit signs.

### **EILEEN NORRIS HALL (“E. NORRIS”)**

Eileen Norris Hall has a building fire alarm system that is local only. There is a wet standpipe system with fire hoses in each quad. Smoke detectors in resident hall rooms are local only and do not report to the fire alarm panel. Emergency lighting is supplied by battery-powered bug-eye lights and exit signs.

### **STEARNS HALL**

Stearns Hall was updated in the summer of 2015 and has a full building fire sprinkler system. Smoke detectors in resident hall rooms are local only and do not report to the fire alarm panel. The building fire alarm system is monitored 24/7 by an outside contractor. Emergency lighting is supplied by battery powered bug-eye lights, exit signs, and fluorescent fixtures in the stairwells.

### **BRAUN HALL**

Braun Hall has a partial fire sprinkler system that covers the trash chute and storage rooms on the first floor. There is a wet standpipe system with several fire hoses on each floor. The fire alarm system is monitored 24/7 by an outside contractor. Smoke detectors in resident hall rooms are local only and do not report to the fire alarm panel. Emergency lighting is supplied by battery powered bug-eye lights and exit signs.

### **STEWART–CLELAND HALL (“STEWIE”)**

Stewart-Cleland Hall has a partial fire sprinkler system that covers the trash chutes and the basement floor. There is a wet standpipe system with fire hoses on each floor. The fire alarm system is local only. Smoke detectors in resident hall rooms are local only and do not report to the fire alarm panel. Emergency lighting is supplied by a battery bank and inverter.

### **PAULEY HALL**

Pauley Hall has a partial fire sprinkler system that covers the trash chute and several storage rooms on the first floor. There is a wet standpipe system with fire hoses on each floor. The fire alarm system is local only. Smoke detectors in resident hall rooms are local only and do not report to the fire alarm panel. Emergency lighting is supplied by a battery bank and inverter.

### **BELL-YOUNG HALL (“B-Y”)**

Bell-Young Hall has a fully automated fire sprinkler system. The fire alarm system is monitored 24/7 by an outside contractor. Smoke detectors in resident hall rooms are local only and do not report to the fire alarm panel. Emergency lighting is supplied by an emergency generator, which is regularly tested and is shared with Wylie Hall.



### **WYLIE HALL**

Wylie Hall has a fully automated fire sprinkler system. The fire alarm system is monitored 24/7 by an outside contractor. Smoke detectors in resident hall rooms are local only and do not report to the fire alarm panel. Emergency lighting is supplied by an emergency generator, which is regularly tested, and shared with Bell-Young Hall.

### **BERKUS HALL**

Berkus Hall has a fully automated whole building fire sprinkler system. The kitchen is supplied with an automatic fire suppression system in the hood above the stove. The fire alarm system is monitored 24/7 by an outside contractor. Smoke detectors in resident hall rooms are local only and do not report to the fire alarm panel. Emergency lighting is supplied by an emergency generator, which is regularly tested.

### **THE BERKUS HOUSE (1601 CAMPUS ROAD)**

The Berkus House has a fire alarm system that is local only. There is an automatic fire suppression system installed in the hood above the kitchen stove. Smoke detectors in resident hall rooms are local only and do not report to the fire alarm panel. Emergency lighting is supplied by battery-powered bug-eye lights and exit signs.

### **4909 RANGEVEIW (SAE HOUSE)**

The SAE House has a fire alarm system that is local only. There is a sprinkler system that covers the basement. There is an automatic fire suppression system in the kitchen hood above the stove. Smoke detectors in student rooms are local only and do not report to the fire alarm panel. Emergency lighting is supplied by battery-powered bug-eye lights and exit signs.

### **1480 CAMPUS ROAD (THEME HOUSE)**

This small off-campus theme house only has smoke detectors in the hallways and resident hall rooms. There is no fire alarm panel.

### **4863 STRATFORD ROAD (FOOD JUSTICE HOUSE)**

This small off-campus house has smoke detectors in the hallways and resident hall rooms. There is no fire alarm panel.

### **4873 STRATFORD ROAD (THETA HOUSE)**

This small off-campus house has smoke detectors in the hallways & student rooms. There is no fire alarm panel.

## Evacuation Procedures

Upon activation of the fire alarm systems in the residence hall rooms, all students and their guests must exit the building out of the nearest (safe) exit and proceed to an assembly point to check-in and receive further instructions from staff or Campus Safety. The Residential Hall Education and Services staff is trained to assist in the residence hall roster. Campus Safety Officers assist in the evacuation process and verify that all students have safely evacuated. Students receive an evacuation procedure protocol specific to their residence hall as part of their orientation package. Practice drills help reinforce effective evacuation tactics and present an opportunity for students to ask questions and communicate concerns. Students who intentionally fail to evacuate may face disciplinary measures including a fine.

## Fire Safety Policies

For the health and safety of all members of the community, students are expected to comply with all fire safety and other safety regulations required by the College and applicable local, state, and federal laws. Fire drills are conducted annually. In the event of a fire or other emergency, evacuation instructions for residence halls are provided in student rooms and on hallway bulletins boards. Use of fire alarms and fire-fighting equipment without the existence of an actual fire is a violation of California Penal Code 148.4. Triggering a false fire alarm could result in misdemeanor charges, fines, and/or severe disciplinary action.

All residents must evacuate the residence hall or house in the event a fire alarm is activated, whether for the purpose of a drill or in the case of an actual fire. Residents and their guests must meet at their hall's designated meeting spot to check-in and to receive further instruction from a staff member. Students who fail to comply with this policy may be referred to the Office of Student Conduct.

Portable fire extinguishers and fire hoses are installed for resident protection. Only trained residents should use this equipment.

Smoke detectors are present in individual rooms and common areas of each residence hall. Smoke detectors are potential life saving devices. To ensure that smoke detectors are used appropriately and serve their designed function, residents are prohibited from covering, dismantling, removing batteries, suspending objects from, or tampering with detectors. Residents who are responsible for misusing smoke detectors may be charged for repair and/or replacement costs and face disciplinary action. Please report any problems with smoke detectors to Residence Education and Housing Services staff, Facilities Management, or Campus Safety immediately.

Fire doors are not to be propped open or blocked. Exit pathways including hallways and stairwells may not be blocked.

Students may decorate their residence hall rooms with posters and similar decorations as long as they do not cause damage to the room, are not considered a fire hazard, and do not violate any Occidental College and Residence Education and Housing Services policies.

Stoves and ovens in warming kitchens must not be left unattended while in use.

## PROHIBITED ITEMS IN STUDENT ROOMS

All policies regarding use of electrical appliances are subject to change and approval by Residential Education and Housing Services in consultation with Facilities Management. Policies are drafted based on actual usage and limitations of electrical capabilities within each residence hall. In the event of any mid-year modification to the policy regarding use of electrical appliances or prohibited items, residents will be notified of the policy change via e-mail.

The following are strictly prohibited, for legal or safety reasons:

- Vaporizers or hookahs.
- Smoke-generating machinery in and around the residence halls (including during special events and programs) because of the possibility of triggering false alarms.
- Gasoline (kerosene, etc.)-powered machinery such as motorcycles or mopeds and any other combustible items including combustible engines, flammable liquids, non-electric lanterns, portable barbeque grills, and large combustible decorations.
- Electric or battery powered self-balancing boards such as hoverboards, balance gliders, etc.
- Candles, incense, oil burners, and other similar items requiring an open flame for use
- Natural trees and evergreens.
- Use of more than three strands of lights on a single extension cord to avoid overloading outlets.
- Possession or use of electrical appliances with heating elements or high energy consumption, such as hot plates, electric coffee pots (with the exception of enclosed brewing devices e.g., Keurig and Nespresso appliances that do not have an exposed heating element), water boilers without an automatic shut-off function, immersion heaters, popcorn poppers, crock pots, electrical heaters, electric frying pans, electric woks, stoves, toaster ovens, air conditioners\*, torchiere style halogen lamps, ultra-violet sun lamps or any other appliance which uses over 800 watts of electricity (with the exception of hair dryers), and/or any appliance that does not meet current UL specifications.
- Personal Microfridge. Individual rooms and Berkus Hall Suites are equipped with one Microfridge unit. Those living in the Berkus Hall suite singles must receive prior approval by Residential Education and Housing Services to bring their own personal Microfridge for use in their single.
- Extension cords longer than 10 feet and/or multiple cords. Approved extension cords must not be placed under rugs or tacked/stapled to the walls. Equipment that repeatedly overloads electrical circuits will be removed.
- Possession/use of waterbeds or mattresses not supplied by the college.
- Possession of any type of upholstered furniture not provided by the College which does not meet Fire Code CAL 133 or CAL 117. Each piece must be suitably labeled and written notice of compliance is required.

- Hanging anything outside windows or on the residence hall facades. Placing anything on outside window ledges and balconies. Hanging anything (particularly anything made of fabric) on or from interior room ceiling, sprinklers, fire detectors, or window air conditioning units.
- Satellite dishes, radio/television antennas.

## Fire Safety Education and Training Programs

Residence Education staff (FTEs and RAs) receive training in fire safety which includes: how and when to use a fire extinguisher and fire hose; how to report a fire or other emergency; Emergency Operations Plan review with use of event documentation forms and residence hall fire prevention. Training includes use of a portable extinguisher on a pan fire when permitted by our local air quality management regulators. Training also includes viewing a video on how to use a fire extinguisher.

Academic and administrative departments on campus have one or more disaster preparation department contacts who receive training on fire safety and use of extinguisher and fire hoses. Fire Safety Education for Students appears in the online Student Handbook (Residential Education and Housing Policies). The staff in certain departments go through training as well—for example, the Library/Academic Commons.

## Fire Reporting

Persons to which individuals should report that a fire has occurred include:

**Director of Campus Safety or Campus Safety Officers:**(323) 259-2599

**Risk Manager:**(323) 259-1364

**Environmental Health & Safety Coordinator:**(323) 259-2933

**Facilities Maintenance\*:**(323) 259-2651

- *For investigation of the cause and corrective measures.*

## Future Improvements for Fire Safety

- Adding fire sprinklers to the rest of the residence halls, as funding allows with large remodel projects.
- Additional training of employees and students.
- Evacuation exercises using building fire alarm and mass notification systems.

## Statistics for Residence Hall Buildings

Unintentional fires: 0  
 Intentional fires: 0  
 Undetermined fires: 0

TOTAL FIRES								
	2019	2018	2017	DATE/TIME	CAUSE	#OF INJURIES	#OF DEATHS	VALUE OF PROPERTY
Newcomb Hall 1	0	0	0	N/A	N/A	0	0	N/A
Erdman Hall 1	0	0	0	N/A	N/A	0	0	N/A
Chilcott Hall 1	0	0	0	N/A	N/A	0	0	N/A
Haines Hall 1	0	0	0	N/A	N/A	0	0	N/A
Eileen Norris Hall 1	0	0	1		malfunctioning electrical outlet	0	0	\$0-99
Braun Hall 1	0	0	0	N/A	N/A	0	0	N/A
Stewart-Cleland Hall 1	0	0	0	N/A	N/A	0	0	N/A
Pauley Hall 1	0	0	0	N/A	N/A	0	0	N/A
Bell-Young Hall 1	0	0	0	N/A	N/A	0	0	N/A
Wylie Hall 1	0	0	0	N/A	N/A	0	0	N/A
Stearns Hall 1	0	1	0	3/28/18 1:40pm	Unintentional -cigarette in trash can	0	0	\$0-99
Berkus Residence Hall 1	0	0	0	N/A	N/A	0	0	N/A
Berkus House (1601 Campus Road)	0	0	0	N/A	N/A	0	0	N/A
Theme House (1480 Campus Road)	0	0	0	N/A	N/A	0	0	N/A
Food Justice House (4863 Stratford Road)	0	0	0	N/A	N/A	0	0	N/A
SAE (4909 Rangeview)	0	0	0	N/A	N/A	0	0	N/A
Theta House (4873 Stratford Road)*	0	0	0	N/A	N/A	0	0	N/A

1 All on-campus residence halls share the same 1600 Campus Road address.

	<u>NUMBER OF FIRE DRILLS</u>		
	2019	2018	2017
Newcomb Hall 1	1	1	1
Erdman Hall 1	1	1	1
Chilcott Hall 1	1	1	1
Haines Hall 1	1	1	1
Eileen Norris Hall 1	1	1	1
Braun Hall 1	1	1	1
Stewart-Cleland Hall 1	1	1	1
Pauley Hall 1	1	1	1
Bell-Young Hall 1	1	1	1
Wylie Hall 1	1	1	1
Stearns Hall 1	1	1	1
Berkus Residence Hall 1	1	1	1
Berkus House (1601 Campus Road)	1	1	1
Theme House (1480 Campus Road)	1	1	0
Food Justice House (4863 Stratford Road)	1	1	0
SAE (4909 Rangeview)	1	1	1
Theta House (4873 Stratford Road)*	1	1	0

<sup>1</sup> All on-campus residence halls share the same 1600 Campus Road address.

# Emergency Services Contact Information

## FIRE, PARAMEDICS AND/OR POLICE

**Emergency: 911**

**9-911** (from a campus phone)

*If you call from a cellphone, be sure to tell the dispatcher to have the emergency responders meet Campus Safety officers at the Alumni Avenue/Campus Road intersection. Immediately call Campus Safety and report the incident. Officers will meet the responders and bring them to your location.*

**Non-Emergency: (323) 344-5701 or 877-ASK-LAPD (877-275-5273)**

## DEPARTMENT OF CAMPUS SAFETY

<b>Emergency</b>	(323) 259-2511
Non-Emergency 24-hour on-call services	(323) 259-2599
Director of Campus Safety	(323) 259-2599
Clery Act Compliance Coordinator	(323) 259-1390
<b>Environmental Health and Safety</b>	(323) 259-2933
<b>Facilities Management</b>	
Business hours	(323) 259-2651
After-hours, weekends, holidays	(323) 259-2599

## HEALTH CONCERNS

**Emmons Wellness Center: (323) 259-2657**

Business hours: 8:30 a.m.-5 p.m.

Walk-in hours (for medical services and crisis counseling):

9 a.m.-4:30 p.m. Monday-Thursday

1 p.m.-4:30 p.m. Fridays

**Oxy 24/7 Confidential Hotline: (323) 341- 4141**

### RESOURCES FOR STUDENTS

<b>Title IX Coordinator</b>	(323) 259-1338
<b>Survivor Advocate</b>	(323) 259-1359
<b>Project S.A.F.E.</b>	Office: (323) 341-4750
<b>24/7 Confidential Hotline</b>	(323) 341- 4141
<b>Student Success Team</b>	(323) 259-2870

<b>Office of the Dean of Students</b>	(323) 259-2661
<b>Residential Education and Housing Services</b>	(323) 259-2531
<b>Office for Religious &amp; Spiritual Life</b>	(323) 259-2621

### RESOURCES FOR EMPLOYEES

Employee Assistance Program: (323)259-2613  
 Office for Religious & Spiritual Life: (323)259-2621