



OCCIDENTAL COLLEGE

**POLICY PROHIBITING DISCRIMINATION,
HARASSMENT, AND RETALIATION**

Rev: October 2, 2020

The Grievance Process under this Policy, however, will be used to investigate and resolve all reports made on or after the effective date of this Policy, regardless of when the incident(s) are alleged to have occurred.

also prohibits discrimination based on the perception that any person has any of the foregoing characteristics or is associated with a person who has, or is perceived as having, any of those characteristics. All such discrimination is unlawful and constitutes Prohibited Conduct.

B. Harassment

learning environment, or that unreasonably interferes with work or academic ancestry, age, religious belief, marital status, physical or mental disability, medical condition, veteran status, or any other characteristic protected by federal, state, or local law, when either or both of the conditions below are present. All such conduct is unlawful and constitutes Prohibited Conduct.

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

1. *Quid Pro Quo Harassment.* Submission to, or rejection of, such conduct is made, academic standing, or participation in any aspect of a College program or activity,
2. *Hostile Environment.* A hostile environment exists when the conduct is sufficiently severe, pervasive, or persistent that it unreasonably interferes with, limits, or deprives 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, including, but not limited to physical, verbal, visual, and can be committed by any person against any other person. 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 emotional state, with consideration of whether the conduct unreasonably interfered with (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 extreme physical violence, for example, may be sufficiently severe to constitute a hostile environment. In contrast, the perceived offensiveness of a single verbal or written expression or exchange is typically not sufficient to constitute a hostile environment.

Harassment:

- a) 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.
- b) 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.
- c) May be committed by a stranger, an acquaintance, or someone with whom the Complainant has an intimate or sexual relationship.
- d) May be committed by or against an individual or may be a result of the actions of an organization or group.
- e) May occur by or against any individual.
- f) May occur in any setting, including for example the classroom, the workplace, the athletic field, or residential settings.
- g) May be a one-time event or can be part of a pattern of behavior.
- h) May be committed in the presence of others or when the parties are alone.
- i) May affect the Complainant and/or Third Parties who witness or observe harassment and are affected by it.

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

- a) **Physical conduct**, including unwelcome touching, physical assault, impeding, restraining, or blocking movements;
- b) **Verbal conduct**, including making or using derogatory comments, verbal abuse, epithets, slurs or humor;
- c) **Written conduct**, including letters, notes or electronic communications containing comments, words, or images described above.

C.

It must be recognized, however, that this protection has its limits. This DHR Policy

The privacy of student education records will be protected in accordance with the Family

Health Insurance Porta excepting health records
protected by FERPA and by the California Confidentiality of Medical Information Act
56.05 et seq.
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 the FERPA and the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (as amended), 20 U.S.C. §

All higher education institutions that receive federal funding, including Occidental, are number of particular reported crimes on campus or campus property, or adjacent to campus. The ASR does **not** include identifying information about the Complainant or Respondent.

C. Crime Log

All higher education institutions that have campus police forces or security departments must maintain a daily crime log that includes entries for all crimes occurring within both the Cler log does **NOT** include identifying information about the Complainant or Respondent.

VI. Reporting

A. Overview

The College strongly encourages all individuals to report Prohibited Conduct to the College and to local law enforcement (in the case of alleged criminal misconduct). These reporting options are not mutually exclusive. Both internal and criminal reports may be made simultaneously.

Making a report to the College means filing a report with the CRC or other College official. 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.

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 reasonable steps to address those risks. These steps will include interim measures to provide for the safety of the individual and the campus community.

B. 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 Prohibited Conduct that involves injury or imminent threat of injury to person or property. 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 Northeast Division

The Reporting Form can be found [here](#).

The Civil Rights Coordinators determine appropriate next steps.

Reporting To External Agencies

In addition to reporting to law enforcement or the College, students, faculty, and staff should be aware of the following external governmental agencies that investigate and prosecute complaints of Prohibited Conduct:

[Employment Discrimination or Harassment](#)

Any employee may pursue any charge of discrimination or harassment with the

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. Contact information for the DFEH and EEOC may be found in Section VII.

[Title VI Compliance](#)

-discrimination

Rights. Contact information for the OCR may be found in Section VII.

[Bureau for Private Postsecondary Education](#)

2535 Capitol Oaks Drive, Suite 400

Sacramento, CA 95833

Telephone: (916) 431-6924

Facsimile: (916) 263-1897

Website: bppe.ca.gov

E. Care and Support Options

F. Other Reporting Considerations

1. *Timeliness and Location of Incident*

Complainants and Third-Party witnesses are encouraged to report Prohibited Conduct as soon as possible so that the College can respond promptly and effectively.

4. *Coordination with Law Enforcement*

The College strongly encourages Complainants to pursue criminal action for incidents of discrimination or harassment that may also constitute crimes under California law. The College will assist a Complainant in making a criminal report and will cooperate with law enforcement agencies (to the extent permitted by law) if a Complainant decides to pursue the criminal process.

urden of proof may differ from California

- d) Providing alternative course completion options (with the agreement of the appropriate faculty and Deans as necessary);
- e) course without penalty or transfer sections (with the agreement of the appropriate faculty);
- f) Change in work schedule or job assignment;
- g) Change in on-campus housing;
- h) Arranging to dissolve a housing contract and pro-rating a refund in accordance with campus housing policies;
- i) Assistance from College support staff in completing on-campus housing relocation;
- j)

appeal to determine whether the decision to put a student on interim suspension was arbitrary or capricious. A decision is arbitrary or capricious when there is no rational connection between the facts presented and the decision made.

VII. List of Resources for Reporting, Care and Support

The College is committed to treating all members of the community with dignity, care, and respect. Any student or employee 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 reasonable support and counseling services through the College.

The College strongly encourages individuals to report Prohibited Conduct, and recognizes that the decision to report (to the College and/or law enforcement) can be difficult. Individuals who are considering whether to report Prohibited Conduct may seek the support of confidential campus and community resources, listed below. 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.

There are many resources available on campus and in the surrounding community. As described below, there are Confidential Resources who by law in most circumstances cannot share information without the consent of the individual seeking assistance. There are also a variety of College resources that will be discreet and private, but are not

information(e)0g(be)tionETal4e(be)t4C>44r(dua)404C00590047t(elon)irce ou ho elon4tiabsuvobev elon

Provides confidential telephone consultation or face-to-face meeting with a library of downloadable materials and interactive tools.

(800) 854-1446, English

(877) 858-2147, Spanish

www.lifebalance.net (User ID and password: lifebalance)

3. [Emmons Student Wellness Center](#)

Provides confidential psychological counseling services. As detailed below, Emmons also provides medical treatment. NOTE: 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.

(323) 259-2657

B. Below is a complete of other reporting, care, and support options, with accompanying contact information.

1. [Campus Safety](#)

Available as a first option to report any incidents of crime or violence, including Prohibited Conduct. Also provides an escort service on campus to any student and

3. [EEOC Los Angeles District Office](#)

Any employee may pursue a charge of discrimination or harassment with the

255 East Temple Street, 4th Floor
Los Angeles, California 90012
Telephone: (213) 894-1000

4. [Human Resources](#)

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.

Telephone: (323) 259-2613
Email: hr@oxy.edu

5. [LAPD Northeast Community Division](#)

Available to respond to any reports of crime or violence, including Prohibited Conduct. Occidental is located in the Northeast Division.

For Emergencies: DIAL 911

3353 North San Fernando Road
Los Angeles, CA 90065
Front desk phone number: (323) 344-5701

6.

and bppe.ca.gov/enforcement/complaint.shtml.

2535 Capitol Oaks Drive, Suite 400

Sacramento, CA 95833

Telephone: [\(916\) 431-6924](tel:(916)431-6924)

Facsimile: [\(916\) 263-1897](tel:(916)263-1897)

Website: bppe.ca.gov

rtanksley@oxy.edu

The College will identify, based upon the nature of the allegations, the appropriate office to coordinate resolution of the report through the Grievance Process. The office that coordinates resolution of the report will identify a Grievance Process Coordinator (Rights Coordinator (CRC)) to monitor the Grievance Process as follows:

1. The Assistant Dean of Students, Director of Residential Education and Housing Services and Student Conduct will be the CRC with respect to all reports of Prohibited Conduct committed by students; the Associate Vice President of Human Resources and Chief Human Resources Officer (or designee) will be the CRC with respect to all reports of Prohibited Conduct committed by employees.
2. The Office of Title IX, and the Title IX team, will coordinate resolution of all reports of Prohibited Conduct defined in the Sexual Misconduct Policy. The Title IX Coordinator will be the CRC in all instances where the Complainant reports discrimination, harassment, and/or retaliation on the basis of sex or gender.
3. In instances where a report alleges Prohibited Conduct under both the Sexual Misconduct Policy and the Civil Rights Policy, the Title IX Coordinator will generally serve as CRC

Notify the Complainant of the right to be assisted by individuals at the College in contacting law enforcement.

Explain the right to object to the assignment of the designated CRC based on bias or conflict of interest within two (2) calendar days of a decision to proceed through the Grievance Process;

Notify the Complainant of confidential and non-confidential reporting options internally and externally.

Provide the Complainant with information about:

- On- and off-campus resources, including counseling, health, mental health, victim advocacy, legal assistance (including visa and immigration assistance), student financial aid, and other available services.
- The range of potential interim measures and remedies, including changes to academic, living, transportation, and/or working situations, or other protective measures, which may be available to the Complainant regardless of whether the Complainant files a formal complaint with the College, Campus Safety or local law enforcement.

Provide an overview of the procedural options, including Informal Resolution and Formal 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.

Assess for pattern evidence or other similar conduct if possible.

I and drug amnesty policy.

If the reported Prohibited Conduct could constitute a crime as defined by the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (as amended), 2 _____, the CRC

to assess the need to (1) enter the report into _____ and (2) issue a timely warning as defined by the Clery Act. The CRC will explain personally identifying information.

Following the meeting, the CRC will provide the Complainant with the above-listed information in writing.

As explained in the DHR Policy, the Complainant may request that the CRC

Respondent, or that the CRC take no formal action in response to the report. If the Complainant makes such a request, the CRC will balance the request with its dual obligation to provide a safe and nondiscriminatory environment for all College community members, and to remain true to principles of fundamental fairness that require the College to provide the Respondent with notice of the allegations and an opportunity to respond before action is taken against the Respondent. The CRC will make this determination consistent with the following considerations: (1) the severity of the alleged conduct; (2) the respective ages and roles of the Complainant and the Respondent; (3) whether there have been other complaints or reports of Prohibited Conduct or other misconduct against the Respondent; and (4) the right of the Respondent to receive notice and relevant information before disciplinary action is sought. Should the CRC

confidentiality, the College can nevertheless satisfy its obligations to the Complainant, the College community members, and the Respondent without proceeding through the Grievance Process, the CRC has the discretion to do so.

Absent a request for confidentiality, the CRC will ask the Complainant questions to get a basic understanding of the reported Prohibited Conduct. The interview will include questions to understand the key facts upon which the

appropriately assess how to proceed. If the individual wishes to move forward with a complaint, the CRC will make two threshold determinations: (1) Does

Formal or Informal Resolution?

the event that the CRC finds that the report does not allege a potential violation

the basis of protected class, the CRC would take appropriate action such as referring the report to the administrator responsible for addressing the complaint.) In addition, the Complainant may file a report with the Office of Student Conduct, the federal Office for Civil Rights, the police, or seek available civil remedies through the judicial system. The Complainant also may re-file the report with the College upon discovery of additional facts.

If the CRC

CRC will assess whether the complaint must proceed through Formal Resolution, or may proceed through Informal Resolution. The CRC will communicate the threshold determination finding in writing to the Complainant.

c.

Through Formal or Informal Resolution?

The CRC will determine whether the report may proceed through informal resolution, or must proceed through formal resolution. The CRC will rely on the following guidelines in making this determination: Any complaint that alleges forms of physical violence *must* proceed through the formal investigation process. Some complaints that allege harassment (without violence) *may* be appropriate for informal resolution. If the CRC determines that the complaint may appropriately be resolved through informal resolution, the CRC will ask the Complainant and Respondent, separately, whether they would agree to pursue resolution of the complaint informally. If either Party does not agree to pursue Informal Resolution, or if the Complainant, Respondent, or CRC, at any time, determines that Informal Resolution is no longer appropriate, the complaint will proceed through Formal Resolution.

II. Resolution Of Complaint

A. Formal Resolution

If the CRC

Resolution, the CRC will notify both Parties in writing of the decision within five business days of the CRC

c.

The Investigator will commence the investigation once the time for the Parties to object has passed (or, if an objection is made, and the CRC determines the objection is not substantiated, from the time the CRC notifies the objecting Party of the determination). The Investigator, in consultation with the CRC, will establish a timeline and process for conducting the Investigation. The Investigator will conduct the Investigation in three stages, with recommended timelines as follows: (1) Preliminary Investigation (twenty-five (25) business days from commencement of Investigation); (2) Notice Of Findings And Response (eight (8) business days from completion of Preliminary Investigation); and (3) Final Report (five (5) business days from completion of Notice of Findings and Response). The complainant and Respondent will be notified in writing of any delays and the new timeframes/deadlines. Each stage proceeds as follows:

- 1.

procedures outlined in Step One. Step Two may be repeated as necessary to ensure a complete gathering of evidence.

Step Three: Preliminary Report. The Investigator will prepare a Preliminary Report. The Preliminary Report is a written summary of the evidence gathered in the course of the Preliminary Investigation. The Investigator will make factual findings in the Preliminary Report. The standard for determining each factually more likely than not that the factual finding is true. The Investigator will not, in this Preliminary Report, make ultimate findings as to whether the Respondent has, or has not, violated one or more of its to the Preliminary Report all Interview Summaries and any documentary evidence gathered and relied upon in the Preliminary Investigation. When the Investigator determines that the Preliminary Investigation is complete, the Investigator will submit the Preliminary Report to the CRC. The CRC may require the Investigator to conduct additional investigation; if so, the Investigator will do so consistent with the procedures outlined above.

2. Notice of Findings and Response

Once the CRC has confirmed that the Preliminary Investigation is complete, the CRC will make the Preliminary Report available to the Parties for review within three (3) business days.

will share the written report with the Respondent, and will instruct the Respondent to provide

suspension of one semester. If the Review Panel recommends sanctions that do not meet this minimum, the Review Panel must provide an explanation to the CRC, in writing, of the exceptional circumstances in the case that warrant a lesser sanction. The Review Panel will issue a recommendation to the CRC regarding sanctions within eight (8) calendar days of receiving all materials in the case, including any Impact Statements. The CRC will issue final sanctions within three (3) calendar days of receipt of the Review Panel Recommendation. The CRC will issue the sanctions recommended by the Review Panel unless the Review Panel recommends sanctions that the CRC believes are not appropriately tailored to stop the alleged discrimination, prevent its recurrence, or remedy its effects.

The CRC will notify the Parties of the sanctions simultaneously in writing. If the CRC

- 5) **Removal from Campus Housing:** Students may be removed from College housing and/or barred from applying for campus housing.
- 6) **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 be specified in the suspension notice.
- 7) **Expulsion:** Permanent termination of student status and exclusion from College premises, privileges, and activities. This action will be permanently recorded on the
- 8) **Revocation of Admission:** Admission to the College may be revoked if a student is found to have engaged in Prohibited Conduct prior to enrollment.
- 9) **Withholding Degree:** The College may withhold awarding a degree otherwise earned until the completion of the process set forth in this Code, including the completion of all sanctions imposed, if any.
- 10) **Other:** Other sanctions may be imposed instead of, or in addition to, those specified here. Service, education or research projects may also be assigned.
- 11) **Multiple Sanctions:** More than one of the sanctions listed above may be imposed for any single violation.

Remedies and Non-Disciplinary, Administrative Measures

The CRC has the discretion to take non-disciplinary administrative action to stop harassment, prevent its recurrence, and remedy its effects. This may include action addressed toward the Respondent, the campus community, and/or the Complainant, as follows:

Respondent: Any student found to have engaged in Prohibited Conduct, who is not permanently separated from the College, will be required to, in addition to other sanctions, complete non-disciplinary, educational initiatives at the discretion of the CRC.

Campus Community: In all instances where a student is found to have engaged in Prohibited Conduct, the CRC 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, targeted assessment of high-risk campus areas, or other appropriate measures.

Complainant: The CRC will continue to provide support to the Complainant as appropriate, including the ongoing provision of appropriate accommodations.

D. Appeal

Both Complainant and Respondent have a limited right to appeal from the findings set out in the Final Determination as follows:

Complainant: the Respondent did not
CRC
within five (5) business days from receiving written notice of the Final Report. If the Respondent has been found responsible for one or more policy violations, but not others, the Complainant may submit a written appeal to the CRC within five (5) business days of notice of the sanction.

Respondent:
or more policies, the Respondent may submit a written appeal to the CRC within five (5) business days from receiving written notice of the sanction.

The Party who submits the

(1) Significant Procedural Error; or (2) New Information. Each ground is explained in greater detail:

- 1) ***Significant Procedural Error:*** A procedural error occurred that significantly impacted the outcome of the investigation as it applies to the Appellant (e.g. substantiated bias, material deviation from established procedures). A description of the error and its impact on the outcome of the case must be included in the written appeal.
- 2) ***New Information:***

2. **Timelines**

business days, excluding holidays when the College is closed. Any deadline that falls on a weekend or other day when the College is closed, shall be extended to the next business day.

3. **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 that the retained individual have received

that are not members of the College community, shall be offered resources on the

4. **Notifications**

The CRC will make reasonable efforts to ensure that the Complainant and the Respondent are simultaneously 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 CRC.

5. **Modification Of Grievance Process**

The College will follow the Grievance Process in this Appendix 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 any modifications to the Grievance Process and, if appropriate, the exceptional circumstances requiring the College to adapt or modify the Grievance Process.e Process

7.

Where there is evidence of a pattern of similar misconduct by the Respondent, either prior, or subsequent, to the conduct in question, regardless of whether there has been a

Resolution. Complaints resolved by means of an Initial Assessment or Informal introduced into another complaint that is resolved through Formal Resolution.

Affirmative findings of responsibility in matters resolved through Formal Resolution are

Expulsion, suspension, and withdrawal pending disciplinary action are noted on a CRC, the conduct files of students who have been suspended or expelled from the College are maintained in the Office of Student Conduct 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 about record retention should be directed to the Dean of Students Office.

APPENDIX B

**RESOLUTION OF DISCRIMINATION GRIEVANCE AGAINST
ADMINISTRATOR, STAFF MEMBER, OR FACULTY MEMBER (WHERE
DELEGATED BY FACULTY HANDBOOK) FOR DISCRIMINATION, HARASSMENT
AND RETALIATION**

This document outlines the procedures the College follows in resolving a grievance by any member, or faculty member (where the authority to resolve grievances against faculty members is discrimination, harassment and retaliation in violation of the Discrimination, Harassment and Retaliation Policy and/or the Sexual Misconduct Policy.

- [Discrimination, Harassment and Retaliation Policy](#)
- [Sexual Misconduct Policy](#)

I. OVERVIEW

An individual who wishes to file a complaint involving allegations of discrimination, harassment, or retaliation based on a protected status, such as age, sex, race, disability, or veteran status by an administrator, staff member, or faculty member is encouraged to do so. If the allegation is based upon sex or gender, gender identity, gender expression discrimination, or conduct otherwise prohibited by the Sexual Misconduct Policy, the individual should file a complaint directly to the Title IX Office. Complaints about all other forms of discrimination should be filed with the Associate Vice President of Human Resources and Chief Human Resources Officer.

Discrimination, Harassment or Retaliation Prohibited by the Sexual Misconduct Policy

Title IX Office

Alexandra Fulcher, Title IX Coordinator
(323) 259-1338
AGC 111
afulcher@oxy.edu
Web: <http://www.oxy.edu/office-title-ix>

Other Discrimination, Harassment, or Retaliation

Department of Human Resources

Randy Glazer, Associate Vice President of Human Resources and Chief Human Resources Officer
(323) 259-2614
rglazer@oxy.edu
Web: <http://oxy.edu/human-resources>

Grievances Against Human Resources

Amos Himmelstein
Vice President and Chief Operating Officer
himmelstein@oxy.edu; 323-259-1347

Resolution and Formal Resolution and explain that the Complainant has a right to an advisor of their choice during the process.

3. In addition to providing information about options for resolution, the CRC will inform the Complainant about available sources of further assistance, such as counseling services available to students at Emmons Wellness Center Counseling and employees
4. After receiving the complaint, the CRC will determine whether the complaint policies. This determination is *not* intended to screen complaints from the Grievance Process. Rather, its purpose is to determine whether the conduct as stated *could* co
- 5.

Los Angeles, California 90012
(213) 894-1000

6. If the CRC determines that the complaint does not allege a potential violation of one policy violations or unprofessional behavior, the CRC shall refer the concern to the appropriate College administrator (*e.g.*, Human Resources, the Dean of the College, and/or the Dean of Students) to consider further action to identify and, if necessary, address the inappropriate or unprofessional behavior.

B. Informal Resolution Procedures

1. Individuals who believe they have been or may be the victim of discrimination and harassment, not involving physical or sexual violence, may request to use these informal resolution procedures. Complaints alleging physical or sexual violence addressed under SectionbW*nBT/Fi.fleW*nBT/F1 12 Tf1 0 0 1 276.02 627.76 Tm0 g0 G{ion)3(al)-

5. If resolution is reached by this process, no further actions will be taken and the matter will be considered closed. If the matter cannot be resolved informally, the CRC will accept a complaint for formal resolution.

C. Formal Resolution Procedures

1. Initial Stages

- a. Individuals who believe they have been the victim of discrimination, harassment or retaliation, including individuals who have begun or completed an unsuccessful informal resolution process, may file a formal complaint. If the complaint meets the threshold determinations described in sections A.4 and A.5, such a complaint will result in an investigation, the purpose of which shall be to determine whether a violation of one of the antidiscrimination policies has occurred. If the CRC determines the complaint alleges a possible violation of one or more of the antidiscrimination policies, the CRC will notify the Complainant and the Respondent, in writing, of the decision. In certain circumstances, the College may initiate an investigation without a formal complaint from any individual.
- b. When appropriate, prior to or during an investigation, the College may take interim measures to protect the safety and well-being of the Complainant and/or members of the College community. Interim measures may be applied with respect to either the Complainant or Respondent. Such measures include, but are not limited to, changes in work schedules or work hours, changes in work
- c. The Complainant and Respondent may be accompanied by an advisor of their choice during all phases of the complaint process. The advisor must not be otherwise involved in the incident or in any other role in the investigation (including as a witness). The role of the advisor at any meeting during the resolution process is that of an observer, not an advocate. The advisor cannot

2. Notice of the Allegations to the Respondent

the Respondent of the nature of the allegations, including, specifically:

- a.
- b. Nature of the complaint
 - i.

- iv. Locations of alleged policy violations
- v. Brief description of the incident/alleged misconduct
- c. An overview of the procedural options and process, including Informal Resolution and Formal Resolution
- d. The availability of an advisor of their choice.
- e. A description of the Co

In the notice to the Respondent, the CRC shall request a meeting within three (3) business days of transmittal of the notice. If the Respondent does not respond to the meeting request, the

report will have attached as exhibits 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 CRC. The CRC will review the report and assess whether the report demonstrates, by a preponderance

and
finding of responsibility or non-responsibility.

- d. Once the Report is finalized, the CRC 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

Discipline shall be imposed by the Operative Vice President in consultation with the Associate Vice President of Human Resources and Chief Human Resources Officer or the Title IX Coordinator if there is a violation of the sexual misconduct policy. The Operative Vice President has the discretion to implement a variety of disciplinary actions.

be eligible for benefits during this suspension and notify the employee, in writing, of that determination.

7. **Termination of Employment:** Permanent separation of the employee from the College.
8. **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.
9. **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 CRC, in consultation with the Operative Vice President and Associate Vice President of Human Resources and Chief Human Resources Officer, 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 CRC will continue to provide for the care and support of the Parties as appropriate, including the ongoing provision of appropriate accommodations.

IV. APPEAL

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. Assuming one or both of these disciplinary actions are acknowledged by the CRC to

as follows:

- Complainant. If the finding is that concludes that the Respondent did not violate a policy that the Complainant believes the Respondent violated, the Complainant has five calendar days from receiving written notice of the Report to submit a written appeal to the CRC. If the Respondent has been found responsible for one or more policy violations, but not others that may have resulted in suspension without pay or termination of employment, the Complainant may submit a written appeal to the CRC within five calendar days of notice of the disciplinary action.
- Respondent. If the finding is that the Respondent did violate one or more policies and, as a result, has been disciplined in the form of suspension without pay or termination of employment, the Respondent has five calendar days from receiving written notice of the disciplinary action to submit a written appeal to the CRC.

The party who submits the

grounds: (1) Significant Procedural Error; or (2) New Information. Each ground is explained

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- Significant Procedural Error. A procedural error occurred that significantly impacted the outcome of the investigation as it applies to the Appellant (e.g. substantiated bias, material deviation from established procedures). A description of the error and its impact on the outcome of the case must be included in the written appeal.
- New Information. Information has come to light that was not available or known to the Appellant during the investigation and that could significantly impact the findings. Information that was known to the Appellant during the investigation but which s/he chose not to present does not constitute new information. A summary of this new evidence and its potential impact on the investigation findings must be included in the written appeal.

Appellee will have five calendar days to submit a response. At the conclusion of these time periods, the CRC will refer the written appeal, including the report, exhibits attached to the

The CRC will appoint the Appeal Officer from a member of the trained Appeals Panel and notify both Parties of that appointment within five calendar days of receipt of the written appeal. Both Parties will have five calendar days to file a written objection on the basis of bias or conflict of interest. The CRC will consider any objection on the grounds of bias or conflict of interest. If the CRC determines that an Appeal Officer may have bias or conflict of interest, the CRC will remove the Appeal Officer and designate a new Appeal Officer.

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.

