

Prohibited Discrimination, Harassment, and Sexual Misconduct Policy

*Applies to all forms of discrimination, harassment, sexual assault,
domestic and dating violence, and stalking*

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Prohibited Discrimination, Harassment, and Sexual Misconduct Policy

Applies to all forms of discrimination, harassment, sexual assault, domestic and dating violence, and stalking

California Institute of the Arts (CalArts) is committed to maintaining a living, learning, and working environment that is free from all forms of discrimination and conduct that can be considered harassing, coercive, or disruptive – including prohibited discrimination, harassment, and sexual misconduct. The purpose of this policy is to: 1.) familiarize all CalArts community members with the definition of prohibited discrimination, harassment, and sexual misconduct and the various forms it can take; 2.) make explicit that prohibited discrimination, harassment, and sexual misconduct is strictly prohibited and will not be tolerated; 3.) identify the Institute’s Title IX response team and outline how CalArts will respond to allegations of discrimination, harassment, and sexual misconduct, 4.) inform complainants of the available resources, remedies, and possible courses of action available to them when they report prohibited discrimination, harassment, and sexual misconduct; and 5.) clarify the rights and responsibilities of those accused of committing such acts.

I. Scope of Policy

This policy applies to all CalArts students, staff, administrators, faculty (including special and adjunct faculty), program participants, and visitors with respect to CalArts activities and programs occurring both on and off campus. Persons who are not CalArts employees, but perform work at CalArts for its benefit (such as trustees, visiting artists, volunteers, contractors, vendors, and temporary workers) or are applicants for admission or employment at CalArts, are also protected and required to abide by this policy. By extension, this policy also applies to all of CalArts affiliated off-campus sites, including, but not limited to, Roy and Edna Disney/CalArts Theater (REDCAT), Community Arts Partnership (CAP), and off-campus study sites. CalArts also has jurisdiction over alleged harassment and misconduct occurring anywhere (e.g., on or off campus) and at any time (e.g., while classes are in or out of session, during breaks, between semesters) if the complainant(s) and respondent(s) are CalArts students and if the alleged misconduct is likely to have a substantial effect on campus or academic life and activities, or if the incident poses a threat of danger to any member of the CalArts community.

II. Prohibited Conduct and Definitions

CalArts prohibits all forms of prohibited harassment, sexual harassment, sexual violence, and intimate partner violence. These are umbrella terms which encompass a broad range of behavior. In general, sexual violence refers to physical sexual acts perpetrated against a person’s will or where a person is incapable of giving consent due to incapacitation. Intimate partner violence refers to any act of violence or threatened act of violence, sexual or otherwise, against a person who is or has been involved in a sexual, domestic, dating, or other intimate relationship with that person.

Within these broad categories, the College specifically prohibits discrimination, harassment, sexual harassment, sexual assault, sexual exploitation, harm to others, intimate partner violence (which includes domestic and dating violence), stalking, retaliation, and false accusations.

- A. Prohibited Discrimination:** Prohibited discrimination is defined as any unjust or prejudicial conduct, on or off campus, that is directed toward an individual based on one's race, color, sex (which includes pregnancy, childbirth, breastfeeding and medical conditions related thereto), gender, gender identity, gender expression, sexual orientation, religion and religious creed (including religious dress and grooming practices), disability (mental or physical) including HIV and AIDS, medical condition (cancer and genetic characteristics), marital status, age, military and veteran status, ancestry, ethnic or national origin (including language use restrictions), or other characteristics or classifications protected federal, state, or local law that limits one's ability to participate in employment, admission, or access to CalArts' educational or co-curricular programs, activities, or facilities.
- B. Prohibited Harassment:** Prohibited harassment is defined as any conduct, on or off campus, that is directed toward an individual based on one's race, color, sex (which includes pregnancy, childbirth, breastfeeding and medical conditions related thereto), gender, gender identity, gender expression, sexual orientation, religion and religious creed (including religious dress and grooming practices), disability (mental or physical) including HIV and AIDS, medical condition (cancer and genetic characteristics), marital status, age, military and veteran status, ancestry, ethnic or national origin (including language use restrictions), or other characteristics or classifications protected federal, state, or local law that is sufficiently severe or pervasive to alter or interfere with an individual's work or academic performance, or that creates an intimidating, hostile, or offensive living, learning, or working environment.

Prohibited harassment can take many forms and will vary with the particular circumstances. Examples of harassment prohibited by this policy may include, but are not limited to:

- Verbal conduct such as epithets, remarks about a person's body or clothing, and derogatory jokes, comments or slurs;
- Unwanted advances and/or propositions of a sexual nature, including relationships that began as consensual but later ceased to be mutual wherein one party then harasses the other;
- Visual displays such as derogatory and/or sexually-oriented posters, photography, cartoons or drawings not protected by the CalArts Exhibition and Performance Policy, Censorship Policy, and/or by policies based on academic freedom and freedom of expression;

- Suggesting or implying that submission to or rejection of sexual advances will affect decisions regarding such matters as an individual's work assignment or status, salary, academic standing, grades, receipt of financial aid, or letter of recommendation;
- Physical conduct including unnecessary and unwanted touching, intentionally blocking normal movement, or assault – including sexual assault and rape. *Note: Sexual assault and rape are crimes of violence and are punishable as criminal offenses.*

C. Sexual Harassment: Sexual harassment is any unwelcome sexual advance, request for sexual favors, or other unwanted written, verbal, or physical conduct of a sexual nature when one of the following conditions is present:

- Submission to or rejection of such conduct is an explicit or implicit condition of an individual's employment, evaluation of academic and artistic work, or participation in social, co- or extra-curricular activities; or
- Submission to or rejection of such conduct is used as the basis for decisions affecting that individual; or
- Such conduct has the purpose or effect of interfering with an individual's work or academic and/or artistic performance by creating an intimidating, hostile, humiliating, demeaning, or sexually offensive living, learning, or working environment. The purpose or effect will be evaluated based on the perspective of a reasonable person in the position of a complainant.

Sexual harassment also includes gender-based harassment, which may include acts of verbal, nonverbal, and/or physical aggression, intimidation, or hostility based on sex or sex-stereotyping, even if those acts do not involve conduct of a sexual nature.

A single, isolated incident of sexual harassment may create a hostile environment if the incident is sufficiently severe. The more severe the conduct, the less need there is to show a repetitive series of incidents that create the hostile environment, particularly if the harassment is physical.

Sexual 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.
- Does not have to include intent to harm, be directed at a specific target, or involve repeated incidents.

- 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 a group.
- May occur by or against an individual of any sex, gender, gender identity, gender expression, or sexual orientation.
- May occur in the classroom, studio, gallery, theater, or any other setting – including educational, artistic, and residential settings. *Note: The application of this policy may be nuanced in these circumstances as CalArts is committed to protecting the academic and artistic freedom of its community members – including freedom of expression.*
- May be committed in the presence of others or when the parties are alone.
- May affect the complainant and third parties who witness or observe harassment and are affected by it.

The fact that someone did not intend to sexually harass an individual is no defense to a complaint of sexual harassment. Regardless of intent, it is the impact, or effect, and the characteristics of the behavior that determine whether the conduct constitutes sexual harassment. Conduct alleged to constitute sexual harassment will be evaluated according to the objective standard of a reasonable person of the same protected class. Thus, conduct that is offensive to some but that is not severe or pervasive enough – from the perspective of a reasonable person of the same protected class – to create an objectively intimidating, hostile, or offensive environment is beyond the purview of this policy.

D. Sexual Assault: Having or attempting to have sexual intercourse or sexual contact with another individual without consent. This includes sexual intercourse or sexual contact achieved by the use or threat of force or coercion, where an individual does not consent to the sexual act, or where an individual is incapacitated. Sexual assault includes the following acts:

- **Related to Non-consensual Sexual Intercourse:** Having or attempting to have sexual intercourse with another individual without consent. Sexual intercourse includes vaginal or anal penetration, however slight, with a body part or object, or oral copulation by mouth-to-genital contact.

- **Related to Non-consensual Sexual Contact:** Having or attempting to have sexual contact with another individual without consent. Sexual contact includes kissing, touching the intimate parts of another, causing the other to touch one's intimate parts, or disrobing or exposure of another without permission. Intimate parts may include the breasts, genitals, buttocks, mouth or any other part of the body that is touched in a sexual manner.

E. Sexual Exploitation: An act or acts committed through non-consensual abuse or exploitation of another person's sexuality for the purpose of sexual gratification, financial gain, personal benefit or advantage, or any other non-legitimate purpose. The act or acts of sexual exploitation are prohibited even though the behavior does not constitute one of the other sexual misconduct offenses. Examples include, but are not limited to:

- 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;
- Non-consensual streaming of images, photography, video or audio recording of sexual activity or nudity, or distribution of such without the knowledge and consent of all parties involved;
- Prostituting another individual;
- Exposing one's genitals in non-consensual circumstances;
- Tampering with birth control or condoms;
- Knowingly exposing another individual to a sexually transmitted infection or virus without his/her/zir knowledge; and
- Inducing, or attempting to induce, incapacitation for the purpose of making another person vulnerable to non-consensual sexual activity.

F. Harm to Others: Physical, verbal, or psychological abuse, harassment, intimidation, or other harmful conduct that threatens, endangers, or has the potential to endanger the health, well-being, or safety of another individual. It can include but is not limited to threatening, intimidating, assaulting another person, and/or purposefully injuring another individual. This behavior is typically regarded as an alleged violation of CalArts policy. Acts which constitute harm to others that are a form of intimate partner violence, or behavior based on sex or gender, will be resolved under the Prohibited Discrimination, Harassment, and Sexual Misconduct Policy.

G. Intimate Partner Violence: Intimate partner violence is also referred to as domestic violence, dating violence, and relationship violence. Intimate partner violence includes any act of violence or threatened act of violence against a person who is or has been involved in a sexual, dating, domestic, or other intimate relationship by the other person in the relationship. It may involve one act or an ongoing pattern of behavior. Intimate partner violence can encompass a broad range of behavior, including but not limited to physical violence, sexual violence, emotional violence, and economic abuse. Intimate partner violence may take the form of threats, assault, property damage, violence or threat of violence to one's self, one's sexual or romantic partner, and/or to the family members or friends of the sexual or romantic partner. Intimate partner violence affects individuals of all sexes, genders, gender identities, gender expressions, sexual orientations, abilities (physical and mental), and racial, ethnic, social, and economic backgrounds.

CalArts will not tolerate intimate partner violence of any form. Even though intimate partner violence is defined individually in this policy, the Institute recognizes that sexual harassment, sexual assault, sexual exploitation, harm to others, stalking, and retaliation may all be forms of intimate partner violence when committed by a person who is or has been involved in a sexual, dating, or other social relationship of a romantic or intimate nature with the complainant.

H. Stalking: A course (more than once) of unwelcome conduct directed toward another person that could be reasonably regarded as likely to alarm, harass, and/or cause reasonable fear of harm or injury to that person, or to a third party, such as a roommate or friend. The feared harm or injury may be physical, emotional, or psychological, to the personal safety, property, education, or employment of that individual. Stalking includes the concept of cyber-stalking, a particular form of stalking in which electronic media such as the internet, social networks, blogs, cell phones, texts, or other similar devices or forms of contact are used to pursue, harass, or to make unwelcome contact with another person in an unsolicited fashion. Examples include, but are not limited to:

- Unwelcome and repeated visual or physical proximity to a person;
- Repeated oral or written threats;
- Extortion of money or valuables;
- Implicitly threatening physical conduct or any combination of these behaviors directed toward an individual person.
- Unwelcome/unsolicited emails, instant messages, and messages on on-line bulletin boards and social media (e.g., Facebook, Twitter, Tumblr);

- Unwelcome/unsolicited communications about a person, their family, friends, or co-workers; and/or
- Sending or posting unwelcome/unsolicited messages from another person's username or account.

I. Retaliation: Acts or attempts to retaliate or seek retribution against a complainant, respondent, or any individual or group of individuals involved in the investigation and/or resolution of an allegation of discrimination, harassment, or sexual misconduct. Retaliation can be committed by any individual or a group of individuals, not just by a respondent or complainant. Retaliation can take many forms, including, but not limited to, continued abuse or violence, other forms of harassment, and slander or libel. Retaliation may occur either directly or indirectly, by e-mail, telephone, or cell phone, text or chat messages, social (e.g., Facebook, Twitter, Tumblr) or through any like service.

J. False Accusations: Intentionally providing false reports of discrimination, harassment, and sexual misconduct, or maliciously making allegations without regard for truth. Reports made in good faith, even if the allegations are not substantiated through an investigation or a hearing, are not considered to be knowingly false accusations.

While many of these definitions are similar to those contained within California Penal Code, an act that might not violate or be prosecuted under such laws may still violate this policy.

III. Consent and Related Concepts: Coercion, Force, and Incapacitation

A. Consent: The Sexual Misconduct Policy is based on affirmative consent, an unambiguous standard where "yes means yes." Consent to engage in sexual activity must be given knowingly, voluntarily, and affirmatively, and it must exist from the beginning to end of each instance of sexual activity as well as for each form of sexual contact. Consent is demonstrated through mutually understandable words and/or clear, unambiguous actions that indicate a willingness to engage freely in sexual activity. Consent is active, not passive.

- Each participant in a sexual encounter is expected to obtain and give consent to each act of sexual activity. This requires participants to continuously check in and communicate with each other or others to insure that consent is given knowingly, voluntarily, and affirmatively. Consent to one form of sexual activity does not constitute consent to engage in all forms of sexual activity.
- Consent consists of an outward demonstration indicating that an individual has freely chosen to engage in sexual activity. Relying on non-verbal communication can lead to misunderstandings. Consent may not be inferred from silence, passivity, lack of resistance, or lack of an active response alone. A person who does not physically resist or verbally refuse sexual activity is not necessarily giving consent.

- If at any time it is reasonably apparent that any person(s) is hesitant, confused, or unsure, all parties should stop and obtain mutual verbal consent before continuing such activity.
- Consent may be withdrawn by any person(s) at any time. Withdrawal of consent must also be outwardly demonstrated by mutually understandable words or clear, unambiguous actions that indicate a desire to end sexual activity. Once withdrawal of consent has been expressed, sexual activity must cease.
- Individuals with a previous or current intimate relationship do not automatically give initial or continued consent to sexual activity. Even in the context of a relationship, there must be mutually understandable communication that clearly and unambiguously indicates a willingness to engage in sexual activity.
- Consent is not affirmative if it results from the use or threat of physical force, intimidation, or coercion, or any other factor that would eliminate an individual's ability to exercise her/zir/his own free will to choose whether or not to have sexual contact.
- An individual who is physically incapacitated from alcohol, drug, and/or medication consumption (voluntarily or involuntarily), or is unconscious, unaware, mentally or physically helpless, or is otherwise unable to understand the fact, nature, or extent of the sexual activity is considered unable to give consent. For example, one who is asleep or passed out cannot give consent.
- In the state of California, consent can never be given by minors under the age of 18.

CalArts takes very seriously the issue of affirmative consent for all parties. When investigating and evaluating complaints of sexual misconduct, the following shall be considered invalid excuses or justifications by the respondent when ze/he/she believed the complainant consented to sexual activity:

- "I was drunk." Being intoxicated from alcohol, drugs, and medications, or engaging in other reckless behavior, does not exonerate an individual from obtaining consent from the other person(s) for each act of sexual activity. The initiator of sexual behavior owes respect to his/her/zir potential sexual partner(s). The use of alcohol, drugs, and/or medications by any person(s), including the person(s) alleged to have committed sexual misconduct, does not diminish one's responsibility to obtain affirmative consent and will never excuse an alleged violation of this policy.
- "I assumed everything was okay." Reasonable steps must be taken to ascertain whether the complainant knowingly, voluntarily, and affirmatively consented to each and every act of sexual activity. Simply assuming that everything was okay is not enough.

- Not taking the time to check in and communicate with one's partner(s). Affirmative consent requires that any person who engages in sexual activities with others to check in with her/zir/his sexual partner(s) on a consistent basis to determine whether consent was affirmatively given. Communicating with your partner(s) shows that you respect them and their wishes.
- B. Coercion:** A direct or implied threat of force, violence, danger, hardship, or retribution sufficient to persuade a reasonable person of ordinary susceptibility to perform an act which otherwise would not have been performed or acquiesce in an act to which one would not have submitted. Coercion can include unreasonable pressure for sexual activity. Coercive behavior differs from seductive behavior based on the type of pressure someone uses to get consent from another. A person's words or conduct cannot amount to coercion unless they wrongfully impair the other's freedom of will and ability to choose whether or not to engage in sexual activity. When someone makes it clear that ze/he/she does not want to engage in sexual activity, that he/she/ze wants to stop, or that she/ze/he does not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive.
- C. Force:** Force is the use or threat of physical violence or intimidation to overcome an individual's freedom to choose whether or not to participate in sexual activity.
- D. Incapacitation:** An individual who is incapacitated cannot consent to sexual activity. Incapacitation is defined as the inability, temporarily or permanently, to give consent, because an individual is mentally or physically helpless, unconscious, and unaware that the sexual activity is occurring, or is otherwise unable to understand the fact, nature, or extent of the sexual activity.

One of the many reasons why engaging in sexual activity while under the influence of alcohol, drugs, and medications is considered to be risky behavior is because the ingestion of such substances can create confusion as to whether affirmative consent was obtained. Because incapacitation may be difficult to discern, those wishing to engage in sexual activity are strongly encouraged to err on the side of caution – that is, when in doubt assume that the other person is incapacitated and is therefore unable to give affirmative consent.

Incapacitation may result from alcohol, drug, and medication consumption. Warning signs that a person may be approaching incapacitation may include slurred speech, vomiting, unsteady gait (i.e., a manner of walking, stepping, or running), odor of alcohol or other substance, combativeness, and/or emotional volatility. If there is any doubt as to the level or extent of the other person's intoxication or impairment, the prudent course of action is to forgo or cease any sexual contact or activity.

An individual who engages in sexual activity with someone the individual knows or reasonably should know is incapable of making a rational, reasonable decision about whether to engage in sexual activity is in violation of this policy. This includes persons whose incapacity results from ingestion of a “date rape” or “predatory” drug. Possession, use, and/or distribution of any of these drugs is prohibited and administering one of these drugs to another person for the purpose of inducing incapacitation is prohibited under CalArts policy and state criminal statutes.

As stated earlier, being intoxicated or impaired by alcohol, drugs, and medications is never an excuse for committing sexual harassment and sexual misconduct, and does not diminish one’s responsibility to obtain consent knowingly, willingly, and affirmatively. It is the burden of any person wishing to engage in sexual activity with others to determine the capacity of his/her/hir potential sexual partner’s ability to provide affirmative consent.

IV. Resources

CalArts is committed to treating all members of the community with dignity, empathy, and respect. Any individual who is affected by discrimination, harassment, and sexual misconduct – whether as a complainant, a respondent, or a third party – will have equal access to support and counseling services through the Institute. CalArts recognizes that deciding whether or not to make a report and choosing how to proceed can be difficult decisions. The Institute encourages any individual who has questions or concerns to seek the support of campus and community resources. These resources can provide guidance in making decisions, information about available resources and procedural options, and assistance to either party in the event that a report and/or resolution under this policy is pursued. Individuals are encouraged to use all available resources, regardless of when or where the incident occurred.

A. What to Do If You Experience a Sexual Assault or Sexual Exploitation

Anyone who experiences a sexual assault or other sexual misconduct is strongly encouraged to seek immediate assistance. The first priority should be to seek safety and to obtain support from someone the harmed person trusts – such as a friend, family member, faculty or staff member. If there is an immediate danger or need for an emergency police or medical response on campus, call Campus Safety at (661) 222-2702 and/or the Los Angeles County Sheriff at 911. For persons off campus, dial 911.

Those who experience sexual assault (particularly non-consensual oral copulation, vaginal, or anal penetration) are urged to seek medical treatment as soon as possible by going to the nearest hospital emergency room, specialized sexual assault treatment and trauma center, or private physician. If transportation is needed, it will be arranged by Campus Safety, the Dean of Student Affairs, the Director of Residence Life, or the Director of Student Health Services. The emergency room nearest the CalArts campus is located at:

Henry Mayo Newhall Memorial Hospital
23845 McBean Parkway
Valencia, CA 91355
(661) 253-8000

Harmed persons who promptly seek medical attention benefit from being examined for physical injury, receiving preventative treatment for sexually transmitted infections, a toxicology examination for date rape drugs, and emergency contraception, as appropriate. In addition, prompt reporting allows for the preservation of evidence, which will only be used if the person who experiences sexual misconduct decides, either immediately or later, to press criminal charges or to file a civil lawsuit.

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

Time is a critical factor in collecting and preserving evidence. The physical evidence of an assault is most effectively collected within the first 24-48 hours of the assault, but some evidence may be collected for up to 72-96 hours. If, however, a person who experiences sexual assault chooses to report the incident days, weeks, or even months after the assault, important support systems are still available and can be arranged, but the harmed persons should understand that a delay may make it more difficult to collect physical evidence of the sexual assault which could impact a criminal prosecution or civil lawsuit.

Hospitals and health practitioners that treat any physical injury sustained during a sexual assault are required to report it to law enforcement agencies. The harmed person(s) may choose whether or not to speak to police at the hospital. Also, it is important to understand that one who experiences sexual assault or other forms of sexual misconduct does not need to make an immediate decision to press criminal charges – that decision can be made at a later time.

B. Confidential Resources

CalArts encourages all community members to make a prompt report of any alleged incident of discrimination, harassment, and/or sexual misconduct. For individuals who are not prepared to make a report but are still seeking information and support, there are several statutorily-protected confidential resources available, as designated below. These confidential resources will not share information with the Institute without the individual's consent.

Those who experience of sexual harassment and sexual misconduct can experience emotional as well as physical consequences. Sexual assault, dating and domestic violence, and stalking are traumatic experiences that can have both immediate and long-term effects. Individuals who have been sexually assaulted and/or exploited are strongly encouraged to obtain help from a professional counselor as soon as they are ready after the incident occurs.

On-Campus Confidential Resources (for Students):

- **Student Advocate**
Room A207

Maria-Victoria Perez, Coordinator for Student Advocacy and Case Management
(661) 253-7874
m-vperez@calarts.edu
- **Counseling Services**
Room A207

Melissa Shepherd, MFT
(661) 253-7871

Marina Talley Chatterton, LCSW
(661) 253-7873
- **Student Health Services**
Room D208

Audrey Hampton, RN
(661) 253-7830

Off-Campus Confidential Resources (for Students, Faculty, and Staff):

- **Employee Assistance Program (for staff and faculty)**
Anthem Insurance Companies
(800) 999-7222 toll free number
CalArts has an Employee Assistance Program (EAP) that provides professional counseling, information and referral services to eligible employees and their spouse, domestic partner, and/or dependent children. The program offers confidential consultation on a wide variety of personal, family, or work-related problems.
- **National Domestic Violence Hotline**
(800) 799-SAFE (7233)
<http://www.thehotline.org>

- **Rape Treatment Center**
Santa Monica – UCLA Medical Center
1250 Sixteenth Street
Santa Monica, California 90404
(310) 319-4000
<http://www.911rape.org>
- **RAINN-Rape, Abuse, Incest National Network**
(800) 656-HOPE (4673)
<http://online.rainn.org>
- **Strength United (formerly Valley Trauma Center)**
25115 Ave. Stanford #B-122, Santa Clarita, CA 91355
(661) 702-0000
<http://www.csun.edu/eisner-education/strength-united>

Students, faculty, and staff wishing to seek additional confidential off-campus resources may visit with any medical and licensed mental health professional, or trained sexual violence advocates, as they have statutorily protected confidentiality and may only disclose information with your permission. The Dean of Student Affairs, Chief Human Resources Officer, and/or the Associate Provost may provide additional assistance in finding additional resources.

C. Campus Resources

In addition to the confidential resources listed above, CalArts community members have access to a variety of resources provided by the Institute. All of the staff members listed below are trained to support individuals affected by alleged sexual harassment or sexual misconduct and to coordinate with the Title IX Coordinator consistent with the CalArts' commitment to a safe and healthy living, learning, and working environment. While not bound by confidentiality, these resources will maintain the privacy of an individual's information within the limited circle of those involved in the Title IX resolution process.

Title IX Response Team

- Charmagne Shearrill, Title IX Coordinator
Chief Human Resources Officer
Room A210-A
(661) 253-7837
cshearrill@calarts.edu
- Travis Greene, Title IX Deputy Coordinator
Dean of Student Affairs
Room A207
(661) 253-7891
tgreene@calarts.edu

- Kim Russo, Title IX Deputy Coordinator
Associate Provost for Faculty Affairs and Student Success
Room F300
(661) 253-2785
krusso@calarts.edu

The Title IX Coordinators are available to receive reports of sex discrimination at CalArts (including sexual harassment, sexual assault, sexual exploitation, dating and domestic violence, and stalking), as well as to discuss questions or concerns relating to the investigation of complaints received, reporting and complaint procedures, and education and training opportunities across campus.

Campus Safety

- Mark Farley
Campus Safety Supervisor
Room D100
(661) 253-7700
mfarley@calarts.edu
- For Assistance 24 hours a day/7 days a week:
Campus Safety Department
Room D100
(661) 222-2702

D. Community and National Resources

Students, faculty, and staff may also access resources located in the Santa Clarita Valley and Los Angeles County area. These organizations can provide crisis intervention services, counseling, medical attention, and assistance in interfacing with the criminal justice system. All individuals are encouraged to use the resources that are best suited to their needs.

CALCASA-California Coalition Against Sexual Assault

The California Coalition Against Sexual Assault (CALCASA) provides leadership, vision, and resources to rape crisis centers, individuals, and other entities committed to ending sexual violence.

(916) 446-2520
(916) 446-8802 (TTY/TDD)

[Center for Assault Treatment Services \(CATS\)](#)

CATS provides compassionate care to survivors of physical and sexual assault as well as on-site advocacy support, case management, counseling and referrals for victims and their family members.

CATS is located at the Northridge Hospital Medical Center
14531 Gault Street
Van Nuys, CA 91405
(818) 785-3489

[Center for the Pacific Asian Family \(CPAF\)](#)

CPAF is a non-profit agency specializing in assisting Asian and Pacific Islanders who are surviving sexual assault and/or domestic violence. Multi-lingual staff and volunteers are available to those who speak limited English. All services are free of charge.

(800) 339-3940
24-Hour Confidential Crisis Hotline

[Los Angeles County Domestic Violence Hotline](#)

This toll-free 24-hour hotline routes Southern California victims of domestic violence directly to trained shelter personnel in Los Angeles County. Callers may receive help in 13 languages (English, Spanish, Korean, Vietnamese, Mandarin, Cantonese, Tagalog, Khmer, Japanese, Thai, Armenian, Arabic and Farsi).

(800) 978-3600

[Los Angeles County Sheriff's Department – Santa Clarita Valley Station](#)

Students, faculty, and staff who experience sexual harassment and misconduct – including sexual assault, dating and domestic violence, and stalking – may always contact local law enforcement officials to pursue criminal prosecution and/or civil lawsuits.

23740 Magic Mountain Parkway
Santa Clarita, CA 91355

911 – for emergencies
(661) 255-1121 – for all other calls

[Los Angeles District Attorney's Office](#)

[Los Angeles County District Attorney's Office-Sex Crimes Division](#)

The District Attorney's Office understands that sexual crimes and child sexual abuse are among the most devastating of crimes and, therefore, vigorously seeks justice for victims of these crimes. The Sex Crimes Division has experienced, specially-trained attorneys dedicated solely to the prosecution of sex crimes and child sexual abuse within the Central District.

(213) 974-1611

The National Center for Victims of Crimes

Through collaboration with local, state, and federal partners, the National Center advocates for stronger rights, protections, and services for crime victims; provides education, training, and evaluation; and serves as a trusted source of current information on victims' issues.

(800) FYI-CALL (394-2255)

(800) 211-7996 (TTY Line)

Hours: Monday-Friday, 8:30 a.m.-8:30 p.m. Eastern

National Domestic Violence Hotline

The hotline is the only center in the nation that has access to service providers and shelters across the U.S. Trained advocates staff this 24-hour crisis hotline and provide confidential assistance.

(800) 799-SAFE (7233)

Not Alone: Together Against Sexual Assault

Information for students, schools, and anyone interested in finding resources on how to respond to and prevent sexual assault on college and university campuses and in our schools. This U.S. government website allows users to find a crisis service, learn more about their rights and how to file a complaint, and view a map of resolved school-level enforcement activities.

Peace Over Violence-Rape & Battery Hotline

Peace Over Violence (formerly LACAAW), established in 1971 by pioneering feminist activists, is a sexual and domestic violence, stalking, child abuse and youth violence prevention center headquartered in Los Angeles and dedicated to building healthy relationships, families, and communities free from sexual, domestic and interpersonal violence.

(213) 626-3393

(310) 392-8381

(626) 793-3385

RAINN-Rape, Abuse, Incest National Network

RAINN is the nation's largest anti-sexual violence organization. RAINN created and operates the National Sexual Assault Hotline (800.656.HOPE and online.rainn.org) in partnership with more than 1,100 local rape crisis centers across the country. RAINN also carries out programs to prevent sexual violence, help victims and ensure that rapists are brought to justice.

(800) 656-HOPE (4673)

or online at the National Online Hotline: <http://online.rainn.org>

Rape Treatment Center (RTC)

RTC offers comprehensive, free treatment for sexual assault victims and their families, including 24-hour emergency medical care, forensic examinations, crisis intervention, long-term professional counseling, advocacy, and accompaniment services.

Santa Monica – UCLA Medical Center
1250 Sixteenth Street
Santa Monica, California 90404
(310) 319-4000

Strength United (formerly Valley Trauma Center)

Strength United provides a 24-Hour Sexual Assault Emergency Response Team, counseling, and prevention education to over 15,000 individuals annually. In addition, Strength United has expanded its case management and counseling services as a Los Angeles County Family Preservation Program lead agency. Counseling, crisis intervention services, and prevention education programs are available in Spanish and English; other languages are offered when available.

Santa Clarita Office:
25115 Ave. Stanford #B-122, Santa Clarita, CA 91355
(661) 702-0000

Northridge Office:
8700 Reseda Blvd., Northridge, CA 91324
(818) 772-9981

V. Reporting Discrimination, Harassment, and Sexual Misconduct

CalArts is committed to providing a variety of welcoming and accessible ways for community members to voice concerns about and report instances of alleged discrimination, harassment, and sexual harassment. Reporting an issue is the best way for the community to help an individual receive the resources, support, and accommodations available at CalArts and in Valencia. Not only does reporting help the individual, communication about issues related to discrimination, harassment, and sexual misconduct can help prevent such acts. The information community members report can illuminate patterns of behavior, immediate threats to the safety of the community, and systemic issues.

At the time a report is made, a complainant does not have to decide whether or not to request student conduct or corrective action. Choosing to make a report, and deciding how to proceed after making the report, can be a process that unfolds over time. CalArts officials will do everything possible to respect an individual's autonomy in making these important decisions and to provide support that will assist each individual in making that determination. Unless there is an immediate threat to the community or a minor is involved, the person involved in the sexual misconduct incident will set the pace and make decisions about how best to proceed (including not naming the other party/ies at the time of the report).

All CalArts employees, including faculty, staff, and student employees and volunteers who have a responsibility for student welfare (e.g., Resident Assistants) are expected to share with the Title IX Coordinator, Title IX team, and/or a senior official any report of alleged sexual harassment and sexual misconduct they receive. Employees who have statutory confidentiality (e.g., mental health counselors in Student Affairs) do not and will not report incidents without the permission of the person who made the report (unless the report involves a minor or imminent danger to the community). All CalArts community members, even those who are not obligated by this policy, are strongly encouraged to report information regarding any incident of sexual harassment and/or sexual misconduct to a member of the Title IX team.

A. Emergency/Immediate Reporting Options

CalArts encourages all individuals to seek assistance from a medical provider and/or law enforcement immediately after an incident of sexual misconduct. This is the best option to ensure preservation of evidence and to begin a timely investigative and remedial response. The Institute will assist any CalArts community member to get to a safe place and will provide transportation to the hospital, coordination with law enforcement, and information about the Institute's resources and complaint processes.

Assistance is available from the Institute 24 hours a day year-round by calling the Campus Safety at Campus Safety at (661) 222-2702 or visiting Room E100, and/or the Los Angeles County Sheriff's Department (911 for emergencies or 661-255-1121 for all other calls). Students may also access the confidential Student Advocate (24/7) by contacting Campus Safety. They do not need to disclose any identifiable information – rather, simply state that you'd like the Student Advocate to call them at a designated phone number. There is no requirement that an individual file an incident report with the Campus Safety Department and/or the Los Angeles Sheriff's Department in order to speak with a member of the Title IX response team or with a mental health counselor in Student Affairs.

An individual can also contact a Student Health Services nurse (during business hours) and/or the Henry Mayo Newhall Memorial Hospital (24 hours/day). A medical provider at Henry Mayo Newhall Memorial Hospital can provide emergency and/or follow-up medical services and provide a forum to discuss any health care concerns related to the incident in a confidential medical setting. The medical exam has two goals: 1.) to diagnose and treat the full extent of any injury or physical effect (sexually transmitted infections and/or pregnancy), and 2.) to properly collect and preserve evidence. Contact information for our local hospital is:

Henry Mayo Newhall Memorial Hospital
23845 McBean Parkway
Valencia, CA 91355
(661) 253-8000

An individual may request a support person: a friend, the Dean of Student Affairs, a community advocate, to accompany the individual during the exam. There is a limited window of time (typically 72 to 96 hours) following an incident of sexual assault to preserve physical and other forms of evidence. Taking the step to gather evidence immediately does not commit an individual to any course of action. The decision to seek medical attention and gather any evidence will remain confidential and preserve the full range of options to seek resolution through the College's complaint processes

B. Campus Reporting Options

Students who experienced sexual harassment and/or sexual misconduct, regardless of where the offense occurred, is encouraged to report this incident to either: Campus Safety at (661)-222-2702, Room E100; the Dean of Student Affairs at (661) 253-7891, Room A207; the Director of Residence Life at (661) 253-7897, Chouinard Hall, Room 101A; the Chief Human Resources Officer at (661) 253-7837, Room A210; and/or the Director of Student Health Services at (661) 253-7830, Room D208.

Similarly, any CalArts employee who does not have statutorily-protected confidentiality and who is made aware of any occurrence of sexual harassment and/or sexual misconduct is expected to report such incidents to a member of the Title IX response team as soon as possible.

A report does not, by itself, constitute a complaint – nor does it automatically lead to the filing of a police report. A report simply notifies CalArts officials that an act of sexual misconduct has, or may have, occurred. A report allows CalArts officials to provide aid and assistance to the complainant (including temporary remedies and accommodations), to maintain statistical data regarding sexual misconduct, and to take action that stops the harassing behavior, prevents its recurrence, and addresses its effect. There may be times when a Campus Safety Alert may be issued as a result of a report.

A student wishing to have an incident investigated, mediated (except for issues involving alleged sexual violence), or adjudicated must make a complaint in accordance with the grievance procedures described in this policy. Making a complaint is different from reporting an incident in that a complaint involves a specific request to initiate student conduct proceedings.

To enable the Institute to respond to all reports in a prompt and equitable manner, CalArts encourages all individuals to directly report any incident to a member of the Title IX Response Team, the Director of Campus Safety, the Provost, or the Director of Residence Life.

C. Responding to a Report: The Title IX Response Team

The Title IX Coordinator, working with the Title IX team, will ensure that CalArts responds to all reports of sexual harassment and misconduct in a timely, effective, and consistent manner. The Title IX team consists of: Chief Human Resources Officer, Associate Provost, Dean of Student Affairs, Associate Vice President, Facilities, Environmental Health and Safety, and others as applicable, such as the Vice President and Chief Operations Officer and the Director of Human Resources. The Title IX team is charged with coordinating the review, investigation, and resolution of all reports to ensure consistent responsiveness and the integrated provision of interim remedies and accommodations to support the individuals involved and to protect the CalArts community. The Institute is committed to using a consistent and informed response to create a culture of respect and accountability. The Title IX team is positioned to provide seamless support, assess individual and campus safety needs, and effectively respond to allegations of sexual harassment and sexual misconduct.

CalArts will promptly review and respond to all reports of sexual harassment and misconduct in an integrated, consistent manner that treats everyone with dignity and respect. The Institute will approach each report with an earnest intent to understand the perspective and experiences of each individual involved in order to ensure fair and impartial evaluation and resolution.

CalArts recognizes that the decision whether or not to report allegations of sexual harassment and sexual misconduct is personal, and that there are many barriers, both individual and societal, to reporting. Not every individual will be prepared to make a report to CalArts or to law enforcement, and individuals are not expected or required to pursue any specific course of action. As outlined in the *Resources* section of this policy, there are confidential resources at CalArts and in the community available to individuals not wishing to make a report to the Institute. Information shared with these confidential resources will not be reported to the Institute (unless a minor is involved).

D. Respect for the Rights of the Complainant and Respondent

CalArts recognizes the sensitive nature of discrimination, harassment, sexual and sexual misconduct complaints – both for the complainant and the respondent. All parties to the complaint should treat the matter under investigation with discretion and respect for the reputation of all parties involved.

E. Coordination with Law Enforcement

In addition to CalArts' internal complaint procedures, the complainant has the right to pursue criminal prosecution and/or civil litigation (including the ability to seek a temporary restraining order and injunction prohibiting harassment pursuant to California Civil Code Section 527.6). CalArts staff will provide full and prompt cooperation and assistance in notifying the proper law enforcement personnel if the complainant chooses to do so.

AB 1443 requires Institute officials to contact local law enforcement agencies immediately upon, or as soon as reasonably possible, receiving a report of sexual violence. Should a student not wish to have their name reported, a report will be made using a pseudonym (J. Doe). If a complainant does not consent to being identified, the respondent's identity cannot be provided. A criminal investigation into an allegation of sexual misconduct does not relieve or substitute for CalArts' duty and authority to conduct its own prompt and equitable review of a complaint. Accordingly, CalArts will not wait for the conclusion of a criminal investigation or proceeding to begin its own concurrent investigation and resolution of an alleged violation. The standards for criminal proceedings differ from those used in campus educational proceedings. As a result, conduct that may not be subject to criminal action may still be addressed through the student conduct program at CalArts. A finding of "not guilty" in a criminal matter does not necessarily preclude a finding of "responsibility" for violating CalArts' policy in a campus proceeding.

Since sexual harassment and sexual misconduct are violations of federal and state law, complainants have additional options for reporting.

F. Campus Crime Reporting

In accordance with the provisions of the Jeanne Cleary Act, the CalArts Annual Security Report (ASR) provides any interested party with various crime statistics for the previous three calendar year reporting periods concerning reported crimes that occurred on campus, in certain off-campus buildings or property owned or controlled by CalArts, and on public property within, or immediately adjacent to and accessible from, the campus. The report, which is available on line at calarts.edu/campus/safety/annual-report, also includes institutional policies concerning campus security issues, such as those concerning alcohol and drug use, crime prevention, the reporting of crimes, sexual assaults, and other relevant matter. CalArts never includes personally identifiable information (e.g., the names and addresses of complainants and respondents) in such statistical reports.

G. Amnesty for Alcohol, Drug, and Medication Use or Other Policy Violations

CalArts seeks to remove any barriers to reporting. The Institute will generally offer any student, whether the complainant or a third party, who reports allegations of discrimination, harassment, and/or sexual misconduct – or who serves as a witness in the investigation of such allegations – limited immunity from being charged for policy violations related to the personal ingestion of alcohol and/or other drugs (including medications), or other policy violations, provided that any such violation(s) were not egregious and did not, and do not, place the health and safety of any person at risk. The Institute may, however, choose to pursue educational interventions for those individuals, when deemed appropriate.

VI. Interim Measures, Remedies, and Accommodation

A. Overview

Upon receipt of a report, CalArts may impose reasonable and appropriate interim measures designed to eliminate the hostile environment. The Institute will maintain consistent contact with the parties to ensure that all safety, emotional, and physical well-being concerns are being addressed. Interim measures may be imposed regardless of whether formal conduct charges or corrective action is sought by the complainant or the Institute.

A complainant or respondent may request separation from each other or other protection, or CalArts may choose to impose interim measures at its discretion to ensure the safety of all parties, the broader CalArts community, and/or the integrity of the Title IX response process.

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

B. Range of Measures

Interim measures will be implemented at the discretion of the Institute. Potential remedies and accommodations that may be applied to the complainant and/or the respondent include, but are not limited to:

- Access to counseling services and assistance in setting up initial appointment, both on and off campus;
- Imposition of a non-retaliation order (CalArts' equivalent to no-contact order);
- Rescheduling of exams and assignments;
- Providing alternative course completion options;
- A change in class schedule, including the ability to drop a course without penalty;
- A change in work schedule or job assignment;
- A change in on campus residence hall assignments (either temporarily or permanently);
- Limiting an individual or student group's access to certain CalArts facilities or activities, pending resolution of the matter;
- A voluntary leave of absence;

- Providing an escort to ensure safe movement between classes, performances, and activities;
- Providing medical services as needed;
- Providing academic support services, such as tutoring;
- An interim suspension pending the outcome of a student conduct hearing;
- Relocation of one's work space;
- Additional training in harassment prevention;
- Any other remedy which can be tailored to the involved individuals to achieve the goals of this policy.

C. Interim Suspension or Leave

Where the report of alleged discrimination, harassment, and/or sexual misconduct poses an ongoing risk of harm to the safety or wellbeing of an individual or members of the CalArts community, the Institute may place an individual student or group on interim suspension pending the outcome of: a student conduct hearing and appeal process, criminal proceedings, medical evaluation, or a combination thereof. The interim suspension will be effective immediately and without prior notice whenever, in the judgment of the Vice President and Chief Operating Officer (COO) or designee, the continued presence of a CalArts student poses a substantial and immediate threat to others, or to the stability and continuance of normal CalArts functions. Interim suspension may be limited to exclusion from CalArts residence halls, the CalArts premises, and/or other privileges and activities. Any student who is suspended on an interim basis will promptly be given the opportunity to appear personally before the Vice President and COO, or designee, in order to discuss only the following issues: a.) the reliability of the information concerning the student's alleged misconduct, and b.) the need to trespass a student when that student poses a substantial and immediate threat to others or to the stability and continuance of CalArts functions. During interim suspension, a student or group typically may not continue zir/his/her coursework, performances, or activities unless otherwise noted in the interim suspension letter.

Similarly, CalArts may impose an interim leave for an employee. Such leaves will be structured (paid vs. unpaid) at the Institute's discretion. Whenever an interim suspension or leave is imposed, CalArts will make reasonable efforts to complete the investigation and hearing, where a hearing is required, within an expedited time frame. *Note: The timeframe to appeal finding(s) and outcome(s) will not be expedited – thereby allowing interested parties sufficient time to prepare their appeal.*

VII. Grievance Procedures for Resolving Complaints of Prohibited Discrimination, Harassment, and Sexual Misconduct

A. Informal Resolution Procedures

1. Individuals who believe they have been subjected to prohibited discrimination, harassment, and/or sexual misconduct (hereinafter referred to as the “complainant”) may choose to avail themselves of informal resolution procedures. *Note: some informal resolution procedures, such as mediation, may not be used in incidents that involve alleged sexual violence.* Use of these informal procedures is not a prerequisite to the filing of a complaint under the formal procedures described below. However, a limited informal investigation may still be conducted to insure there is not a risk to the larger CalArts community. Informal resolution procedures are remedy-based, usually take the form of correcting the behavior, rather than formal educational outcomes (sanctions), which can only be granted under formal resolution procedures. The person to whom the request is brought may be asked to take action to see whether an informal resolution can be reached. If this process reaches resolution, no further actions will be taken and the matter will be considered closed. If the matter cannot be resolved informally, the person to whom the request was brought may assist the complainant in filing a formal complaint.
2. Requests for assistance under these informal procedures may be oral or written. Complaints should be made as soon as possible after the most recent alleged act of prohibited discrimination, harassment, and/or sexual misconduct. Such requests should be directed to any of the following Institute officers: the School Dean (or designee) and/or the Associate Provost (or designee); the Department Head (or designee) and/or the Chief Human Resources Officer (or designee); the Dean of Student Affairs (or designee) and/or the Director of Residence Life (or designee).
3. Requests for assistance under these informal procedures will be dealt with, to the greatest extent practical and possible, on a confidential basis and disclosure of their existence will be limited to those who, in the interests of fundamental fairness and problem resolution, have a legal requirement and an immediate need to know. A person seeking assistance under these informal procedures who requests that his/her/zir name be withheld from the person against whom the complaint is made must understand that it is not always possible to do so (and is not an option under formal resolution procedures). Such requests will be evaluated in the context of CalArts’ obligation to provide a safe and harassment-free living, learning, and working environment. Among the factors that CalArts will consider is the seriousness of the alleged harassment or misconduct and whether there have been other complaints concerning the person against whom the complaint is made.
4. Upon receipt of a request for assistance under these informal procedures, the individual requesting assistance will be advised of options for resolving the problem and about

sources of further assistance. Even under informal procedures, documentation of the complaint will be maintained in the files of the appropriate Institute officer.

5. If a request for assistance is made to a person other than one of the Institute officers listed above, a person receiving the request (other than an licensed mental health counselor in Student Affairs) should report the request to the Dean of Student Affairs (or designee), Associate Provost (or designee), or Chief Human Resources Officer (or designee), as appropriate.

B. Formal Resolution Procedures

1. Individuals who believe they have been the subject of prohibited discrimination, harassment, and/or sexual misconduct may file a formal complaint. Such a complaint will result in an investigation, the purpose of which shall be to determine whether a violation of this policy may have occurred. An investigation may also be initiated without a formal complaint from any individual upon the request of the President, Vice President/COO, Associate Provost, School Dean, Dean of Student Affairs, Director of Residence Life, or Chief Human Resources Officer.
2. Formal complaints under this procedure should be directed to one of the following Institute officers: The School Dean (or designee) and/or Associate Provost (or designee); the Chief Human Resources Officer (or designee) and/or Vice President/COO (or designee); the Dean of Student Affairs (or designee) and/or the Director of Residence Life (or designee). Such complaints must be made within two calendar years of the most recent alleged act of sexual or other prohibited harassment or discrimination. The complaint must be in writing on a form prescribed by the Institute (available through the Offices of the Provost, Human Resources, or Student Affairs). Although the failure to initiate a complaint in accordance with the terms of this policy shall constitute a waiver of the complainant's right to utilize the Institute complaint procedures described herein, CalArts nevertheless reserves the right to pursue an investigation as it deems appropriate whenever and however it receives allegations of or information related to prohibited discrimination, harassment, and/or sexual misconduct.
3. Upon receipt of any complaint under these procedures, the person(s) receiving the complaint shall immediately notify the Provost who, in turn, shall: a.) notify appropriate Institute officers, supervisors, or others who have a need to know of the existence of the complaint, and b.) coordinate the investigation of the complaint. In the event of a conflict of interest, notification shall be made to the President who shall designate another Institute officer to act in place of the Provost with respect to the governance of this policy.
4. Investigation of complaints under these procedures shall be conducted by the persons designated below. Investigating officers may work as a team with other Institute

officers, as appropriate. In the event of a conflict of interest, or time limitations, the Provost may designate other investigative officers:

- a. For complaints against faculty members, the investigating officer shall be the Associate Provost (or designee);
 - b. For complaints against staff, the investigating officer shall be the Chief Human Resources Officer (or designee);
 - c. For complaints against students, the investigating officer shall be the Dean of Student Affairs (or designee);
 - d. For complaints against anyone other than those persons referred to above, the investigating officer shall be the most appropriate person as determined by the Provost (or designee);
 - e. CalArts may at any time appoint external investigators to investigate allegations of sexual harassment and misconduct.
5. Before any investigation of the complaint is undertaken, the person(s) against whom the complaint has been made shall be informed of the complaint and the identity of the complainant, and shall be provided with a written copy of the complaint. During the investigation, the person(s) against whom the complaint is made shall be accorded a full opportunity to respond to the complaint, either orally or in writing. Both the complainant and the respondent are entitled to the same opportunity to have others present during an internal conduct proceeding, including the opportunity to be accompanied to any related meeting by an advisor of their choice. *Note: The advisor may not speak during the proceedings on behalf of the student and is there solely to provide support.* Every effort shall be made to complete the investigation and hearing phase within sixty (60) calendar days from the date the formal complaint was made, or as soon thereafter as is practical under the circumstances.
6. In reaching a conclusion as to whether this policy has been violated, the adjudicating hearing officer will reach a determination by a preponderance of the evidence, that is, whether the conduct was “more likely than not” to have occurred as alleged.
7. The results of the investigation shall be set forth in a written report consisting of findings, conclusions and rationales. The report shall be submitted to the Provost (or designee), together with any written materials, interview notes and/or other items that make up the investigative file. The Provost (or designee), after consulting with appropriate Institute officers, shall take such action as she/ze/he determines appropriate. The complainant and the respondent shall be promptly and simultaneously notified in writing of the outcome of the investigation and any educational outcomes (sanctions) that relate directly to them.

C. Corrective Action and Educational Outcomes (Sanctions)

Persons who are found responsible for violating this policy will be subject to corrective action or educational outcomes (sanctions). The type of corrective action or outcomes will depend on the nature of the offense. Educational outcomes may include, but are not limited to: verbal warnings, written warnings, loss of annual and/or merit salary increase, probation, residence hall suspension, residence hall dismissal, suspension, and dismissal from the Institute or termination of employment. Institute policies and/or procedures concerning the imposition of corrective action and educational outcomes (including formal appeal/grievance procedures), shall not be applicable to student conduct or corrective action as imposed under this policy. All such policies and/or procedures are superseded by this policy.

D. Appeals

Either party may appeal the determination of responsibility and/or educational outcome(s) in writing to the President (the "Appeals Officer") or designee. The appeal must be filed within ten (10) calendar days of receiving the outcome letter.

The complainant and/or respondent may appeal only the parts of the determination of responsibility and/or educational outcome(s), if applicable, directly relating to him/her/zir. The limited grounds for appeal are as follows:

1. New evidence that was not available at the time of the hearing is presented that could be outcome-determinative;
2. Procedural error(s) that had a material impact on the fundamental fairness of the hearing occurred; and/or
3. An educational outcome (sanction) or remedial measure that was excessively severe or insufficient.

The appeal shall consist of a plain, concise, and complete written statement expounding on the grounds for the appeal. When an appeal has been submitted, the Appeals Officer will notify the complainant(s) and respondent(s). Each party will be given the opportunity to respond in writing to the other party's appeal. Any response by the opposing party(ies) must be submitted within five (5) calendar days from receipt of the appeal.

In any request for an appeal, the burden of proof lies with the party requesting the appeal, as the original determination and educational outcomes are presumed to have been decided reasonably and appropriately. The appeal is not a *de novo* (i.e., "from the beginning, anew") review. The Appeals Officer shall consider the merits of an appeal only on the basis of the three grounds for appeal and the supporting information provided in the written request for appeal. The Appeals Officer can affirm the original findings, alter

the findings, and/or alter the educational outcomes, depending on the basis of the requested appeal. If the Appeals Officer deems that procedures were not followed in a material manner, the Appeals Officer can ask that a new administrative hearing occur before a new hearing officer. In the case of new and relevant information, the Appeals Officer can recommend that the case be returned to the original hearing officer to assess the weight and effect of the new information and to render a determination after considering the new facts.

The Appeals Officer will communicate the result of the appeal to the complainant(s) and respondent(s) within ten (10) calendar days from the date of the submission of all appeal documents by both parties. Appeal decisions are final.

E. Records

The Title IX Coordinator will retain records of all reports, allegations, and complaints, regardless of whether the matter is resolved by means of Title IX assessment, informal resolution, or formal resolution. Complaints resolved by means of Title IX assessments or informal resolutions are not part of a student's conduct file and/or academic record, or an individual's personnel file.

In the event that the investigation does not result in a finding of violation of this policy, no record of the complaint or investigation will become a part of a student's conduct file and/or academic record, or an individual's personnel file. Should a violation of this policy be found, a record of the complaint and disciplinary action taken shall be made part of the permanent file of the person(s) found to have violated the policy. Records of all complaints, investigations and their resolution shall be maintained in the Provost Office for the period of time mandated by the CalArts Record Retention Policy (refer to the Administrative Manual) and applicable law.

Student conduct records may be released to Institute officials on a "need-to-know" basis. Records may be released to persons and agencies external to the College with the student's permission, or in compliance with federal law (FERPA). Records that are lawfully subpoenaed or ordered by a judge may be released without the student's permission. A student's conduct record may also be released if it is in connection with a health and/or safety emergency. Further questions about student conduct record retention should be directed to the Dean of Student Affairs.

VIII. Prohibited Relationships by Persons in Authority

A. Faculty, Staff, Administrator Relationships with Students

CalArts prohibits all faculty, staff, and administrators, including graduate teaching assistants, from engaging in or pursuing amorous relationships with students whom they currently, or may in the future instruct, mentor, evaluate, supervise, advise, or exercise other forms of professional responsibilities such as allocating resources, selecting students for scholarships and awards, and providing recommendations and references.

The purpose of this policy is to create and maintain a professional educational and work environment. The Institute considers the existence or pursuit of amorous relationships under the circumstances described above to be a breach of professional ethics. The term “amorous relationship” is intended to encompass dating and consensual sexual relationships.

The Institute recognizes and wishes to make the community aware that amorous relationships between employees and students can commonly result in claims of sexual harassment. Furthermore, the Institute questions the degree to which consensual intimacy on the part of the student can be voluntary due to the inherent power differential between such individuals. In the event of a claim of discrimination, harassment, and/or sexual misconduct following what one or both parties may have initially viewed as a consensual relationship, the consent will be evaluated in light of this power differential.

Such relationships also affect other students and colleagues, as they have the potential to place involved employee in a position to favor or advance one student's interests to the potential detriment of others, leading to charges of favoritism or bias. Consensual amorous relationships may also have deleterious effects on the educational and/or work environment of fellow students and employees from which third party grievances may arise.

The Institute recognizes that, in certain circumstances, a student and employee may have entered into an amorous relationship which predates enrollment or employment. In such circumstances, the relationship would not be in violation of this policy, but must be promptly reported to the employee's supervisor so that an actual, potential and/or the appearance of a conflict of interest may be managed.

- B. Supervisor and Subordinate Relationships:** CalArts also discourages faculty, staff, and administrators from engaging in romantic relationships with persons who work under their supervision and who are potentially subject to their judgment concerning personnel actions. Although such relationships may be a matter of mutual consent, the power differentials inherent in such relationships can undermine the integrity of the work environment. Moreover if a charge of sexual harassment is subsequently lodged, it may be difficult to establish mutual consent.

IX. Shared Responsibility: Policy Adherence, Prevention and Education, and Bystander Intervention

A. Policy Adherence

All students, faculty, staff, administrators and other members of CalArts community are responsible for assuring that their conduct does not violate this policy. If CalArts employees know of, receive a complaint about, or obtain information that indicates possible discrimination, harassment, and sexual misconduct, they must take immediate steps to ensure that the matter is addressed. Administrators, managers, and supervisors have the further responsibility of stopping the harassing behavior, preventing its recurrence, and addressing its effects within the area(s) they supervise. Questions regarding this policy may be directed to one of the Title IX coordinators, as appropriate – the Dean of Student Affairs for concerns about students, the Chief Human Resources Officer for concerns about staff, and the Associate Provost for concerns about faculty.

B. Prevention and Education

CalArts provides resources for education about and prevention of discrimination, harassment, and sexual misconduct – including sexual assault, dating and domestic violence, and stalking. Students, faculty, and staff are urged to take advantage of on-going prevention and awareness campaigns and are encouraged to participate actively in prevention and risk-reduction efforts to recognize warning signs of abusive behavior, unhealthy relationships, and how to avoid personal attacks. Consistent with federal requirements, CalArts will, on an annual basis, train individuals who are responsible for investigating and adjudicating reports of discrimination, harassment, and sexual misconduct on issues related to sexual assault, dating and domestic violence, and stalking, as well as how to conduct a hearing process that protects the safety of the complainant(s) and promotes accountability.

In addition to free and confidential counseling offered to students by the licensed mental health counselors in Student Affairs, staff from Student Affairs also invite speakers from local trauma centers and domestic violence prevention agencies to meet with students and to provide education and prevention resources.

C. Bystander Intervention

CalArts considers the welfare of students, faculty, staff, administrators and its guests to be of paramount importance. The Institute recognizes that at times students, who reside on or off campus, may need assistance. CalArts urges all community members to offer help and assistance to others in need and to take reasonable and prudent actions to prevent or stop an act of sexual harassment or sexual misconduct. Taking direct or indirect action, when safe to do so, when witnessing potential sexual assault, dating and domestic violence, or stalking may help prevent or stop a harmful act. Safe and positive ways to

intervene might include: enlisting the assistance of friends, and/or seeking assistance from a person in authority, such as staff, faculty, mentors, deans, Campus Safety officers, or law enforcement officers from the LA Sheriff's Department.

X. Nondiscrimination Policy

California Institute of the Arts (CalArts) is committed to the principle of equal opportunity. CalArts does not discriminate against individuals on the basis of race, color, sex (which includes pregnancy, childbirth, breastfeeding and medical conditions related thereto), gender, gender identity, gender expression, sexual orientation, religion and religious creed (including religious dress and grooming practices), disability (mental or physical) including HIV and AIDS, medical condition (cancer and genetic characteristics), marital status, age, military and veteran status, ancestry, ethnic or national origin (including language use restrictions), or other characteristics or classifications protected by the law in the administration of its educational, employment, or admissions policies; scholarships and loan programs; and other Institute administered programs and activities, but may favor U.S. citizens or residents in admission and financial aid.

This policy strictly prohibits discrimination against, or the harassment of, any individual at CalArts or at Institute activities occurring away from campus, including but not limited to all individuals regularly or temporarily employed, studying, or with an official capacity at CalArts (such as Trustees, visiting artists, volunteers, and contractors). Persons violating this policy will be subject to corrective action up to and including discharge from employment or dismissal from CalArts.

It is the responsibility of all CalArts community members to ensure compliance with this policy. Accordingly, anyone who believes they are being harassed or discriminated against, have observed harassment of, or discrimination against, another person at the Institute in violation of this policy, or believe such conduct has occurred, should immediately report the incident to one of the individuals listed below.

Because harassment and discrimination can also constitute violations of federal and state law (e.g., Title VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, Americans with Disabilities Act of 1990, as amended, and/or the California Fair Employment and Housing Act), individuals who feel that they have been subjected to harassment or discrimination may, in addition to notifying CalArts, file a complaint with the appropriate state or federal agencies, including, in the case of employees, the United States Equal Employment Opportunity Commission and/or California Department of Fair Employment and Housing. In addition, students and/or employees may file a complaint with the Office for Civil Rights, United States Department of Education.

Inquiries or complaints concerning the application of Title VII, Title IX, Section 504, ADA, or other non-discrimination policies may be referred to the following individuals or offices:

Title IX Coordinator and Section 504/ADA Compliance Officer

Charmagne Shearrill
Associate Vice President and Chief Human Resources Officer
Room A210-A
(661) 253-7837
cshearrill@calarts.edu

Title IX Deputy Coordinators

Travis Greene
Dean of Student Affairs
Room A207
(661) 253-7891
tgroene@calarts.edu

Kim Russo
Assoc. Provost for Faculty Affairs and Student Success
Room F300
(661) 253-2785
krusso@calarts.edu

San Francisco Office
Office for Civil Rights
U.S. Department of Education
50 Beale Street, Suite 7200
San Francisco, CA 94105-1813
(415) 486-5555 – telephone
(415) 486-5570 – fax
(800) 877-8339 – TDD
ocr.sanfrancisco@ed.gov

XI. Additional Recourse

Prohibited discrimination, harassment, and sexual misconduct are often violations of federal and state law. This policy is intended to supplement and not to replace such laws. Whether or not the internal complaint procedures described in this policy are utilized, a CalArts employee who believes that she/he/ze experienced discrimination, harassment, and/or sexual misconduct may file a complaint with various governmental agencies, including but not limited to:

California Department of Fair Employment and Housing
611 W. 6th Street, Suite 1500
Los Angeles, CA 90017
(213) 439-6799

United States Equal Employment Opportunity Commission
255 East Temple Street, 4th Floor
Los Angeles, CA 90012
(213) 894-1000

San Francisco Office
Office for Civil Rights
U.S. Department of Education
50 Beale Street, Suite 7200
San Francisco, CA 94105-1813
(415) 486-5555

Individuals who believe they experienced prohibited discrimination, harassment, sexual and/or sexual misconduct should be aware that both state and federal law impose time deadlines for the filing of complaints and that the use of the internal complaint procedures described in this policy will not change such filing deadlines.

XII. CalArts Statements Related to this Policy

A. Statement Regarding Academic and Artistic Freedom (as it Applies to Prohibited Discrimination, Harassment, and Sexual Misconduct)

CalArts adheres to principles of academic and artistic freedom. Nothing in this policy shall be construed to limit the legitimate exercise of academic and artistic freedom, including but not limited to written, graphic, or verbal expression or performance that can reasonably be demonstrated to serve legitimate educational, pedagogical, or artistic purpose. Thus, this policy shall be applied in a manner that protects academic and artistic freedom and freedom of expression including, but not limited to, the expression of ideas, however controversial, in the classroom, studio, gallery, theater, and other educational and artistic settings recognized by the Institute.

B. Statement Regarding Confidentiality and Discrimination, Harassment, and Sexual Misconduct

CalArts recognizes that those who experience discrimination, harassment, and sexual misconduct may wish to talk with others about this incident in confidence, or said another way, for those persons to simply listen without taking action. While CalArts is committed to respecting the privacy of all parties who are involved in a report of discrimination, harassment, and sexual harassment, the Institute has a legal obligation to investigate, attempt to resolve or adjudicate, and/or issue warnings to the community when reports of discrimination, harassment, and/or sexual misconduct to its attention. In any report, investigation, or resolution of a report under this policy, every effort will be made to protect the privacy interests of all individuals involved in a manner consistent with the need for a thorough review of the allegation(s).

Institute policy requires that a report of sexual harassment or misconduct to any CalArts employee, who is not a designated confidential resource, be shared with a member of the CalArts Title IX response team. Community members wishing to seek completely confidential assistance may do so by speaking with professionals who have statutorily-

protected or designated confidentiality, such as the mental health counselors in Student Affairs (for students) or community based licensed counselors (e.g., psychiatrist, psychologist, licensed clinical social worker, marriage family therapist). It is recommended that CalArts employees inform those who seek support of this fact and encourage individuals seeking confidentiality to visit professionals who have designated confidentiality, and also to remind them that reporting an incident may have the positive and noble benefit of preventing future occurrences of discrimination, harassment, and sexual misconduct.

C. Statement Regarding Retaliation

Retaliation against any individual for seeking assistance or bringing a discrimination, harassment, and/or sexual misconduct complaint through the processes described in this policy is strictly prohibited. Similarly, any person who participates or cooperates in any manner in an investigation or any other aspect of the process described herein shall not be retaliated against. The Institute recognizes that retaliation can take many forms (e.g., continued abuse or violence, other forms of harassment, and slander or libel), may be committed by or against an individual or a group, and that the respondent or a third party may also be the subject of retaliation by other individuals, including the complainant. Retaliation may occur either directly or indirectly, by e-mail, telephone, or cell phone, text or chat messages, social media (e.g., Facebook, Twitter, Tumblr) or through any like service. Retaliation is itself a violation of this policy and is a serious separate offense that is subject to student conduct/corrective action.

D. Statement Regarding False Accusations

Accusations of prohibited discrimination, harassment, and/or sexual misconduct typically have injurious and far-reaching effects on the careers and lives of accused individuals. Allegations of prohibited discrimination, harassment, and/or sexual misconduct must be made in good faith and not out of malice. While studies show that false reports of sexual misconduct are rare, they do exist. Knowingly making false allegations of prohibited discrimination, and/or sexual misconduct, whether under the informal or formal procedures of this policy, is itself a violation of this policy and is a serious separate offense that is subject to student conduct/corrective action. *Note: Failure to prove a claim of prohibited discrimination, harassment, and/or sexual misconduct is not the equivalent of making a knowingly false accusation.*

XIII. Annual Review and Dissemination of Policy

The CalArts Prohibited Discrimination, Harassment, and Sexual Misconduct Policy will be reviewed on an annual basis, typically during the summer recess, in order to capture evolving legal requirements and to improve the delivery of service based on a review of experiences each academic year.

The Dean of Student Affairs, the Chief Human Resources Officer, and the Associate Provost are charged with the responsibility for distributing copies of this policy to the students, staff, and faculty, respectively. A copy of this policy shall be included in all employee and student handbooks. In addition, copies of this policy shall be made continuously available at appropriate campus locations. The titles/contact information of Institute officers who are designated to receive complaints under this policy shall also be posted in one or more prominent and accessible location(s). Such persons shall also receive training concerning this policy and procedures for handling complaints under this policy. The Institute's officers shall also take such other steps as are appropriate to develop educational and training programs designed to promote a living, learning, and working environment that is free of prohibited discrimination, harassment, and sexual misconduct.

XIV. Sources of Policy

California Education Code Section 200 et seq. and Section 67386 (including S.B. 967); California Education Code Section 67380 (including A.B. 1433); The California Sex Equity in Education Act, California Education Code Section 66250 et seq.; The California Fair Employment and Housing Act; California Government Code Section 12900 et seq.; The Age Discrimination in Employment Act of 1967, 29 United States Code, Section 621; Title VI of the Civil Rights Act of 1964, Title 42, United States Code, 2000d; Title VII of the Civil Rights Act of 1964, Title 42, United States Code, Section 2000e, et seq.; Section 504 of the Rehabilitation Act of 1973, 29 United States Code, Section 794; The Americans with Disabilities Act of 1990, Title 42, United States Code, Section 12101 et seq.; and Title IX of the Education Amendments of 1972, Title 20, United States Code, Section 1681 et seq.