

CaLARTS

Prohibited Discrimination, Harassment and Sexual Misconduct Policy

Prohibited Discrimination, Harassment, and Sexual Misconduct Policy

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

TABLE OF CONTENTS

I. Scope of Policy	1
II. Prohibited Conduct and Definitions	1-7
A. Prohibited Discrimination	1-2
B. Prohibited Harassment	2
C. Sexual Harassment.....	3-4
D. Sexual Assault	4
E. Sexual Exploitation.....	5
F. Harm to Others	5
G. Intimate Partner Violence.....	5-6
H. Stalking.....	6
I. Retaliation.....	6-7
J. False Accusations	7
III. Consent and Related Concepts: Coercion, Force, and Incapacitation.....	7-10
A. Consent	7-8
B. Coercion	9
C. Force	9
D. Incapacitation	9-10
IV. Resources.....	10-17
A. What to Do If You Experience a Sexual Assault or Sexual Exploitation	10-11
B. Confidential Resources	11-13
C. Campus Resources	14
D. Community and National Resources	15-17
V. Reporting Discrimination, Harassment, and Sexual Misconduct	18-22
A. Emergency/Immediate Reporting Options.....	18-19
B. Campus Reporting Options	19-20
C. Responding to a Report: The Title IX Response Team	20-21
D. Respect for the Rights of the Complainant and Respondent	21
E. Coordination with Law Enforcement.....	21
F. Campus Crime Reporting	22
G. Amnesty for Alcohol, Drug, and Medication Use or Other Policy Violations	22

VI. Interim Measures, Remedies, and Accommodations.....	23-25
A. Overview	23
B. Range of Measures	23-24
C. Interim Suspension or Leave.....	24
VII. Grievance Procedures for Resolving Complaints of Prohibited Discrimination, Harassment, and Sexual Misconduct.....	25-29
A. Informal Resolution Procedures	25-26
B. Formal Resolution Procedures.....	26-27
C. Corrective Action and Educational Outcomes (Sanctions)	28
D. Appeals.....	28-29
E. Records	29
VIII. Prohibited Relationships by Persons in Authority	30
A. Faculty, Staff, Administrator Relationships with Students	30
B. Supervisor and Subordinate Relationships.....	30
IX. Shared Responsibility: Policy Adherence, Prevention and Education, and Bystander Intervention	31
A. Policy Adherence	31
B. Prevention and Education.....	31
C. Bystander Intervention	31
X. Nondiscrimination Policy	32-33
XI. Additional Recourse.....	33-34
XII. CalArts Statements Related to this Policy.....	34-35
A. Statement Regarding Academic and Artistic Freedom (as it Applies to Prohibited Discrimination, Harassment, and Sexual Misconduct)	34
B. Statement Regarding Confidentiality and Discrimination, Harassment, and Sexual Misconduct	34-35
C. Statement Regarding Retaliation.....	35
D. Statement Regarding False Accusations.....	35
XIII. Annual Review and Dissemination of Policy.....	36
XIV. Sources of Policy	36

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. If an alleged victim of misconduct in violation of this policy is a CalArts student, then CalArts has jurisdiction to conduct disciplinary proceedings, impose sanctions, and implement interim measures and take other action pursuant to this policy whether the alleged misconduct in question took place on or off campus. It has such jurisdiction over any conduct in violation of this policy that poses a threat of danger to any member of the CalArts community. The Title IX Coordinator may implement interim measures (as defined below) for alleged harassment or misconduct reported to them at their discretion.

II. Prohibited Conduct and Definitions

CalArts prohibits all forms of discrimination, harassment, and sexual misconduct. These are umbrella terms which encompass a broad range of behavior - including sexual harassment, sexual assault, sexual exploitation, intimate partner violence (which includes domestic and dating violence), stalking, retaliation, retaliation and false accusations.

A. Prohibited Discrimination: Prohibited discrimination is defined as any distinction, preference, advantage for, or detriment to an individual or class of individuals compared to others that is 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) medical condition (cancer and genetic characteristics), including HIV and AIDS, marital status, age, military and veteran status, ancestry, ethnic or national origin (including language use restrictions), or other characteristics or classifications protected by federal, state, or local law that limits or adversely affects 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 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) medical condition (cancer and genetic characteristics), including HIV and AIDS, marital status, age, military and veteran status, ancestry, ethnic or national origin (including language use restrictions), or other characteristics or classifications protected by 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 severe or pervasive incidents of:

- 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.
- 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 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., Snapchat, Instagram, 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., Snapchat, Instagram, 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 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/high." 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/zir 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, or a qualified counselor. 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 the Title IX Response Team, Campus Safety, the Director of Student Health Services, or other staff in Student Experience. The emergency room nearest the CalArts campus is located at:

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

Please note that Henry Mayo does not currently offer on-call Sexual Assault Nurse Examiners (SANE Nurses). CalArts is partnering with the Rape Treatment Center (RTC) at Santa Monica – UCLA Medical Center to provide free, expert treatment and 24-hour emergency medical care (including evidence collection, legal assistance, and professional counseling services). Free transportation will be provided to anyone in need of assistance. Contact Campus Safety (24/7) at (661) 222-2702 for more information.

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 a person who experiences sexual assault chooses to report the incident days, weeks, or even months after the assault, 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 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.¹

On-Campus Confidential Resources (for Students):

- **Student Advocate**
Room A207

Maria-Victoria Perez, Director of Care and Wellbeing
(661) 253-7892
m-vperez@calarts.edu

- **Counseling Services**
Room A207

- Melissa Shepherd
(661) 253-7871

- Randé Dorn
(661) 253-7873

- Cecilia Bauvelt
(661) 291-3436

- **Student Health Services**
Room D208

(661) 253-7830

¹ CalArts understands that a person who experiences or is affected by sexual misconduct may wish to talk about the incident with the assurance that the discussion will be confidential. The degree to which confidentiality can be protected, however, depends upon the professional role of the person being consulted and should be addressed with that person before specific facts are disclosed. A student, for example, can speak confidentially with a licensed counselor in Student Experience. A conversation with a licensed counselor (e.g. psychiatrist, psychologist, licensed clinical social worker, MFT) or member of the clergy cannot be legally disclosed, without consent, to any other person, except under very limited circumstances specified by law.

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 VP of Student Experience, 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

- Dionne Simmons
Title IX Coordinator
Room F300
661-253-7820
dsimmons@calarts.edu
- Eva Graham
Institute Diversity Officer
Room F300
(661) 253-2785
egraham@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

- 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 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, sexual misconduct or retaliation. 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, sexual misconduct, and retaliation 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 a 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.

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.

Certain members of the CalArts community who are serving in a privileged professional capacity (e.g., licensed counselors in Student Experience) or have been designated a confidential internal resource (i.e., the Student Advocate) are not bound by this expectation. That is to say, they will not report the incident to CalArts without the permission of the person making the report (unless the report involves a minor or imminent danger to the community).

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 (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 the Student Confidential Advocate, a member of the Title IX response team, or a mental health counselor in Student Experience.

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 student advocate, an on-call Student Experience staff member or 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, are encouraged to report this incident to either:

- Campus Safety at (661)-222-2702, Room E100
- Director of Care and Wellbeing (student advocate) at (661) 253-7892, Room A207
- Institute Diversity Officer at (661) 253-2785, Room F300
- Vice President of Student Experience at (661) 253-7891, Room A207
- Director for Campus Life at (661) 253-7897, Chouinard Hall, Room 101B
- Chief Human Resources Officer at (661) 253-7837, Room A210, or the
- Director of Student Health Services at (661) 253-7830, Room D208.

Also, as noted above, except for those persons who have been designated a confidential resource, all CalArts employees, including faculty, staff, and student employees and volunteers who have a responsibility for student welfare (e.g., Resident Assistants) who are made aware of any occurrence of sexual harassment and/or sexual misconduct are 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 Campus 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 is trained to coordinate the review, investigation, and resolution of all reports to ensure consistent responsiveness and the 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 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 misconduct in a 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.

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 for the duration of the investigation. 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 Interim Measures, Remedies, and Accommodations

All 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
- Imposition of a 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;
- Relocation of one's work space;
- An interim suspension pending an investigative outcome;
- 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: an investigation 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 Student Experience, 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 of Student Experience, 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 restrict a student's access to campus or participation in activities 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 within an expedited time frame.

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

A. Initial Inquiry

At all stages of this process, the Complainant and Respondent have the right to an advisor/support person of their choosing. The advisor/support person may be any person (including an advocate, attorney, friend, or parent) who is not otherwise a party or a witness. The advisor/support person's primary role is to provide guidance and/or emotional support through the process. The advisor/support person may not speak on behalf of the person they represent or otherwise disrupt any meetings or proceedings in any manner. CalArts reserves the right to exclude an advisor or support person who does not abide by these procedures.

The Title IX Coordinator will make an Initial Inquiry to determine whether this policy applies to the reported conduct and whether additional action should be taken based on the Report, including whether interim measures are appropriate and whether an investigation is warranted. The Coordinator may, at their discretion, arrange for limited fact-finding as needed. The Coordinator may determine that conduct as reported, even if true, would not constitute a violation of this policy or the CalArts' Conduct Policy, or that the respondent is not a CalArts community member over whom CalArts can exercise disciplinary authority. In this event, the Coordinator will provide the Complainant with additional resources as appropriate.

If the Coordinator determines that this policy applies, the Coordinator will determine the appropriate means to address the Report. When a complainant requests anonymity or does not want to participate in an internal grievance process to resolve a Report, the Coordinator will determine if the request can be honored and how to proceed. In all cases, this policy will govern whether, how, and to what extent CalArts will respond to or conduct an investigation. If the Coordinator decides to initiate an investigation or take any other action that impacts the respondent, the respondent will be notified and will receive written information on available resources and options.

B. PROCEDURES FOR RESOLVING REPORTS: VOLUNTARY INFORMAL RESOLUTION

- Voluntary Informal Resolution is an internal grievance process that may be available to resolve a Report. Voluntary Informal Resolution is available to both students and employees. However, it is not appropriate in all cases. Voluntary Informal Resolution is a voluntary, remedies-based resolution process that requires participation by both parties. It does not involve an investigation and may not involve taking disciplinary action against a respondent. Voluntary Informal Resolution is intended to eliminate the behavior at issue, prevent its recurrence, and remedy its effects. It is not necessary to pursue Voluntary Informal Resolution before pursuing Investigation and Formal Resolution.

The decision of how to proceed will be made as part of or following the Initial Inquiry when CalArts has sufficient information about the nature and scope of the reported misconduct. If the Coordinator determines Voluntary Informal Resolution is appropriate, the Complainant will be notified of the nature of the complaint, will be given a copy of the policy, the applicable procedures, an explanation of the Voluntary Informal Resolution process, and asked about their preferred process for resolution. If the Complainant voluntarily agrees to the Voluntary Informal Process, the Respondent will be

informed and provided a copy of the policy, the applicable procedures, and an explanation of the Voluntary Informal Resolution process, and will be asked about their preferred process for resolution. The Respondent will be reminded that retaliatory behavior will not be tolerated, and advised of any confidentiality issues. Both parties must voluntarily agree to participate in the Voluntary Informal Resolution process in order to use this process.

A complainant or respondent may request that the Voluntary Informal Resolution process be attempted to resolve a Report at any time. For example, a complainant who previously requested to go through the internal grievance process of Investigation and Formal Resolution can request to end or pause that process and attempt Voluntary Informal Resolution. The Coordinator will consider the request if the other party is in agreement. Either party participating in Voluntary Informal Resolution can end the process at any time and request a shift to the Investigation and Formal Resolution process. If the Voluntary Informal Resolution process is unsuccessful or fails to address the reported conduct, at the discretion of the Coordinator, a Complainant may be able to subsequently pursue a resolution through Investigation and Formal Resolution.

- **Timeframe for Resolving Reports**
Voluntary Informal Resolution will typically be completed within 60 calendar days of the Report. If additional time is needed, all parties will be notified.
- **Resolution**
Voluntary Informal Resolution may include conducting targeted or broad-based educational programming or training, arranging a conflict resolution meeting in which a trained administrator will facilitate a dialogue with the parties to an effective resolution, and any other form of remedy that can achieve the goals of the policy. Additionally, in matters raising Title IX or Violence Against Women Act issues and in other matters as deemed appropriate, during the Voluntary Informal Resolution process, interim measures may be established as appropriate. Failure to abide by the accord can result in appropriate responsive actions, including initiation of the Investigation and Formal Resolution Process. The Title IX Coordinator has discretion to escalate matters in the event the alleged conduct poses a threat to the Institute, students, faculty, or staff.

C. PROCEDURES FOR RESOLVING REPORTS: Formal Resolution Procedures

1. Individuals who believe they have been the subject of prohibited discrimination, harassment, sexual misconduct and/or retaliation or other violation of this policy may choose a formal resolution process. The formal process 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 by the Title IX Coordinator or designee.
2. The request for the formal process should be in writing (although verbal complaints will be accepted) and be submitted to one of the following Institute officers: the Title IX Coordinator; the School Dean (or designee) and/or Institute Diversity Officer (or designee); the Chief Human Resources Officer (or designee); the Vice President of Student Experience (or designee) and/or the Director of Campus Life (or designee).

3. CalArts 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.
4. Upon receipt of any complaint under the formal process, the person(s) receiving the complaint shall immediately notify the Associate Provost (or designee) 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.) if requested, assist in the coordination of the investigation of the complaint. In the event of a conflict of interest, notification shall be made to the Provost who shall designate another Institute officer to act in place of the Associate Provost with respect to the governance of this policy.
5. Investigations of complaints under these procedures are conducted by trained investigators who are specially trained to investigate allegations of sexual harassment and misconduct. Investigations may be conducted by external investigators or by trained campus investigators. Investigating officers may work as a team with other Institute officers, as appropriate.
6. 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. Every effort shall be made to complete the investigation and hearing phase as soon thereafter as is practical under the circumstances.
7. A finding that a violation of this policy has occurred shall be based on a preponderance of evidence. Preponderance of evidence means that the information and facts establish that a violation of this policy “more likely than not” occurred.
8. 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 Adjudicator, together with any written materials, and/or other items that make up the investigative file. For cases that might result in suspension or dismissal, both the complainant(s) and respondent(s) will have the opportunity to review the investigation report and its findings to provide comment. The Adjudicator will be an administrator selected by the Provost or his or her designee, but will not be the Provost. The Adjudicator, after consulting with appropriate Institute officers as well as comments provided by the complainant(s) or respondent(s), shall take such action as she/ze/he determines appropriate. The complainant(s) and the respondent(s) shall be promptly and simultaneously notified in writing of the outcome of the investigation and any educational outcomes (sanctions) that relate directly to them, pursuant to FERPA restrictions (they will be informed of any sanctions in a case arising from allegations of dating violence, domestic violence, sexual assault, or stalking).

D. 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. Sanctions 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. All Institute policies and/or procedures (including formal appeal/grievance procedures) are superseded by this policy.

E. Appeals

Appeals Process

Equal Opportunity to Appeal. The Complainant and Respondent have an equal opportunity to appeal the decision and/or the sanctions. The Institute administers the appeal process, but is not a party and does not advocate for or against any appeal, although there may be cases in which an individual administrator has initiated disciplinary proceedings on behalf of the Institution based on the severity of the Respondent's conduct and the lack of a complaint or participation by any complaining party, and in those circumstances that individual administrator may seek an appeal.

Opportunity to Appeal.

Any appeal must be filed within ten (10) calendar days of receiving the outcome letter. *Note: The timeframe to appeal finding(s) and outcome(s) will not be expedited – thereby allowing interested parties sufficient time to prepare their appeal.*

For "Suspension/Dismissal Cases" where the Respondent is a student, the Respondent may commence the administrative hearing appeal process by submitting an appeal and may appeal any such case in which they seek to change the finding or sanction, for any reason. The Respondent is not required to use the administrative hearing appeal process and may instead choose to have the President (the "Appeals Officer") or designee review the decision.

The appeals hearing will include the opportunity to cross-examine. The appeal will be led by a committee consisting of members of the Appeal Body Pool.

Prior to the appeals hearing, the involved parties will receive a written notice prior to the hearing date, the investigative materials, and any other information or records used for the initial decision and/or sanction. This will be sent to their CalArts email address or be made available by other means as necessary. These materials will be provided fifteen (15) days before the hearing.

The notice will also include the date and time of the hearing, not less than five (5) or more than fifteen (15) calendar days after the date of the written notice to the involved parties to provide the parties adequate time to prepare for the hearing.

Other than as outlined below, hearings need not adhere to formal rules of procedure or technical rules of evidence followed by courts of law. This hearing is not a legal proceeding – state and federal procedural

rules may not apply. Hearings will be conducted according to the following guidelines:

1. All procedural questions are subject to the final decision of the Provost (or designee).
2. The hearing will normally be conducted in private via video conferencing. Admission of any person to the hearing will be at the discretion of the Provost (or designee). The Provost (or designee) may accommodate concerns for the personal safety, well-being, and/or fears of confrontation of the complainant, respondent, and/or other witness during the hearing (if conducted in-person) by providing separate facilities, and/or by permitting participation by telephone, written statement, or other means, as deemed appropriate by the Provost (or designee).
3. Involved parties may be assisted at hearings and pre-hearing meetings by their advisor/support person.
4. Hearings will be chaired by a member of the Appeal Body Pool chosen by the Provost (or designee), and will proceed in the following manner:
 - Reading of the alleged violation(s), a summary of the investigation file and any other documents that will be considered, the names of potential witnesses, and a summary of the information the witnesses are expected to provide.
 - The appealing party's reasoning for appeal.
 - Presentation of information and/or witnesses supporting the alleged violation(s) and questions by the committee; and, when necessary and appropriate, cross-examination of the complainant and/or relevant witnesses.
 - Presentation of information and/or witnesses that rebuts the alleged violation(s) and questions by the committee; and, when necessary and appropriate, cross-examination of the respondent and/or relevant witnesses.
 - Each involved party has the option of presenting a closing statement to the committee.
5. The Provost (or designee) will call witnesses who have relevant testimony about the alleged violations. The involved parties will receive a list of these witnesses at least 72 hours before the hearing. At the hearing, the involved parties may indirectly cross-examine the witnesses by submitting written questions. Initial questions should be submitted to the Provost (or designee) at least 48 hours before the hearing. During the hearing, additional follow-up questions may be submitted in writing to the committee (as set forth more fully in paragraph 7, below). CalArts will make reasonable efforts to make available these witnesses at the hearing; however, written statements may be used if a witness is unable to attend.
6. Involved parties may call witnesses to appear in person at the hearing, or to submit a written statement. If parties wish to call witnesses, they must submit a list of intended witnesses and purposes of their statements (or full written statements if witnesses will not appear in person) to

the Provost (or designee) at least 48 hours in advance of the hearing. Names of witnesses provided by the complainant/respondent and allowed by the Provost (or designee) to appear at the hearing will be shared with the other party at least 24 hours prior to the hearing. When the credibility of a witness is relevant, the Provost (or designee) may require that witness to attend the hearing in person rather than submit a written statement. It is the responsibility of the party who calls the witness to request and confirm the witness' participation in the hearing. If the witness attends the hearing, the committee may ask him or her questions and the other party may indirectly cross-examine the witness by submitting written questions to the committee. Witnesses may only be present while giving testimony. The Provost (or designee) reserves the right to limit witnesses to those who have relevant testimony about the alleged violations. Character witnesses are not allowed.

7. Both parties may indirectly cross-examine each other about the events giving rise to the complaint. Under no circumstances, however, will a party be compelled to answer questions under cross-examination that may lead to criminal prosecution. At the conclusion of each party's or witness's testimony before the committee, there will be a break in the hearing so that the parties may propose questions in writing to the committee. All cross-examination must exclude evidence of a party's previous sexual behavior or predisposition, unless such evidence about that party's sexual behavior is offered (1) to prove that someone other than the respondent committed the conduct alleged by the complainant, or (2) if the evidence concerns specific incidents of the complainant's sexual behavior with respect to the respondent and is offered to prove consent, (3) to establish complainant's motivation for filing the complaint, or (4) to establish a party's pattern of conduct. The committee has the discretion to determine which questions are appropriate and relevant to the proceedings. The committee chair will explain to the parties any decision to exclude proposed questions.
8. Pertinent records, exhibits and written statements may be accepted as information for consideration by the committee at the discretion of the Provost (or designee). This information must be submitted to the Provost (or designee) at least 48 hours before the hearing. The committee may or may not consider any documents received after the 48-hour deadline subject to the discretion of the Provost (or designee). Involved parties will receive a copy of all relevant materials submitted.
9. If, during the course of the hearing, additional policy violations are discovered, the respondent will be notified of the new alleged violation(s) and will be granted additional time, if needed, to prepare a defense of the new alleged violation(s). The respondent may waive the additional time and the hearing can proceed with the new alleged violation(s) taken under consideration by the committee. A record will be made in the hearing notes of additional alleged violation(s) and whether or not the respondent desires additional preparation time.
10. The committee's determination will be made on the basis of the preponderance of the evidence standard (whether it is more likely than not that the respondent violated the Sexual Misconduct Policy).

11. After the hearing, the committee will determine by majority vote to
 - Uphold the decision and disciplinary sanctions;
 - Modify the decisions or sanctions;
 - Overturn the decision or sanctions; or
 - Set aside the decisions or sanctions and remand for further investigation.
12. The Provost (or designee) will notify the involved parties in writing regarding the decision to their CalArts e-mail accounts. There will be a single written record, prepared by the Appeals Committee, of the hearing, which normally includes a statement of grounds for the appeal, a summary of the process taken, a summary of the information heard, and the decision the Appeal Committee made and its rationale.
13. If either of the involved parties fails to appear at the hearing or participate, the committee may make a decision based on the available information. If the Provost (or designee) determines that good cause exists for either of the involved parties not appearing at the hearing, a new date may be set.
14. If the Appeal Committee upholds the findings and the sanctions, the Provost (or designee) will inform the Respondent and the Complainant that the matter is closed with no further right to appeal.
15. If the Appeal Committee remands the matter, it will specify what further investigation should occur or what additional information should be considered.
16. If the Appeal Committee overturns or modifies the findings or sanctions, parties may use the appeals process below.
17. The Institute will record the hearing by audio.

For all other cases not involving suspension or dismissal, 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 party who submits the written appeal will be the “Appellant,” and the responding party will be the “Appellee.” Not liking the outcome(s) related to an investigation is not sufficient grounds for an appeal. The limited grounds for appeal are as follows:

1. New Information: New information 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 she/he/zi chose not to present is not new information. A summary of this new evidence and its potential impact on the investigation findings must be included in the written appeal;
2. Significant Procedural Error(s): Procedural error(s) that had a material impact on the

fundamental fairness of the investigation as it applies to the Appellant (e.g., substantiated bias, material deviation from established procedures in this policy, etc.). A description of the error and its impact on the outcome of the case must be included in the written appeal; 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 to the Title IX Coordinator, 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 investigation occur. In the case of new and relevant information, the Appeals Officer can recommend that the case be returned to the original investigator(s) to assess the weight and effect of the new information and to render a determination after considering the new facts.

The Appeals Officer will generally 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, or as soon thereafter as is practical under the circumstances. The decisions of the Appeal Officer are final.

F. 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 President's Office for the period of time mandated by the CalArts Record Retention Policy (refer to the Administrative Manual) and applicable law.

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 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 amorous 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 Experience 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 Experience, staff from Student Experience 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 Coordinators

Dionne Simmons
Title IX Coordinator
Room F300
661-253-7820
dsimmons@calarts.edu

Eva Graham
Institute Diversity Officer
Room F300
(661) 253-2785
egramham@calarts.edu

Section 504/ADA Compliance Officer

Maria-Victoria Perez
Director of Care and Wellbeing Room A207
(661) 253-7892
m-vperez@calarts.edu

San Francisco Office
Office for Civil Rights
U.S. Department of Education
50 United Nations Plaza
San Francisco, CA 94102
(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 United Nations Plaza
San Francisco, CA 94102
(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 Experience (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, public shaming and 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., Snapchat, Instagram, 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 Title IX Team 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 Title IX Coordinator 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. The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act or Clery Act, Title 20 of the United States Code, sections 1092(f), et seq.; and Violence Against Women Reauthorization Act of 2013 (VAWA) (Pub. Law 113-4).