

CaLARTS

**CalArts Title IX, AND  
Sexual Misconduct AND Retaliation  
Interim Policy**

# CalArts Title IX Sexual Misconduct and Retaliation Interim Policy

*This policy is in compliance with the 2020 Title IX Regulations  
Definitions, process and procedure of Title IX sexual harassment, sexual assault,  
domestic and dating violence, and stalking and retaliation  
2025-2026*

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## 1. INTRODUCTION

California Institute of the Arts (referred to as “CalArts” or “the Institute”) is committed to maintaining a living, learning, and working environment that is free from sexual harassment, sex-based discrimination and retaliation for engaging in protected activity.

The purpose of CalArts Title IX Sexual Misconduct and Retaliation Interim Policy (referred to “This Policy”) is to comply with Federal and California State law and regulation requirements and to affirm the Institute’s commitment to promoting the goal of fairness and equity in all aspects of the Institute’s education programs and/or activities, prohibiting all forms of Sexual Harassment, Sex-based Discrimination and Retaliation for engaging in protected activity.

This Policy sets forth CalArts’ obligations under the 2020 Title IX Regulations, the 2013 Clery Amendments pertaining to sexual assault, dating violence, domestic violence, and stalking. This policy also sets forth CalArts’ obligations pertaining to sex-based discrimination (including sexual harassment) and related retaliation under Title VII, the California Education Code, the California Fair Employment and Housing Act (FEHA) and the Fair Housing Act (FHA).

This Policy includes definitions, resources, complaint procedures and processes for:

- Title IX Sexual Harassment or discrimination, which are specific legal definitions. (Allegations of Title IX Sexual Harassment are processed under specific complaint procedures in Appendix C of this Policy as required by federal law).
- All non-Title IX sex-based harassment, discrimination based on sex and related retaliation.

This Policy covers acts of sexual harassment (quid pro quo harassment by an Institute employee, unwelcome conduct, sexual assault, and other forms of sexual misconduct), and retaliation as defined by this policy (collectively “Prohibited Conduct”). It outlines the process to report Prohibited Conduct. It includes information on making a report, supportive measures available, and the procedures available for resolving, including alternative resolution or investigation and decision making procedures.

## 2. POLICY STATEMENTS

### A. Statement of Nondiscrimination and Applicability of this Policy

As set forth in this Policy, CalArts prohibits discrimination on the basis of sex in its programs and activities. As defined by Title IX and California law, discrimination on the basis of sex

includes discrimination on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity.

Except as permitted by law, CalArts does not discriminate in its admissions practices, in its employment practices, or in its educational programs or activities on the basis of sex. CalArts also prohibits retaliation against any person opposing sex discrimination or participating in any sex discrimination investigation or complaint process, whether internal or external to CalArts. Sex-based harassment, sexual assault, dating and domestic violence, and stalking are forms of sex discrimination, which are prohibited under Title IX, state law, and by this Policy.

California law prohibits coworkers, third parties (including students), as well as supervisors and managers with whom an employee (including a student-employee, applicant for employment, contractor, volunteer or intern) comes into contact, from engaging in conduct prohibited by the California Fair Employment and Housing Act.

When brought to the attention of CalArts, conduct prohibited by this Policy will be addressed by CalArts according to the procedures set forth in this Policy. Discrimination on the basis of any other protected category will be addressed in accordance with CalArts Discrimination, Harassment and Retaliation Policies.

### **B. Statement of Equal Access**

CalArts shall provide certain support and modifications to people experiencing pregnancy or related conditions to ensure their equal access to CalArts' program or activity. Pregnancy or related conditions include pregnancy, childbirth, termination of pregnancy, lactation; medical conditions related to pregnancy, childbirth, termination of pregnancy, or lactation; and recovery from pregnancy, childbirth, termination of pregnancy, lactation, or related medical conditions.

CalArts treats pregnancy or related conditions in the same manner and under the same policies as any other temporary medical conditions and must allow voluntary leaves of absence. Students, employees, or applicants should contact the Title IX Coordinator for more information. Employees or applicants for employment may also contact Human Resources for more information, because additional workplace laws and policies apply. Graduate students should refer to CalArts' Policy on Accommodations for Pregnant Students pursuant to Education Code 66281.7.

### **C. Application of Section 504/Americans with Disabilities Act to this Policy**

CalArts complies with the requirements of the Americans with Disabilities Act of 1990, as amended 2008 (“ADAAA”); Sections 504 and 508 of the Rehabilitation Act of 1973, as amended; and all other federal and California laws and regulations prohibiting discrimination

on the basis of disability. CalArts is committed to providing individuals with disabilities equal access to CalArts' programs and activities.

Parties may request reasonable accommodations for disabilities to the Title IX Coordinator at any point relating to the implementation of this Policy, including making a disclosure or report, and initiating a grievance procedure. Accommodations will be granted if they are reasonable and do not fundamentally alter the procedures established by this Policy. Please note that the Title IX Coordinator will not affirmatively provide disability accommodations that have not been specifically requested by the parties, even where the parties may be receiving accommodations in other CalArts programs and activities.

With the consent of the impacted student or employee, the Title IX Coordinator will work collaboratively with Disability Services for students and with Human Resources for employees to ensure that approved reasonable accommodations (disability-related) are implemented.

### **Student Disability Services**

<https://calarts.edu/life-at-calarts/support-and-advocacy/disability-servicesdso@calarts.edu>

### **Human Resources**

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

## **C. Employment Compliance**

The Institute complies with all applicable Federal and State laws and regulations that prohibit discrimination, harassment, and retaliation in employment because of a legally Protected Characteristic. This includes but is not limited to Title VI, Title VII of the Civil Rights Act of 1964 (“Title VII”), and all other federal civil rights laws dealing with employment and the California Fair Employment and Housing Act. The Institute prohibits and will not tolerate unlawful employment discrimination, harassment, or retaliation.

### **A. Title IX Compliance**

The Institute complies with Title IX of the Education Amendments of 1972 (“Title IX”), a Federal civil rights law and its implementing regulations. Title IX prohibits discrimination on the basis of sex in education programs and activities. Under Title IX, prohibited sex discrimination includes, but is not limited to, harassment based on sex. The Institute prohibits sex discrimination in its employment or educational programs and activities.

## **3. SCOPE OF THIS 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. The Policy applies to all Employees, Students, and

other individuals participating in or attempting to participate in the Institute's Education Program or Activities, including education and employment.

**Employees (as defined by this Policy):**

Any Prohibited Conduct experienced by an employee that occurs:

1. In the workplace (including the remote workplace during working time) or anywhere on the Institute's property while employees are working;
2. Off-campus, if the Prohibited Conduct during a Institute event, activity, program, or event; or
3. Off-campus, if the off-duty Prohibited Conduct is committed by a supervisor and has or reasonably may have the effect of creating a hostile work environment for the employee.

Persons who are not CalArts employees, but who 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 subject to Policy, though the procedures for resolving conduct prohibited by this Policy will vary based on one's status.

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 and off-campus sites that CalArts has jurisdiction over, and at any time (e.g., while classes are in or out of session, during breaks, between semesters) if the Complainant(s) and Respondent(s) are CalArts students and if the alleged behavior is likely to have a substantial effect on campus or academic life and activities, or if the incident poses a threat of danger to any member of the CalArts community. Every community member is responsible for complying with all Institute policies and procedures.

This policy prohibits all forms of sexual harassment, discrimination on the basis of sex and retaliation. The policy may be applied to incident(s), pattern(s), and or climate, including online and electronic communication, to incidents, patterns, and/or to campus climate all of which may be addressed and investigated in accordance with this policy. When an alleged violation of this policy is reported, the allegations are subject to resolution using CalArts Title IX Policy or other Institute policies as determined by the Title IX Coordinator.

#### 4. JURISDICTION OF THIS POLICY

The Policy applies to the Institute's Education Program, Activities and Institute Employees' work environment, to conduct that takes place on property owned or controlled by

the Institute, at Institute-sponsored events, and in any building owned or controlled by an Institute-recognized student organization.

This Policy may also pertain to instances in which the conduct occurred outside of the campus or CalArts sponsored activity if CalArts determines that the off-campus conduct is within the jurisdiction of its disciplinary authority or affects a substantial CalArts interest, including access to the educational program or activity, Institute employee's work environment, safety and security, compliance with applicable law, and meeting its educational mission.

A substantial Institute interest includes:

1. Any action that constitutes a criminal offense as defined by law. This includes, but is not limited to, single or repeat violations of any federal, state, or local law.
2. Any situation in which it is determined that the Respondent poses an immediate threat to the physical health or safety of any Student, Employee, or other individual.
3. Any situation that significantly impinges upon the rights, property, or achievements of others, significantly breaches the peace, and/or causes social disorder.
4. Any situation that substantially interferes with the Institute's educational interests or mission.

If the Respondent is unknown or is not a member of the CalArts community, the Title IX Coordinator will assist the Complainant in identifying appropriate campus and local resources and support options and/or, when criminal conduct is alleged, in contacting local or campus law enforcement if the individual would like to file a police report. The Institute can assist the Complainant in filing the police report. Further, even when the Respondent is not a member of the CalArts community, supportive measures, (e.g., trespassing a person from campus), remedies, and resources may be accessible to the Complainant by contacting the Title IX Coordinator or student advocate.

In addition, CalArts may take other actions as appropriate to protect the Complainant against third parties, such as barring individuals from CalArts property and/or events.

All vendors serving CalArts through third-party contracts are subject to the policies and procedures of their employers or to these policies and procedures to which their employer has agreed to be bound by their contracts.

When the Respondent is enrolled in or employed by another institution, the Title IX Coordinator can assist the Complainant in liaising with the appropriate individual at that institution, as it may be possible to allege violations through that institution's policies.

## 5. ONLINE AND ELECTRONIC CONDUCT

The policies of CalArts are written and interpreted broadly to include online manifestations of any of the behaviors prohibited below, when those behaviors occur in or

have an effect on the Institute's education program and activities or use of the Institute's networks, technology, or equipment. Although CalArts may not control websites, social media, and other venues in which harassing communications are made, when such communications are reported, the Institute will engage in a variety of means to address and mitigate the effects.

Members of the community are encouraged to be good digital citizens and to refrain from online misconduct, such as feeding anonymous gossip sites, sharing inappropriate content via social media, unwelcome sexual or sex-based messaging, distributing or threatening to distribute revenge pornography, breaches of privacy, or otherwise using the ease of transmission and/or anonymity of the Internet or other technology to harm another member of the CalArts community.

Any online posting or other electronic communication by students, including cyber-bullying, cyber-stalking, cyber-harassment, etc., occurring completely outside of CalArts' control (e.g., not on CalArts' networks, websites, or between CalArts email accounts) will only be subject to this policy when such online conduct can be shown to cause a substantial in-program disruption or infringement on the rights of others.

## 6. INSTITUTION'S DUTY TO RESPOND AND DELEGATION OF DUTIES UNDER THIS POLICY

### A. CalArts shall respond to all allegations of Prohibited Conduct, as defined below.

Obligations created by this Policy, including when responding to reports of Prohibited Conduct may be delegated by CalArts, including to external professionals.

### B. Title IX Coordinator

#### a. Title IX Coordinator Role

The Title IX Coordinator oversees implementation of the Institute's CalArts Title IX Policy. The Title IX Coordinator has the primary responsibility of *addressing Sex-based Discrimination Sexual Harassment and Retaliation allegations*, or coordinating the Institute's efforts related to the intake, investigation, resolution, and implementation of supportive measures to stop, remedy, and prevent sexual harassment and retaliation prohibited under this policy.

Any concerns related to conduct prohibited by this Policy should be reported to **CalArts' Title IX Coordinator**

## **b. Title IX Coordinator Contact**

Dionne Simmons

Director, Community Rights and Responsibilities and Title IX Coordinator

Office of Community Rights and Responsibilities and Title IX

F305C

24700 McBean Parkway

661-291-3019

dsimmons@calarts.edu

<https://calarts.edu/life-calarts/student-services/sexual-respect>

## **C. Independence and Conflict-of-Interest**

The Title IX Coordinator manages the Title IX process and acts with independence and authority free from demonstrated bias and conflicts of interest. The Title IX Coordinator oversees all resolutions under this policy and these procedures. The members of the Title IX Team are trained to ensure they are not biased for or against any Party in a specific case, or for or against Complainants and/or Respondents, generally. An assessment of reports or concerns involving demonstrated bias and/or demonstrated conflict of interest by the Title IX Coordinator will be conducted. This Policy will note where parties have the opportunity to challenge the participation of any individual implementing this Policy based on actual conflict of interest or demonstrated bias.

Concerns of demonstrated bias and/or demonstrated conflict of interest by any other Title IX Team member should be raised with the Title IX Coordinator. Concerns of demonstrated bias and/or demonstrated conflict of interest by the Title IX Coordinator should be raised with a designee of the Institute Chief of Staff.

## **7. External Contact Information**

Concerns about the Institute's application of the Policy and compliance with certain federal civil rights laws may be addressed to:

### **Office for Civil Rights (OCR)**

U.S. Department of Education

400 Maryland Avenue, SW

Washington, D.C. 20202-1100

Customer Service Hotline: (800) 421-3481

Facsimile: (202) 453-6012

TDD: (877) 521-2172

Email: [OCR@ed.gov](mailto:OCR@ed.gov)

Web: <http://www.ed.gov/ocr>

**Office for Civil Rights (OCR)- California**

Seattle Office

915 Second Avenue, Room 3310

Seattle, WA, 98174-1099

Email: [OCR.Seattle@ed.gov](mailto:OCR.Seattle@ed.gov)

**Fair Housing and Equal Opportunity (FHEO)**

U.S. Department of Housing and Urban Development

Region 9 - Pacific/Hawaii

600 Harrison Street, 3rd Floor

San Francisco, CA, 94107

Email: [complaints\\_office\\_09@hud.gov](mailto:complaints_office_09@hud.gov)

California Civil Rights Department (formerly Department of Fair Employment and Housing)  
(Employment Concerns)

Los Angeles District Office 320 West 4th Street, 10th Floor

Los Angeles, CA 90013

Telephone: (800) 884-1684

Email: [contact.center@calcivilrights.ca.gov](mailto:contact.center@calcivilrights.ca.gov)

Web: [www.cacivilrights.ca.gov](http://www.cacivilrights.ca.gov)

**For allegations of Employee-on-Employee misconduct,**

contact the [Equal Employment Opportunity Commission](http://www.eeoc.gov) (EEOC).

EEOC Regional Office

255 East Temple Street, 4th Floor

Los Angeles, CA, 90012

## 8. EMPLOYEE REPORTING REQUIREMENTS

All employees (includes regular faculty, special faculty, administrators, staff, students employees, graduate assistants with teaching responsibilities, Resident Advisors and Campus Security Authorities), with limited exceptions for Confidential Employees designated by CalArts below, are required to promptly provide to the Title IX Coordinator all complaints and/or reports of Prohibited Conduct and share all information reported or made available to the employee. As required by California law, if an employee in a supervisory capacity has knowledge of an incident of Prohibited Conduct directed toward any employee, that supervisor is required to bring the matter to the attention of the Title IX Coordinator unless they are serving as a Confidential Employee when the disclosure is made.

When providing this information to the Title IX Coordinator, the employee must include their own name and contact information, and all known details about an incident, which may include, if known, the dates, times, locations, names of involved individuals and the nature of the incident.

In addition, all CalArts employees are considered by to be mandatory reporters of child abuse, elder abuse or abuse of persons with disabilities. CalArts is required by law to report incidents of abuse to the state promptly. Notify the Title IX Coordinator immediately if you have information about such conduct. CalArts Minor Policy outlines the mandatory child abuse reporting obligation of CalArts employees.

Aside from this reporting obligation, employees will, to the fullest extent possible, maintain the privacy of an individual's information, consistent with FERPA. For more information about FERPA, see our policy:

<https://policies.calarts.edu/all-policies/family-education-rights-and-privacy-act-of-1974-ferpa>.

## 9. CONFIDENTIAL RESOURCES

To enable Complainants to access support and resources without filing a Formal Complaint, the Institute has designated specific Employees as Confidential Resources. Those designated by the Institute as Confidential Resources are not required to report actual or suspected Discrimination, Harassment, Retaliation, or Other Prohibited Conduct in a way that identifies the Parties. They will, however, provide the Complainant with the Title IX Coordinator's contact information and offer options and resources without any obligation to inform an outside agency or Institute official unless a Complainant has requested the information be shared.

Individuals may speak confidentially with a Confidential Resource. Confidential Resources (e.g., licensed mental health care providers, physicians and clergy) may not report to Title IX

Coordinator any identifying information about conduct that may violate this Policy without the written consent of the individual who supplied the information, unless required by law. Such disclosures will not be reported to the Title IX Coordinator or initiate any process under this Policy.

If a Complainant would like the details of an incident to be kept confidential, the Complainant may speak with the following:

- On-campus licensed professional counselors and staff
- On-campus health service providers and staff

Institutional counselors and/or the Employee Assistance Program are available to help free of charge and may be consulted on an emergency basis during normal business hours.

### **Privileged and Confidential Student Resources Confidential Resources for Students**

#### **1. Counseling Services**

Melissa Shepherd-Williams, MFT  
F201  
[msheperdwilliams@calarts.edu](mailto:msheperdwilliams@calarts.edu)

Lily Rodriguez, LMFT  
F201  
[lrodriguez@calarts.edu](mailto:lrodriguez@calarts.edu)

#### **2. Student Health Services**

Room D208

### **Employee Confidential Resources**

#### **1. Employee Assistance Program**

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.

Guardian: <https://www.guardianlife.com/eap>

## **10. Deciding Whether to Report**

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).

## **A. Privacy**

Privacy generally means that information related to a report of prohibited conduct will only be shared with Institute employees on a need to know basis. CalArts will determine which officials have a legitimate need to know about individual conduct complaints pursuant to FERPA, Title IX, in order to assist in the active review, investigation, or resolution of the report, including the issuance of supportive measures, the Clery Act, and Institute policy(ies) and will share information accordingly.

## **B. Confidentiality**

There is a distinction between seeking assistance from a confidential resource and making a report to the Institute through designated reporting options. Confidential resources, including counselors, medical health providers, have legally protected confidentiality and will not share information about a complainant (including whether or not that individual has received services) except under limited circumstances as permitted or required as described below. In contrast, all other CalArts employees are required to share information with CalArts Title IX Coordinator.

## **C. Privacy and Confidentiality in the Process**

References made to privacy mean CalArts offices and employees who cannot guarantee confidentiality, but will maintain privacy to the greatest extent possible, relaying information as necessary to investigate or seek a resolution and to notify the Title IX Coordinator or designee, who is responsible for tracking patterns and spotting systemic issues. CalArts will limit the disclosure as much as practicable.

All activities under these procedures shall be conducted with the privacy interests of those involved. While CalArts will take all reasonable steps to protect the privacy of individuals involved in a complaint, it may be necessary to disclose some information to individuals or offices on campus in order to address a complaint or provide for the physical safety of an individual or the campus. Thus, CalArts cannot, and does not, guarantee that all information related to complaints will be kept confidential.

To maintain the privacy of evidence gathered as part of any resolution process, access to materials under the procedures in this Policy will be provided only by a secure method and parties and advisors are not permitted to make copies of any documents shared or make use of the documents outside of the processes described in this Policy. Parties may request to review a hard copy of materials, and CalArts will make that available in a supervised or monitored setting. Inappropriately sharing materials provided during this process may constitute Retaliation under this Policy.

## **D. Amnesty for Student Conduct Charges When Reporting Prohibited Conduct**

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.

## 11. How to Make a Report to CalArts

All complaints of violations of this Policy will be taken seriously and in good faith. The Title IX Coordinator will provide information and guidance regarding how to file a complaint with CalArts and/or local law enforcement, as well as information and assistance about what course of action may best support the individual(s) involved and how best to address the complaint.

Every reasonable effort will be made to maintain the privacy of those making a report to the extent possible. In all cases, CalArts will give consideration to the party bringing forward a report with respect to how the matter is pursued. CalArts may, when necessary to protect the community, initiate an investigation or take other responsive actions to a report, even when the person identifying a concern chooses not to participate in a resolution process and/or requests that CalArts not initiate an investigation.

Employees, students, guests, or visitors who believe that this Policy has been violated should promptly contact the Title IX Coordinator or another member of the Title IX Office as follows:

### **CalArts' Title IX Coordinator:**

Director, Community Rights and Responsibilities and Title IX Coordinator

Dionne Simmons

[dsimmons@calarts.edu](mailto:dsimmons@calarts.edu)

[titleix@calarts.edu](mailto:titleix@calarts.edu)

661.291.3019

Individuals wishing to report or notify the Coordinator may also use this reporting form: [https://calarts-advocate.symplicity.com/public\\_report/](https://calarts-advocate.symplicity.com/public_report/)

There is no timeline for making a report of Prohibited Conduct, however, CalArts encourages the prompt reporting of a complaint as the ability of CalArts to pursue the complaint to conclusion may be hindered by the passage of time.

## 12. Reporting to External Law Enforcement

Some Prohibited Conduct may constitute a violation of both the law and CalArts policy. CalArts encourages students to report alleged crimes promptly to local law enforcement agencies. All persons have the right to file with law enforcement, as well as the right to decline to file with law enforcement. The decision not to file shall not be considered as evidence that there was not a violation of CalArts policy.

As a condition of participation in CalGrants, CalArts states the following pursuant to section 67380 of the California Education Code

*CalArts require any report made by a victim or an employee pursuant to Section 67383 of a Part I violent crime, sexual assault, or hate crime, as described in Section 422.55 of the Penal Code, received by a campus security authority and made by the victim for purposes of notifying the institution or law enforcement, to be immediately, or as soon as practicably possible, disclosed to the local law enforcement agency with which the institution has a written agreement pursuant to Section 67381 without identifying the victim, unless the victim consents to being identified after the victim has been informed of the victim's right to have the victim's personally identifying information withheld. If the victim does not consent to being identified, the alleged assailant shall not be identified in the information disclosed to the local law enforcement agency, unless the institution determines both of the following, in which case the institution shall disclose the identity of the alleged assailant to the local law enforcement agency and shall immediately inform the victim of that disclosure:*

*(i) The alleged assailant represents a serious or ongoing threat to the safety of students, employees, or the institution.*

*(ii) The immediate assistance of the local law enforcement agency is necessary to contact or detain the assailant.*

Criminal investigations may be useful in the gathering of relevant evidence, particularly forensic evidence. The standards for finding a violation of criminal law are different from the standards for finding a violation of this Policy. Conduct may constitute Prohibited Conduct under this Policy even if law enforcement agencies lack sufficient evidence of a crime and decline to prosecute.

Proceedings under this Policy may be carried out prior to, simultaneously with, or following civil or criminal proceedings off campus. However, when a complaint is made to CalArts as well as to law enforcement, CalArts may delay its process if a law enforcement agency requests that CalArts delay its process for a reasonable amount of time to allow law enforcement to gather evidence of criminal misconduct. Criminal or legal proceedings are separate from the processes in this Policy and do not determine whether this Policy has been violated.

All investigations and determinations under this Policy will be thorough, reliable and impartial, and will seek to collect evidence and names of witnesses to gather information that is directly or substantially relevant to whether the alleged policy violation occurred and will not be based on the grounds that civil or criminal charges involving the same incident have been filed or that charges have been dismissed or reduced.

In the case of an emergency, where the physical well-being of a member of CalArts community or the safety of CalArts as an institution is threatened, any individual with such knowledge should promptly call 911, and inform Campus Safety (661-222-2702). CalArts may

take any immediate steps as may be necessary and appropriate under the circumstances to ensure the well-being of the CalArts community and CalArts as an institution.

### 13. SUPPORTIVE MEASURES

Complainants who report allegations that could constitute covered sexual harassment under this policy, have the right to receive supportive measures from the Institute regardless of whether they desire to file a complaint, as appropriate. Supportive measures are non-disciplinary and non-punitive.

Upon notice of alleged sexual harassment and/or retaliation, CalArts will offer and implement appropriate and reasonable supportive measures to Parties involved. The Institute will regularly check in with the Parties to monitor safety concerns are being addressed. Supportive measures may be imposed regardless of whether formal charges or corrective action is sought by the Complainant or the Institute.

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

#### **A. Information on Supportive Measures for Parties**

- CalArts will offer and implement appropriate and reasonable supportive measures to the Parties upon notice of alleged sexual harassment and/or retaliation.
- Supportive measures are non-disciplinary, non-punitive individualized measures offered as appropriate, as reasonably available, to restore or preserve access to the Institute's education program or activity, including measures designed to protect all Parties of the CalArts educational environment, and/or deter sexual harassment and/or retaliation.
- The Title IX Coordinator makes supportive measures available to the Parties upon receiving notice or a complaint. At the time that supportive measures are offered, the Institute will inform the Complainant, in writing, that they may file a formal complaint with the Institute either at that time or in the future, if they have not done so already.
- The Title IX Coordinator works with the Parties to ensure that their wishes are taken into consideration with respect to the supportive measures and will implement those measures that are appropriate.
- The Title IX Coordinator will implement measures in a way that does not unreasonably burden either Party and will record and retain records regarding requests and provision of the supportive measure in accordance with the requirements set forth for record keeping by the Institute.
- To the extent practicable, the Institute will maintain the privacy of the supportive measures, provided that privacy does not impair the Institute's ability to provide the supportive measures. The Institute will act to ensure as minimal an academic impact on the Parties as possible.
- The Institute will maintain consistent contact with the Parties to ensure that all safety concerns are being addressed.
- All individuals are encouraged to report concerns about failure of another individual to abide by any implemented supportive measure. CalArts will take immediate and

responsive action to enforce a previously implemented measure.

- These measures will be re-assessed at various points during and after this process.

#### **A. Range of Measures**

Supportive measures may include, but are not limited to:

- Access to counseling services and assistance in setting up the initial appointment;
- Referral to the Employee Assistance Program;
- Imposition of a stay away directive issued to both Parties (CalArts' equivalent to no-contact order);
- Rescheduling of exams and assignments;
- Providing alternative course completion options;
- A change in class schedule, including the ability to drop a course without penalty;
- A change in work schedule or job assignment;
- A change in on-campus residence hall assignments (either temporarily or permanently)
- Limiting an individual or student group's access to certain CalArts facilities or activities, pending resolution of the matter;
- A voluntary leave of absence;
- Providing an escort to ensure safe movement between classes, performances, and activities;
- Providing medical services as needed;
- Providing academic support services, such as tutoring;
- Relocation of one's work space;
- Additional training in harassment prevention;
- Any other remedy which can be tailored to the involved individuals to achieve the goals of this policy.

### 13. DEFINITIONS OF PROHIBITED CONDUCT

The Department of Education’s Office for Civil Rights (OCR), the Equal Employment Opportunity Commission (EEOC), and the State of California regard sexual harassment and retaliation as an unlawful discriminatory practice.

#### Definitions of Title IX Prohibited Sexual Harassment

Sexual harassment, as prohibited by Title IX, means conduct based on sex (where sex is defined by the federal government as sex assigned at birth) that falls in one or more of these categories:

(a) *quid pro quo* harassment by an Institute employee;

(b) any unwelcome conduct that a reasonable person would find so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the Institute’s education programs or activities; or

(c) any instance of sexual assault, dating violence, domestic violence, or stalking as defined in Title IX Sexual Violence.

To be considered Title IX Sexual Harassment, the conduct must occur at a time when the Complainant is participating in, or attempting to participate in, an educational program or activity of the Institute .

To be considered Title IX Sexual Harassment the alleged elements must be met:

1. The conduct is alleged to have occurred on or after Aug. 14, 2020;
2. The Complainant is participating and/or attempting to participate in the Institute's education programs and/or activities.<sup>1</sup>
3. The conduct must occur in the United States and either on Institute property or during Institute programs or activities in locations, events, or circumstances over which the Institute exercised substantial control;
4. The Institute had substantial control over the Respondent;
5. The alleged conduct, if true, would constitute covered sexual harassment as defined in this policy.

Harassment involving a Institute student or employee outside of these conditions may be dealt with pursuant to the Institute’s other definitions of prohibited sexual harassment in this Policy.

**Title IX**  
**Quid Pro Quo**

“Title IX Quid Pro Quo Harassment” takes place when a person employed by the Institute conditions the provision of an aid, benefit,

<p><b>Harassment Based on Sex</b></p>	<p>or service of the Institute on an individual’s participation in unwelcome conduct.</p> <p>Examples of this type of harassment include but are not limited to: a professor promising a better grade if a student goes out with the professor or a staff member suggesting they will not turn a student in for a violation of the Student Code of Conduct if the student exposes parts of their body or shares intimate photographs.</p>
<p><b>Title IX Hostile Environment Based on Sex</b></p>	<p>“ Title IX Unwelcome Conduct” includes unwelcome conduct that a reasonable person would find so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the Institute’s programs and activities. Unwelcome conduct that is prohibited by Title IX is not necessarily <i>any</i> conduct that <i>any</i> person finds to be unwelcome. First, the unwelcome conduct is assessed from the standpoint of a “reasonable person.” Second, the unwelcome conduct must be severe and pervasive and objectively offensive. Third, the unwelcome conduct must serve to deny a person equal education access.</p>
<p><b>Title IX Sexual Assault</b></p>	<p>“Title IX Sexual Assault” is any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent. Affirmative Consent is required.</p> <p>For the purpose of these definitions, a Sexual Act is defined as conduct between persons consisting of:</p> <ul style="list-style-type: none"> <li>● Contact between the penis and the vulva, or between penises and vulvas;</li> <li>● Contact between the penis and the anus;</li> <li>● Contact between the mouth and the penis;</li> <li>● Contact between the mouth and the vulva;</li> <li>● Contact between the mouth and anus;</li> <li>● Contact between anuses; or,</li> <li>● Contact involving any of the above or the buttocks or breasts.</li> </ul> <p>Private body parts include all of the body parts specified above, including genitals, groin area, breasts, and buttocks.</p>

	<p><b>Title IX Sexual Assault includes:</b></p> <p><b>Rape.</b> A “rape” is defined as the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the affirmative consent of the victim. Prohibited Conduct includes attempted rape.</p> <p><b>Criminal Sexual Contact.</b> The intentional touching of the clothed or unclothed body parts without the affirmative consent of the Complainant for the purpose of sexual degradation, sexual gratification, or sexual humiliation.</p> <p>The forced touching by the Complainant of the Respondent’s clothed or unclothed body parts, without the affirmative consent of the Complainant for the purpose of sexual degradation, sexual gratification, or sexual humiliation.</p> <p>This offense includes instances where the Complainant is incapable of giving consent because of age or incapacity due to temporary or permanent mental or physical impairment or intoxication for the purpose of sexual degradation, sexual gratification, or sexual humiliation.</p> <p><b>Incest.</b> “Incest” is defined as sexual intercourse between persons who are related to each other within degrees wherein marriage is prohibited by law.</p> <p><b>Statutory Rape.</b> “Statutory rape” is defined as sexual intercourse with a person who is under the statutory age of consent. In California, the statutory age of consent is eighteen (18). In California, there is no close- in-age exception.</p>
<p><b>Title IX Dating Violence</b></p>	<p>“Title IX Dating Violence” is violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship is determined by consideration of the totality of the circumstances including length and type of relationship and the frequency of interaction between the persons involved in the relationship. “Violence” means physical conduct that intentionally or recklessly threatens the health and safety of the recipient of the behavior, including assault. “Violence” can include patterns of abusive behavior that may consist of or include non-physical tactics (such as threats, isolation, property destruction, abuse of pets, economic control, displaying weapons, degradation, or</p>

	exploitation of a power imbalance).
<b>Title IX Stalking Based on Sex</b>	<p><b>Stalking</b><sup>1</sup> “Title IX Stalking” is engaging in a course of conduct based on sex directed at a specific person that would cause a reasonable person to fear for their safety or the safety of others, or to suffer substantial emotional distress. Stalking conduct can include willfully, maliciously, or repeatedly following or harassing a person, even if the accused does not intend harm.</p> <p>For the purposes of this definition—</p> <ul style="list-style-type: none"> <li>a. 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.</li> <li>b. “Course of conduct” means two or more acts, including, but not limited to, acts in which the Respondent directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person’s property.</li> <li>c. “Reasonable person” means a reasonable person under similar circumstances and with similar identities to the Complainant.</li> <li>d. “Substantial emotional distress” means significant mental suffering or anguish that may but does not necessarily require medical or other professional treatment or counseling.</li> </ul>

**Sex-Based Hostile Environment Harassment in Educational Programs and Activities**

In addition to harassment based on sex that is prohibited by the definition of Title IX Sexual Harassment, the Institute also prohibits sexually harassing conduct in its Educational Program and Activities where such conduct is prohibited by the

<sup>1</sup> The California state definition of stalking is “any person who willfully, maliciously, and repeatedly follows or willfully and maliciously harasses another person and who makes a credible threat with the intent to place that person in reasonable fear for his or her safety, or the safety of his or her immediate family is guilty of the crime of stalking,” which is applicable to criminal prosecutions, but may differ from the definition used on campus to address policy violations.

California Education Code and falls under the jurisdiction of this Policy. If the conduct falls under the definition and jurisdiction of Title IX Sexual Harassment, it will also be processed under that definition. In either case, the Title IX Coordinator shall assess each report of alleged Prohibited Conduct and provide outreach, as appropriate, to each identifiable student who is alleged to be the victim of reported Prohibited Conduct.

**Sex-Based  
Hostile  
Environment  
Harassment in  
Educational  
Programs and  
Activities**

“Sex-Based Hostile Environment Harassment in Educational Programs and Activities” is defined as:

Unwelcome sex-based conduct (where sex includes sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity) that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person’s ability to participate in or benefit from the Institute’s education program or activity (i.e. creates a hostile environment);

Unwelcome sexual advances, requests for sexual favors, and other verbal, visual, or physical conduct of a sexual nature, made by someone from or in the work or educational setting where the conduct has the purpose or effect of having a negative impact upon the individual’s work or academic performance, or of creating an intimidating, hostile, or offensive work or educational environment.

Unwelcome sexual advances, requests for sexual favors, and other verbal, visual, or physical conduct of a sexual nature, made by someone from or in the work or educational setting where the conduct has the purpose or effect of having a negative impact upon the individual’s work or academic performance, or of creating an intimidating, hostile, or offensive work or educational environment.

Whether a hostile environment has been created is a fact-specific inquiry that includes consideration of the following:

- The degree to which the conduct affected the individual’s ability to access the
- Institute’s education program or activity;
- The type, frequency, and duration of the conduct;
- The parties’ ages, roles within the Institute’s education program or activity, previous interactions, and other factors about a party that may be relevant to evaluating the effects of the conduct;

	<ul style="list-style-type: none"> <li>• The location of the conduct and the context in which the conduct occurred; and Other sex-based harassment in the Institute ’s education program or activity.</li> </ul> <p>Harassment involving an Institute student or employee outside of these conditions may be dealt with pursuant to the Institute ’s other definitions of prohibited sex-based harassment.</p> <p>Nothing in this definition is intended to interfere with an individual’s rights to freedom of speech or expression pursuant to the United States Constitution, the California Constitution, and the California Leonard Law.</p>
<p><b>Non-Title IX Sexual Violence in Education</b></p>	<p>“Non-Title IX Sexual Violence in Education” is defined as physical sexual acts perpetrated against a person without the person’s affirmative consent. Physical sexual acts include both of the following:</p>
<p><b>Sexual Exploitation</b></p>	<p>“Sexual Exploitation” is defined as a person taking sexual advantage of another person for the benefit of anyone other than that person without that person’s consent, including, but not limited to, any of the following acts:</p> <ul style="list-style-type: none"> <li>• the prostituting of another person;</li> <li>• the trafficking of another person, defined as the inducement of a person to perform a commercial sex act, or labor or services, through force, fraud, or coercion;</li> <li>• the recording of images, including video or photograph, or audio or; the</li> <li>• creation through artificial intelligence or other means of another person’s sexual activity or intimate parts, if the individual distributing the images or audio knows or should have known that the person depicted in the images or audio did not consent to the disclosure; or</li> <li>• the viewing of another person’s sexual activity or intimate parts, in a place where that other person would have a reasonable expectation of privacy, without that person’s consent, for the purpose of arousing or gratifying sexual desire.</li> </ul>
<p><b>Stalking Based on Gender Identity, Gender Expression</b></p>	<p>“Stalking Based on Gender Identity, Gender Expression and Sexual Orientation” is engaging in a course of conduct, on the basis of other sex-based protected categories (including sex,</p>

<p><b>and Sexual Orientation</b></p>	<p>sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, gender identity and gender expression) directed at a specific person that would cause a reasonable person to:</p> <ul style="list-style-type: none"> <li>● fear for the person’s safety or the safety of others; or</li> <li>● suffer substantial emotional distress.</li> </ul> <p>Stalking conduct can include willfully, maliciously, or repeatedly following or harassing a person, even if the accused does not intend harm.</p>
<p><b>Other Dating Violence</b></p>	<p>See the definition of Title IX Dating Violence. The conduct must occur outside of the jurisdiction of Title IX and the parties must meet the definitions of “Complainant” and “Respondent.”</p>
<p><b>Other Domestic Violence</b></p>	<p>See the definition of Title IX Domestic Violence. The conduct must occur outside of the jurisdiction of Title IX and the parties must meet the definitions of “Complainant” and “Respondent.”</p>

<p><b>Fair Housing Act (FHA) Sexual Harassment</b></p> <p>FHA Sexual Harassment applies to situations where a residential complaint of Sexual Harassment involves Complainant in a Recipient-provided housing where a student or employee is subjected to sexual harassment.</p>	
<p><b>Fair Housing Act (FHA) Sexual Harassment</b></p>	<p>Unwelcome verbal, written, graphic, and/or physical conduct; that is severe or pervasive and objectively offensive; on the basis of sex/gender, that unreasonably interferes with, limits, or effectively denies an individual’s educational or employment access, benefits, or opportunities.</p>

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[1] Nothing in this section restricts the ability of the Parties to: obtain and present evidence, including by speaking to witnesses (as long as it does not constitute retaliation under this Policy), consult with their family members, confidential resources, or Advisors; or otherwise prepare for or participate in the Resolution Process

## Sexual Harassment in Employment

In addition to conduct prohibited as Title IX Harassment, the Institute prohibits other forms of Sexual Harassment in Employment that occurs:

- In the workplace (including the remote workplace during working time) or anywhere on the Institute's property while employees are working;
- Off-campus, if the Harassment in Employment occurred during a Institute work event, activity, program, or event; or
- Off-campus, if the off-duty Harassment in Employment by a supervisor has or reasonably has the effect of creating a hostile work environment for an employee.

### Sexual Harassment in Employment (Hostile Environment)

Harassment in employment (hostile environment) means any unwelcome behavior from a co-worker, supervisor, manager, student or third party with whom the employee comes into contact as part of their duties that is reasonably regarded as offensive, that is based on a Protected Characteristic, and that:

- Sufficiently offends, humiliates, distresses, or intrudes upon the individual, so as to
- disrupt the individual's emotional tranquility in the workplace; or
- Affects the individual's ability to perform the job as usual; or
- Otherwise interferes with and undermines the individual's personal sense of well-being.

A single incident of harassing conduct may create a hostile work environment if the harassing conduct has unreasonably interfered with the employee's work performance or created an intimidating, hostile, or offensive work environment. Whether or not the person meant to give offense or believed their comments or conduct were welcome is not significant. Rather, the policy is violated when other individuals, whether recipients or mere observers, are actually offended by comments or conduct based on any protected category and the conduct is considered offensive by a reasonable person.

Nothing in this definition is intended to interfere with an individual's rights to freedom of speech or expression pursuant to the United States Constitution, the California Constitution, and the California Leonard Law.

**Sexual  
Harassment  
in Employment**

“Sexual Harassment in Employment” is a particular type of harassment under Title VII and California law. Certain types of sexual harassment may also be addressed by Title IX Sexual Harassment.

Sexual Harassment in Employment can include unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature when submission to such conduct:

- Is made a condition of employment or employment decision (Quid Pro Quo). Quid pro quo harassment” takes place when a supervisor or other authority figure offers or hints that something (e.g., a raise, a promotion) can be obtained in return for a sexual favor or submitting to harassing behavior; or
- Meets the definition of Harassment in Employment as stated above (Hostile Work Environment);

Examples of conduct that may constitute prohibited Sexual Harassment in Employment may include but are not limited to:

- Unwanted physical touching;
- Telling sexually explicit jokes or stories;
- Making comments or gestures reasonably regarded as lewd or offensive;
- Displaying sexually suggestive objects, cartoons, or pictures;
- Sending sexually explicit messages by letter, notes, electronic mail, social media posting, or telephone;
- Making unwelcome comments reasonably regarded as offensive about a person’s body, physical appearance, or clothing;
- Frequent use of unwelcome terms of endearment; or
- Repeatedly asking an individual for a date or meetings outside of working hours after they have indicated an unwillingness to go.
- Sexual Exploitation, as defined in Sexual Harassment in Education.

**Other Prohibited Conduct on the Basis of Sex**

For Bullying and Endangerment, these offenses can be applied when the conduct is on the basis of sex but is not a form of Sex-based Harassment.

<p><b>Bullying:</b></p>	<ul style="list-style-type: none"> <li>● repeated and/or severe aggressive behavior</li> <li>● that is likely to intimidate or intentionally hurt, control, or physically or mentally diminish the Complainant</li> <li>● that is not speech or conduct that is otherwise protected by the First Amendment</li> </ul>
<p><b>Endangerment:</b></p>	<ul style="list-style-type: none"> <li>● threatening or causing physical harm</li> <li>● extreme verbal, emotional, or psychological abuse</li> <li>● other conduct which threatens or endangers the health or safety of any person or damages their property</li> </ul>

**Retaliation**

**The Institute prohibits Retaliation for those individuals who meet the definition of Complainant where the alleged conduct is under the jurisdiction of this Policy.**

	<p>In addition to the actions prohibited above, retaliation includes:</p> <ul style="list-style-type: none"> <li>● taking adverse action, including intimidation, threats, coercion, harassing or discrimination, against any person, by the Institute, a student, employee, or a person authorized by the Institute to provide aid, benefit, or service under the Institute’s education program or activity, for the purpose of interfering with any right or privilege secured by law or Institute Policy, or</li> <li>● because the person has engaged in protected activity, including reporting information, making a complaint, testifying, assisting, or participating or refusing to participate in any manner in an</li> </ul>
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	<p>investigation or Resolution Process under this Policy’s Procedures, which includes proceeding or hearing,</p> <ul style="list-style-type: none"> <li>including an Informal Resolution process, or in any other appropriate steps taken by the Insitute to promptly and effectively end any sexual harassment and prohibited conduct under this policy in its education program or activity, prevent its recurrence, and remedy its effects is strictly prohibited.</li> </ul> <p>Protected activity under this policy includes reporting an incident that may implicate this policy, participating in the Title IX Process, supporting a Complainant or Respondent, assisting in providing information relevant to an investigation, and/or acting in good faith to oppose conduct that constitutes a violation of this policy.</p> <p>Acts of alleged retaliation should be reported immediately to the Title IX Coordinator and will be promptly investigated. CalArts will take all appropriate and available steps to protect individuals who fear that they may be subjected to retaliation.</p> <p>The exercise of rights protected under the First Amendment does not constitute retaliation. It is also not retaliation for the Institute to pursue Policy violations against those who make materially false statements in bad faith in the course of a resolution under the CalArts Title IX Sexual Harassment Policy. However, the determination of responsibility, by itself, is not sufficient to conclude that any party has made a materially false statement in bad faith.</p> <p>Charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of a Title IX Process under this policy and procedure does not constitute retaliation, provided that a determination regarding responsibility, alone, is not sufficient to conclude that any Party has made a materially false statement in bad faith.</p>
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**False Statements and/or False Information**

Please also be reminded that CalArts policies prohibits making false statements and/or knowingly providing false information during the Institute’s grievance process, including meetings, intakes, investigations and hearings pursuant to this policy..

Please do not suggest to any witness that they distort or align their accounts, to ensure that the investigator can obtain accurate and objective information about this matter.

Should it be alleged that you have violated these rules, the Institute reserves the right to address those allegations inside of this process or to address the allegations as a separate matter pursuant to the Student Code of Conduct and associated procedures.

**Unauthorized Disclosure:[1]**

Distributing or otherwise publicizing materials created or produced during an investigation or Resolution Process except as required by law or as expressly permitted by the Institute; or publicly disclosing institutional work products that contains personally identifiable information without authorization or consent.

#### 14. Definitions of Terms Referenced in Policy

The following definitions are intended to provide a better understanding of the meaning of certain terms as used within this Policy:

##### **A. Affirmative Consent**

California has established a standard that requires affirmative consent. CalArts policies and procedures, including this Policy, CalArts CA Sexual Harassment and Sexual Misconduct Policy is based on affirmative consent.

The behaviors prohibited by the Title IX Sexual Harassment policy are outlined below. These behaviors are defined by an affirmative consent standard where “yes means yes” as follows:

- Affirmative Consent must be knowing (conscious), must be voluntary, mutual, must have clear permission, agreement by word and action and given without coercion, force, threats or intimidation, by all participants to engage in sexual activity.
- Individuals may perceive and experience the same interaction in different ways. Therefore, it is the responsibility of each party involved in the sexual activity to ensure Affirmative Consent has been obtained from the other participant(s) prior to engaging in the sexual activity. to determine that the other has affirmatively consented before engaging in the activity.
- Affirmative Consent is demonstrated through mutually understandable words and/or clear actions that indicate a willingness to engage freely in sexual activity. Affirmative Consent is active, not passive.
- Individuals with a previous or current intimate relationship do not automatically give initial or continued affirmative consent to sexual activity. Even in the context of a relationship, there must be mutually understandable communication that clearly indicates a willingness to engage in sexual activity.

- Each participant in a sexual encounter is expected to obtain affirmative consent to each act of sexual activity. This requires participants to check in and communicate with each other or others to ensure that affirmative consent is given knowingly, voluntarily, and affirmatively. Affirmative Consent to one form of sexual activity does not constitute affirmative consent to engage in all forms of sexual activity. Affirmative Consent to some sexual contact (such as kissing or fondling) cannot be presumed to be affirmative consent for other sexual activity (such as intercourse). If an individual expresses conditions on their willingness to affirmative consent (e.g., use of a condom) or limitations on the scope of their affirmative consent, those conditions and limitations must be respected.
- Affirmative Consent in relationships must also be considered in context. When parties affirmative consent to BDSM<sup>2</sup> or other forms of kink, non-affirmative consent may be shown by the use of a safe word. Resistance, force, violence, or even saying “no” may be part of the kink and thus consensual, thus the Institute's evaluation of communication in kink situations should be guided by reasonableness, rather than strict adherence to policy that assumes non-kink relationships as a default.
- If affirmative consent is not clearly provided prior to engaging in the activity, affirmative consent may be ratified by word or action at some point during the interaction or thereafter, but clear communication from the outset is strongly encouraged.
- Affirmative 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 affirmative consent. Relying on non-verbal communication can lead to misunderstandings.
- 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 affirmative consent before continuing such activity.
- Affirmative Consent may be withdrawn by any person(s) at any time. Affirmative Consent can also be withdrawn once given, as long as the withdrawal is reasonably and clearly communicated, or unambiguous actions that indicate a desire to end sexual activity. If affirmative consent is withdrawn, that sexual activity should cease within a reasonably immediate time.
- Consent is not affirmative if it results from the use or threat of force, intimidation, or coercion, or any other factor that would eliminate an individual's ability to exercise an individual's own free will to choose whether or not to have sexual contact.

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<sup>2</sup> [1] Bondage, discipline/dominance, submission/sadism, and masochism.

- 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 affirmative consent. For example, one who is asleep or passed out cannot give affirmative consent.
- In the State of California, affirmative consent can never be given by minors under the age of 18.

Proof of affirmative consent or non-affirmative consent is not a burden placed on either party involved in a complaint. Instead, the burden remains on the Institute to determine whether its policy has been violated. The existence of affirmative consent is based on the totality of the circumstances evaluated from the perspective of a reasonable person in the same or similar circumstances, including the context in which the alleged misconduct occurred and any similar and previous patterns that may be evidenced.

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 affirmatively consented to sexual activity:

- Affirmative Consent cannot be inferred from silence, the absence of a “no,” or lack of protest or resistance.
- “I was drunk.” Being intoxicated from alcohol, drugs, and medications, or engaging in other reckless behavior, does not exonerate an individual from obtaining affirmative 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.
- Obtained from a person who is asleep or otherwise mentally or physically incapacitated, and this condition was known or reasonably should have been known by the other individual(s) involved in the incident.
- 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 an individual’s 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.

- A. 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 affirmative 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 affirmatively consent to sexual activity. Incapacitation is defined as the inability, temporarily or permanently, to give affirmative 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 this 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 affirmative 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 their potential sexual partner's ability to provide affirmative consent.

## **B. Prohibited Relationships by Persons in Authority Policy Faculty, Staff, Administrator**

CalArts maintains the following policy regarding amorous relationships between employees and students and amorous relationships between employees, consistent with the Staff and Faculty Handbooks.

### **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 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 and/or sexual misconduct. 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 the involved employee in a position to actually or be perceived as favoring or advancing 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 The CA 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.

## **Relationships Between Employees**

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 misconduct is subsequently lodged, it may be difficult to establish mutual consent.

### **15. RESPONSE TO A REPORT**

CalArts' Response to a report of Prohibited Conduct shall generally include the following:

#### **A. Initial Contact**

Following receipt of a report alleging a potential violation of this Policy, the Title IX Coordinator will contact the Complainant to meet with the Title IX Coordinator for an initial intake and assessment meeting, and will provide the following:

1. An invitation to meet to offer assistance and explain their rights, resources, and options under this Policy;
2. Access to this Policy;
3. Information regarding available campus and community resources for counseling, health care, mental health, or victim advocacy. Upon request, information regarding legal assistance, visa and immigration assistance, student financial aid and other available services may be provided;
4. The availability of Supportive Measures regardless of whether a complaint is filed and/or any resolution process is initiated;
5. The options for resolution (no action, prevention, agreement, investigation) and how to initiate such resolution processes;
6. The right to notify law enforcement as well as the right not to notify law enforcement;
7. The importance of preserving evidence and, in the case of potential criminal misconduct, how to get assistance from Campus Safety or local law enforcement in preserving evidence;
8. For cases of California Sexual Violence, the role of victim advocates and a student's right to consult with an attorney, at their own expense, at any stage of the process if they wish to do so. An attorney may serve as a support person or advisor.
9. The identification and location of witnesses;
10. The right to an advisor of choice, if applicable, during CalArts proceedings under this Policy including the initial meeting with the Title IX Coordinator;
11. A statement that retaliation for filing a complaint, or participating in the complaint process, is prohibited; and
12. information on how to initiate the Investigation or Resolution-Based Agreement process and how those procedures work, including contacting and interviewing Respondent and seeking identification and location of witnesses.

## **B. Initial Intake & Assessment**

The Initial Assessment process seeks to gather information about the nature and circumstances of the report to determine whether this Policy applies to the report and, if so, which resolution process may be appropriate, as well as which section of the grievance procedures apply based on the conduct and the status of the parties. The primary concern shall be safety. For cases of California Sexual Violence, a victim-centered interview protocol shall be used.

The Title IX Coordinator may also determine that the provision of supportive measures only is the appropriate response under the Policy. If the initial complaint was not reported by the actual Complainant, the Title IX Coordinator will limit communication to general information on policies and processes.

Should the Complainant wish to initiate a resolution process, the Title IX Coordinator will determine whether this Policy applies and, if so, the appropriate process under this Policy. The Title IX Coordinator will communicate to the Complainant this determination. If the Complainant does not wish to initiate a resolution process, the Title IX Coordinator will assess whether to proceed as set forth below.

If the information provided does not suggest a potential violation of this Policy, the Title IX Coordinator will provide the Complainant written notice that the matter is being referred for handling under a different policy, and/or to another appropriate office for handling.

## **C. Requests for Confidentiality or No Further Action**

When a Complainant requests that CalArts not use their name as part of any resolution process, or that CalArts not take any further action, CalArts will generally try to honor those requests. However, there are certain instances in which CalArts has a broader obligation to the community and may need to act against the wishes of the Complainant. In such circumstances, the Title IX Coordinator will notify the Complainant in writing of the need to take action. The factors the Title IX Coordinator will consider when determining whether to act against the wishes of a Complainant include:

1. The Complainant's request not to proceed with initiation of a complaint;
2. The Complainant's reasonable safety concerns regarding initiation of a Complaint;
3. The risk that additional acts of Prohibited Conduct would occur if a Complaint is not initiated;
4. The severity of the alleged Prohibited Conduct, including whether the discrimination, if established, would require the removal of a Respondent from campus or imposition of another disciplinary sanction to end the discrimination and prevent its recurrence;
5. The age and relationship of the parties, including whether the Respondent is an employee of CalArts;
6. The scope of the alleged discrimination, including information suggesting a pattern, ongoing sex discrimination, or sex discrimination alleged to have impacted multiple individuals;

7. The availability of evidence to assist a Decisionmaker in determining whether sex discrimination occurred;
8. Whether CalArts could end the alleged sex discrimination and prevent its recurrence without initiating its grievance procedures under this Policy; and
9. Whether the conduct as alleged presents an imminent and serious threat to the health or safety of the Complainant or other persons, or that the conduct as alleged prevents CalArts from ensuring equal access on the basis of sex to its education program or activity.

#### **D. Requests for Confidentiality or No Further Action for California Sex-Based Harassment in Programs and Activities and California Sexual Violence**

California has specific requirements for CalArts' duty to respond to reports of California Sex-Based Harassment in Programs and Activities and/or California Sexual Violence and Sexual Exploitation where the conduct is not governed by Title IX ("California Misconduct"), regardless of whether or not a complaint has been filed under CalArts' grievance procedures, if CalArts knows, or reasonably should know, about possible California Misconduct against a student, involving individuals subject to CalArts' policies at the time, CalArts shall promptly investigate (as set forth in this Policy) to determine whether the alleged conduct more likely than not occurred, or otherwise respond if CalArts determines that an investigation is not required. If CalArts determines that the alleged conduct more likely than not occurred, it shall immediately take reasonable steps to end the harassment, address the hostile environment, if one has been created, prevent its recurrence, and address its effects.

For California Misconduct, if a student Complainant requests confidentiality, which could preclude a meaningful investigation or potential discipline of the potential Respondent, or that no investigation or disciplinary action be pursued to address alleged California Misconduct, CalArts shall take the request seriously, while at the same time considering its responsibility to provide a safe and nondiscriminatory environment for all students, including for Complainant. CalArts shall generally grant the request. In determining whether to disclose Complainant's identity or proceed to an investigation over the objection of Complainant, CalArts may consider whether any of the following apply:

1. There are multiple or prior reports of sexual misconduct against Respondent.
2. Respondent reportedly used a weapon, physical restraints, or engaged in battery.
3. Respondent is a faculty or staff member with oversight of students.
4. There is a power imbalance between Complainant and Respondent.
5. Complainant believes that the Complainant will be less safe if Complainant's name is disclosed or an investigation is conducted.
6. CalArts is able to conduct a thorough investigation and obtain relevant evidence in the absence of Complainant's cooperation.

If CalArts determines that it can honor the student's request for confidentiality, it shall still take reasonable steps to respond to the complaint, consistent with the request, to limit the effects

of the alleged California Misconduct and prevent its recurrence without initiating formal action against the alleged Respondent or revealing the identity of Complainant. These steps may include increased monitoring, supervision, or security at locations or activities where the alleged misconduct occurred; providing additional training and education materials for students and employees; or conducting climate surveys regarding sexual violence. CalArts shall also take immediate steps to provide for the safety of Complainant while keeping Complainant's identity confidential as appropriate. These steps may include changing living arrangements or course schedules, assignments, or tests. Complainant shall be notified that the steps CalArts will take to respond to the complaint will be limited by the request for confidentiality.

If CalArts determines that it must disclose Complainant's identity to the Respondent or proceed with an investigation, it shall inform Complainant prior to making this disclosure or initiating the investigation. CalArts shall also take immediate steps to provide for the safety of Complainant where appropriate. In the event Complainant requests that CalArts inform Respondent that the student asked CalArts not to investigate or seek discipline, CalArts shall honor this request.

#### **E. Emergency Removal**

The Institute can act to remove a Student Respondent accused of Title IX Sexual Harassment from its Education Program or Activities, partially or entirely, on an emergency basis where CalArts:

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

The Respondent may challenge the decision immediately following the removal, by notifying the Title IX Coordinator in writing. CalArts will designate an impartial individual, not otherwise involved in the case, to consider the challenge to the removal and determine if the emergency removal was reasonable. For all other Prohibited Conduct, CalArts may defer to its interim suspension policies for students and administrative leave for employees.

#### **F. Administrative Leave**

CalArts retains the authority to place an employee Respondent on administrative leave during a pending complaint process under this Policy, with or without pay, as appropriate. Administrative leave implemented as a supportive measure or as emergency removal is subject to the procedural provisions above, including the right to challenge the decision to implement that measure.

## **G. Student Withdrawal or Employee Resignation While Matters Are Pending**

If a student or employee Respondent permanently withdraws or resigns from CalArts with unresolved allegations pending, CalArts will consider whether and how to proceed with the resolution process. CalArts will continue to address and remedy any systemic issues or concerns that may have contributed to the alleged violation(s) and any ongoing effects of the alleged Prohibited Conduct.

A student Respondent who withdraws while the process is pending may not return to CalArts without first resolving any pending matters. Such exclusion applies to all CalArts campuses and programs.

An employee Respondent who resigns with unresolved allegations pending is not eligible for rehire with CalArts and the records retained by the Title IX Coordinator will reflect that status.

## **H. Dismissal of a Complaint**

Before dismissing a complaint, CalArts will make reasonable efforts to clarify the allegations with the Complainant.

Except for cases of California Misconduct or California Sex-Based Harassment in Employment, CalArts may dismiss a complaint if:

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

Upon dismissal, CalArts will promptly notify the Complainant in writing of the basis for the dismissal. If the dismissal occurs after the Respondent has been notified of the allegations, then CalArts will notify the parties simultaneously, in writing. If a dismissal of one or more allegations changes the appropriate decision-making process under these procedures, the Title IX Coordinator will include that information in the notification.

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

When a complaint is dismissed, CalArts will, at a minimum:

1. Offer supportive measures to the Complainant, as appropriate;
2. If the Respondent has been notified of the allegations, offer supportive measures to the Respondent as appropriate; and
3. Take other prompt and effective steps, as appropriate, through the Title IX Coordinator to ensure that sex discrimination does not continue or recur within CalArts education program or activity.

A Complainant who decides to withdraw a complaint or any portion of it may later request to reinstate it or refile it.

Complaints of California Misconduct and California Sex-Based Harassment in Employment must be processed unless a Complainant's request for confidentiality pertaining to California Misconduct can be honored, as set forth above in Section D.

## 16. REFERRALS FOR OTHER MISCONDUCT

CalArts has the discretion to refer complaints of misconduct not covered by this Policy for handling under any other applicable CalArts policy or code. As part of any such referral for further handling, CalArts may use evidence already gathered through any process covered by this Policy.

## 17. CONSOLIDATION OF COMPLAINTS

CalArts may consolidate Complaints as to allegations of Prohibited Conduct against more than one Respondent, or by more than one Complainant against one or more Respondents, or by one party against the other party, where the allegations arise out of the same facts or circumstances. Where a grievance process involves more than one Complainant or more than one Respondent, references in this section to the singular "party," "Complainant," or "Respondent" include the plural, as applicable. Where multiple policies may be implicated by the same set of facts or circumstances, CalArts may bifurcate the proceedings in accordance with the requirements of the individual policies.

CalArts also reserves the right to use this Policy to adjudicate other allegations and conduct charges as defined by policies outside of the scope of this Policy in instances when the conduct is associated with an alleged issue of prohibited conduct under this Policy. The Title IX Coordinator will address these consolidated complaints in collaboration and coordination with other appropriate offices, such as Student Services and Human Resources. Allegations of a violation of a separate policy are not required to be handled using the procedural requirements set forth in this Policy.

## 18. General Principles Applicable to All Procedures Under this Policy

When reviewing reports of behavior prohibited by this Policy, the Institute shall adhere to the following procedures. Except where prohibited by applicable law, the Institute reserves the right to modify these procedures as needed for an efficient process toward correct outcomes, as the individual circumstances of cases dictate.

### A. Implementation of These Procedures

To ensure that the procedures are implemented in a legally compliant manner, the Institute shall:

1. Ensure that the burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rest on the Institute and not on the parties, provided that the Institute cannot access, consider, disclose, or otherwise use a party's records that:
  - a. are made by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party, unless the Institute obtains that party's voluntary, written consent to do so; or
  - b. are protected under a privilege as recognized by federal or state law or evidence provided to an employee designated by the Institute as a confidential resource, unless the Institute obtains that party's voluntary, written consent to do so.
2. Provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence.
3. Designate investigations or hearings conducted under this Policy as confidential. All records will be afforded the confidentiality protections required by law, including but not limited to the Family Educational Rights and Privacy Act governing confidentiality of student information. This means that the Institute will protect the party's privacy consistent with this Policy but may disclose information to those who have a legitimate need to know and in order to process Complaints under this Policy.
4. Not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence; provided that to maintain the privacy of evidence gathered as part of any resolution process, access to materials under This Policy the procedures in this Policy will be provided only by a secure method and parties and advisors are not permitted to make copies of any documents shared or make use of the documents outside of the processes described in this Policy. Parties may request to review a hard copy of materials, and the Institute will make that available in a supervised or monitored setting. Inappropriately sharing materials provided during this process may constitute Retaliation under this Policy.

5. Provide the parties with the same opportunities to have an advisor/support person present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the Advisor of their choice, who may be an attorney only where the Institute is required by law to permit a party's attorney to be present. The Institute may establish restrictions regarding the extent to which the Advisor may be present during interviews or otherwise participate in the proceedings, as long as the restrictions apply equally to both parties. All parties have the right to consult with an attorney, at their own expense, at any stage of the process if they wish to do so, but, where permitted by law, the refusal to answer questions in order to consult with attorneys or upon the advice of counsel may be considered by the Institute factfinder when assessing credibility.
6. Provide written notice to a party whose participation is invited or expected, of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings, with sufficient time for the party to prepare to participate.
7. Require an objective evaluation of all relevant evidence by any decision-maker—including both inculpatory and exculpatory evidence—and require that credibility determinations may not be based on a person's status as a Complainant, Respondent, or witness. Require that any individual designated as Title IX Coordinator, investigator, decisionmaker, or any person to facilitate an informal resolution process, to be appropriately trained, neutral, not have a conflict of interest or bias for or against Complainants or Respondents generally or an individual Complainant or Respondent.
8. Ensure trauma-informed and impartial investigations. Require a fair, timely, and thorough fact-finding investigation that provides all parties appropriate and fair process and reaches reasonable conclusions based on the evidence collected. The Institute may use internal personnel or external parties in the informal resolution process or the fact-finding process, provided that they meet this requirement.
9. Include a presumption that the Respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the process.
10. Use the following standard of evidence to determine responsibility: the preponderance of the evidence standard. The standard of evidence shall be the same for Complaints against students as for Complaints against faculty and staff.
11. Where mandated by law, not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege.
12. Ensure that the investigation and adjudication of alleged Prohibited Conduct is not an adversarial process between the Complainant, the Respondent(s), and the witnesses. The investigation and adjudications processes are established for the Institute to comply with existing laws and to determine correct outcomes.

13. Provide for the privacy of the individuals involved, subject to the need to disclose information to those who have a legitimate need to know.
14. Allow for brief extensions of the process. the Title IX Coordinator may grant or deny requests from either party to temporarily delay the grievance process or may issue the limited extension of time frames for good cause with written notice to the Complainant and the Respondent of the delay or extension and the reasons for the action. Good cause may include considerations such as the absence of a party, a party's Advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities. Such requests will not be unreasonably denied by the Institute where the request is related to a period of examination or school closure.
15. Provide periodic updates on the process to the Complainant and Respondent consistent with the timelines referenced in this Policy. Provide notice of a formal investigation, including the allegations and policy definitions under review. If, in the course of an investigation, the Institute decides to investigate allegations about the Complainant or Respondent that are not included in the initial notice of investigation, the Institute will provide notice of the additional allegations to the parties whose identities are known.
16. Share expectations of decorum to be observed at all times in any meeting or proceeding under this Policy. These expectations are applied equally to all parties and advisors. The Institute has the discretion to remove, with or without prior warning, from any meeting or proceeding an involved party, witness, or Advisor who does not comply with these expectations and any other applicable Institute rules.
17. Provide notice to the parties regarding appropriate counseling resources developed and maintained by the Institute for parties in misconduct matters involving sexual harassment in any form.
18. Generally, utilize the single investigator/adjudicator model in this Policy. The Title IX Coordinator has the discretion to appoint themselves as the investigator/adjudicator, or to appoint more than one investigator/adjudicator in appropriate cases.

## **B. Consolidation of Complaints**

The Institute may consolidate Complaints as to allegations of Prohibited Conduct against more than one Respondent, or by more than one Complainant against one or more Respondents, or by one party against the other party, where the allegations of Prohibited Conduct arise out of the same facts or circumstances. Where a matter involves more than one Complainant or more than one Respondent, references in this section to the singular "party," "Complainant," or "Respondent" include the plural, as applicable. Where multiple definitions of Prohibited Conduct may be implicated by the same set of facts or circumstances, the Institute may bifurcate the proceedings in accordance with the requirements of the law.

### C. Collateral Misconduct

The procedures below may be used to address alleged collateral misconduct by the Respondent arising from the investigation of or occurring in conjunction with reported misconduct (e.g., vandalism, physical abuse of another , when alleged violations of the Policy are being addressed at the same time. In such cases, the Title IX Coordinator may consult with Institute officials who typically oversee such conduct(e.g., human resources, student conduct etc.) to provide input as needed and/or applicable.

### 19. RECORD KEEPING

In implementing this Policy, records of all reports and resolutions will be kept by the Title IX Coordinator in accordance with the applicable CalArts records retention schedule. All records will be afforded the confidentiality protections required by law, including but not limited to the Family Educational Rights and Privacy Act governing confidentiality of student information. This means that CalArts will protect the party's privacy consistent with this Policy but may disclose information to those who have a legitimate need to know and in order to process complaints under this Policy.

### 20. POLICY REVIEW & REVISION

These policies and procedures will be reviewed and updated regularly by the Title IX Coordinator. The Title IX Coordinator will submit modifications to this Policy in a manner consistent with institutional policy upon determining that changes to law, regulation or best practices require policy or procedural alterations not reflected in this Policy and procedure. Procedures in effect at the time of its implementation will apply. The Policy definitions in effect at the time of the conduct will apply even if the Policy is changed subsequently, unless the parties consent to be bound by the current Policy.

This Policy may be revised at any time without notice. All revisions supersede prior policy and are effective immediately upon posting to CalArts website.

#### **Effective Date**

This Title IX Sexual Harassment Policy will become effective on Aug. 14, 2020, and will only apply to formal complaints of sexual harassment brought on or after Aug. 14, 2020. Updates Finalization Pending Final 10 day Review and Comment Period

Updated: September 13, 2021 to reflect Office of Civil Rights, (OCR) changes to the Title IX requirements. OCR subsequently issued an [Aug. 24, 2021 letter](#) indicating that it will no longer enforce this particular regulatory provision but will enforce all other provisions of the 2020 amendments to the Title IX regulations.

Updated: September 13, 2021 to reflect changes in Institute Personnel involved with administering this process.

Updated: September 13, 2021 to reflect updated off-campus confidential

resource contact information.

Updated: August 2, 2022, to reflect Institute personnel changes.

Updated: January 10, 2023, to reflect updated OCR definitions and inclusion of FEHA requirements for residential campuses.

Updated: September 11, 2023 to reflect Institute personnel changes

Updated July 31, 2024 to reflect the applicable dates of this policy.

Updated January 10, 2025 to reflect updated definitions

Updated August 4, 2025 to reflect updated personnel changes and to include updated definition of Criminal Sexual Contact

## 21. Relationship to Other Laws

There may be times when activities under this Policy confront matters about which there are additional legal responsibilities. For example, some records implicated in an investigation or proceedings under this Policy might be protected by the Family Educational Rights and Policy Act (“FERPA”). The Institute will comply with all of its legal obligations, including but not limited to FERPA, which may entail redacting or not disclosing certain documents that might otherwise be shared. Title IX obligations also sometimes overlap with obligations under Title VII of the Civil Rights Act of 1964. Where obligations overlap, adjustments to specific details of how the policies and procedures may be made, but the Institute will work diligently to ensure that all legal obligations are met in a manner that is faithful to both the spirit and the letter of its legal requirements. Compliance with the Clery/VAWA amendments does not constitute a violation of FERPA.

## 22. Counting Days and Deadlines

Unless otherwise stated herein, all references to days are to a business day, which is any day that the Institute’s Registrar’s Office is open for business. Any deadlines in this Policy may be extended by the Office of Community Rights & Title IX to account for holidays or other Institute closures.

## APPENDIX A - KEY DEFINITIONS

**Advisor:** Each party has the right to choose and consult with an advisor of their choice at their own expense. The advisor may be any person, including a friend, family member, therapist, union representative, or an attorney. CalArts will not limit their choice of advisor. Parties in this process may be accompanied by an advisor of choice to any meeting or proceeding to which they are required or are eligible to attend. Except where explicitly stated by this Policy, advisors shall not participate directly in the process. CalArts will provide the parties equal access to advisors; any restrictions on advisor participation will be applied equally.

An Advisor may not represent, advocate, or speak on behalf of a Complainant or Respondent. An Advisor may not disrupt or impede any resolution proceeding.

**Affirmative Consent:** means affirmative, conscious, and voluntary agreement to engage in sexual activity. It is the responsibility of each person involved in the sexual activity to ensure that they have the affirmative consent of the other or others to engage in the sexual activity. Affirmative consent must be ongoing throughout a sexual activity and can be revoked at any time.

1. Lack of protest or resistance does not mean consent;
2. Silence does not mean consent;
3. The existence of a dating relationship between the persons involved, or the fact of past sexual relations between them, should never by itself be assumed to be an indicator of consent;

When parties affirmative consent to BDSM or other forms of kink, non-affirmative consent may be shown by the use of a safe word. Resistance, force, violence, or even saying “no” may be part of the kink and thus consensual, thus the Institute's evaluation of communication in kink situations should be guided by reasonableness, rather than strict adherence to policy that assumes non-kink relationships as a default.

It shall not be a valid excuse that the alleged lack of affirmative consent that Respondent believed that Complainant consented to the sexual activity under either of the following circumstances:

- (A) Respondent's belief in affirmative consent arose from the intoxication or recklessness of Respondent;
- (B) Respondent did not take reasonable steps, in the circumstances known to Respondent at the time, to ascertain whether Complainant affirmatively consented.

It shall not be a valid excuse that Respondent believed that Complainant affirmatively consented to the sexual activity if Respondent knew or reasonably should have known that Complainant was unable to consent to the sexual activity under any of the following circumstances:

(A) Complainant was asleep or unconscious.

(B) Complainant was incapacitated due to the influence of drugs, alcohol, or medication, so that the complainant could not understand the fact, nature, or extent of the sexual activity.

(C) Complainant was unable to communicate due to a mental or physical condition.

Affirmative Consent cannot be given if any of the following are present: Incapacitation, Force, or Coercion.

**Coercion/Force:** Consent cannot be procured by the use of physical force, compulsion, threats, intimidating behavior, or coercion. Sexual activity accompanied by coercion or force is not consensual.

1. Coercion refers to unreasonable pressure for sexual activity. When someone makes it clear that they do not want to engage in sexual activity or do not want to go beyond a certain point of sexual interaction, continued pressure beyond that point can be considered coercive. The use of coercion can involve the use of pressure, manipulation, substances, or force. Ignoring objections of another person is a form of coercion.
2. Force refers to the use of physical violence or imposing on someone physically to engage in sexual contact or intercourse. Force can also include threats, intimidation (implied threats), or coercion used to overcome resistance.

**Complaint:** A complaint means an oral or written request to Title IX Coordinator that objectively can be understood as a request for CalArts to investigate and make a determination about alleged sex discrimination under this Policy. A complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail (email), by using the contact information listed on the Title IX/Equal Opportunity website (LINK), or as described in this Policy. Individuals who would like more information about filing a complaint are invited to contact the Title IX Coordinator for additional information.

**Complainant:** Any individual who has reported being or is alleged to be impacted by Prohibited Conduct as defined by this Policy, and who was participating in a CalArts program or activity (or attempting to participate) at the time of the alleged misconduct.

**Confidential Resources:** any individual identified by CalArts who receives information about conduct prohibited under this Policy in their confidential capacity and who are privileged under state law will not report prohibited conduct disclosed to them without written consent. Designation as a confidential resource under this Policy only exempts such individuals from disclosure to the Title IX Coordinator. It does not affect other mandatory reporting obligations under state child abuse reporting laws, the Clery Act as a campus security authority, or other laws that require reporting to campus or local law enforcement.

**Days:** any reference to days refers to business days when CalArts is in normal operation.

**Decisionmaker:** Trained professional designated by CalArts to decide responsibility, sanction, or appeals. A Decisionmaker may be one person or a panel of multiple people as determined by CalArts. When there is no hearing, the Investigator may be appointed as the Decisionmaker.

**Disclosure or Report:** A disclosure or report may be made by anyone, whether they learned about conduct potentially constituting sex discrimination under this Policy, or whether they personally experienced such conduct. A person making a disclosure or report may or may not be seeking to initiate an investigation.

**Education Program or Activity:** CalArts' "education program or activity" includes all campus operations, including off-campus settings that are operated or overseen by CalArts: including, for example, field trips, online classes, and athletic programs; conduct subject to CalArts' disciplinary authority that occurs off-campus; conduct that takes place via CalArts-sponsored electronic devices, computer and internet networks and digital platforms operated by, or used in the operations of, CalArts. Conduct that occurs outside of the education program or activity may contribute to a hostile environment within the program or activity.

**Finding:** a written conclusion by a preponderance of the evidence, issued by an Investigator, that the conduct did or did not occur as alleged.

**Incapacitation** occurs when someone cannot make rational, reasonable decisions because they lack the capacity to give knowing and informed consent (e.g., to understand the "who, what, when, where, why, and how" of their sexual interaction). Incapacitation is determined through consideration of all relevant indicators of a person's state and is not synonymous with intoxication, impairment, or being under the influence of drugs or alcohol. This Policy also covers a person whose incapacity results from temporary or permanent physical or mental health condition, involuntary physical restraint, and/or the consumption of incapacitating drugs, or who are sleeping.

**No-Contact Directive:** A No Contact Directive is a document issued by CalArts administrator that is designed to limit or prohibit contact or communications between the parties. A No-Contact Directive may be mutual or unilateral, with the exception that a No-Contact Directive issued as either a sanction or remedy shall be unilateral, directing that the Respondent not contact the Complainant.

For cases of Sex-Based Harassment Involving a Student:

- (i) when requested by a Complainant or otherwise determined to be appropriate, CalArts shall issue an interim, unilateral no-contact directive prohibiting the Respondent from contacting the complaint during the pendency of the decision-making process under this Policy, including any appeal.
- (ii) CalArts shall not issue an interim mutual no-contact directive automatically, but instead shall consider the specific circumstances of each case to determine whether a mutual no-contact directive is necessary or justifiable to protect the noncomplaining party's safety or well-being, or to respond to interference with an investigation. Upon issuance of an interim mutual no-contact directive, CalArts shall provide the Parties with a written justification for the directive and an

explanation of the terms of the directive, including the circumstances, if any, under which a violation could be subject to disciplinary action.

**Notice:** All notices under this Policy are written and sent to the student or employee's assigned CalArts email address or delivered via Certified Mail to the local or permanent address(es) of the parties as indicated in official CalArts records, or personally delivered to the intended recipient.

**Remedies:** Remedies means measures provided, as appropriate, to a Complainant or any other person CalArts identifies as having had their equal access to CalArts' s education program or activity limited or denied by sex discrimination or other prohibited conduct covered by this Policy. These measures are provided to restore or preserve that person's access to the education program or activity after a CalArts determines that sex discrimination occurred. Only the Complainant will be informed of any remedies pertaining to them. Some examples are academic support and/or opportunity to retake a class or resubmit work or time extensions on course or degree completion, or non-academic support such as counseling, or changes to work assignments or locations. The Title IX Coordinator is responsible for implementation of remedies.

**Respondent:** an individual, or group of individuals such as a student organization, who has been reported to be the perpetrator of conduct that could constitute Prohibited Conduct under this policy; or retaliation for engaging in a protected activity.

**Student:** Any person who has (or will have) attained student status by way of:

1. Admission, housing or other service that requires student status.
2. Registration for one or more credit hours.
3. Enrollment in any non-credit, certificate or other program offered by CalArts.

## APPENDIX B - ALTERNATE RESOLUTION OPTIONS

### **A. Support-Based Resolution**

A support-based resolution is an option for a Complainant who does not wish CalArts to take any further steps to address their concern, and when the Title IX Coordinator determines that another form of resolution, or further action, is not required. Some types of support that may be appropriate include but are not limited to: adjustments or changes to class schedules; moving from one residence hall room to another; adjusted deadlines for projects or assignments; adjustments to work schedule or arrangements; escorts to and around campus; and/or counseling.

A support-based resolution does not preclude later use of another form of resolution, for example if new information becomes available to CalArts and the Title IX Coordinator determines there is need for additional steps to be taken, or the Complainant later decides to pursue a Resolution Agreement or investigation and decision making.

### **B. Agreement-Based Resolution**

Agreement-Based Resolution is an alternative where the Parties each voluntarily agree to resolve the complaint in a way that does not include an investigation and does not include any finding of responsibility. Agreement-Based Resolution is a voluntary, structured interaction between or among affected parties that balances support and accountability. If CalArts offers Agreement-Based Resolution to the parties, and they voluntarily consent to engage in that process, the Title IX Coordinator must still take other prompt and effective steps as needed to ensure that sex discrimination does not continue or recur within the education program or activity. Parties and the Title IX Coordinator may agree to pause or exit the investigation and decisionmaking resolution procedures to explore Agreement-Based Resolution.

Any party may design the proposed agreement between the parties. The Title IX Coordinator must approve of the use of the Agreement-Based Resolution process and approve the final agreement between the parties. Although not generally a part of Agreement-Based Resolution, under California law mediation is not permitted for California Misconduct. The Title IX Coordinator must specifically determine that it is permissible for resolving California Sex-Based Harassment in Employment. Agreement-Based Resolution may be initiated at any time prior to the release of the final determination. Because Agreement-Based Resolution does not involve an investigation, there is not any determination made as to whether a Respondent violated this Policy.

The Title IX Coordinator has the discretion to determine that Agreement-Based Resolution is not an appropriate way to address the reported conduct, and that the matter must instead be resolved through an alternate process.

### **C. Initiating the Agreement-Based Resolution Process**

Prior to the initiation of Agreement-Based Resolution, the Title IX Coordinator will provide the Parties written notice that includes:

1. The specific allegation and the specific conduct that is alleged to have occurred;
2. The requirements of the Agreement-Based Resolution process;
3. Any consequences resulting from participating in the Agreement-Based Resolution process, including the records that will be maintained or could be shared, and whether CalArts could disclose such information for use in a future CalArts grievance process, including an investigation and resolution process arising from the same or different allegations, as may be appropriate;
4. Notice that an agreement resulting from the Agreement-Based Resolution process is binding only on the parties and is not subject to appeal;
5. Notice that once the Agreement is finalized and signed by the Parties, they cannot initiate or continue an investigation procedure arising from the same allegations;
6. A statement indicating that the decision to participate in the Agreement-Based Resolution process does not presume that the conduct at issue has occurred;
7. A statement that the Respondent is presumed not responsible for violating this Policy, unless Respondent admits to violations of this Policy;
8. An explanation that all parties may be accompanied by an advisor of their choice, who may be a parent, colleague, friend, or attorney;
9. A statement that any party has the right to withdraw from the Agreement-Based Resolution process and initiate or resume grievance procedures at any time before agreeing to a resolution;
10. The date and time of the initial meeting with staff or the Title IX Coordinator, with a minimum of 3 days' notice;
11. Information regarding Supportive Measures, which are available equally to the parties; and
12. The potential terms that may be requested or offered in an Agreement-Based Resolution agreement.

### **D. Facilitating an Agreement**

If all Parties are willing to explore Agreement-Based Resolution, the Title IX Coordinator will then meet separately with each party to discuss the Agreement-Based Resolution process and facilitate an agreement. If an agreement cannot be reached, either because the Parties do not agree, determine they no longer wish to participate in the Agreement-Based Resolution process, or the Title IX Coordinator does not believe that the terms of the agreement or continuing the Agreement-Based Resolution process is appropriate, the Title IX Coordinator may decide that the reported conduct will instead be addressed through the investigation and decision-making process. The Title IX Coordinator will inform the parties of such decision, in writing.

Agreement-Based Resolution processes are managed by facilitators who do not have a conflict of interest or bias in favor of or against Complainants or Respondents generally or

regarding the specific parties in the matter. The Title IX Coordinator may serve as the facilitator, subject to these restrictions. The Investigator or Decisionmaker for the matter may not facilitate an Agreement-Based Resolution in that same matter.

Any party may craft or create the terms of their agreement and will be asked for their suggestions or ideas. Examples of agreements may include but are not limited to:

1. An agreement that the Respondent will change classes or housing assignments;
2. An agreement that the Parties will not communicate or otherwise engage with one another;
3. An agreement that the Parties will not contact one another;
4. Completion of a training or educational project by the Respondent;
5. Completion of a community service project by the Respondent;
6. An agreement to engage in a restorative justice process or facilitated dialogue; and/or
7. discipline agreed upon by all parties.

To facilitate Agreement-Based Resolution, information shared by any party will not be used in any related resolution process of the same complaint under this policy. No evidence concerning the allegations obtained within the Agreement-Based Resolution process may be disseminated to any outside person, provided that any party to the Agreement-Based Resolution process may generally discuss the allegations under investigation with a parent, advisor, or other source of emotional support, or with an advocacy organization. An admission of responsibility made during an Agreement-Based Resolution process, however, may not be incorporated into the investigation and adjudication proceeding.

#### **E. Finalizing the Resolution Agreement**

Once the final terms of the Resolution Agreement have been agreed upon by all parties, in writing, and approved by the Title IX Coordinator, the matter will be considered closed, and no further action will be taken. Once signed, no appeal is permitted. The Agreement-Based Resolution process is generally expected to be completed within thirty (30) days and may be extended by the Title IX Coordinator as appropriate. All parties will be notified, in writing, of any extension and the reason for the extension.

Records of an Agreement-Based Resolution process can be shared with other offices as appropriate. Any violations of the terms of the Resolution Agreement may result in disciplinary action.

## APPENDIX C - FORMAL COMPLAINT PROCEDURES – TITLE IX SEXUAL HARASSMENT

These procedures are to be used for Title IX Harassment Based on Sex, where sex is interpreted by the federal government as not including gender identity, gender expression and sexual orientation. Harassment and Discrimination based on gender identity, gender expression and sexual orientation shall be processed under Section VII of this Policy. Title IX Harassment Based on Sex includes Quid Pro Quo Harassment, Title IX Hostile Environment Harassment, Title IX Sexual Violence, Title IX Dating Violence, Title IX Domestic Violence, and Title IX Stalking.

The Title IX Coordinator will determine if the Title IX Process should apply to a formal complaint. The Process will apply when all of the following elements are met, in the reasonable determination of the Title IX Coordinator if:

- The conduct is alleged to have occurred on or after Aug. 14, 2020;
- The conduct is alleged to have occurred in the United States;
- The Complainant is participating and/or attempting to participate in the Institute's education programs and/or activities.<sup>1</sup>
- The Institute has substantial control over the Respondent;
- The alleged conduct, if true, would constitute covered sexual harassment as defined in this policy.

If the Respondent is unknown or is not a member of the CalArts community, the Title IX Coordinator will assist the Complainant in identifying appropriate campus and local resources and support options and/or, when criminal conduct is alleged, in contacting local or campus law enforcement if the individual would like to file a police report. The Institute can assist the Complainant in filing the police report. Further, even when the Respondent is not a member of the CalArts community, supportive measures, remedies, and resources may be accessible to the Complainant by contacting the Title IX Coordinator or student advocate.

In addition, CalArts may take other actions as appropriate to protect the Complainant against third parties, such as barring individuals from CalArts property and/or events. All vendors serving CalArts through third-party contracts are subject to the policies and procedures of their employers or to these policies and procedures to which their employer has agreed to be bound by their contracts.

When the Respondent is enrolled in or employed by another institution, the Title IX Coordinator can assist the Complainant in liaising with the appropriate individual at that institution, as it may be possible to allege violations through that institution's policies.

### **A. Filing a Formal Complaint**

The timeframe for the Title IX Process begins with the filing of a Formal Complaint. The

Title IX Process will be concluded within a reasonably prompt manner, and no longer than 120 days after the filing of the Formal Complaint, provided that the Process may be extended for a good reason, including but not limited to the absence of a Party, a Party's Advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities. The procedure for applying for extensions is described below.

To file a Formal Complaint, a complainant must provide the Title IX Coordinator a written, signed complaint describing the facts alleged. Complainants are only able to file a Formal Complaint under this Policy if they are currently participating in, or attempting to participate in, the education programs or activities of CalArts, including as an employee.

Even if a Complainant does not wish to make a Formal Complaint, the Title IX Coordinator may nonetheless determine a Formal Complaint is necessary. CalArts will inform the Complainant of this decision in writing, and will receive all notices issued under this Policy and Process.

Nothing in the Title IX Policy, or other CalArts policies, prevents a Complainant from seeking the assistance of state or local law enforcement alongside the appropriate on-campus process.

## **B. Dismissal of Formal Complaint**

### **Mandatory Dismissal**

If any one of the elements outlined in VII and X are not met, the Title IX Coordinator, or designee, must dismiss the formal complaint and notify the parties that the formal complaint is being dismissed for the purposes of the Title IX Policy and may be addressed under other applicable campus conduct processes.

### **Discretionary Dismissal**

The Title IX Coordinator, or designee, may dismiss a formal complaint brought under the Title IX Policy, or any specific allegations raised within the formal complaint, at any time during the investigation or hearing if:

- A Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the Formal Complaint or any allegations therein;
- The Respondent is no longer enrolled or employed by CalArts; or
- CalArts is prevented from gathering sufficient evidence to reach a determination as to the Formal Complaint, including, but not limited to, a Complainant ceasing to participate in the process.

### **Notice of Dismissal**

Upon dismissal of a Formal Complaint, CalArts will send written notice of the dismissal and reason(s) as to why the dismissal occurred, simultaneously to the parties through their

CalArts email accounts. It is the responsibility of parties to maintain and regularly check their email accounts.

Parties are able to appeal the dismissal of a Formal Complaint by submitting their appeal in writing to the Title IX Coordinator or designee within ten (10) days of receiving a decision regarding the dismissal.

### **Collateral Misconduct**

The procedures below may be used to address alleged collateral misconduct by the Respondent arising from the investigation of or occurring in conjunction with reported misconduct (e.g., vandalism, physical abuse of another etc., when alleged violations of the Policy are being addressed at the same time. In such cases, the Title IX Coordinator may consult with Institute officials who typically oversee such conduct (e.g., human resources, student conduct etc.) to provide input as needed and/or applicable.

### **Notice of Removal**

Upon dismissal for the purposes of Title IX, the Institute retains discretion to utilize the Student Code of Conduct and/or CalArts Sexual Misconduct Policy to determine if a violation of the Student Code of Conduct and/or Non-Title IX Sexual Misconduct Policy has occurred. If so, the Institute will send written notice of the dismissal of the Formal Complaint under the Title IX Process and removal of the allegations to the applicable process.

### **C. Notice of Investigation and Allegations**

The Title IX Coordinator will provide written notice of the investigation and allegations (the “NOIA”) to the Respondent upon commencement of the Title IX Process. This facilitates the Respondent’s ability to prepare for the interview and to identify and choose an Advisor to accompany them. The NOIA is also copied to the Complainant, who is to be given advance notice of when the NOIA will be delivered to the Respondent.

### **Content of the Notice of Investigation and Allegations**

The Notice of Allegations will include the following:

- Notice of the Institute's Title IX Process and the *voluntary alternate resolution process if applicable*.
- Notice of the allegations will include the alleged covered sexual harassment, and pertinent details known at the time the Notice is issued, such as the identities of the Parties involved in the incident, if known, including the complainant; the conduct allegedly constituting covered sexual harassment; and the date and location of the alleged incident, if known.

A statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the Title IX process.

- A statement that the Parties may have an Advisor of their choice, who may be, but is not required to be, an attorney, as required.
- A statement that before the conclusion of the investigation, the Parties may inspect and review evidence obtained as part of the investigation that is directly related to the allegations

raised in the Formal Complaint, including the evidence upon which the Institute does not intend to rely in reaching a determination regarding responsibility, and evidence that both tends to prove or disprove the allegations, whether obtained from a Party or other source, as required.

Amendments and updates to the NOIA may be made as the investigation progresses and more information becomes available regarding the addition or dismissal of various charges.

Notice will be made in writing and may be delivered by one or more of the following methods: in person, mailed to the local or permanent address(es) of the Parties as indicated in official Institute records, or emailed to the Parties' CalArts-issued email or designated accounts. Once mailed, emailed, and/or received in-person, notice will be presumptively delivered.

#### **D. Right to an Advisor**

CalArts will provide the Parties equal access to Advisors; any restrictions on Advisor participation will be applied equally. The law permits one Advisor for each Party, of their choice. The Advisor of choice can be present with the Party for all meetings, interviews, and hearings within the resolution process, if they so choose.

The Parties may select whoever they wish to serve as their Advisor: as long as the Advisor is eligible and available. This could include a friend, family member, attorney or advocate. Choosing an Advisor who is also a witness in the process creates potential for bias and conflict-of-interest. A Party who chooses an Advisor who is also a witness can anticipate that issues of potential bias will be explored by the Hearing Officer. Witnesses are not entitled to Advisors within the process, though they can be advised externally.

The Institute has a long-standing practice of requiring students to participate in the process directly and not through an advocate or representative. Students participating as Complainant or Respondent in this process may be accompanied by an Advisor to any meeting or hearing to which they are required or are eligible to attend. The Advisor is not an advocate. Except where explicitly stated by this Policy, as consistent with the Final Rule, Advisors shall not participate directly in the process as per standard policy and practice of the Institute.

CalArts' obligations to investigate and adjudicate in a prompt timeframe under Title IX and other Institute policies apply to matters governed under this Policy, and CalArts cannot agree to extensive delays solely to accommodate the schedule of an Advisor. The determination of what is reasonable shall be made by the Title IX Coordinator or designee.

CalArts will not be obligated to delay a meeting or hearing under this process more than five (5) days due to the unavailability of an Advisor of Choice, and may offer the Party the opportunity to obtain a different Advisor or utilize one provided by CalArts.

#### **Notice of Meetings and Interviews**

CalArts will provide, to a Party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings with a Party, with sufficient time for the Party to prepare to participate.

## **E. Investigation**

### **General Rules of Investigation**

The Title IX Coordinator and/or an investigator(s) designated by the Title IX Coordinator will perform an investigation under a reasonably prompt timeframe of the conduct alleged to constitute covered sexual harassment after issuing the Notice of Allegations. The Institute and not the Parties, has the burden of proof and the burden of gathering evidence, i.e. the responsibility of showing a violation of this Policy has occurred.

CalArts cannot access, consider, or disclose medical records without a waiver from the Party (or parent, if applicable) to whom the records belong or of whom the records include information. CalArts will provide an equal opportunity for the Parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence (i.e. evidence that tends to prove and disprove the allegations), as described below.

### **Appointment of Investigators**

Once the decision to commence a formal investigation is made, the Title IX Coordinator identifies and appoints investigator(s). Investigations of complaints under these procedures are conducted by trained investigators who are specially trained to investigate allegations of Title IX Sexual Harassment. Investigations may be conducted by external investigators or by trained campus investigators. Investigators may work as a team with other Institute officers, as appropriate.

### **Investigation Process**

All investigations are thorough, reliable, impartial, prompt, and fair. Investigations involve interviews with all relevant Parties and witnesses who agree to participate; obtaining available, relevant evidence; and identifying sources of expert information, as necessary. All parties have the right to provide relevant evidence and to suggest the names of witnesses with relevant information. The investigator is charged with determining relevance.

All Parties have a full and fair opportunity, through the investigation process, to suggest witnesses and questions, to provide evidence and expert witnesses, and to fully review and respond to all evidence on the record.

### **Information-Gathering**

The investigator(s) will meet separately with the Complainant, respondent and identified witnesses. The investigator(s) will ask the Parties for all information related to the allegations, including names of witnesses and documentation related to the incident, which may include, for example, documented communications between Parties, receipts, photos, video, or other

information relevant to the allegations.

### **Evidence Review**

Prior to the completion of the investigation, the Parties will have an equal opportunity to inspect and review the evidence obtained through the investigation. The purpose of the inspection and review process is to allow each Party the equal opportunity to meaningfully respond to the evidence prior to conclusion of the investigation.

- Evidence that will be available for inspection and review by the Parties will be any evidence that is directly related to the allegations raised in the Formal Complaint. It will include any: Evidence that is relevant, even if that evidence does not end up being relied upon by the Institute in making a determination regarding responsibility;
- Inculpatory or exculpatory evidence (i.e. evidence that tends to prove or disprove the allegations) that is directly related to the allegations, whether obtained from a Party or other source.

The Institute will send the evidence made available for each Party and each Party's Advisor, if any, to inspect and review through an electronic format.

The Parties will have ten (10) days to inspect and review the evidence and submit a written response by email to the investigator. The parties may suggest additional relevant witnesses or other evidence, and may also offer questions to the investigator they would like the investigator to pose to the other party, or to a witness.

The investigator will consider the Parties' written responses before completing the Investigative Report.

This will be the final opportunity to provide evidence to the investigator. Evidence not offered will not be accepted at the hearing, absent a showing of good cause. Parties may request a reasonable extension as their designated extension request. This is a one time extension for ten (10) days.

### **Delays in the Investigation Process and Interactions with Law Enforcement**

The Institute may undertake a short delay in its investigation (several days to a few weeks) if circumstances require. Such circumstances include but are not limited to: a request from law enforcement to temporarily delay the investigation, the need for language assistance, the absence of Parties and/or witnesses, and/or accommodations for disabilities or health conditions.

The Institute will communicate in writing the anticipated duration of the delay and reason to the Parties and provide the Parties with status updates if necessary. The CalArts will promptly resume its investigation and resolution process as soon as feasible. During such a delay, CalArts will implement supportive measures as deemed appropriate.

The Institute action(s) or processes are not typically altered or precluded on the grounds that civil or criminal charges involving the underlying incident(s) have been filed or that criminal charges have been dismissed or reduced.

### **Role and Participation of Witnesses in the Investigation**

Failure of such witnesses to cooperate with and/or participate in the investigation or resolution process constitutes a violation of policy and may warrant discipline.

The investigator will arrange interview times with witnesses and consider options for witnesses, on summer break, or away from the Institute. may require individuals to be interviewed remotely. Interviews can take place in person or remotely via Zoom, WebEx similar technologies. The Investigator will take appropriate steps to reasonably ensure the security/privacy of remote interviews.

### **Recording of Interviews**

No unauthorized audio or video recording of any kind is permitted during investigation meetings. Per California Law, if Investigator(s) elect to audio and/or video record interviews, all involved Parties must be made aware of audio and/or video recording. The Title IX Coordinator will evaluate the request and make final determinations.

### **Investigative Report**

The Title IX Coordinator and/or an investigator designated by the Title IX Coordinator will create an Investigative Report that fairly summarizes relevant evidence, and will provide that Report to the Parties at least ten (10) days prior the hearing in an electronic format for each Party's review and provide any written response.

Only relevant evidence (including both inculpatory and exculpatory—i.e. tending to prove and disprove the allegations) will be referenced in the Investigative Report. The investigator may redact directly related information from the Investigative Report when that information is contained in documents or evidence that is/are otherwise relevant. The investigator will also provide the parties and their advisors in the matter a file of any directly related evidence that was not included in the report through a secured shared file.

## **G. Hearing Phase**

### **General Rules of Hearings**

Provided that the complaint is not resolved through an voluntary alternate resolution process, once the live hearing has concluded if agreed upon by both parties and the Title IX Coordinator, CalArts will not issue a disciplinary sanction arising from an allegation of covered sexual harassment without holding a live hearing.

### **Live Hearing**

The live hearing may be conducted with all Parties physically present in the same geographic

location, or, at CalArts' discretion, any or all Parties, witnesses, and other participants may appear at the live hearing virtually. CalArts will provide technology that will enable participants to simultaneously see and hear each other. At its discretion, CalArts may delay or adjourn a hearing based on technological errors not within a Party's control.

### **Recording Hearing**

Hearings (but not deliberations) are recorded by the Institute for purposes of review in the event of an appeal. The parties may not record the proceedings and no other unauthorized recordings are permitted. CaArts will provide a transcript of the hearing if an appeal is filed. The recording/transcript of the hearing will be available for review for ten (10) days.

The Hearing Officer(s), the parties, their Advisors, and appropriate administrators of the Institute will be permitted to watch/listen to the recording in a controlled environment determined by the Title IX Coordinator. No person will be given or be allowed to make a copy of the recording without permission of the Title IX Coordinator.

### **Participants in the Live Hearing**

Live hearings are not public, and the only individuals permitted to participate in the hearing are as follows:

#### **Complainant and Respondent (The Parties)**

- The Parties cannot waive the right to a live hearing, unless the issue is resolved under the voluntary alternate resolution process.
- The Institute may still proceed with the live hearing in the absence of a Party, and may reach a determination of responsibility in their absence, including through any evidence gathered during the investigation.
- CalArts will not threaten, coerce, intimidate, or discriminate against any Party in an attempt to secure the Party's participation.
- The Hearing Officer cannot draw an inference about the determination regarding responsibility based solely on a Party's absence from the live hearing or refusal to answer cross examination or other questions.

#### **The Hearing Officer**

- The Hearing Officer will consist of a single decision-maker who will facilitate and adjudicate the matter.
- No Hearing Officer will also have served as the Title IX Coordinator, Title IX investigator, or Advisor to any Party in the case, nor may any Hearing Officer serve on the appeals body in the case.
- No Hearing Officer will have a conflict of interest or bias in favor of or against Complainants or respondents generally, or in favor or against the Parties to the particular case.
- The Hearing Officer will be trained on topics including how to serve impartially, issues of relevance, including how to apply the rape shield protections provided for Complainants, and

any technology to be used at the hearing.

### **Advisor of Choice**

- The Parties have the right to select an Advisor of their choice, who may be, but does not have to be, an attorney.
- The Parties have a right to cross examination during the hearing.
- The Parties have a right to waive cross examination.
- The Parties are not permitted to conduct cross-examination; it must be conducted by the Advisor.
- If Parties choose to conduct cross examination, the Parties have the right to select an Advisor of their choice, who may be, but does not have to be, an attorney.
- If a Party does not select an Advisor, the Institute will select an Advisor to serve in this role for the limited purpose of conducting the cross-examination at no fee or charge to the Party, only if the Party wants to conduct cross-examination.
- The Advisor is not prohibited from having a conflict of interest or bias in favor of or against Complainants or respondents generally, or in favor or against the Parties to the particular case.
- The Advisor is not prohibited from being a witness in the matter.
- If a Party does not attend the live hearing, the Party's Advisor may appear and conduct cross-examination on their behalf.

### **Witnesses**

- Witnesses cannot be compelled to participate in the live hearing, and have the right not to participate in the hearing free from retaliation.

### **H. Hearing Procedures**

For all live hearings conducted under this Title IX Process, the procedure will be as follows:

- The Hearing Officer will open and establish rules and expectations for the hearing;
- The Parties will each be given the opportunity to provide opening, closing and impact statements;
- The Hearing Officer will ask questions of the Parties and Witnesses;
- Parties will be given the opportunity for live cross-examination through their advisor, after the Hearing Officer conducts its initial round of questioning;
- During the Parties' cross-examination, the Hearing Officer will have the authority to pause cross-examination at any time for the purposes of asking the Hearing Officer's own follow up questions; and any time necessary in order to enforce the established rules of decorum.
- The Hearing Officer shall have the right to impose any time limits as appropriate.
- Should a Party or the Party's Advisor choose not to cross-examine a Party or witness, the Party shall affirmatively waive cross-examination through a written or oral statement to the Hearing Officer. A Party's waiver of cross-examination does not eliminate the ability of the

Hearing Officer to use statements made by the Party.

### **I. Live Cross-Examination Procedure**

Each Party's Advisor will conduct live cross-examination of the other Party or Parties and witnesses. During this live-cross examination the Advisor will ask the other Party or Parties and witnesses relevant questions and follow-up questions, including those challenging credibility directly, orally, and in real time.

Before any cross-examination question is answered, the Hearing Officer will determine if the question is relevant. Cross-examination questions that are duplicative of those already asked, including by the Hearing Officer may be deemed irrelevant if they have been asked and answered.

### **J. Written Notice of Outcome**

The written Determination Regarding Responsibility will be issued simultaneously to all Parties to the Parties' CalArts email accounts. The Determination will include:

- Allegations
  - Identification of the allegations potentially constituting covered sexual harassment;
- Procedural Recitation
  - A description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the Parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;
- Findings of Fact
  - Findings of fact supporting the determination
- Conclusions
  - Conclusions regarding which section of the Institute's Title IX Policy, if any, the Respondent has or has not violated.
  - For Each Allegations:
    - A statement of, and rationale for, a determination regarding responsibility;
    - A statement of, and rationale for, any disciplinary sanctions the Institute impose on the respondent; and
    - A statement of, and rationale for, whether remedies designed to restore or preserve equal access to the Institute's education program or activity will be provided by the Institute to the Complainant; and
- Appeal
  - CalArts appeal procedures and permissible bases for appeal.

## APPENDIX D- Complaint Procedures Investigation and Hearing Process to be used for Non-Title IX Student-on-Student Prohibited Conduct

Upon receiving a report of Prohibited Conduct (other than conduct addressed under Section VII of this Policy), the Title IX Coordinator will promptly review the report, gather relevant information, and address any immediate health or safety concerns.

The Title IX Coordinator will then assess the nature and circumstances of the reported conduct to determine:

- whether the allegations, if true, would constitute a violation of this Policy;
- whether the matter falls within the scope of this Policy; and
- the appropriate resolution pathway under this Policy.

In determining how to proceed, the Title IX Coordinator will consider the Complainant's wishes and requested resolution, to the extent possible. Based on this assessment, and Complainant elects to move forward with an investigation and resolution process; the Title IX Coordinator will move forward with one of the following options:

### **A. Overview**

The Institute will assign a trained Investigator and a trained Hearing Officer to conduct an adequate, reliable, and impartial investigation and hearing in a reasonably prompt timeframe. The Institute reserves the right to utilize internal or external investigators and Hearing Officers (who will also serve as Decisionmakers).

Both Complainant and Respondent have the option to participate in the investigation and hearing, and both have the same rights during the resolution process including the right to an Advisor, to submit relevant witness names and evidence, and to review and respond to the evidence gathered by the Investigator prior to the finalization of the Investigation Report. Similarly, both Parties have the same rights in a hearing, including the right to review any evidence that will be considered by the Hearing Officer prior to the hearing.

### **B. Notice of Investigation**

Prior to the start of an investigation, the Complainant and Respondent will be provided a written Notice of Investigation communicating the initiation of an investigation. The notice will include, at a minimum:

- A copy of or a link to this Policy;
- Sufficient information available at the time to allow the Parties to respond to the allegations, including the identities of the Parties involved in the incident(s), a description of the facts alleged to constitute Prohibited Conduct, the type of Prohibited Conduct, and the date(s) and location(s) of the alleged incident(s), to the extent the information is available to

the Institute ;

- A statement that retaliation is prohibited;
- A statement that the Parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence or an investigation report that accurately describes the evidence;
- A statement that the Respondent is presumed not responsible for Prohibited Conduct until a determination is made at the conclusion of the resolution procedures. Prior to such a determination, the Parties will have an opportunity to present relevant and not otherwise impermissible evidence to a trained, impartial Decisionmaker;
- A statement that the Parties may have an Advisor of their choice who may be, but is not required to be, an attorney; and
- A statement that the Institute prohibits knowingly making false statements or knowingly submitting false information during the resolution procedure.

Amendments and updates to the NOIA may be made as the investigation progresses and more information becomes available regarding the addition or dismissal of various charges.

Notice will be made in writing and may be delivered by one or more of the following methods: in person, mailed to the local or permanent address(es) of the Parties as indicated in official Institute records, or emailed to the Parties' CalArts-issued email or designated accounts. Once mailed, emailed, and/or received in-person, notice will be presumptively delivered.

A Notice of Investigation is deemed to have been properly provided when written notification of the allegations and alleged Policy violation is sent to the assigned Institute email addresses of the Parties.

#### **D. Right to an Advisor**

CalArts will provide the Parties equal access to Advisors; any restrictions on Advisor participation will be applied equally. The law permits one Advisor for each Party, of their choice. The Advisor of choice can be present with the Party for all meetings, interviews, and hearings within the resolution process, if they so choose.

The Parties may select whoever they wish to serve as their Advisor: as long as the Advisor is eligible and available. This could include a friend, family member, attorney or advocate. Choosing an Advisor who is also a witness in the process creates potential for bias and conflict-of-interest. A Party who chooses an Advisor who is also a witness can anticipate that issues of potential bias will be explored by the Hearing Officer. Witnesses are not entitled to Advisors within the process, though they can be advised externally.

The Institute has a long-standing practice of requiring students to participate in the process directly and not through an advocate or representative. Students participating as Complainant or Respondent in this process may be accompanied by an Advisor to any meeting or hearing to which they are required or are eligible to attend. The Advisor is not an advocate. Except where explicitly stated by this Policy, as consistent with the Final Rule, Advisors shall not participate

directly in the process as per standard policy and practice of the Institute.

CalArts' obligations to investigate and adjudicate in a prompt timeframe under Title IX and other college policies apply to matters governed under this Policy, and CalArts cannot agree to extensive delays solely to accommodate the schedule of an Advisor. The determination of what is reasonable shall be made by the Title IX Coordinator or designee.

CalArts will not be obligated to delay a meeting or hearing under this process more than five (5) days due to the unavailability of an Advisor of Choice, and may offer the Party the opportunity to obtain a different Advisor or utilize one provided by CalArts.

### **Notice of Meetings and Interviews**

CalArts will provide, to a Party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings with a Party, with sufficient time for the Party to prepare to participate. Members of the Institute community are expected to provide truthful information in any report, interview, or proceeding under this Policy.

### **B. Individual Interviews**

The Investigator will hold individual interviews with parties and witnesses to ask relevant and not otherwise impermissible questions and follow-up questions, including questions exploring credibility. Only the investigator and the party or witness may attend each individual interview, and a party may be accompanied by their advisor. Additional attendees may be permitted at the discretion of the Title IX Coordinator in connection with an approved disability-related accommodation. All persons present at any time during any part of the investigation or resolution process are expected to maintain the privacy of the proceedings and not discuss or otherwise share any information learned as part of those proceedings, and may be subject to further CalArts discipline for failure to do so.

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

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

### **E. Timeline**

The Institute strives to complete the investigation process within ninety (90) days from the date of the Notice of Investigation, and complete the hearing within sixty (60) days of completion of

the Investigation Report.

The timeline for any part of the resolution process may be extended for good cause by the Title IX Coordinator. Both Parties shall be notified, in writing, of any extension to the timeline that is granted, the reason for the extension, and the new anticipated date of conclusion of the investigation and/or hearing. Good cause reasons for extension may include, but are not limited to, ensuring availability of witnesses and other participants and ensuring participants have sufficient time to review materials.

The Institute shall not unreasonably deny a student Party's request for an extension of a deadline related to a complaint during periods of examinations or school closures.

The Investigator shall establish, and communicate in writing, deadlines for submission of names of relevant witnesses and submission of evidence.

#### **F. Burden and Standard of Proof**

The Institute has the burden of conducting an investigation that gathers sufficient evidence to determine whether Prohibited Conduct occurred. This burden does not rest with any Party, and any Party may decide to limit their participation in part or all of the process, or to decline to participate. This does not shift the burden of proof away from the Institute and does not indicate responsibility. The standard of proof used in any investigation or resolution process is the preponderance of the evidence standard, which means more likely than not.

#### **Appointment of Investigators**

The Institute will assign a trained Investigator and a trained Hearing Officer to conduct an adequate, reliable, and impartial investigation and hearing in a reasonably prompt timeframe. The Institute reserves the right to utilize internal or external investigators and Hearing Officers (who will also serve as Decisionmakers).

#### **G. Individual Interviews**

The Investigator will hold individual interviews with Parties and Witnesses to ask relevant and not otherwise impermissible questions and follow-up questions, including questions exploring credibility, and to request of the Parties the names of relevant Witnesses and relevant evidence.

Only the Investigator and the individual who is being interviewed may attend each individual interview, except as follows. A Party's Advisor may attend these meetings, subject to the rules described in this Policy. Additional attendees may be permitted at the discretion of the Title IX Coordinator in connection with an approved disability-related accommodation.

All persons present at any time during any part of the investigation or resolution process are expected to maintain the privacy of the proceedings and not discuss or otherwise share any information learned as part of the resolution process, and may be subject to further Institute discipline or action for failure to do so.

The Investigator will gather from Parties, Witnesses, and other sources, all relevant evidence. The individual interviews may be conducted with all participants physically present in the same

geographic location, or, at the Institute's discretion, with all participants joining virtually through a video conferencing option. The Investigator will determine, in their sole discretion, whether Parties and Witnesses are likely to provide relevant information about the allegations, and has the sole discretion to determine which Parties and witnesses to call to an interview. The Investigator may conduct follow-up interviews as they deem appropriate.

The Institute will share conduct expectations to be observed at all times in any meeting or proceeding under this Policy. These expectations are applied equally to all Parties and Advisors. The Institute has the discretion to remove, with or without prior warning, from any meeting or proceeding an involved Party, witness, or Advisor who does not comply with these expectations and any other applicable Institute rules.

## **H. Investigator Determination of Relevance**

The Investigator will determine whether Parties and Witnesses are likely to provide relevant information about the allegations, and has the sole discretion to determine which Parties and witnesses to call to individual follow-up meetings.

The Investigator will review all evidence gathered through the investigation and determine what evidence is relevant and what evidence is impermissible regardless of relevance. Character evidence is not relevant evidence, and therefore will not be considered.

## **I. Evidence Review**

At the conclusion of all fact-gathering, the Investigator will provide each Party and their Advisor the opportunity to review all relevant and not impermissible evidence gathered. In the event that an audio or audiovisual recording is shared, the recording will only be made available at an in person and monitored meeting on campus, and will not otherwise be transmitted for review, so as to maintain the privacy of those participating in the process.

The purpose of the inspection and review process is to allow each Party the equal opportunity to meaningfully respond to the evidence prior to conclusion of the investigation, to submit any additional relevant evidence, and to submit the names of any additional Witnesses with relevant information. This is the final opportunity to offer evidence or names of Witnesses. Evidence not provided during the investigation process will not be considered by the Decisionmaker. Given the sensitive nature of the information provided, the Institute will facilitate this review in a secure manner. None of the Parties nor their Advisors may copy, remove, photograph, print, image, videotape, record, or in any manner otherwise duplicate or remove the information provided. Any student or employee who fails to abide by this may be subject to discipline. Any Advisor who fails to abide by this may be subject to discipline and/or may be excluded from further participation in the process.

The Parties will have a minimum of five (5) days to inspect and review the evidence and submit a written response to the Investigator. The Title IX Coordinator shall have the discretion to extend the evidence review period based on the volume and nature of the evidence or for other good cause.

When deemed appropriate by the Investigator, the Investigator shall then conduct any additional fact-gathering as may be necessary. If new, relevant evidence was submitted as part of evidence review, or is gathered during this second fact-gathering period, the new relevant evidence will be made available for review by the Parties and their Advisors. The Parties shall have five (5) days to provide a response to the newly-gathered evidence. No additional new evidence will be accepted as part of any response, except that the Investigator shall have the discretion to accept relevant evidence that was not previously available or known to exist, and that was not previously discoverable with the exercise of reasonable diligence. The Investigator will consider the Parties' written responses before finalizing the investigation report.

## **J. Investigation Report**

The Investigator will prepare a written report (Investigation Report) summarizing all of the relevant evidence gathered and all steps taken during the investigation process. The Investigator will also make available all relevant evidence gathered during the investigation, as well as all interview notes.

## **K. Conclusion of Investigation, Notice of Hearing**

Once the Investigation Report is final, the report together with all attachments shall be made available to each Party and to their Advisor, if any, in a secure manner (e.g., by providing digital copies of the materials through a secure file system). Each Party shall have ten (10) days to provide a response. Each Party's response, if any, shall be provided to the Hearing Officer.

Each Party shall be provided with a Notice of Hearing, which shall include information regarding the date of the hearing, the identity of the Hearing Officer, the process to be used at the hearing of Witnesses, or questions to be reviewed by the Hearing Officer to ensure they are relevant to the allegations.

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

## **L. Hearing Procedures**

### **1. Overview**

The purpose of a hearing is for a Hearing Officer to determine whether the conduct occurred as alleged, and if so, whether that conduct violates this Policy. The Institute expects that all individuals who participate in the hearing process do so truthfully and that all who have a responsibility for carrying out one or more aspects of the hearing process do so fairly and without prejudice or bias. Hearings may be conducted in person or via videoconferencing. The Title IX Coordinator may determine that the hearing continue in the absence of the Complainant, Respondent, or any witness.

The Institute will appoint a Hearing Officer who will determine whether a violation of this Policy or other Institute policy has occurred. The Hearing Officer shall be an individual other than the Investigator or Title IX Coordinator. The Hearing Officer shall have the authority to determine the relevance of evidence submitted, and of questions asked, to limit the time allotted to any phase of the hearing, and/or to limit the time allotted to the full hearing. The Hearing Officer shall not draw an inference about the determination regarding responsibility based solely on a Party's absence from the hearing or refusal to answer questions posed.

Each hearing shall be recorded by the Hearing Officer and this recording will be considered the only official recording of the hearing. No other individual is permitted to record while the hearing is taking place. The recording is the property of the Institute but shall be available for listening until the conclusion of the Appeals process to the Complainant, the Respondent, their respective Advisors, the Hearing Officer, and the Appeal Officer by contacting the Title IX Coordinator.

## **2. Prior to the Hearing**

The Complainant, Respondent, and the Hearing Officer all have the right to call Witnesses. Witnesses participating in the hearing must have information relevant to the allegations. Parties who wish to call Witnesses must submit the name of the witness at least seven (7) days in advance of the hearing. Only Witnesses who participated in the investigation will be permitted to participate in the hearing, unless the witness was otherwise unknown or not known to have relevant information during the course of the investigation. If the Witness did not participate in the investigation, the Party must also provide the reason the Witness was not interviewed by the Investigator, and what information the Witness has that is relevant to the allegations. The Hearing Officer will then determine whether the Witness has relevant information and if there is sufficient justification for permitting the Witness to participate. The Hearing Officer may instead send the case back to the Investigator to interview the newly proffered Witness prior to the hearing taking place.

A list of Witnesses approved by the Hearing Officer will be provided to the Parties at least five (5) days prior to the hearing.

Within a minimum of three (3) days prior to the hearing, each Party shall submit to the Hearing Officer a preliminary list of questions they wish to pose to the other Party, or to a Witness. If the Hearing Officer determines that any questions are not relevant or seek otherwise impermissible evidence, the Hearing Officer shall exclude the question and explain the reason for the exclusion of the question at the hearing. Questions that are unclear, repetitive, or harassing of the Party or Witness being questioned will not be permitted. The Hearing Officer must give a Party an opportunity to clarify or revise any question that the Hearing Officer has determined is unclear or harassing and, if the Party sufficiently clarifies or revises a question, and the question is relevant, the question will be asked.

## **3. Advisor**

Each Party is entitled to be accompanied by one Advisor at the hearing. The role of the Advisor is to assist the Party with understanding and navigating the proceedings. The Advisor may not advocate for, respond for, or otherwise speak on behalf of, the Complainant or Respondent during the hearing. In the event that a Party does not appear for the Hearing, the Advisor for that Party may not participate in the hearing and or submit questions to be asked on behalf of the Party.

An Advisor of the Institute's choosing shall be provided for any Party who wants an Advisor but does not have an Advisor.

#### **4. Hearing Participation Guidelines**

The Hearing Officer shall have the authority to maintain order at the hearing, including responding to disruptive or harassing behaviors, and when necessary to adjourn the hearing or exclude the disruptive person. In the event the Hearing Officer removes an Advisor, the Hearing Officer will appoint another Advisor for the remainder of the hearing. The Hearing Officer also has the authority to determine whether any questions are not relevant, abusive, intimidating, or disrespectful, and will not permit such questions.

#### **5. Statements, Questioning and Presentation of Evidence**

Each Party is allowed to be present throughout the hearing and will be permitted to provide an introductory statement. Following introductory statements, the Hearing Officer will call Parties and Witnesses for questioning. The order of questioning shall be determined by the Hearing Officer. The Hearing Officer will pose questions to the Parties and Witnesses including the questions the Hearing Officer approved to be asked that were submitted by each Party prior to the hearing. Each Party will then be provided an opportunity to submit follow up written questions to the Hearing Officer for the Hearing Officer to pose to the other Party or witnesses. If the Hearing Officer determines that any questions are not relevant to the allegations, or seek otherwise impermissible evidence, the Hearing Officer shall exclude the question and explain the reason for the exclusion of the question at the hearing, and offer an opportunity to the Party to reframe or resubmit the question. Questions that are unclear or harassing of the Party or Witness being questioned will not be permitted. The Investigator must give a Party an opportunity to clarify or revise any question that the Investigator has determined is unclear or harassing and, if the Party sufficiently clarifies or revises a question, the question will be asked.

Only the Hearing Officer is permitted to ask questions of Parties and Witnesses. Neither Party may directly question the other Party or Witness. Advisors are not permitted to directly or indirectly question the other Party or Witness.

Following the questioning of Parties and Witnesses, each Party will be permitted to provide a closing statement.

#### **N. Hearing Officer's Determination and Written Determination Report**

Following the hearing, the Hearing Officer shall prepare a written determination report. All Findings shall be made by a preponderance of the evidence, meaning more likely than not. To the extent credibility determinations need to be made, such determinations shall not be based on a person's status as a Complainant, Respondent, or witness.

If the Hearing Officer determines that the Respondent engaged in Prohibited Conduct, the Hearing Officer will determine the Sanctions for the Respondent, following consultation with the Associate Dean of students (or designee) and the Title IX Coordinator.

The Hearing Officer's written determination report will include:

- A description of the allegations of Prohibited Conduct;
- Information about the policies and procedures used to evaluate the allegations; • An evaluation of the relevant and not otherwise impermissible evidence; • Findings of fact for each allegation, with the rationale;
- The determination as to whether a violation of this Policy or any other Institute policy occurred, including which section(s) of this Policy or other Institute policy the Respondent has or has not violated, and the rationale for the determination;
- If the Hearing Officer determines that a violation of this Policy or any other Institute policy occurred, the Sanctions that the Institute will impose on the Respondent; whether remedies other than the imposition of Sanctions will be provided to the Complainant and, to the extent appropriate, other students identified by the Institute to be experiencing the effects of the Prohibited Conduct; and
- The procedures and permissible bases for the Complainant and Respondent to appeal.
- The Hearing Officer's report shall be provided to the Title IX Coordinator. The Title IX Coordinator will communicate the findings to each Party and their Advisor (should the Party wish the Advisor to receive it), along with a copy of the Hearing Officer's written determination report and the procedures for appeal. The Title IX Coordinator also will provide written communication to the Complainant regarding any remedies deemed appropriate by the Title IX Coordinator. The details of any remedy will only be provided to the Respondent when necessary to implement the remedy.

## APPENDIX E - Investigation Process to be used for Employee Prohibited Conduct When a Student is not a Party

After receiving a report of Prohibited Conduct (other than Prohibited Conduct processed under Section VII of this Policy), the Title IX Coordinator & Title IX Coordinator will gather information about the reported conduct and respond to any immediate health or safety concerns raised by the report. The Title IX Coordinator will assess the nature and circumstances of the report to determine whether the reported conduct raises a potential Policy violation, whether the reported conduct is within the scope of this Policy, and the appropriate manner of resolution under this Policy.

The Title IX Coordinator will consider the wishes and request of the Complainant in determining the appropriate manner of resolution and will proceed with one of the following options:

1. Proceed with an investigation and resolution under the procedures outlined below. This will occur when a Complainant requests an investigation, and the Title IX Coordinator determines that it is appropriate and that the alleged conduct falls under this Policy or determines that an investigation must be pursued even when a Complainant requests that no investigation be pursued or when Alternative Resolution is not appropriate or available.
2. Proceed with an Alternative Resolution process as outlined in APPENDIX B. This will always require the consent of the Complainant. The consent of the Respondent is also required when the form of resolution involves the Respondent. If the conduct is outside the scope of this Policy, refer the matter to another appropriate office, committee, or department for resolution under the relevant policy.
3. Close the report with the option to re-open it at another time if the Complainant requests resolution or if the Institute subsequently determines there is a need to further investigate the alleged misconduct.

### **A. Complaints**

When the Institute receives notice of a good-faith report of alleged Prohibited Conduct under this Policy (excluding conduct processed under Section VI), and:

- The reported conduct involves a student, employee, participant in the Institute's education programs or activities, or another individual over whom the Institute has disciplinary authority and who meets the definition of Respondent under this Policy; and
- The Complainant elects to move forward with an investigation and resolution process; the Institute will follow the procedures set forth below:

## **B. Notice of Allegations**

Except under exceptional circumstances, such as where advance notice would inhibit the integrity of the fact-finding process the parties will receive written notice of allegations communicating the initiation of an investigation .

The notice will include, at a minimum:

- A copy of or link to this Policy;
- Sufficient information available at the time to allow the Parties to respond to the allegations, including the identities of the Parties involved in the incident(s), a description of the facts alleged to constitute Prohibited Conduct, the type of Prohibited Conduct, and the date(s) and location(s) of the alleged incident(s), to the extent the information is available to the Institute ;
- A statement that retaliation is prohibited;
- A statement that the Parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence or an investigation report that accurately describes the evidence;
- A statement that the Respondent is presumed not responsible for Prohibited Conduct until a determination is made at the conclusion of the resolution procedures. Prior to such a determination, the Parties will have an opportunity to present relevant and not otherwise impermissible evidence to a trained, impartial Investigator/Decisionmaker;
- A statement that the Parties may have an Advisor of their choice
- A statement that the Parties may have a Support Person of their choice; and ;
- A statement that the Institute prohibits knowingly making false statements or knowingly submitting false information during the resolution procedure.

Should additional allegations be brought forward, or information regarding location or date of the incident(s) change or become known, a revised written Notice of Investigation shall be provided to both Parties.

### **Investigation**

The Institute will assign a trained Investigator who will also act as the Decisionmaker to conduct an adequate, reliable, and impartial investigation in a reasonably prompt timeframe. The Institute reserves the right to utilize internal or external investigators/Decisionmakers.

Both Complainant and Respondent have the option to participate in the investigation, and both have the same rights during the resolution process including the right to an Advisor and/or Support Person, to submit relevant witness names and evidence, and to review the evidence gathered by the Investigator prior to the Investigator/Decisionmaker making any Findings.

### **Written Notice of Interview**

The Institute will provide to a Party or Witness whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all interviews or proceedings with sufficient time to prepare to participate. Members of the Institute community

are expected to provide truthful information in any report, interview, or proceeding under this Policy.

### **Individual Interviews**

The Investigator will hold individual interviews with Parties and Witnesses to ask relevant and not otherwise impermissible questions and follow-up questions, including questions exploring credibility, and to request of the Parties the names of relevant Witnesses and relevant evidence. Only the Investigator and the individual who is being interviewed may attend each individual interview, except as follows. A Party's Advisor and Support Person may attend these meetings, subject to the rules described in this Policy. Additional attendees may be permitted at the discretion of the Title IX Coordinator in connection with an approved disability-related accommodation. An employee who is a member of a collective bargaining unit may be accompanied by a union representative. All persons present at any time during any part of the investigation or resolution process are expected to maintain the privacy of the proceedings and not discuss or otherwise share any information learned as part of the resolution process, and may be subject to further Institute discipline or action for failure to do so. The Investigator will then gather from Parties, Witnesses, and other sources, all relevant evidence.

At the initial interview with each Party, the Investigator will invite the Party to provide, in writing and in advance of the individual interviews, questions to ask of the other Party(ies) and Witnesses that are relevant and not otherwise impermissible, including questions exploring credibility. Upon receiving the question list, the Investigator will determine whether a proposed question is relevant and not otherwise impermissible and will explain, in writing in advance of the individual interview, any decision to exclude a question as not relevant or otherwise impermissible. Questions that are unclear or harassing of the Party or Witness being questioned will not be permitted. The Investigator must give a Party an opportunity to clarify or revise any question that the Investigator has determined is unclear or harassing and, if the Party sufficiently clarifies or revises a question, the question will be asked.

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

The Institute will share conduct expectations to be observed at all times in any meeting or proceeding under this Policy. These expectations are applied equally to all Parties, Advisors, and Support Persons. The Institute has the discretion to remove, with or without prior warning, from any meeting or proceeding an involved Party, witness, Advisor, or Support Person who does not comply with these expectations and any other applicable Institute rules.

## **Investigator Determination of Relevance**

The Investigator will determine whether Parties and witnesses are likely to provide relevant information about the allegations, and has the sole discretion to determine which Parties and Witnesses to call to individual follow-up meetings.

The Investigator will review all evidence gathered through the investigation and determine what evidence is relevant and what evidence is impermissible regardless of relevance. Character evidence is not relevant evidence, and therefore will not be considered.

## **Written Determination and Outcome**

As soon as practicable after the conclusion of the investigation, the Investigator(s) will issue a written determination to the Title IX Coordinator. The written determination will contain investigation findings, which includes factual findings and a determination of whether this Policy was violated because Prohibited Conduct was established by a preponderance of the evidence.

The Investigator/Decisionmaker shall prepare a written report which shall include: •

- A description of the allegations of Prohibited Conduct;
- Information about the policies and procedures used to evaluate the allegations;
- An evaluation of the relevant and not otherwise impermissible evidence; • Findings of fact for each allegation, with the rationale;
- A determination as to whether a violation of this Policy or any other Institute policy occurred, including which section(s) of this Policy or other Institute policy the Respondent has or has not violated, and the rationale for the determination;
- The procedures and permissible bases for the Complainant and Respondent to appeal.

The report shall be provided to the Title IX Coordinator. In the event that the Investigator/Decisionmaker has determined that a violation of Institute policy has occurred, the Title IX Coordinator shall then provide the report to the appropriate Sanctioning Officer to determine the sanction, and appropriate remedy(ies) for the Complainant and any impacted parties.

The determination regarding responsibility becomes final either on the date that the Institute provides the Parties with the written determination of the result of any appeal, or, if no Party appeals, the date on which an appeal would no longer be considered timely.

## APPENDIX F –APPEALS APPLICABLE TO ALL PROCEDURES

Dismissals of complaints and determinations made in the investigation and decisionmaking processes may be appealed in writing by either party. Appeals will be sent to the Title IX Coordinator, who will then send the appeal to the designated Appeals Officer assigned to conduct a written review of the appeal(s) and to make a final determination. Appeals must be in writing and filed within ten (10) days following the issuance of the Notice of Outcome.

When an appeal is filed, the other party shall be notified and provided with a copy of the filed appeal within one (3) days and have five (5) days to respond to the appeal in writing. Any party's decision not to submit a reply to an appeal is not evidence that the non-appealing party agreed with the appeal.

Within three (3) days of an Appeal Officer being assigned, either party may provide written objection to the Appeal Officer on the basis of an actual bias or conflict of interest. Any objection is to be sent to the Title IX Coordinator. Should the Title IX Coordinator determine that there is an actual bias or conflict of interest, the Title IX Coordinator will appoint another Appeal Officer.

### **Appeals may be filed only on the following three grounds:**

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

The Appeal Officer will make a determination regarding the appeal and communicate that decision, along with a rationale for the decision to the Title IX Coordinator who will communicate the Appeal Officer's decision to the parties. The decision of the Appeals Officer is final.

## APPENDIX G –REMEDIES & SANCTIONS FOR ALL PROHIBITED CONDUCT

Remedies must be designed to restore or preserve equal access to CalArts' education program or activity. The Title IX Coordinator is responsible for effective implementation of any remedies.

A student found responsible for a violation of this Policy will be subject to sanction(s) regardless of whether legal proceedings involving the same incident are underway or anticipated. An employee found responsible for a violation of this Policy will be subject to sanction(s) up to and including termination of employment. Sanctions or disciplinary steps not listed here may be imposed in consultation with the Title IX Coordinator.

The form of sanction or discipline used will depend on the nature of the offense, as well as any prior disciplinary history. Such discipline or sanction will be imposed pursuant to and in accordance with any and all applicable CalArts rules, policies, and procedures. Factors considered when determining a sanction/responsive action may include:

1. The nature, severity of, and circumstances surrounding the violation;
2. An individual's disciplinary history;
3. Previous grievances or allegations involving similar conduct;
4. The need for sanctions/responsive actions to bring an end to the sex discrimination or retaliation;
5. The need for sanctions/responsive actions to prevent the future recurrence of sex discrimination or retaliation;
6. The need to remedy the effects of the sex discrimination or retaliation on the victim and the campus community.

Student sanctions imposed are implemented when the decision is final (after an appeal, or, if there was no appeal, after the appeals period expires).

Faculty found responsible for violating this Policy may be referred to the appropriate academic official for any other applicable processes.

Responsive actions for a student who has engaged in harassment and/or retaliation include, but are not limited to:

- *Warning*: A formal statement that the conduct was unacceptable and a warning that further violation of any Institute policy, procedure, or directive will result in more severe sanctions/educational outcomes.
- *Required Counseling*: A mandate to meet with and engage in either Institute-sponsored or external counseling to better comprehend the misconduct and its effects.
- *Probation*: A written reprimand for violation of Institute policy, providing for more severe disciplinary sanctions in the event that the student is found in violation of any Institute policy, procedure, or directive within a specified period of time. Terms of the probation will be articulated and may include denial of specified social privileges,

- exclusion from Institute activities, exclusion from designated areas of campus, no-contact orders, and/or other measures deemed appropriate.
- *Suspension*: Termination of student status for a definite period of time not to exceed two years and/or until specific criteria are met. Students who return from suspension are automatically placed on probation through the remainder of their tenure as a student at CalArts.
  - *Expulsion*: Permanent termination of student status and revocation of rights to be on campus for any reason or to attend CalArts sponsored events.
  - *Withholding Diploma*: CalArts may withhold a student's diploma for a specified period of time and/or deny a student participation in commencement activities if the student has an allegation pending or as a sanction if the student is found responsible for an alleged violation.
  - *Revocation of Degree*: CalArts reserves the right to revoke a degree previously awarded from the Institute for fraud, misrepresentation, and/or other violation of Institute policies, procedures, or directives in obtaining the degree, or for other serious violations committed by a student prior to graduation.
  - *Other Actions*: In addition to or in place of the above sanctions, CalArts may assign any other sanctions as deemed appropriate.

Responsive actions for an employee who has engaged in harassment and/or retaliation include, but are not limited to:

- *Warning—Verbal or Written*
- *Performance Improvement Plan/Management Process*
- *Enhanced supervision, observation, or review*
- *Required Counseling*
- *Required Training or Education*
- *Probation*
- *Denial of Pay Increase/Pay Grade*
- *Loss of Oversight or Supervisory Responsibility*
- *Demotion*
- *Transfer*
- *Reassignment*
- *Assignment to new supervisor*
- *Restriction of stipends, creative leave, and/or professional development resources*
- *Suspension with pay*
- *Suspension without pay*
- *Termination*
- *Other Actions*: In addition to or in place of the above sanctions/employment actions, CalArts may assign any other employment action(s) as deemed appropriate.

### **Failure to Complete Sanctions/Comply with Responsive Actions**

All responding parties are expected to comply with conduct sanctions/responsive actions/corrective actions within the timeframe specified by CalArts. Responding parties needing an extension to comply with their sanctions must submit a written request to the Title IX Coordinator stating the reasons for needing additional time.

Failure to follow through on conduct sanctions/responsive actions/corrective actions by the date specified, whether by refusal, neglect or any other reason, may result in additional sanctions/responsive actions/corrective actions, such as suspension, expulsion, or termination. Students who fail to comply will be referred to the Office of Community Rights and Responsibilities in accordance with CalArts' Student Code of Conduct. Employee matters will be referred to Human Resources.

## APPENDIX H – RESOURCES

CalArts is committed to treating all members of the community with dignity, empathy, and respect. Any individual who is affected by Sexual Harassment and/or Retaliation, 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.

### **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, a qualified counselor, or an off-campus or on-campus resource.

### **In an Emergency**

If there is an immediate danger or need for an emergency police or medical response on campus, call Campus Safety (You are not required to disclose information that you are not ready to share) at 661-222-2702 and/or the Los Angeles County Sheriff at 911. For persons off campus, dial 911.

### **Seeking Medical Care**

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.

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 partners with UCLA Rape Treatment Center (RTC), which provides free, comprehensive, state-of-the-art treatment for sexual assault victims 24 hours a day, including highly specialized emergency medical care, forensic/evidentiary services, counseling, advocacy, and information about rights and options to help victims make informed choices and decisions.

[Rape Treatment Center at UCLA Santa Monica Medical Center](#)

*RTC provides free transportation to anyone in need of assistance.*

1250 16th Street

Santa Monica, CA 90404

424-259-7208

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

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

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

**Off-Campus Community and National Confidential 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.

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 Title IX Response Team may provide additional assistance in finding additional resources.

### **National Domestic Violence Hotline**

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

800-799-SAFE (7233)

### **Rape Treatment Center (RTC) at UCLA Santa Monica Medical Center**

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.

1250 Sixteenth Street  
Santa Monica, CA 90404  
424-259-7208

### **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 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>

### **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.

661-253-0258 or 818-886-0453

### **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  
18300 Roscoe Boulevard  
Northridge, CA 91325  
818-908-8632

### **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. Multilingual 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

### **The National Center for Victims of Crimes**

Through collaboration with local, state, and federal partners, the National Center advocates for a national commitment to help victims of crime rebuild their lives. They are dedicated to serving individuals, families, and communities harmed by crime.

800-FYI-CALL (394-2255)

800-211-7996 (TTY Line)

Hours: Monday-Friday, 8:30 am-8:30 pm Eastern

### **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.

24/7 LA Rape & Batterling Hotline 213- 626-3393, 310-392-8381, 626-793-3385