

Sexual Violence

Table of Contents

Policy.....	2
Consent.....	2
Scope.....	3
Prohibition against Discrimination.....	3
Prohibition against Retaliation.....	4
Title IX Coordinator & Deputy Coordinators.....	4
Privacy v. Confidentiality.....	4
Options for Immediate Assistance & Preservation of Evidence.....	5
Immediate & On-going Campus/JPL Support.....	6
Reporting to Caltech.....	7
Reports Involving Minors.....	8
Anonymous Reporting.....	8
Notification of Law Enforcement.....	9
Requests for Confidentiality.....	9
Timely Warnings.....	10
Clery Reporting.....	10
Contacting the Office of Civil Rights.....	10
Informational Resources.....	10
Procedures.....	11
Interim Measures.....	11
Prohibition against Retaliation.....	12
False Reports.....	12
Amnesty for Student Alcohol or Drug Use.....	12
Making a Report to Caltech.....	12
Initial Title IX Assessment.....	13
Administrative Resolution.....	14
Formal Investigation.....	14
Findings and Conclusions.....	16
Appeals.....	17
Further Complaints.....	17

Policy

All members of the Caltech community have the right to be treated, and the responsibility to treat others, with dignity and respect. These principles are fundamental to the educational and intellectual mission of Caltech. Consistent with these principles, it is the policy of Caltech to provide a work and academic environment free of sexual violence.

All forms of sexual violence are considered to be serious offenses. A broad range of behaviors can be classified as sexual violence. Sexual violence can be committed by individuals of any gender, regardless of an individual's sexual orientation or gender identification, and can occur between individuals of the same gender or different genders, strangers or acquaintances, as well as people involved in intimate or sexual relationships. Sexual violence is defined as physical sexual acts perpetrated forcibly and/or against a person's will, or where the person is incapable of giving consent. Sexual violence includes rape, sexual assault, sexual assault with an object, forced sodomy, statutory rape, forced oral contact, sexual battery, sexual coercion, sexual intimidation, and the threat of sexual assault. Sexual violence for purposes of this policy also includes sexual exploitation, stalking, domestic violence and dating violence.

Sexual exploitation occurs when an individual(s) takes sexual advantage of another for his or her own or another's benefit or advantage. Stalking is a course of conduct directed at an individual that would cause a reasonable person to fear for his or safety or the safety of others, or suffer substantial emotional distress. Dating violence is any act of violence, or threatened act of violence, against a person who is (or has been) in a romantic or intimate relationship with the person accused of sexual violence. Domestic violence is violence committed by a current or former spouse, by a person with whom the victim shares a child, who is or has cohabitated with the victim, or by person similarly situated to a spouse, and by any other person against someone who is protected from that person's acts under domestic or family violence laws.

Consent

Consent is a crucial component of the Caltech policy. Consent is the affirmative, conscious, voluntary, informed, and uncoerced agreement through words and/or actions, which a reasonable person would interpret as a willingness to participate in mutually agreed-upon sexual activity. Sexual activity should occur only when all participants willingly and affirmatively choose to engage in particular acts. It is the responsibility of the initiator of the sexual activity, at each stage, to obtain effective consent. The use of intimidation, coercion, threats, force, or violence negates any consent obtained.

Indications that consent is not present include, but are not limited to:

- A verbal "no" (no matter how indecisive) or resistance (no matter how passive)
- When physical force is used, or when there is a reasonable belief of the threat of physical force
- When any kind of coercion is present

Affirmative consent must be ongoing throughout a sexual activity and can be revoked at any time. The existence of a dating relationship between the persons involved, or the fact of past sexual relationship between them, should never by itself be assumed to be an indicator of consent. Consent cannot be inferred from silence, passivity or lack of active resistance. Consent cannot be inferred from consent to a prior or different activity. If consent is revoked, the other party must immediately stop whatever sexual activity is occurring.

incapacitated by drugs, alcohol, or medication so that the complainant could not understand the fact, nature or extent of the sexual activity; or if they are unable to communicate due to a mental or physical condition. A person is considered to be incapacitated when that person lacks the ability to make informed, rational judgments and decisions to engage in sexual activity. States of incapacitation include, but are not limited to, unconsciousness, sleep, and blackouts. Where alcohol or drugs are involved, incapacitation is defined with respect to how the alcohol or other drugs consumed affects a person's decision-making capacity, awareness of consequences, and ability to make fully informed judgments.

Being intoxicated or otherwise impaired does not diminish one's responsibility to obtain consent. The question is whether or not the person who initiated the sexual activity knew or whether a sober and reasonable person in the same position should have known whether the other person gave effective consent.

Scope

This policy applies to all students, faculty, staff, postdoctoral scholars, volunteers, interns, vendors, independent contractors, visitors and any other individuals regularly or temporarily employed, studying, living, visiting, or otherwise participating in Caltech's educational programs and activities or conducting business or having any official capacity with Caltech or on Caltech property.

This policy applies to sexual violence occurring on Caltech property and at Caltech sponsored events and in Caltech programs that take place off campus.

Prohibition against Discrimination

Sexual violence is a form of sex discrimination and is prohibited by Title IX of the Education Code and other federal and state laws. Caltech will not tolerate sexual violence, and is committed to educating the community in ways to prevent its occurrence.

Any Caltech community member who has experienced sexual violence, whether by a stranger or non-stranger, is encouraged to immediately report the incident to Caltech as well as local law enforcement, and to seek assistance from a medical provider. Reports to Caltech and law enforcement may be pursued simultaneously.

Members of the Caltech community are encouraged to report sexual violence regardless of where the incident occurred, or who committed it. Even if Caltech does not have jurisdiction over the person accused of sexual violence, Caltech will still take prompt action to provide for the safety and wellbeing of the individual reporting and the campus community. Caltech will promptly investigate complaints to determine what occurred and take reasonable steps to remedy the effects of the sexual violence and prevent recurrence of the behavior. Caltech will provide assistance in notifying law enforcement if the individual who experienced sexual violence so chooses. An individual who has experienced sexual violence also has the right to decline to notify law enforcement or Caltech. Caltech has an obligation under State law to report incidents of sexual violence to law enforcement. Caltech will not report identifying information about the victim without the victim's consent after being notified of his or her right to have personally identifying information withheld. If the victim does not consent to be identified, personally identifying information about the accused also will not be provided.

Prohibition against Retaliation

No member of the Caltech community will be retaliated against for making a good-faith report of alleged harassment or for participating in an investigation, proceeding, or hearing conducted by

Caltech, or by a state or federal agency. Overt or covert acts of retaliation, reprisal, interference, discrimination, intimidation or harassment against an individual or group for exercising their rights under Title IX is unlawful. Retaliation against any member of the Caltech community for exercising their rights under Title IX or this policy is strictly prohibited. Caltech will take steps to prevent retaliation and will take prompt and appropriate corrective action if retaliation occurs. Individuals who violate this policy may be subject to disciplinary action up to and including termination or expulsion.

Title IX Coordinator & Deputy Coordinators

The Title IX Coordinator is responsible for Caltech's overall response to sex discrimination, sexual harassment and sexual violence. The Title IX Coordinator oversees all Title IX complaints and identifies and addresses any patterns of systemic problems that arise. The Title IX Coordinator also oversees the application of Caltech's policies and implementation of the processes and procedures to resolve complaints of sexual violence to ensure consistent treatment of parties involved and prompt and equitable resolution of complaints. The Title IX Coordinator is supported by three Deputy Coordinators. The Title IX Coordinator and Deputy Coordinators can answer questions regarding Title IX.

Title IX Coordinator

Felicia Hunt (faculty, staff, JPL, postdoctoral scholars, and students)

Phone: (626) 395-6346

E-mail: TitleIXCoordinator@caltech.edu

Office: 230 Center for Student Services

Contact information for the Deputy Title IX Coordinators is available in the attached procedures and at <http://titleix.caltech.edu/coordinator>.

Privacy v. Confidentiality

Caltech is committed to protecting the privacy of all individuals involved in a report of sexual violence. Caltech takes reasonable and appropriate steps to preserve the complainant's and respondent's privacy and protect the confidentiality of information. All Caltech employees who are involved in the Title IX response, including the Title IX Coordinator, Deputy Coordinators, and investigators, receive specific instruction about respecting and safeguarding private information. Throughout the process, every effort is made to protect the privacy interests of all individuals involved, in a manner consistent with the need for a thorough review of the matter.

Privacy generally means that information related to a report of sexual violence will only be shared with those individuals who have a "need to know" in order to assist in resolving the matter. These individuals will be discreet and will respect the privacy of all individuals involved.

Confidentiality means that information shared by an individual with designated campus or community professionals cannot be revealed to any other individual without the express permission of the individual. These campus and community professionals are listed under "Confidential Resources" in the policy. These individuals are prohibited from breaking confidentiality unless there is an imminent threat of harm to self or others or as otherwise legally required. When a report involves suspected abuse of a minor under the age of 18, these confidential resources are required by state law to notify child protective services and/or local law enforcement.

Options for Immediate Assistance & Preservation of Evidence

Because sexual violence may involve physical trauma and is a crime, you are urged to seek medical treatment as soon as possible. You are strongly encouraged to preserve all physical evidence of the assault. This may be needed to prove criminal sexual violence, or for obtaining a protective order. Do not shower, bathe, douche, eat, drink, wash your hands, or brush your teeth until after you have had a medical examination. Save all of the clothing you were wearing at the time of the assault. Place each item of clothing in a separate **paper** bag. Do not use plastic bags. Do not clean or disturb anything in the area where the assault occurred.

Caltex also encourages you to seek immediate psychological and support/advocacy services provided by campus and/or community services. [Campus Security](#) and the [Protective Services Division](#) at JPL will help you contact on-campus resources, provide you with information regarding off-campus resources for advocacy, medical treatment, and forensic evidence collection, and will provide you with taxi voucher to access the off-campus resources.

24-Hour a Day/7 Days a Week

[Campus Security](#)

(626) 395-5000

[JPL Protective Services Division](#)

(818) 393-3333

(818) 354-3333

If you want Security to contact a confidential campus resource for you (or at JPL for the JPL Protective Services Division to contact the JPL after hours Employee Assistance Program/Life Matters), you simply need to give them a number where the confidential resource can contact you. You do not have to provide your name or any information regarding the incident.

[Peace Over Violence](#) (24-hour emergency medical care and forensic services, counseling and psychotherapy, advocacy, and accompaniment services)

892 N. Fair Oaks Avenue, Suite D

Pasadena, CA 91103

(626) 584-6191

(626)793-3385 (24 hours)

[San Gabriel Medical Center](#) (for treatment and forensic evidence collection (the "rape kit")

438 West Las Tunas Drive

San Gabriel, CA 91776

(626) 289-5454

Sexual Assault Response Team (SART) Hotline: (877) 209-3049 (24 hours)

[Huntington Memorial Hospital Emergency Room](#) (24-hour emergency medical care)

100 W. California Blvd.

Pasadena, CA 91105

(626) 397-5112

[Pasadena Police Department](#)

207 N. Garfield Ave.
Pasadena, CA 91101
Call 911 for Emergency Response
Non-Emergency Response: (626) 744-4241

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

(24-hour emergency medical care and forensic services (the “rape kit”)
(310) 319-4000
www.911rape.org

Note that medical providers (but not psychological counselors) in California are required to notify law enforcement when they receive a report of sexual assault.

Immediate & On-going Campus/JPL Support

Confidential Resources

Members of the Caltech community may access the offices below for confidential support. Counselors and designated confidential advocates in these offices will listen and help identify options and next steps. They can also help you decide what plan of action feels most comfortable. Talking to any of these individuals does not constitute reporting an incident to Caltech. Although they are not involved in Caltech’s formal response to an incident, or possible legal action, staff members in each of these offices are available to provide support to a victim or accused as he or she moves through the steps related to either or both of these processes. Staff in these offices may be able to help you develop a clear statement that contains all of the relevant information regarding your complaint, or may recommend that you speak with another campus office for additional specialized services or resources, including how to obtain a protective order.

If a victim who speaks with a mental health professional or other confidential resource requests confidentiality, Caltech will be unable to conduct an investigation into the particular incident or pursue disciplinary action against the person accused of sexual violence.

Even so, these mental-health professionals and other confidential resources will assist the victim in receiving other necessary protection and support, such as victim advocacy, academic support or accommodations, disability, health or mental health services, and changes to living, working or course schedules. A victim who at first requests confidentiality may later decide to file a complaint with Caltech and/or report the incident to law enforcement. These mental-health professionals and confidential resources will provide the victim with assistance in filing a complaint if the victim wishes to do so.

Mental-Health Professionals

Mental-health professionals in the Student Counseling Center and the Staff and Faculty Consultation Center provide mental-health counseling to the campus community. The JPL Employee Assistance Program/Life Matters provides mental-health counseling to the JPL community. They will not report any information about an incident to the Title IX Coordinator unless requested by their client. They may report aggregate statistics (with no identifying information) for inclusion in Caltech’s Annual Security Report. They can be contacted 24 hours a day/7 days a week at:

- For students:
(626) 395-8331 [Student Counseling Center](#)
(626) 395-5000 after hours via Security
- For faculty, campus staff, and postdoctoral Scholars:
(626) 395-8360 [Staff and Faculty Consultation Center](#)
(626) 395-5000 after hours via Security
- For JPL employees:
(818) 354-3680 [JPL Employee Assistance Program](#) (on site)
(800) 367-7474 [JPL Employee Assistance Program/Life Matters](#) (off site and after hours)
(818) 354-3333 after hours via [JPL Protective Services Division](#)
(818) 393-3333

Other Campus Confidential Resources

Designated confidential resources at the Caltech Center for Diversity and the Health Educator's Office can generally talk to a victim without revealing any personally identifying information about an incident to Caltech. A victim can seek assistance and support from these individuals without triggering a Caltech investigation that could reveal the victim's identity or that the victim has disclosed the incident.

While maintaining a victim's confidentiality, the Caltech Center for Diversity and the Health Educator's Office will report the nature, date, time and general location of an incident to the Title IX Coordinator. This limited report, which includes no information that directly or indirectly identifies the victim, helps keep the Title IX Coordinator informed of the general extent and nature of sexual violence on- and off- campus so that coordinator can track patterns, evaluate the scope of the program and formulate appropriate campus-wide responses. These confidential resources may report aggregate statistics (with no identifying information) for inclusion in Caltech's Annual Security Report.

- [Caltech Center for Diversity \(students\)](#): (626) 395-5772 or (626) 395-8108
- [Health Educator \(students\)](#): (626) 395-2961

Reporting to Caltech

Caltech is required to take corrective action if a "responsible employee" knew or reasonably should have known about sexual violence. A "responsible employee" is a Caltech employee who has the authority to redress sexual violence, who has the duty to report incidents of sexual violence or other student misconduct, or whom a student or employee could reasonably believe has the authority or duty to do so.

When an individual tells a responsible employee about an incident of sexual violence, the responsible employee must report to the Title IX Coordinator or another individual listed below all relevant details about the alleged sexual violence. Caltech is committed to protecting the privacy of all individuals involved in a report of sexual violence. All employees involved in the response to a report of sexual violence understand the importance of properly safeguarding private information. Caltech will make every effort to protect individuals' privacy interests consistent with Caltech's obligation to investigate reports made to Caltech. Caltech will not share information with law enforcement that identifies the victim without the victim's consent.

The following individuals are responsible employees for reporting purposes.

Campus Responsible Employees:

Title IX Coordinator and Deputy Coordinators
Chief of Security
Director of Security Operations
Security Officers
Provost
Vice Provosts
Division Chairs
Division Administrators
Deans
Associate Deans
Student Affairs Directors
Master of Student Housing
Residence Life Coordinators
Resident Associates
Coaches
Director of Employee & Organization Development
Employee Relations Consultants
Associate Vice President of Human Resources
Department Heads
Faculty with administrative responsibilities

JPL Responsible Employees:

Title IX Coordinator and Deputy Coordinator
JPL Protective Services Group Supervisor, Investigations
Director for Human Resources
Deputy Director for Human Resources
Human Resources Business Partners
Section Managers

If you would like support and guidance in filing a complaint, please contact the Title IX Coordinator or a Deputy Coordinator, one of the Deans or Associate Deans, the Director of Employee & Organization Development in Human Resources, or the JPL Section Manager of Talent Management or Human Resources Business Partners at JPL.

No member of the Caltech community will be retaliated against for making a good-faith report of alleged sexual violence or for participating in an investigation, proceeding, or hearing conducted by Caltech, or by a state or federal agency.

Reports Involving Minors

Every member of the Caltech community who knows of, or reasonably suspects, child abuse, including sexual violence, has a personal responsibility to report to [Caltech Security](#) or the [JPL Division of Protective Services](#) immediately. Caltech employees who are mandatory reporters have additional reporting obligations, including reporting immediately to LA County Child Protection or the local police department. See the [Violence Prevention policy](#) for more information.

Anonymous Reporting

Although Caltech encourages victims to talk to someone, Caltech provides the following resources for anonymous reporting:

Campus Hotline (626) 395-8787 or (888) 395-8787
JPL Ethics Hotline (818) 354-9999
JPL Protective Services Division's Workplace Violence Hotline (818) 393-2851
For either Campus or JPL by submitting a compliance [Hotline Contact Form](#)

Campus Security can also receive anonymous reports of sexual violence at (626) 395-5000.

Contacting one of these anonymous reporting resources may trigger an investigation, and if you share personally identifying information, you will be notified if an investigation occurs.

Notification of Law Enforcement

Individuals who experience sexual violence are encouraged to notify local law enforcement. Caltech will provide assistance in reporting such incidents if the victim requests. Victims of sexual violence have the right not to notify law enforcement.

Caltech has an obligation under State law to report incidents of sexual violence to law enforcement. Caltech will not report identifying information about the victim without the victim's consent after being notified of his or her right to have personally identifying information withheld. If the victim does not consent to be identified, personally identifying information about the accused also will not be provided.

Requests for Confidentiality

If a member of the Caltech community discloses an incident to a responsible employee but requests that his or her name not be used or requests that no investigation into a particular incident be conducted or that no disciplinary action be taken, Caltech must weigh the request against its obligation to provide a safe, non-discriminatory environment. The Title IX Coordinator or designee will evaluate all requests for confidentiality once a responsible employee is on notice of the alleged sexual violence. Factors that the Title IX Coordinator or designee will consider include circumstances that suggest there is an increased risk of the accused committing additional acts of sexual violence or other violence. Factors may also include circumstances that suggest there is an increased risk of future acts of sexual violence under similar circumstances, whether there was a weapon involved, the age of a student victim, and whether there are other means to obtain relevant evidence.

Caltech will take all reasonable steps to investigate or otherwise determine what occurred and respond to the complaint consistent with the request not to use the complainant's name or request not to pursue an investigation or that no disciplinary action be taken, but its ability to do so may be limited based on the nature of the request by the complainant. When Caltech is unable to take action consistent with the request of the complainant, the Title IX Coordinator will inform the complainant about Caltech's chosen course of action, which may include Caltech seeking disciplinary action against the respondent. Alternatively, the course of action may also include steps to limit the effects of the alleged sexual violence and prevent its recurrence that do not involve formal disciplinary action against the respondent or revealing the identity of the complainant. If the complainant insists that his or her name not be disclosed to the respondent, the Title IX Coordinator will explain that Caltech's ability to respond may be limited, including pursuing disciplinary action against the person accused of sexual violence. The Title IX Coordinator will also advise the complainant that Caltech and Title IX prohibit retaliation, and that Caltech will take steps to prevent retaliation and responsive corrective action if it occurs. If the complaint includes allegations that may constitute a possible crime, the complainant will be notified of his or her right to choose whether to file a criminal complaint.

Timely Warnings

In the event Caltech believes that there is a serious or continuing threat to the campus community, Caltech will issue a timely warning. Timely warnings will not disclose the name of the victim.

Clery Reporting

The Clery Act requires Caltech to issue an [Annual Security Report](#), which includes crime statistics and information about campus crime prevention programs and policies. Campus Security gathers crime statistics from security reports, Pasadena Police Department information, and reports by Campus Security Authorities. Crime statistics do not disclose any identifying information about a complainant, respondent or third parties. Crimes reported in the Annual Security Report that are addressed by Title IX are forcible and non-forcible sexual offenses, stalking, dating violence, and domestic violence. For more information and statistics for the past three years, see the current [Annual Security Report](#).

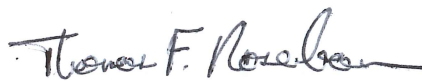
Contacting the Office of Civil Rights

Employees, students and others participating in Caltech's educational programs and activities may direct questions regarding Title IX or file complaints with the U.S. Department of Education Office for Civil Rights, (415) 486-5555, ocr.sanfrancisco@ed.gov or (800) 421-3481, OCR@ed.gov.

In addition, employees have the right to file a complaint with the Federal Equal Employment Opportunity Commission or the California Department of Fair Employment and Housing, which have the authority to remedy violations.

Informational Resources

Information on harassment and sexual violence, as well as copies of Caltech's [Sexual Violence](#), [Nondiscrimination and Equal Employment Opportunity](#), [Violence Prevention](#), and [Unlawful Harassment](#) policies are available from Caltech's Title IX Coordinator and Deputy Coordinators, Student Affairs and Deans offices, the Caltech Center for Diversity, Resident Associates, the Staff and Faculty Consultation Center, Employee & Organization Development at campus, and the Human Resources Business Partners and the Employee Assistance Program/Life Matters at JPL. The Policies are published in the Caltech Catalog and on the following Caltech websites: [Caltech Human Resources](#), JPL Human Resources, [Title IX](#), and [Student Affairs](#).



Thomas F. Rosenbaum
President

Procedures for Responding to and Resolving Complaints of Sexual Violence at Caltech

Caltech will take prompt and appropriate action to address all reports of sexual violence in a fair and impartial manner. The complainant, respondent, and all other participants in the process will be treated with dignity, care and respect. All complaints of sexual violence will be handled promptly, fairly, thoroughly and impartially from the initial assessment through the resolution.

These procedures are for the benefit of the Caltech community and do not apply in cases involving complainants and/or respondents who are not current Caltech students, faculty, staff, postdoctoral scholars, volunteers, and interns. When a complaint involves a third party who is not affiliated with Caltech, Caltech's ability to investigate and take action against the person accused of sexual violence may be limited. However, in all cases, Caltech will conduct an inquiry into what occurred and take prompt action as is practicable to provide for the safety and well-being of the complainant and the campus community.

As used in these procedures, a complainant refers to the individual who is reported to be the subject of sexual violence. A respondent refers to the individual who reportedly committed the sexual violence. A third party refers to any other participant in the process, including a witness to the incident or an individual who makes a report on behalf of someone else.

Interim Measures

Upon receipt of a report of sexual violence, Caltech will take prompt measures to protect the rights of both the complainant and the respondent as appropriate. Caltech will immediately assess whether there is a threat to the complainant and/or other members of the community and will take steps necessary to address such risk. These steps may include interim safety measures to provide for the safety of individuals and the campus community.

Interim safety measures, administrative changes and/or academic changes can be made at any stage in the process to protect the rights of either party. They will be made by the appropriate administrators. These changes should be discussed with the appropriate responsible Caltech official: Provost, EOD Director, Deans, Associate Deans, Associate Vice President for Human Resources on campus, or Director for Human Resources at JPL. Changes affecting faculty, staff and employees at JPL might include transfer of supervisory or evaluative responsibility regarding grading, supervision, tenure review, letters of recommendation, and/or changes to office assignments. For students, these changes might include the complainant's option to avoid contact with the respondent via a "no contact" order from the Deans, changes to classes and/or housing, Caltech-imposed leave for the respondent, as well as any other remedy that can be tailored to the involved individuals to achieve the goals of this policy. When taking steps to separate a complainant and respondent, Caltech will endeavor to minimize the burden on the complainant. Care will be taken to protect both parties with the greatest degree of privacy possible. If a complainant wishes to seek a temporary restraining order or similar judicial order, Caltech will help the complainant with that process.

Measures for the broader student population may include but are not limited to: developing materials on sexual violence, further training for employees regarding Title IX, education of students on bystander intervention and/or sexual violence prevention, or taking steps to clearly communicate that Caltech does not tolerate sexual violence and will respond to any incidents and to any student who reports such incidents.

Prohibition against Retaliation

Retaliation against any member of the Caltech community involved in the process of responding to and resolving a report of sexual violence, including complainants, respondents and third parties, is strictly prohibited. Caltech recognizes that retaliation can take many forms, may be committed by or against an individual or group, and that a complainant, respondent or third party may commit or be the subject of retaliation. Caltech will take steps to prevent retaliation and will take prompt and appropriate corrective action to stop retaliation if it occurs.

False Reports

Caltech will not tolerate intentional false reporting of incidents. A good-faith complaint that results in a finding of “no violation” is not considered a false report. However, when a complainant or third party is found to have fabricated allegations or to have given false information with malicious intent or in bad faith, they may be subject to disciplinary action.

Amnesty for Student Alcohol or Drug Use

Caltech encourages reporting of sexual violence. It is in the best interests of the Caltech community that complainants and third parties report sexual assault to Caltech. To encourage reporting, a complainant or witness in an investigation will not be subject to disciplinary action for a violation of the honor code or Caltech’s Substance Abuse policy at or near the time of the incident, unless Caltech determines that the violation was egregious, including but not limited to, an action that places the health or safety of any other person at risk. Caltech may however, initiate an educational discussion or pursue other educational remedies regarding alcohol or drugs.

Making a Report to Caltech

A member of the Caltech community who wishes to report sexual violence should do so as soon as possible after the assault, although reports (hereinafter “complaints”) may be made at any time. Complaints can be made orally or in writing. Complaints should be brought to the attention of one of the following individuals or other responsible employees listed in the policy.

Title IX Coordinator

Felicia Hunt (faculty, staff, postdoctoral scholars, and students)

Phone: (626) 395-6346

E-mail: TitleIXCoordinator@caltech.edu

Office: 230 Center for Student Services

Deputy Title IX Coordinator for faculty

Melany Hunt

Phone: (626) 395-6339

E-mail: hunt@caltech.edu

Office: 104 Parsons Gates

Deputy Title IX Coordinator for staff and postdoctoral scholars

Susan Conner

Phone: (626) 395-5930

E-mail: susan.conner@caltech.edu

Office: 206 Central Engineering Services

Deputy Title IX Coordinator for JPL
Richard Conti
Phone: (818) 354-9837
E-mail: RICHARD.A.CONTI@JPL.NASA.GOV
Office: Human Resources T1720-164

Initial Title IX Assessment

For every report of sexual violence, Caltech's Title IX Coordinator will make an initial assessment of the complaint which will include an immediate assessment of any risk of harm to individuals or to the campus community and will take steps necessary to address those risks. These steps may include interim protective measures to provide for the safety of the complainant and the campus community as described above.

The complainant will be provided with information on the complainant's rights and options under the Institute's Sexual Violence policy and these procedures, written materials about the availability of, and contact information for, on- and off-campus resources and services, and coordination with law enforcement. The need for and types of interim measures also will be discussed.

The Title IX Coordinator may also meet with the respondent and other relevant parties as part of the initial assessment. If the Title IX Coordinator meets with the respondent, he or she will be provided with information on the respondent's rights and options under the Institute's Sexual Violence policy and these procedures, and written materials about the availability of, and contact information for campus resources and services.

The initial assessment will proceed to the point where a reasonable assessment of the safety of the individual and of the campus community can be made and an appropriate approach to resolution can be determined. Thereafter, the Title IX Coordinator may refer the complaint for formal investigation, administrative resolution or other appropriate disposition, depending on a variety of factors, such as the complainant's request that his or her name not be used, complainant's request that no investigation into a particular incident be conducted or that no disciplinary action be taken, the risk posed to any individual or the campus by not proceeding, the nature and seriousness of the allegations, whether there have been other reports/complaints of sexual violence involving the respondent, and whether the allegations are contested. The Title IX Coordinator will obtain the complainant's agreement to proceed with the proposed approach to resolution, whether it be a formal investigation, administrative resolution or another alternative approach. In implementing the approach, the Title IX Coordinator will inform and coordinate with the appropriate responsible Caltech official(s): Provost, EOD Director, Deans, Associate Deans, Associate Vice President for Human Resources on campus, or Director for Human Resources at JPL.

Caltech will investigate reports of sexual violence consistent with its obligations under applicable law. For complaints solely covered by Title IX, the Title IX Coordinator will seek consent from the complainant to proceed with a formal investigation or an administrative resolution. If the complainant requests confidentiality or asks that the complaint not be pursued, Caltech will still take all reasonable steps to investigate or otherwise determine what occurred and respond to the report. If the complainant refuses to have his/her name disclosed to the respondent, the Title IX Coordinator will explain that Caltech's ability to investigate and respond may be limited. If the complaint includes allegations that may constitute a possible crime, the Title IX Coordinator will notify the complainant of his/her right to file a criminal complaint or to choose not to notify law enforcement.

Administrative Resolution

The Title IX Coordinator, with the complainant's and the respondent's agreement, may offer the opportunity to resolve the sexual violence complaint by Administrative Resolution. Administrative Resolution provides an opportunity for the respondent to accept responsibility for his or her alleged conduct and proceed to a resolution without a formal investigation.

If the Administrative Resolution option is agreed to by the complainant, the Title IX Coordinator will meet with the respondent to review the allegations. The Title IX Coordinator will provide the respondent with information on the respondent's rights and options under the Institute's Sexual Violence policy and these procedures, and written materials about the availability of, and contact information for campus resources and services. The Title IX Coordinator will offer the respondent the opportunity to resolve the complaint by Administrative Resolution by accepting responsibility for the alleged conduct. If the respondent elects to acknowledge that the alleged conduct occurred and takes responsibility for the alleged sexual violence, the respondent will sign a written acknowledgement and the matter will be referred to the appropriate Caltech official for a decision concerning sanctions and any other remedial action that may be appropriate. The complainant and respondent will both be notified simultaneously in writing of the resolution, including any sanctions against the respondent. Either party may appeal the sanction imposed.

If the respondent contests responsibility for the alleged conduct, the Administrative Resolution process will be concluded and the case will be referred for Formal Investigation or other resolution as appropriate.

Formal Investigation

The following procedures apply with respect to complaints referred for Formal Investigation:

- The purpose of the investigation is to determine the facts relating to the complaint.
- All participants involved in the investigation will receive a fair process and be treated with dignity, care, and respect.
- All parties may have an advisor of their choice accompany them when reporting, or responding to, allegations of sexual violence. The advisor may not speak on behalf of the party he or she is accompanying.
- Caltech's investigation will occur independently from any legal/criminal proceedings that may take place. Caltech may defer fact gathering for a short time during only the initial stages of a criminal investigation.
- The individuals involved in the investigation will respect the privacy of the complainant, respondent, and that of all parties involved while conducting a thorough review of the complaint.
- Investigators will be trained regularly in issues related to sexual violence and how to conduct an investigation process that protects the safety of all involved and promotes accountability. Caltech will typically use a team of two investigators, though an individual, a committee or an outside consultant may conduct the investigation. The investigators chosen must be impartial and free of any conflict of interest.

- The complainant and respondent will be informed of the relevant procedures, and may object to the investigator(s) by notifying the appropriate Caltech official in writing.
- If internal investigators are used, at least one investigator should be from the same area as the respondent.
- Within a reasonable length of time after the complaint has been filed, the respondent will be notified of the nature of the complaint, and an investigation will begin. If interim measures are needed to protect the rights of the complainant and/or respondent during the investigation, the appropriate administrators shall see that they are made.
- Caltech's policies on [Sexual Violence](#), [Nondiscrimination and Equal Employment Opportunity](#) and [Unlawful Harassment](#) will be reviewed with both parties and copies will be provided to them.
- The complainant and respondent will be informed that Caltech will not tolerate retaliation, will take steps to prevent retaliation, and will take strong responsive action if retaliation occurs. The complainant and respondent will be advised to notify Caltech immediately of any retaliation that occurs. They should immediately notify any of the individuals to whom a complaint can be made if anyone associated with the matter is under continuing threat or is being subject to retaliation.
- The investigator(s) will summarize for the respondent the evidence in support of the complaint to allow the respondent the opportunity to reply.
- The investigation will be treated as private to the extent possible and all parties will be advised to maintain privacy. Caltech administrators will be informed on a need-to-know basis. Caltech will make reasonable and appropriate efforts to preserve the complainant's and respondent's privacy and protect the confidentiality of information.
- The complainant and respondent will be given equal opportunity to present their cases separately to the investigator(s), to suggest others who might be interviewed, and to present other evidence. The investigator(s) can, if appropriate, interview other parties to reach findings and conclusions.
- The investigators will investigate any allegations that alcohol or drugs were involved in the incident.
- The investigators will not ask questions or seek evidence of the complainant's prior sexual conduct with anyone other than the respondent. Furthermore, evidence of a prior consensual dating or sexual relationship between the complainant and respondent itself does not imply consent or preclude a finding of sexual violence.
- All parties who participate in investigative interviews may submit written statements. Investigatory meetings will not be recorded.
- Both parties will be kept informed of the status of the investigation.
- Complaints will be investigated and resolved within a reasonably prompt time frame after the complaint has been made, generally within 60 days (not including any appeal), though this time

frame may be extended depending on factors, including but not limited to, the complexity of the case.

- Investigative files will be maintained in the Title IX Coordinator's office.
- Extensions of time, and other exceptions to or modification of these procedures can be made by the Title IX Coordinator, Provost, Dean or Associate Deans, Associate Vice President for Human Resources, or Director for Human Resources at JPL, if required for fairness or practical necessity. Exceptions must be made in writing and notice provided to both the complainant and respondent, which notice will include the reason for the extension, exception or modification.

Standard of Evidence

The investigator(s) will use a preponderance of the evidence standard in making their determination. A preponderance of the evidence means that it is more likely than not that the incident occurred. When the investigator(s) is presented with two different but plausible versions of the incident, credibility determinations may affect the outcome.

Findings and Conclusions

The investigator(s) will provide a report with their findings and conclusions regarding the charges to the Provost, relevant Dean, Executive Director of Human Resources, or Director for Human Resources at JPL, as appropriate, for decision.

The conclusions that the investigation might reach include, but are not limited to, the following possibilities:

1. A violation of Caltech's Nondiscrimination and EEO, Unlawful Harassment or Sexual Violence Policies occurred.
2. Inappropriate behavior occurred, but did not constitute a violation of Caltech's policies on discrimination, harassment, and/or sexual violence. For example, the respondent improperly used the power of his or her position, used poor judgment, or violated applicable standards of ethical behavior.
3. The charges were not supported by the evidence.
4. The charges were brought without any basis or without a reasonable, good faith belief that a basis existed.

Resolution

As soon as practicable after receiving the findings and conclusions of the investigator(s), the appropriate Caltech official, the Provost for faculty, the relevant Dean for students, the Executive Director of Human Resources for postdocs and campus staff, or Deputy Director for Human Resources at JPL for JPL employees, will make a decision concerning resolution of the complaint, including imposing sanctions against the respondent if appropriate. The complainant and respondent simultaneously will be informed in writing of the results of the investigation, any change to the results that occurs prior to the results becoming final, and when such results become final, and their right to appeal and the procedures for appeal. Any sanctions imposed will only be disclosed consistent with applicable law, including FERPA, Title IX of the Education Code, and the Clery Act.

Individuals who have been found to have violated Caltech's policy on sexual violence may be subject to disciplinary action. Discipline can include, but is not limited to, the following:

- Verbal counseling or warning/training
- A formal written warning placed in the respondent's file
- Suspension of the right to accept new graduate students or postdoctoral scholars
- Transfer of advisees
- Removal from positions of administrative responsibility
- Removal from student housing
- Removal from a supervisory position
- Enforced leave of absence/suspension
- Termination of employment
- Expulsion/permanent dismissal

If the respondent was found not to have violated Caltech's policy on sexual violence, but the investigation concluded that he or she violated another Caltech policy, or committed some other wrongful or improper act, appropriate corrective action will be taken. Effective corrective action may also require remedies for the complainant and/or the broader Caltech community. Caltech will take appropriate measures to prevent the reoccurrence of any sexual violence, and to correct any discriminatory effects on the complainant and others, as appropriate.

Appeals

Appeals must be in writing and submitted within thirty (30) days of notification of the decision. Appeals of decisions resulting from the Formal Investigation process must be on the grounds that a procedural error occurred that significantly affected the outcome of the investigation, there is new and relevant evidence that was unavailable at the time of the investigation that could substantially impact the original findings, or the sanction is substantially disproportionate to the findings. Appeals of decisions resulting from the Administrative Resolution process must be made on the grounds that the sanction is substantially disproportionate to the acknowledged conduct. The complainant and the respondent simultaneously will be informed, in writing, of the outcome of the appeal. Appeal decisions are final.

Faculty complainants or respondents may appeal the decision to the Provost; staff and postdoctoral scholars may appeal to the Associate Vice President for Human Resources or designee; students may appeal to the Vice President for Student Affairs or designee; and JPL employees may appeal to the Director for Human Resources at JPL or designee.

Appeals by a faculty member of decisions or actions by the Provost that affect academic freedom and tenure can be made to the Faculty Committee on Academic Freedom and Tenure, as indicated in Chapter 4 of the *Faculty Handbook*.

Further Complaints

If any retaliatory action occurs, the complainant should immediately notify the Title IX Coordinator or a Deputy Coordinator, or, for campus, the Provost or Division Chair, Dean or Associate Dean, EOD Director; or for JPL, the Director for Human Resources at JPL. In such cases, the complainant has the right to file another complaint.

Related Policies:

[Nondiscrimination and Equal Employment Opportunity](#)
[Unlawful Harassment](#)
[Violence Prevention](#)