



**OXY** Occidental College  
**ANNUAL FIRE  
SAFETY & SECURITY REPORT**

2017

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## Message from The President

Occidental College's Annual Fire Safety and Security Report contains important information for the College community and is published to comply with the provisions of the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act. The Clery Act requires all colleges and universities that receive federal student financial aid to annually report crime data and to disclose important campus safety and security policies.

As a college, we are committed to living up to our institutional values in all aspects of campus life and ensuring that Occidental is a place where everyone feels safe and valued. This report describes the policies, procedures, and shared efforts to provide a safe learning, working, and living environment for the Occidental community.

Campus Safety and other College departments work together to deter crime, and have increased the number and variety of proactive safety and security measures in place. Safety at Occidental is paramount, and we expect that the entire community will contribute to fostering and maintaining a secure and supportive campus environment. Ultimately, information, education, and personal awareness are some of the most powerful tools we have to protect the safety of everyone on campus.

Jonathan Veitch  
*President*

## Message from The Chief of Campus Safety

In compliance with the Clery Act, Occidental College is pleased to publish its 2017 Annual Fire Safety and Security Report. In this report, you will find information about key college policies, personal safety and crime prevention, how to report criminal activities, and required Clery Act crime statistics for the last three calendar years. Also included is the annual fire safety report, which contains information about campus fire safety practices and standards of the College.

I encourage you to read this document and use this important safety information to enhance your learning, living, and working experience at Occidental.

Joe Novak (Interim)  
*Chief of Campus Safety*  
novak@oxy.edu | (323) 259-2599

## About Occidental College

The Occidental College campus comprises 74 academic, athletic, business, residential, and parking structures situated on 123 acres in the Eagle Rock community of Los Angeles. We are mindful of our location within a major metropolitan area and we are proactive in our efforts at crime prevention. Occidental is committed to the safety and security of all members and guests of the campus community.

Occidental's professionally trained Campus Safety officers, Residential Education and Housing Services staff, administrators, faculty, staff, and students all share the important responsibility of contributing to a safe environment. They strive to promptly and efficiently respond to reports of crime and serious incidents and offer appropriate resources and support to crime victims. Occidental takes progressive measures to create and maintain a safe environment on campus.

### Preparation of the Annual Security Report and Disclosure of Crime Statistics

Occidental College prepares the Annual Fire Safety and Security Report (AFSSR) to comply with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act [20 USC, Section 1092(f)]. The Clery Act promotes consumer protection and transparency about crime and other public safety matters. The Clery Act requires institutions that participate in federal student financial aid programs under Title IV of the Higher Education Act of 1965 to provide accurate and complete information about campus safety and crime prevention to the campus community. The AFSSR informs students, employees (faculty, staff, and administrators), and visitors about where to go to report crimes.

At Occidental, the preparation of the AFSSR is a continuing collaborative effort by the Campus Safety Department and the Clery Act Compliance Team (Clery team). The Clery team is led by the Clery Act Compliance Coordinator and includes the Title IX Coordinator; Chief of Campus Safety; General Counsel; Director of Residential Education and Housing Services; Assistant Director of Student Conduct and Housing Services; Director of Human Resources; and the Project S.A.F.E. (Sexual Assault Free Environment) Manager/ Survivor Advocate. Crime statistics are gathered from the Campus Safety Department, those individuals identified as Campus Security Authorities, local law enforcement agencies, the Residential Education and Housing Services Department, the Environmental Health & Safety Manager, Human Resources Department, the Conduct Office, and the Title IX Office. Anonymous, aggregate statistics are gathered from the Survivor Advocate/Project S.A.F.E. Each year, the AFSSR is updated to include the most current College safety and security policies.

The Clery Act requires colleges and universities to collect and disclose statistics for Clery crimes and maintain an open and easily understood daily crime log. Occidental is required by the Clery Act each year to prepare, publish, and distribute to students and employees (by October 1) an accurate and complete AFSSR that includes three calendar years of campus crime statistics, policy statements, and other safety-related information.

With the passage of the amendments to the Clery Act in the Violence Against Women Act of 2013 reauthorization, institutions are required to take additional specific steps to disclose statistics, policy statements, and other safety-related information on sexual assaults, dating and domestic violence, and stalking on campus.



Occidental notifies its current students and employees of the AFSSR's publication by email. A hard-copy of the report is available to any current or prospective student or employee at the Campus Safety Department office in the Facilities Management Building on the Occidental campus. The AFSSR can be found on the Campus Safety Department website at [oxy.edu/campus-safety](http://oxy.edu/campus-safety); the Admission Office website at [oxy.edu/admission-aid](http://oxy.edu/admission-aid); and the Human Resources Department website at [oxy.edu/human-resources](http://oxy.edu/human-resources).

# Occidental's Campus Safety Department

## Role, Authority, and Training

The Campus Safety Department provides safety, security, and emergency response services for the College 24 hours a day, seven days a week. The Department includes 14 full-time, unarmed, uniformed officers; the Chief; and the Clery Act Compliance Coordinator (who reports to the Title IX Coordinator). Typical patrols are carried out on foot, on bicycle, or in marked Campus Safety patrol vehicles.

All full-time officers are registered with the California Department of Consumer Affairs' Bureau of Security and Investigative Services as security guards, and have the same powers to arrest as those of any other private citizen. All officers possess current and valid First Aid, Cardiopulmonary Resuscitation (CPR), Community Emergency Response Team (CERT), and baton/oleoresin capsicum (OC spray) certifications. Annual training in each of these areas is mandatory for all full-time Campus Safety officers. In addition to the above, all Campus Safety officers receive recurring training in Federal Emergency Management Agency (FEMA) incident command systems and Wicklander-Zulawski interview techniques, as well as a variety of other law enforcement-related training.

The Department also uses a variety of electronic devices including security cameras, fire alarms, intrusion alarms, card access systems, and blue-light emergency phones (which are located throughout campus).

A procedure is in place that allows for complaints or commendations to be filed concerning Campus Safety personnel performance.

## Working Relationship with Local, State, and Federal Law Enforcement Agencies

The Campus Safety Department maintains a close working relationship with the Los Angeles Police Department's Northeast Division and calls on the LAPD for support as needed. Campus Safety staff occasionally works with other law enforcement agencies, including the Secret Service, California Highway Patrol, Federal Bureau of Investigation, Department of Justice, and the Los Angeles Unified School District Police Department.

Occidental recognizes that laws and rules are necessary for society to function and supports the enforcement of law by governmental agencies and College regulations by College officials. All persons on campus are subject to these laws and rules at all times.

While the College is private property, LAPD officers are invited to patrol the campus to assist Campus Safety to deter crime. All law enforcement agencies are expected to check in with the Department of Campus Safety when on campus.

Occidental finalized a "Memorandum of Agreement" (MOA) with the LAPD in March of 2016 that outlines which agency will have jurisdiction over which types of offense to provide service and protection to the Occidental community. (The MOA can be viewed on the Campus Safety website: <https://www.oxy.edu/sexual-respect-title-ix/policies-procedures/lapd-memorandum-agreement-faq>.) Campus Safety officers have no arrest authority beyond that of an ordinary

citizen. These safety officers may make an arrest in the event a felony is committed in his or her presence. Safety officers are expected to render all possible assistance provided such assistance can be given without significantly endangering the officer or others not involved in the crime. While the Campus Safety Department will maintain confidentiality of incidents, pursuant to the MOA LAPD is notified of all serious crime on campus and is immediately notified of all major crimes. The College contacts the county emergency dispatch center for fire and emergency medical needs. All victims are offered an opportunity to report crimes to LAPD where appropriate under the MOA.

Annually, the Chief of Campus Safety is provided with a summary of all crime occurring on campus. Additionally, special needs are communicated between agencies as they occur. The Chief determines instances where state police resources are needed. Crimes committed at off-campus facilities under Occidental's control will be disclosed in these statistics if they come to the attention of the Department of Campus Safety or other Campus Security Authorities.

## **Additional Campus Safety Department Services**

The Campus Safety Department also provides support services for the College community. Among other things, Campus Safety:

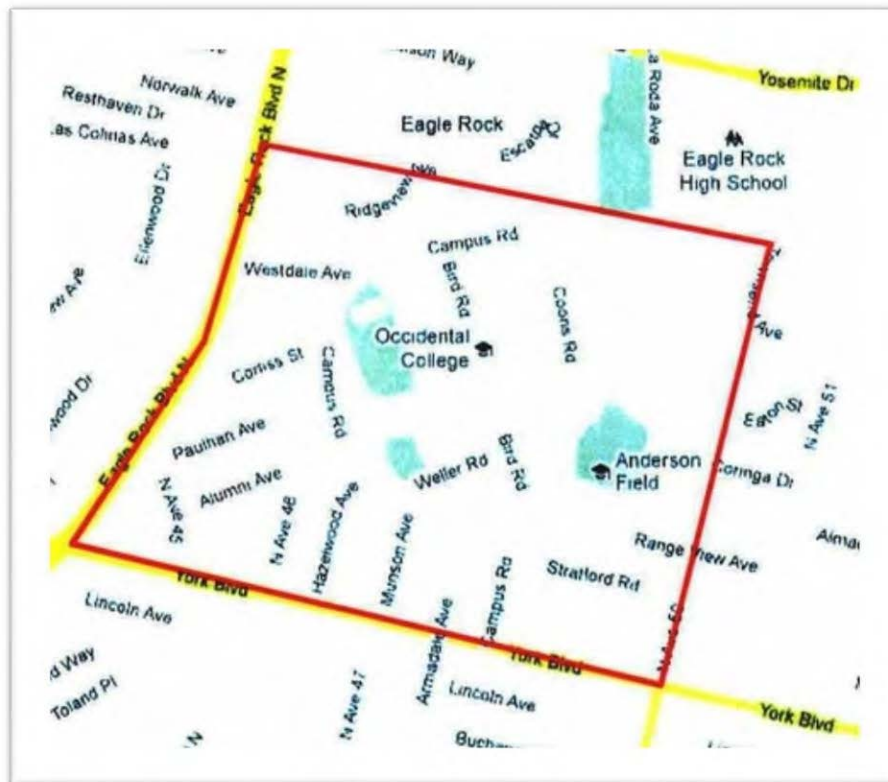
- Coordinates campus emergency preparedness and response efforts
- Provides leadership of the Emergency Preparedness Committee (chaired by the Chief of Campus Safety)
- Provides Emergency Notifications and Timely Warnings as required and/or warranted
- Notifies LAPD of all Part I violent crimes as required by Education Code section 67380
- Maintains readiness of OxyAlert notification system; tests and initiates system in conjunction with the Marketing and Communications Office
- Coordinates emergency planning including residence hall fire drills, campus emergency drills, and participation in the Great California ShakeOut
- Provides educational emergency preparedness and response materials
- Manages the campus parking permit and traffic regulation program
- Provides vehicle battery jump starts
- Documents reports of vehicle accidents and damage
- Gathers, maintains, and disseminates information on safety and security policies and incidents of crime on campus
- Assists with building lockouts
- Maintains lost-and-found centers (located at the Campus Safety Office, Mary Norton Clapp Library, and Office of Student Life)
- Responds to activated intrusion, security, and fire alarms for the entire campus and other College-owned properties
- Provides ongoing training to the campus in technical and tactical topics, as well as College safety and security policies and procedures
- Transports students 24 hours a day/seven days a week on campus and in our patrol zone, as needed
- Coordinates the Safety Escort Program, which provides escorts by Campus Safety officers and student employees after dark.

## **Safety Escort Program Regulations**

Student escort drivers and Campus Safety officers, who follow a prescribed route established for maximum efficiency and service, provide safety escorts. The route includes on- and off-campus stops, among them the Intercultural Community Center, Berkus House, and sorority and fraternity houses in the adjoining neighborhood. Schedules are available in each residence hall, Johnson Student Center, the Mary Norton Clapp Library, and the Campus Safety office. The safety escort service is available dusk to dawn, seven days a week, during the academic year. Safety escorts are provided within the established boundaries set forth below.

## Safety Escort Service Boundaries

- West from campus to Eagle Rock Boulevard
- North from campus to Las Colinas Avenue
- East from campus to Avenue 50
- South from campus to York Boulevard



## Reporting Crimes and Other Emergencies

### REPORTING TO CAMPUS SAFETY

Occidental encourages accurate and prompt reporting of crimes as soon as possible to Campus Safety and/or to the LAPD's Northeast Division. Campus Safety officers can be reached 24 hours a day/seven days a week at (323) 259-2599 [non-emergencies] or (323) 259-2511



[emergencies]. The Campus Safety office is located in the Facilities Management Building at the intersection of Campus Road and Baer Road.

## EMERGENCY PHONES

There are 22 blue-light telephones available for emergency use on Occidental's campus. Fifteen of these phones are yellow-box emergency telephones in outdoor locations, which provide a direct line to Campus Safety by simply pushing the red button. These telephones can be used to report a criminal incident, a fire, or any other type of emergency. Weekly checks are conducted, typically on Sundays, to ensure proper function and connectivity.

## Reporting to Other Campus Security Authorities

### CAMPUS SECURITY AUTHORITY (CSA) POLICY

The College urges community members to promptly report all crimes and other emergencies directly to the Campus Safety Department in an accurate and timely manner. Victims and witnesses are encouraged to report crimes on a voluntary, confidential basis. Some individuals may prefer to report crimes to College employees or offices other than Campus Safety. The Clery Act recognizes certain college officials and offices as being a "Campus Security Authority" (CSA). The Act defines a CSA as being an "official of an institution who has significant responsibility for student and campus activities, including, but not limited to, student housing, student discipline, and campus judicial proceedings." An official is defined as "any person who has the authority and the duty to take action or respond to particular issues on behalf of the institution." An official's job function and not his/her title determine if s/he is a CSA.

CSAs include but are not limited to the following individuals:

- A member of campus police or Campus Safety/security responsible for campus security;
- An individual who has responsibility for campus security but does not constitute a police or security department (for example, monitoring the entrance to a building);
- An individual or organization specified in the institution's security policy as an individual or organization to which students and employees should report criminal offenses;
- Officials with significant responsibility for student and campus activities.

The College requires that any Occidental CSA who becomes aware of a crime at Occidental or a crime involving a member of the College community must immediately report the incident to Campus Safety. All Occidental CSAs receive Clery Act training every academic year.

### PASTORAL AND PROFESSIONAL MENTAL HEALTH COUNSELORS

According to the Clery Act, pastoral and professional mental health counselors are exempt from being Campus Security Authorities when they are acting in their counseling roles.

Occidental has confidential reporting procedures that encourage pastoral and professional counselors, if and when they deem it appropriate, to inform persons they are counseling of procedures to report crimes on a voluntary, confidential basis.

## TITLE IX RESPONSIBLE EMPLOYEES

A “Responsible Employee” includes any Occidental College employee who: (1) Has the authority to take action to redress harassment; (2) Has the duty to report to appropriate school officials sexual harassment or any other misconduct by students or employees; or (3) A student could reasonably believe has the authority or responsibility to take action. All College employees who do not have legally protected confidentiality are considered Responsible Employees. This includes all employees with supervisory or leadership responsibilities on campus, including, but not limited to, faculty, coaches, administrators, staff members and Resident Advisors. The College requires that all Responsible Employees share a report of misconduct with the Title IX Coordinator or a Deputy Title IX Coordinator so that the College can take immediate and corrective action to respond to allegations of prohibited conduct.

## VOLUNTARY, CONFIDENTIAL REPORTING

Students and employees may report crimes on a voluntary, confidential basis on campus to the Project S.A.F.E. Manager and Survivor Advocate, Emmons Wellness Center Counselors, and ordained clergy in the Office for Religious & Spiritual Life. Additionally, individuals may make an anonymous report concerning an act of prohibited conduct under the Sexual Misconduct Policy.

Employees may make anonymous reports concerning students by submitting an online SEAN (Student Early Alert Notification) Personal Concern Report in the MyGateway portal/Employee Services tab on the secure MyOxy site.

## REPORTING CRIMES OR OTHER EMERGENCIES

Students and employees should report crimes or other emergencies occurring on campus to Campus Safety for an immediate response. A Campus Safety officer will meet the person who reported the crime, obtain additional information and begin an investigation, if necessary. When appropriate, victims are advised to contact the LAPD to file an additional report and to notify Campus Safety with the case number.

Students and employees may also report criminal actions that may violate College policies to the Human Resources Department, Title IX Coordinator, and Dean of Students Office. (The College’s Sexual Misconduct and Discrimination, Harassment, and Retaliation policies provide additional details about reporting crimes.) Reports received by these offices are directed to Campus Safety and an incident report is prepared. Incident reports are shared with the Clery Act Administrator for purposes of assessing the necessity for timely warning or emergency notifications and classifying reports for annual statistical disclosure.

### Campus Safety Department

Chief of Campus Safety  
Joe Novak (Interim)  
novak@oxy.edu | 323-259-2599

### Title IX Office

Title IX Coordinator  
Danica Myers (Interim)  
dmyers2@oxy.edu | 323-259-1338

### Human Resources Department

Director of Human Resources  
Danita Maxwell  
maxwelld@oxy.edu | 323-259-2526

### Dean of Students Office

Dean of Students  
Rob Flot  
flot@oxy.edu | 323-259-2674

## Occidental's Prohibited Conduct Policy and Response to Sexual Misconduct, Intimate Partner Violence, and Stalking

It is the policy of Occidental College to maintain an environment for students, faculty, administrators, staff, and visitors that is free of all forms of discrimination and harassment, including sexual misconduct. The College has a Sexual Misconduct Policy (the "Policy") to reflect and maintain its institutional values and community expectations, to provide for fair and equitable procedures for determining when this Policy has been violated, and to provide recourse for individuals and the community in response to violations of this Policy.

This Policy prohibits all forms of sexual or gender-based discrimination, harassment, and misconduct, including sexual assault, non-consensual sexual contact, intimate partner violence, sexual exploitation, and stalking. The Policy also prohibits retaliation against a person who reports, complains about, or who otherwise participates in good faith in any matter related to the Policy. All of the foregoing conduct is referred to as "Prohibited Conduct."

The College strongly encourages all members of the community to take action to maintain and facilitate a safe, welcoming, and respectful environment on campus. In particular, the College expects that all Occidental community members will take reasonable and prudent actions to prevent or stop Prohibited Conduct. The College strongly supports individuals who choose to take such action and will protect such individuals from retaliation.

Upon receipt of a report, the College will take prompt and equitable action to eliminate the Prohibited Conduct (if any), prevent its recurrence, and remedy its effects.

The College is committed to treating all members of the community with dignity, care, and respect. Any student who experiences or is affected by violations under this Policy, whether as a Complainant, a Respondent, or a Third Party, will have equal access to support and counseling services through the College.

The College strongly encourages individuals to report Prohibited Conduct. The College recognizes, however, that the decision to report Prohibited Conduct (to the College and/or law enforcement) can be difficult. The College strongly encourages individuals who are considering whether to report Prohibited Conduct to seek the support of confidential campus and community resources. These trained professionals can provide guidance in making decisions, information about available resources and procedural options, and assistance to either party in the event that a report and/or resolution under this Policy is pursued. These resources are available regardless of when or where the incident occurred.

When used in the Policy, "Complainant" refers to the individual who is identified as the subject of Prohibited Conduct. "Respondent" refers to the individual alleged to have engaged in Prohibited Conduct. A "Third Party" refers to any other participant in the process, including a witness or an individual who makes a report on behalf of a Complainant.

## What to Do If You Experience Sexual Harassment, Sexual Assault, Intimate Partner Violence, or Stalking

1. **Get to a safe place.** – Any place away from the person(s) harming you.
2. **Access campus and local community services** to receive the care, support, and assistance you deserve. You can contact Survivor Advocate Marianne Frapwell (323- 259-1359). Frapwell is also available after hours through the Oxy 24/7 Confidential Hotline (323-341-4141). Counselors on the L. A. Rape and Battering Hotline (213-626-3393) or the National Sexual Assault Hotline (800-656-4673) can also help explain resources, reporting processes, and options seven days a week, 24 hours a day.
3. **Preserve evidence in cases of sexual violence, intimate partner violence, or stalking.** It is important to preserve evidence that may assist law enforcement personnel. If possible, place each item of clothing you were wearing at the time of the assault in a separate paper bag and do not shower, bathe, douche, wash, or clean any part of your body, including brushing your teeth, until you have had a forensic medical exam. If possible, do not clean the area or move anything around where assault has occurred, in case law enforcement and detectives need access to the area.
4. **Seek medical care as soon as possible.** If within 96 hours of an assault: Call Occidental's Survivor Advocate (323-259-1359) or Oxy's 24/7 Confidential Hotline (323-341-3141) to arrange transportation to one of three local hospitals that have a Sexual Assault Response Team (SART) available 24 hours a day, seven days a week. If after 96 hours of an assault: Still consider a possible SART exam, or human immunodeficiency virus (HIV) testing, and sexually transmitted infections (STI) testing at Emmons Wellness Center. Emmons also can provide prophylaxis.
5. **Consider filing a report with the College's Title IX Office, the Los Angeles Police Department Northeast Division, and/or Campus Safety Department.** Survivors can request a victim advocate or the Oxy Survivor Advocate for confidential support and to ensure his/her rights are respected during interviews with law enforcement. The Title IX Office and Campus Safety are available to help survivors file a report with the police. On campus, reports can be filed with the Title IX Coordinators, Deputy Coordinators, the Dean on Duty, and Campus Safety by phone, in writing, or by email.

At SART hospitals, survivors can access a free medical exam, and forensic evidence can be collected for later use if the survivor wishes to pursue a report in the future. Taxi vouchers are available at Campus Safety, Project S.A.F.E., Emmons Wellness Center, and Residential Education and Housing Services to provide free transportation to SART centers. The Survivor Advocate is available to accompany survivors to access off-campus resources.

### SART (Sexual Assault Response Team) Hospitals:

#### RAPE TREATMENT CENTER AT SANTA MONICA-UCLA MEDICAL CENTER

(310) 319-4000  
1250 16th St.  
Santa Monica, CA 90404

### **SAN GABRIEL VALLEY MEDICAL CENTER**

(877) 209-3049  
438 W. Las Tunas Drive  
San Gabriel, CA 91176

### **LOS ANGELES COUNTY + USC MEDICAL CENTER**

(323) 226-3961  
2010 Zonal Avenue  
Los Angeles, CA 90033

## **Sexual Misconduct Resources**

### **OCCIDENTAL'S TITLE IX COORDINATOR AND DEPUTY COORDINATORS**

The College has designated Danica Myers to serve as the College's Interim Title IX Coordinator. The College has designated Jacalyn Feigelman (Associate Director of Human Resources), Bevin Ashenmiller (Associate Professor of Economics), and Alison Haehnel (Head Softball Coach) as Deputy Title IX Deputy Coordinators. The Title IX Coordinator and Deputy Coordinators can be contacted by telephone, email, or in person on weekdays during regular office hours:

**Danica Myers (Interim)**  
**Title IX Coordinator**  
323-259-1338 | dmyers2@oxy.edu

**Alison Haehnel**  
**Deputy Title IX Coordinator &**  
**Head Softball Coach**  
323-259-2632 | haehnel@oxy.edu

**Jacalyn Feigelman**  
**Deputy Title IX Coordinator &**  
**Associate Director of Human Resources**  
323-259-2614 | jacalynf@oxy.edu

**Bevin Ashenmiller**  
**Associate Professor of Economics**  
323- 259-2905 | bevin@oxy.edu

The Title IX Coordinator monitors the College's overall compliance with Title IX, ensures appropriate training and education, and oversees the College's investigation, response, and resolution of reports made under this Policy. Upon receiving reports of Prohibited Conduct, the Title IX Coordinator ensures that appropriate action is taken to eliminate that conduct, prevent its recurrence, and remedy its effects. The Title IX Coordinator is available to advise all individuals—including individuals who have experienced misconduct, individuals who are alleged to be responsible for misconduct, and third-Parties—on this Policy and the Grievance Processes.

When you report an incident of Prohibited Conduct, the Title IX Coordinator will inform you of measures and services the College has available to support you, as well as inform you of steps the College can take to address the situation and prevent it from recurring.

The Title IX Coordinator is supported and assisted by Deputy Coordinators. In addition, based on the relationship of the Complainant and/or the Respondent to the College, the Title IX Coordinator may be supported by the Vice President for Academic Affairs and Dean of the



College, the Chief of Campus Safety, and a representative from the Dean of Students Office and/or Human Resources. Collectively, the Title IX Coordinator and the individuals supporting the Coordinator are the “Title IX Team.” The Title IX Team is a small circle of individuals who have a “need to know” of any alleged Prohibited Conduct to effectuate this Policy. The foregoing personnel have received appropriate training to discharge their responsibilities.

### **Campus Safety**

323-259-2511 (emergency line) or dial 5 from any campus phone.

### **For Students only**

Dean of Students Office/Dean on Duty

Call Campus Safety at 323-259-2599 24 hours a day

or call the Dean of Students Office at 323-259-2661, Monday-Friday, 8 a.m.-5 p.m.

### **Community Resources for Students and Employees**

Students, faculty, and staff may also access resources in the local community. These organizations provide crisis intervention services, counseling, medical attention, and assistance in dealing with the criminal justice system. All individuals are encouraged to use the resources that are best suited to their needs, whether on or off campus.

### **LAPD**

911 (24 hours)

For dispatch, (877) ASK-LAPD (877-275-5273)

### **LAPD Northeast Division**

*(Occidental is located in Northeast Division)*

(323) 344-5701

3353 N. San Fernando Road, Los Angeles, CA 90065

### **Peace Over Violence (POV)**

(213) 626-3393, (310) 392-8381, or (626) 793-3385

1015 Wilshire Blvd., Suite 200, Los Angeles, CA 90017

*POV case managers can provide assistance and support with the medical, psychological, emotional, and criminal legal process as well as accompaniment to hospitals, law enforcement agencies, and court appointments.*

### **L.A. LGBT Center**

(323) 993-7400

1625 N. Schrader Blvd., Los Angeles, CA 90028

Provides support and advocacy services for LGBTQ community members.

There are many resources available on campus and in the surrounding community. These include Confidential Resources, which by law cannot share information without the consent of the individual seeking assistance (in most circumstances). There are also a variety of College resources that will be discreet and private but are not considered confidential. These resources will maintain the privacy of an individual’s information within the limited need-to-know circle of those involved in the resolution of a complaint under this Policy.

## Confidential Resources for Students and Employees

An individual who seeks completely confidential assistance may do so by speaking with professionals who have a legally protected confidentiality. Students may report crimes on a voluntary, confidential basis on campus to the Project S.A.F.E. Manager and Survivor Advocate, Emmons Wellness Center counselors, and ordained clergy in the Office for Religious & Spiritual Life.

Employees may access confidential assistance through the Employee Assistance Program. Information shared with these resources will remain confidential and will not be shared with the College or anyone else without express permission of the individual seeking services.

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.

The College strongly encourages all community members to make a prompt report of any incident of Prohibited Conduct to local law enforcement and the College. For individuals who are not prepared to make a report, or who may be unsure how to proceed, but are still seeking information and support, there are several legally-protected confidential resources available as listed below. These confidential resources will not share information with the College or anyone else without the individual's permission.

## On-Campus Confidential Resources (Non-Medical)

### FOR STUDENTS

#### **Occidental Sexual Assault Survivor Advocate**

**Marianne Frapwell, MSW, MBA**

(323) 259-1359

mfrapwell@oxy.edu

*Accessible 24 hours a day to provide highly confidential crisis support and resource options to students who experience sexual assault of any kind, including sexual assault, dating or domestic violence, stalking, or sexual harassment. Support includes, but is not limited to, advising, case management, and accompanying survivors to rape treatment centers, or legal or law enforcement meetings. The Survivor Advocate also manages the Project S.A.F.E. office, which conducts comprehensive outreach and educational programming.*

#### **Oxy 24/7 Confidential Hotline**

(323) 341-4141

#### **Emmons Wellness Center**

(323) 259-2657

*Provides confidential psychological counseling services.*

#### **Office for Religious and Spiritual Life**

(323) 259-2621

*Provides spiritual guidance and, in the context of ordained clergy, confidential support.*

**Oxy Assault, Advocacy, & Case Management Team (OAACM)**

(323) 259-2657

*The Oxy Assault, Advocacy and Case Management Team provides a comprehensive support system to sexual assault survivors that includes advocacy, counseling, and medical services, as well as information about forensic exams, housing and academic accommodations.*

**FOR EMPLOYEES**

**Oxy 24/7 Confidential Hotline**

(323) 341-4141

**Employee Assistance Program**

*Provides confidential telephone consultation or face-to-face meeting with a master's level consultant; also provides educational materials through an online library of downloadable materials and interactive tools.*

(800) 854-1446 (English)

(877) 858-2147 (Spanish)

[www.lifebalance.net](http://www.lifebalance.net) (User ID and password: lifebalance)

Emmons Wellness Center can provide referrals for employees.

**Off-Campus Confidential Community Resources**

**Rape, Abuse and Incest National Network (RAINN)**

A confidential and anonymous national sexual assault and intimate partner violence and stalking hotline.

1-800-656-4673

**Peace Over Violence's L.A. Rape and Battering Hotline**

A confidential 24-hour hotline providing comprehensive, free treatment for sexual assault survivors, including 24-hour emergency medical care and forensic services, counseling and psychotherapy, advocacy, and accompaniment services. Peace Over Violence can provide counseling, crisis intervention services, and assistance in dealing with the criminal justice system.

(213) 626-3393

**National Domestic Violence Hotline**

(800) 799-7233

**Confidential Medical Resources**

In California, medical providers who treat a physical injury sustained from an assault, physical or sexual, are required by state law to report the assault to law enforcement. However, the patient has the right to request that a survivor advocate be present when the patient speaks with law enforcement and to request that law enforcement not pursue a criminal charge at that time. Further, the disclosure of private information contained in most medical records is generally

protected by HIPAA, and community medical providers will not notify the College (or anyone else, other than law enforcement).

A medical provider can provide emergency and/or follow-up medical services. The medical exam has two goals: first, to diagnose and treat the full extent of any injury or physical effect (including prevention of sexually transmitted illnesses and pregnancy) and second, to properly collect and preserve evidence.

There is a limited window of time (in most cases 72 hours) following an incident of sexual assault in which to preserve physical and other forms of evidence, although it may be possible to obtain evidence from towels, sheets, clothes, and other items for longer periods of time. It is best to gather evidence prior to washing a person's body or changing clothing. If clothes have been changed, the clothes worn at the time of the incident should be brought to the examination in a clean, sanitary container such as a paper grocery bag or wrapped in a clean sheet (plastic containers do not breathe and may render evidence useless). A change of clothing should also be brought to the hospital, as the clothes worn at the time of the incident will likely be kept as evidence.

Taking the steps to gather evidence immediately does not commit an individual to any particular course of action. The decision to seek timely medical attention and gather any evidence, however, will preserve the full range of options to seek resolution under this Policy or through the pursuit of criminal prosecution, and may be helpful in obtaining protective orders.

On campus, Emmons Student Wellness Center can provide medical care; however, Emmons is not equipped for forensic examinations. As with off-campus medical providers, Emmons medical providers who treat a physical injury sustained from an assault, physical or sexual, are required by state law to report the assault to law enforcement.

Taxi vouchers are available at Campus Safety, Emmons Student Wellness Center, and Residential Education and Housing Services to provide free transportation to local medical centers. The Survivor Advocate is also available to accompany survivors to access off-campus resources. The three off-campus medical centers (listed below) are all designated by Los Angeles County as Sexual Assault Response Team ("SART") Centers. While the specific process and resources each SART Center offers may vary, generally each SART Center will provide an immediate, victim-centered response following an incident of sexual assault, including collaboration between the hospital, law enforcement agencies, and sexual assault counselors to provide comprehensive treatment options.

\*Medical providers who treat a physical injury sustained from an assault, physical or sexual, are required by state law to report the assault to law enforcement.

**San Gabriel Valley Medical Center**

(877) 209-3049

438 W. Las Tunas Drive, San Gabriel, CA 91176

**Los Angeles County-USC Medical Center**

(323) 226-3961

2010 Zonal Avenue, Los Angeles, CA 90033

**Rape Treatment Center at Santa Monica-UCLA Medical Center**

(310) 319-4000

1250 Sixteenth St., Santa Monica, CA 90404

Additionally, the Rape Treatment Center can provide a survivor advocate who can provide support to survivors.

## List of Resources for Reporting, Care, and Support

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

### CALIFORNIA WOMEN'S LAW CENTER (CWLC)

(323) 951-1041

360 North Sepulveda Blvd., Suite 2070

El Segundo, CA 90245

The CWLC has attorneys available to serve as a resource/advisor to Occidental College complainants, men and women, who are filing Title IX sexual assault, harassment, or gender discrimination complaints and going through the Occidental College resolution process.

\*Please note, however, that the College does not endorse or recommend this organization (or their attorneys), and that the organization makes an independent decision about the cases that it will accept and the terms of the representation.

### DFEH LOS ANGELES OFFICE

(213) 439-6799

320 West 4th Street, 10th Floor

Los Angeles, CA 90013

Any employee may pursue any charge of discrimination or harassment with the California Department of Fair Employment and Housing (DFEH).

### EEOC LOS ANGELES DISTRICT OFFICE

(213) 894-1000

255 East Temple Street, 4th Floor

Los Angeles, California 90012

Any employee may pursue any charge of discrimination or harassment with the federal Equal Opportunity Employment Commission (EEOC).

### OCCIDENTAL COLLEGE HUMAN RESOURCES OFFICE

(323) 259-2613

hr@oxy.edu



Addresses complaints of Prohibited Conduct against all employees (faculty, administration, and staff). Available on weekdays during regular office hours to respond to complaints related to employees of the College, including faculty.

### **PROJECT S.A.F.E.**

(323) 341-4750

An on-campus prevention and education support program dedicated to ending sexual violence on campus through resources, advocacy, and educational programming related to issues of sexual violence and intimate partner violence.

### **UNITED STATES DEPARTMENT OF EDUCATION**

Office for Civil Rights, San Francisco Office  
50 Beale Street, Suite 7200  
San Francisco, California 94105  
(415) 486-5555  
E-mail: [OCR.sanfrancisco@ed.gov](mailto:OCR.sanfrancisco@ed.gov)

Inquiries or complaints concerning the College's compliance with Title IX and Title VI may be referred to the U.S. Department of Education's Office for Civil Rights.

### **BUREAU FOR PRIVATE POSTSECONDARY EDUCATION**

2535 Capitol Oaks Drive, Suite 400  
Sacramento, CA 95833  
Telephone: (916) 431-6924  
FAX: (916) 263-1897  
Website: [bppe.ca.gov](http://bppe.ca.gov)

The Bureau accepts all types of complaints related to the College, and may refer any complaint it receives including complaints related to institutional policies or procedures, or both, to the College, an accrediting agency, or another appropriate entity for resolution. More information about filing a complaint with the Bureau can be found at: [bppe.ca.gov/enforcement/faqs.shtml](http://bppe.ca.gov/enforcement/faqs.shtml) and [bppe.ca.gov/enforcement/complaint.shtml](http://bppe.ca.gov/enforcement/complaint.shtml).

## **Anonymous Reporting**

Any individual may make an anonymous report concerning an act of Prohibited Conduct. An individual may report the incident without disclosing their name, identifying the Respondent, or requesting any action. Depending on the extent of information available about the incident or the individuals involved, however, the College's ability to respond to an anonymous report may be limited.

[https://cm.maxient.com/reportingform.php?OccidentalCollege&layout\\_id=10](https://cm.maxient.com/reportingform.php?OccidentalCollege&layout_id=10)

The Title IX Coordinator will receive the anonymous report and will determine any appropriate steps, including individual or community remedies as appropriate, and in consultation with the Clery Team, compliance with all Clery Act obligations.

## **Sexual Misconduct, Intimate Partner Violence (Dating and Domestic Violence), and Stalking Defined**

### **SEXUAL OR GENDER-BASED HARASSMENT**

Harassment is conduct that creates an intimidating, offensive, or hostile working or learning environment or unreasonably interferes with work or academic performance based on a person's protected status, including sex, sexual orientation, gender identity, or gender expression. All such conduct is unlawful.

Sexual Harassment is any unwelcome sexual advance, request for sexual favors, or other unwelcome conduct of a sexual nature, whether verbal, physical, graphic, or otherwise.

Gender-Based Harassment is harassment based on sex, sexual orientation, gender identity, or gender expression, which may include acts of aggression, intimidation, or hostility, whether verbal, physical, graphic, or otherwise. To qualify as Gender-Based Harassment, the conduct need not involve conduct of a sexual nature.

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

1. *Quid Pro Quo Harassment.* Submission to or rejection of such conduct is made, either explicitly or implicitly, a term or condition of an individual's employment, academic standing, or participation in any aspect of a College program or activity or is used as the basis for the College's decisions affecting the individual.
2. *Hostile Environment.* A hostile environment exists when the conduct is sufficiently severe, pervasive, or persistent that it unreasonably interferes with, limits, or deprives an individual from participating in or benefiting from the College's education or employment programs and/or activities. Whether conduct is sufficiently severe, pervasive, or persistent is determined both from a subjective and objective perspective.

Harassing conduct can take many forms. The determination of whether an environment is hostile is based on the totality of the circumstances, including but not limited to: (1) the frequency of the conduct; (2) the nature and severity of the conduct; (3) whether the conduct was physically threatening; (4) the effect of the conduct on the Complainant's mental or emotional state, with consideration of whether the conduct unreasonably interfered with the Complainant's educational or work performance and/or College programs or activities; (5) whether the conduct was directed at more than one person; (6) whether the conduct arose in the context of other discriminatory conduct; and (7) whether the conduct implicates concerns related to academic freedom or protected speech.

A single isolated incident may create a hostile environment if the incident is sufficiently severe, particularly if the conduct is physical. A single incident of Sexual Assault, for example, may be sufficiently severe to constitute a hostile environment. In contrast, the perceived offensiveness

of a single verbal or written expression typically is not sufficient to constitute a hostile environment.

### SEXUAL OR GENDER-BASED HARASSMENT:

- May be blatant and intentional and involve an overt action, a threat or reprisal, or may be subtle and indirect, with a coercive aspect that is unstated.
- May be committed by anyone, regardless of gender, age, position or authority. While there is often a power differential between two persons, perhaps due to differences in age, social, educational or employment relationships, harassment can occur in any context.
- May be committed by a stranger, an acquaintance, or someone with whom the Complainant has an intimate or sexual relationship.
- May be committed by or against an individual or may be a result of the actions of an organization or group.
- May occur by or against an individual of any sex, sexual orientation, gender identity, or gender expression.
- May occur in the classroom, in the workplace, in residential settings, or in any other setting.
- May be a one-time event or can be part of a pattern of behavior.
- May be committed in the presence of others or when the Parties are alone.
- May affect the Complainant and/or third Parties who witness or observe harassment and are affected by it.

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

**Physical conduct**, including unwelcome touching, sexual/physical assault, impeding, restraining, or blocking movements, or unwanted sexual advances;

**Verbal conduct**, including making or using derogatory comments, epithets, slurs or humor; verbal abuse of a sexual nature, graphic verbal commentaries about an individual's body, sexually degrading words used to describe an individual, suggestive or obscene letters, notes, or invitations; or objectively offensive comments of a sexual nature, including persistent or pervasive sexually explicit statements, questions, jokes, or anecdotes;

**Visual conduct**, including leering, making sexual gestures, displaying of suggestive objects or pictures, cartoons, or posters in a public space or forum; or severe, persistent, or pervasive visual displays of suggestive, erotic, or degrading sexually oriented images that are not pedagogically appropriate;

**Written conduct**, including letters, notes or electronic communications containing comments, words, or images described above;

**Quid pro quo conduct**, including direct propositions of a sexual nature between those for whom a power imbalance or supervisory or other authority relationship exists; offering educational or employment benefits in exchange for sexual favors; making submission to sexual advances an actual or implied condition of employment, work status, promotion, grades, or letters of recommendation, including subtle pressure for sexual activity, an element of which may be repeated requests for private meetings with no academic or

work purpose; or making or threatening reprisals after a negative response to sexual advances.

## The College's Commitment to Academic Freedom and Free Speech

This Policy is consistent with the College's commitment to academic freedom and free speech. This commitment requires that the College protect community members' expression of ideas in their teaching, learning, and research, including advocacy that may be controversial, provocative, or unpopular. This protection extends to the expression of ideas, however controversial, in the classroom, residential life, and other campus-related activities.

It must be recognized, however, that this protection has its limits. This Policy defines those limits, and conduct which are found to be "harassing" is not consistent with the College's commitment to academic freedom and free speech. No member of the College community may escape responsibility for engaging in harassing conduct merely by labeling the conduct as "speech" or other expressive activity.

## Sexual Misconduct

The College prohibits the following specific conduct:

1. Sexual Assault;
2. Non-Consensual Sexual Contact;
3. Sexual Exploitation; and
4. Stalking.

Each of these is explained in detail below. The College recognizes that other Prohibited Conduct, including (but not limited to) Intimate Partner Violence and Retaliation, may refer to behavior which constitutes Sexual Misconduct. In instances where Prohibited Conduct constitutes a violation of more than one aspect of the Policy, an individual may allege either one or all violations of the Policy.

## Sexual Assault

"Sexual Assault" is having or attempting to have sexual intercourse with another individual:

- By force or threat of force;
- Without effective affirmative consent; or
- Where that individual is incapacitated.

*Sexual intercourse* includes vaginal or anal penetration, however slight, with a body part (e.g., penis, tongue, finger, hand) or object, or oral penetration involving mouth to genital contact.

*This definition tracks the FBI's Uniform Crime Report definition of rape: "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 consent of the victim." Under many state laws, including California, however, rape definitions differ in that they require proof of an element of force or threat of force. Our definition incorporates both.*

## Non-Consensual Sexual Contact

"Non-Consensual Sexual Contact" is having sexual contact with another individual:

- By force or threat of force;
- Without effective affirmative consent; or
- Where that individual is incapacitated.

Sexual Contact includes intentional contact with the intimate parts of another, causing an individual to touch their own intimate body parts, or disrobing or exposure of another without permission. Intimate body parts may include the breasts, genitals, buttocks, groin, mouth or any other part of the body that is touched in a sexual manner.

## Sexual Exploitation

Sexual Exploitation occurs when an individual takes non-consensual or abusive sexual advantage of another for one's own advantage or benefit, or to benefit or advantage anyone other than the one being exploited. Examples of Sexual Exploitation include, but are not limited to:

- surreptitiously observing another individual's nudity or sexual activity or allowing another to observe consensual sexual activity without the knowledge and consent of all Parties involved;
- non-consensual sharing or streaming of images, photography, video, or audio recording of sexual activity or nudity of the person being exploited, or distribution of such without the knowledge and consent of all Parties involved;
- exposing one's genitals or inducing another to expose their own genitals in non-consensual circumstances;
- knowingly exposing another individual to a sexually transmitted disease or virus without their knowledge; and
- inducing incapacitation for the purpose of making another person vulnerable to non-consensual sexual activity.

## Stalking

Stalking occurs when a person engages in a course of conduct directed at a specific person that would cause a reasonable person to fear for their safety or the safety of others or suffer substantial emotional distress.



A *course of conduct* consists of two or more acts, including, but not limited to, acts in which a person directly, indirectly, or through third Parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about another person, or interferes with another person's property.

*Reasonable person* means a reasonable person under similar circumstances and with similar identities to the Complainant.

*Substantial emotional distress* means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

Cyber-stalking is 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.

Examples of Stalking include, but are not limited to:

- Non-consensual communication including in-person communication, telephone calls, voice messages, text messages, email messages, social networking site postings, instant messages, postings of pictures or information on web sites, written letters, gifts, or any other communications that are undesired and/or place another person in fear;
- Following, pursuing, waiting, or showing up uninvited at a workplace, place of residence, classroom, or other locations frequented by a person;
- Surveillance and other types of observation, whether by physical proximity or electronic means; and
- Gathering of information about a person from family, friends, co-workers, and/or classmates.

To qualify as stalking, the conduct is not required to be sexual in nature.

## Intimate Partner Violence

Intimate Partner Violence includes any act of violence or threatened act of violence against a person who is, or has been involved in, a sexual, dating, spousal, domestic, or other intimate relationship with the Respondent. The College will not tolerate Intimate Partner Violence in any form.

Intimate Partner Violence is often referred to as dating violence, domestic violence, or relationship violence. Intimate Partner Violence can encompass a broad range of behavior including, but not limited to, physical violence, sexual violence, psychological and/or emotional violence, and economic abuse. It may involve one act or an ongoing pattern of behavior. Intimate Partner Violence may take the form of threats, assault, property damage, violence or threat of violence to one's self, one's sexual or romantic partner, or to the family members or friends of the sexual or romantic partner. Intimate Partner Violence affects individuals of all sexes, sexual orientations, gender identities, and gender expressions, races and social and economic backgrounds.

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 person subjected to such violence. Whether there was

such a relationship will be determined based on, among other factors, the Complainant's and Respondent's statements, and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the Parties involved in the relationship.

Domestic Violence is a felony or misdemeanor crime of violence committed by: (1) a current or former spouse or intimate partner of the victim; (2) a person with whom the victim shares a child in common; (3) a person who is cohabiting with, or has cohabitated with, the victim as a spouse or intimate partner; (4) a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or (5) any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence has occurred.

***Occidental's policy and policy definitions of sexual misconduct, intimate partner violence, and stalking are those that are applied to members of the Occidental community. These also constitute violations of California state law.***

## **Sexual Misconduct & Intimate Partner Violence (Dating & Domestic Violence): Definitions of Key Terms**

To provide clarity to all individuals as to the kinds of behavior, which constitute Sexual Misconduct and/or Intimate Partner Violence, the College further defines key terms which the College will use in evaluating whether Prohibited Conduct has occurred.

### **AFFIRMATIVE CONSENT**

Affirmative Consent means affirmative, conscious, and voluntary agreement to engage in sexual activity. Affirmative consent is required for any sexual activity to occur between two or more individuals. It is the responsibility of each person involved in the sexual activity to ensure that the person has the affirmative consent of the other(s) to engage in the sexual activity.

Consent: Under California law, consent means positive cooperation in act or attitude pursuant to an exercise of free will. The person must act freely and voluntarily and have knowledge of the nature of the act or transaction involved.

The following are essential elements of affirmative consent:

***Informed and reciprocal:*** All Parties must demonstrate a clear and mutual understanding of the nature and scope of the act to which they are consenting and a willingness to do the same thing, at the same time, in the same way.

***Freely and actively given:*** Consent cannot be obtained through the use of force, coercion, threats, intimidation or pressuring, or by taking advantage of the incapacitation of another individual.

***Mutually understandable:*** Communication regarding consent consists of mutually understandable words and/or actions that indicate a mutually unambiguous willingness to engage in sexual activity. Consent may not be inferred from silence, passivity, lack of resistance, or lack of active response. An individual who does not physically resist or verbally refuse sexual activity is not necessarily

giving consent. Relying solely upon non-verbal communication can lead to a false conclusion as to whether consent was sought or given.

*Not indefinite:* Affirmative consent must be ongoing throughout the activity. **Consent may be withdrawn by any Party at any time.** Recognizing the dynamic nature of sexual activity, individuals choosing to engage in sexual activity must evaluate consent in an ongoing manner and communicate clearly throughout all stages of sexual activity. Withdrawal of consent can be an expressed “no” or can be based on an outward demonstration that conveys that an individual is hesitant, confused, uncertain, or is no longer a mutual participant. Once consent is withdrawn, the sexual activity must cease immediately and all Parties must obtain mutually expressed or clearly stated consent before continuing further sexual activity.

*Not unlimited:* Consent to one form of sexual contact does not constitute consent to all forms of sexual contact, nor does consent to sexual activity with one person constitute consent to activity with any other person. Each participant in a sexual encounter must consent to each form of sexual contact with each participant. Even in the context of a current or previous intimate relationship, each Party must consent to each instance of sexual contact each time. The consent must be based on mutually understandable communication that clearly indicates a willingness to engage in sexual activity. The mere fact that there has been prior intimacy or sexual activity does not, by itself, imply consent to future acts.

*Age:* The state of California considers sexual intercourse with a minor to be unlawful. A person who engages in felony unlawful sexual intercourse as described in the California Penal Code does so without effective consent as defined by the College’s Sexual Misconduct Policy. Specifically, there is no effective consent under the College’s Sexual Misconduct Policy where one Party (the “minor”) is under the age of eighteen, and the other Party is more than three years older than the minor.

**It shall not be a valid excuse to alleged lack of affirmative consent that the Respondent believed that the Complainant consented to the sexual activity under either of the following circumstances: (a) The Respondent’s belief in affirmative consent arose from the intoxication or recklessness of the Respondent, or (b) the Respondent did not take reasonable steps, in the circumstances known to the Respondent at the time, to ascertain whether the Complainant affirmatively consented.**

## FORCE

Force is the use or threat of physical violence to overcome an individual’s freedom of will to choose whether or not to participate in sexual activity or provide consent. Consent obtained by force is not valid.

For the use of force to be demonstrated, there is no requirement that a Complainant resist the sexual advance or request. However, evidence of resistance by the Complainant will be viewed as a clear demonstration of a lack of consent.

## INTIMIDATION

Intimidation is the use of implied threats to overcome an individual's freedom of will to choose whether or not to participate in sexual activity or provide consent. Consent obtained by intimidation is not valid.

## COERCION

Coercion is the improper use of pressure to compel another individual to initiate or continue sexual activity against that individual's will. Consent obtained through coercion is not valid.

Coercion can include a wide range of behaviors, including intimidation, manipulation, threats, and blackmail. A person's words or conduct are sufficient to constitute coercion if they wrongfully impair another individual's freedom of will and ability to choose whether or not to engage in sexual activity. Examples of coercion include threatening to "out" someone based on sexual orientation, gender identity, or gender expression and threatening to harm oneself if the other Party does not engage in the sexual activity. When someone indicates, verbally or physically, that they do not want to engage in a particular sexual activity, that they want to stop a particular activity, or that they do not want to go past a certain point of sexual interaction, continued activity or pressure to continue beyond that point can be coercive. The College will evaluate the following in determining whether coercion was used: (a) the frequency of the application of pressure, (b) the intensity of the pressure, (c) the degree of isolation of the person being pressured, and (4) the duration of the pressure.

## INCAPACITATION

Incapacitation is a state where an individual cannot make an informed and rational decision to engage in sexual activity because of a lack of conscious understanding of the fact, nature, or extent of the act (e.g., to understand the who, what, when, where, why, or how of the sexual interaction) and/or is physically helpless. For example, an individual is incapacitated, and therefore unable to give consent, if the individual is asleep, unconscious, or otherwise unaware that sexual activity is occurring. An individual will also be considered incapacitated if the person cannot understand the nature of the activity or communicate due to a mental or physical condition.

Incapacitation may result from the use of alcohol, drugs, or other medication. Consumption of alcohol or other drugs alone is insufficient to establish incapacitation.

The impact of alcohol and drugs varies from person to person, and evaluating incapacitation requires an assessment of how the consumption of alcohol and/or drugs impacts an individual's: (1) decision-making ability; (2) awareness of consequences; (3) ability to make informed judgments; or (4) capacity to appreciate the nature and the quality of the act.

**It shall not be a valid excuse that the Respondent believed that the Complainant affirmatively consented to the sexual activity if the Respondent knew or reasonably should have known that the Complainant was unable to consent to the sexual activity under any of the following circumstances: (a) the Complainant was asleep or unconscious; (b) the 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) the Complainant was unable to communicate due to a mental or physical condition.**

Whether the Respondent reasonably should have known that the Complainant was incapacitated will be evaluated using an objective reasonable person standard. The fact that the Respondent was actually unaware of the Complainant's incapacity is irrelevant to this analysis, particularly where the Respondent's failure to appreciate the Complainant's incapacitation resulted from the Respondent's failure to take reasonable steps to determine the Complainant's incapacitation or where the Respondent's own incapacitation (from alcohol or drugs) caused the Respondent to misjudge the Complainant's incapacity.

It is the responsibility of each Party to be aware of the intoxication level of the other Party before engaging in sexual activity. In general, sexual activity while under the influence of alcohol or other drugs poses a risk to all Parties. If there is any doubt as to the level or extent of the other individual's intoxication, it is safest to forgo or cease any sexual contact or activity.

Being intoxicated by drugs or alcohol is no defense to any violation of this Policy and does not diminish one's responsibility to obtain consent.

## Privacy and Confidentiality: Understanding the Differences

The College is committed to protecting the privacy of all individuals involved in the investigation and resolution of reports under this Policy. The College also is committed to assisting students, employees, and third Parties in making informed choices. With respect to any report under this Policy, the College will make reasonable efforts to protect the privacy of participants, in accordance with applicable state and federal law, while balancing the need to gather information to take steps to eliminate Prohibited Conduct, prevent its recurrence, and remedy its effects. All College employees who are involved in the College's Title IX response receive specific instruction about respecting and safeguarding private information.

Privacy and confidentiality have distinct meanings under this Policy.

### PRIVACY

Privacy generally means that information related to a report of Prohibited Conduct will only be shared with a limited circle of individuals who "need to know" in order to assist in the assessment, investigation, or resolution of the report. While not bound by confidentiality, these individuals will be discreet and respect the privacy of all individuals involved in the process.

The privacy of student education records will be protected in accordance with the *Family Educational Rights and Privacy Act* (FERPA), as outlined in the College's FERPA policy. The privacy of an individual's medical and related records may be protected by the *Health Insurance Portability and Accountability Act* (HIPAA), excepting health records protected by FERPA and by the *California Confidentiality of Medical Information Act* (CMIA), Cal. Civ. Code § 56.05 *et seq.* Access to an employee's personnel records may be restricted by applicable California and federal law.

While there are certain limitations on privacy, the College generally will not release the names of the Complainant or Respondent to the general public without express written consent or absent another exception consistent with the law. The release of names will be guided by applicable law, including FERPA and the Clery Act.



In addition, no information shall be released from a proceeding to enforce this Policy except as required or permitted by law and College policy.

### CONFIDENTIALITY

Confidentiality generally 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.

The confidentiality of information shared by an individual with designated campus or community professionals generally is governed by California law, including California Evidence Code restrictions on disclosure of information by mental health providers, ordained clergy, rape crisis counselors, and attorneys, all of whom have legally protected confidentiality. These individuals are prohibited from breaking confidentiality unless there is an imminent threat of harm to self or others.

An individual who seeks confidential assistance may do so by speaking with professionals who have a legally protected confidentiality. Note, however, that these confidential resources are required by state law to notify child protective services and/or local law enforcement of any report which involves suspected abuse of a minor under the age of 18.

### REQUESTS FOR CONFIDENTIALITY

A student may desire to report Prohibited Conduct to the College but maintain confidentiality; if so, the Title IX Coordinator will evaluate such requests. Where a Complainant requests that the Complainant's name or other identifiable information not be shared with the Respondent or that no formal action be taken, the Title IX Coordinator, in conjunction with the Title IX team, will balance the Complainant's request with its dual obligation to provide a safe and non-discriminatory environment for all College community members and to remain true to principles of fundamental fairness that ordinarily provide for notice and an opportunity to respond before action is taken against a Respondent. In making this determination, the College may consider the seriousness of the conduct, the respective ages and roles of the Complainant and Respondent, whether there have been other complaints or reports of harassment or misconduct against the Respondent, and the rights of the Respondent to receive notice and relevant information before disciplinary action is sought.

The College will take all reasonable steps to investigate and respond to the complaint consistent with the request for confidentiality or request not to pursue an investigation, but its ability to do so may be limited based on the nature of the request by the Complainant. Where the College is unable to take action consistent with the request of the Complainant, the Title IX Coordinator or a member of the Title IX team will inform the Complainant about the chosen course of action, which may include the College seeking disciplinary action against a Respondent. Alternatively, the course of action may also include steps to limit the effects of the alleged harassment and prevent its recurrence that do not involve formal disciplinary action against a Respondent or revealing the identity of the Complainant.

## Reporting Sexual Misconduct, Intimate Partner Violence (Dating Violence, Domestic Violence, and Stalking) and College Disciplinary Procedures

The College strongly encourages all individuals to seek assistance from a medical provider and/or law enforcement immediately after an incident of sexual violence. This is the best option to ensure preservation of evidence and to begin a timely investigative and remedial response.

The College also strongly encourages all individuals to make a report to the College and to local law enforcement, although neither is required. These reporting options are not mutually exclusive. Both internal and criminal reports may be made simultaneously.

The College has a strong interest in supporting survivors of sexual harassment, sexual violence, stalking, and intimate partner violence and strongly encourages all individuals or third-party witnesses to report any incident to the College.

Making a report means telling a Responsible Employee what happened — in person, by telephone, in writing, or by email. At the time a report is made, a Complainant does not have to request any particular course of action, nor does a Complainant need to know how to label what happened. Choosing to make a report, and deciding how to proceed after making the report, can be a process that unfolds over time. The College provides support that can assist each individual in making these important decisions, and will respect an individual's autonomy in deciding how to proceed to the extent legally possible. In this process, the College will balance the individual's interest with its obligation to provide a safe and non-discriminatory environment for all members of the College community. The Sexual Misconduct Policy applies to students and employees. When the accused is an employee and discipline is imposed, additional procedures are applicable as described in the Employee and Faculty Handbooks.

The College will investigate and resolve all reports of Prohibited Conduct in a fair and impartial manner. A Complainant, a Respondent, and all individuals involved will be treated with dignity and respect. In response to all reports of Prohibited Conduct, the College will make an immediate assessment of any risk of harm to the Complainant, Respondent, or to the broader campus community and will take steps necessary to address those risks. These steps may include interim measures to provide for the safety of the individual and the campus community.

### EMERGENCY AND EXTERNAL REPORTING OPTIONS

Complainants have the right to notify or decline to notify law enforcement. The College strongly encourages all individuals to seek assistance from law enforcement immediately after an incident of sexual misconduct, intimate partner violence, or any other Prohibited Conduct. This is the best option to ensure preservation of evidence and to begin a timely investigative and remedial response. Police have unique legal authority, including the power to seek and execute search warrants, collect forensic evidence, make arrests, and assist in seeking emergency protective orders. The College will help any Occidental community member to get to a safe place and will provide transportation to the hospital, coordination with law enforcement, and information about on- and off-campus resources and options for resolution.

- LAPD (Los Angeles Police Department)
- LAPD Northeast Division

## OTHER REPORTING CONSIDERATIONS

### *Timeliness and Location of Incident*

Complainants and third-party witnesses are encouraged to report Prohibited Conduct as soon as possible in order to maximize the College's ability to respond promptly and effectively. The College does not, however, limit the time frame for reporting. If the Respondent is not a member of the Occidental community, the College will still seek to meet its Title IX obligation by taking steps to end the prohibited conduct, prevent its recurrence, and address its effects, but its ability to take disciplinary action against the Respondent will, of course, be limited.

An incident does not have to occur on campus to be reported to the College. Off-campus conduct that is likely to have a substantial effect on the Complainant's on-campus life and activities or poses a threat or danger to members of the Occidental community may also be addressed under this Policy.

### *Amnesty for Alcohol or Other Drug Use or Other Conduct Violations*

The College strongly encourages the reporting of Prohibited Conduct under this Policy. It is in the best interest of this community that as many Complainants as possible choose to report to college officials and that participants in the grievance process are forthright in sharing information. To guard against discouraging reporting or participation, a student who reports Prohibited Conduct or participates in the grievance process, either as a Complainant, Respondent, or a third-Party witness, will not be subject to disciplinary action by the College for personal consumption of alcohol or drugs or other violations of the conduct policy (not including the Sexual Misconduct Policy) at or near the time of the incident, provided that any such violations did not and do not place the health or safety of any other person at risk and do not involve plagiarism, cheating, or academic dishonesty. The College may, however, initiate an educational discussion or pursue other educational remedies with the student regarding alcohol or other drugs. **Being intoxicated by drugs or alcohol is no defense to any violation of the Policy and does not diminish one's responsibility to obtain consent.**

### *Coordination with Law Enforcement*

The College strongly encourages Complainants to pursue criminal action for incidents of sexual harassment, sexual violence, and intimate partner violence that may also be crimes under California law. The College will assist a Complainant in making a criminal report and cooperate with law enforcement agencies if a Complainant decides to pursue the criminal process to the extent permitted by law.

The College's Policy, definitions, and burden of proof may differ from California criminal law. A Complainant may seek recourse under the Policy and/or pursue criminal action. Neither law enforcement's determination whether or not to prosecute a Respondent, nor the outcome of any criminal prosecution, are determinative of whether a violation of the Policy has occurred. Proceedings under this Policy may be carried out prior to, simultaneously with, or following civil or criminal proceedings off campus.

The College may not delay conducting its own investigation unless specifically requested by the law enforcement (e.g., LAPD). In the event of such specific request, the College shall defer its investigation only during the time that law enforcement is gathering evidence, which should not exceed ten (10) days absent extenuating circumstances. The College will nevertheless communicate with the Complainant and Respondent (if appropriate) regarding Title IX rights, procedural options, and the implementation of interim measures to assure safety and well-being. The College will promptly resume fact-gathering as soon as it is informed that law enforcement has completed its initial investigation.

### ***False Reports***

The College takes the accuracy of information very seriously, as a report of Prohibited Conduct may have severe consequences. A good-faith complaint that results in a finding of not responsible is not considered a false or fabricated report of Prohibited Conduct. However, when a Complainant or third Party witness is found to have fabricated allegations or given false information with malicious intent or in bad faith, the Complainant may be subject to disciplinary action. It is a violation of the Code of Student Conduct to make an intentionally false report of any Policy violation, and it may also violate state criminal statutes and civil defamation laws.

### ***Reports Involving Minors or Suspected Child Abuse***

Under California law, an individual must make a mandatory report of suspected child abuse and neglect, including sexual assault, when that individual, in their professional capacity or within the scope of their employment, has knowledge of, or observes, a minor under the age of 18 whom the individual knows or reasonably suspects has been the survivor of child abuse or neglect.

All College employees are required to immediately report any suspected child abuse and neglect to the Title IX Coordinator and the Director of Campus Safety. The source of abuse does not need to be known in order to file a report.

The College will report all suspected child abuse and neglect, including sexual assault, to law enforcement and/or the Los Angeles County Department of Child and Family Services. The College must act quickly regarding all reasonable suspicions of sexual or physical abuse. It is not the responsibility of any employee, student, or volunteer to investigate suspected child abuse. This is the role of Child Protective Services and law enforcement authorities.

In addition to notifying the Title IX Coordinator and Director of Campus Safety, any individual may make a direct report as follows:

- If a child is in immediate danger, call 911.
- If there is no immediate danger, contact the Child Protection Hotline 24 hours a day, 7 days a week, at (800) 540-4000. If calling from outside of California, call (213) 639-4500.

## **Reporting Sexual Misconduct, Dating and Domestic Violence, and Stalking, and Initial Assessment**

An individual who wishes to report Prohibited Conduct by a student is encouraged to report directly to the Title IX Coordinator, Deputy Title IX Coordinators, Campus Safety, and/or the Dean of Students Office.

The Office of Title IX and the Title IX team, will coordinate resolution of all reports of Prohibited Conduct defined in the Sexual Misconduct Policy.

Where a report sets out allegations of Prohibited Conduct under both the Sexual Misconduct Policy the Title IX Coordinator or a Deputy Title IX Coordinator will serve as Civil Rights Coordinator (CRC) for the entire complaint.

Proceeding means all activities related to a non-criminal resolution of an institutional disciplinary complaint, including, but not limited to, fact-finding investigations, formal or informal meetings, and hearings. Proceeding does not include communications and meetings between officials and victims concerning accommodations or protective measures to be provided to a victim.

Proceedings are conducted by officials who receive annual training and ensure equal opportunities for the Complainant and Respondent. Both Parties will have the opportunity to object to the designated CRC on the grounds of bias or conflict of interest. If either of the Parties objects, the grievance process will be suspended and the Title IX Coordinator, a Deputy Title IX Coordinator, or other appropriate College administrator who is not the subject of the objection, will evaluate whether the objection is substantiated. The Parties will be notified in writing of the findings within two (2) calendar days. If the CRC is found to have a bias or conflict of interest against either Party, the CRC will be removed and replaced by another CRC. The grievance process will resume immediately upon a finding of no bias or conflict of interest, or upon the CRC's replacement, whichever is first.

## INTAKE MEETING

Upon receipt of a report, the Title IX Office (coordinator or deputies) will conduct an Intake Meeting as soon as possible after receiving a complaint. At that meeting, the CRC will address the following topics, as appropriate:

- Address immediate physical safety and emotional well-being needs;
- Notify the Complainant of the right to contact law enforcement and seek medical treatment (and the right to decline to do so), and the importance of preservation of evidence;
- Notify the Complainant of the right to be assisted by individuals at the College in contacting law enforcement;
- Notify the Complainant of confidential and non-confidential reporting options on and off-campus;
- Provide the Complainant with information about:
  - On- and off-campus resources, including counseling, health, mental health, victim advocacy, legal assistance (including visa and immigration assistance), student financial aid, and other available services;
  - The range of interim measures and remedies, including changes to academic, living, transportation, and/or working situations, or other protective measures, which are available to the Complainant regardless of whether the Complainant

files a formal complaint with the College, Campus Safety or local law enforcement;

- Provide an overview of the procedural options and process, including Informal Resolution and Formal Resolution;
- Explain the right to object to the assignment of the designated CRC based on bias or conflict of interest within two (2) calendar days of a decision to proceed through the grievance process;
- Explain that the student has a right to an advisor of their choice during the process and provide a list of college employees trained as advisors upon request;
- Assess for pattern evidence or other similar conduct if possible;
- Explain the College's alcohol and drug amnesty policy;
- Explain the College's policy prohibiting retaliation;
- Explain that if the complaint involves a Clery crime, the CRC will notify the Clery Coordinator of the report to assess the need to (1) enter the report into the College's daily crime log; and (2) issue a timely warning as defined by the Clery Act, and assure the Complainant that any such reports will not include the Complainant's personally identifying information.

Following the meeting, the CRC will provide the Complainant with the above-listed information in writing. As described in the Sexual Misconduct Policy, the Complainant has the right to request that the CRC not share the Complainant's name (or other identifiable information) with the Respondent, or that the CRC take no formal action in response to the report.

If the Complainant makes such a request, the CRC will balance the request with its dual obligation to provide a safe and nondiscriminatory environment for all College community members, and to remain true to principles of fundamental fairness that require the College to provide the Respondent with notice of the allegations and an opportunity to respond before action is taken against the Respondent. The CRC will make this determination consistent with the following considerations: (1) the seriousness of the conduct; (2) the respective ages and roles of the Complainant and the Respondent; (3) whether there have been other complaints or reports of Prohibited Conduct against the Respondent; and (4) the right of the Respondent to receive notice and relevant information before disciplinary action is sought.

Should the CRC determine that, in response to the Complainant's request, the College can satisfy its obligations to the Complainant, the College community members, and the Respondent without proceeding through the grievance process described herein, the CRC has the discretion to do so.

Absent a request for confidentiality as described above, the CRC will ask the Complainant questions to get a basic understanding of the reported Prohibited Conduct. The interview will include questions to understand the key facts upon which the Complainant bases the report (i.e., the who, what, where, and when) to appropriately assess how to proceed. At the conclusion of the Intake Meeting, and if the individual wishes to move forward with a complaint, the CRC will make two threshold determinations: (1) Whether or not the Complainant's report state facts that, if true, could constitute a violation of the College's Sexual Misconduct Policy, and (2) If yes, should the College proceed through Formal or Informal Resolution?



The CRC will make both threshold determinations within three (3) calendar days of the CRC's Intake Meeting with the Complainant and communicate that finding in writing to the Complainant.

The CRC will determine whether the Complainant's report alleges a potential violation of the College's Sexual Misconduct Policy. This determination is *not* intended to screen complaints from the grievance process. Rather, its purpose is to determine whether the conduct as stated *could* constitute a violation of the College's Sexual Misconduct Policy. For example, if a Complainant alleges that a Respondent engaged in Prohibited Conduct as defined by the Sexual Misconduct Policy, but did not allege facts demonstrating that the conduct was sexual in nature, or on the basis of sex, the College likely would determine that the Complainant's report does not allege a potential violation of the College's Sexual Misconduct Policy. The standard for the first threshold determination is "preponderance of the evidence," i.e. that it is more likely than not that the Complainant's report does not state facts, that if true, could constitute a violation of the College's Sexual Misconduct Policy.

If the CRC determines that the Complainant's report states facts, which, if true, could constitute a violation of the College's Sexual Misconduct Policy, the CRC will assess whether the complaint must proceed through Formal Resolution, or may proceed through Informal Resolution. The CRC will communicate the threshold determination finding in writing to the Complainant. If the CRC determines that the Complainant's report does not state facts that, if true, could constitute a violation of the College's Sexual Misconduct Policy, the Complainant may still file a report with the Office of Student Conduct, federal Office for Civil Rights, the police, or seek available civil remedies through the judicial system. The Complainant also may re-file the report under the Sexual Misconduct Policy upon discovery of additional facts.

## RESOLUTION: INFORMAL AND FORMAL

The CRC will determine whether the report may proceed through Informal Resolution, or must proceed through Formal Resolution. Provisions are in place to ensure that proceedings will be prompt, fair, and impartial. The CRC will follow the following guidelines in making this determination: Any complaint that alleges sexual misconduct, including sexual assault and nonconsensual sexual contact, or other forms of physical violence *must* proceed through the formal investigation process. Some complaints that allege harassment (without facts suggesting violence) *may* be appropriate for Informal Resolution. If the CRC determines that the complaint may appropriately be resolved through Informal Resolution, the CRC will ask the Complainant and Respondent, separately, whether they would agree to pursue resolution of the complaint informally. Any resolution reached through an informal process will be confirmed in writing and provided to the parties within five (5) calendar days of reaching a resolution. If either Party does not agree to pursue Informal Resolution, or if the Complainant, Respondent, or CRC, at any time, determines that Informal Resolution is no longer appropriate, the Title IX Coordinator will promptly inform the Complainant and Respondent in writing that the complaint will proceed through Formal Resolution.

### **Informal Resolution**

As an alternative to Formal Resolution, and *only* if the CRC determines that it is appropriate, the Parties may choose to resolve complaints through Informal Resolution. Informal Resolution is not an option in cases involving allegations of assault or violence.

The Parties may proceed to Informal Resolution only if the following occurs: *first*, the CRC determines that the complaint may be resolved appropriately through Informal Resolution; *second*, the Complainant agrees to Informal Resolution; and *third*, the Respondent agrees to Informal Resolution. If *any* of the three conditions is not met, the CRC will proceed to Formal Resolution. If all three conditions are met, the CRC will notify the Parties within five (5) calendar days and proceed through Informal Resolution. If the Respondent has not yet been provided an opportunity to object to the designated CRC based on bias or conflict of interest, the CRC will also notify the Respondent of the right to do so within two (2) calendar days of receipt of the notice of Informal Resolution. As noted above, the Complainant will have been provided the same opportunity after the Intake Meeting.

The nature of Informal Resolution is flexible, and not all complaints resolved through Informal Resolution will proceed in uniform fashion. Typically, however, the CRC will ask the Complainant to prepare a written report, which sets out the factual basis for the grievance and any proposed resolution. The Complainant will be asked to provide the written report to the CRC within five (5) calendar days of conclusion of the Intake Meeting. The CRC will share the written report with the Respondent, and will instruct the Respondent to provide a written response to the report within five (5) calendar days of reviewing the Complainant's report. The CRC will then meet separately with both Parties to discuss potential alternative resolutions based on the Parties' statements and (if applicable) other available information. The CRC is not a fact-finder; rather, the CRC identifies possible alternative resolution(s) to the complaint. Possible alternative resolution(s) may include, but are not limited to:

- Permanent no-contact order between the students
- Academic or residential reassignment
- Written apology and/or explanation of the circumstances surrounding the grievance
- Educational remedies
- Community service

If the CRC and the Parties reach agreement, the matter is closed. If not, the CRC will proceed with Formal Resolution. Any Party (including the Title IX Coordinator) may terminate the Informal Resolution process at any time. In that event, the Title IX Coordinator will so notify the Parties in writing and will describe next steps and time frames for the Formal Resolution.

### ***Formal Resolution***

If the CRC determines that the Complainant's report must proceed through Formal Resolution, the CRC will notify both Parties, in writing, of the decision within three (3) calendar days of the CRC's Intake Meeting with the Complainant. The CRC's written notification to the Respondent will state facts sufficient to apprise the Respondent of the nature of the allegations, including, specifically:

- Complainant's name
- Nature of the report
  - Specific policy violation(s) alleged (e.g., sexual assault, sexual harassment, retaliation)
  - Date(s) of alleged policy violation(s)

- Approximate time(s) of alleged policy violation(s)
- Location(s) of alleged policy violation(s)
- Brief description of allegation(s)

If the Respondent has not yet been provided an opportunity to object to the designated CRC based on bias or conflict of interest, the CRC will also notify the Respondent of the right to do so within two (2) calendar days of receipt of the notice of Formal Resolution. As noted above, the Complainant will have been provided the same opportunity after the Intake Meeting. The notice of the complaint shall also be accompanied with a request for a meeting with the CRC within three (3) days. If the Respondent does not respond to the meeting request or is unable to meet within three (3) days, the CRC shall provide the following information in writing:

- On- and off-campus resources, including counseling, health, mental health, victim advocacy, legal assistance (including visa and immigration assistance), student financial aid, and other available services
- The range of interim measures and remedies, including changes to academic, living, transportation, and/or working situations, or other protective measures
- An overview of the procedural options and process, including Informal Resolution and Formal Resolution
- Explain that the student has a right to an advisor of their choice during the process and provide a list of College employees trained as advisors
- The College's alcohol and drug amnesty policy
- The College's policy prohibiting retaliation

Concurrently, the CRC will select a trained internal or external investigator or a two-person investigative team, (which may include a combination of one internal and one external investigator) ("Investigator") to conduct a reasonable, impartial, and prompt investigation of the complaint ("Investigation"). The CRC will select an Investigator based on several factors, including the Parties involved, the complexity of the complaint, the need to avoid any potential conflict of interest, and who may best conduct a fair and equitable investigation for all Parties involved. The CRC will notify the Parties, in writing, of the name of the designated Investigator at the time the CRC issues the notice of formal resolution. Both Parties will have three (3) calendar days to object to the Investigator's selection on the basis of bias or conflict of interest. If either of the Parties objects, the CRC will evaluate whether the objection is substantiated. The CRC will remove and replace any Investigator the CRC finds to have a bias or conflict of interest against either Party.

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

of Findings and Response). The Complainant and Respondent will be notified in writing of any delays and the new timeframes/deadlines. Each stage proceeds as follows:

### **Preliminary Investigation**

The Investigator will begin with a Preliminary Investigation, with a recommended timeline of twenty five (25) days. The purpose of a Preliminary Investigation is two-fold: *first*, to identify and gather all relevant facts; and *second*, to provide the Parties with an opportunity to develop, and respond to, the allegations and evidence presented before the Investigator makes findings. Generally, the Investigator will conduct the Preliminary Investigation in the following order:

#### **Step One: Initial Fact-Gathering.**

The Investigator will interview both Parties and relevant witnesses, and gather documentary evidence provided by the Parties and any identified witnesses. The Investigator will prepare a summary of each interview ("Interview Summary"). The Investigator will share the Interview Summary with the interviewee. The interviewee will have the opportunity to correct or comment on any statements made in the Interview Summary. If the interviewee has no corrections to, or comments on, the Interview Summary, the interviewee will sign an acknowledgement that the interviewee has reviewed and agrees that the Interview Summary is accurate. If the interviewee has corrections or comments to the Interview Summary, the interviewee may submit a written response within three (3) days reflecting any additions or changes which the interviewee believes are necessary to ensure the accuracy of the interviewee's statement. If no response is received from the interviewee, their Interview Summary may be included in the report and will be presumed to be accurate. In all instances where the Investigator includes the Interview Summary as an exhibit to a report, the Investigator will also include any response.

#### **Step Two: Rebuttal Fact-Gathering.**

The Investigator may conduct follow-up interviews with both Parties and witnesses based upon testimonial and documentary evidence gathered in Step One. The Parties and witnesses can expect that, in these follow-up interviews, the Investigator will seek responses to specific allegations or evidence (e.g., an Investigator may show one of the Parties a series of text messages between himself or herself and another witness, and ask about the content of the text messages). To the extent additional material, witnesses or evidence are identified during Step Two, the Investigator will conduct additional interviews and gather additional evidence consistent with the procedures outlined in Step One. Step Two may be repeated as necessary to ensure a complete gathering of evidence.

#### **Step Three: Preliminary Report.**

The Investigator will prepare a Preliminary Report. The Preliminary Report is a written summary of the evidence gathered in the course of the Preliminary Investigation. The Investigator will state specific factual findings in the Preliminary Report (e.g., "Complainant was incapacitated" or "Respondent reasonably believed that Complainant was not incapacitated"). The standard for determining each factual finding is the "preponderance of the evidence," i.e., that it is more likely than not that the factual finding is true. The Investigator will not state ultimate findings as to whether the

Respondent has, or has not, violated one or more of the College's policies. The Investigator will attach as exhibits to the Preliminary Report all Interview Summaries and any documentary evidence gathered and relied upon in the Preliminary Investigation. When the Investigator determines that the Preliminary Investigation is complete, the Investigator will submit the Preliminary Report to the CRC. The CRC may require the Investigator to conduct additional investigation; if so, the Investigator will conduct additional investigation consistent with the procedures outlined above.

### ***Notice of Findings and Response***

Once the CRC has agreed that the Preliminary Investigation is complete, the CRC will provide the Preliminary Report to the Parties for review, within three (3) calendar days of receipt of the agreed-upon Preliminary Report from the Investigator. Given the sensitive nature of the information provided, the CRC will provide the information in a secure manner (e.g., by providing hard-copy materials in an office designated by the CRC, or by providing digital copies of the materials through a protected, "read-only" web portal). Neither the Complainant nor the Respondent (or their advisors, including but not limited to family members and/or legal counsel) may copy, remove, photograph, print, image, videotape, record, or in any manner otherwise duplicate or remove the information provided. An advisor who fails to abide by this policy may be subject to discipline and/or may be excluded from further participation in the process.

The Parties may respond to the Preliminary Report; the Parties will submit any response within five (5) calendar days of being notified of their opportunity to review the report. The Parties may respond in one or both of the following ways:

- The Parties may provide a written response to the Preliminary Report, or any portion of it, including each Interview Summary. The Investigator will consider any written response provided by the Parties in preparing the Final Report.
- The Parties may submit a written request for additional investigation. Such requests may include, but are not limited to, the following: (1) request(s) for follow-up interview(s) with existing witnesses to clarify or provide additional information, including offering questions to the investigator to pose to witnesses; (2) request(s) for interviews with new witnesses; or (3) request(s) to consider new evidence. Any request for additional investigation shall explain the reason for the request.

If neither of the Parties requests additional investigation, the Investigator will prepare the Final Report. If either (or both) Parties request additional investigation, the Investigator will review the request(s) in consultation with the CRC. The Investigator will conduct the requested additional investigation if the Investigator, in consultation with the CRC, determines that the request(s) will assist the Investigator in completing the investigation. The Investigator and CRC will assess whether investigation of the additional information requires a substantial deviation from the recommended timeframe for completion of the investigation; if so, the CRC will notify the Parties in writing with an anticipated revised timeframe.

If the Investigator conducts additional investigation, the Investigator will prepare an Addendum to the Preliminary Report ("Addendum"). The Addendum will include: (1) a summary of the additional investigation; (2) a statement as to whether the additional investigation changed any finding in the Preliminary Report (and, if it did, the Investigator will identify which finding(s) changed); and (3) additional exhibits, to the extent the additional investigation resulted in additional documentary evidence or Interview Summaries. The Investigator will submit the Addendum to the CRC. The CRC may require the Investigator to conduct additional



investigation before the Addendum is complete. Once the CRC has agreed that the Addendum is complete, the CRC will provide the Addendum to the Parties for review.

The Parties will have an opportunity to respond to the Addendum; any response must be submitted within five (5) days of receipt of the Addendum. At the time that the Parties respond to the Addendum, the Parties have already had the opportunity to respond to the Preliminary Report in full. Therefore, the College requires that the Parties limit the scope of their Addendum response to the effect (or lack thereof) of additional evidence on the findings as stated in the Addendum.

The College will, upon written request, disclose to the alleged victim of a crime of violence (as that term is defined in Section 16 of Title 18, United States Code) or a non-forcible sex offense, the report on the results of any disciplinary proceeding conducted by the College against a student who is the alleged perpetrator of such crime or offense.

### **Final Report**

As noted above, if neither of the Parties requests additional investigation, the Investigator will prepare a Final Report. If one or both Parties requests additional investigation, and the request(s) is granted, the Investigator will prepare a Final Report once both Parties have had the opportunity to respond to the Addendum, and the Investigator and CRC are satisfied that no further investigation is required.

The Final Report will state (1) the ultimate finding(s) (i.e., whether the Respondent did, or did not, violate the College's Sexual Misconduct Policy); (2) the specific factual findings in support of the Investigator's ultimate finding(s); and (3) the specific evidence upon which the Investigator relied in making each factual finding. The standard for determining the ultimate finding of responsibility, or non-responsibility, is the "**preponderance of the evidence**," i.e., that it is more likely than not that the ultimate finding is true. The Final Report will have attached as exhibits the testimonial and documentary evidence from the Preliminary Investigation, the Preliminary Report, the Addendum (if applicable), and all of the Parties' responses throughout the Formal Resolution proceeding. Once the Investigator is satisfied that the Final Report is complete, the Investigator will submit the Final Report to the CRC. The CRC will review the report and determine whether the report demonstrates by a preponderance of the evidence that: (1) the evidence supports the Investigator's factual findings; and (2) the Investigator's factual findings support the Investigator's ultimate finding of responsibility or non-responsibility.

Once the CRC has agreed that the Final Report is complete, the CRC will provide the Final Report to the Parties for review. Given the sensitive nature of the information provided, the manner in which the CRC provides the information must be secure (e.g., by providing hard-copy materials in an office selected by the CRC, or by providing digital copies of the materials through a protected, "read-only" web portal). Again, neither the Complainant nor the Respondent (or any of their advisors, including but not limited to family members legal counsel, or others who may serve as advisors) may copy, remove, photograph, print, image, videotape, record, or in any manner otherwise duplicate or remove the information provided. An advisor who fails to abide by this policy may be precluded from further participation in the process. The CRC, in conjunction with the Investigator, will seek to provide the Final Report to the Parties within five (5) calendar days of the Parties' responses to the Preliminary Report (or, if the Parties requested additional investigation, within five (5) calendar days of the Parties' responses to the Addendum).



If the Respondent is found responsible for a violation of the College's Sexual Misconduct Policy, the Formal Resolution process concludes with Sanctions. If the Respondent is found not to have violated the College's Sexual Misconduct Policy, the Formal Resolution has concluded. At the conclusion of the Formal Resolution Process, either Party may appeal.

### **INTERIM MEASURES AND REMEDIES**

Upon receipt of a report, the College will provide reasonable and appropriate interim measures designed to eliminate the alleged hostile environment and protect the Parties involved. The College will make reasonable efforts to communicate with the Parties to ensure that all safety, emotional and physical well-being concerns are being addressed. Interim measures may be imposed regardless of whether formal disciplinary action is sought by the Complainant or the College, and regardless of whether the crime is reported to Campus Safety or local law enforcement.

A Complainant or Respondent may request a No Contact Letter or other protection, or the College may choose to impose interim measures at its discretion to ensure the safety of all Parties, the broader College community, and/or the integrity of the process.

The College will maintain the privacy of any remedial and protective measures provided under this Policy to the extent practicable and will promptly address any violation of the protective measures. All individuals are encouraged to report concerns about failure of another individual to abide by any restrictions imposed by an interim measure. The College will take immediate and responsive action to enforce a previously implemented restriction if such restriction was violated.

#### ***Range of Measures***

Interim measures will be implemented at the discretion of the College. Potential remedies, which may be applied include:

- Access to counseling services and assistance in setting up initial appointment, both on and off campus;
- Imposition of campus "No Contact Letter;"
- Rescheduling of exams and assignments (in conjunction with appropriate faculty and deans as necessary);
- Providing alternative course completion options (with the agreement of the appropriate faculty);
- Change in class schedule, including the ability to take an "incomplete," drop a course without penalty or transfer sections (with the agreement of the appropriate faculty);
- Change in work schedule or job assignment;
- Change in on-campus housing;
- Arranging to dissolve a housing contract and pro-rating a refund in accordance with campus housing policies;
- Assistance from College support staff in completing housing relocation;

- Limiting an individual or organization's access to certain College facilities or activities pending resolution of the matter;
- Voluntary leave of absence;
- Providing an escort to ensure safe movement between classes and activities;
- Providing medical services;
- Providing academic support services, such as tutoring;
- Interim suspension or College-imposed leave;
- Any other remedy that can be tailored to the involved individuals to reasonably achieve the goals of this Policy.

### INTERIM SUSPENSION OR SEPARATION

Where the reported conduct poses a substantial and immediate threat of harm to the safety or well-being of an individual, members of the campus community, or the performance of normal College functions, the College may place a student or student organization on interim suspension or impose leave for an employee. Pending resolution of the report, the individual or organization may be denied access to campus, campus facilities, and/or all other College activities or privileges for which the student might otherwise be eligible, as the College determines appropriate. When interim suspension or leave is imposed, the College will make reasonable efforts to complete the investigation and resolution within an expedited time frame.

A student Respondent who has been put on interim suspension has the right to a meeting within three (3) days with the Dean of Students or designee to appeal the interim suspension. The Dean of Students (or designee) reviews the appeal to determine whether the decision to put a student on interim suspension was arbitrary or capricious. A decision is arbitrary and capricious where there is no rational connection between the facts presented and the decision made.

Provisions for suspension of faculty members are contained in the Faculty Handbook. Staff may be placed on leave at the discretion of the College.

### SANCTIONS

If the report proceeds through Formal Resolution and the Respondent is found responsible for one or more violations of the College's anti-discrimination policies, the College will issue sanctions commensurate with the violation(s). The CRC will designate three trained individuals to serve on a three-person panel ("Review Panel") to determine sanctions. The CRC will notify the Parties, in writing, of the name of the designated Review Panelists within three (3) calendar days upon receipt of the final report. Both Parties will have three (3) calendar days to object to each Review Panelist on the basis of bias or conflict of interest. If either of the Parties objects, the CRC will evaluate whether the objection is substantiated. The CRC will remove and replace any Review Panelist the CRC finds to have a bias or conflict of interest against either Party.

The CRC will notify the Parties that they have the opportunity to submit statements to the Review Panel within five (5) calendar days of the receipt of the final report. The Review Panel will review the Parties' Impact Statements, and all other materials in the case, including the Final Report and attached exhibits, in assessing the appropriate sanction. The Review Panel does not have the power or ability to alter the findings (factual or ultimate) by the Investigator.

The Review Panel has the discretion to recommend a variety of sanctions consistent with the Sanctioning Guidelines. If the Review Panel deviates from the Sanctioning Guidelines, the Review Panel must provide an explanation to the CRC, in writing, of the exceptional circumstances of the case that merit deviation. In all instances, the CRC has the discretion to reject the Review Panel's deviation and implement sanctions consistent with the Sanctioning Guidelines.

The Review Panel will issue a recommendation to the CRC regarding sanctions within five (5) calendar days of receiving all materials in the case, including any Impact Statements submitted by the Parties. The CRC will issue final sanctions within three (3) calendar days of receipt of the Review Panel Recommendation. The CRC will issue the sanctions recommended by the Review Panel unless (1) the Review Panel recommends sanctions that deviate from established Sanctioning Guidelines (without demonstrable justification); or (2) the Review Panel recommends sanctions that the CRC believes will not effectively stop the alleged harassment, prevent its recurrence, or remedy its effects. The CRC will notify the Parties of the sanctions simultaneously in writing.

Any one or more of the sanctions listed here may be imposed on a Respondent who is found responsible for a violation of the College's Sexual Misconduct Policy. Sanctions not listed here may be imposed in consultation with and approval by the CRC. Sanctions are assessed in response to the specific violation(s) and any prior discipline history of the Respondent.

**Sanctions are effective immediately. If the Respondent appeals the findings contained in the Final Report, the sanctions will continue in effect during the appeal. The sanctions may be lifted only if, as a result of the final outcome of the appeal, the Respondent is found not responsible for one or more of the original policy violations submitted to the Review Panel.**

Possible sanctions include, but are not limited to:

**Warning:** Notice, in writing, that continuation or repetition of Prohibited Conduct may be cause for additional disciplinary action.

**Censure:** A written reprimand for violating the Sexual Misconduct Policy. This conduct status specifies a period of time during which the student's good standing with the College may be in jeopardy. The student is officially warned that continuation or repetition of Prohibited Conduct may be cause for additional conduct action including probation, suspension, or expulsion from the College.

**Disciplinary Probation:** Exclusion from participation in privileged activities for a specified period of time (privileged activities may include, but are not limited to, elected or appointed ASOC offices, student research, athletics, some student employment, and study abroad). Additional restrictions or conditions may also be imposed. Violations of the terms of disciplinary probation or any other College policy violations may result in further disciplinary action.

**Restitution:** Repayment to the College or to an affected Party for damages (amount to be determined by the College) resulting from a violation of this Code. To enforce this sanction, the College reserves the right to withhold its transcripts and degrees or to deny a student participation in graduation ceremonies and privileged events.

**Removal from Campus Housing:** Students may be removed from College housing and/or barred from applying for campus housing due to disciplinary violations of this Code.

**Suspension:** Exclusion from College premises, attending classes, and other privileges or activities for a specified period of time, as set forth in the suspension notice. Notice of this action will remain in the student's conduct file and will be permanently recorded on the student's academic transcript. Conditions for readmission may be specified in the suspension notice.

**Expulsion:** Permanent termination of student status and exclusion from College premises, privileges, and activities. This action will be permanently recorded on the student's academic transcript.

**Revocation of Admission and/or Degree:** Admission to, or a degree awarded by, the College may be revoked for fraud, misrepresentation in obtaining the degree or violation of College policies, the Student Code of Conduct or for other serious violations committed by a student prior to enrollment or graduation.

**Withholding Degree:** The College may withhold awarding a degree otherwise earned until the completion of the process set forth in this Policy, including the completion of all sanctions imposed, if any.

**Other:** Other sanctions may be imposed instead of, or in addition to, those specified here. Service, education or research projects may also be assigned.

**Multiple Sanctions:** More than one of the sanctions listed above may be imposed for any single violation.

Suspension, expulsion, and withdrawal pending disciplinary action are permanently noted on a student's transcript.

## EMPLOYEE SANCTIONS

**Warning:** Notice, in writing, that continuation or repetition of prohibited conduct may be cause for additional disciplinary action.

**Reprimand:** A written reprimand for violating one or more of the College's antidiscrimination policies. The employee is officially warned that continuation or repetition of prohibited conduct may be cause for additional conduct action including probation, suspension, or termination of employment.

**Restitution:** Repayment to the College or to an affected party for damages resulting from a violation of one or more of the College's antidiscrimination policies. Restitution valued by the College.

**Restricted Access:** Conditions which specifically dictate and limit the Respondent's presence on campus and/or participation in College-sponsored activities. The restrictions shall be clearly defined and may include, but are not limited to, presence in certain buildings or locations on campus.

**Employment Suspension:** Formal, written notice that the employee's conduct is in violation of the College's antidiscrimination and/or other College policy and an expectation that the employee exhibit good behavior for a defined period of time. Any violation during the probationary period may result in suspension without pay or termination of employment.

**Suspension Without Pay:** Separation of employment for a defined period of time without pay for the time of separation. During the suspension period the employee is not permitted on campus and is not permitted to participate in or supervise any College-sponsored or affiliated program or activity. The terms of the suspension may include the designation of special

conditions affecting eligibility to continue employment upon completion of the suspension period.

**Employment Probation:** Permanent separation of the employee from the College.

**Other:** Other sanctions may be imposed instead of, or in addition to, those specified here.

**Multiple Sanctions:** More than one of the sanctions listed above may be imposed for any single violation.

Service, education, or research projects may be assigned.

## REMEDIES AND NON-DISCIPLINARY ADMINISTRATIVE MEASURES

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

**Respondent:** Any student found responsible for engaging in Prohibited Conduct, who is not permanently separated from the College, will be required to, in addition to other sanctions consistent with the Sanctioning Guidelines, complete non-disciplinary, educational initiatives at the discretion of the CRC.

**Campus Community:** In all instances where a student is found responsible for engaging in Prohibited Conduct, the CRC will consider and determine whether non-disciplinary, administrative measures for the larger campus community are appropriate. Such remedial, community-based responses may include educational initiatives and/or trainings, climate surveys, targeted assessment of high-risk campus areas, or other appropriate measures.

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

## COMPLAINANT AND RESPONDENT RIGHTS DURING THE PROCESS

The Complainant and Respondent have the right:

- To know in advance the names of all persons to be called.
- To have an adviser of their choice (one person) to accompany them throughout the proceeding, including interviews, meetings, conduct conferences, and hearings.
- To not have irrelevant sexual history presented or discussed.
- To be present and speak on their own behalf and pose questions to all participants (through the adjudicator or hearing panel).
- To have access to the investigation report, College policy, and any other materials presented as part of the adjudicative process.
- To not have to see or be in the presence of the person named in the complaint.
- To be informed in writing of the outcome of the hearing and the process in a timely manner.

- To appeal the outcome of a conduct conference or formal hearing based upon the procedures used, or new information unavailable during the proceedings.

## APPEALS PROCESS

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

**Complainant:** If the Investigator's Final Report concludes that the Respondent did not violate a policy that the Complainant believes the Respondent violated, the Complainant has five (5) calendar days from receiving written notice of the Final Report to submit a written appeal to the CRC. If the Respondent has been found responsible for one or more policy violations, but not others, the Complainant may submit a written appeal to the CRC within five (5) calendar days of notice of the sanction.

**Respondent:** If the Investigator's Final Determination is that the Respondent did violate one or more policies, the Respondent has five (5) calendar days from receiving written notice of the sanction to submit a written appeal to the CRC.

The Party who submits the written appeal will be the "Appellant," and the responding Party will be the "Appellee." The Appellant's written appeal must be based on one of two grounds: (1) Significant Procedural Error; or (2) New Information. Each ground is explained in greater detail:

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

**New Information:** New information has arisen that was not available or known to the Appellant during the investigation and that could significantly impact the findings. Information that was known to the Appellant during the investigation but which s/he chose not to present is not new information. A summary of this new evidence and its potential impact on the investigation findings must be included in the written appeal.

Appellee will have five (5) calendar days to submit a response. At the conclusion of these time periods, the CRC will refer the written appeal, including the Final Report, exhibits attached to the Final Report, and Impact Statements (the "Appeal Record"), to an Appeal Officer.

The CRC will appoint the Appeal Officer from a member of the trained Appeals Panel and notify both Parties of that appointment within five (5) calendar days of receipt of the written appeal. Both Parties will have five (5) calendar days to object to the Appeal Officer's selection on the basis of bias or conflict of interest. The CRC will consider any objection on the grounds of bias or conflict of interest. If the CRC determines that an Appeal Officer may have bias or conflict of interest, the CRC will remove the Appeal Officer and designate a new Appeal Officer.

The role of the Appeal Officer is limited. Appeals are not intended to be a full rehearing of the complaint. Appeals are confined to a review of the Appeal Record for the grounds stated above. The findings contained in the Investigator's Final Report are presumed to have been decided reasonably and appropriately. The Appellant carries the burden of proof to demonstrate that either the alleged error, or the proposed new evidence, would significantly and materially impact the outcome of the proceeding.



The Appeal Officer will determine whether any grounds for the appeal are substantiated. If the Appeal Officer determines that the Request for Appeal does not meet the standards for an Appeal under this Grievance Process, the Appeal Officer will notify both Parties of that outcome within ten (10) calendar days of receipt of both the Appellant's appeal, and the Appellee's response. If the Appeal Officer determines that the Request for Appeal does meet the standards for an Appeal under this Grievance Process, the Appeal Officer will take appropriate action as indicated below.

**Procedural Error:** If it is determined that a procedural error occurred that was substantially prejudicial to the outcome of the investigation, the Appeal Officer may return the complaint to the Investigator with instructions to correct the error, and to reconsider the findings as appropriate. In rare cases, where the procedural error cannot be corrected by the original Investigator (as in cases of bias), the Appeal Officer may order a new investigation with a new Investigator. The results of a reconvened investigation process cannot be appealed.

**New Information:** If the Appeal Officer determines that new information should be considered, the complaint will be returned to the Investigator to reconsider the complaint in light of the new information only, and to reconsider the original findings as appropriate. The Investigator will prepare an Addendum to the Final Report, and provide the Parties with an opportunity to respond to the Addendum consistent with the opportunity to do so in the Notice of Findings and Response stage. The findings of the Final Report upon reconsideration are not appealable.

## NOTIFICATION OF APPEAL OUTCOME

Appellant and Appellee will generally be notified in writing of the outcome of the appeal within ten (10) calendar days of receipt of Appellee's response statement. The Appeal Officer's decision is final and is not subject to appeal. The Appellant and Appellee will be notified in writing when the results of the process become final.

## Additional Provisions

### ADVISOR OF CHOICE

All persons who are a Complainant or a Respondent to this grievance process are permitted to bring an Advisor of their own choosing, including a family member or an attorney, to provide support. The Advisor may accompany the student Party to any and all portions of the grievance process. The Advisor may not participate directly in, or interfere with, the proceedings. Although reasonable attempts will be made to schedule proceedings consistent with advisors availability, the process will not be delayed to schedule the proceedings at the convenience of the advisor. The CRC has the discretion to remove the Advisor from the proceedings if the Advisor interferes with the proceedings.

### TRAINING

The College provides training to all individuals within the community who are involved in responding to, investigating, or resolving reports of Prohibited Conduct. If the College retains an individual outside the community to respond to, investigate, or resolve reports of Prohibited Conduct, the College requires the retained individual has received adequate training consistent with the College's standards. All advisors, including those that are not members of the College

community, shall be offered training on the College's policy. Separate training sessions are offered for community members interested in serving as advisers to assist students going through the complaint process.

### **NOTIFICATIONS**

The CRC will make reasonable efforts to ensure that the Complainant and the Respondent simultaneously are notified of the status of the Grievance Process, consistent with the processes described herein. Both Parties may, at any time, request a status update from the CRC.

### **MODIFICATION OF THE GRIEVANCE PROCESS**

The College will follow the grievance process described herein barring exceptional circumstances. In rare instances, however, the College may be required to adapt or modify the grievance process (including timelines) to ensure prompt and equitable resolution of a report of Prohibited Conduct. The College reserves this right. In such instances, the College will notify both Parties of the modification of the grievance process and, if appropriate, the exceptional circumstances requiring the College to adapt or modify the grievance process.

### **ALCOHOL AND SUBSTANCE USE**

The purpose of this grievance process is to resolve reports of discrimination, harassment, and retaliation against individuals because of sex or gender. It is not the purpose of this grievance process to subject individuals to disciplinary action for their own personal consumption of alcohol or drugs. Consistent with the purpose of the grievance process, the College will not subject individuals who participate in the grievance process to disciplinary action for information revealed in the course of the grievance process, provided that the individual's behavior did not, and does not, place the health and safety of others at risk. In all instances, the College may pursue educational initiatives or remedies related to an individual's consumption of alcohol or drugs.

The use of alcohol or other drugs will never function as a defense for engaging in Prohibited Conduct.

### **PAST SEXUAL HISTORY**

In general, a Complainant's prior sexual history is not relevant and will not be provided to the Investigator. Where there is a current or ongoing relationship between the Complainant and the Respondent, and the Respondent alleges consent, the prior sexual history between the Parties may be relevant to assess the manner and nature of communications between the Parties. As noted in the Sexual Misconduct Policy, however, the mere fact of a current or previous dating or sexual relationship, by itself, is not sufficient to constitute consent. Any prior sexual history of the Complainant with other individuals is typically not relevant and will not be permitted.

### **RESPONDENT'S PRIOR CONDUCT HISTORY**

Where there is evidence of a pattern of conduct similar in nature by the Respondent, either prior, or subsequent, to the conduct in question, regardless of whether there has been a finding of responsibility, this information may be deemed relevant and probative to the Investigator's determination of responsibility, and/or the Review Panel's determination of sanction. The CRC will make a determination of relevance based on an assessment of whether the previous

incident was substantially similar to the conduct cited in the report and indicates a pattern of behavior and substantial conformity with that pattern by the Respondent. Where there is a prior finding of responsibility for a similar act of Prohibited Conduct, there is a presumption of relevance and the finding may be considered in making a determination as to responsibility and/or assigning of a sanction.

The College, through the CRC, may choose to provide this information to the Investigator, with appropriate notice to the Parties. Alternatively, a Party may request in writing that information under this section be admitted. A request to admit such information must be submitted to the CRC. The CRC will assess the relevance of this information and determine if it is appropriate for inclusion in the investigation report.

### **CONSOLIDATION OF INVESTIGATIONS**

The CRC has the discretion to consolidate into one Investigation multiple reports against a Respondent and/or cross-complaints between a Complainant and a Respondent, if the evidence related to each incident would be relevant and probative in reaching a determination on the other incident. Matters may be consolidated where they involve multiple Complainants, multiple Respondents, or related conduct that would regularly have been heard under the Code of Student Conduct.

### **FAILURE TO COMPLY WITH INVESTIGATION AND DISCIPLINARY PROCESS**

If an Advisor fails to comply with the procedures set forth herein, including through a material breach of confidentiality, the College reserves the right to exclude the advisor from further participation in the process. If a participant fails to comply with the procedures set forth herein, including through a material breach of confidentiality, the College reserves the right to bring additional charges of misconduct against the participant. The CRC is responsible for interpreting and applying this provision.

### **INTEGRITY OF PROCEEDING**

These procedures are entirely administrative in nature and are not considered legal proceedings, but rather procedures designed to address policy violations. Neither Party may audio or video record the proceedings, nor is formal legal representation allowed. Advisors may not speak for, or on behalf of, Parties.

### **RECORDS**

The CRC will retain records of all reports and complaints, regardless of whether the matter is resolved by means of Initial Assessment, Informal Resolution or Formal Resolution. Complaints resolved by means of an Initial Assessment or Informal Resolution are not part of a student's conduct file or academic record.

Affirmative findings of responsibility in matters resolved through Formal Resolution are part of a student's conduct record. Such records shall be used in reviewing any further conduct, or developing sanctions, and shall remain a part of a student's conduct record.

In addition to records kept by the CRC, the conduct files of students who have been suspended or expelled from the College are maintained in the Dean of Students Office indefinitely. Conduct files of students who have not been suspended or expelled are maintained in the Dean of

Students Office for no fewer than seven years from the date of the incident. Further questions about record retention should be directed to the Title IX Office.

## Retaliation

Retaliation includes adverse action taken against a person for making a good faith report of Prohibited Conduct or participating in any proceeding under this Policy. Adverse action includes conduct that threatens, intimidates, harasses, coerces or in any other way seeks to discourage a reasonable person from engaging in activity protected under this Policy. Retaliation can be committed by or against any individual or group of individuals, not just a Respondent or Complainant. Retaliation does not include good faith actions lawfully pursued in response to a report of Prohibited Conduct. Retaliation may be present even where there is a finding of “no responsibility” on the allegations of Prohibited Conduct.

The College will take immediate and responsive action to any report of retaliation and will pursue disciplinary action as appropriate. An individual reporting Prohibited Conduct is entitled to protection from any form of retaliation following a report that is made in good faith, even if the report is later not proven.

Any employee may pursue any charge of discrimination or harassment with the California Department of Fair Employment and Housing (DFEH) or the federal Equal Opportunity Employment Commission (EEOC). It is unlawful to retaliate against any employee for opposing the practices prohibited by the California Fair Employment and Housing Act or comparable federal law or for filing a complaint with, or for otherwise participating in, an investigation, proceeding, or hearing conducted by the DFEH or EEOC.

## Title IX Investigation Training

The Title IX Coordinator, Internal Investigators, and Public Interest Investigators receive on-going training on dating violence, domestic violence, sexual assault, and stalking. Investigators are instructed on investigative techniques, questioning witnesses when conducting interviews, understanding and avoiding bias in investigations, and sorting relevant from irrelevant evidence. Additionally, the Investigators receive training on trauma-informed forensic interviewing, *Violence Against Women Act* updates, and bystander intervention issues.

The Title IX office coordinates educational programs and campaigns to promote the awareness of dating violence, domestic violence, sexual assault, and stalking on campus. The Title IX Coordinator provides in-person training and presentations to several student groups and employees on campus, annually.

## Prevention and Awareness Programs

The College is committed to the prevention of Prohibited Conduct through regular and ongoing education and awareness programs. Incoming students and new employees receive primary prevention and awareness programming as part of their orientation, and returning students and current employees receive ongoing training and related education. A description of the College’s

prevention and awareness programs, including programs on minimizing the risk of incidents of Prohibited Conduct and bystander intervention, follows later in this section.

### TAKE BACK THE NIGHT AND OTHER PUBLIC AWARENESS EVENTS

Consistent with guidance from the Office for Civil Rights of the Department of Education, public awareness events such as “Take Back the Night,” the Clothesline Project, candlelight vigils, protests, or other forums in which community members disclose incidents of Prohibited Conduct do not initiate the College’s Title IX obligations, including its obligation to investigate reports of sexual harassment or sexual violence. Such events may, however, inform the need for campus-wide educational and prevention efforts, and the College may implement broad community initiatives in response to such events where appropriate.

### California Definitions: Sexual Misconduct, Intimate Partner Violence, and Stalking

Crimes generally referred to as sexual assault may be prosecuted through California’s sexual battery laws. **Sexual Battery** is defined by California’s Penal Code Section 243.4 as:

- (a) Any person who touches an intimate part of another person while that person is unlawfully restrained by the accused or an accomplice, and if the touching is against the will of the person touched and is for the purpose of sexual arousal, sexual gratification, or sexual abuse, is guilty of sexual battery.
- (b) Any person who touches an intimate part of another person who is institutionalized for medical treatment and who is seriously disabled or medically incapacitated, if the touching is against the will of the person touched, and if the touching is for the purpose of sexual arousal, sexual gratification, or sexual abuse, is guilty of sexual battery.
- (c) Any person who touches an intimate part of another person for the purpose of sexual arousal, sexual gratification, or sexual abuse, and the victim is at the time unconscious of the nature of the act because the perpetrator fraudulently represented that the touching served a professional purpose, is guilty of sexual battery.
- (d) Any person who, for the purpose of sexual arousal, sexual gratification, or sexual abuse, causes another, against that person’s will while that person is unlawfully restrained either by the accused or an accomplice, or is institutionalized for medical treatment and is seriously disabled or medically incapacitated, to masturbate or touch an intimate part of either of those persons or a third person, is guilty of sexual battery.
- (e) Any person who touches an intimate part of another person, if the touching is against the will of the person touched, and is for the specific purpose of sexual arousal, sexual gratification, or sexual abuse, is guilty of misdemeanor sexual battery

As used in this subdivision, “touches” means physical contact with another person, whether accomplished directly, through the clothing of the person committing the offense, or through the clothing of the victim.

(f) As used in subdivisions (a), (b), and (c), “touches” means physical contact with the skin of another person whether accomplished directly or through the clothing of the person committing the offense.

The following terms have the following meanings:

- (1) “Intimate part” means the sexual organ, anus, groin, or buttocks of any person, and the breast of a female.
- (2) “Sexual battery” does not include the crimes defined in Section 261 or 289.
- (3) “Seriously disabled” means a person with severe physical or sensory disabilities.
- (4) “Medically incapacitated” means a person who is incapacitated as a result of prescribed sedatives, anesthesia, or other medication.
- (5) “Institutionalized” means a person who is located voluntarily or involuntarily in a hospital, medical treatment facility, nursing home, acute care facility, or mental hospital.
- (6) “Minor” means a person under 18 years of age.

California Penal Code Section 646.9 defines **Stalking** as:

- a. 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.
- b. Any person who violates subdivision (a) when there is a temporary restraining order, injunction, or any other court order in effect prohibiting the behavior described in subdivision (a) against the same party

California Penal Code Section 13700 defines **Abuse** and **Domestic Violence** as:

**Abuse** means intentionally or recklessly causing or attempting to cause bodily injury, or placing another person in reasonable apprehension of imminent serious bodily injury to himself or herself, or another.

**Domestic Violence** means abuse committed against an adult or a minor who is a spouse, former spouse, cohabitant, former cohabitant, or a person with whom the respondent has had a child or is having a child where the presumption applies that the male parent is the father of the child of the female parent under the Uniform Parentage Act, or is having or has had a dating or engagement relationship.

**Cohabitant** means two unrelated adult persons living together for a substantial period of time, resulting in some permanency of relationship. Factors that may determine whether persons are cohabiting include, but are not limited to, (1) sexual relations between the parties while sharing the same living quarters, (2) sharing of income or expenses, (3) joint use or ownership of property, (4) whether the parties hold themselves out as husband and wife, (5) the continuity of the relationship, and (6) the length of the relationship.

**California does not define “dating violence.”**



## Prevention of Sexual Misconduct, Intimate Partner Violence, and Stalking

Occidental takes a proactive role in seeking to prevent sexual harassment, sexual assault, intimate partner violence such as dating violence and domestic violence, and stalking.

All students are required to complete the online education program “Think About It” by Campus Clarity before they are allowed to register for classes. During Orientation, first-years also are required to attend sessions on bystander intervention and other prevention training. Project S.A.F.E. (Sexual Assault Free Environment), Occidental’s prevention education and advocacy support program, reinforces those messages with dozens of training and education sessions throughout the academic year. Project S.A.F.E. also puts on a series of major awareness programs throughout the year, including Take Back the Week, Denim Day, and Empowerment Week.

The Title IX Coordinator makes training presentations to faculty, staff, and senior administrators with the goal of making all community members aware of their rights and responsibilities, and educating them on how to respond to reports of sexual assault and other forms of sex discrimination.

Work has started on a training presentation specific to incoming international students, with more training planned to be added next academic year.

### PROJECT S.A.F.E.

Occidental prohibits sexual assaults, dating violence, domestic violence, and stalking. Project S.A.F.E. is a prevention and intervention support program dedicated to ending sexual violence on Occidental’s campus. Project S.A.F.E. provides resources, advocacy, and educational programming related to issues of sexual assault, dating violence, and stalking.

Project S.A.F.E. also provides training and education on active bystander education through the Occidental Upstander bystander model.

Specific programming by Project S.A.F.E during 2016 included:

**1/12/16**

**New Residential Advisors**

Power-Based Violence prevention, how to be a First Responder, Active Bystander Intervention Training  
*This training covered how to identify different forms of sexual violence, including sexual assault, domestic and dating violence, stalking and sexual harassment; the neurophysiology of trauma responses; effective strategies for providing empowerment-based support for first responders when encountering incidents of sexual violence; and how to be an active bystander.*

**1/21/16**

**New and Transfer Student Orientation**

Power-Based Violence Prevention and Active Bystander Intervention Training  
*This training covered how to identify different forms of sexual violence, including sexual assault, domestic and dating violence, stalking and sexual harassment; psychoeducation around common rape myths and cultural messages; a description and examples of affirmative consent; alcohol and other drug-facilitated sexual assault; and how to intervene as an active bystander in instances of acute concern. The training also provides information about on-campus resources for confidential and health-related support.*

**1/23/16**

**MLK Day of Service Group- Asian Pacific Islander's Resource Center**

*A group of Occidental College Students volunteered for MLK Day of Service and spent the day creating prevention games for high school age students. The group received a training from the resource center staff on how to identify different forms of sexual violence, including sexual assault, domestic and dating violence, stalking and sexual harassment; psychoeducation around common rape myths and cultural messages; a description and examples of affirmative consent.*

**2/3/16**

**Office of Student Life Club Leaders**

Project S.A.F.E. Resources

*Project S.A.F.E. Programming Assistants provided information about on-campus advocacy, reporting, and prevention services and worked with club leaders to identify ways to partner in the coming year on awareness and educational programming.*

**2/4/16**

**Office of Student Life Club Leaders**

Project S.A.F.E. Resources

*Project S.A.F.E. Programming Assistants provided information about on-campus advocacy, reporting, and prevention services and worked with club leaders to identify ways to partner in the coming year on awareness and educational programming.*

**2/3/16**

**Campus Safety Officers (1<sup>st</sup> Shift)**

Power-Based Violence, Being a First Responder, Active Bystander Intervention

*This training covered how to identify different forms of sexual violence, including sexual assault, domestic and dating violence, stalking and sexual harassment; the neurophysiology of trauma responses; effective strategies for providing empowerment-based support for first responders when encountering incidents of sexual violence; and how to be an active bystander. The training also provides information about on-campus resources for confidential and health-related support.*

**2/3/16**

**Campus Safety Officers (2<sup>nd</sup> Shift)**

Power-Based Violence, Being a First Responder, Active Bystander Intervention

*This training covered how to identify different forms of sexual violence, including sexual assault, domestic and dating violence, stalking and sexual harassment; the neurophysiology of trauma responses; effective strategies for providing empowerment-based support for first responders when encountering incidents of sexual violence; and how to be an active bystander. The training also provides information about on-campus resources for confidential and health-related support.*

**2/17/16**

**Student Club: WYSE Members**

Power-Based Violence Prevention, Active Bystander Intervention, and Trauma-Informed Group Facilitation

*This training covered how to identify different forms of sexual violence, including sexual assault, domestic and dating violence, stalking and sexual harassment; psychoeducation around common rape myths and cultural messages; a description and examples of affirmative consent; alcohol and other drug-facilitated sexual assault; and how to intervene as an active bystander in instances of acute concern. The training also provides information about on-campus resources for confidential and health-related support. Additionally, this training covers the basics of trauma-informed group facilitation.*

**2/23/16**

**Faculty**

Campus Resources

*The training provides information about on-campus resources for confidential and health-related support, provides information of faculty's role as Responsible Employees, how to handle student disclosures, how to refer to confidential resources, and an explanation of student academic flexibility.*

**2/28/16**

**Greek: Phi Kappa Psi**

Power-Based Violence Education and Active Bystander Intervention Training

*This training covered how to identify different forms of sexual violence, including sexual assault, domestic and dating violence, stalking and sexual harassment; psychoeducation around common rape myths and cultural messages; a description and examples of affirmative consent; alcohol and other drug-facilitated sexual assault; and how to intervene as an active bystander in instances of acute concern. The training also provides information about on-campus resources for confidential and health-related support.*

**3/4/16**

**Emmons Staff**

Survivor/Perpetrator Assessment (LGBT relationships)

*Health Center staff was provided tools and information on how to more effectively screen individuals in a potentially abusive relationship. Participants learned about primary and secondary aggressors, and defending and primary victims, dynamics of abuse unique to LGBTQIA+ relationships, and how to overcome internalized assumptions and biases when assessing for abuse.*

**3/20/16**

**Greek: Zeta Tau Zeta**

Power-Based Violence Education and Active Bystander Intervention Training

*This training covered how to identify different forms of sexual violence, including sexual assault, domestic and dating violence, stalking and sexual harassment; psychoeducation around common rape myths and cultural messages; a description and examples of affirmative consent; alcohol and other drug-facilitated sexual assault; and how to intervene as an active bystander in instances of acute concern. The training also provides information about on-campus resources for confidential and health-related support.*

**3/21/16**

**Student Club: Peer Health Exchange**

Consent Workshop

*This workshop examined the concept and practice of consent from historical, legal, and social justice perspectives. Participants discussed the intersection of the shifting definition of consent, racism, and misogyny in the United States and identified new frameworks for thinking about and engaging in affirmatively consensual behaviors.*

**3/22/16**

**All Students**

Peace Over Violence- Personal Safety Awareness Training

*This training provided participants with knowledge, tools, and practice to assess their personal safety and defend themselves if necessary. This training discusses street harassment, stalking, and physical violence.*

**3/25/16**

**All Students**

Dr. James Messerschmidt Lecture – “Adolescent Boys, Heterosexualities, and Sexual Violence”

*Dr. Messerschmidt presented on his research of adolescent male perpetrators of sexual violence. He utilized case studies of two of his previous research subjects to explore cultural, familial, and internalized pressure to conform to a heteromascularity that idealizes sexual conquest. The research explored correlation between previous experience of being bullied, exposure to hegemonic masculinity, and perpetration of sexual violence. Research also explored a sense of entitlement in personal justification for perpetrating violence.*

**3/31/16**

**All Students**

Justice for My Sister Screening

*A screening of the documentary that provides an intimate look at violence against women in Guatemala by chronicling the three-year journey to hold a killer accountable. Remarks were made by Politics Professor Jennifer Piscopo.*

**4/8/16**

**Admitted Students**

Admitted Students Day Tabling

*Project SAFE staff and Program Assistants discuss the mission and work of the office with admitted students and their families.*

**4/10/16**

**Greek: Kappa Alpha Theta**

Power-Based Violence Education and Active Bystander Intervention Training

*This training covered how to identify different forms of sexual violence, including sexual assault, domestic and dating violence, stalking and sexual harassment; psychoeducation around common rape myths and cultural messages; a description and examples of affirmative consent; alcohol and other drug-facilitated sexual assault; and how to intervene as an active bystander in instances of acute concern. The training also provides information about on-campus resources for confidential and health-related support.*

**4/11/16**

**Take Back the Week- All Students**

The Mask You Live In Screening and Discussion

*Take Back the Week is Project S.A.F.E.'s week of programming dedicated to raising awareness about and preventing sexual assault. Programming includes daily community-building and educational activities in the academic quad, and evening special events. The student body, especially male oriented student groups were encouraged to join the office for a documentary and conversation about toxic and healthy masculinities in our culture.*

**4/11/16**

**Take Back the Week- All Students**

Dear Survivor Cards and Event Promotion

*Take Back the Week is Project S.A.F.E.'s week of programming dedicated to raising awareness about and preventing sexual assault. Programming includes daily community-building and educational activities in the academic quad, and evening special events. The student body was invited to write messages of support to survivors of sexual assault on notecards in the academic quad.*

**4/12/16**

**Take Back the Week- All Students**

Upstander Resource Fair with POV, Emmons, Title IX, and Planned Parenthood Club

*Take Back the Week is Project S.A.F.E.'s week of programming dedicated to raising awareness about and preventing sexual assault. Programming includes daily community-building and educational activities in the academic quad, and evening special events. On and off campus resources gathered together in the Academic Quad to share support services that are available to survivors.*

**4/13/16**

**Take Back the Week- All Students**

Community Canvas Project

*Take Back the Week is Project S.A.F.E.'s week of programming dedicated to raising awareness about and preventing sexual assault. Programming includes daily community-building and educational activities in the academic quad, and evening special events. Oxy community members were invited to decorate canvas with a positive message for healing to be used in the office to greet visitors.*

**4/13/16**

**Take Back the Week- All Students**

Clothesline Project

*Take Back the Week is Project S.A.F.E.'s week of programming dedicated to raising awareness about and preventing sexual assault. Programming includes daily community-building and educational activities in the academic quad, and evening special events. T-shirts with messages of survivorship were hung up on the Bengal Room for community members to observe and interact with to raise awareness.*

**4/13/16**

**Take Back the Week- All Students**

Self-Defense Class with POV

*Take Back the Week is Project S.A.F.E.'s week of programming dedicated to raising awareness about and preventing sexual assault. Programming includes daily community-building and educational activities in the academic quad, and evening special events. Staff from Peace Over Violence led a workshop for Oxy students on self-defense tactics.*

**4/14/16**

**Take Back the Week- All Students**

Take Back the Night Survivor Speak Out

*Take Back the Week is Project S.A.F.E.'s week of programming dedicated to raising awareness about and preventing sexual assault. Programming includes daily community-building and educational activities in the academic quad, and evening special events.*

**4/15/16**

**Take Back the Week- All Students**

Dear Survivor Display

*Take Back the Week is Project S.A.F.E.'s week of programming dedicated to raising awareness about and preventing sexual assault. Programming includes daily community-building and educational activities in the academic quad, and evening special events. The student body was invited to write messages of support to survivors of sexual assault on notecards in the academic quad earlier in the week. The notecards were arranged and displayed to show support for survivors from the Oxy community.*

**4/15/16**

**Take Back the Week- All Students**

Art Workshop

*Take Back the Week is Project S.A.F.E.'s week of programming dedicated to raising awareness about and preventing sexual assault. Programming includes daily community-building and educational activities in the academic quad, and evening special events. Students were invited to join a trauma-informed art teacher for an expressive workshop to explore trauma and healing through painting.*

**4/13/16**

**Admitted Students**

Admitted Students Day Tabling

*Project SAFE staff and Program Assistants discuss the mission and work of the office with admitted students and their families.*

**06/24/16**

**Multicultural Summer Institute Resident Advisors and Teaching Assistants**

Power-Based Violence Prevention and Active Bystander Intervention Training

*This training covered how to identify different forms of sexual violence, including sexual assault, domestic and dating violence, stalking and sexual harassment; psychoeducation around common rape myths and cultural messages; a description and examples of affirmative consent; alcohol and other drug-facilitated sexual assault; and how to intervene as an active bystander in instances of acute concern. The training also provides information about on-campus resources for confidential and health-related support.*

**4/26/16**

**Denim Day- All Students**

Denim Day Tabling with POV

*Peace Over Violence joined Project SAFE on campus to hand out flyers, stickers, and pins with messages that raise awareness of sexual assault by wearing denim.*

**07/01/16**

**Multicultural Summer Institute Students**

Power-Based Violence Prevention and Active Bystander Intervention Training

*This training covered how to identify different forms of sexual violence, including sexual assault, domestic and dating violence, stalking and sexual harassment; psychoeducation around common rape myths and cultural messages; a description and examples of affirmative consent; alcohol and other drug-facilitated sexual assault; and how to intervene as an active bystander in instances of acute concern. The training also provides information about on-campus resources for confidential and health-related support.*

**07/21/16**

**Graduate Hall Coordinators**

Campus Resources

*The training provides information about on-campus resources for confidential and health-related support.*

**07/28/16**

**Graduate Hall Coordinators**

Power-Based Violence Prevention and Active Bystander Intervention Training

*This training covered how to identify different forms of sexual violence, including sexual assault, domestic and dating violence, stalking and sexual harassment; psychoeducation around common rape myths and cultural messages; a description and examples of affirmative consent; alcohol and other drug-facilitated sexual assault; and how to intervene as an active bystander in instances of acute concern. The training also provides information about on-campus resources for confidential and health-related support.*

**08/13/16**

**Resident Advisors**

Power-Based Violence Prevention, Active Bystander Intervention, and How to Be a First Responder



*This training covered how to identify different forms of sexual violence, including sexual assault, domestic and dating violence, stalking and sexual harassment; the neurophysiology of trauma responses; effective strategies for providing empowerment-based support for first responders when encountering incidents of sexual violence; and how to be an active bystander.*

**08/17/16**

**Resident Advisors**

Sexual Violence Response - Res Ed Protocol for RAs receiving disclosures of sexual violence.

**08/20/16**

**Oxy Engage Trip Leaders**

Power-Based Violence Prevention and Active Bystander Intervention Training

*This training covered how to identify different forms of sexual violence, including sexual assault, domestic and dating violence, stalking and sexual harassment; psychoeducation around common rape myths and cultural messages; a description and examples of affirmative consent; alcohol and other drug-facilitated sexual assault; and how to intervene as an active bystander in instances of acute concern. The training also provides information about on-campus resources for confidential and health-related support.*

**08/23/16**

**CORE/Cultural Studies Program Faculty Orientation**

Project S.A.F.E. Resources

*Members of Athletics teams participate in a mandatory orientation about on-campus advocacy, reporting, and prevention services for sexual violence. They are given a brief reminder training around Active Bystander Intervention and creating team culture.*

**08/24/16**

**O-Team/Orientation Leaders**

Power-Based Violence Prevention, Active Bystander Intervention, and Trauma-Informed Group Facilitation

**8/26/16**

**Incoming Students**

Student Services Fair

Project S.A.F.E. Resources

*Project S.A.F.E. staff and Programming Assistants manned an informational table that provided resources about on-campus advocacy, reporting, and prevention services and answered questions for students who stopped by.*

**8/26/16**

**First Year Students**

Orientation Debrief

*Staff from the office spoke with students in a continued dialogue about Sexual Violence Prevention and Toxic Masculinity as discussed in orientation Keynote speaker.*

**08/27/16**

**New Student Orientation- Mandatory Session**

Power-Based Violence Prevention and Active Bystander Intervention Training

*This training covered how to identify different forms of sexual violence, including sexual assault, domestic and dating violence, stalking and sexual harassment; psychoeducation around common rape myths and cultural messages; a description and examples of affirmative consent; alcohol and other drug-facilitated sexual assault; and how to intervene as an active bystander in instances of acute concern. The training also provides information about on-campus resources for confidential and health-related support.*

**09/8/16**

**Involvement Fair**

**Project S.A.F.E. Resources**

*Project S.A.F.E. staff and Programming Assistants manned an informational table that provided resources about on-campus advocacy, reporting, and prevention services and answered questions for students who stopped by.*

**09/22/16**

**Students who missed orientation**

**Make-Up Power-Based Violence Prevention and Active Bystander Intervention Training**

*This training covered how to identify different forms of sexual violence, including sexual assault, domestic and dating violence, stalking and sexual harassment; psychoeducation around common rape myths and cultural messages; a description and examples of affirmative consent; alcohol and other drug-facilitated sexual assault; and how to intervene as an active bystander in instances of acute concern. The training also provides information about on-campus resources for confidential and health-related support.*

**9/29/16**

**Greek: Delta Omericon Tau**

**Power-Based Violence Education and Active Bystander Intervention Training**

*This training covered how to identify different forms of sexual violence, including sexual assault, domestic and dating violence, stalking and sexual harassment; psychoeducation around common rape myths and cultural messages; a description and examples of affirmative consent; alcohol and other drug-facilitated sexual assault; and how to intervene as an active bystander in instances of acute concern. The training also provides information about on-campus resources for confidential and health-related support.*

**10/17/16**

**Empowerment Week- All Campus**

**Lunchtime tabling - Chalk the Quad**

*Project S.A.F.E. staff and Programming Assistants manned an informational table to kick-off Empowerment Week, a week dedicated to raising awareness about and preventing Domestic and Dating Violence. Students participated in a public chalk event where they wrote myth-busting phrases, facts, and supportive messages about domestic and dating violence in the public quad.*

**10/18/16**

**Empowerment Week- All Campus**

**Academic Quad tabling and Tie Dye Fundraiser for DV Awareness**

*Project S.A.F.E. staff and Programming Assistants manned an informational table for Empowerment Week, a week dedicated to raising awareness about and preventing Domestic and Dating Violence. Community members were invited to tie dye shirts to raise awareness and donate to a local rape crisis center.*

**10/18/16**

**Empowerment Week- All Students and Peer Health Exchange**

**Public Forum Discussing Trauma-Informed Care**

*Oxy staff and community members who provide direct services to survivors of sexual violence sat on a panel to discuss their interpretation and use of Trauma-Informed practices.*

**10/19/16**

**Empowerment Week- All Campus**

**Academic Quad Tabling and Healthy Relationships Photo Campaign**

*Project S.A.F.E. staff and Programming Assistants manned an informational table for Empowerment Week, a week dedicated to raising awareness about and preventing Domestic and Dating Violence.*

**10/19/16**

**Empowerment Week- All Campus**

**Keynote Speaker Olivia Gatwood**

*Project SAFE partnered with Spoken Word Club to bring Olivia Gatwood to campus to perform slam poetry about sexism, sexual violence, gender rolls to raise awareness of these issues.*

**10/20/16**

**Empowerment Week- All Campus**

Lunchtime Tabling- Canvas Art Project

*Project S.A.F.E. staff and Programming Assistants manned an informational table for Empowerment Week, a week dedicated to raising awareness about and preventing Domestic and Dating Violence. Students painted supportive messages to survivors of domestic and dating violence on a canvas to be hung in the advocacy office on campus.*

**10/21/16**

**Empowerment Week- All Campus**

Lunchtime Tabling- Promotion of Volunteer Day

*Project S.A.F.E. staff and Programming Assistants manned an informational table for Empowerment Week, a week dedicated to raising awareness about and preventing Domestic and Dating Violence.*

**10/22/16**

**Empowerment Week- All Campus**

Community Empowerment Day

*Oxy community members were invited to join the Project SAFE staff for a volunteer day at USC Violence Intervention Program. Participants learned about the program and services that VIP provides as well as the SART center at the LA County Hospital.*

**11/8/16**

**Athletics: Men's Tennis Team**

Active Bystander and Culture Shaping Training

*Participants discussed how to incorporate Active Bystander Intervention into their team dynamics and dialogued around the type of team culture they value and how to create a culture of care that values all identities and experiences and cares for each other.*

**11/8/16**

**Greek: Alpha Lambda Phi Alpha New Members**

Office information, Resources and support

*PA's joined in a new member orientation session for the sorority to share information about the office, and resources on and off campus to support survivors of sexual violence.*

**11/16/16**

**Greek: Sigma Lambda Gamma and Delta Omicron Tau**

Power-Based Violence Prevention and Active Bystander Intervention Training

*This training covered how to identify different forms of sexual violence, including sexual assault, domestic and dating violence, stalking and sexual harassment; psychoeducation around common rape myths and cultural messages; a description and examples of affirmative consent; alcohol and other drug-facilitated sexual assault; and how to intervene as an active bystander in instances of acute concern. The training also provides information about on-campus resources for confidential and health-related support. PA's held discussion about ways to make safer spaces, current pressures that influence how we feel in our community, resources available, and how to support survivors, and ended with self-care.*

**11/20/16**

**Greek: Sigma Alpha Epsilon**

Power-Based Violence Prevention and Active Bystander Intervention Training

*This training covered how to identify different forms of sexual violence, including sexual assault, domestic and dating violence, stalking and sexual harassment; psychoeducation around common rape myths and cultural messages; a description and examples of affirmative consent; alcohol and other drug-facilitated*

*sexual assault; and how to intervene as an active bystander in instances of acute concern. The training also provides information about on-campus resources for confidential and health-related support.*

**11/20/16**

**Greek: Alpha Lambda Phi Alpha**

Power-Based Violence Prevention and Active Bystander Intervention Training

*This training covered how to identify different forms of sexual violence, including sexual assault, domestic and dating violence, stalking and sexual harassment; psychoeducation around common rape myths and cultural messages; a description and examples of affirmative consent; alcohol and other drug-facilitated sexual assault; and how to intervene as an active bystander in instances of acute concern. The training also provides information about on-campus resources for confidential and health-related support.*

## Bystander Intervention Component of Project S.A.F.E.'s Empowerment-Based Violence Prevention Workshop

### BYSTANDER INTERVENTION DEFINED

**Bystander Intervention:** Safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault or stalking. Bystander intervention includes recognizing situations of potential harm, understanding institutional structures, and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking action to intervene.

Project S.A.F.E.'s "Empowerment-Based Violence Prevention Workshop" has several research-based components. The "Power in Numbers" education component is adapted from Green Dot's community mobilization strategy. Characterized as a bystander intervention model, the Green Dot model is based on decades of research around four main subjects: 1) the acknowledgement that violence prevention education solely based on statistics and definitions of power-based violence has not been successful in reducing power-based violence; 2) bystander behavior literature; 3) perpetrator data; and 4) as a prevention tool, the research on innovation and social diffusion theory.

The bystander intervention component of the Empowerment-Based Violence Prevention Workshop is grounded in bystander effect research that indicates that when individuals are faced with potentially risky, dangerous, or emergency situations, there tends to be

- a diffusion of responsibility: individuals will not react because they assume someone else will handle it
- evaluation apprehension: when faced with a high-risk situation, individuals will not act for fear of looking "foolish"
- pluralistic ignorance: when faced with a high-risk or ambiguous situation, individuals will defer to the cues of those around them before they decide to respond
- confidence in skills: individuals are more likely to intervene when they feel confident that their intervention will be effective
- modeling: individuals are most likely to intervene in high-risk situations when they have seen someone else model it first.

Based on this research, Project S.A.F.E. has adapted Green Dot's "Direct, Distract and Delegate" skill-building model to "Be Upfront, Distract and Entrust."

Through this model, students are able to either confront a person in a risky behavior, create a distraction in order to prevent the incident from happening, or trust in someone to either do the latter or refer. Project S.A.F.E.'s workshop creates a space for intervention identification, skill practice, and behavior reinforcement.

## Preventative Education and Awareness Programs

### DEFINITIONS

*Awareness programs* means community-wide or audience-specific programming, initiatives, and strategies that increase audience knowledge, and share information and resources to prevent violence, promote safety and reduce perpetration.

*Ongoing prevention and awareness campaigns* means programming, initiatives, and strategies that are sustained over time and focus on increasing understanding of topics relevant to and skills for addressing dating violence, domestic violence, sexual assault, and stalking, using a range of strategies with audiences throughout the College community.

*Primary prevention programs* means programming, initiatives, and strategies intended to stop dating violence, domestic violence, sexual assault, and stalking before they occur through the promotion of positive and healthy behaviors that foster healthy, mutually respectful relationships and sexuality, encourage safe bystander intervention, and seek to change behavior and social norms in healthy and safe directions.

### Risk Reduction

*Risk reduction* means options designed to decrease perpetration and bystander inaction, and to increase empowerment for victims in order to promote safety, and to help individuals and communities address conditions that facilitate violence.

### INCREASING COMMUNITY SAFETY WHILE REDUCING RISK FACTORS ON CAMPUS

Reducing incidences of sexual and relationship violence on college campuses requires a multifaceted approach that includes both empowering and cultivating a community that cares for one another and addressing risk factors associated with sexual assault, dating violence, stalking and personal safety. Project S.A.F.E. firmly believes that no one is ever at fault or responsible for experiencing sexual violence. We recognize that only those who commit sexual violence are responsible for such conduct. The following protective and risk reduction strategies are provided in order to encourage healthy and safe encounters as well as mitigate the risk of experiencing or perpetrating sexual violence as outlined by best practices in violence prevention education models.

Here are some strategies to consider:

***If you or friends are on campus, consider:***

- Being aware of what is going on around you at all times. If possible, don't wear headphones or be distracted by texting or talking on the phone.
- Most colleges employ a system of emergency call boxes across the campus. Consider familiarizing yourself with Oxy's emergency system and call box locations so that you know what to do and where to go in case of a sudden emergency.
- Walking or running on well-traveled and well-populated routes when moving around campus. At night, take routes that you are fully familiar with and if possible, take a friend.



Campus Safety provides students and faculty with a free, safe and reliable way to travel during all hours of the day. You can contact our Campus Safety on the Service Line at (323) 259-2599 or the Emergency Line at (323) 259-2511 (or dial 5 from any campus phone).

- Attending a workshop on sexual assault risk reduction offered on campus. Project S.A.F.E. values our partnership with Peace Over Violence, our local rape crisis/domestic violence agency, and coordinates Peace Over Violence's Empowerment-based Self Defense Workshops on campus throughout the year.

***If you or friends live in a residential hall or apartment, consider:***

- Checking that the main entrance to your residence hall or apartment remains locked at all times. Main entrances tend to be staffed and/or are monitored frequently.
- Keeping your dorm room locked, especially when alone in the room or sleeping.
- If you lose your apartment or room key, getting your locks replaced as soon as possible.
- If you have a car, parking in a safe, well-lit location and keeping it locked at all times.
- If you've had the windows open while at home, closing them before you leave the room or apartment.

***If you or friends are on social media and/or like techy gadgets, consider:***

- Privatizing or filtering your social media platforms.
- Downloading or connecting with one or several of these applications in order to stay connected with others.

### ***Apps***

Please note that some of these applications allow others to track your location in real time using GPS. If someone wants permission to be one of these contacts, or wants access to these applications and it makes you uncomfortable, let someone know or contact your confidential and/or campus resources.

### **R.I.S.E. (iOS and Android)**

The R.I.S.E. app (part of the Safer Campuses project) is an app created to give you ideas about how you can prevent and respond to sexual assault and intimate partner violence within campus and community settings. Here's how it works; 1) Intervene: You're out and about on campus. You witness an incident of sexual violence but are unsure of what to do. Depending on your location you can click on different campus settings that will upload a database of possible situations and tips for interventions and support, 2) Support: In just one click you have access to an extensive resource database and GPS locations of support and safety services near you, 3) Community: What are your priorities? The community button allows users to share their voice and inputs on issues and questions that matter to them. The app also includes tools, educational information, and resources for supporting your friends and loved ones who are dealing with incidents of gender-based violence.

### **bSafe (iOS and Android)**

bSafe allows you to assign “Guardians” from your contacts that will be able to monitor your progress home, and who will be alerted with your GPS location if the SOS button is activated. The app also allows the user to set an automated alarm, alerting your Guardians if you fail to check in after a set amount of time, and comes with a fake phone call functionality to help remove yourself from uncomfortable situations.

### **Circle of 6 U (iOS and Android)**

Building off the success of the original Circle of 6 app, the U version has been created specifically with university students in mind. If you find yourself in an uncomfortable or risky situation, two taps on your phone will activate an alert to your circle, including your GPS location. The U version of the app includes campus-specific resources for students, with both phone numbers and links to a variety of hotlines and help centers local to them.

### **OnWatch (iOS and Android)**

Designed for college students, OnWatch incorporates designated groups of friends with the ability to also call local and campus police simultaneously. With the “Watch my Back” function, you can program a timed session that will alert your emergency groups should you not respond to the alarm when the clock runs out.

### **React Mobile (iOS and Android)**

Using a predetermined contact circle, React Mobile allows users to send out an emergency contact blast to the entire group – without having to first unlock the phone. The app also allows friends or family to virtually “walk” you home, keeping tabs on your progress using GPS technology.

### **Watch Over Me (iOS and Android)**

Offering both free and subscription services, the concept behind Watch Over Me is simple: set a time frame and activity you’d like the app to “watch” you for, and periodically check in via a button to confirm your safety. Should the button hit zero without a check-in, your designated friends will be contacted, alerting them to your GPS location. The app also includes a one tap emergency contact button, and the ability to report witnessed crimes in the paid version.

### **One Love Foundation App (iOS and Android)**

Offering resources, safety planning information, and a lethality assessment on relationship violence.

### ***If you or friends are attending social events or parties, consider:***

- More than 90% of sexual assaults that occur among college students involve people who know each other, and the majority involves the use of alcohol or other drugs.
- Drinking and drug use can impair judgment. Trust your instincts. If you feel uncomfortable or unsafe about a person or situation, trust your gut and feel empowered to remove yourself from the situation.

- If you drink, drinking responsibly: Consider eating a full meal before going out, have a glass of water between each drink, know your limits and don't go beyond them, have a designated driver, and don't let anyone else make the decision of how much you will drink.
- Only drinking something that you have poured yourself or that comes in a pre-sealed container. Premixed drinks can have more alcohol in them than you might want to drink. Also, drugs like Rohypnol and GHB are being dissolved in drinks, causing the person who consumes the beverage to lose consciousness quickly. Don't drink something that has been left unattended.
- Not going anywhere with someone you don't know well. If you do leave a party with a new friend, tell the friends you came with where you are going and when you are coming back.
- When on a date, letting someone you trust know whom you are with and where you are going, and when you expect to get home. Make sure your date understands the rules of verbal and sober consent and that you have that consent before engaging in any sexual behavior.
- Having a designated driver. If you are the designated driver for the evening, stay sober and be responsible for your less-than-sober friends.
- Getting involved if you believe that someone is at risk. If you see someone in trouble or someone pressuring another person, don't be afraid to intervene.

***If you or friends are engaging in sexual activity:***

- Clearly communicate your intentions to the other person and give them a chance to clearly communicate their intentions to you.
- Listen carefully. Take time to hear what the other person has to say. If you feel you are receiving unclear or conflicting messages from the other person, you should stop, defuse any sexual tension and communicate clearly.
- Do not assume that you have consent to sexual activity just because someone leaves or goes to a private location with you.
- Understand and respect personal boundaries and do not make assumptions about consent. Do not pressure a potential partner.
- Consider that your potential partner could be intimidated by you, or be fearful. You may have a power advantage simply because of your gender, status, or size.
- Understand that consent to one form of sexual activity does not constitute consent for any other sexual activity.
- Silence and passivity cannot be interpreted as an indication of consent. Read the other person carefully, paying attention to verbal and non-verbal communication and body language. If it is not clear by the other person's words and/or actions that they are a willing participant in that specific activity then stop and have a conversation.

## Registered Sex Offender Information/Megan's Law

The federal Campus Sex Crimes Prevention Act requires that institutions of higher education issue a statement advising the campus community on how to access law enforcement agency information provided by a state concerning registered sex offenders. It also requires that offenders who are required to register in a state provide notice to each institution of higher education in that state at which the person is employed, carries on a vocation, or is a student. As the Campus Safety Department is not a law enforcement agency, the registration process is conducted at the Los Angeles Police Department.

In the state of California, convicted sex offenders must register with their local law enforcement agencies. Megan's Law allows the public to access the registry. It also authorizes local law enforcement to notify the public about high-risk and serious sex offenders who reside in, are employed in, or frequent the community.

Locally, the sex offender registry may be accessed for free at the LAPD's Northeast Station, 3353 N. San Fernando Road, Los Angeles, CA 90065. For more information, visit [meganslaw.ca.gov](http://meganslaw.ca.gov).

## Timely Warning Reports

The Clery Act requires institutions to issue *timely warnings* to the campus community for Clery Act crimes that occur within the College's *Clery* geography, and

- are reported to campus security authorities (Campus Safety Department or other CSAs) or local police agencies; and
- are considered by the institution to represent a *serious or continuing threat* to students and employees.

The timely warning requirement is intended to alert the campus community to potentially dangerous criminal activity on or near campus in order to enable people to protect themselves and prevent similar or repeat occurrences. To ensure the timeliness of the alert, a warning is issued as soon as pertinent information is available.

In the event it may be necessary to issue a timely warning, the Clery Act Compliance Coordinator, Chief of Campus Safety, and/or College designee collaborates with the Clery team to determine if the incident merits a timely warning. If it is determined a timely warning is necessary, the Clery Act Compliance Coordinator, Chief of Campus Safety, and/or College designee, in consultation with members of the Clery team, decide the content and best delivery method(s) of the warning. Time permitting, additional input may be garnered from other sources. The Clery Act Compliance Coordinator, Chief of Campus Safety, and/or College designee will issue the timely warning consistent with the distribution methods described here in.

Crime reports are evaluated on a case-by-case basis, depending on the facts of the case and information known at the time of the initial report. Timely warnings are distributed via the College's email system, text messages, and/or Occidental homepage, and in certain cases, also the college Facebook and Twitter accounts.

When information about the seriousness or ongoing nature of the crime is unclear, deference is given to the initial assessment of local law enforcement authorities. Additionally, if, in the professional judgment of the local law enforcement authorities, issuing a timely warning would compromise efforts to address the crime, the notification may be delayed. In such a case, the Chief of Campus Safety or designee would be notified that a timely warning would compromise law enforcement efforts. Once the potentially compromising situation has been addressed, the timely warning shall be issued immediately.

## **Safety Bulletins**

The College issues “safety bulletins” via campuswide e-mail, which are informational messages to advise of situations that may affect or be of interest to students, staff, and employees.

In the event the Clery Act Administrator and/or the Chief of Campus Safety determine that any informational message should be issued, they and/or the Communications Office may send a campuswide message, without delay.

## Emergency Management at Occidental College

In 2008, the College instituted a standing Committee on Emergency Preparedness. The committee includes the Vice President of Academic Affairs/Dean of the College; Associate Vice President for Finance and Controller, Associate Vice President of Hospitality Services, Associate Dean of Students, the Environmental Health and Safety Manager, Risk Management Coordinator, and the directors of Communications, Emmons Student Wellness Center, Facilities Management, Human Resources, and Residential Education & Housing Services, as well as a faculty representative and two student representatives. The Associate Vice President for Information Technology Services/Chief Technology Officer and Chief of Campus Safety co-chair the committee.

The Campus Safety Department and the Office of Environmental Health and Safety collaborate to compile an emergency procedure flip-chart-style handbook that describes the appropriate courses of action for many emergency situations, including evacuation plans. The handbook is updated bi-annually and distributed to all offices and residence halls. Additionally, it is posted in hallways in campus buildings and gathering areas on campus. Copies also are available at the Campus Safety office.

In 1994, an out-of-state, toll-free telephone number was created to keep family and friends of Occidental apprised of the status of the College and its community after a natural disaster or other emergency. The telephone number is connected to a message service that provides accurate and updated information. Occidental encourages students and employees to share the number **(866-961-3300)** with family and friends. Emergency information also will be posted on the College website, Facebook, and Twitter accounts.

### Disaster Preparedness and Response Plan

The Emergency Operations Plan is the foundation and guide for response to a disaster by Occidental administration, faculty, staff, and students. The purpose of the Plan is to protect life, property, and the environment, and to maintain the basic operations of the College following a disaster. Details of the specific incidents shall dictate the level and type of response. However, the framework of the response (including establishing an Emergency Operations Center [EOC] and On-Scene Response and Policy Group) remains the same.

The complete Emergency Operations Plan, Pandemic Plan, and a disaster preparedness checklist are available at [www.oxy.edu/campus-safety/emergency-preparations-response-plans/emergency-operations-plan](http://www.oxy.edu/campus-safety/emergency-preparations-response-plans/emergency-operations-plan).

### Emergency Response Exercises

Occidental conducts annual emergency management exercises to test emergency procedures. The scenarios for these exercises change every year and include several departments on campus, including Campus Safety and Facilities Management.



Disaster preparation and response drills occur semi-annually. Occidental participates in the Great California ShakeOut drill held each October. In addition, a campuswide drill is held in the spring. Unannounced fire drills are held regularly to stress safe evacuation, assembly, and accountability in the residence halls and the library. Documentation of the drills is maintained in the Environmental Health & Safety and Campus Safety offices.

## **Annual Publication of Emergency Response and Evacuation Procedures**

### ***Earthquake Drill: Great ShakeOut***

Thursday, October 20, 2015 at 10:20 a.m.

Occidental participates in the Great ShakeOut's "Drop, Cover and Hold On" drill. The entire campus community participates in the Great ShakeOut drill; extended drills with building evacuations are conducted in the Library and Arthur G. Coons Administrative Center, and staff also will evacuate from the Johnson Student Center. This test is announced to students, staff, and faculty with a series of emails.

The OxyAlert emergency notification system is activated and is scheduled to be held in conjunction with the ShakeOut. The College's siren system is tested and can be heard outside and in portions of some buildings. Students, faculty and staff will receive test e-mails, cell-phone messages, and voicemails regarding the drill.

## **Fire Drills**

Fire drills are a test of student and staff response as well as system functionality.

For the health and safety of all members of the community, residents are expected to comply with all fire and safety regulations required by the College or applicable local, state, and federal law. Fire drills are held throughout the year and they are unannounced to students. Instructions for the evacuation of the halls in the event of a fire or emergency are provided in student rooms and on hall bulletin boards. All residents must evacuate the residence hall or house in the event a fire alarm is activated, whether for the purpose of a drill or in the case of an actual fire. Residents and their guests must meet at their hall's designated meeting spot to check-in and to receive further instruction from a staff member. Students who fail to comply with this policy will be referred to the Office of Student Conduct.

## **Fire Alarm Inspection**

The Los Angeles Fire Department issues a "Fire Protection Equipment Performance Report" after inspecting the fire alarms installed on campus buildings. All buildings on campus passed the fire alarm inspection test in 2016, which was conducted on October 25, 2016. Fire protection equipment has been fully tested in accordance with "Regulation number 4" of the Los Angeles Fire Code and the equipment is fully operable.

## Fire Hydrant Testing

All fire hydrants on campus were tested to make sure they were in working condition on January 24 & January 26, 2016.

## Emergency Notification to the Occidental College Community

The College will immediately notify the campus community upon confirmation of an emergency or dangerous situation that involves an immediate threat to the health or safety of students or employees. An “immediate” threat includes an imminent or impending threat, such as an approaching fire, earthquake, gas leak, or an outbreak of serious illness. These situations may occur on campus or in the local neighborhood and pose an immediate threat to the health and safety of campus community members.

Occidental’s OxyAlert is an emergency notification service that is mandatory for students and available to faculty and staff. OxyAlert can be used to send emergency messages via voicemail, email, and text message within minutes of the occurrence of an incident.

In the event that it is necessary to issue an emergency notification, the Campus Safety Department will develop the content and decide the delivery method of the emergency notification. Time permitting, additional input may be garnered from other relevant sources (e.g., the Title IX Office). The Campus Safety Department, Senior Director of Student Wellness, the Office of Marketing & Communications and designees have the authority to compose and send a campuswide notification without delay and to provide follow-up information, when available. Occidental performs a campuswide test of the OxyAlert system twice a year.

The following procedures outline the process the College uses when issuing emergency notifications:

### **A) CONFIRMING THE EXISTENCE OF A SIGNIFICANT EMERGENCY OR DANGEROUS SITUATION**

In the event the Campus Safety Department, Senior Director of Student Wellness, or other College designee learns of a critical incident or other emergency situation that potentially affects the health and/or safety of the campus community, they will attempt to verify as quickly as possible that a legitimate emergency or dangerous situation exists. Confirmation may involve speaking with eyewitnesses, checking with relevant departments on campus, and/or consulting with local law enforcement, the local fire department, local public health departments or other government agencies.

Once there is confirmation of an emergency or dangerous situation that poses an immediate threat to the health or safety of the campus community, the Chief of Campus Safety, with the approval of the College President or his designees (the Dean of the College, the Chief Operating Officer and/or the Dean of Students) will immediately activate the College’s emergency notification system through one or more of the procedures set out below.

If, in the professional judgement of responsible authorities, issuing a notification potentially compromises efforts to assist a victim or to contain, respond to, or otherwise mitigate the

emergency, the College may elect to delay issuing an emergency notification. As soon as the condition that may compromise efforts is no longer present, the College will issue the emergency notification to the campus community.

## **B) DETERMINING THE CONTENTS OF THE EMERGENCY NOTIFICATION**

The Chief of Campus Safety determines the content of the notification, taking into consideration the nature of the threat, the facts that are known about the situation, the actions members of the campus community are being asked to take to protect their safety, and any other relevant information that will not compromise in assisting a victim or containing, responding to, or otherwise mitigating the emergency. The goal of the emergency notification is to ensure that individuals are kept aware of the emergency and know what steps to take to safeguard their personal and community safety.

## **C) PROCEDURES USED TO NOTIFY THE CAMPUS COMMUNITY**

In the event of an emergency, the following methods of communication may be activated:

- Audible siren system
- OxyAlert (multifaceted, mass-notification system)
- The College's email system
- Facebook and Twitter accounts
- Verbal announcements within a building
- Public address system on Campus Safety patrol vehicles

The College may post updates during an emergency on the Occidental homepage and the college Facebook and Twitter accounts.

## **D) PROCEDURES FOR DISSEMINATING EMERGENCY INFORMATION TO THE LARGER COMMUNITY**

### ***(Individuals and Organizations Outside the Campus Community)***

If the College activates its emergency notification system in response to an emergency, the Campus Safety Department and the Office of Marketing and Communications are responsible for notifying the larger community of the emergency. The Office of Marketing and Communications is primarily responsible for external crisis communications and for updating notices on Facebook, Twitter, and other social networking platforms. It is also responsible for maintaining communications with national, regional, and local news and radio outlets, should the situation require it.

## **ENROLLING IN OCCIDENTAL'S EMERGENCY NOTIFICATION SYSTEM (OXYALERT)**

The College automatically enrolls all students in the OxyAlert system. Faculty and staff are strongly urged to enroll by logging onto the MyOxy website ([www.myoxy.edu](http://www.myoxy.edu)) and clicking on the OxyAlert link under the Employee Services or Student Services tab. Anyone enrolled in the OxyAlert system is required to update their information annually. Information regarding enrollment in OxyAlert is provided during new student orientation, new employee orientation, and through distribution of the College's AFSSR.

# Security of and Access to College Facilities

## Access to Occidental College: Policy

Occidental is a private college that is open to the public. Entrance may be denied and trespass laws may be invoked when persons engage in misconduct or present a threat to the campus community.

Students, faculty, and staff are encouraged to carry College identification (ID) when on campus. A special ID is available to alumni for a small fee. Identification checks are required for admission to the Academic Commons, athletic facilities, and most campus events.

Academic and business buildings are open during regular business hours. Students must obtain written permission for after-hours use of any building or facility. For safety reasons, two or more students are required to be present in any classroom, lab, computer lab, or reading reference room after 10 p.m. The Academic Commons is open 24 hours a day Monday-Thursday (closes at 10 p.m. Friday, open 9 a.m.-10 p.m. Saturday, opens 10 a.m. Sunday) while classes are in session and during finals.

## Residence Hall Access Information

Occidental houses approximately 1,670 students in 17 residence halls and themed communities. Entrances to residence halls are locked at all times for the safety of residents and the protection of personal property. All members of the campus community are expected not to prop open any locked doors; Campus Safety and Residential Education staff enforce this policy through frequent patrols and rounds. Students observed propping residence hall doors will be referred to the Office of Student Conduct.

To gain access to a residence hall, visitors must notify their hosts of their arrival and ask to be met at the door. Three professional staff members supervise 4 graduate assistants and 51 resident advisers assigned to residence halls. Professional Residential Education staff members are on duty at all times. Safety and security issues are part of resident adviser staff training each year.

All student resident hall rooms are equipped with smoke detectors that are on building power with a battery backup; they are regularly inspected. Berkus House, Haines Hall, Eileen Norris Hall, and 4909 Rangeview (SAE House) have local building fire alarm systems. The themed communities at 1480 Campus Road, 4873 Stratford Road, and 4863 Stratford Road have smoke detectors in the hallways and student rooms. The fire alarm sprinkler systems in Bell-Young Hall, Berkus Hall, Braun Hall, Chilcott Hall, Erdman Hall, Newcomb Hall, Pauley Hall, Stearns Hall, Stewart-Cleland Hall, and Wylie Hall are monitored by an outside company that alerts both the Los Angeles Fire Department and Campus Safety when an alarm is activated. Campus Safety conducts unannounced fire drills in all residence halls once each term. Evacuation results are recorded and evaluated after each drill.

The use of fire alarm systems and fire-fighting equipment without the existence of an actual fire is a violation of California state law. Triggering a false fire alarm could result in a misdemeanor charge, which includes a citation and possible disciplinary action.

During the winter break, all residence hall rooms are secured. Students requiring housing at that time must make prior arrangements with the Office of Residential Education and Housing Services. Exterior locks to each building are temporarily changed during the winter and summer breaks to increase security. Additional information about student housing can be found at [oxy.edu/residential-education-housing-services](http://oxy.edu/residential-education-housing-services).

## **Card Key Access Policy**

It is the College's policy to keep all interior and exterior doors closed and locked to discourage unwanted entrance to College facilities. It is the responsibility of all College personnel, students, faculty, administrators, and staff to ensure doors to facilities they use are kept closed and locked at all times when the facility is not in use or has limited occupancy. Breaches of physical security jeopardize everyone's personal safety and security, as well as the property of the College.

Control of access is an essential ingredient to safety and security. Card key access via the College ID card is centralized through the Campus Card Office, operated by Hospitality Services. ID cards are the property of the College. Access is granted via requests by authorized individuals, and regulated by an appropriate balance of convenience and security. Access will be discontinued when an individual leaves the College. Individuals are responsible for safeguarding their ID card and taking reasonable precautions to protect it from unauthorized use.

## **Facilities Management Support**

The Facilities Management Department (FM) maintains College buildings, structures, and grounds. FM personnel regularly inspect campus facilities and make repairs affecting safety and security. FM staff members, with the help of Campus Safety officers, respond to reports of potential safety hazards.

Contractors and service providers wear identifying badges when working on campus. They are required to check in and out with FM staff whenever visiting campus. A number of projects related to safety and security are carried out each year through the College's Major Remodel and Repair Program including abatement of hazardous materials, trip and fall hazards, elevator modernization, roof replacement, lock and door replacement, security alarm systems, fire alarm panel replacement, fire sprinkler installation, and lighting improvements.

The Environmental Health and Safety (EH&S) manager is the point of contact for compliance issues such as work safety, laboratory safety, air quality standards and fire safety. The EH&S manager works with administration, faculty, staff, students, and loss-control representatives to develop and implement environmental health and safety programs. The EH&S manager is responsible for the maintenance of fire and life safety systems and oversees construction projects involving these systems. The EH&S manager manages hazardous materials and hazardous waste removal, such as asbestos and lead-paint abatement. Additionally, the EH&S manager is responsible for underground storage-tank regulation issues and compiles the Annual Fire Safety Report.

## **Security Considerations Used in the Maintenance of Campus Facilities**

Occidental ensures that all campus facilities are well-maintained and secure. Sidewalks and other pathways are designed to provide safe, well-lit routes from parking areas to buildings and from building to building. Groundskeeping personnel trim shrubs to clear sidewalks, walkways, and building entrances. All campus walkways are inspected annually to ensure adequate lighting. In addition, upon notification, FM promptly replaces burned-out lights.

New streetlights and pedestrian walkway lights are added when new parking areas and walkways are developed, roadways are changed, and/or playing fields are relocated. We encourage community members to promptly report any safety or security concerns, including those about locking mechanisms, lighting, or landscaping to Facilities Management at (323) 259-2651.



## Campus Security Policies, Crime Prevention, and Safety Awareness Programs

During Orientation, first-year students and parents are introduced to services offered by Campus Safety and informed about crime on campus and in the surrounding neighborhood. Crime prevention and awareness programs are offered by various campus organizations throughout the year. The awareness and crime prevention programs serve to encourage students and employees to be responsible for their safety and security.

Campus Safety is currently exploring state-of-the-art personal safety and security technologies such as personal global positioning systems (GPS) and personal safety apps that are linked to cell-phones and other mobile communication devices.

### Crime Prevention and Safety Awareness Programs

- **Safety Escort Program:** Dusk-to-dawn safety escorts are available through Campus Safety on campus and within the established escort zone.
- **Hall Spreads:** A partnership with Residential Education to present crime prevention programs at hall meetings each semester.
- **Orientation:** First-year students and parents are provided various training sessions, including one hosted by Campus Safety; a “Street Smarts Personal Awareness” training; Alcohol and Other Drugs prevention education training led by a Physician’s Assistant from Emmons Wellness Center; Title IX Policy presentation facilitated by the Title IX Coordinator; a Sexual & Power-Based Violence Prevention education program by Juliette & Marc Grimmert of the Chrysalis Network; and an Oxy Upstander (active bystander) training facilitated by Project S.A.F.E. peer educators.
- **Community Meetings:** In partnership with the local LAPD Senior Lead Officer, meetings are held once a semester for students living off campus and local neighbors. Topics of discussion include neighborhood crime information and crime trends, student accountability, and positive neighbor relations.

### Residential Education and Housing Services

- **Alcohol and Drug Awareness:** Ongoing programming in the residence halls to help all students learn about the effects of alcohol and drugs, the College’s alcohol and drug policy, the amnesty policy, community standards, safe drinking, the physiological response to alcohol, watching out for friends, and facts and myths about alcohol and drugs. Details about the programming are described in the College’s Biennial Review dated March 2016, which is available for inspection at the Dean of Students Office.
- **Sexual Assault Awareness:** Ongoing residence hall spread programming includes information from Project S.A.F.E. regarding safe sex, sexual assault awareness and prevention, sexual misconduct policy, gender violence, consent, and gender and sexuality.

- Graduate Hall Coordinators prevention emails: Ongoing information sent to students living in residence halls to address safety and security issues.

## Additional Campus Safety and Security Policies

### FIREARMS AND WEAPONS

The possession, storage, or use of firearms, explosives of any type (including fireworks), chemicals or weapons of any sort is not permitted anywhere on campus. This includes hunting bows and arrows and hunting knives. The term "weapon" means firearms, explosives, metal knuckles, and knives with blades more than 2.5 inches long, or any other instrument identified as a weapon in published College policies. Any item that is brandished as a weapon will be treated as a violation of College policy. Items include, but are not limited to, use of a fake or toy gun, brandishing a pocket knife, or a hand held under clothing to simulate a weapon.

### MISSING-STUDENT NOTIFICATION POLICY

Students are responsible for knowing the following:

Occidental College takes student safety very seriously. To this end, the following policy and procedure has been established to assist in locating Occidental students living in College-owned on-campus housing who, based on the facts and circumstances known to Occidental, have been determined to be missing.

At the beginning of each academic semester, Occidental will inform students residing in on-campus housing that Occidental will notify a parent, guardian or one or more individuals selected by the student not later than 24 hours after the time the student is determined to be missing. This information will include the following:

- Students have the option of identifying one or more individuals to be contacted by Occidental not later than 24 hours after the time the student has been determined to be missing by Occidental Campus Safety or our local law enforcement agency. Students can register this contact information confidentially through the Residential Education and Housing Services Office.
- This information will only be accessible to authorized campus officials and may not be disclosed, except to law enforcement personnel in furtherance of a missing person investigation.
- If the student is under 18 years of age, and not an emancipated individual, Occidental is required to notify a custodial parent or guardian not later than 24 hours after the time that the student is determined to be missing, in addition to the missing student's contact person(s).
- Occidental will notify the appropriate law enforcement agency not later than 24 hours after the time that the student is determined to be missing.
- If Occidental Campus Safety or law enforcement personnel has been notified and makes a determination that a student who is the subject of a missing person report has been missing for more than 24 hours and has not returned to campus, Occidental will initiate the emergency contact procedures in accordance with the student's designation.

Occidental College will follow the following notification procedure for a missing student who resides in on-campus housing:

- Anyone receiving or making a missing student report should immediately report the information to Occidental Campus Safety by calling 323-259-2599.
- Any official missing person report relating to this student shall be referred immediately to Occidental Campus Safety.
- Once Occidental receives a missing student report the following offices will be notified: Vice President of Student Affairs and Dean of Students; Residential Education and Housing Services; Occidental Campus Safety
- If Occidental College, after investigating the official report, determines the student has been missing for 24+ hours, Occidental will contact the local law enforcement agency in addition to the individual(s) identified by the student and the custodial parent or legal guardian if the student is under 18 and not emancipated.

Upon notification from any entity that any student may be missing, Occidental College may use any of the following resources to assist in locating the student. These resources may be used in any order and combination.

- Through the REHS Office, the Resident Advisors may be asked to assist in physically locating the student by keying into the student's assigned room and talking with known associates.
- Campus Safety may search on campus public locations to find the student (library, cafeteria, etc.).
- Campus Safety may issue an ID picture to assist in identifying the missing student.
- The Dean's Office may try to contact known friends, family, or faculty members for last sighting or additional contact information.
- Student Affairs or academic departments may be contacted to seek information on last sighting or other contact information.
- Campus Safety or the REHS Office may access card access logs to determine last use of the card and track the card for future uses.
- Campus Safety may access vehicle registration information for vehicle location and distribution to authorities.
- ITS may be asked to look up email logs for last login and use of Occidental College email system.

If there is any indication of foul play, the local police department will immediately be contacted for assistance.

## Daily Crime Log

Campus Safety publishes a daily log of all criminal incidents and alleged criminal incidents reported to the department. An entry, an addition to an entry, or a change in the disposition of a complaint to the Daily Crime Log must be recorded within two business days of the reporting of the information to the Campus Safety Department. The log is available online 24 hours a day,

seven days a week to members of the public and can be viewed at <http://www.oxy.edu/campus-safety/daily-crime-log>.

The log identifies the nature, location, reported time, time of occurrence, case number, and disposition of each criminal incident reported to the Campus Safety Department. Daily Crime Log entries include all crimes reported to Campus Safety officers within the College's patrol zone, and crimes are logged according to the date the Campus Safety Department received the report.

The last 60 days of information is available in the Campus Safety office, located in the Facilities Management building. Upon request, copies of any daily log older than 60 days shall be made available within two business days of a request.

Crime reports received from local law enforcement agencies that cannot be matched to other crimes already entered in the crime log will be entered into the log by the date the Campus Safety Department received the report from the local law enforcement agency.

# Residential Education and Housing Services

## The Office of Student Conduct

### MISSION

The Office of Student Conduct is designated by the Vice President for Student Affairs and Dean of Students to administer the Occidental College Code of Student Conduct (the “**Code**”). When a violation of College policy is alleged, the Office of Student Conduct engages with those involved, investigates and takes appropriate action in accordance with the Code (or refers the matter to the appropriate office for resolution).

In furtherance of Occidental College's commitment to excellence, equity, community, and service, the Office of Student Conduct encourages and expects Students to:

- respect themselves and others;
- resolve conflicts peacefully;
- repair harm caused by their actions;
- understand their responsibility to both the local and global community; and
- participate in a complex, pluralistic, and interdependent world.

The Office of Student Conduct strives to create an environment in which Students seek truth and justice, thoughtful decision-making is paramount, and all community members are grounded in the values of trust, honesty, and respect.

### JURISDICTION

Occidental College holds its Students accountable for their behavior on campus. The College may also choose to address off - campus behavior whether that behavior constitutes a violation of local, state, federal law, or a violation of College regulations, if that behavior:

1. occurs in connection with a College-Sponsored event or when Students are acting as representatives of the College;
2. directly affects another member of the Occidental community;
3. adversely affects the peace, comfort, safety, or security of others; and/or
4. adversely affects the integrity of the educational or developmental process.

Students are responsible for their individual conduct, even though conduct may occur before classes begin or after classes end, as well as during the academic year and between terms of actual enrollment. The Office of Student Conduct decides whether to respond to allegations of off-campus misconduct (and if so, how), on a case-by-case basis.

## The Student Code of Conduct

### RULES AND REGULATIONS

Occidental expects that its students will strive for high standards of honor and good citizenship and that they will conduct themselves, both on and off campus, in a manner that reflects credit on themselves and the College. The College further expects that students will convey these expectations to their guests.

#### *No Smoking*

Smoking of any substance is prohibited inside all College facilities including resident halls and balconies. Smoking is also prohibited within 30 feet of any residence hall.

#### *Standards of Behavior*

The following, while not exhaustive, represents behavior subject to disciplinary action:

- a. Conduct that threatens or endangers the health or safety of any person, including physical abuse, verbal abuse, threats, intimidation, harassment, and/or coercion.
- b. Possession of a weapon. A "weapon" includes explosives, metal knuckles, knives with blades more than three (3) inches long, firearms including guns, air/pellet guns, paint guns, gun replicas (including facsimile water pistols), or any other instrument used or designed to be used to intimidate, threaten, and/or injure any person.
- c. Reckless, disorderly, or lewd conduct.
- d. Recklessly interfering with normal College or College-sponsored activities, including but not limited to studying, teaching, research, administration, or emergency services, such as fire and police.
- e. Unauthorized entry or use of College facilities. This includes unauthorized possession, duplication, or use of keys or access cards to any College premises.
- f. Unauthorized use of an Oxy ID card. Students are unable to give permission to other persons to use the ID card on their behalf. The only person permitted to use the ID card is the individual to whom the card is issued.
- g. Unauthorized or inappropriate use of College computers, e-mail, or network; or other violations as specified by the most current Appropriate Use of Technology Policy published by Occidental Information Technology Services.
- h. Use of electronic or other devices to record any person while on College premises without his/her prior knowledge, or without his/her effective consent.
- i. Failure to comply with any sanction(s), administrative and/or educational, imposed in accordance with the Code.



j. Furnishing false information to the College or a College official or withholding information that may impede an investigation. This includes, but is not limited to, any false report, warning, or threat of fire, explosion, or other emergency.

k. Violation of the College Alcohol and Other Drugs Policy: Alcohol Policy.

l. Violation of the College Alcohol and Other Drugs Policy: Drug Policy.

m. Forgery, unauthorized alteration, or unauthorized use of any College document or instrument of identification.

n. Substantially interfering with the freedom of expression of others.

o. Attempted or actual theft of College property or the property of others.

p. Damage to College property or the property of others, including littering. Departments may have additional regulations and/or requirements dealing with conduct and/or use of College funds or property.

q. Failure to comply with the reasonable directions of College officials, including Campus Safety officers and residence hall staff, acting in performance of their duties. This also includes failure to identify oneself to these persons when requested.

r. Violations of other College regulations, rules, or policies.

s. Conduct that could result in the violation of any federal, state, or local law.

t. Students are to maintain adequate oversight of their guests and to exercise good judgment when inviting guests into the community. Guests include individuals invited or signed in by the student or the passive acceptance of an individual's known presence. Guests also include individuals who are not personally invited, but who respond to a general invitation.

u. Hosting non-official events or other activities that create a nuisance or endanger the safety of the community.

v. Retaliation: Acts or attempts to retaliate or seek retribution against any complainant, respondent, or individual or group of individuals or group of individuals otherwise involved in the complaint, investigation, and/or resolution of an allegation of a policy violation. Retaliation can be committed by any individual or group of individuals, not just a respondent or complainant. Retaliation can take many forms, including continued abuse, violence, or other forms of harm to others.

The College will, upon written request, disclose to the alleged victim of a crime of violence (as that term is defined in Section 16 of Title 18, United States Code) or a non-forcible sex offense, the report on the results of any disciplinary proceeding conducted by the College against a student who is the alleged perpetrator of such crime or offense.

### PROCEDURAL PROTECTIONS

Students alleged to have violated this Code can expect that all procedures outlines in the Code will be followed. Students and Organizations are entitled to procedural protections.

<http://oxy.edu/student-handbook/code-student-conduct>

## Alcohol and Other Drugs Policy

Students are responsible for knowing the following:

Occidental College's Alcohol and Other Drugs Policy complies with the requirements set forth by the *Drug-Free Schools and Community Act Amendments of 1989*. This act requires the College to certify that it is in compliance with the regulations and that it has implemented a program to prevent the unlawful possession, use or distribution of illicit drugs and alcohol by all students and employees both on school premises and as part of any of its activities.

The Alcohol and Other Drugs Policy describes the standards of conduct regarding the possession, use or distribution of alcohol, controlled substances and marijuana; sanctions enforced under College policy, and local, state, and federal law; and information regarding health risks and treatment services for substance abuse.

The health and well-being of every Occidental student is the responsibility of the entire Occidental community. Occidental College is committed to providing a safe campus environment that encourages intellectual, cultural and social learning and personal development. Each member must make informed decisions regarding personal use of alcohol and other drugs that reflect a respect for themselves, others and the community at large.

The Alcohol and Other Drugs Policy applies to all students and student groups associated with the Occidental College community (including applicants while visiting campus). Members of the Occidental community are considered adults and are thus expected to abide by California State Law regarding the possession, consumption, and distribution of drugs and alcohol. Relevant sections of these statutes are summarized below.

Occidental College takes an educational approach when working with students involved in alcohol and other drug policy violations. Every effort is made to connect students with appropriate resources on campus including, but not limited to, counseling, medical, and mental health services. A list of campus resources and possible sanctions for violations of this policy is outlined below.

The College's Alcohol and Other Drug Committee reviews this policy every two years.

### Student Alcohol Policy

#### OCCIDENTAL EXPECTATIONS OF BEHAVIOR

Occidental respects the rights of community members to exercise their legal options regarding alcohol consumption and recognizes that responsible alcohol use can be compatible with healthy adult behavior and successful social events. As such, Occidental College has identified expectations of behavior that support the safe and legal consumption of alcohol. Any student who consumes alcohol remains responsible for any violation of the College's Code of Student Conduct. The Dean of Students Office is responsible for interpreting and implementing this Policy.

1. **Under-Age Students:** Students under the age of 21 may not possess or consume alcohol. A state of intoxication implies consumption. Possession of open containers, including empty bottles used as decoration, by anyone under the age of 21 is prohibited.
2. **Behavior:** Students in lawful possession of alcohol shall not disrupt the community in the residence halls, on campus, or in the surrounding environment. Students who use alcohol shall do so in a way that does not compromise, or infringe on, the rights and safety of others.
3. **Dry Residence Halls:** Alcohol shall not be possessed or consumed, regardless of a student's age, at any time in the following buildings - Bell Young Hall, Pauley Hall, Stewart-Cleland (Stewie) Hall, Braun Hall, and Chilcott Hall.
4. **Possession or Presence of Alcohol:** Alcohol is not permitted in any common area of the residence halls. Students of age who are not living in dry residence halls may possess and consume alcohol in their residence hall room. Open containers of alcohol are prohibited on campus grounds unless approved by the College for special events.
5. **Irresponsible Use of Alcohol:** Organized drinking games or items used for the purpose of quick or mass consumption of alcohol are prohibited. Public intoxication and events where there is pressure or an expectation to consume excessive amounts of alcohol are prohibited. The College strongly discourages "pre-gaming" and "doing shots" of hard alcohol because these behaviors maximize the dangers associated with intoxication and the risk of alcohol poisoning. "Pre-gaming" is the consumption of large amounts of alcohol in a short period of time prior to attending a social event. Virtually all of the alcohol poisoning cases on campus involve hard alcohol consumption and usually occur from "pre-gaming."
6. **Providing of Alcohol:** Providing alcohol to underage individuals is prohibited. Hosts are responsible for their guests' alcohol consumption and the behavior of their guests. Guests include individuals invited or signed in for by the student or the passive acceptance of an individual's known presence. Guests also include individuals who are not personally invited, but who attend in response to a general invitation.
7. **Serving Alcohol:** Any student-sponsored event where alcohol is served must follow Office of Student Life protocol (see Campus Events Coordinated by Students Policy). Serving alcohol to intoxicated persons or underage students is prohibited. Bulk containers, kegs, or any alcohol dispensing-device requiring a tap are not permitted on campus with the exception of a registered event with a licensed bartender present.
8. **Sale of Alcoholic Beverages:** The unlicensed sale of alcoholic beverages is prohibited. This includes the selling of tickets to events where alcoholic beverages are provided, charging admission or accepting donations for any activity involving alcohol. Also, a student organization may not use College funds to purchase or provide alcohol at its social events, either on or off campus.
9. **Driving Under the Influence:** Operating a vehicle under the influence of alcohol is prohibited. "Vehicle" is defined as anything used for transporting people or goods, especially on land, such as a car, truck, bicycle or cart.
10. **Prospective Students:** The entire Occidental College community is responsible for the well-being of prospective students visiting the campus. Giving or offering alcohol to a prospective student is strictly prohibited. Information gathered about the use of alcohol by prospective students during their visit will be shared with Admissions to add to the file

of the prospective student. This could hinder the ability of the prospective student to be admitted to the College.

11. **Off-Campus:** Students associated with Occidental College who violate any College policy, city laws or ordinances, or state or federal laws off-campus are subject to disciplinary action from the College and arrest by law enforcement.

## California State Alcoholic Beverage Laws and Penalties

All colleges must abide by federal, state and local laws and all campus policies incorporate such laws into college life. The laws of the State of California specify that people under the age of 21 may not consume, possess or distribute alcohol. In addition, it is unlawful for any person to sell, furnish or give any alcoholic beverage to anyone under the age of 21. Minors who use false identification in order to obtain alcoholic beverages are guilty of a misdemeanor. In compliance with state and local laws, Occidental prohibits the illegal use of alcohol on College property and as part of any College-sponsored activity (on- or off-campus).

Violations of federal, state or local law, even within regularly scheduled College facilities, occur at the risk of the individuals and are not the responsibility of the College.

California laws regarding the use of alcoholic beverages are highlighted below and are accurate as of May 2017. The laws are abbreviated for general use and may not cover all situations. It is the responsibility of the server or consumer of alcoholic beverages to be aware of, and abide by, all federal, state and local laws and ordinances.

Examples of common offenses and penalties include:

1. **Open Container:** Possession of any can, bottle, or other receptacle containing any alcoholic beverage that has been opened, or a seal broken, or the contents of which have been partially removed, in any city and county owned public place can result in a fine (California Business And Professions Code section 25620 (a)).
2. **Minor in Possession (MIP):** Any person under the age of 21 years who has any alcoholic beverage in their possession on any street or highway or in any public place or in any place open to the public is guilty of a misdemeanor and shall be punished by a fine of \$250 or the person shall be required to perform not less than 24 hours or more than 32 hours of community service hours (California Business and Professions Code section 25662 (a)).
3. **Driving Under the Influence (DUI):** Driving under the influence with a blood alcohol content (BAC) level of .08 or higher or driving under the influence of a drug or combination of both is a misdemeanor with possible fines, county prison sentence, and driver's license suspension (California Vehicle Code sections 23152 (a) & (b)).
4. **Driving Under the Influence (DUI) While Under Age 21:** Drivers under 21 with a BAC of .05 or higher can have their vehicles towed and driver's license suspended, be charged a fine, and be required to complete a mandatory alcohol education program of three months or longer (California Vehicle Code sections 23136 and 23140).

5. **Cycling Under the influence (CUI):** Bicycling under the influence of an alcoholic beverage can result in jail sentencing and a base fine of \$250. Riders under 21 may also lose their driver's license for one year (California Vehicle Code section 21200.5).
6. **Providing False Identification:** Attempting to purchase alcohol using false identification can result in jail time and a minimum fine of \$250 or community service hours (California Business and Professions Code section 25661).
7. **Under 21 Purchase of Alcohol:** Any person under the age of 21 years who purchases any alcoholic beverage in any on-sale premises (e.g., bar or licensed club or restaurant) is guilty of a misdemeanor (California Business and Professions Code section 25658(b)).
8. **Selling Alcohol without a License:** is a misdemeanor (California Business and Professions Code section 23301).
9. **Drunk in Public (DIP):** Public intoxication is considered disorderly conduct, which is a misdemeanor offense and can result in jail time and a fine (California Penal Code section 647(f)).
10. **Furnishing Alcohol to a Person Under 21 or an Intoxicated Person:** Selling or furnishing alcohol to a person under 21 or to an obviously intoxicated person is a misdemeanor (California Business and Professions Code section 25658).

## Student Drug Policy

Students have the right to live and work in an environment free from the effects of drugs and drug abuse. Occidental College students are expected to comply with federal, state, and local laws, to follow the requirements of the College's drug policy and to respect the right to a drug free environment shared by all members of the campus community. Federal and state laws subject persons involved in the use, sale, or distribution of illegal drugs to criminal action, including arrest, fine, and imprisonment. Occidental fully supports these laws by prohibiting the possession, use, sale, and/or distribution of illegal drugs on campus. Any violation of this Policy shall result in disciplinary action.

### GENERAL GUIDELINES

1. As a general rule, law enforcement agencies permit an educational institution to address the illegal use of drugs by students in accordance with its disciplinary policies and procedures. However, the College cannot deny the Los Angeles Police Department or federal or state narcotics officers the right of access to the campus or entry to College buildings for the purpose of investigating the illegal use or sale of drugs.
2. Students who use illegal drugs or drug paraphernalia shall be subject to disciplinary action.
3. In addition, the College reserves the right to request outside assistance in connection with the possession, use, sale or distribution of illegal drugs and drug paraphernalia.



## OCCIDENTAL EXPECTATIONS OF BEHAVIOR

1. **Illegal substance use:** The use, abuse, sale, manufacturing, possession and/or distribution of illegal drugs or drug paraphernalia is prohibited. A student is deemed to have distributed illegal drugs or drug paraphernalia if they sell, exchange, share, jointly purchase, or otherwise make available any illegal drug or drug paraphernalia to another.
2. **Over the counter and prescription substance use:** The abuse, sale, and/or distribution of over-the-counter or prescription drugs (pharmaceuticals), or other substances is prohibited. This includes the use of the pharmaceutical/substance for anything aside from its intended purpose, by someone other than the intended recipient, and in a dosage other than what is prescribed. Any student who sells, provides, shares or otherwise makes available a pharmaceutical/substance to another person may be found responsible for violating the Occidental drug policy. A student is deemed to have distributed a pharmaceutical or substance if they sell, exchange, share, jointly purchase, or otherwise make available any pharmaceutical or substance to another.
3. **Medical marijuana possession:** The College does not allow any exceptions to this Policy including the possession or use of marijuana for medical purposes, even if such possession or use otherwise meets the qualifications of the California Compassionate Use Act, or any future legislation that is specific to the state of California. Students who believe they may be adversely affected by this Policy should contact the Dean of Students Office for more information.
4. **Supplying prospective students with drugs and/or pharmaceuticals:** The entire Occidental College community is responsible for the well-being of prospective students visiting the campus. Giving or offering illegal drugs, pharmaceuticals or other substances to a prospective student is strictly prohibited. Information gathered about the use of illegal drugs, pharmaceuticals, or other substances by prospective students during their visit will be shared with Admissions to add to the file of the prospective student. This could hinder the ability of the prospective student to be admitted to the College.
5. **Illegal activity by association:** Students who are in the presence of such activities/items as outlined above shall also be subject to disciplinary action.

## DRUG OFFENSES AND PENALTIES

The Federal Controlled Substances Act provides penalties of up to 15 years imprisonment and fines up to \$25,000 for unlawful distribution or possession with intent to distribute illegal drugs. For the unlawful possession of illegal drugs, a person is subject to up to one year of imprisonment and fines up to \$5,000. Any person who unlawfully distributes an illegal drug to a person under twenty-one years of age may be punished by up to twice the term of imprisonment and fined otherwise authorized by law.

The unlawful use, possession, distribution, manufacturing, or dispensing of illegal drugs is prohibited by Occidental College. Criminal Sanctions under California Law for the unlawful possession or distribution of illegal drugs and alcohol include the following:

1. **Possession of Controlled Substances:** Imprisonment in county jail for possession of specified controlled substances, including opium derivatives and cocaine (Health and Safety Code Section 11350).

2. **Selling of Controlled Substances:** Imprisonment in State prison for two to four years for possession or sale of specified controlled substances including opium derivatives and cocaine (Health and Safety Code Section 11351).
3. **Possession of Marijuana:** A person in possession of less than 28.5 grams of marijuana is subject to an infraction and may be fined; Possession of more than 28.5 grams shall be punished by imprisonment in county jail and/or a fine (Health and Safety Code Section 11357).
4. **Possession with Intent to Sell Marijuana:** shall be punished by imprisonment (Health and Safety Code Section 11359).
5. **Distribution of Prescription Drugs:** it is unlawful for any person who is not a pharmacist to manufacture, compound, furnish, sell, or dispense any dangerous drug or dangerous device, or to dispense or compound any prescription (Business and Professions Code Section 4051 (a)).
6. **Under the Influence of Controlled Substance:** No person shall use or be under the influence of any controlled substance. Any person convicted of violating this is guilty of a misdemeanor and shall be sentenced to up to one year in a county jail, up to five years of informal probation, drug counseling and/or community service. (Health and Safety Code Section 11550 (a)).

\*Changes in state law regarding marijuana or other controlled substances do not negate applicable federal statutes.

## SANCTIONS

Students found in violation of this Policy shall be referred to the Office of Student Conduct, where they shall meet with a conduct officer to assess responsibility and discuss possible sanctions in accordance with the Code of Student Conduct. A fundamental principle guiding the imposition of sanctions is founded on the College's mission to balance upholding community standards with the educational development of its students.

Possible sanctions (including expulsion) are outlined in the conduct section of the Student Handbook. All sanctions are cumulative, and a student's past conduct history is taken into consideration when issuing a sanction. Sanctions may also be enhanced based on the severity of the behavior and impact on the College community. More than one sanction may be imposed for any single violation.

## Employee Alcohol & Drug Policy

The Employee Alcohol & Drug Policy is available to view online at:

[https://www.oxy.edu/sites/default/files/assets/HR/Employee-Drug-Alcohol-Policy\\_Revised\\_2017.pdf](https://www.oxy.edu/sites/default/files/assets/HR/Employee-Drug-Alcohol-Policy_Revised_2017.pdf)

## Associated Health Risks and Campus Resources

The risks associated with the use of illegal drugs, pharmaceuticals and other substances and the abuse of alcohol are numerous and include physical and mental impairment, emotional and psychological deterioration, and potentially devastating effects on family and friends. There are obvious risks, such as suffering a hangover, being charged with driving under the influence or while intoxicated, and sustaining or causing personal injury. There are a number of less obvious risks associated with alcohol and other drug abuse that students might not realize, including:

- Poor academic and/or job performance
- Initiating non-consensual sexual activity, which could lead to expulsion and criminal liability
- Being subjected to nonconsensual sexual activity, which could lead to psychological and physical trauma including sexually transmitted infections
- Jeopardizing future career prospects (e.g., admission to law school or government employment)

In addition, alcohol and other drug abuse puts the user at considerable health risk, which can include, nausea, vomiting, cancer, liver damage, elevated blood pressure, psychotic episodes, hallucinations and, in some cases, death. In addition to the risk to the abuser of illicit drugs and alcohol are the risks to other students and the entire Occidental College community.

Occidental encourages students to approach any Dean, Resident Advisor, or faculty member with whom they feel comfortable if they suspect that they or one of their fellow students has an alcohol or drug abuse problem. Counselors at Emmons Student Wellness Center can provide consultation and referral to students with problems or concerns related to alcohol and drug use. All counselors have been trained to assure appropriate confidentiality of information gathered in these sessions.

### INFORMATION AND REFERRALS

#### **Pasadena Council on Alcoholism and Drug Dependence**

(626) 795-9127  
1245 E. Walnut St.  
Pasadena, CA 91106-1878

#### **Al-Anon Family Group**

Central Office  
(818) 760-7122  
4936 Lankershim Blvd.  
North Hollywood, CA 91601

#### **Narcotics Anonymous Help Line**

(626) 303-4156

Emmons Wellness Center can work with students, faculty, and staff on a direct referral to drug and alcohol treatment programs in the area as well as independent providers and counselors.

## **INPATIENT AND OUTPATIENT TREATMENT PROGRAMS**

### **Glendale Adventist Medical Center**

(818) 409-8000  
1509 Wilson Terrace  
Glendale, CA 91206

### **Las Encinas Hospital**

(626) 795-9901  
2900 E. Del Mar Blvd.  
Pasadena, CA 911207

### **Della Martin Center for Behavioral Sciences at Huntington Hospital**

(626) 397-2323  
100 W. California Blvd.  
Pasadena, CA 91109

### **Alcoholics Anonymous**

Main Los Angeles Office: (323) 936-4343  
4311 Wilshire Blvd., #104  
Los Angeles, CA 90010  
Glendale Branch: (818) 242-1350

For additional information on local resources, consult with the staff at Emmons Student Wellness Center or visit:

<https://www.oxy.edu/emmons-wellness-center>

## **Medical Amnesty Policy**

The welfare of students is of the highest importance to Occidental College. Students that are intoxicated at a level requiring medical attention, and/or the friends of such students, should always seek appropriate assistance from Campus Safety, Residential Education staff, or other local emergency services. The medical amnesty clause is included to promote student safety and to encourage students and third parties to promptly notify the appropriate staff or local emergency services in the event of such need.

Under this policy, when a student experiences a physical and/or psychological crisis while under the influence of alcohol or other drugs and the student or one or more friends of the student proactively requests medical assistance, the College will mitigate the resulting disciplinary actions for both the student in crisis and the student(s) calling for help. The students will be referred to an educational or developmental program so that they learn and grow from the situation; and, no or reduced Code of Student Conduct sanctions may be imposed. Students that do not complete the educational or developmental program recommendations may be faced with disciplinary action consistent with College policy.

While the College reserves the right to refuse a grant of amnesty under certain extenuating circumstances, a student or student(s) calling for assistance on behalf of an intoxicated student will generally be granted amnesty. Consistent with putting the student's health and safety first,

the College will approach serious or repeated incidents with a higher degree of concern and a high level of intervention.

This policy does not protect students who are found to be in violation of other Occidental College policies from disciplinary action. Likewise, this policy does not prevent action by police or other law enforcement personnel. The Amnesty Policy does not grant amnesty to possession with intent to distribute drugs.

### **APPLICATION TO STUDENT ORGANIZATIONS**

In circumstances where an organization is found to be hosting an event where medical assistance is required or sought for a member or guest, the organization (depending upon the circumstances) may be held responsible for violations of the Alcohol and Other Drugs Policy through the conduct process. However, the organization's willingness to seek medical assistance for a member or guest will be viewed as a mitigating factor in determining a sanction for any violations of the Alcohol and Other Drugs Policy. For more information on student groups and organizations, please review section D.3 of the Student Code of Conduct.

### **Parental Notification**

The Family Educational Rights and Privacy Act (FERPA) permits Occidental College administrators to notify the parents or guardians of students who violate campus alcohol and drug policies. Parents or guardians may also be contacted to inform them of the events surrounding their student's emergency medical transport for treatment or evaluation due to presumed consumption of alcohol and/or controlled substances. More information regarding "Family Educational Rights and Privacy Act (FERPA)" can be found online at this link: <https://www.oxy.edu/student-handbook/general-college-policies/family-education-rights-privacy-act-ferpa>.

# Annual Disclosure of Crime Statistics

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (20 USC § 1092(f)) requires colleges and universities to disclose information about crime on and around their campuses in this Annual Fire Safety and Security Report.

Crime statistics for three years are published in the Annual Fire Safety and Security Report by October 1 of each year and submitted annually to the U.S. Department of Education. Crimes are reported in the following categories:

## Definitions of Reportable Clery Crimes

### MURDER/NON-NEGLIGENT MANSLAUGHTER

The willful (non-negligent) killing of one human being by another.

### MANSLAUGHTER BY NEGLIGENCE

The killing of another person through gross negligence.

### RAPE

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 consent of the victim.

### FONDLING

The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.

### INCEST

Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

### STATUTORY RAPE

Sexual intercourse with a person who is under the statutory age of consent.

### ROBBERY

The taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.

### AGGRAVATED ASSAULT

An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm.



### **BURGLARY**

The unlawful entry of a structure to commit a felony or a theft. For reporting purposes, this definition includes: unlawful entry with intent to commit a larceny or a felony; breaking and entering (forcible entry) with intent to commit a larceny; and all attempts to commit any of the aforementioned.

### **MOTOR VEHICLE THEFT**

The theft or attempted theft of a motor vehicle.

### **ARSON**

The willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, or personal property of another, etc.

### **WEAPONS LAW VIOLATIONS**

The violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices, or other deadly weapons.

### **DRUG LAW VIOLATIONS**

The violation of laws prohibiting the production, distribution and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use. The unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation or importation of any controlled drug or narcotic substance. Arrests for violations of state and local laws, specifically those relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs.

### **LIQUOR LAW VIOLATIONS**

The violation of state or local laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, or use of alcoholic beverages, not including driving under the influence and drunkenness.

## **Hate Crime**

A criminal offense that manifests evidence that the victim was intentionally selected because of the perpetrator's bias against the victim.

In addition to the criminal offenses listed above, Larceny-Theft, Simple Assault, Intimidation, and Destruction/Damage/Vandalism of Property are included in Clery Act statistics only if they are Hate Crimes.

### **LARCENY/THEFT**

The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another. Constructive possession is the condition in which a person

does not have physical custody or possession, but is in a position to exercise dominion or control over a thing.

### **VANDALISM / DESTRUCTION / DAMAGE**

To willfully or maliciously destroy, damage, deface, or otherwise inure real or personal property without the consent of the owner or person having custody or control of it.

### **INTIMIDATION**

To unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack.

### **SIMPLE ASSAULT**

An unlawful physical attack by one person upon another where neither the offender displays a weapon, or the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration, or loss of consciousness.

## **Categories of Prejudice/Bias:**

### ***Race***

A preformed negative attitude toward a group of persons who possess common physical characteristics genetically transmitted by descent and heredity which distinguish them as a distinct division of humankind.

### ***Gender***

A preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender.

### ***Gender Identity***

A preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender identity.

### ***Religion***

A preformed negative opinion or attitude toward a group of persons who share the same religious beliefs regarding the origin and purpose of the universe and the existence or nonexistence of a supreme being.

### ***Sexual Orientation***

A preformed negative opinion or attitude toward a group of persons based on their actual or perceived sexual orientation.

### **Ethnicity**

A preformed negative opinion or attitude toward a group of people whose members identify with each other, through a common heritage, often consisting of a common language, common culture and or ideology that stresses common ancestry.

### **National Origin**

A preformed negative opinion or attitude toward a group of people based on their actual or perceived country of birth.

### **Disability**

A preformed negative opinion or attitude toward a group of persons based on their physical or mental impairments, whether such disability is temporary or permanent, congenital, or acquired by heredity, accident, injury, advanced age or illness.

## **The Violence Against Women Act: Additional Categories of Crime**

**Dating Violence** is defined as 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 shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For the purposes of this definition: (a) Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse; (b) Dating violence does not include acts covered under the definition of domestic violence.

**Domestic Violence:** A felony or misdemeanor crime of violence committed (i) by a current or former spouse or intimate partner of the victim; (ii) by a person with whom the victim shares a child in common; (iii) by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner; (iv) by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or (v) by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

**Stalking:** Engaging in a course of conduct directed at a specific person that would cause a reasonable person to (i) fear for the person's safety or the safety of others; or (ii) suffer substantial emotional distress. **Reasonable person** means a reasonable person under similar circumstances and with similar identities to the victim. **Substantial Emotional** distress means significant mental suffering or anguish that may, but does not necessarily require medical or other professional treatment or counseling. (The category of Stalking includes "cyber-stalking," as defined by the College's Sexual Misconduct Policy.)

Offense	Year	Geographic Location			
		On-Campus Property	On-Campus Student Housing Facilities	Noncampus Property	Public Property
Murder/ Non-Negligent Manslaughter	2016	0	0	0	0
	2015	0	0	0	0
	2014	0	0	0	0
Manslaughter by Negligence	2016	0	0	0	0
	2015	0	0	0	0
	2014	0	0	0	0
Rape	2016	6	5	0	0
	2015	8	6	0	0
	2014	8	6	0	0
Fondling	2016	4	2	0	0
	2015	5	2	0	0
	2014	6	5	0	0
Incest	2016	0	0	0	0
	2015	0	0	0	0
	2014	0	0	0	0
Statutory Rape	2016	0	0	0	0
	2015	1	1	0	0
	2014	0	0	0	0
Robbery	2016	1	0	0	0
	2015	0	0	0	1
	2014	0	0	0	0
Aggravated Assault	2016	2	0	0	1
	2015	1	0	0	0
	2014	2	1	0	0
Burglary	2016	11	6	0	0
	2015	5	4	0	0
	2014	7	3	1	0
Motor Vehicle Theft	2016	3	0	0	0
	2015	0	0	0	0
	2014	1	0	0	0
Arson	2016	0	0	0	0
	2015	0	0	0	0
	2014	0	0	0	0
Domestic Violence	2016	0	0	0	0
	2015	0	0	0	0
	2014	0	0	0	0
Dating Violence	2016	1	1	0	0
	2015	4	4	0	0
	2014	0	0	0	0
Stalking	2016	9	5	0	0
	2015	8	4	1	0
	2014	1	0	0	0

Offense	Year	Geographic Location			
		On-Campus Property	On-Campus Student Housing Facilities	Noncampus Property	Public Property
<b>Arrests:</b> <b>Weapons</b> (Carrying, Possessing, etc.)	<b>2016</b>	0	0	0	0
	<b>2015</b>	0	0	0	0
	<b>2014</b>	0	0	0	0
<b>Disciplinary Referrals:</b> <b>Weapons</b> (Carrying, Possessing, etc.)	<b>2016</b>	2	2	0	0
	<b>2015</b>	8*	8*	0	0
	<b>2014</b>	4	4	0	0
<b>Arrests:</b> <b>Drug Abuse Violations</b>	<b>2016</b>	3	0	0	0
	<b>2015</b>	1	1	0	0
	<b>2014</b>	1	0	0	0
<b>Disciplinary Referrals:</b> <b>Drug Abuse Violations</b>	<b>2016</b>	28	27	0	0
	<b>2015</b>	20	15	0	0
	<b>2014</b>	38	38	0	0
<b>Arrests:</b> <b>Liquor Law Violations</b>	<b>2016</b>	0	0	0	0
	<b>2015</b>	0	0	0	0
	<b>2014</b>	0	0	0	0
<b>Disciplinary Referrals:</b> <b>Liquor Law Violations</b>	<b>2016</b>	98	98	0	0
	<b>2015</b>	159	151	6	0
	<b>2014</b>	110	95	0	0

\* Increase weapons law violation disciplinary referrals from 6 to 8 in both the On Campus and Residence Hall categories consistent with penal code definition of "weapon."

## HATE CRIMES

**2016:** One on-campus, residence hall Vandalism characterized by gender identity bias, and one on-campus, residence hall Intimidation characterized by gender bias.

**2015:** One on-campus Intimidation characterized by race, gender, religion, and ethnicity bias.

**2014:** No Hate Crimes reported.

## Crimes Involving Student Organizations at Off-Campus Locations

Subject to applicable law, the Chief of Campus Safety and the Area Commander of the LAPD's Northeast Division routinely share information with each other about criminal activity in and around the campus, as well as at non-campus locations of recognized student organizations. Occidental College requires all recognized student organizations to abide by federal, state, and local laws, and College policies and procedures.

## Clery Act Geography Definitions

Under *Clery*, the **on-campus** category encompasses the following:

Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution's educational purposes, including residence halls; and any building or property that is within or reasonably contiguous to the area identified in paragraph (1) of this definition, that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes (such as a food or other retail vendor).

**Controlled by** means that your institution (or an institution-associated entity as described below) directly or indirectly rents, leases or has some other type of written agreement (including an informal one, such as a letter or an e-mail) for use of a building or property, or a portion of a building or property. Even if there is no payment involved in the transaction, for Clery Act purposes, a written agreement for the use of space gives your institution control of that space for the time period specified in the agreement.

**Reasonably contiguous** refers to a building or property your institution owns or controls that is in a location that you and your students consider to be, and treat as, part of your campus.

Under *Clery*, **public property** encompasses the following:

All public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus, or immediately adjacent to and accessible from the campus.

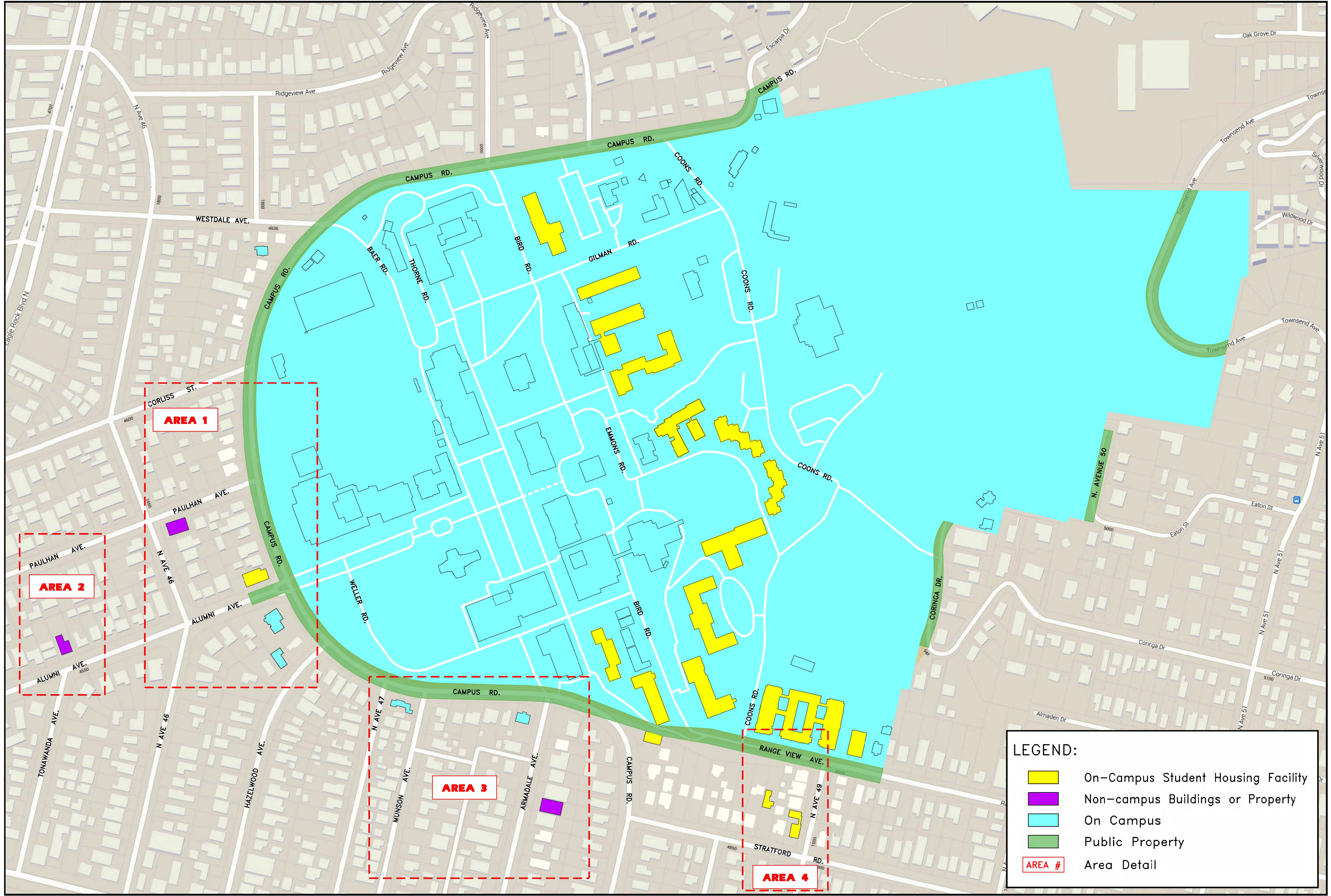
The *Clery* definition of **non-campus** buildings or property is:

Any building or property owned or controlled by a student organization that is officially recognized by the institution; or any building or property owned or controlled by an institution that is used in direct support of, or in relation to, the institution's educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution.

Not all law enforcement agencies responded to Occidental's requests for Clery crime statistics.

Not pictured in these maps: Occidental College's Clery Act geography outside one mile of main campus.

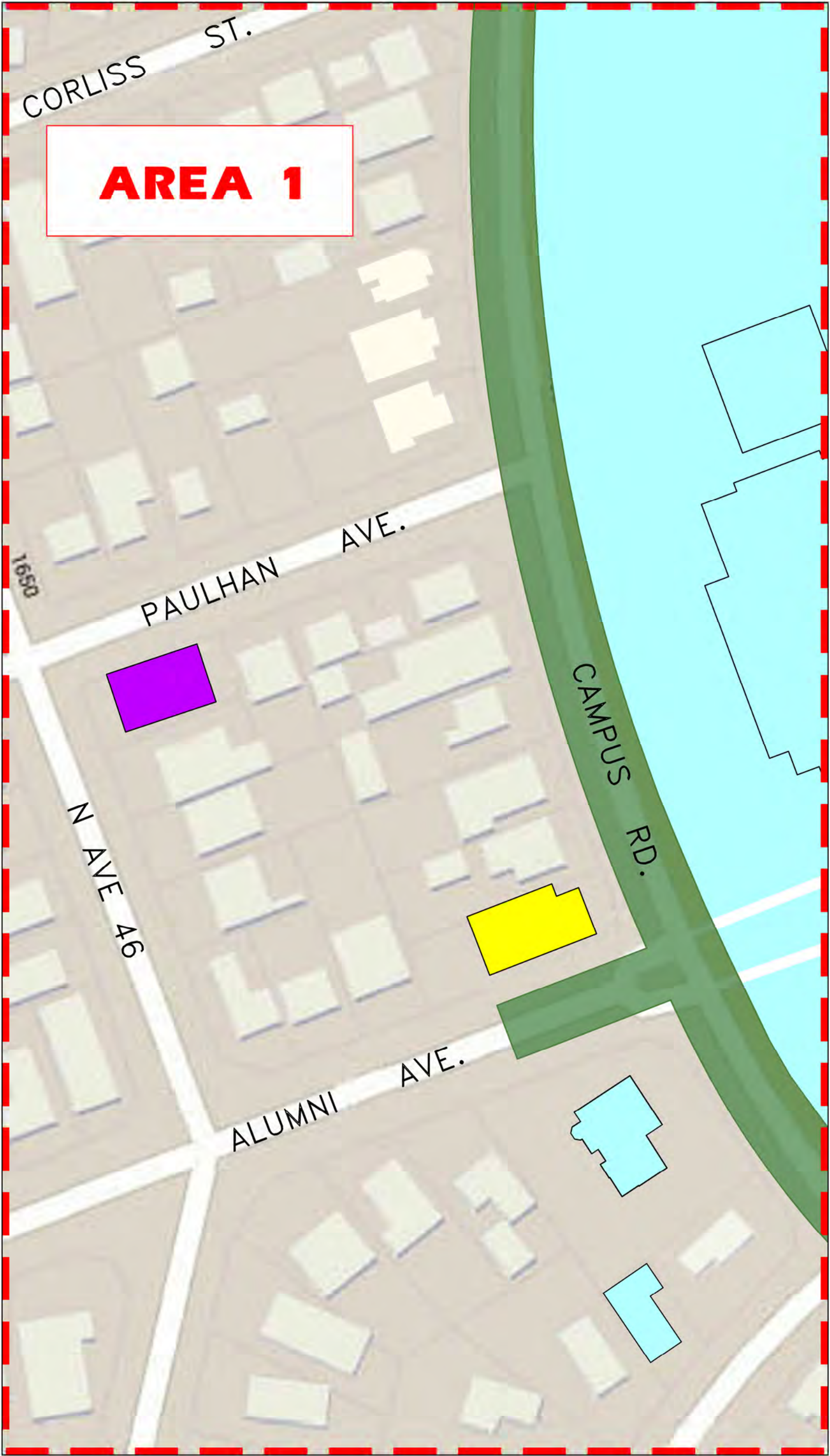




**LEGEND:**

	On-Campus Student Housing Facility
	Non-campus Buildings or Property
	On Campus
	Public Property
	Area Detail





LEGEND:



On-Campus Student Housing Facility



Non-campus Buildings or Property



On Campus

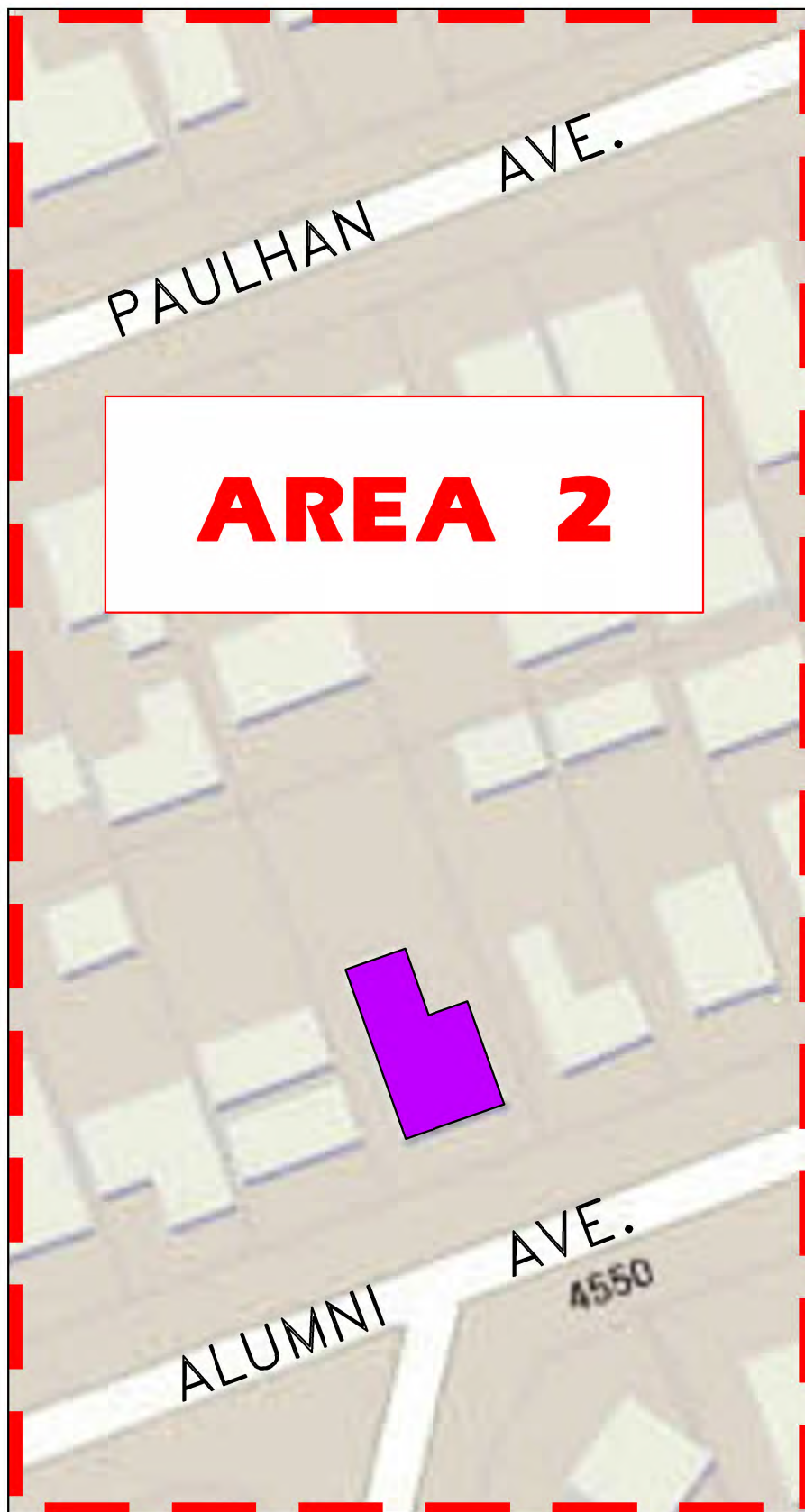


Public Property

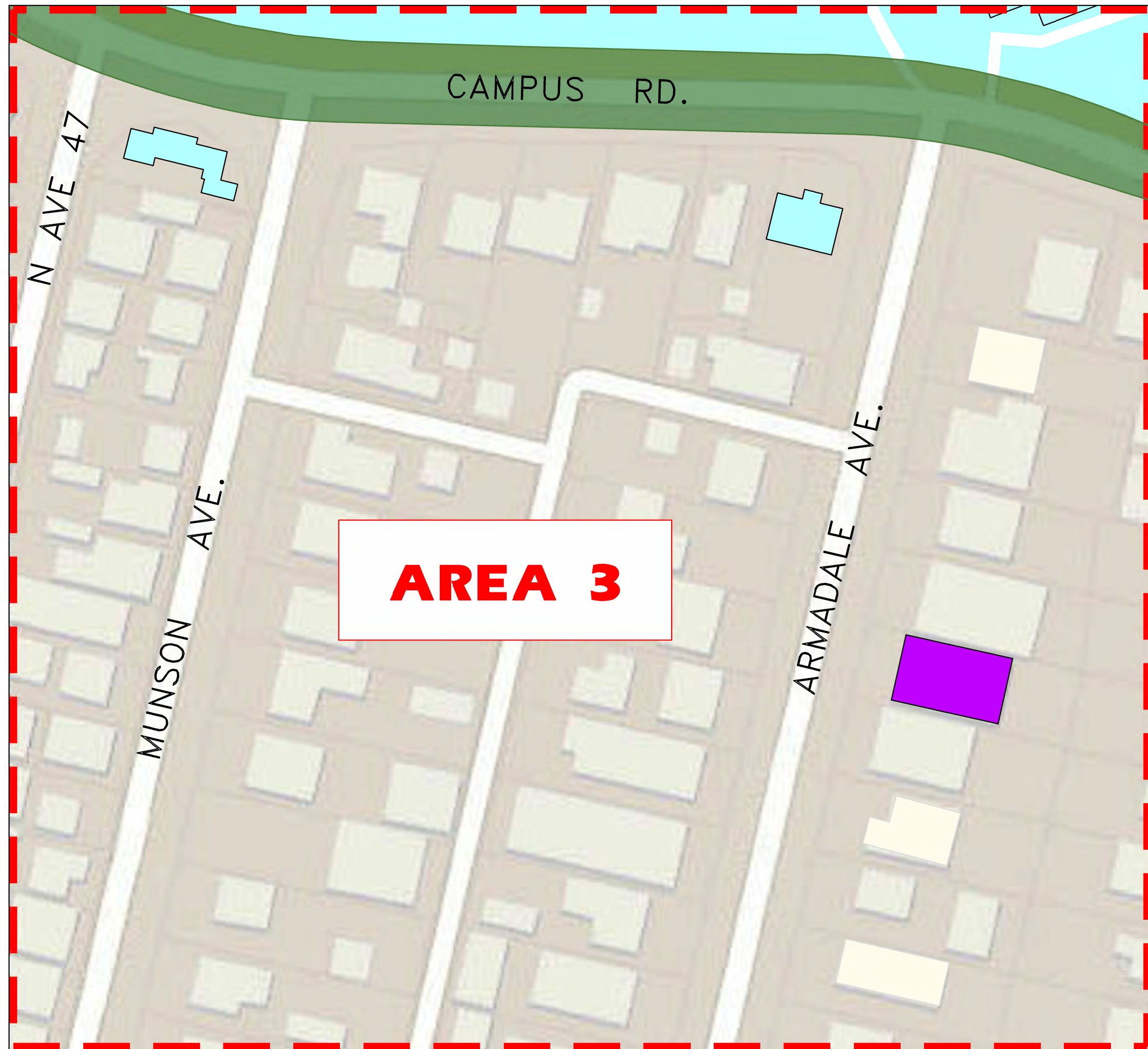


Area Detail






**AREA 2**



**AREA 3**

LEGEND:

-  On-Campus Student Housing Facility
-  Non-campus Buildings or Property
-  On Campus
-  Public Property
-  AREA # Area Detail



# Fire Safety Report

## Introduction

In August 2008, the *Higher Education Opportunity Act* (HEOA) amended the *Higher Education Act* (HEA) to include new reporting requirements for all institutions of higher education. Beginning with the 2009 academic year, institutions that maintained on-campus student housing were required to publish an Annual Fire Safety Report, keep a fire log, and maintain fire statistics.

## Viewing the Fire Log

Upon request, the fire log may be viewed in person in the Facilities Management Office. To view the fire log, contact the Environmental Health & Safety Manager during normal business hours at (323) 259-2933.

## Fire Safety

There are several systems and protocols to fire safety at Occidental College residence halls; it includes building fire detection and suppression systems, regular fire drills, mandatory evacuations for any fire alarm activations, fire safety training, and fire reporting policies.

On campus buildings are equipped with fire detection systems such as smoke and heat detectors. Resident hall rooms are equipped with smoke detectors that are dependent on building power but are equipped with a battery backup in case of power outages. The facilities department supervises fire alarm devices; these devices report a trouble signal to the panel when any are damaged or removed.

Fire doors are kept open with magnetic door holders until the fire alarm system is activated. When the system is activated, the doors are released; the doors close and latch, and this limits the spread of smoke and fire. This system is effective in preventing fire doors from being propped open.

Some residence halls are equipped with whole building or partial fire sprinkler systems. A few buildings are equipped with kitchen hood fire suppression systems.

The fire safety equipment for each resident hall is listed below:

### NEWCOMB HALL

Newcomb Hall has a fully automated fire sprinkler system. The fire alarm system is monitored 24/7 by an outside contractor. Smoke detectors in resident hall rooms air circulation soffits report to the building fire alarm system. The additional smoke detectors in the room are local only and do not report to the fire alarm panel. The emergency lighting system is operated by an inverter and a battery bank.

### **ERDMAN HALL**

Erdman Hall has a fully automated fire sprinkler system. The fire alarm system is monitored 24/7 by an outside contractor. Smoke detectors in resident hall rooms are local only and do not report to the building fire alarm panel. The emergency lighting system is operated by a battery bank and inverter.

### **CHILCOTT HALL**

Chilcott Hall has a partial fire sprinkler system that covers the basement area and the trash chute. There is a wet standpipe system with a fire hose located on each floor. The building fire alarm system is local only. Smoke detectors in resident hall rooms are local only (with one exception) and do not report to the fire alarm panel. One room is equipped for students with hearing impairment and has a smoke detector connected to the building system, a bed shaker alarm, and an in-room strobe. Emergency lighting is supplied by battery powered bug-eye lights and exit signs.

### **HAINES HALL**

Haines Hall has a building fire alarm system that is local only. Smoke detectors in resident hall rooms are local only and do not report to the building fire alarm panel. All resident hall rooms have mini horns. Emergency lighting is supplied by battery powered bug-eye lights and exit signs.

### **EILEEN NORRIS HALL ("E. NORRIS")**

Eileen Norris Hall has a building fire alarm system that is local only. There is a wet standpipe system with fire hoses in each quad. Smoke detectors in resident hall rooms are local only and do not report to the fire alarm panel. Emergency lighting is supplied by battery powered bug-eye lights and exit signs.

### **STEARNS HALL**

Stearns Hall was updated in the summer of 2015 and has a full building fire sprinkler system. Smoke detectors in resident hall rooms are local only and do not report to the fire alarm panel. The building fire alarm system is monitored 24/7 by an outside contractor. Emergency lighting is supplied by battery powered bug-eye lights, exit signs, and fluorescent fixtures in the stairwells.

### **BRAUN HALL**

Braun Hall has a partial fire sprinkler system that covers the trash chute and storage rooms on the 1<sup>st</sup> floor. There is a wet standpipe system with several fire hose on each floor. The fire alarm system is monitored 24/7 by an outside contractor. Smoke detectors in resident hall rooms are local only and do not report to the fire alarm panel. Emergency lighting is supplied by battery powered bug-eye lights and exit signs.

### **STEWART-CLELAND HALL ("STEWIE")**

Stewart-Cleland Hall has a partial fire sprinkler system that covers the trash chutes and the basement floor. There is a wet standpipe system with a fire hoses on each floor. The fire alarm

system is local only. Smoke detectors in resident hall rooms are local only and do not report to the fire alarm panel. Emergency lighting is supplied by a battery bank and inverter.

#### **PAULEY HALL**

Pauley Hall has a partial fire sprinkler system that covers the trash chute and several storage rooms on the 1<sup>st</sup> floor. There is a wet standpipe system with fire hoses on each floor. The fire alarm system is local only. Smoke detectors in resident hall rooms are local only and do not report to the fire alarm panel. Emergency lighting is supplied by a battery bank and inverter.

#### **BELL-YOUNG HALL ("B-Y")**

Bell-Young Hall has a fully automated fire sprinkler system. The fire alarm system is monitored 24/7 by an outside contractor. Smoke detectors in resident hall rooms are local only and do not report to the fire alarm panel. Emergency lighting is supplied by an emergency generator, which is regularly tested and is shared with Wylie Hall.

#### **WYLIE HALL**

Wylie Hall has a fully automated fire sprinkler system. The fire alarm system is monitored 24/7 by an outside contractor. Smoke detectors in resident hall rooms are local only and do not report to the fire alarm panel. Emergency lighting is supplied by an emergency generator, which is regularly tested, and shared with Bell-Young Hall.

#### **BERKUS HALL**

Berkus Hall has a fully automated whole building fire sprinkler system. The kitchen is supplied with an automatic fire suppression system in the hood above the stove. The fire alarm system is monitored 24/7 by an outside contractor. Smoke detectors in resident hall rooms are local only and do not report to the fire alarm panel. Emergency lighting is supplied by an emergency generator, which is regularly tested.

#### **THE BERKUS HOUSE (1601 CAMPUS ROAD)**

The Berkus House has a fire alarm system that is local only. There is an automatic fire suppression system installed in the hood above the kitchen stove. Smoke detectors in resident hall rooms are local only and do not report to the fire alarm panel. Emergency lighting is supplied by battery powered bug-eye lights and exit signs.

#### **4909 RANGEVIEW (SAE HOUSE)**

The SAE House has a fire alarm system that is local only. There is a sprinkler system that covers the basement. There is an automatic fire suppression system in the kitchen hood above the stove. Smoke detectors in student rooms are local only and do not report to the fire alarm panel. Emergency lighting is supplied by battery powered bug-eye lights and exit signs.

#### **1480 CAMPUS ROAD (THEME HOUSE)**

This small off-campus theme house only has smoke detectors in the hallways and resident hall rooms. There is no fire alarm panel.



### **4863 STRATFORD ROAD (FOOD JUSTICE HOUSE)**

This small off-campus house has smoke detectors in the hallways and resident hall rooms. There is no fire alarm panel.

## **Evacuation Procedures**

Upon activation of the fire alarm systems in the residence hall rooms, all students and their guests must exit the building out of the nearest (safe) exit and proceed to an assembly point to check-in and receive further instructions from staff or Campus Safety. The Residential Hall Education and Services staff are trained to assist in the residence hall roster. Campus Safety Officers assist in the evacuation process and verify that all students have safely evacuated. Students receive an evacuation procedure protocol as part of their orientation package. Practice drills help reinforce effective evacuation tactics and present an opportunity for students to ask questions and communicate concerns. Students who intentionally fail to evacuate face disciplinary measures including a fine.

## **Policies**

For the health and safety of all members of the community, students are expected to comply with all fire safety and other safety regulations required by the College and applicable local, state, and federal laws. Fire drills are conducted throughout the year. In the event of a fire or other emergency, evacuation instructions for resident halls are provided in student rooms and on hall bulletin boards. Use of fire alarms and fire-fighting equipment without the existence of an actual fire is a violation of California Penal Code 148.4. Triggering a false fire alarm could result in misdemeanor charges, fines, and/or severe disciplinary action.

All residents must evacuate the residence hall or house in the event a fire alarm is activated, whether for the purpose of a drill or in the case of an actual fire. Residents and their guests must meet at their hall's designated meeting spot to check-in and to receive further instruction from a staff member. Students who fail to comply with this policy will be referred to the Office of Student Conduct.

Portable fire extinguishers and fire hoses are installed for resident protection. Only trained residents should use this equipment.

Smoke detectors are present in individual rooms and common areas of each residence hall. Smoke detectors are potential life saving devices. To ensure that smoke detectors are used appropriately and serve their designed function, residents are prohibited from covering, dismantling, removing batteries, suspending objects from, or tampering with detectors. Residents who are responsible for misusing smoke detectors will be charged for repair and/or replacement costs and face disciplinary action. Please report any problems with smoke detectors to Residence Education & Housing Services staff, Facilities Management, or Campus Safety immediately.

Fire doors are not to be propped open or blocked. Exit pathways including hallways and stairwells may not be blocked.

Students may decorate their residence hall rooms with posters and similar decorations as long as they do not cause damage to the room, are not considered a fire hazard, and do not violate any Occidental College and Residence Education and Housing Services policies.

Stoves and ovens in warming kitchens must not be left unattended while in use.

## Prohibited Items in Student Rooms

All policies regarding use of electrical appliances are subject to change and approval by Residential Education and Housing Services in consultation with Facilities Management. Policies are drafted based on actual usage and limitations of electrical capabilities within each residence hall.

The following are strictly prohibited, for legal or safety reasons:

- Vaporizers or hookahs.
- Smoke-generating machinery in and around the residence halls (including during special events and programs) because of the possibility of triggering false alarms.
- Gasoline (kerosene, etc)-powered machinery such as motorcycles or mopeds and any other combustible items including combustible engines, flammable liquids, non-electric lanterns, portable barbeque grills, and large combustible decorations.
- Electric or battery powered self-balancing boards such as hoverboards, balance gliders, etc.
- Candles, incense, oil burners, and other similar items requiring an open flame for use
- Natural trees and evergreens.
- Use of more than three strands of lights on a single extension cord to avoid overloading outlets.
- Possession or use of electrical appliances with heating elements or high energy consumption, such as hot plates, electric coffee pots (with the exception of enclosed brewing devices e.g., Keurig and Nespresso appliances that do not have an exposed heating element), water boilers without an automatic shut-off function, immersion heaters, popcorn poppers, crock pots, electrical heaters, electric frying pans, electric woks, stoves, toaster ovens, air conditioners\*, torchiere style halogen lamps, ultra-violet sun lamps or any other appliance which uses over 800 watts of electricity (with the exception of hair dryers), and/or any appliance that does not meet current UL specifications.
- Personal Microfridge. Individual rooms and Berkus Hall Suites are equipped with one Microfridge unit. Those living in the Berkus Hall suite singles must receive prior approval by Residential Education and Housing Services to bring their own personal Microfridge for use in their single.
- Extension cords longer than 10 feet and/or multiple cords. Approved extension cords must not be placed under rugs or tacked/stapled to the walls. Equipment that repeatedly overloads electrical circuits will be removed.
- Possession/use of waterbeds or mattresses not supplied by the college.

- Possession of any type of upholstered furniture not provided by the College which does not meet Fire Code CAL 133 or CAL 117. Each piece must be suitably labeled and written notice of compliance is required.
- Hanging anything outside windows or on the residence hall facades. Placing anything on outside window ledges and balconies. Hanging anything (particularly anything made of fabric) on or from interior room ceiling, sprinklers, fire detectors, or window air conditioning units.
- Satellite dishes, radio/television antennas.

## Fire Safety Education & Training Programs

Residence Life staff (FTEs and RAs) receive training in fire safety which includes: how and when to use a fire extinguisher and fire hose; how to report a fire or other emergency; Emergency Operations Plan review with use of event documentation forms and residence hall fire prevention. Training includes use of a portable extinguisher on a pan fire when permitted by our local air quality management regulators. Training also includes viewing a video on how to use a fire extinguisher.

Academic and administrative departments on campus have one or more disaster preparation department contacts who receive training on fire safety and use of extinguisher and fire hoses. Fire Safety Education for Students appears in the online Student Handbook (Residential Education and Housing Policies). The staff in certain departments go through training as well—for example, the Library/Academic Commons.

## Fire Reporting

Persons to which individuals should report that a fire has occurred include:

<b>Chief of Campus Safety or Campus Safety Officers:</b>	(323) 259-2599
<b>Risk Manager:</b>	(323) 259-1364
<b>Environmental Health &amp; Safety Manager:</b>	(323) 259-2933
<b>Facilities Maintenance*:</b>	(323) 259-2651

*\* For investigation of the cause and corrective measures.*

## Future Improvements for Fire Safety:

- Adding fire sprinklers to the rest of the residence halls. As funding allows with large remodel projects.
- Additional training of employees and students.
- Evacuation exercises using building fire alarm and mass notification systems.

## Statistics for Residence Hall Buildings

Unintentional fires: None

Intentional fires: None

Undetermined fires: None

### ALARM STATISTICS

#### Number of false alarms:

Pull station activation for no reason: 0

Pull station activation by accident (cleaning activity): 0

Smoke detector activation due to cooking: 1

Smoke detector activations for other reasons: 6

Activations of other fire safety devices besides  
smoke detectors or pull stations (ex: fire sprinkler flow): 0

Residence Hall <sup>1</sup>	Fires	Year 2014 2015 2016	Cause of Fire	Number of Injuries Requiring Treatment at a Medical Facility	Number of Deaths Related to a Fire	Value of Property Damage Caused by Fire	Fire Drills 2014	Fire Drills 2015	Fire Drills 2016
Newcomb Hall <sup>1</sup>	0		N/A	0	0	0	2	1	1
Erdman Hall <sup>1</sup>	0		N/A	0	0	0	2	1	1
Chilcott Hall <sup>1</sup>	0		N/A	0	0	0	2	1	1
Haines Hall <sup>1</sup>	0		N/A	0	0	0	2	1	1
Eileen Norris Hall <sup>1</sup>	0		N/A	0	0	0	2	1	1
Braun Hall <sup>1</sup>	0		N/A	0	0	0	2	1	1
Stewart-Cleland Hall <sup>1</sup>	0		N/A	0	0	0	2	1	1
Pauley Hall <sup>1</sup>	0		N/A	0	0	0	2	1	1
Bell-Young Hall <sup>1</sup>	0		N/A	0	0	0	2	1	1
Wylie Hall <sup>1</sup>	0		N/A	0	0	0	2	1	1
Stearns Hall <sup>1</sup>	0		N/A	0	0	0	2	1	1
Berkus Residence Hall <sup>1</sup>	0		N/A	0	0	0	2	1	1

<b>Berkus House (1601 Campus Road)</b>	0		N/A	0	0	0	2	1	1
<b>Theme House (1480 Campus Road)</b>	0		N/A	0	0	0	2	0	1
<b>Food Justice House (4863 Stratford Road)</b>	0		N/A	0	0	0	2	1	0
<b>SAE (4909 Rangeview)</b>	0		N/A	0	0	0	N/A	1	1
<b>Theta House (4873 Stratford Rd)*</b>	0		N/A	0	0	0	N/A	0	0

\*Student occupancy began August 2015

<sup>1</sup> All on-campus residence halls share the same 1600 Campus Road address.

## Fire, Paramedics and/or Police

*If you call from a cellphone, be sure to tell the dispatcher to have the emergency responders meet Campus Safety officers at the Alumni Avenue/Campus Road intersection. Immediately call Campus Safety and report the incident. Officers will meet the responders and bring them to your location.*

## Department of Campus Safety

## Health Concerns

**Oxy 24/7 Confidential Hotline: (323) 341-4141**

<b>Title IX Coordinator</b>	(323) 259-1338
<b>Survivor Advocate</b>	(323) 259-1359
<b>Project S.A.F.E.</b>	(323) 341-4750
<b>24/7 Confidential Hotline</b>	(323) 341-4141



<b>Student Success Team</b>	(323) 259-2870
<b>Office of the Dean of Students</b>	(323) 259-2661
<b>Residential Education and Housing Services</b>	(323) 259-2531
<b>Office for Religious &amp; Spiritual Life</b>	(323) 259-2621

## Resources for Employees

Employee Assistance Program	(323) 259-2613
Office for Religious & Spiritual Life	(323) 259-2621