



Policy Prohibiting Discrimination, Harassment, Sexual Misconduct, and Retaliation

Approved by Board of Trustees 5/12/2018

This University of Redlands (“University”) policy applies to all faculty, staff, students, student employees, contractors, vendors, volunteers, and visitors to any University campus, facility, and/or property and to University-sponsored activities and events, whether or not on University premises. Additional information and resources are available at www.redlands.edu/titleix.

I. Policy Statements

These policy statements support the University’s commitments to equality of opportunity and maintaining an academic environment and workplace that is free from unlawful discrimination, harassment, sexual misconduct, and retaliation. Each person to whom this policy applies shares a responsibility for upholding and enforcing this policy.

- A. No Discrimination.** The University prohibits and will not tolerate unlawful discrimination (as defined in Section II(A), below) on the basis of age, color, race, ethnicity, national origin, ancestry, sex, marital status, pregnancy, status as a complaining party of domestic violence, sexual orientation, gender, gender identity or expression, physical or mental disability, genetic information, religion/creed, citizenship status (except to comply with legal requirements for employment), military/veteran status, or any other characteristic protected by law.
- B. No Harassment.** The University prohibits and will not tolerate unlawful harassment (as defined in Section II(B), below) on the basis of the characteristics identified in Section I(A), above.
- C. No Sexual Misconduct.** The University prohibits and will not tolerate sexual misconduct (as defined in Section II(C), below).
- D. No Retaliation.** The University prohibits and will not tolerate any retaliation (as defined in Section II(G), below).
- E. Reporting Obligation.** With two exceptions, the University requires all University employees (faculty, staff, student employees, and administrators) to report to a Responsible Employee any discrimination, harassment, sexual misconduct, or retaliation that they witness or have a reasonable basis to suspect. This reporting obligation also applies to University contractors or volunteers who are responsible for the welfare of students. Students are *strongly encouraged* to report discrimination, harassment, sexual misconduct, or retaliation, even though they are not *required* to do so. Without robust student participation and engagement, the University’s commitment is more difficult to fulfill. The two exceptions to the University employee obligation to report are when the following professionals learn of the alleged policy violations during consultations when

there is an expectation of confidentiality: (1) chaplains who work in the Office of the University Chaplain, and (2) licensed counselors/psychologists who work in the University Counseling Center. Professionals in these two organizational areas can maintain confidentiality and will only report if the person who seeks their assistance requests that a report be made or if the employee has a professional or legal obligation to do so.

- F. Employment Compliance.** The University complies with all applicable Federal and State laws and regulations that prohibit discrimination in employment because of a legally-protected characteristic. All inquiries concerning prohibitions of employment discrimination and reports of employment-based complaints should be referred to the **Human Resources Department**. This office can be contacted on the ground floor of the Armacost Library, by phone (909)748-8040, or via employees listed in Appendix A.
- G. Title IX Compliance.** The University complies with Title IX of the Education Amendments of 1972 (“Title IX”), a Federal civil rights law. Title IX prohibits discrimination on the basis of sex in education programs and activities. Under Title IX, prohibited sex discrimination includes, but is not limited to, sexual harassment and sexual misconduct. The University prohibits and will not tolerate such discrimination. All inquiries concerning the application of Title IX and sex-based complaints should be referred to the **University’s Title IX Coordinator or Deputy Title IX Coordinator**. **Contact information for the Title IX Coordinator or Deputy Title IX Coordinator is found in Appendix A: Title IX Coordinator List.**

External inquiries or reports may be made to:

Office for Civil Rights (OCR): California	Office for Civil Rights (OCR): U.S. Department of Education
San Francisco Office U.S. Department of Education 50 Beale Street, Suite 7200 San Francisco, CA 94105-1813 Telephone: (415) 486-5555 Facsimile: (415) 486-5570 Email: OCR.SanFrancisco@ed.gov	U.S. Department of Education 400 Maryland Avenue, SW Washington, DC 20202-1100 Customer Service Hotline #: (800) 421-3481 Facsimile: (202) 453-6012 TDD#: (877) 521-2172 Email: OCR@ed.gov Web: http://www.ed.gov/ocr
Equal Employment Opportunity Commission (EEOC)	Department of Fair Employment and Housing (DFEH)
Los Angeles District Office Roybal Federal Building 255 East Temple Street, 4 th Floor Los Angeles, CA 90012 Telephone: (800) 669-4000 Facsimile: (213) 894-1118 Web: www.eeoc.gov	Los Angeles District Office 320 West 4 th Street, 10 th Floor Los Angeles, CA 90013 Telephone: (800) 884-1684 Email: contact.center@dfeh.ca.gov Web: www.dfeh.ca.gov

II. Definitions of Terms Referenced in Policy

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

- A. Discrimination.** “Discrimination” involves an adverse action or decision against, or harassing treatment of, a person or class of persons *because of*, or because of a perception of, a protected characteristic (identified in Section I(A), above) or because of perceived or actual affiliation/association with other individuals in a protected class. Adverse actions include, but are not limited to: denying raises, benefits, promotions, or leadership opportunities; demoting, disciplining, or terminating a person’s employment; interfering with the use of University facilities or services; denying access to an educational program; or instigating or permitting an environment that is unwelcoming or hostile. “Discrimination” under this policy does not include all unfair or inappropriate behavior, only those behaviors that take place because of a protected characteristic.
- B. Harassment.** “Harassment” involves behavior that affects a person because of a legally-protected characteristic and typically takes two forms: (1) *quid pro quo* harassment or (2) hostile environment harassment. “*Quid pro quo* harassment” takes place when a supervisor, professor, or other authority figure offers or hints that something (e.g., a raise, a promotion, or a certain grade) can be obtained in return for submitting to harassing behavior. “Hostile environment harassment” takes place when a person is subjected to severe or pervasive behavior, that is unwelcome, and which unreasonably interferes with that person’s ability to carry out her or his job functions or otherwise meet her or his responsibilities (including academic responsibilities) or creates an intimidating, hostile or offensive work or academic environment. Unlawful harassment does not include stray, insensitive, or even offensive remarks or behaviors when such remarks or behaviors are neither severe nor pervasive. Harassing behaviors prohibited by this policy include, but are not limited to: severe or pervasive use of derogatory words, jokes, slurs, epithets, or statements; stereotyping activities; use of graffiti or other forms of pictorial or written messages of intimidation; threats about unwelcome physical contact; unwelcome physical contact; and stalking. See also Section II(C)(4), below, for more provisions regarding sexual harassment.
- C. Sexual Misconduct.** “Sexual misconduct” is any sexual penetration, sexual contact, sexual exploitation, or sexual harassment that occurs without the affirmative consent of all individuals involved. An individual who engages in sexual activity when he or she knows, or should know, that the other person has not consented or is unable to consent, has engaged in “sexual misconduct.”
- 1. Sexual Penetration.** Non-consensual “sexual penetration” is any sexual penetration (vaginal, anal, or oral), however slight, with any object or part of the body, with another person without that person’s affirmative consent.
 - 2. Sexual Contact.** Non-consensual “sexual contact” is any intentional, sexual touching, however slight, with any object or part of the body, with another person without that person’s affirmative consent.

- 3. Sexual Exploitation.** “Sexual exploitation” is taking advantage of another person in a sexual, or sexually-related, manner without affirmative consent. It includes, but is not limited to: causing the prostitution of another person; electronically recording, collecting, photographing or transmitting intimate or sexual utterances, acts, sounds, or images of another person; allowing third parties to observe sexual acts; engaging in voyeurism; distributing intimate or sexual information about another person; conduct that intentionally exposes a person’s private body parts to others; or knowingly having a sexually-transmitted infection (including HIV) and failing to inform a sexual partner prior to engaging in sexual activity.
- 4. Sexual Harassment.** “Sexual harassment” is a form of prohibited harassment. The following is a non-exhaustive set of behaviors that may constitute sexual harassment:
- Unwelcome sexual advances, propositions, or requests for sexual favors
 - Unwelcome touching, patting, pinching, or brushing up against another’s body or clothing
 - Showing/displaying sexually suggestive, demeaning, or objectifying objects, pictures, or words (including on screens, whether or not intended to be seen by others)
 - Sexually suggestive jokes
 - Unwelcome comments about an individual’s body, clothing, or lifestyle that have sexual implications or demean the individual’s sexuality or gender
 - Unwelcome sexual flirtations (including leering or ogling)
 - Threatened, insinuated, or actual sexual misconduct or sexual violence whether general or specific in nature
 - Other unwanted verbal, visual, or physical conduct of a sexual or sex-based nature may constitute sexual harassment when:
 - Submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s employment or academic success;
 - Submission to or rejection of such conduct by an individual is used, threatened, or insinuated as the basis for an employment or academic decision affecting that individual; or
 - Such conduct has the purpose or effect of unreasonably interfering with an individual’s work or academic performance or creates an intimidating, hostile, or offensive working or academic environment.

D. Affirmative Consent. For “affirmative consent” to be present, the following characteristics must be met:

- Consent can be communicated by word or action
- Consent must be mutually understandable
- Consent must be informed, knowing, voluntary, and freely and actively given
- Consent must be obtained at each escalation in the level of sexual activity (e.g., consent to kissing is not consent to fondling; consent to fondling is not consent to intercourse)
- Consent cannot result from force, threat, intimidation, duress, manipulation, or coercion
- Consent cannot be given by minors, mentally disabled individuals, or individuals who are mentally or physically incapacitated (such as by alcohol or other drugs)
- Consent to one form of sexual activity does not imply consent to other forms of sexual activity

- Consent at one time does not imply affirmative consent to another time (e.g., consent to intercourse last night is not consent to intercourse tonight)
- Consent can be withdrawn at any time before or during sexual activity by expressing in words or actions that an individual no longer wants the act(s) to continue. When consent is withdrawn, the other person must stop the act(s) immediately.

Because individuals may experience a particular interaction in different ways, it is the responsibility of each party to make certain that the other has consented before engaging in the activity and throughout the duration of the activity.

E. Incapacitation. “Incapacitation” exists when an individual lacks the physical or mental ability to make informed, rational judgments (e.g., to understand the “who, what, when, where, why, or how” of their sexual interactions), and thus cannot give affirmative consent to sexual activity. Incapacitation may be temporary or permanent and may result from mental disability as well as states including, but not limited to: sleep, unconsciousness, disorientation, helplessness, blackouts, etc. Incapacitation may also occur in persons who appear to be functional or coherent but still may not be able to make rational decisions or give affirmative consent. The impact of consuming alcohol or drugs will vary from person to person, and being intoxicated is not the same thing as being incapacitated (although intoxication can lead to incapacitation). Evaluating incapacitation due to the use of substances requires an assessment of each individual. Warning signs that a person may be approaching incapacitation may include, but are not limited to: slurred speech, lack of balance, loss of dexterity/coordination, decreased alertness/confusion, vomiting, combativeness, and emotional instability. If, under the circumstances, it was reasonable for a respondent to rely on another person’s capacity to consent, and if affirmative consent is actually provided, there will not be a finding of incapacitation. Because incapacitation may be difficult to discern, individuals are strongly encouraged to err on the side of caution; when in doubt, assume the other person is incapacitated and therefore unable to give affirmative consent. Being intoxicated or impaired by drugs or alcohol is never an excuse, justification, or successful defense to an allegation of sexual misconduct and does not diminish one’s responsibility to obtain affirmative consent.

F. Coercion. “Coercion” involves the application of an unreasonable amount of pressure on someone to say yes, in circumstances in which the person would not have said yes absent the unreasonable pressure. Coercion is evaluated based on the intensity, frequency, and duration of comments or actions. It exists when a sexual initiator engages in unreasonable or prolonged physical or emotional manipulation to persuade someone to do something sexual that he/she does not want to do.

G. Retaliation. “Retaliation” is adverse action taken against an individual because that individual has, in good faith: (1) personally complained of, or opposed, actual or perceived discrimination, harassment, or sexual misconduct; (2) testified, assisted, or participated in an investigation, proceeding, hearing, or legal action involving a claim of discrimination, harassment, or sexual misconduct; or (3) exercised legal rights under a relevant statute, regulation, or policy that involves a protected characteristic. “Retaliation” also includes

adverse actions or threats that are intended to, or would, dissuade a reasonable person from engaging in the above-protected activities.

- H. Complainant.** A “Complainant” is an individual who is alleged to have experienced the negative effects of prohibited conduct. A Complainant may or may not be the person who initially makes a report of prohibited conduct.
- I. Respondent.** A “Respondent” is an individual who is alleged to have engaged in conduct prohibited by this policy.
- J. Responsible Employee.** A “Responsible Employee” is an individual who: (1) is listed in Appendix A or (2) is capable, or perceived to be capable, of having remedial authority to address inappropriate action(s). Responsible Employees specifically include all faculty, administrators, and supervisory staff.

III. Procedures

- A. Making a Report.** The University can only act to remedy and prevent specific acts of discrimination, harassment, sexual misconduct, or retaliation from reoccurring if it is made aware of such conduct. Reports also give the University the opportunity to ensure that appropriate care and resources are provided to the complainant. For these reasons, the University requires its employees (excepting those professionals in the Office of the University Chaplain or the University Counseling Center) to report discrimination, harassment, sexual misconduct, and retaliation to an individual or office listed in Appendix A. It is for these reasons as well that the University strongly encourages student reports. Reports should contain the name(s) of the reporter, the complainant, and the respondent, a concise statement of the prohibited conduct, a detailed statement of the facts supporting the report, and the names of any witness(es). A complainant may make an anonymous report. It is helpful, but not required, for reports to be made in writing. No matter who is reporting, prompt reporting is crucial. The earlier the University knows about alleged behavior that violates this policy, and the more the University knows about the alleged participants, the more effective the University’s investigation and response is likely to be.
Please note: Some behaviors that violate the University’s policy may also be criminal. A report to the University is not the same as a complaint to a law enforcement agency. The University can assist individuals in making contact with appropriate law enforcement agencies should there be a desire to file a criminal complaint. Individuals also are free to contact outside law enforcement agencies directly.
- B. Interim Measures.** After a report is received, the University will impose reasonable interim measures if such measures can eliminate potentially hostile or offensive environments and protect complainants or others in the University community. These interim measures can be imposed even before a determination that the conduct in the report violates this University policy; accordingly, interim measures are not to be viewed as a negative finding against any particular party. The Title IX Coordinator, Human Resources Director, or other Responsible Employee will maintain communication with the parties to ensure that concerns about safety or emotional and physical wellbeing are being addressed.

Depending on the circumstances, interim measures could include measures from this non-exhaustive list:

- Access to counseling services and assistance in setting up the initial appointment
- Access to medical services
- Imposition of a University “No Contact Order”
- Rescheduling of exams and assignments
- Alternative course completion options
- Change of class or section, or ability to drop the course without penalty
- Change of work schedule or job assignment
- Change in student housing assignment
- Assistance in completing residence relocation
- Limiting an individual’s access to University property, facilities, or activities
- Change of office space
- Interim suspension or leave
 - When a report of discrimination, harassment, sexual misconduct, or retaliation reveals a potential ongoing risk of harm to the safety of an individual or members of the campus community, the University may place a respondent on interim suspension or leave. This means that, pending the outcome of the complaint, campus access may be limited or completely restricted. Suspension or leave will be structured (e.g., for a respondent employee, paid vs. unpaid) as the University deems appropriate. When an interim suspension or leave is imposed, the University will make reasonable efforts to complete the investigation in an expedited manner.

All individuals are encouraged to report failures of an individual to abide by the restriction(s) imposed by an interim measure. The University will take prompt and responsive action to enforce a previously implemented measure.

C. Informal Action. A complainant, whether anonymous or not, may request that informal action be taken instead of pursuing the formal procedures described below. Informal action does not include extensive investigation or a determination of the validity of the report. The goal through informal action is to achieve a resolution that may be acceptable to both the complainant and respondent, and to counsel and educate one or more individuals. If informal action is initiated, the complainant or respondent each has the right, at any time, to ask the University to use its formal procedures. Depending on the level of information available about either the incident or the individual(s) involved, the University will honor preferences for informal action unless the University believes that a significant risk to the broader University community is implicated (e.g., the Title IX Coordinator or a deputy coordinator can enact interim measures and initiate a formal investigation if, in the judgment of the University, a respondent may present a danger or threat to the health and safety of individuals at the University). Requests for informal action, while protected and permitted, may negatively impact the University’s ability to understand what happened and implement an appropriate response. All such reports will go to the Title IX Coordinator for review. At the conclusion of informal actions, the parties will be asked to agree to an Informal Resolution document. If either party does not agree to the Informal Resolution document, the matter will be referred for formal action (see below). Additionally, Informal Resolution documents dealing with a respondent who is a member of the faculty will be

shared with the respective dean of the college/school in which the faculty member holds a primary appointment and Informal Resolution documents dealing with a respondent who is a member of the staff or administration will be shared with the staff/administrator's direct supervisor.

D. Formal Action. If the parties are not able to reach agreement after informal action, or if informal action is not appropriate (or desired by all parties), the matter will be addressed through more formal processes as described below.

1. Investigation. The University will investigate when it receives a report of discrimination, harassment, sexual misconduct, or retaliation, unless informal action is pursued (see Section III (C), above). When an investigation takes place, the University will attempt to complete it within 45 calendar days from the date the report is received. The investigation will include, whenever possible, an interview with the reporter, complainant, respondent, and any relevant witness(es). Written statements may be requested. Any other available evidence will also be sought. The investigator will attempt to document the investigation as appropriate. While every effort will be made to be sensitive to the confidentiality concerns of all people who participate in the investigation, privacy cannot be guaranteed. During the investigation (and any following proceedings), a complainant and a respondent are entitled to be accompanied by a Support Person. For purposes of this policy, a Support Person can be any person. Typically, a Support Person is: a full-time member of the University faculty, administration, or staff; a family member; or an attorney. Expenses for a Support Person (e.g., an attorney's fee or travel for a member of the family) are at the complainant's or respondent's own expense. Complainants and respondents may bring their Support Person to any meeting or proceeding they attend. A Support Person may be present for consultation and advice, but **Support Persons may not directly participate in the meeting or proceeding, may not serve as an advocate or spokesperson, and may not interfere with or disrupt the meeting or proceeding.** Support Persons who do not abide by these restrictions, who are disruptive, or who otherwise fail to abide by reasonable directions provided by individuals authorized to conduct investigations or proceedings under this policy, will be removed and a substitute Support Person may be selected.

2. Investigation Findings and Recommended Sanctions. Within seven (7) calendar days of the conclusion of the investigation, the investigator(s) will issue a written report (the "Investigation Report") to the Title IX Coordinator. The Investigation Report will contain investigation findings and, if the respondent is a student, recommended sanctions. The Investigation Report should include the rationale for any findings or sanctions. The Title IX Coordinator or Deputy Title IX Coordinator will facilitate a review of the Investigation Report by the complainant and respondent. If the respondent is a student, and both the complainant and the respondent are willing to accept the investigation findings and recommended sanctions, the findings and sanctions will be implemented, and the matter will be closed. A party cannot appeal a matter after accepting the Investigation Report; as a result, complainants and

respondents should think carefully about whether acceptance of the investigation findings and recommended sanctions is appropriate under the circumstances. If the respondent is a member of the University's faculty, staff, or administration, the matter will be referred to the appropriate hearing and decision officer (see Section III(D)(3)(b-c), below).

3. Hearing and Decision. If either the complainant or the respondent does not wish to accept the recommended findings or sanctions from the Investigation Report, or if the respondent is a member of the University faculty, staff, or administration, the matter will be referred for a hearing and decision. There are different procedures for students, faculty, and staff/administrators.

- a. For Students.** The Title IX Coordinator will appoint a Hearing Panel to hear the matter and render a decision. The Hearing Panel consists of three University employees who have received training on Title IX matters. The Hearing Panel will invite the complainant, respondent, and investigators to participate in a Hearing. The Hearing will take place within ten (10) business days of the date the Hearing Panel is appointed. The Hearing Panel will issue a written decision within seven (7) calendar days of the Hearing. The Hearing Panel's majority decision will be based on whether it is "more likely than not" that the University's policy was violated. The written decision will include a summary of findings and will describe any consequences or corrective action to be taken, as well as any other recommendations. Consequences for a student who is found responsible for violating this policy may include disciplinary action up to and including suspension or expulsion/dismissal from the University.
- b. For Faculty.**¹ Consistent with the Faculty Handbook, any findings pertaining to members of the faculty will be referred to the respective dean of the college/school in which the faculty member holds a primary appointment. Within ten (10) business days of having the matter referred to the dean, the dean (or designee; all references to the dean in this section of the Policy also refer to any dean's designee) will meet with both the complainant and respondent and any witnesses deemed necessary by the dean. The dean will issue a written decision within seven (7) calendar days after meeting with the complainant and respondent. The dean's decision will be based on whether it is "more likely than not" that the University's policy was violated. The written decision will include a summary of findings and will describe any consequences or corrective action to be taken, as well as any other recommendations. Consequences for a faculty member who is found responsible for violating this policy may include disciplinary action up to and including termination of University employment.
- c. For Staff and Administrators.** Any findings pertaining to respondents who are non-faculty employees of the University will be referred to the Human Resources Director. Within ten (10) business days of having the matter referred

¹ In determining corrective action related to faculty, no faculty member's tenure can be revoked or contract abrogated without following the tenure revocation process outlined in the *Faculty Handbook*. However, this does not limit the use of other protective measures, such as paid administrative leave.

to the HR Director, the HR Director (or designee; all references to the HR Director in this section of the Policy also refer to any HR Director's designee) will meet with both the complainant and respondent and any witnesses deemed necessary by the HR Director. The HR Director, after consulting with the respondent's direct supervisor, will issue a written decision within seven (7) calendar days after meeting with the complainant and respondent. The HR Director's decision will be based on whether it is "more likely than not" that the University's policy was violated. The written decision will include a summary of findings and will describe any consequences or corrective action to be taken, as well as any other recommendations. Consequences for an employee who is found responsible for violating this policy may include disciplinary action up to and including termination of University employment.

4. **Appeal(s).** Both the complainant and respondent have a right to appeal a decision reached by a Hearing Panel, Dean, or HR Director. An appeal must be filed, in writing, within seven (7) calendar days from the date the person received the written decision. Appeals are not for the purpose of having a second investigation or a second review of available facts. Proper bases for appeal are limited to: (1) evidence not previously available to, and not withheld by the appealing party from, the investigator or the decision-maker that could influence the outcome; (2) material defects in the process leading to the decision; or (3) consideration of whether the sanction is substantially disproportionate to the findings. The written appeal must be submitted to the Title IX Coordinator who will forward the appeal to the appropriate University official. The official considering the appeal has seven (7) calendar days to provide a written response to the appeal. Appeal decisions of an official may be appealed to the President (using the same bases for appeal identified above) by submitting a second appeal within seven (7) calendar days of receiving the official's written decision. The President (or the President's designee) will issue a written decision to any second appeal within seven (7) calendar days. All decisions of the President are final.

E. Additional Issues.

1. **Divergence from Policy.** The University is committed to behaving in reasonable, responsible, and fair ways. Despite the University's efforts to draft a good policy, there are times when a divergence from the listed procedures may be necessary. For example, there may be times (e.g., school breaks, illness or accident, travel obligations, witness unavailability) when an individual who has a responsibility to act within a deadline cannot meet that obligation. Or there may be unique circumstances that require an adjustment to the procedure outlined above. If and when a divergence to the policy is appropriate, the University will communicate with the complainant and respondent to inform them of the divergence and explain the reason(s) for it. If a party believes that any divergence is not fair or reasonable, that party should explain the reasons for that belief to the Title IX Coordinator.

2. **Conflicts of Interest.** When designating individuals to perform roles under the procedures identified in this policy, the University seeks to avoid any conflicts of interest and appoint neutral individuals. If any party becomes aware of a conflict of interest, or bias, of an individual who is participating in the procedures identified above, that party should inform the Title IX Coordinator. If there is an allegation that the Title IX Coordinator has a conflict of interest or bias, the party should inform the University President's office.
3. **False Reporting.** Because the University takes reports of discrimination, harassment, sexual misconduct, and retaliation so seriously, false reports or reports made in bad faith will have serious consequences. Any person who makes a report (or offers testimony or information) that is later found to be intentionally false or made maliciously without regard for truth will be subject to disciplinary action, up to and including expulsion (if a student) or termination of employment (if an employee). This provision does not apply to reports made in good faith, even if the report is not substantiated through an investigation or decision.
4. **Alternate Procedures Superseded.** The Grievance Procedure in the *Personnel Policies and Procedures Manual* or the grievance policies in the *Faculty Handbook* are not applicable to matters addressing discrimination, harassment, sexual misconduct, or retaliation. Proceedings addressing claims under the Policy Prohibiting Discrimination, Harassment, Sexual Misconduct, and Retaliation will be handled by these procedures and not alternate University procedures except where proposed remedial actions might involve the loss of tenure or the termination of faculty employment.

IV. Recordkeeping

All reports and results of proceedings under this policy must be reported, for compliance purposes, to the University's Title IX Coordinator. For any respondent, the complete investigative file, including a copy of any decision and/or appeal decision, along with any record of consequences or corrective actions, shall be maintained by the University (typically in the appropriate academic department, Student Affairs office, Human Resources office, or Title IX Coordinator's office) during that respondent's employment or academic enrollment and for whatever period after employment/enrollment that the University deems appropriate.

V. Relationship to Other Laws

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

VI. Relationship to Principles of Academic Freedom and Freedom of Speech

The success of the University depends on an environment that fosters vigorous thought and intellectual creativity – an atmosphere in which diverse ideas can be expressed and discussed. The University seeks to provide a setting that respects the contributions of all individuals composing its community, encourages intellectual and personal development, and promotes the free exchange of ideas. This policy is not intended to regulate the content of speech, discussion, and debate in the classroom, on campus, or in any University forum reasonably related to academic activity or political, artistic, and visual arts expression. The University will protect academic freedom and artistic expression in administering this policy. However, using speech or expression to engage in discrimination or harassment is prohibited.

VII. Relationship to Law Enforcement

The University has an independent obligation to investigate, stop, and remedy acts of discrimination, harassment, sexual misconduct, and retaliation. The University chooses to meet this independent obligation while still cooperating, when possible, with appropriate law enforcement officials and agencies. That cooperation will sometimes alter the University's typical timing or procedures, but **referrals to law enforcement do not stop the University's proceedings altogether**. Ultimately, the University desires that complainants of discrimination, harassment, sexual misconduct, and retaliation – and the respondents accused of engaging in those behaviors – receive fundamental fairness from the University in the course of the University's attempts to enforce its policy. Readers of this policy should be reminded that the definitions and standards used by the University may be different, and in some respects are different, than the standards and definitions used by law enforcement and the criminal justice system.

APPENDIX A: Contact List

The Title IX Coordinator and Deputy Title IX Coordinator below are the preferred first contacts for complaints under this policy.

Title IX Coordinator:	Pat Caudle Administration Building, Business and Finance 2 nd Floor, Suite 209 909.748.8171
Deputy Title IX Coordinator:	Erica Moorer Hunsaker Center – Student Affairs Building 2 nd Floor, Suite 220 909.748.8916

In addition to the Title IX Coordinator/Deputy Coordinator, one may contact any of the following offices/persons to request additional information on how to proceed under this policy.

Department of Human Resources:	Armacost Library, 1 st Floor 909.748.8040
University Dean of Student Affairs:	Hunsaker Center, 2 nd Floor, Suite 222 909.748.8053
Campus Diversity and Inclusion:	Hunsaker Center, 1 st Floor, Suite 101 909.748.8297
Academic Dean’s Offices:	College of Arts and Sciences, Duke Hall, Suite 105 909.748.8359 School of Business, Hornby Hall, 2 nd Floor, Suite 204 909.748.8748 School of Education, North University Hall, Suite 118 909.748.8815
Director of Student Employment:	Willis Center 909.748.8240
Department of Public Safety:	Willis Center 909.748.8888
Director of Residence Life & Housing:	Hunsaker Center, 2 nd Floor, Suite 222 909.748.8053
Director Physical Education and Athletics:	Currier Gym, 1 st Floor, Suite 26 909.748.8400
Regional Campus Directors:	Burbank Campus - 818.840.1180 Rancho Cucamonga Campus - 909.989.7656 Redlands Campus - 909.748.8060 Riverside Campus - 951.782.7995 San Diego Campus - 619.284.9292 South Coast Metro Campus - 714.549.2006 Temecula Campus - 951.926.2067 Los Angeles Campus - 909.748.8748