

Policies and Procedures:

Title IX, Equal Opportunity, Harassment, and Nondiscrimination

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POLICIES AND PROCEDURES: TITLE IX, EQUAL OPPORTUNITY, HARASSMENT, AND NONDISCRIMINATION

I. POLICIES

SCI-Arc affirms its commitment to promote the goals of fairness and equity in all aspects of the educational enterprise.

The Human Resources Director, Liliana Clough, serves as the Title IX Coordinator and also oversees implementation of SCI-Arc's policy on equal opportunity, harassment, and nondiscrimination. The Chief Administrative Officer, Paul Holliday, supports the Title IX Coordinator as the Deputy Title IX Coordinator. Reports of discrimination, harassment, or retaliation should be made to the Title IX Coordinator promptly, but there is no time limitation on the filing of the complaint, as long as the Respondent¹ remains subject to SCI-Arc's jurisdiction. The Complainant² must be a SCI-Arc student or student applicant at the time of filing the Title IX complaint. All reports are acted upon promptly, while every effort is made by SCI-Arc to preserve the privacy of reports. Anonymous reports may also be filed online, using the reporting form posted on the Title IX page on the sciarc.edu website.

Reporting is addressed more specifically in Section 6 below. In the event of a conflict of interest involving the Title IX Coordinator or to make reports against the Title IX Coordinator, please contact Chief Administrative Officer, Paul Holliday at paul_holliday@sciarc.edu.

This policy applies to behaviors that take place on SCI-Arc property, and at SCI-Arc-sponsored events, and may also apply off-campus and to actions online when the Title IX Coordinator determines that the off-campus conduct affects a substantial SCI-Arc interest. A substantial SCI-Arc interest may include:

- A. Any action that constitutes criminal offense as defined by federal or state law. This includes, but is not limited to, single or repeat violations of any local, state, or federal law committed in the municipality where SCI-Arc is located;
- B. Any situation where it appears that the Respondent may present a danger or threat to the health or safety of self or others;
- C. Any situation that significantly impinges upon the rights, property, or achievements of individuals, or that significantly breaches the peace or causes social disorder; and
- D. Any situation that is detrimental to the educational interests of SCI-Arc.

Any online postings or other electronic communication by students, including cyber-bullying, cyber-stalking, cyber-harassment, occurring completely outside of SCI-Arc's control (*i.e.*, not on SCI-Arc networks or websites, or involving the use of any SCI-Arc email accounts) will be subject to this policy only when those online behaviors can be shown to cause a substantial SCI-Arc disruption.

¹ The "Respondent" is the term used to refer to the person accused of a policy violation.

² The "Complainant" is the term used to refer to the person who is the victim of the alleged conduct.



All Title IX personnel, including coordinators, investigators, hearing officers, and those appointed as advisors, are to be trained as required by law. The training material is to be available on the SCI-Arc website.

Inquiries about this policy and procedure may be made internally to:

Liliana Clough

Title IX Coordinator
(213) 356-5350
Liliana_clough@sciarc.edu
960 E 3rd Street,
Los Angeles, CA. 90013

Paul Holliday

Deputy Title IX Coordinator
(213) 356-5348
Paul_holliday@sciarc.edu
960 E 3rd Street,
Los Angeles, CA. 90013

Inquiries may be made externally to:

Office for Civil Rights
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202-1100
(800) 421-3481
Fax: (202) 453-6012
TDD#: (877) 521-2172
OCR@ed.gov
www.ed.gov/ocr

San Francisco Office
U.S. Department of Education
50 Beale Street, Suite 7200
San Francisco, CA 94105-1813
(415) 486-5555
Fax: (415) 486-5570
OCR.SanFrancisco@ed.gov

Equal Employment Opportunity Commission (EEOC)
Contact: www.eeoc.gov/contact/

These policies and procedures are made available to all SCI-Arc employees, employment applicants, students, and student applicants.

1. SCI-Arc Policy on Nondiscrimination

SCI-Arc adheres to all federal and state civil rights laws banning discrimination in institutions of higher education. SCI-Arc will not unlawfully discriminate against any employee, applicant for employment, student or applicant for admission on the basis of race, religion, color, ethnicity, national origin (including ancestry), marital or familial status, physical or mental disability, medical condition, pregnancy, age, sex, sexual orientation, gender, gender identity, gender expression, veteran or military status, pre-disposing genetic characteristics, or any other protected category under applicable local, state, or federal law, including protections for those opposing discrimination or participating in any resolution process.

This policy covers nondiscrimination in employment and in access to educational opportunities. Therefore, any member of the campus community, guest, or visitor who acts to deny, deprive, or limit the educational, employment, residential, or social access, benefits, or opportunities of any member of the SCI-Arc community on the basis of their actual or perceived membership in the protected classes listed above is in violation of this policy. When brought to the attention of SCI-Arc, any such discrimination will be appropriately remedied by SCI-Arc according to the procedures set forth herein.

This policy will be construed within the context of the principles of academic freedom as appropriate.



2. SCI-Arc Policy on Accommodation of Disabilities

SCI-Arc is committed to full compliance with the Americans With Disabilities Act of 1990 (“ADA”) and Section 504 of the Rehabilitation Act of 1973, which prohibit discrimination against qualified persons with disabilities, as well as other applicable federal and state laws pertaining to individuals with disabilities.

The Academic Advisor has been designated as the ADA/504 Coordinator responsible for coordinating efforts to comply with these disability laws, including investigation of any complaint alleging noncompliance. The Academic Advisor, Jen Huh can be reached at (213) 356-5316 or Jen_huh@sciarc.edu.

A. Students with Disabilities

SCI-Arc is committed to providing qualified students with disabilities with reasonable accommodations and support needed to ensure equal access to the academic programs and activities of SCI-Arc.

All accommodations are made on a case-by-case basis. A student requesting any accommodation should first contact the Academic Advisor who coordinates services for students with disabilities. The Academic Advisor reviews documentation provided by the student and, in consultation with the student, determines which accommodations are appropriate to the student’s particular needs and academic programs.

B. Employees with Disabilities

Pursuant to the ADA and applicable California state law, SCI-Arc will provide reasonable accommodations in accordance with applicable law to all qualified employees with disabilities or medical conditions.

SCI-Arc will participate in a timely, good faith, interactive process with employees to determine reasonable accommodations, if any, that can be made in response to a request for accommodation. An employee with a disability should request an accommodation to the Title IX Coordinator and provide appropriate documentation of the need for accommodation and the work restrictions (if any). Accommodation requests need not be in writing, but it is preferred that they be in writing. The Title IX Coordinator will work with the employee’s supervisor to identify which essential functions of the position are affected by the employee’s disability and what reasonable accommodations might enable the employee to perform those functions.

3. SCI-Arc Policy on Discriminatory Harassment

Students, staff, administrators, and faculty are entitled to a working environment and an educational environment free of discriminatory harassment. SCI-Arc’s harassment policy, though, is not meant to inhibit or prohibit educational content or discussions, inside or outside of the classroom, that include germane, but controversial or sensitive, subject matters that are protected by academic freedom. The sections below describe the specific forms of legally prohibited harassment that are also prohibited under SCI-Arc policy.

A. Discriminatory Harassment

Harassment constitutes a form of discrimination that is prohibited by law. SCI-Arc will remedy all forms of discrimination, harassment and retaliation when reported, whether or not the conduct rises to the level of being actionable under relevant legal standards. When harassment rises to the level of creating a hostile work or educational environment, SCI-Arc may also impose disciplinary action on the harasser up to and including termination or expulsion.

SCI-Arc’s harassment policy explicitly prohibits any form of harassment, defined as unwelcome conduct based on status protected by the state or federal employment discrimination laws. This policy applies to



all SCI-Arc agents, employees, students, and visitors, including third parties, vendors, and contractors with whom an employee comes into contact.

A hostile environment may be created by verbal, written, graphic, or physical conduct that is based on a legally protected characteristic (see above) and is sufficiently severe, persistent/pervasive, and objectively offensive that it interferes with, limits, or denies the ability of an individual to participate in or benefit from educational programs or activities or employment access, benefits or opportunities. For Title IX complaints, the alleged conduct must be sufficiently severe, pervasive, and objectively offensive. Outside of Title IX, the conduct need only be severe or pervasive to be in violation, and other such conduct can be handled as a student conduct issue or as potential grounds for employee discipline.

Offensive conduct or harassment that does not rise to the level of a hostile work environment, or that is of a generic nature not on the basis of a protected status, may result in the imposition of discipline under SCI-Arc policy, or it may be addressed through other means, including mediation, remedial actions, education and/or effective conflict resolution mechanisms. For assistance with conflict resolution techniques, contact the Title IX Coordinator.

SCI-Arc condemns and will not tolerate discriminatory harassment against any employee, student, visitor, or guest on the basis of any status protected by SCI-Arc policy or law.

B. Sexual Harassment

Federal and state law regard sexual harassment as a form of sex/gender discrimination and, therefore, as an unlawful discriminatory practice. SCI-Arc has adopted the following definition of sexual harassment, in order to address the special environment of an academic community, which consists not only of employer and employees, but of students as well³.

Sexual harassment can involve verbal, written, online, or physical conduct, and includes, but is not limited to, making unwanted sexual advances or requests for sexual favors where either (1) submission to such conduct is made an explicit or implicit term or condition of employment; (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or (3) is sufficiently severe, persistent/pervasive, and objectively offensive that such conduct has the purpose or effect of substantially interfering with, denying or limiting an individual's employment opportunities or the ability to participate in or benefit from SCI-Arc's educational and/or social programs, or interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment. Employees, including work study students, who violate this policy are subject to discipline up to and including the possibility of termination of employment, and students who violate this policy are subject to discipline up to and including the possibility of expulsion.

The prohibition on sexual harassment applies to all employees, students, and visitors, and in particular to supervisors (including direct supervisory and other management staff) because of power differentials.

It is improper to make sexual advances, ask for, demand, or seek by subtle pressure sexual favors or activity from an employee/student, or to subject another employee/student to verbal or physical conduct of a sexual nature where: (1) the submission to such behavior is a condition of any employment/academic opportunity, benefit, job retention, or grade; or (2) the submission to or rejection of such conduct is used as a basis for employment/academic decisions. A sexual advance or offer of sexual favors violates this policy regardless of whether the advance is expressly related to the affected employee's/student's employment/academic status.

Anyone experiencing sexual harassment at SCI-Arc is encouraged to report it immediately to the Title IX Coordinator.

This policy prohibits any retaliation against an employee/student for refusing a sexual advance or for refusing a request, demand or pressure for sexual favors or activity or to retaliate against an employee/student who has reported an incident of possible sexual harassment to SCI- Arc or to any government agency.

→ Due to the possibility of misinterpretation of acts by other employees/students, SCI-Arc discourages all roughhousing or physical contact, except that contact necessary and incidental to an employee's job/student's academic status. Further, certain kinds of physical conduct in the work/academic environment are particularly inappropriate and may be grounds for immediate discipline, including dismissal from SCI-Arc. That conduct includes, but is not limited to:

- ↳ Kissing or attempting to kiss an employee/student;
- ↳ Touching or attempting to touch or pretending to touch the breasts, buttocks, or genitals of an employee/student;
- ↳ Physically restraining by force or blocking the path of an employee/student when accompanied by other conduct of a sexual nature; or
- ↳ Any other touching or attempted touching reasonably interpreted to be of a sexual nature.

→ Sexual advances, unwelcome requests, demands, or subtle pressure for sexual favors or activity, lewd comments, and sexual innuendoes are also prohibited. This type of conduct could include, but is not limited to:

- ↳ Comments to an employee/student or others about the body of an employee/student which are intended to draw attention to the sex of the employee/student or can reasonably be interpreted to draw attention to the sex of the employee/student;
- ↳ Comments to the employee/student or others about the sexual conduct, capability, or desirability of the employee/student; or
- ↳ Cat calls, whistles, or other conduct reasonably interpreted to be of a sexual nature.

→ Sexually suggestive gestures are prohibited.

→ It is improper to subject employees/students to photographs, cartoons, articles, or other written or pictorial materials of a sexual nature after the employee/student has expressed

³ Some examples of possible sexual harassment include:

- An instructor insists that a student engage in sex in exchange for a good grade. This is harassment regardless of whether the student accedes to the request.
- A student repeatedly sends sexually oriented jokes around on an email list s/he created, even when asked to stop, causing one recipient to avoid the sender on campus.
- Explicit sexual pictures are displayed in a Design Studio space. Two supervisors frequently rate several employees' bodies and comment suggestively about their sex/gender, clothing and appearance.
- An instructor engages students in class discussions about their past sexual experiences, yet the conversation is not in any way germane to the subject matter of the class. Probing for explicit details, the instructor demands that students answer, though they are clearly uncomfortable and hesitant.
- A student widely spreads false stories about previous sexual encounters with the former partner to the other student's clear discomfort, turning the student into an outcast on campus.
- One student grabs another student by the hair, then slaps the student's butt. While this is sexual harassment, it is also a form of sexual violence.

displeasure with such activity. These materials may be offensive to the public as well and should not be on display in offices or public areas.

- This policy is not intended to prohibit employees/students from asking other employees/students for social engagements. However, repeated requests where prior social invitations have been refused can be interpreted as sexual harassment. Employees/students should refrain from persistent invitations after an employee/student has indicated that such invitations are unwelcome.

C. Sexual Misconduct

Violent and/or non-consensual sexual acts can be crimes. Additionally, SCI-Arc has defined categories of sexual misconduct, as stated below, for which action under this policy may be imposed. SCI-Arc considers sexual assault to be the most serious, and therefore typically imposes the most severe sanctions, including expulsion for students and termination for employees. However, based on the facts and circumstances of the particular complaint, SCI-Arc reserves the right to impose any level of sanction, ranging from a reprimand up to and including suspension or expulsion/termination, for any act of sexual misconduct or other gender-based offenses, including intimate partner or relationship (dating and/or domestic) violence, non-consensual sexual contact and stalking. Acts of sexual misconduct may be committed by any person upon any other person, regardless of the sex, gender, sexual orientation, or gender identity of those involved. Violations can include:

1. Sexual Harassment (as defined in section 3-B above)

2. Non-Consensual Sexual Intercourse which is defined as:

- Any sexual penetration or intercourse (anal, oral or vaginal)
 - ↳ However slight
 - ↳ With any object
 - ↳ By a person upon another person
 - ↳ That is without consent and/or by force

Sexual penetration includes vaginal or anal penetration by a penis, tongue, finger, or object, or oral copulation by mouth to genital contact or genital to mouth contact.

3. Non-Consensual Sexual Contact which is defined as:

- Any intentional sexual touching
 - ↳ However slight
 - ↳ With any object
 - ↳ By a person upon another person
 - ↳ That is without consent and/or by force

Sexual touching includes any bodily contact with the breasts, groin, genitals, mouth, or other bodily orifice of another individual, or any other bodily contact in a sexual manner.

4. Sexual Exploitation

Sexual Exploitation refers to a situation in which a person takes non-consensual or abusive sexual advantage of another, and situations in which the conduct does not fall within the definitions of Sexual Harassment, Non-Consensual Sexual Intercourse or Non-Consensual Sexual Contact. Examples of sexual exploitation include, but are not limited to:

- Sexual voyeurism (such as watching a person undressing, using the bathroom, or engaging in sexual acts without the consent of the person observed)
- Taking pictures or video or audio recording another in a sexual act, or in any other private activity, without the consent of all involved in the activity, or exceeding the boundaries of consent (such as allowing another person to hide in a closet and observe sexual activity, or disseminating sexual pictures without the photographed person's consent)
- Prostitution
- Engaging in sexual activity with another person while knowingly infected with human immunodeficiency virus (HIV) or other sexually transmitted disease (STD), and without informing the other person of the infection, and further includes administering alcohol or drugs (such as "date rape" drugs) to another person without his or her knowledge or consent

Consent

Consent is informed and is an affirmative, unambiguous, and conscious decision by each participant to engage in mutually agreed-upon sexual activity. For consent to be valid, there must be a clear expression in words or actions that the other individual consented to that specific sexual conduct.

Further Explanations of Consent:

- Consent is voluntary. It must be given without coercion, force, threats, or intimidation. Consent is an expression of free will.
- Consent in some form of sexual activity does not imply consent to other forms of sexual activity. Consent to sexual activity on one occasion is not consent to engage in sexual activity on another occasion. A current or previous dating or sexual relationship, by itself, is not sufficient to constitute consent. Even in the context of a relationship, there must be mutual consent to engage in sexual activity. Consent must be ongoing throughout a sexual encounter and can be revoked at any time. Once consent is withdrawn, the sexual activity must stop immediately.
- Consent cannot be given when a person is incapacitated. A person cannot consent if under the influence of drugs, alcohol, or medication, unconscious or coming in and out of consciousness. An individual who engages in sexual activity when the individual knows, or should know, that the other person is physically or mentally incapacitated has violated this policy.
 - ↳ Incapacitation is defined as a state where someone cannot make rational, reasonable decisions because they lack the capacity to give knowing consent (*i.e.*, to understand the "who, what, when, where, why or how" of their sexual interaction). This policy also covers a person whose incapacity results from mental disability, involuntary physical restraint, or from the taking of incapacitating

drugs. It is not an excuse that the Respondent was intoxicated and, therefore, did not realize the incapacity of the other.

- A person cannot consent if under the threat of violence, bodily injury or other forms of coercion. A person cannot consent if understanding of the act is affected by a physical or mental impairment.
- It is not a valid excuse that the Respondent believed that the Complainant⁴ consented to sexual activity under either of the following circumstances:
 - ↳ A belief that consent arose from intoxication or recklessness.
 - ↳ Reasonable steps were not taken to ascertain whether affirmative consent was given/provided.

In California, a minor (a person under the age of 18 years) cannot consent to sexual activity. Sexual contact between a minor and an adult (individual age 18 or older), even if the minor wanted to engage in the act is prohibited by law and is considered a violation of this policy.

Examples

1. Amanda and Bill meet at a party. They spend the evening dancing and getting to know each other. Bill convinces Amanda to come up to his room. From 11:00pm until 3:00am, Bill uses every line he can think of to convince Amanda to have sex with him, but she adamantly refuses. He keeps at her, and begins to question her religious convictions, and accuses her of being “uptight”. Finally, it seems to Bill that her resolve is weakening, and he convinces her to give him a “hand job” (hand to genital contact). Amanda felt pressured because of Bill’s incessant advances. He feels that he successfully seduced her, and that she wanted to do it all along, but was playing shy and hard to get. Why else would she have come up to his room alone after the party? If she really didn’t want it, she could have left. Bill is responsible for violating SCI-Arc’s Non-Consensual or Forced Sexual Contact policy. It is likely that a SCI-Arc hearing board would find that the degree and duration of the pressure Bill applied to Amanda are unreasonable. Bill coerced Amanda into performing unwanted sexual touching upon him. Where sexual activity is coerced, it is forced. Consent is not effective when forced. Sex without effective consent is sexual misconduct.

2. Kevin and Amy are at a party. Kevin is not sure how much Amy has been drinking, but he is pretty sure it’s a lot. After the party, he walks Amy to her room, and Amy comes on to Kevin, initiating sexual activity. Kevin asks her if she is really up to this, and Amy says yes. Clothes go flying, and they end up in Amy’s bed. Suddenly, Amy runs for the bathroom. When she returns, her face is pale, and Kevin thinks she may have thrown up. Amy gets back into bed, and they begin to have sexual intercourse. Kevin is having a good time, though he can’t help but notice that Amy seems pretty groggy and passive, and he thinks Amy may have even passed out briefly during the sex, but he does not stop having sex with her. When Kevin runs into Amy the next day, he thanks her for the wild night. Amy remembers nothing and decides to make a complaint to her Program Chair. This is a violation of the Non-Consensual Sexual Intercourse Policy. Kevin should have known that Amy was incapable of making a rational, reasonable decision about sex. Even if Amy seemed to consent, Kevin was well aware that Amy had consumed a large amount of alcohol, and Kevin thought Amy was physically ill, and that she passed out during sex. Kevin should be held accountable for taking advantage of Amy in her condition. Sexual intercourse without consent is sexual misconduct.

Examples of Prohibited Harassment When the Act is Based Upon the Status of a Protected Class

⁴ The reporting party may or may not be the Complainant.

II. EXAMPLES OF PROTECTED CLASS HARASSMENT

As explained earlier, protected classes include race, religion, color, ethnicity, national origin (including ancestry), marital or familial status, physical or mental disability, medical condition, pregnancy, age, sex, sexual orientation, gender, gender identity, gender expression, veteran or military status, pre-disposing genetic characteristics, or any other protected category under applicable local, state, or federal law.

- Threatening or causing physical harm, verbal abuse, or other conduct which threatens or endangers the health or safety of any person on the basis of their actual or perceived membership in a protected class
- Intimidation, defined as implied threats or acts that cause an unreasonable fear of harm in another on the basis of actual or perceived membership in a protected class
- Hazing, defined as acts likely to cause physical or psychological harm or social ostracism to any person within SCI-Arc community, when related to the admission, initiation, pledging, joining, or any other group-affiliation activity on the basis of actual or perceived membership in a protected class
- Bullying, defined as repeated or severe, aggressive behavior that is likely to intimidate or intentionally hurt, control, or diminish another person physically or mentally
- Violence between those in an intimate relationship to each other on the basis of actual or perceived membership in a protected class (this includes romantic relationships, dating, domestic and/or relationship violence)⁵
- Stalking, defined as a course of conduct directed at a specific person on the basis of actual or perceived membership in a protected class that is unwelcome, would cause a reasonable person to feel fear, and repetitive and enacting pursuit, following, harassing, or interfering with the peace or safety of another

Examples of Stalking include:

1. A student repeatedly shows up outside another student’s class and follows the student to the parking lot. Occasionally, the student also camps out in the parking lot by the car, waiting for the student to come out.

2. A graduate student working as a teaching assistant received flowers and gifts delivered to the TA’s office. When the TA learned the gifts were from a student from the TA’s class, the TA thanked the student and stated that it was not necessary and would appreciate the gift deliveries to stop. The student then started leaving notes of love and gratitude on the TA’s car, both on-campus and at home. Asked again to stop, the student stated by email: “You can ask me to stop, but I’m not giving up. We are meant to be together, and I’ll do anything necessary to make you have the feelings for me that I have for you.” When the TA did not respond, the student emailed again, “You cannot escape me. I will track you to the ends of the earth. We are meant to be together.”

- Violation of any other SCI-Arc rules, when the violation is motivated by the actual or perceived membership of the Complainant’s sex or gender or in a protected class, may be pursued

⁵ Some examples of possible dating/domestic violence include:

- Employee A has been in an intimate relationship with Employee B for over a year; Employee A punches Employee B in the face during an argument (Dating Violence).
- Student A has been in an intimate relationship with Student B for over a year; Students A & B live together. During an argument, Student A shoves Student B to the ground (Domestic Violence).



using this policy and process when the violation results in a discriminatory deprivation of educational or employment rights, privileges, benefits, and/or opportunities.

Sanctions for any conduct in violation of this policy will range from reprimand up through and including expulsion of students or termination of employment.

1. Retaliation

Retaliation is defined as taking a material adverse action against a person participating in a protected activity because of the person's participation in that protected activity. Retaliation against an individual for alleging harassment, supporting a Complainant, or for assisting in providing information relevant to a claim of harassment is a violation of SCI-Arc policy and will be treated as such. Acts of alleged retaliation should be reported immediately to the Title IX Coordinator or to the Deputy Title IX Coordinator and will be promptly investigated. SCI-Arc will take appropriate steps to protect individuals who fear that they may be subjected to retaliation.

2. Remedial Action

SCI-Arc will implement initial remedial and responsive and/or protective actions upon notice of alleged harassment, retaliation, or discrimination. SCI-Arc is committed to providing individualized non-punitive supportive measures to the parties during the course of the Title IX process that are designed to ensure equal educational access, to protect safety, and to deter further violations. Such actions could include, but are not limited to, no contact orders, providing referrals to counseling and/or medical services, academic support, providing a campus escort, academic or work schedule/assignment accommodations, transportation resources, safety planning, and referral to other campus and community support resources.

SCI-Arc will take additional prompt remedial and/or disciplinary action with respect to any member of the SCI-Arc community, guest, or visitor who has been found to engage in harassing or discriminatory behavior or retaliation. Procedures for handling reported incidents are fully described below. Deliberately false or malicious accusations of harassment, as opposed to reports which, even if erroneous, are made in good faith, are just as serious an offense as harassment and will be subject to appropriate disciplinary action.

3. Confidentiality and Reporting of Offenses Under This Policy

SCI-Arc officials, depending on their roles at SCI-Arc, have varying reporting responsibilities and abilities to maintain confidentiality. In order to make informed choices, a Complainant should be aware of confidentiality and mandatory reporting requirements when consulting campus resources. Other resources exist to report crimes and policy violations, and these resources will take action when a Complainant shares notice of victimization with them. The following describes the reporting options at SCI-Arc: shares notice of victimization with them. The following describes the reporting options at SCI-Arc:

A. Confidentiality and Counseling Services

If a Complainant would like certain details of an incident to be kept confidential, the Complainant may speak with counselors, health service providers, rape crisis counselors, domestic violence resources, local or state assistance agencies, or members of the clergy/chaplains.

SCI-Arc's independent counselors and the Employee Assistance Program also are available to help free of charge. Counseling services are available for students and employees. Detailed information about counseling can be found on MySciarc. Employees can contact Liliana Clough for questions about the



counseling services offered. Students can contact Tea Bogue, Student Services Specialist, who can be reached at (213) 356-5388 or tea_bogue@sciarc.edu.

SCI-Arc and its agents generally must make disclosures in order to remedy the situation, and they may be required to share information with others (including outside law enforcement, if necessary) regarding incidents. Such information will be shared on a need-to-know basis.

B. Formal Reporting Options

All SCI-Arc employees, except for counselors as described in the preceding section, have a mandatory duty to report any known or suspected incident of sexual misconduct within the SCI-Arc community to the Title IX Coordinator. If a Complainant does not wish for their name to be shared, does not wish for an investigation to take place, or does not want a formal resolution to be pursued, the Complainant may make such a request to the Title IX Coordinator, who will evaluate that request in light of the duty to ensure the safety of the campus and comply with law.

In cases indicating pattern, predation, weapons, threat, or violence, SCI-Arc will be unable to honor a request for confidentiality. In cases where the Complainant requests confidentiality and the circumstances allow SCI-Arc to honor that request, SCI-Arc will offer interim supports and remedies to the Complainant and the community but will not otherwise pursue formal action. A Complainant has the right, and can expect, to have reports taken seriously by SCI-Arc when formally reported, and to have those incidents investigated and properly resolved through these procedures. Formal reporting still affords privacy to the Complainant, and the information will be kept confidential to every extent possible, and it will be disclosed only on a need-to-know basis. The circle of people with this knowledge will be kept as tight as possible to preserve the Complainant's rights and privacy.

SCI-Arc will avoid undue delays within its control in order to complete investigations and hearings in a prompt, fair, and impartial manner, generally within 60-90 days after the intake interview, unless the timeline has been reasonably extended. SCI-Arc may temporarily pause or delay the process or allow for a limited extension of the timeframe for a given investigation for good cause with written notice to the parties, describing the delay or extension and the reasons for the action.

4. Federal Timely Warning Obligations

Reporting parties should be aware that SCI-Arc administrators must issue timely warnings for incidents reported to them that pose a substantial threat of bodily harm or danger to members of the campus community. SCI-Arc will make every effort to ensure that a Complainant's name and other identifying information is not disclosed, while still providing enough information for community members to make safety decisions in light of the potential danger.



III. RESOLUTION PROCEDURES

SCI-Arc will act on any formal or informal report or notice of violation of the policies prohibiting harassment, discrimination, and sexual misconduct that is received by the Title IX Coordinator or any SCI-Arc employee.

Unless otherwise specified herein, these processes apply to situations covered by Title IX, namely where there is gender-based misconduct against a SCI-Arc student as explained in more detail herein. For other instances or allegations of discrimination, harassment, or retaliation, such as allegations by one employee against another employee, the matters will be handled in compliance with applicable law at SCI-Arc's discretion.

The parties may participate on a voluntary basis in an informal resolution of a complaint, except that in Title IX cases, informal resolution is not permissible if the Respondent is a SCI-Arc employee.

Any deadlines set forth herein may be extended for good cause.

1. Filing a Complaint

Any member of the SCI-Arc community, guest, or visitor who believes they have experienced, or who have witnessed a violation of this policy, should report it immediately to the Title IX Coordinator by completing the [complaint form](#). The Title IX Coordinator may initiate a complaint when aware of a potential violation.

Employees may also notify a supervisor, students may notify an administrator or faculty member, and any member of the SCI-Arc community may notify SCI-Arc Security. These individuals will in turn notify the Title IX Coordinator. SCI-Arc's website (sciarc.edu) also includes a reporting form posted on the Title IX page which may be used to initiate a complaint at any time. Employees may also report unlawful harassment to the U.S. Equal Employment Opportunity Commission or the California Department of Fair Employment and Housing.

All employees, particularly supervisors, receiving reports of a potential violation of SCI-Arc policy, must immediately contact the Title IX Coordinator or designee, within 24 business hours of becoming aware of a report or incident. The Human Resources Director/Title IX Coordinator will promptly investigate all such claims and take appropriate corrective action, including appropriate options for remedial actions and resolutions, such as possible disciplinary action, when it is warranted. In all cases, SCI-Arc will give consideration to the Complainant with respect to how the resolution is pursued, but reserves the right, when necessary, to protect the community, and to investigate and pursue a resolution even if the Complainant prefers not to initiate or participate in a formal resolution.

2. Resolution Intake

Normally within two business days of receipt of notice or a report, the Title IX Coordinator⁶ will make an initial determination as to whether a policy violation may have occurred or whether conflict resolution might be appropriate. If the report does not appear to allege a policy violation or if conflict resolution is not desired by the Complainant, and does not appear to be necessary given the nature of the alleged behavior, then the report will not proceed to investigation.

All investigations will be treated as private, to the extent possible, but such investigations cannot be kept completely confidential. The investigation will provide documentation and tracking for reasonable progress and timely closure based on evidence collected. SCI-Arc aims to complete all investigations within a reasonable and prompt time period.



SCI-Arc's resolution will not typically be altered or precluded on the grounds that civil or criminal charges involving the same incident have been filed or that any such charges have been dismissed or reduced. However, SCI-Arc may undertake a short delay (several days to weeks) in its investigation or resolution process to comply with a law enforcement request for cooperation (*e.g.*, to allow for criminal evidence collection) when criminal charges on the basis of the same behaviors that have triggered this process are being investigated. SCI-Arc will promptly resume its investigation and processes once notified by law enforcement that the initial evidence collection process is complete.

Throughout any process set forth in this policy, an interpreter may be used to improve communications for parties with limited language proficiency. The parties may have an interpreter present during any meeting or proceeding at their own expense, and SCI-Arc may, but is not obligated to provide an interpreter.

As mandated by Title IX, SCI-Arc will dismiss a formal complaint, or one or more allegations therein, if, at any time during the investigation or hearing, it is determined that: the conduct alleged, even if proved, would not constitute prohibited conduct under Title IX; or if the conduct did not occur within SCI-Arc's educational programs or activities; or if the conduct did not occur against a person in the United States; or if at the time of filing a formal complaint, the Complainant is not participating in or attempting to participate in SCI-Arc's education program or activities.

There is an express presumption that the Respondent is not responsible for the alleged conduct until a determination of responsibility is made. And the burden of gathering evidence, and the burden of proof, is with SCI-Arc, and not with the Complainant or the Respondent.

Also, SCI-Arc may dismiss a formal complaint, or one or more allegations therein, if, at any time during the investigation or hearing:

- a. The conduct alleged in the formal complaint, even if proved, would not constitute a violation of any portion of this policy; or
- b. The Complainant notifies the Title IX Coordinator in writing that they would like to withdraw the formal complaint, or any allegations therein, and the Title IX Coordinator determines that SCI-Arc can honor that request; or
- c. The Respondent is no longer enrolled in or employed at SCI-Arc; or
- d. Specific circumstances prevent SCI-Arc from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

In any event, the Complainant and the Respondent will be notified in writing if a complaint is dismissed.

3. Advisors

The Complainant and the Respondent are entitled to an advisor of their choosing to guide and accompany them throughout the resolution process. The advisor may be a friend, a mentor, a family member, an attorney, or any other supporter whom a party chooses to advise them. The parties may choose advisors from inside or outside the SCI-Arc community.

The parties may be accompanied by their advisor in all meetings and interviews at which the party is entitled to be present, including intake and interviews. Advisors should help their advisees prepare for each meeting, and are expected to advise ethically, with integrity and in good faith. SCI-Arc cannot guarantee equal advisory rights, meaning that if one party selects an advisor who is an attorney, but the other party does not, or cannot afford an attorney, SCI-Arc is not obligated to provide one. Additionally, Respondents

may wish to contact organizations such as:

- FACE (<http://www.facecampusequality.org>)
- SAVE (<http://www.saveservices.org>)

Complainants may wish to contact organizations such as:

- The Victim Rights Law Center (<http://www.victimrights.org>), or the
- The National Center for Victims of Crime (<http://www.victimsofcrime.org>), which maintains the Crime Victim's Bar Association.

All advisors are subject to the same SCI-Arc rules, whether they are attorneys or not. Advisors may not address campus officials in a meeting or interview unless invited to do so. They may confer quietly with their advisees as necessary, as long as they do not disrupt the process. For longer or more involved discussions, the parties and their advisors should ask for breaks or step out of meetings to allow for private conversation.

Advisors are expected to refrain from interference with SCI-Arc investigation and resolution. Any advisor who steps out of the advisor role in any meeting under the resolution process will be warned only once. If the advisor continues to disrupt or otherwise fails to respect the limits of the advisor role, the advisor will be asked to leave the meeting. When an advisor is removed from a meeting, that meeting will typically continue without the advisor present.

Subsequently, the Title IX Coordinator will determine whether the advisor may be reinstated, may be replaced by a different advisor, or whether the party will forfeit the right to an advisor for the remainder of the process.

SCI-Arc expects that the parties will wish to share documentation related to the allegations with their advisors. SCI-Arc provides a FERPA consent form that authorizes such sharing. The parties must complete this form before SCI-Arc is able to share records with an advisor.

Advisors are expected to maintain the privacy of the records shared with them. These records may not be shared with third parties, disclosed publicly, or used for purposes not explicitly authorized by SCI-Arc and the parties. SCI-Arc may seek to restrict the role of any advisor who does not respect the sensitive nature of the process or who fails to abide by SCI-Arc's privacy expectations.

SCI-Arc expects advisors to adjust their schedule to allow them to attend SCI-Arc meetings when scheduled. SCI-Arc does not typically change scheduled meetings to accommodate an advisor's inability to attend. SCI-Arc will, however, make provisions to allow an advisor who cannot attend in person to attend a meeting by telephone, video, or virtual meeting technologies as may be convenient and available.

A party may elect to change advisors during the process and is not locked into using the same advisor throughout.

4. Investigation

If the Complainant wishes to pursue a formal resolution, or if SCI-Arc, based on the alleged policy violation, wishes to pursue a formal resolution, then the Title IX Coordinator will appoint a trained investigator to conduct the investigation, usually within two business days of determining that a resolution should proceed. Investigations are to be completed expeditiously, normally within 10 business days of notice to the Title IX Coordinator. Investigations may take longer when initial reports fail to provide direct first-hand information. SCI-Arc may undertake a short delay (such as to allow for evidence collection) when criminal charges on the basis of the same behaviors that invoke this process are being investigated. SCI-Arc's resolution will not be altered or precluded on the grounds that civil or criminal charges involving the same incident have been filed or that charges have been dismissed or reduced.

All investigations will be timely, thorough, reliable, impartial, prompt, and fair, and will entail interviews with all relevant individuals and witnesses, obtaining available evidence, and identifying sources of expert information, if necessary. The Title IX Coordinator has discretion to determine the scope of the investigation. At any point during the investigation, if it is determined that there is no reasonable cause to believe that SCI-Arc policy has been violated, the Title IX Coordinator may recommend terminating the investigation and ending the resolution proceedings.

Witnesses are expected to cooperate with and participate in SCI-Arc's investigation. Witnesses may provide written statements in lieu of interviews during the investigation and may be interviewed remotely by phone, or Zoom (or similar technology), if they cannot be interviewed in person.

5. Interim Remedies

If, in the judgment of the Title IX Coordinator, the safety or well-being of any member(s) of the campus community may be jeopardized by the presence on-campus of the Respondent or the ongoing activity of a student organization whose behavior is in question, the Title IX Coordinator may provide interim remedies intended to address the short-term effects of harassment, discrimination, or retaliation, in order to redress harm to the Complainant or to the community and to help prevent further violations. These remedies may include referral to counseling and health services or to the Employee Assistance Program, education to the community, altering work arrangements for employees, providing campus escorts, implementing contact limitations between the parties, offering adjustments to academic deadlines, course schedules, etc.

SCI-Arc may interim suspend a student, an employee, or an organization pending the completion of investigation and procedures. In all cases in which an interim suspension is imposed, the student, the employee, or the student organization will be given the opportunity to meet with the Title IX Coordinator prior to such suspension being imposed, or as soon thereafter as reasonably possible, to show cause why the suspension should not be implemented. The Title IX Coordinator has discretion to implement or stay an interim suspension, and to determine its conditions and duration. Violation of an interim suspension under this policy will be grounds for possible expulsion or termination.

During an interim suspension or an administrative leave, a student or an employee may be denied access to SCI-Arc campus/facilities/events. As determined by the Title IX Coordinator this restriction may include classes and any other SCI-Arc activities or privileges for which the student or the employee might otherwise be eligible. At the discretion of the Title IX Coordinator alternative coursework or work options may be pursued to ensure as minimal an impact as possible on the Respondent.

6. Resolution of Reported Misconduct

During or upon the completion of investigation, the Title IX Coordinator will review the investigation, which may include meeting with the investigators. Based on that review, the Title IX Coordinator will make a decision on whether there is reasonable cause to proceed with the resolution process.

If there is reasonable cause, the Title IX Coordinator will direct the investigation to continue and the allegation will be resolved through one of two processes discussed briefly here and in greater detail below:

- Conflict Resolution – typically used for less serious offenses and only when both parties agree to conflict resolution
- Administrative Resolution – resolution by a trained administrator

The process followed is dictated by the preference of the parties. Conflict Resolution will occur only if selected by both parties, otherwise the Administrative Resolution Process applies.

If, following a review of the investigation, the Title IX Coordinator decides by the preponderance of evidence that no policy violation has occurred, the process will end unless the Complainant requests that the Title IX Coordinator makes an extraordinary determination, based on good cause, to re-open the investigation. This decision lies in the discretion of the Title IX Coordinator.

A. Conflict Resolution

Conflict resolution is often used for less serious, yet inappropriate, behaviors and is encouraged as an alternative to the formal hearing process to resolve conflicts. The Title IX Coordinator will determine if conflict resolution is appropriate, based on the willingness of the parties, the nature of the conduct at issue and the susceptibility of the conduct to conflict resolution. In a conflict resolution meeting, a trained administrator will facilitate a dialogue with the parties to an effective resolution, if possible. Sanctions are not possible as the result of a conflict resolution process, although the parties may agree to appropriate remedies. The Title IX Coordinator will keep records of any resolution that is reached, and failure to abide by the accord can result in appropriate responsive actions.

Conflict resolution will not be the primary resolution mechanism used to address reports of sexual misconduct or violent behavior of any kind or in other cases of serious violations of policy, though it may be made available after the formal process is completed should the parties and the Title IX Coordinator believe that it could be beneficial. It is not necessary to pursue conflict resolution first in order to make a formal report, and anyone participating in conflict resolution can stop that process at any time and request a shift to the Administrative Resolution.

Both parties will be notified of the outcome of Conflict Resolution, without undue delay between the notifications. Notification will be made in writing and may be delivered by one or more of the following methods: in person; mailed to the local or permanent address of the parties as indicated in official SCI-Arc records; or emailed to the parties' SCI-Arc-issued email account. Once mailed, emailed, or received in-person, notice will be presumptively delivered.

B. Administrative Resolution

Administrative Resolution can be pursued for any behavior that falls within the policy on Equal Opportunity, Harassment, and Nondiscrimination, at any time during the process. The Title IX Coordinator will provide written notification to any member of the SCI-Arc community who is the Respondent to an allegation of harassment, discrimination, or retaliation. Prior to meeting with SCI-Arc investigators, both parties will be

provided with a written description of the alleged violation(s), a description of the applicable procedures, and a statement of the potential sanctions/responsive actions that could result. This notice will include the time, date and location of the interview, the name of the investigator, and a reminder that attendance is mandatory, superseding all other campus activities. If the Respondent does not appear at the scheduled meeting, the meeting will be held in the Respondent's absence.

The Administrative Resolution process consists of a prompt, thorough, and impartial investigation, a finding on each of the alleged policy violations, and sanctions for findings of responsibility. Once the investigation described above is complete, the Title IX Coordinator will meet with the Respondent to review the findings and the investigation report. The Respondent may bring an advisor of the Respondent's choosing to the meeting. The Respondent may elect not to attend or participate, but the Administrative Resolution will proceed regardless.

During the meeting, the Title IX Coordinator will review the investigation report with the Respondent and will render a finding utilizing the preponderance of the evidence standard, based on the information provided by the investigation. The Title IX Coordinator, in consultation as appropriate, will also determine appropriate sanctions or remedial actions. The "preponderance of evidence" standard applies to all decisions and actions within this policy.

The Title IX Coordinator will prepare a written report detailing the finding, the information supporting that finding, and any information excluded from consideration and why. This report typically does not exceed two pages in length.

The Title IX Coordinator will inform the Respondent and the Complainant of the final determination in writing within three business days of the Administrative Resolution. The final determination letter, incorporating the report described above, will be made in writing, and will be delivered either:

1. In person,
2. Emailed, or
3. Mailed to the local address of the respective party as indicated in official SCI-Arc records. If there is no local address on file, mail will be sent to the party's permanent address.

Where the Respondent is found not responsible for the alleged violation(s), the investigation will be closed. Where a violation is found, SCI-Arc will act to end the discrimination, prevent its recurrence, and remedy its effects on the victim and SCI-Arc community. In cases involving sexual misconduct, sexual harassment, stalking, or intimate partner violence, the written notification includes the finding, any resulting responsive actions, and the rationale for the decision. This written notification of final decision is delivered to the parties without undue delay between the notifications and is considered a final determination. Appeal is provided as described below.

C. Sanctions/Disciplinary Action

Factors considered when determining a sanction/responsive action may include:

- The nature, severity of, and circumstances surrounding the violation;
- An individual's disciplinary history;
- Previous reports or allegations involving similar conduct;
- Any other information deemed relevant in the Administrative Resolution;

- The need for sanctions/responsive actions to bring an end to the discrimination, harassment or retaliation;
- The need for sanctions/responsive actions to prevent the future recurrence of discrimination, harassment, or retaliation; and
- The need to remedy the effects of the discrimination, harassment, or retaliation on the Complainant or the community.

1. Student Sanctions

The following are examples of the sanctions that may be imposed upon students or organizations singly or in combination:

- **Warning:** A formal statement that the behavior was unacceptable and a warning that further infractions of any SCI-Arc policy, procedure, or directive will result in more severe sanctions/responsive actions.
- **Probation:** A written reprimand, providing for more severe disciplinary sanctions in the event that the student or organization is found in violation of any SCI-Arc policy, procedure or directive within a specified period of time. Terms of the probation will be specified and may include denial of specified social privileges, exclusion from co-curricular activities, no-contact orders, and other measures deemed appropriate.
- **Suspension:** Termination of student status for a definite period of time not to exceed two years, or until specific criteria are met. Students who return from suspension are automatically placed on probation through the remainder of their tenure at SCI-Arc.
- **Expulsion:** Permanent termination of student status, revocation of rights to be on campus for any reason or attend SCI-Arc-sponsored events. Any recommendations for suspension or expulsion of students may be reviewed by the Director/CEO.
- **Withholding diploma or withholding participation in commencement activities and/or Thesis Review events.** SCI-Arc may withhold a student's diploma for a specified period of time and/or deny a student participation in commencement activities and/or from Thesis Review events if the student has a complaint pending, or as a sanction if the student is found responsible for an alleged violation.
- **Revocation of Degree.** SCI-Arc reserves the right to revoke a degree awarded from SCI-Arc for fraud, misrepresentation, or other violation of SCI-Arc policies, procedures, or directives in obtaining the degree, or for other serious violations committed by a student prior to graduation.
- **Organizational Sanctions.** Deactivation, de-recognition, loss of all privileges (including SCI-Arc registration), for a specified period of time.
- **Other Actions:** In addition to or in place of the above sanctions, SCI-Arc may assign any other sanctions as deemed appropriate.

2. Employee Discipline

Responsive actions for an employee who has engaged in harassment, discrimination and/or retaliation include written warning, required counseling, demotion, suspension with pay,



suspension without pay, and termination. Any recommendations for suspension or termination of employees may be reviewed by the Director/CEO.

D. Withdrawal or Resignation While Charges Pending

Students: If a student has a complaint pending for violation of the policy on Equal Opportunity, Harassment, and Nondiscrimination, or for charges under the Code of Student Conduct and decides to leave/withdraw, and not participate in the investigation or hearing, the process will nonetheless proceed in the student's absence to a reasonable resolution. The student will not be permitted to return to SCI-Arc unless all sanctions have been satisfied.

Employees: Should an employee resign while charges are pending, the records of the Title IX Coordinator will reflect that status. The Title IX Coordinator will act to promptly and effectively remedy the effects of the conduct upon the Complainant and the community.

E. Failure to Complete Sanctions/Comply with Discipline

All Respondents are expected to comply with conduct sanctions/discipline/corrective actions within the time frame specified by the Title IX Coordinator. Failure to follow through on conduct sanctions/discipline/corrective actions by the date specified, whether by refusal, neglect, or any other reason, may result in additional sanctions/discipline/corrective actions and/or suspension, expulsion, or termination from SCI-Arc, and may be noted on a student's official transcript.

F. Hearing

Following the completion of a formal investigation, the final investigation report is disclosed to both parties.

At that stage, provided that the complaint is not resolved through informal resolution, the Title IX Coordinator will refer the matter to a hearing if there are allegations relating to Title IX sexual misconduct as defined herein or otherwise due to the serious nature of the allegations and potential outcomes.

1. Assignment of Hearing Officer

In referring the matter to a hearing, the Title IX Coordinator will designate a hearing officer who will take steps to organize, administer, and make decisions regarding the hearing process.

The hearing officer will have had no previous involvement with the case or investigation. Any hearing officer who cannot make an objective determination must recuse themselves from the proceedings when notified of the identity of the parties and all witnesses in advance of the hearing. If a hearing officer is unsure of whether a bias or conflict of interest exists, they must raise the concern to the Title IX Coordinator as soon as possible.

Upon notice of the hearing, if either party objects to the assignment of the hearing officer due to demonstrated conflicts of interest or bias, the party must raise this concern with the Title IX Coordinator in writing at least five business days prior to the hearing, along with a rationale for the objection. If the Title IX Coordinator receives a request to remove the hearing officer, the Title IX Coordinator will consider the request. The hearing officer will be replaced only if the Title IX Coordinator concludes that bias or conflict of interest precludes an impartial hearing of the allegation.

2. Notice of Hearing

The hearing officer will provide the parties with a detailed, written hearing notice letter no less than ten business days prior to a hearing. Once mailed, emailed, or received in person, the hearing notice letter

will be presumptively delivered. The notice letter will contain:

- A description of the alleged misconduct, a list of all provisions of policy allegedly violated, and the purpose of the hearing;
- A statement of the potential sanctions/responsive actions that could result;
- The time, date, and location or mode of the hearing (in person, remote, or a hybrid) and a reminder that attendance is mandatory, superseding all other campus activities. If any party does not appear at the scheduled hearing, whether in person or through pre-arranged conferencing technologies, the hearing will be held in their absence. For compelling reasons, the hearing chair may reschedule the hearing;
- Information about how the live hearing will be facilitated without the parties in the same room, utilizing appropriate technology that enables the hearing officer and parties to see and hear a party or witness answering questions. Information about any technology that will be used to facilitate the hearing will be included;
- A list of all individuals who will attend the hearing, including witnesses whose information will be used to make a determination;
- Instructions on how to object to any hearing officer on the basis of demonstrated bias.
- A description of the applicable hearing procedures, including how to request that witnesses participate, how questioning of parties and witnesses will be facilitated, and how the hearing will be recorded, as well as how to access the recording following the hearing. This will include instructions that parties are prohibited from recording, sharing, streaming, photographing, or otherwise disseminating any portion of the hearing;
- Notification that the parties may have the assistance of an advisor of their choosing at the hearing and will be required to have one present for any questions they may desire to ask. The party must notify the Title IX Coordinator if they do not have an advisor, in which case SCI-Arc will appoint one for the purpose of facilitating questioning at the hearing. The notification will explain that each party must have an advisor present at the hearing, without exceptions;
- Notification that if any party or witness does not appear at the scheduled hearing, the hearing may be held in their absence, and the party's or witness's testimony and any statements given prior to the hearing will not be considered by the hearing officer. For compelling reasons, the hearing chair may reschedule the hearing;
- An invitation to each party to submit an impact statement to the hearing chair prior to the hearing, for the hearing officer to review during any sanctioning determinations;
- An invitation to contact the Title IX Coordinator at least seven business days prior to the hearing to arrange any disability accommodations, language assistance, or interpretation services that may be needed at the hearing; and
- A copy of all the materials provided to the hearing officer, including an investigation report, about the matter, unless they have been provided already.

3. Witnesses

Both parties have the opportunity to request that identified witnesses participate in the hearing and will receive a deadline by which to do so during information review. The hearing officer may decide in advance of the hearing that certain witnesses do not need to be physically present if their account is adequately summarized in the investigation summary report and decision-making does not rely on the hearing officer's assessment of the witness' credibility, in consultation with the parties, investigators, and Title IX Coordinator as necessary. Only witnesses who provided information during in the investigation will be included in the hearing. If a party wants to request that a new witness be included in the hearing, the party must submit a written request to the hearing officer that includes a summary of what the witness observed, a statement as to why the witness's presence is relevant to making a determination of responsibility at the hearing, and the reason the witness was not interviewed by the investigator. The Title IX Coordinator and hearing officer will determine if there is sufficient justification for a witness who was not interviewed by the investigators to participate in the hearing. Alternatively, they may require that the investigator interview the witness prior to the hearing, leading the process back to an earlier stage.

4. Hearing Preparation

At the discretion of the hearing officer, the parties may be invited to communicate with the hearing officer prior to the hearing to prepare for the hearing either via email or in a meeting, to understand what kind of information and questions are appropriate for the hearing setting. This opportunity may allow for parties to discuss the questions they intend to ask during the hearing and understand how the issue of relevance will be determined by the hearing officer. Similarly, the parties may discuss any concerns of relevance such as about evidence identified as directly related but not relevant by the investigator. The hearing officer may determine to allow for information to be incorporated into the investigation report and hearing record and will update both parties and the other hearing officer of any changes or additions. Additionally, in the event that the hearing will be facilitated through video-conference, or if materials require in-person review prior to the hearing, SCI-Arc may also allow for other preparatory meetings to facilitate proper set-up of relevant technology or to allow for investigation report review in the ten business days prior to the hearing, which may or may not be facilitated by the hearing officer.

5. Hearing Participation

Hearings often require the coordination of several schedules, including both parties, their advisors, identified relevant witnesses, and the hearing officer. For this reason, SCI-Arc requests that all parties prioritize the hearing over other commitments. Any relevant employee witnesses are asked to participate as a part of their employment with SCI-Arc. The following requirements apply to hearing participation and scheduling:

If a party or witness does not submit to cross-examination at the hearing, whether by failing to appear at the hearing or not answering questions posed by the other party through their advisor, the hearing officer may not rely on any statement that the non-participatory party or witness provided in either the investigation or hearing. The prohibition of relying on statements provided by an absent party also applies to documents and records to the extent that they contain the statements of a party or witness who has not submitted to cross-examination. Although the hearing officer would not rely on such statements of an absent party or witness in reaching a determination regarding responsibility, they also cannot draw an inference about the determination regarding responsibility based solely on a party's or witness' absence or refusal to answer cross-examination questions at the hearing.

Hearings following investigations that finish near or after the end of an academic term will be unable to be resolved prior to the end of term. Hearing timelines include the ten business days' notice provided to the parties prior to the hearing, the length of the hearing, the period of time necessary for the hearing

officer to complete the written outcome, and the appeals window. Therefore, while the hearing will typically be held immediately after the end of the term, during the break between terms, or at the start of the next term when SCI- Arc administrative offices are open, as needed, the timeline to completion extends beyond the date of the hearing. If the Respondent in such a case is a graduating student, a hold may be placed on graduation and/or official transcripts until the matter is fully resolved, including any appeal. A student facing alleged violations under this Policy is not in good standing to graduate.

In the event of documented extenuating circumstances, a Complainant or Respondent may request to reschedule the hearing. This request must be made in writing to the hearing officer no later than two business days prior to the originally scheduled hearing. The decision of whether to reschedule is at the discretion of the hearing officer and Title IX Coordinator, with consideration to the prompt and equitable completion of the process.

6. Hearing Process

The hearing process is routinely completed through a conferencing technology with the Complainant and Respondent in separate rooms from one another. The purpose of this process is to allow all cross-examination to occur directly, orally, and in real time by each party's advisor of choice, allowing for the parties and hearing officer to simultaneously see and hear the party answering questions without needing to be in the same space. Through video-conference, the hearing officer, who will have already reviewed the investigation summary report prior to the hearing, will hear from the investigator, Complainant, Respondent, and witnesses to gather the information needed to determine the credibility of the information presented, weigh all information, and determine whether or not a provision of this Policy was violated by a preponderance of the evidence. On rare occasions, with the permission of all parties, this process may be handled with all parties present in the same physical space.

At the hearing, the hearing officer has the authority to hear and make determinations on all alleged policy violations listed in the hearing notice letter. In the event that questions arise related to procedure or relevance, the hearing officer makes the final determination. The hearing officer is entitled to have the advice and assistance of SCI-Arc's legal counsel.

Hearings are conducted in private following SCI-Arc's specific rules of decorum. Nothing about the hearing is to be construed as a criminal or legal process. Participants at the hearing will include the hearing officer, both parties, the hearing facilitator, the investigator who conducted the investigation, advisors to the parties, any called witnesses, the Title IX Coordinator, and anyone providing authorized accommodations or assistive services. The hearing officer may remove any party (including Complainant, Respondent, witness, or advisor) from a hearing for reasons including, but not limited to, disruption, waste of time, sharing irrelevant, immaterial, or unduly repetitive information, or failing to adhere to requests of the hearing administrators. Participant expectations will be recited to all participants at the start of the hearing. If a party, witness, or an advisor is asked to leave due to failure to adhere to participant expectations, the hearing will proceed without their participation.

The first party to share information at the hearing is the investigator for the case, who presents a summary of the final investigation report, including disputed and undisputed information. The investigator is then subject to questioning by the hearing officer and the parties through their advisors, after which the investigator remains present during the entire hearing process to address issues or questions that arise. Investigators are not to be asked their opinions on credibility, recommended findings, or determinations at any time.

Next, both the Complainant and the Respondent have the same opportunity to present their account of events, answer questions posed by the hearing officer, and then ask questions of the other party and

any witnesses through their advisor. The hearing officer will first ask the Complainant, the Respondent, the investigator, and the witnesses questions during the hearing and then will open an opportunity for cross-examination through the parties' advisors. Questions asked by one party's advisor of the other party or witnesses must be determined relevant by the hearing officer. Before a party or witness answers a cross-examination question posed by a party's advisor, there is a pause to allow the hearing officer to determine relevance and instruct the party whether or not to answer the question as posed, including offering a rationale for any question deemed irrelevant and therefore not allowed.

Specifically, the hearing officer has the responsibility to either exclude or instruct a party and their advisor to rephrase any questions that are not directly relevant, unduly repetitive (and thus irrelevant), abusive, or otherwise not probative of the disputed facts or to the determination of the case. When there is disagreement on the relevance of a posed question, the hearing officer has final say on all determinations of relevance, subject to any appeal. The hearing officer may ask advisors to frame why a question is or is not relevant from their perspective but will not entertain argument from the advisors on relevance once the officer has ruled on a question.

7. Record of Hearing

Hearings for student matters will ordinarily be audio-recorded, with the exception of any deliberation between the hearing officer, although written notes or video recording may serve as a substitute. This record will be the property of SCI-Arc and available to the hearing officer, the parties and their advisors, and appropriate SCI-Arc for review in a controlled environment, as determined by the Title IX Coordinator. Respondents, Complainants, and advisors at the hearing are free to take their own written notes, but they may not record, share, or stream any photography, video, or audio of the hearing. No person will be given or be allowed to make a copy of the recording without permission of the Title IX Coordinator.

8. Hearing Outcomes

Following the conclusion of the hearing, the hearing officer will deliberate privately to determine whether the Respondent violated the policies outlined in the hearing notice letter. The outcome is based solely upon material presented at the hearing, including any investigation reports and attachments. In matters where it is found more likely than not that the alleged misconduct took place, the hearing officer will determine the appropriate sanction, in consultation with other appropriate administrators, as required to consider any pertinent conduct history and/or employment action history of the Respondent. The hearing officer will then prepare a written outcome detailing the determination and rationale, including the evidence used in support of its determination, the evidence disregarded, credibility assessments, and any sanctions, if applicable. This written outcome will be provided to the Title IX Coordinator for review within a reasonably prompt time frame.

Following the Title IX Coordinator's review, the written outcome will be made available to the parties as simultaneously as possible, generally within 10-14 days of the hearing. The hearing officer will notify the parties if an extension of this timeline is necessary. Once the written outcome is mailed, emailed, or received in person to both parties, notice will be presumptively delivered.

The outcome notice will contain a description of the procedural steps taken by SCI-Arc from the receipt of the misconduct report to the determination, including any and all notifications to the parties, interviews with parties and witnesses, methods used to obtain evidence, and hearings held. The outcome notice specifies the determination on each alleged policy violation, detailing the findings of fact that support the determination, conclusions regarding the application of the relevant policy to the facts at issue, and a rationale for the result of each allegation. It also includes any sanctions assigned and whether remedies will be provided to the Complainant in an effort to ensure access to SCI-Arc's employment or education

program or activity. The outcome notice will detail an appeal request deadline by which both parties have an equal opportunity to appeal the hearing outcome if they disagree with the outcome on one or more relevant criteria, as outlined in Section 14.

If neither party requests an appeal by the deadline, the findings and sanctions (if any) outlined the hearing outcome will become the final determination on the matter at the close of the appeal window. If one or both parties appeal, the outcome of the appeal will become the final determination on the matter on the date that SCI-Arc simultaneously provides the written determination of the appeal result to the parties. The matter will then be considered closed, and the outcome will be disclosed to the appropriate administrator. Documentation of any final resolution is maintained by SCI-Arc for seven years.

G. Appeals

All requests for appeal consideration must be submitted in writing to the Title IX Coordinator within five business days of the delivery of the written finding of the Title IX Coordinator. Any party may appeal the findings and/or sanctions only under the grounds described, below.

An Appeals Officer will be designated by the Title IX Coordinator from individuals who have not been involved in the process previously. Any party may appeal, but appeals are limited to the following grounds:

- A procedural error or omission occurred that significantly impacted the outcome of the hearing (e.g., substantiated bias, material deviation from established procedures, etc.).
To consider new evidence, unknown or unavailable during the original hearing or investigation, that could substantially impact the original finding or sanction. A summary of this new evidence and its potential impact must be included.
- To consider new evidence, unknown or unavailable during the original hearing or investigation, that could substantially impact the original finding or sanction. A summary of this new evidence and its potential impact must be included.
- The sanctions or discipline imposed fall outside the range of possible sanctions or discipline SCI-Arc has defined and the cumulative record of the Respondent.

The appeals panel will review the appeal request(s). The original finding and sanction/responsive actions will stand if the appeal is not timely or is not based on the grounds listed above, and such a decision is final. The party requesting appeal must show that the grounds for an appeal request have been met, and the other party or parties may show the grounds have not been met, or that additional grounds are met. The original finding and sanction are presumed to have been decided reasonably and appropriately. When any party requests an appeal, the Title IX Coordinator will share the appeal request with the other party(ies), who may file a response within three business days and/or bring their own appeal on separate grounds. If new grounds are raised, the original appealing party will be permitted to submit a written response to these new grounds within three business days. These response or appeal requests will be shared with each party.

Where the appeals panel finds that at least one of the grounds is met by at least one party, additional principles governing the hearing of appeals will include the following:

- Decisions by the appeals panel are to be deferential to the original decision, making changes to the finding only where there is clear error and to the sanction/responsive action only if there is a compelling justification to do so.
- Appeals are not intended to be full re-hearings (de novo) of the allegation. In most cases,

appeals are confined to a review of the written documentation or record of the investigation, and pertinent documentation regarding the grounds for appeal. An appeal is not an opportunity for appeals panelists to substitute their judgment for that of the original investigator or Resolution Administrator merely because they disagree with its findings and/or sanctions.

- Appeals granted based on new evidence should normally be remanded to the investigator for reconsideration. Other appeals may be remanded at the discretion of the Title IX Coordinator or, in limited circumstances, heard by the three-member appeals panel.
- Sanctions imposed as the result of Administrative Resolution are implemented immediately unless the Title IX Coordinator or designee stays their implementation in extraordinary circumstances, pending the outcome of the appeal.
 - ↳ For students: Graduation, study abroad, internships/ externships, etc. do NOT in and of themselves constitute exigent circumstances, and students may not be able to participate in those activities during their appeal.
- The Title IX Coordinator will confer with the appeals officer(s), incorporate the results of any remanded grounds, and render a written decision on the appeal to all parties within three business days of the resolution of the appeal or remand.
- Where appeals result in no change to the finding or sanction, that decision is final. Where an appeal results in a new finding or sanction, that finding or sanction can be appealed one final time on the grounds listed above, and in accordance with these procedures.
- All parties will be informed in writing within three business days of the outcome of the Appeals review, without significant time delay between notifications, and in accordance with the standards for notice of outcome as defined above.
- In rare cases where a procedural [or substantive] error cannot be cured by the original investigator and/or Resolution Administrator (as in cases of bias), the appeals officer(s) may recommend a new investigation and/or Administrative Resolution process, including a new Resolution Administrator. The results of a new Administrative Resolution process can be appealed, once, on any of the three applicable grounds for appeals.
- In cases where the appeal results in reinstatement to SCI-Arc or resumption of privileges, all reasonable attempts will be made to restore the Respondent to their prior status, recognizing that some opportunities lost may be irreparable in the short term.

H. Records

In implementing this policy, records of all allegations, investigations, and resolutions will be kept by the Title IX Coordinator.

I. Statement of the Rights of the Parties

Statement of the Complainant's rights:

- The right to investigation and appropriate resolution of all credible reports or notice of sexual misconduct or discrimination made in good faith to SCI-Arc officials;
- The right to be informed in advance of any public release of information by SCI-ARC re-

garding the incident;

- The right of the Complainant to not have any personally identifiable information released to the public without prior consent;
- The right to be treated with respect by SCI-Arc officials;
- The right to have SCI-Arc policies and procedures followed without material deviation;
- The right not to be pressured to mediate or otherwise informally resolve any reported misconduct involving violence, including sexual violence;
- The right not to be discouraged by SCI-Arc officials from reporting sexual misconduct or discrimination to both on-campus and off-campus authorities;
- The right to be informed by SCI-Arc officials of options to notify proper law enforcement authorities, and the option to be assisted by campus authorities in notifying such authorities, if the student so chooses. This also includes the right not to report, if this is the individual's desire;
- The right to have reports of sexual misconduct responded to promptly and with sensitivity by campus officials;
- The right to be notified of available counseling, mental health, victim advocacy, health, legal assistance, student financial aid, visa and immigration assistance, or other student services for victims of sexual assault, both on campus and in the community;
- The right to a campus no contact order (or a trespass order against third party) when someone has engaged in or threatens to engage in stalking, threatening, harassing, or other improper behavior that presents a danger to the welfare of the Complainant or others;
- The right to notification of and options for, and available academic assistance after an alleged sexual misconduct incident, if so, requested by the Complainant and if such changes are reasonably available. No formal report or investigation, campus or criminal, need occur before this option is available. Accommodations may include:
 - ↳ Exam (paper, assignment) rescheduling;
 - ↳ Taking an incomplete in a class;
 - ↳ Transferring class sections;
 - ↳ Temporary withdrawal; and/or
 - ↳ Alternative course completion options.
- The right to have SCI-Arc maintain such accommodations for as long as is necessary, and for protective measures to remain confidential, provided confidentiality does not impair the SCI-Arc's ability to provide the accommodations or protective measures;
- The right to be fully informed of SCI-Arc policies and procedures as well as the nature and extent of all alleged violations contained within the report;
- The right to ask the investigators to identify and question relevant witnesses, including

expert witnesses;

- The right not to have irrelevant prior sexual history admitted as evidence in the resolution process;
- The right to regular updates on the status of the investigation and/or resolution;
- The right to have reports heard by investigators who have received annual sexual misconduct training;
- The right to preservation of privacy, to the extent possible and permitted by law; ð The right to meetings and interviews that are closed to the public;
- The right to petition that any investigator be recused on the basis of demonstrated bias;
- The right to bring an advocate or advisor of the Complainant's choosing to all phases of the investigation and resolution proceeding;
- The right to be informed in writing of the outcome, sanction and rationale for the decision of the resolution process, without undue delay between the notifications to the parties, and usually within three business days of the end of the process;
- The right to be informed in writing of when a decision of SCI-Arc is considered final, any changes to the sanction to occur before the decision is finalized; and
- The right of the Complainant or any witness in an investigation of sexual assault, domestic violence, dating violence, or stalking not to be subject to disciplinary sanctions for a violation of SCI-Arc's student conduct policy at or near the time of the incident, unless SCI-Arc determines that the violation was egregious, including, but not limited to, an action that places the health or safety of any other person at risk or involves plagiarism, cheating, or academic dishonesty.

Statement of the Respondent's rights:

The rights of the Respondent should also be prominently indicated. These should include, among others particular to SCI-Arc:

- The right to investigation and appropriate resolution of all credible reports of sexual misconduct made in good faith to SCI-Arc administrators;
- The right to be informed in advance, when possible, of any public release of information by SCI-Arc regarding the report;
- The right to be treated with respect by SCI-Arc officials;
- The right to have SCI-Arc policies and procedures followed without material deviation;
- The right to be informed of and have access to campus resources for medical, health, counseling, and advisory services;
- The right to be fully informed of the nature, policies and procedures of the campus resolution process and to timely written notice of all alleged violations within the report, including the nature of the violation and possible sanctions;

- The right to be informed of the names of all witnesses who will be interviewed, except in cases where a witness' identity will not be revealed to the Respondent for compelling safety reasons (this does not include the name of the Complainant, which will always be revealed);
- The right not to have irrelevant prior sexual history admitted as evidence in a campus resolution process;
- The right to have reports addressed by investigators who have received annual training;
- The right to petition that any investigator be recused on the basis of demonstrated bias;
- The right to meetings and interviews that are closed to the public;
- The right to have an advisor of their choice to accompany and assist in the campus resolution process;
- The right to a fundamentally fair resolution, as defined in these procedures;
- The right to a decision based solely on evidence presented during the resolution process. Such evidence shall be credible, relevant, based in fact, and without prejudice;
- The right to be informed in writing of the outcome, sanction and rationale for the decision of the resolution process in writing, without undue delay between the notifications to the parties, and usually within three business days of the end of the process; and
- The right to be informed in writing of when a decision of SCI-Arc is considered final, any changes to the sanction to occur before the decision is finalized, to be informed of the [finding and] sanction of the resolution process.

7. Disabilities Accommodation in the Equity Resolution Process

SCI-Arc is committed to providing qualified students, employees, or others with disabilities with reasonable accommodations and support needed to ensure equal access to the Equity Resolution Process at SCI-Arc. Anyone requesting such accommodations or support should contact the Title IX Coordinator, who will review the request and, in consultation with the person requesting the accommodation, as well as the person coordinating the Equity Resolution Process, will determine which accommodations are appropriate and necessary for full participation.

8. Revision

These policies and procedures will be reviewed annually by the Title IX Coordinator and updated as necessary. The Title IX Coordinator may make minor modifications to procedure that do not materially jeopardize the fairness owed to any party. However, the Title IX Coordinator may also vary procedures materially with notice (on the institutional web site, with appropriate date of effect identified) upon determining that changes to law or regulation require policy or procedural alterations not reflected in this policy and procedure. Procedures in effect at the time of its implementation will apply. Policy in effect at the time of the offense will apply even if the policy is changed subsequently, unless the parties consent to be bound by the current policy. The applicable Title IX regulations promulgated by the U.S. Department of Education are incorporated into these policies and procedures by this reference.