

## Unlawful Harassment, Discrimination, and Abusive Conduct

### 1.0 Policy

It is the policy of Caltech to provide a work and academic environment free of unlawful harassment (“harassment”) and other abusive conduct.

### 2.0 Scope

This policy applies to all members of the Caltech community, including at JPL (students, faculty, supervisory and nonsupervisory employees, postdoctoral scholars, volunteers, interns, vendors, contractors, persons performing services under contract with Caltech, visitors, and any other individuals regularly or temporarily employed, studying, living, visiting, or otherwise participating in Caltech’s employment and education programs and activities). This policy applies to conduct occurring on Institute-controlled property, at Institute-sponsored events and in Institute employment and education programs and activities, regardless of location.

### 3.0 Harassment

Harassment in education programs and activities means any unwelcome behavior (physical, verbal, graphic, or written) based on a protected characteristic, that, based on the totality of the circumstances, is subjectively and objectively offensive and that, from the perspective of a reasonable person in the complainant’s position, it is so severe or pervasive that it limits or denies a person’s ability to participate in or benefit from the Institute’s education programs or activities.

A person can commit harassment without intending to create these outcomes. In evaluating the severity, persistence, or pervasiveness of the conduct, Caltech considers whether the target(s) of the conduct, as well as an objectively reasonable person considering the conduct from the perspective of the target(s) would find the conduct to be severe, persistent, or pervasive. Relevant factors for consideration may include, but are not limited to, the context, nature, scope, frequency, duration and location of the harassment based on the protected characteristic(s) of those involved. Generally, the less pervasive the harassing conduct, the more severe it must be to establish a hostile environment. In some instances, a single act may be sufficiently severe as to be prohibited by this policy.

Harassment in any form, based on any of the following protected characteristics and protected activities (“protected characteristics”), is unlawful and is strictly prohibited at all times, as are all forms of prohibited conduct set forth in the [Sex Discrimination Policy](#):

- Race (includes hair texture and protective hairstyle, as well as ethnicity)
- Color
- Religion (includes religious dress and grooming practices)
- Sex/gender (includes pregnancy, childbirth, breastfeeding, and/or related medical conditions)
- Gender identity and gender expression
- Sexual orientation
- Marital status
- Medical condition (genetic characteristics, cancer, or a record or history of cancer)
- Military or veteran status
- National origin (includes language use and possession of a driver's license issued to persons unable to prove that their presence in the United States is authorized under federal law)
- Ancestry (including caste)
- Disability (mental and physical, including HIV/AIDS, cancer, and genetic characteristics)
- Genetic information
- Request for family care leave
- Request for leave for a serious health condition
- Request for pregnancy disability leave
- Domestic violence victim status
- Age (40 or older)
- Criminal background (Fair Chance Act)
- Any other factor protected by federal, state, or local laws
- Association with an individual who is in one of the foregoing protected characteristics
- Reproductive health care decision-making

Harassment in the employment environment may include, but is not limited to, these examples.

- Verbal, physical, and visual conduct that creates an intimidating, offensive, or hostile working environment, or that interferes with work performance, including conduct that denigrates or shows hostility or aversion toward an individual because of any protected characteristic.
- Visual or graphic images, such as offensive and/or sexually explicit posters, photographs, symbols, cartoons, drawings, computer displays, e-mails, text messages, objects, or digital and social media activity, including blogs, forums, chat rooms, social networking sites, and other social media applications.
- Physical conduct, including touching, physical assaults or threats, blocking someone's path or normal movement.
- Sabotaging work product or performance.
- Unwanted sexual advances, invitations, or comments.
- Threats and demands to submit to sexual requests as a condition of continued employment or to avoid loss of employment benefits.
- Offers of employment benefits in return for sexual favors.
- Conversation about one's own or someone else's sex life, sex, gender, sexual orientation, gender nonconformity, and/or gender identity.

- Inappropriate conduct or comments consistently targeted at only one gender, race, or another protected characteristic.

Harassment in the educational setting also includes harassment based on protected characteristics that is contrary to the pursuit of inquiry and education. The following are examples of behaviors that may constitute harassment in the educational setting:

- a disabled individual is not included in an off-site outing because of lack of mobility;
- an individual is ostracized from group activities because of their national origin;
- a student posts racist jokes to a house email list.

Complaints concerning sex and gender-based discrimination and harassment and sexual misconduct are governed by the Sex Discrimination Policy.

### Discrimination

Discrimination refers to the treatment of a person or persons adversely based on the person or person's protected characteristics. In the educational environment adverse treatment means actions which may have a substantial and material adverse impact on a complainant's participation in education programs, activities, opportunities or benefits. In the work environment adverse treatment includes, but is not limited to, hiring, firing, pay, job assignments, promotions, layoff, training, benefits, and other terms or conditions of employment.

Minor or trivial actions or conduct, although frustrating or offensive, do not constitute adverse treatment.

### Abusive Conduct

Some kinds of behavior that are clearly intended to harass (abusive conduct), while inappropriate and not tolerated at Caltech, may not constitute harassment but nevertheless violate Caltech policy. Abusive conduct is malicious conduct occurring in a work or educational setting that a reasonable person would find hostile, offensive, and unrelated to Caltech's legitimate business or educational interests. Caltech may conduct an investigation or review of complaints of abusive conduct and take appropriate steps to address any abusive conduct that is found to have occurred.

Examples of abusive conduct may include:

- repeated infliction of verbal abuse, such as the use of derogatory remarks, insults, verbal epithets;
- physical conduct that can be considered threatening, intimidating, or humiliating;

- the gratuitous sabotage or undermining of a person's work performance;
- a single act shall not constitute abusive conduct, unless especially severe and egregious.

Caltech is committed to educating the community in ways to prevent harassment and abusive conduct. Caltech requires all employees, including those responsible for directing or supervising other Caltech employees or evaluating the work of students, to regularly participate in training regarding harassment, and the prevention of harassment and other abusive conduct, consistent with federal and state legal requirements.

#### Violation of an Institute Directive

Any individual may be found in violation for failure to comply with a Caltech directive regarding a supportive measure (e.g. violating the terms of a Mutual No-Contact Order)

#### Prohibition Against Retaliation

No one may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by this policy or the related procedures, or because the individual has made a report or complaint, testified, assisted, participated, or refused to participate in any manner in any action or process under this policy or the related procedures or Institute directives such as a no contact order. Intimidation, threats, coercion, or discrimination, for the purpose of interfering with any right under this policy or the related procedures constitutes retaliation. The rights and privileges secured under this policy and the related procedures include but are not limited to:

- (i) filing or assisting in the filing of a complaint or report of a suspected violation of this policy;
- (ii) opposing any act or practice made unlawful by any federal, state, or local laws requiring equal opportunity;
- (iii) participating, assisting, or otherwise cooperating in an investigation, compliance review, hearing, or any other activity related to a violation of this policy or administration of any federal, state, or local law requiring equal opportunity; and/or
- (iv) exercising any legal right protected by federal, state or local law requiring equal opportunity.

Complaints of retaliation will be addressed under the [Procedures for Complaints of Unlawful Discrimination, Harassment and Retaliation](#).

The following actions do not constitute retaliation: the exercise of rights protected under applicable law or Caltech's charging an individual with a policy violation for making a materially false statement in bad faith in the course of a resolution process. A determination that a respondent was or was not responsible for alleged misconduct alone is not sufficient to conclude that any party made a materially false statement in bad faith.

#### **4.0 Reporting Complaints and Concerns**

Caltech's ability to remedy harassment and abusive conduct and maintain an environment free of harassment and abusive conduct is limited if incidents are not reported. Anyone who witnesses, experiences, or is otherwise aware of conduct that they believe to be in violation of this policy, including retaliation, is urged to immediately report it, or to request assistance and guidance. Complaints or concerns about harassment should be reported to the Equity and Title IX Office or one of the offices listed below, at campus, or the Employee Relations Group at JPL. Reports may be made at any time. A delay should not discourage anyone from reporting harassment. Delayed reporting is better than no reporting. Reports may be made in writing or orally. Harassment complaints are addressed under the Procedures for Complaints of Sex Discrimination.

Complaints or concerns about abusive conduct (1) against a student should be reported to the appropriate dean, (2) against a staff member or postdoctoral scholar to Employee & Organizational Development (EOD), (3) against a faculty member to the appropriate Division Chair or the Office of the Provost, and (4) against a JPL employee to Employee Relations at JPL. In order to make an appropriate judgment as to whether incidents are appropriately investigated as harassment, discrimination, or abusive conduct, the full context in which the conduct occurred will be evaluated. Complaints are considered based on the totality of the facts and circumstances.

Members of the Caltech community are encouraged to err on the side of reporting any conduct they think may be harassment or abusive conduct covered under this policy, regardless of where the incident occurred or who committed it. Even if Caltech does not have jurisdiction over the incident or the perpetrator, Caltech will take reasonable action to remedy the effects of the harassment or abusive conduct on the Caltech community and prevent any reoccurrence of the behavior.

Any employee in a supervisory role, including faculty, must promptly report **all** alleged harassment, abusive conduct, discrimination, gender-based misconduct, and retaliation, regardless of its alleged severity or frequency, to the Equity and Title IX Office at campus or Human Resources at JPL, which will provide guidance and advice. In addition, other employees qualifying as responsible employees under the Sex Discrimination Policy, must promptly report any instance of prohibited conduct to the Equity and Title IX Office or the Deputy Title IX coordinator for JPL, as appropriate.

If a member of the Caltech community would like support and guidance in filing a complaint, they may contact the assistant vice president for equity and equity investigations in the Equity and Title IX Office, JPL's manager of employee relations, or the JPL section manager of talent management or Human Resources Business Partners at JPL.

## 5.0 Anonymous Reporting

Caltech provides the following resources for anonymous reporting:

- [Campus Hotline](#): (626) 395-8787 or (888) 395-8787
- [Equity and Title IX Office Online Report a Concern Form: Online Report Form | Equity and Title IX Office \(caltech.edu\)](#)
- JPL Ethics Hotline: (818) 354-9999
- JPL Protective Services Division's Workplace Violence Hotline: (818) 393-2851
- For either Campus or JPL by submitting a compliance [Hotline Contact Form](#)

If the reporting party wants to remain anonymous, they should not share any personally identifying information. If the reporting party does share such information, the Equity and Title IX Office will contact the reporting party with information about support resources and reporting options; if an investigation is pursued, the reporting party who identified themselves will be notified.

## 6.0 Contacting Outside Agencies

In addition, employees who believe they have been unlawfully harassed on the basis of a protected characteristic have the right to file a complaint with the federal [Equal Employment Opportunity Commission](#) or the [California Civil Rights Department](#), which have the authority to remedy violations. Employees, students, and others participating in Caltech's educational programs and activities may file complaints with the U.S. Department of Education Office for Civil Rights (202) 607-1600, [ocr.seattle@ed.gov](mailto:ocr.seattle@ed.gov), or (800) 421-3481 or [OCR@ed.gov](mailto:OCR@ed.gov). Complaints may also be directed to the Bureau for Private Postsecondary Education at [bppe.ca.gov/](http://bppe.ca.gov/).

## 7.0 Investigation of Complaints

Caltech will conduct a fair, timely, and thorough investigation into or review of complaints as appropriate within the scope of this policy to determine what occurred and take reasonable steps to remedy the effects of any harassment or abusive conduct and prevent recurrence of the behavior. Complaints of harassment will be addressed under the Procedures for Complaints of Unlawful Discrimination, Harassment and Retaliation. Caltech provides all parties with appropriate due process and reaches conclusions based on the evidence collected. Caltech takes appropriate action, including disciplinary measures up to and including termination of employment, student expulsion, or being permanently excluded from Caltech-controlled premises, when warranted.

## 8.0 Privacy

Privacy means that information related to a report of harassment or abusive conduct will only be shared with those individuals who have a “need to know.” The determination of who has a “need to know” is within the discretion of Caltech. These individuals are required to be discreet and respect the privacy of all individuals involved.

No meetings or conversations that take place under this policy or the Procedures for Complaints of Unlawful Discrimination, Harassment, and Retaliation may be audio-visually recorded by anyone.

## 9.0 Confidential Resources

Caltech offers members of the Caltech community the choice of seeking confidential counseling outside of Caltech’s procedural mechanisms for resolving harassment and abusive conduct complaints. These confidential counseling services are intended for the personal benefit of the individual and offer a setting where various courses of action can be explored. Talking to any of these staff members does not constitute reporting an incident to Caltech.

Confidentiality generally means that information shared by an individual with designated campus or community professionals cannot be revealed to any other individual without the express permission of the individual. These professionals are listed below. They are prohibited from breaking confidentiality, when acting solely within the scope of their respective roles, unless there is an imminent threat of harm to self or others or as otherwise required or permitted by law. When a report involves suspected abuse of a minor under the age of 18, these confidential resources may be required by state law to notify child protective services and/or local law enforcement.

An individual who has experienced unlawful harassment and who first requests confidentiality may later decide to file a complaint with Caltech. Mental health professionals and other confidential resources listed below will provide the individual with assistance in filing a complaint if the individual wishes to do so.

Mental health professionals in the Student Wellness Services (SWS), Counseling Services, and the Staff and Faculty Consultation Center (SFCC) provide mental health counseling services to the campus community. The JPL Employee Assistance Program provides mental health counseling services to the JPL community. They will not report any information about an incident to Caltech, including the Title IX coordinator, unless requested by their client. They can be contacted 24 hours a day/7 days a week at:

- Students: Student Wellness Services, Counseling Services: (626) 395-8331  
An after-hours counselor may be reached by calling Counseling Services’ main number and pressing ‘2’: (626) 395-8331

- Faculty, campus staff and postdoctoral scholars: Staff & Faculty Consultation Center: (626) 395-8360 After hours via Security: (626) 395-5000
- JPL employees: Empathia (identify yourself as a JPL employee) [www.mylifematters.com/](http://www.mylifematters.com/) (Password: JPL): (800) 367-7474

Other Confidential resources are: JPL Ombuds: (626) 437-1990

## 10.0 Equal Opportunity Coordinators and Title IX Coordinator

Caltech has designated Equal Opportunity coordinators (EO coordinators) who are responsible for assisting with and coordinating the education and compliance efforts relating to equal opportunity and nondiscrimination laws and Caltech policies. The following individuals have been designated as EO coordinators: the provost is the coordinator for faculty; the assistant vice president for human resources is the coordinator for campus staff, postdoctoral scholars, and volunteers; the associate deans of students are the coordinators for undergraduate students and interns; the dean of graduate studies is the coordinator for graduate students and interns; and the manager for human resources at the Jet Propulsion Laboratory is the coordinator for employees, interns and volunteers assigned there.

The assistant vice president for equity and equity investigations, who manages the Equity and Title IX Office, also has been designated as Caltech's Title IX coordinator. The contact number is (626) 395-3132, email: [equity@caltech.edu](mailto:equity@caltech.edu), or visit the office in Room 205, Center for Student Services.

## 11.0 Informational Resources

Information on unlawful harassment, as well as copies of Caltech's Nondiscrimination and Equal Employment Opportunity, Unlawful Harassment, Sex Discrimination, and Violence Prevention policies, are available from Caltech's Title IX coordinator and deputy coordinators; Human Resources, Student Affairs and Deans' offices; the Caltech Center for Inclusion & Diversity (CCID); resident associates; the Staff and Faculty Consultation Center (SFCC); and Employee & Organizational Development at Campus; and Employee Relations and the Human Resources Business Partners at JPL. The policies are published in the [Caltech Catalog](#), and on the following Caltech websites: [Caltech Human Resources](#), [JPL Human Resources](#), [Equity and Title IX Office](#), and [Student Affairs](#).

Related Policies and Procedures:

- [Nondiscrimination and Equal Employment Opportunity Policy](#)
- [Procedures for Complaints of Unlawful Discrimination, Harassment and Retaliation](#)
- [Sex Discrimination Policy](#)
- [Procedures for Complaints of Sex Discrimination](#)
- [Violence Prevention Policy](#)



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