

Sex Discrimination Policy

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SECTION I: INTRODUCTION

1.0 Policy

All members of the Caltech community have the right to be treated, and the responsibility to treat others, with dignity and respect. These principles are fundamental to the educational and intellectual mission of Caltech. It is the policy of Caltech to provide a work and academic environment free of discrimination, harassment, sexual misconduct, and retaliation. Caltech will not tolerate such conduct and is committed to educating the community in ways to prevent its occurrence.

As defined in this policy, sex discrimination, sexual and gender-based harassment, and sexual misconduct, including sexual assault, sexual battery (i.e., nonconsensual sexual contact), dating and domestic violence, sexual exploitation, and stalking constitute Prohibited Conduct and violate this policy. Such conduct generally violates Title VII of the Civil Rights Act of 1964, as amended; Title IX of the Education Code; and/or California law.

All individuals are protected against Prohibited Conduct (defined below in Section III) regardless of gender. For the purposes of this policy, the term “gender” is broadly defined, encompassing sex, sexual orientation, gender identity, and gender expression. Prohibited conduct can be committed by individuals of any gender and can occur between or among individuals of the same gender or different genders, strangers, or acquaintances as well as people involved in intimate or sexual relationships.

Caltech also prohibits retaliation against an individual who reports, submits a complaint, or otherwise participates in good faith in any matter related to this policy.

Caltech will take prompt and equitable action upon receiving a report of Prohibited Conduct to determine what occurred and will take steps to stop and remedy the effects of any such conduct and prevent its recurrence. Caltech provides all parties with appropriate due process and will take appropriate action, including disciplinary measures, when warranted, up to and including termination of employment or changes to student enrollment status, including expulsion.

Any reference in this policy to a Caltech administrator is understood to include not only that administrator but also their designee.

2.0 Scope

This Policy applies to all current students, alumni, faculty, supervisory and nonsupervisory staff, postdoctoral scholars, volunteers, interns, vendors, independent contractors, persons performing services under contract with the Institute, visitors, and any other individuals who are regularly or temporarily employed, studying, living, visiting, or otherwise participating in Caltech’s educational programs or activities (“covered persons”). The requirement not to discriminate in Caltech’s educational programs or activities also extends to admissions and employment. Inquiries about the application to Caltech of Title IX and its implementing regulations may be referred to the Title IX Coordinator.

This Policy applies, when both parties are covered persons, to (a) Prohibited Conduct occurring on Institute-controlled property, at Institute-sponsored events, in Institute programs or activities, or Institute-owned or controlled residential facilities, regardless of location; (b) Prohibited Conduct occurring on property or at events controlled or sponsored by Institute-affiliated organizations including student organizations, regardless of location; (c) Prohibited Conduct

occurring off campus, in any location or context, when the occurrence of such alleged conduct could contribute to a hostile educational environment or otherwise interfere with a student's access to education; or (d) Prohibited Conduct occurring outside of Caltech's educational programs or activities, whether they occurred on or off campus, if, based on the allegations, there is any reason to believe that the incident could contribute to a hostile educational environment or otherwise interfere with a student's access to education.

This policy also applies at the Jet Propulsion Laboratory (JPL). Other organizations affiliated with the Institute or that use Caltech property or resources in connection with their activities also are prohibited from engaging in Prohibited Conduct.

Even if Caltech does not have jurisdiction under this policy over the person accused of Prohibited Conduct, or the allegations reported, Caltech will take prompt action, as warranted and appropriate, to provide for the safety and well-being of the individual reporting and the campus community, including taking reasonable steps to stop and remedy the effects of the Prohibited Conduct and to prevent recurrence of the behavior.

3.0 Retaliation

Retaliation against any member of the Caltech community at any point in time for making a good-faith report of Prohibited Conduct or participating or refusing to participate in any manner in an investigation, proceeding, or hearing conducted by Caltech, or a state or federal agency is strictly prohibited. Retaliation is defined as overt or covert acts of reprisal, interference, discrimination, intimidation, or harassment against an individual or group for exercising their rights under Title IX or other federal and state laws. Threats of retaliatory action also constitute retaliation.

Retaliation does not include charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of an investigation, proceeding, or hearing related to this policy. However, a determination regarding responsibility, alone, is not sufficient to conclude that any party made a materially false statement in bad faith.

Caltech will take steps to prevent retaliation and will take prompt and appropriate corrective action to stop and remedy its effects if retaliation occurs. Individuals who violate Caltech's policy prohibiting retaliation may be subject to disciplinary action up to and including termination of employment, student expulsion or being permanently excluded from Caltech controlled-premises. Allegations of retaliation may be subject to investigation under the Procedures for Complaints of Sexual Misconduct or other Institution policies.

4.0 Preservation of Evidence of Prohibited Conduct

Prohibited conduct, as defined in this policy, may also be a crime. Individuals who have experienced sexual violence are urged to seek medical treatment as soon as possible. Sexual assault forensic exams (or rape kit tests) are available free of charge at multiple local medical centers (and facilitate both evidence preservation and any necessary medical treatment. Evidence preservation is important in case an individual would like to file a report with law enforcement, pursue civil litigation, or obtain a protective order. If an individual chooses to receive a forensic exam, they should avoid showering, bathing, douching, eating, drinking, washing their hands, or brushing their teeth until after the medical examination. Exams should be performed within 72 hours of the incident. Individuals should save all clothing worn at the time of the assault. Each item of clothing should be placed in a separate paper bag, not a plastic

bag. Individuals who have experienced sexual violence are strongly encouraged to preserve all physical and electronic evidence.

Examples of physical evidence may include clothing, bedding, contraceptives, letters, and notes. Any such items relating to an incident of Prohibited Conduct should be preserved.

Electronic evidence relating to any type of incident of Prohibited Conduct, such as texts, emails, photos, and social media posts, should be preserved.

Once an individual reports a concern or receives notification of their involvement in a report or complaint under this policy, whether as a respondent or witness, they are required to preserve any physical or electronic evidence they have. An intentional failure to preserve such evidence may be grounds for disciplinary action.

5.0 Emergency Notifications and Timely Warnings

In the event of a dangerous situation on campus that has involved an immediate threat to the health or safety of students or employees, Caltech will issue an emergency notification consistent with its emergency notification procedures. In the event that Caltech believes that there is a serious or continuing threat to the campus community, Caltech will issue a timely warning consistent with its timely warning procedures. Emergency notifications and timely warnings do not disclose the name of the victim.

SECTION II: REPORTING CONCERNS AND COMPLAINTS

6.0 Reporting to Caltech

Members of the Caltech community are encouraged to promptly report all Prohibited Conduct to Caltech or consult with a confidential resource (see Appendix: Support Resources). Reports may be made in person, by mail, by telephone, by electronic mail, or by any other means that results in the Title IX Coordinator receiving the verbal or written report. A report may also be made by completing the [Report Form](#) on the Equity and Title IX Office website at equity.caltech.edu. Reports may be anonymous and made at any time.

Anyone who witnesses, experiences, or is otherwise aware of conduct that the individual believes to be in violation of this policy, including retaliation, is urged to contact the Title IX Coordinator or a deputy coordinator immediately. Responsible Employees, as defined below, and supervisory employees, including faculty, must promptly report all alleged sexual harassment, sex and gender-based misconduct, and retaliation to the Title IX Coordinator at campus or Deputy Title IX Coordinator for JPL, as applicable.

An individual who has experienced sexual misconduct is encouraged to immediately seek assistance from a medical provider and report the incident to local law enforcement, which the confidential Campus Sexual Violence Advocate can coordinate and facilitate. Reports to Caltech and law enforcement may be pursued simultaneously.

If a member of the Caltech community would like support and guidance in reporting Prohibited Conduct, they may contact the Title IX Coordinator or a deputy coordinator, one of the deans or associate deans, the director of employee and organizational development in Human Resources, or the JPL section manager of talent management or Human Resources Business

Partners at JPL. They may also contact any of the EEO coordinators identified in the [Nondiscrimination and Equal Employment Opportunity Policy](#).

6.1 Title IX Coordinator

The Title IX Coordinator is responsible for coordinating Caltech's compliance with Title IX and for Caltech's overall response to Prohibited Conduct falling under Title IX. The Title IX Coordinator oversees the implementation and application of this policy and the related procedures to ensure the prompt and equitable resolution of complaints and the consistent treatment of the parties involved. The names and contact information for the Title IX Coordinator and Deputy Title IX Coordinators are provided in the Procedures for Complaints of Sexual Misconduct Under Title IX and the California Education Code.

6.2 Responsible Employees

A Responsible Employee is broadly defined to mean an employee who has the authority to take action to redress sexual harassment or provide supportive measures to students, or who has the duty to report sexual harassment to an appropriate school official who has that authority.

If an individual discloses Prohibited Conduct to any Responsible Employee, or if a Responsible Employee through any person or means, whether directly or indirectly, becomes aware of Prohibited Conduct (as defined below in III: Prohibited Conduct, Sections 13.0 and 14.0), they must report to the Title IX Coordinator all relevant details about the alleged conduct.

At Campus, Responsible Employees include but are not limited to:

- Title IX Coordinator, deputy coordinators for faculty, students, and staff, and associated staff in the Equity and Title IX Office
- All faculty members, teachers, instructors, and lecturers
- All deans and associate deans
- All Housing and Student Affairs directors and coordinators, including Residential Life Coordinators
- Resident Associates while performing the duties of employment
- Staff members with a supervisory or managerial role, whom Caltech has not designated as confidential resources
- Security officers
- All Athletics directors, coordinators, and coaches at all levels
- Employee Relations consultants
- Coaches of any student athletic or academic team or activity (e.g., employees who are club advisors, music coaches, etc.)
- Graduate student instructors, while performing the duties of employment
- Laboratory directors, coordinators, or principal investigators
- Internship or externship directors or coordinators
- Study-abroad program directors or coordinators

At Campus, the term Responsible Employee does not include Confidential Resources, including the licensed therapists in the Staff and Faculty Consultation Center and the Student Wellness Counseling Services, and the Campus Sexual Violence Advocate. These individuals are not required to report Prohibited Conduct to the Title IX Coordinator unless required by law to do so. However, these individuals shall inform anyone who provides them with information regarding

sexual harassment of their ability to report to Responsible Employees and direct them to those reporting resources. Confidential Resources on Campus include:

Student Wellness Services Counseling
1239 Arden Road
626-395-8331

Staff and Faculty Consultation Center
315 So. Hill Avenue
626-395-8360

Campus Sexual Violence Advocate
Center for Student Services, Room 168
626-395-4770

At JPL, the following are Responsible Employees:

- Deputy Title IX Coordinator for JPL and associated staff
- Supervisors and managers
- Employee Relations representatives
- Education Office staff
- Chief Scientist Office staff

At JPL, the term “Responsible Employee” does not include licensed therapists in JPL’s Employee Assistance Program provided through Empathia.

6.3 Anonymous Reporting

A report is considered anonymous if the reporting party does not share their name or contact information. If a reporting party chooses to provide their name or contact information, the report will not be considered anonymous, and, if applicable, they will receive information about support resources, reporting options, and notification of an investigation, if an investigation is pursued.

Caltech provides the following resources for anonymous reporting:

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

A reporting party may also use the [Report Form](#) on the Equity and Title IX Office website, which can be submitted anonymously by not filling in the contact information.

6.4 Notification of Law Enforcement as Required by California Law

Individuals who have experienced sexual assault, stalking, sexual exploitation, or domestic relationship, or dating violence are encouraged to notify local law enforcement. Caltech will provide assistance in notifying law enforcement if the individual so chooses. If the complainant chooses to notify law enforcement, they may seek the assistance of the Equity and Title IX Office. The Equity and Title IX Office is available to facilitate the contact with law enforcement and the scheduling of a meeting, if the complainant chooses to make a report. An individual who

has experienced sexual violence also has the right to decline to notify law enforcement or Caltech.

Caltech makes the following mandated reports of sexual misconduct to law enforcement: (a) incidents of sexual assault or sexual battery of a minor, as defined by California law; and (b) summary reports of incidents of sexual assault or sexual battery, under California Education Code Section 67383); however, Caltech will not report identifying information about the complainant without the complainant's consent after being notified of their right to have personally identifying information withheld. If the complainant does not consent to be identified, personally identifying information about the respondent also will not be provided.

Individuals may also engage with the confidential Campus Sexual Violence Advocate who can facilitate a report to law enforcement.

[Pasadena Police Department](#)

Call 911 for Emergency Response

Non-Emergency Response: (626) 744-4241

207 N. Garfield Ave., Pasadena, CA 91101

6.5 Amnesty Policy for Students

A student who participates as a complainant or witness in an investigation of sexual assault, dating violence, domestic violence, or stalking will not be subject to disciplinary sanctions for a violation of Caltech's student conduct policies at or near the time of the incident, including but not limited to the Substance Abuse policy, unless Caltech determines that the violation was egregious. Egregious violations include but are not limited to an action that places the health or safety of any other person at risk or involves conduct that violates Caltech's policies prohibiting discrimination or other serious misconduct like plagiarism, cheating, research misconduct, or other forms of academic dishonesty. Employee amnesty is at the discretion of the Title IX Coordinator and Employee Organizational Development.

7.0 Reports Involving Minors

Every member of the Caltech community who knows of or reasonably suspects child abuse or neglect, including any Prohibited Conduct involving a minor, has a personal responsibility to report the suspected child abuse or neglect to [Caltech Security](#) or the [JPL Protective Services Division](#) immediately.

Caltech employees who are mandated reporters have additional, legally required reporting obligations, including reporting immediately to the LA County Office of Child Protection and/or the local police department. See [Mandated Reporter Guidelines](#) and the [Violence Prevention Policy](#) for more information.

8.0 False Reports/Statements

Caltech expects its members to act with honesty, sincerity, and good faith in reporting concerns under this policy. Caltech will not tolerate intentional false reporting of information, allegations, or evidence. A good faith complaint that is not substantiated by a preponderance of the evidence after an investigation is not considered a false report.

However, when a complainant or third party is found to have intentionally fabricated or knowingly misrepresented information, allegations, or evidence, or otherwise to have acted with

an intent to deceive or mislead in any of their dealings relating to Caltech's administration of this policy, they may be subject to disciplinary action up to and including termination of employment, student expulsion, or being permanently excluded from Caltech-controlled premises.

9.0 Privacy

Caltech will maintain the privacy of all individuals involved in a report of Prohibited Conduct to the extent practicable. Throughout the process, every effort is made, at the discretion of the Title IX Coordinator, to protect the privacy interests of all individuals involved in a manner consistent with the need for a thorough review and administration of the matter.

No meetings or conversations that take place under this policy, the Procedures for Complaints of Sexual Misconduct, or the Procedures for Complaints of Unlawful Discrimination, Harassment, and Retaliation may be audio- or visually recorded by anyone. The only exception to this rule is that the Equity and Title IX Office, in compliance with Title IX, will record hearings conducted under the Title IX Complaint Procedures in order to provide a verbatim record of the hearing. These recordings will be maintained by the Equity and Title IX Office.

10.0 Contacting Government Agencies

Filing a complaint with a federal agency under Title IX must be done within 180 days of an alleged discriminatory or harassing event, and there is no requirement to exhaust remedies through (i.e., utilize or go through) Caltech's internal procedures before filing directly with a federal agency.

Employees, students, and others participating in Caltech's educational programs or activities may direct questions regarding Title IX to or file complaints with the U.S. Department of Education Office for Civil Rights, (202) 607-1600, ocr.seattle@ed.gov, or (800) 421-3481, OCR@ed.gov. In addition, employees may file complaints with the California Civil Rights Department at dfeh.ca.gov/contact-us or the United States Equal Employment Opportunity Commission (EEOC) at eeoc.gov. Complaints can also be directed to the Bureau for Private Postsecondary Education at bppe.ca.gov.

NASA-funded program participants may file a complaint at AssistedProgramComplaint@nasa.gov or find more information at missionstem.nasa.gov/filing-a-complaint.html. NSF-funded program participants may file a complaint with the Office of Diversity and Inclusion at programcomplaints@nsf.gov, (703) 292-8020, or find more information at nsf.gov/od/odi/harassment.jsp. Participants in programs funded by other federal agencies providing federal financial assistance to Caltech may file directly with those agencies.

11.0 Clery Reporting

The federal Clery Act requires Caltech to issue an [Annual Security and Fire Safety Report](#), which includes crime statistics for sexual assault (rape, and criminal sexual contact, incest, and statutory rape), domestic violence, dating violence, and stalking. Campus Security gathers these crime statistics from the Equity and Title IX Office, security reports, Pasadena Police Department information, JPL, and reports by Campus Security authorities. Crime statistics do not disclose any identifying information about the complainant, respondent, witnesses, or others and do not disclose any details of the incident. For more information and statistics for the past three years, see the current [Annual Security and Fire Safety Report](#).

SECTION III: PROHIBITED CONDUCT

12.0 Scope

This section sets out what conduct is Prohibited Conduct under this policy. For clarity, transparency, and administrative ease, this Section delineates sexual harassment prohibited under the federal Title IX regulations (Section 13.0) and under the California Education Code (Section 14.0). Additional misconduct prohibited by Caltech and other applicable law, including attempts and threats of Prohibited Conduct, is described in Section 15.0.

Reported behavior that does not constitute Prohibited Conduct under this policy but is nevertheless determined to be inappropriate pursuant to another applicable Caltech policy, such as the Unlawful Harassment and Abusive Conduct Policy, and may subject the offending individual to disciplinary action.

The Title IX Coordinator will determine whether reported Prohibited Conduct is covered under the sexual harassment provisions of Title IX or constitutes other Prohibited Conduct as described under this policy and will apply the appropriate procedures. Allegations of Title IX-covered (Section 13.0) and California Education Code-covered (Section 14.0) Prohibited Conduct will be addressed under the Procedures for Complaints of Sexual Misconduct ("Procedures"). Where multiple allegations of Prohibited Conduct are at issue, and the Title IX Coordinator determines that only a portion falls within the scope of Sections 13.0 and 14.0, all the allegations will be adjudicated under the Procedures for Complaints of Sexual Misconduct. Allegations of Prohibited Conduct falling exclusively under Section 15.0 will be addressed under Caltech's Procedures for Complaints of Unlawful Discrimination, Harassment, and Retaliation.

13.0 Sexual Misconduct under Title IX

Title IX prohibits sexual harassment if it meets the definitions set out in this section.

13.1 Definition of Sexual Harassment under Title IX

Sexual harassment means conduct, on the basis of sex, that satisfies one or more of the following: (1) an employee of Caltech conditioning the provision of an aid, benefit, or service of Caltech on an individual's participation in unwelcome sexual conduct; (2) unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to Caltech's education program or activity; or (3) sexual assault, dating violence, domestic violence, or stalking, as defined below.

13.1.1 Sexual assault means an offense classified as a sex offense under the uniform crime reporting system of the Federal Bureau of Investigation, as follows:

Any sexual act directed against another person without the consent of the victim, including instances where the victim is incapable of giving consent.

Rape: Penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, or by a sex-related object, without the affirmative consent of the victim. This definition includes instances in which the victim is incapable of giving consent because of temporary or permanent mental or physical incapacity (including due to the influence of drugs or alcohol) or because of age. Physical resistance is not

required on the part of the victim to demonstrate lack of consent. This definition excludes statutory rape.

Criminal Sexual Contact: The intentional touching of the clothed or unclothed body parts without consent of the victim for the purpose of sexual degradation, sexual gratification, or sexual humiliation. The forced touching by the victim of the actor's clothed or unclothed body parts, without consent of the victim for the purpose of sexual degradation, sexual gratification, or sexual humiliation.

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

Statutory Rape: Sexual intercourse with a person who is under the statutory age of consent, which in California is 18.

13.1.2 Dating and Domestic Violence

Dating violence means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with a complainant. The existence of such a relationship shall be determined based on the complainant's statement as well as consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. Dating Violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating Violence does not include acts covered under the definition of Domestic Violence.

Domestic violence means conduct, on the basis of sex, that constitutes a felony or misdemeanor crime of violence committed upon a victim who is (a) the offender's spouse or former spouse, (b) the offender's cohabitant or former cohabitant; or (c) the offender's fiancé or fiancée, or someone with whom the offender has, or previously had, an engagement or dating relationship; (d) the parent of the offender's child; or (e) any other victim who is protected under the domestic or family violence laws of the state where the domestic violence occurred.

13.1.3 Stalking means engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others; or suffer substantial emotional distress.

"Course of conduct" means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with the person's property. Making an audio or video recording of an individual without their consent is prohibited and may constitute stalking under this policy or the Violence Prevention Policy.

"Reasonable person" means a reasonable person under similar circumstances and with similar legally protected or other characteristics to the victim.

Stalking is also covered by the Violence Prevention policy and should be reported to the Equity and Title IX Office and Security at campus or the Protective Services Office at JPL.

13.2 Additional Requirements for Title IX Sexual Harassment

Title IX addresses sexual harassment in an education program or activity of Caltech against a person in the United States.

At the time of filing a formal complaint, a complainant must be participating in or attempting to participate in an education program or activity of Caltech. The term “attempting to participate” includes when a complainant has: (a) applied for admission; (b) graduated but intends to apply for a new program; (c) graduated but intends to participate in alumni programs and activities; (d) gone on leave but is still enrolled; (e) gone on leave but intends to re-apply after the leave; (f) withdrawn due to alleged sexual harassment and expresses a desire to re-enroll if Caltech responds appropriately to the allegations.

The term “education program or activity” includes buildings or other locations that are part of the school’s operations, including remote learning platforms; (a) locations, events, or circumstances, even if off-campus, over which Caltech exercised substantial control over both the respondent and the context in which the alleged sexual harassment occurred; and (b) any building, even if off-campus, owned or controlled by a student organization that is officially recognized by Caltech.

13.3 Limitation on Claiming Consent as a Defense to Sexual Harassment

When a consensual personal relationship arises and a power differential exists, Caltech does not consider consent as a defense to a claim of sexual harassment. The individual in the relationship with greater power will be held responsible.

14.0 Sexual Misconduct under the California Education Code

The California Education Code (CEC) prohibits sexual harassment if it meets any of the definitions of sexual assault, dating violence, domestic violence, and stalking under Section 13.0, and sexual harassment set out below in this section.

14.1 Definition of Sexual Harassment under the CEC

Sexual harassment means unwelcome sexual advances, requests for sexual favors, and other verbal, visual, or physical conduct of a sexual nature,¹ made by someone from or in the work or educational setting, under any of the following conditions:

- 1) Submission to the conduct is explicitly or implicitly made a term or a condition of an individual’s employment, academic status, or progress.

¹ “Verbal” sexual harassment includes but is not limited to unwelcome epithets, comments, or slurs of a sexual nature. “Visual” sexual harassment includes but is not limited to derogatory posters, cartoons, drawings, obscene gestures, or computer-generated images of a sexual nature. “Physical” sexual harassment includes but is not limited to assault, impeding or blocking movement, or any other physical interference with work or academic activities or movement when directed against an individual on the basis of sex.

- 2) Submission to, or rejection of, the conduct by the individual is used as the basis of employment or academic decisions affecting the individual.
- 3) The conduct has the purpose or effect of having a negative impact upon the individual's work or academic performance, or of creating an intimidating, hostile, or offensive work or educational environment.
- 4) Submission to, or rejection of, the conduct by the individual is used as the basis for any decision affecting the individual regarding benefits and services, honors, programs, or activities available at or through the educational institution.
- 5) Sexual violence, which means physical sexual acts perpetrated against a person without the person's affirmative consent, including rape and sexual battery.
- 6) Rape, which is defined as penetration, no matter how slight, of the vagina or anus with any part or object, or oral copulation of a sex organ by another person, without the consent of the victim.
- 7) Sexual battery, which means the (a) intentional touching, directly or through clothing, of another person's intimate parts without consent, (b) intentionally causing a person to touch the intimate parts of another, directly or through clothing, without consent, or (c) using a person's own intimate part to intentionally touch another person's body, directly or through clothing, without consent. "Intimate body" parts are the breast, genitals, groin, anus, or buttocks.
- 8) Sexual exploitation, which means a person taking sexual advantage of another person for the benefit of anyone other than that person without that person's consent, including, but not limited to, any of the following acts:
 - The prostituting of another person.
 - The trafficking of another person, defined as the inducement of a person to perform a commercial sex act, or labor or services, through force, fraud, or coercion.
 - The recording of images, including video or photograph, or audio of another person's sexual activity or intimate parts, without that person's consent.
 - The distribution of images, including video or photograph, or audio of another person's sexual activity or intimate parts, if the individual distributing the images or audio knows or should have known that the person depicted in the images or audio did not consent to the disclosure.
 - The viewing of another person's sexual activity or intimate parts, in a place where that other person would have a reasonable expectation of privacy, without that person's consent, for the purpose of arousing or gratifying sexual desire.

14.2 Limitation on Claiming Consent as a Defense to Sexual Harassment

When a consensual personal relationship arises and a power differential exists, Caltech does not consider consent as a defense to a claim of sexual harassment. The individual in the relationship with greater power will be held responsible.

15.0 Additional Conduct Prohibited by Caltech

This section describes additional misconduct prohibited by Caltech and under applicable law, but that is not subject to the Procedures for Complaints of Sexual Misconduct. Complaints of such Prohibited Conduct will be addressed under the Procedures for Complaints of Unlawful Discrimination, Harassment, and Retaliation.

15.1 Complicity

Complicity is any act that knowingly aids, facilitates, promotes, or encourages the commission of Prohibited Conduct by another person.

15.2 Violation of a Caltech 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).

15.3 Prohibition on Sex Discrimination

Sex- and Gender-Based Discrimination constitutes Prohibited Conduct under this policy.

Sex discrimination under Title IX occurs when a person in the United States, on the basis of actual or perceived sex, is excluded from participation in, or is denied the benefits of, or is subjected to discrimination, under any Caltech education program or activity. The term “education program or activity” encompasses all of the operations of Caltech.

Sex discrimination also includes unfavorable treatment on the basis of sex, gender, gender identity, gender expression, and sexual orientation.

Gender expression means a person’s gender-related appearance and behavior, whether or not stereotypically associated with the person’s assigned sex at birth.

15.4 Prohibition on Sex Harassment

Sex-based and gender-based harassment is harassment based on an individual’s actual or perceived sex, gender, gender identity, or gender expression, including harassing or bullying conduct based on the individual’s gender expression, gender identity, transgender status, gender transition, or nonconformity with sex stereotypes.

15.5 Prohibition on Relationships between Employees and Undergraduates

This policy prohibits sexual or romantic relationships between an undergraduate student and a faculty member, postdoctoral scholar, or staff member. Any Responsible Employee who becomes aware of such a relationship is expected to report it immediately to the Title IX Coordinator. The non-undergraduate party in the relationship will be held responsible for Prohibited Conduct violating this policy, regardless of whether a complaint is filed.

15.6 Prohibition on Evaluative Responsibilities in Certain Circumstances

Even when relationships are consensual, care must be taken to eliminate the potential for harassment or other conflicts. Caltech practice, as well as more general ethical principles, prohibits individuals, including Teaching Assistants, from participating in evaluating the work or academic performance of those with whom they have romantic and/or sexual relationships, or from making hiring, salary, or similar decisions regarding those individuals. Upon learning about a consensual relationship involving such a power differential, the supervisor, dean, or division chair should immediately notify the Title IX Coordinator and, in consultation with the Title IX Coordinator, should review and remedy any direct administrative or academic relationship between the involved individuals. The individual with greater power may be subject to disciplinary action for a violation of this prohibition.

15.7 Prohibition on Inequitable Treatment Stemming from Consensual Relationships

Even when relationships are consensual, care must be taken to eliminate the potential for harassment or other conflicts. If a consensual relationship exists, it is not acceptable to treat the individual in the relationship more favorably than other similarly situated individuals in the context of employment or academic performance.

15.8 Prohibition on Uncompleted Attempts or Threats of Prohibited Conduct

To the extent that uncompleted attempts or threats of Prohibited Conduct are not covered in Sections 13.0 and 14.0 of this policy, they are covered in Section 15.0. Threats of Prohibited Conduct may also constitute retaliation under this policy.

15.9 General Caution about Maintaining Appropriate Professional Boundaries

All members of the Caltech community should maintain respectful and professional boundaries with one another. This is particularly important when Caltech employees, whether faculty, postdoctoral scholars, or staff, interact with their subordinates, or with graduate and undergraduate students, due to the power differential that exists between them.

While certain conduct may not constitute Prohibited Conduct, it can create situations where students or others feel uncomfortable but reluctant to voice that sentiment. Depending on the circumstances, such situations may include hosting students at private homes, sharing lodging on academic-related trips (e.g., conferences, field trips), wearing swimsuits (e.g., marine research outing), and any interaction where alcohol is consumed (e.g., dinners at conferences, field trips, holiday parties).

Caltech encourages employees and other community members to think carefully about maintaining appropriate professional boundaries at all times, to state their boundaries as appropriate, and to consider seeking guidance from the Title IX Coordinator.

16.0 Affirmative Consent

Consent is a key component of various definitions of Prohibited Conduct. Affirmative consent is the standard of consent in Caltech's policy. A minor under the age of eighteen (18) is deemed

to be incapable of providing affirmative consent under this policy. Affirmative consent is the affirmative, conscious, and voluntary agreement to engage in sexual activity.

- It is the responsibility of each person involved in the sexual activity to ensure that they have the affirmative consent of the other person(s) to engage in the sexual activity.
- Lack of protest or resistance does not mean consent, nor does silence mean consent.
- Affirmative consent must be ongoing throughout a sexual activity and each time sexual activity is engaged in, and it can be revoked at any time. Sexual contact must cease immediately once consent is withdrawn and clearly communicated. Consent to one form of sexual activity is not, by itself, consent to other forms of sexual activity.
- The existence of a dating relationship between the persons involved, or the fact of any past sexual activity between them, should never by itself be assumed to be an indicator of consent.

It is not a valid excuse in response to an alleged lack of affirmative consent that the respondent believed that the complainant consented to the sexual activity under either of the following circumstances:

- The respondent's belief in affirmative consent arose from the intoxication or recklessness of the respondent.
- The respondent did not take reasonable steps, in the circumstances known to the respondent at the time, to ascertain whether the complainant affirmatively consented.

It is not a valid excuse that the respondent believed that the complainant affirmatively consented to the sexual activity if the respondent knew or reasonably should have known that the complainant was unable to consent to the sexual activity under any of the following circumstances:

- The complainant was asleep or unconscious.
- The complainant was incapacitated due to the influence of drugs, alcohol, medication, or otherwise (such as a temporary or permanent mental or physical condition), such that the complainant could not understand the fact, nature, or extent of the sexual activity. A person who is incapacitated is not capable of giving effective consent to sexual activity. In evaluating affirmative consent in cases involving an allegation of incapacitation, Caltech considers the state and degree of intoxication of the reporting party and the knowledge of the respondent.
- The complainant was unable to communicate due to a mental or physical condition.

One's own intoxication, even to the point of incapacitation, does not relieve an individual from responsibility for a policy violation when they engage in sexual conduct without the affirmative consent of the other party or parties. However, a respondent who was incapacitated during sexual conduct has the right to file a formal complaint alleging they were incapacitated and unable to consent to the reported sexual activity.

17.0 Informational Resources

Information on Prohibited Conduct, as well as copies of Caltech's Sex Discrimination; Nondiscrimination and Equal Employment Opportunity; Unlawful Harassment; and Violence Prevention policies are available from the following resources:

At Campus: Caltech's Title IX Coordinator and deputy Title IX Coordinators, Caltech's EO Coordinators, Human Resources, Student Affairs, the Deans' Offices, the Caltech Center for Inclusion and Diversity, Resident Associates, the Staff and Faculty Consultation Center, and Employee and Organizational Development.

At JPL: JPL's deputy Title IX Coordinator, EO Coordinator, and Human Resources Business Partners.

The policies are published in the [Caltech Catalog](#) and on the following Caltech and JPL websites: [JPL Human Resources](#), [Equity and Title IX Office](#), and [Student Affairs](#).

Related Policies and Procedures:

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



Thomas F. Rosenbaum
President

APPENDIX: SUPPORT RESOURCES

Your safety is important. If you have an immediate safety, medical, or mental health concern, please contact the following resources.

Resource	Contact Information	Type of Resource	Confidential
Safety Resources			
Campus Security	(626) 395-5000 24/7	Safety situations, contact mental health and/or law enforcement resources, and provide transportation vouchers to off-campus resources. Security can contact the caller's choice of a confidential or other resource.	No
Pasadena Police Department	911 (626) 744-4241 24/7	Local law enforcement.	No
JPL Protective Services Division	(818) 393-3333 (818) 354-3333 24/7	Safety situations, contact mental health and/or law enforcement resources and arrange for transportation to off-campus resources. Security can contact the caller's choice of a confidential or other resource.	No
On-Campus Mental Health and Emotional Support Resources			
Campus Sexual Violence Advocate	(626) 395-4770 M-F 9-6	Sexual violence support resource for crisis response, case management, and advocacy.	Yes
Student Wellness, Counseling Services	After-hours crisis support available 24/7: (626) 395-8331, and press "2" when prompted, please stay on the line M-F 8-5, after hours	Individual psychotherapy and counseling, consultation, referrals, psychiatric evaluation and medication, and crisis intervention for students.	Yes
Staff and Faculty Consultation Center	(626) 395-8360 M-F 8-5	Professional counseling services for staff, faculty, and postdocs.	Yes
Caltech Center for Inclusion and Diversity	(626) 395-6207 M-F 9-5, or by appt.	Support resource for students; not required to report complaints to Equity and Title IX Office.	No
Empathia/Life Matters for JPL employees	(800) 367-7474 24/7	Mental health resource and can contact mylifematters.com (password: JPL).	Yes

Resource	Contact Information	Type of Resource	Confidential
Off-Campus Mental Health and Emotional Support Resources			
Peace Over Violence	892 N. Fair Oaks Avenue, Suite D Pasadena, CA 91103 (626) 584-6191 M-F 9-5:30, after hours (626) 793-3385 (24-hour line)	24-hour emergency services offer victims of sexual assault, domestic violence, and stalking emotional support, information, and compassion, as well as accompaniment, referral, and advocacy services.	Yes
Medical Resources		Note that medical providers (but generally not psychological counselors) must notify the police regarding assaultive or abusive conduct, including sexual assault.	
Caltech Student Wellness Services	After-hours crisis support available 24/7: (626) 395-8331, and press "2" when prompted, please stay on the line M-F 8-5, after hours	Medical consultation, lab and radiology services, pharmacy, women's health and sexual health services.	Yes
Huntington Health (formerly Huntington Memorial Hospital)	100 W. California Blvd., Pasadena, CA 91105 (626) 397-5112 24/7	Emergency and trauma services. Social workers available to provide counseling as needed.	Yes
The Rape Treatment Center at Santa Monica -UCLA Medical Center	(424) 259-7208 www.uclahealth.org/rtc 24/7	24-hour emergency medical treatment for victims of sexual assault, including forensic services ("rape kit").	Yes
San Gabriel Valley Medical Center Sexual Assault Response Team (SART)	438 W. Las Tunas Dr. San Gabriel, CA 91776 (626) 289-5454 (SART) Hotline: (877) 209-3049 24/7	24-hour medical care, emotional support, and comprehensive exams including forensic evidence collection (the "rape kit"). Immediate connection to on-call nurse for sexual assault services.	Yes
Planned Parenthood Pasadena and San Gabriel Valley	1045 N. Lake Ave Pasadena, CA 91104 (626) 798-0706 M: 8:30-4:30, T: 7:00-3:30, W/TH: 11-7, F: 8:30-4:30, S: 8-4	Health clinic for emergency contraception, pregnancy resources, health and wellness, birth control, and family planning.	Yes
National Hotlines			
National Suicide Prevention Lifeline	988 or (800) 273-8255 24/7	Provides free and confidential emotional support to people in suicidal crisis or emotional distress 24 hours a day, 7 days a week, across the United States. The Lifeline is comprised of a	Yes

Resource	Contact Information	Type of Resource	Confidential
		national network of over 170 local crisis centers, combining custom local care and resources with national standards and best practices.	
National Sexual Assault Hotline- RAINN (Rape Abuse and Incest National Network)	(800) 656-4673 24/7	RAINN created and operates the National Sexual Assault Hotline, accessible 24/7. The organization works closely with more than 1,000 local sexual assault service providers to offer confidential support services to survivors, regardless of where they are in their recovery.	Yes
National Domestic Violence Hotline	(800) 799-7233 24/7	Operates 24/7, confidential and free of cost, and provides lifesaving tools and immediate support to enable victims to find safety and live lives free of abuse. Callers can expect highly trained, experienced advocates to offer compassionate support, crisis intervention information, educational services, and referral services in more than 200 languages.	Yes