

## Unlawful Harassment

It is the policy of Caltech to provide a work and academic environment free of unlawful harassment (“harassment”). Harassment is the creation of a hostile or intimidating environment in which inappropriate conduct, because of its severity and/or persistence, is likely to interfere with an individual’s work or education, or adversely affects an individual’s living conditions. **Harassment in any form, based on sex, race, color, age, national origin, ethnicity, ancestry, physical or mental disability, medical condition, genetic information, pregnancy, marital status, religion, gender, gender expression or gender identity, sexual orientation, military or veteran status, or any other characteristic protected by state or federal laws (“protected characteristics”), is unlawful and is strictly prohibited, as are all forms of sexual intimidation, exploitation, and violence.** Caltech is committed to educating the community in ways to prevent its occurrence. Complaints concerning sexual and gender-based discrimination and harassment and sexual misconduct are governed by the [Sexual and Gender-based Discrimination and Harassment and Sexual Misconduct Policy](#).

Harassment becomes unlawful where 1) enduring the offensive conduct becomes a condition of continued employment, or 2) the conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile, or abusive. Anti-discrimination laws also prohibit harassment against individuals in retaliation for filing a discrimination claim, testifying, or participating in any way in an investigation, proceeding, or lawsuit under these laws; or opposing employment practices that they reasonably believe discriminate against individuals, in violation of these laws.

Petty slights, annoyances, and isolated incidents (unless extremely serious) will not rise to the level of illegality. To be unlawful, the conduct must create a work environment that would be intimidating, hostile, or offensive to reasonable people.

Offensive conduct may include, but is not limited to, offensive jokes, slurs, epithets or name calling, physical assaults or threats, intimidation, ridicule or mockery, insults or put-downs, offensive objects or pictures, and interference with work performance.

Caltech will conduct a fair, timely, and thorough investigation into complaints within the scope of this policy to determine what occurred and take reasonable steps to remedy the effects of any harassment and prevent recurrence of the behavior. Caltech provides all parties with appropriate due process and reaches reasonable conclusions based on the evidence collected. Caltech takes appropriate action, including disciplinary measures, when warranted. Caltech requires any employee, who is 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 abusive conduct, consistent with federal and state legal requirements.

Behavior evidently intended to dishonor protected characteristics such as race, gender expression or identity, national origin or ethnic group, religious belief, sexual orientation, age, or disability is contrary to the pursuit of inquiry and education and may be discriminatory harassment and violate the law. Some kinds of behavior that are clearly intended to harass, while inappropriate and not tolerated at Caltech, may not be unlawful. These types of behavior may be dealt with through the student disciplinary process or through supervisory intervention, including the Caltech progressive disciplinary process. However, in order to make an accurate judgment as to whether incidents are unlawful, the full context in which the

actions were taken or statements made must be considered. Every complaint is considered based on the totality of the circumstances. A single incident, if unusually severe, may constitute harassment. The following are examples of behaviors that may constitute harassment:

- An adviser tells a student not to take a certain course because the adviser says that other minority students have had difficulty in the course.
- A disabled individual is not included in an off-site outing because of lack of mobility.
- A supervisor assigns only menial tasks to a minority staff member whose job and qualifications merit more complex work.
- A student tells racially offensive jokes within a study group session with other students.
- An individual is ostracized from group activities because of their national origin.
- Making or using derogatory comments, epithets, slurs or jokes based on age.

### **Scope**

This policy applies to all members of the Caltech community (students, faculty, supervisory and nonsupervisory staff, postdoctoral scholars, volunteers, interns, vendors, independent 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.

Members of the Caltech community are encouraged to report unlawful harassment regardless of where the incident occurred or who committed it (*i.e.*, a stranger or non-stranger). Even if Caltech does not have jurisdiction over the person accused of harassment, Caltech will still take prompt action and reasonable steps to remedy the effects of the harassment and prevent any reoccurrence of the behavior.

### **Prohibition against Retaliation**

No member of the Caltech community will be retaliated against for making a good-faith report of harassment or for participating in an investigation or proceeding conducted by Caltech, or by a state or federal agency. Overt or covert acts of retaliation, reprisal, interference, discrimination, intimidation or harassment against an individual or group for exercising their rights under federal and state laws is unlawful. Caltech will take steps to prevent retaliation and will take prompt and appropriate corrective action if retaliation occurs. Individuals who violate this policy may be subject to disciplinary action up to and including termination of employment or permanent separation from Caltech.

### **Privacy**

Caltech will maintain the privacy of all individuals involved in a report of harassment to the extent possible. Privacy generally means that information related to a report of harassment will only be shared with those individuals who have a "need to know." These individuals will be discreet and will respect the privacy of all individuals involved.

### **Confidentiality**

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

## Confidential Resources

Caltech offers members of the Caltech community the choice of seeking confidential counseling outside Caltech's formal mechanisms for resolving unlawful harassment 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. Confidential resources generally will not share information without the express permission of the individual. Members of the Caltech community may access the offices below for confidential support. Counselors and designated confidential advocates in these offices will listen and help identify options and next steps. Talking to any of these staff members does not constitute reporting an incident to Caltech.

An individual who has experienced unlawful harassment, who at first requests confidentiality, may later decide to file a complaint with Caltech. The 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 Counseling Center and the Staff and Faculty Consultation Center 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:

- For students:  
(626) 395-8331 [Student Counseling Center](#)  
(626) 395-5000 after hours via Security
- For faculty, campus staff, and postdoctoral scholars:  
(626) 395-8360 [Staff and Faculty Consultation Center](#)  
(626) 395-5000 after hours via Security
- For JPL employees:  
(800) 367-7474 [Empathia](#) identify yourself as a JPL employee  
<http://www.mylifematters.com/> (Password: JPL)

Other Confidential resources are:

- [Caltech Center for Diversity](#) (students): (626) 395-3221 or (626) 395-8108
- Sexual Misconduct Prevention Coordinator (students): (626) 395-2961
- Campus Hotline: (626) 395-8787 or (888) 395-8787
- JPL Ethics Hotline: (818) 354-9999

## Reporting to Caltech

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 contact Caltech immediately. To report a claim or request any assistance and guidance, contact the Office and Equity and Title IX at campus or the JPL Employee Relations Group at JPL. The following individuals have been designated as Equal Employment Opportunity Coordinators (EEO Coordinators): the Provost is the coordinator for faculty, the Assistant Vice President for Equity and Equity Investigations is the coordinator for campus staff 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 Director 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 has been designated as Caltech's Title IX Coordinator. The

contact number is (626) 395-3132, email: [TitleIXCoordinator@caltech.edu](mailto:TitleIXCoordinator@caltech.edu), or the office in Room 205, Center for Student Services.

Any person in a supervisory role must report any complaints of unlawful harassment of which they become aware to one of the designated EEO Coordinators listed above

If a member of the Caltech community would like support and guidance in filing a complaint, they may contact one of the Deans or Associate Deans, the Assistant Vice President for Equity and Equity Investigations in Human Resources, JPL's Manager of Employee Relations, or the JPL Section Manager of Talent Management or Human Resources Business Partners at JPL. They may also contact the EEO Coordinators identified above.

### **Anonymous Reporting**

Although Caltech encourages victims to talk to someone, Caltech provides the following resources for anonymous reporting:

Campus 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](#)

[Campus Security](#) can also receive anonymous reports of sexual violence at (626) 395-5000.

Contacting one of these anonymous reporting resources may trigger an investigation, and if the reporting party shares personally identifying information, they will be notified if an investigation occurs.

### **Contacting the Outside Agencies**

In addition, employees who believe they have been unlawfully harassed have the right to file a complaint with the federal [Equal Employment Opportunity Commission](#) or the [California Department of Fair Employment and Housing](#) 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 (415) 486-5555, [ocr.sanfrancisco@ed.gov](mailto:ocr.sanfrancisco@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 <http://bppe.ca.gov>.

## Informational Resources

Information on unlawful harassment, as well as copies of Caltech's Nondiscrimination and Equal Employment Opportunity, Unlawful Harassment, and Sexual Misconduct, 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 Diversity, Resident Associates, the Staff and Faculty Consultation Center, 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](#), [Title IX](#), and [Student Affairs](#).

Related Policies and Procedures:

- [Nondiscrimination and Equal Employment Opportunity](#)
- [Procedures Regarding Unlawful Harassment](#)
- [Sexual and Gender-based Discrimination and Harassment and Sexual Misconduct Policy](#)
- [Violence Prevention](#)



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