

Unlawful Harassment

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Policy

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 affect adversely 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.

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, including sexual 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, 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 sexual harassment. Some examples of such behaviors that may constitute harassment:

- Unwanted sexual advances.
- Offering employment or academic benefits in exchange for sexual favors.
- Making or threatening reprisals after a negative response to sexual advances.
- Making sexual gestures.
- An adviser tells a minority 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.
- An older employee is disciplined for insubordination when the same conduct is tolerated from a younger employee.
- A student tells racially offensive jokes within a study group session with other students.
- A manager offering a job promotion only if the subordinate agrees to a date with the manager.

Sexual Harassment is a Form of Unlawful Harassment

Sexual harassment is a form of sex discrimination and is unlawful, violating Title VII of the Civil Rights Act of 1964, as amended, Title IX of the Education Code, and California law. All individuals are protected against sexual harassment regardless of gender, sexual orientation, gender identity or gender expression. Sexual harassment can be committed by individuals of any gender, regardless of an individual's sexual orientation, gender identity, gender expression, or sexual orientation, and can occur between individuals of the same gender or different genders, strangers or acquaintances, as well as people involved in intimate or sexual relationships. Sexual harassment by peers, coworkers, managers or third parties such as nonemployees, vendors, or contractors is a form of prohibited sex discrimination where the objectionable conduct creates a hostile educational or work environment.

Sexual harassment is defined as pervasive and/or severe unwelcome sexual advances, requests for sexual favors, and other conduct of a sexual nature, by a stranger or non-stranger, when:

Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or education; or

Submission to or rejection of such conduct by an individual is used as the basis for decisions affecting that individual; or

Such conduct has the purpose or effect of unreasonably interfering with an individual's performance or creating an intimidating, hostile, or offensive environment.

Sexual harassment is prohibited regardless of the sex of the harasser, *e.g.*, even where the harasser and the person being harassed are members of the same sex.

Examples of Sexual Harassment

Some examples of conduct that may constitute sexual harassment are:

- Using Caltech resources (including electronic resources) or time to create or obtain sexually explicit materials that are not directly related to legitimate business of Caltech.
- Ostracizing individuals from group activities because of their sex, gender or identity or because they objected to harassing behavior.
- Downloading, viewing, and/or sharing of pornography.
- Making or using derogatory comments, epithets, slurs, or jokes of a sexual nature.
- Surreptitiously taking pictures or videos of an individual's body for sexual purposes.
- Verbal abuse of a sexual nature, graphic comments about an individual's body, sexually degrading words used to describe an individual, suggestive or obscene communications.
- Unwelcome, intentional, and/or repeated touching of a sexual nature.

Even when relationships are consensual, care must be taken to eliminate the potential for harassment or other conflicts. It is not acceptable to treat other similarly situated individuals, who are not in the consensual relationship, less favorably. Caltech practice, as well as more general ethical principles, prohibits individuals from participating in evaluating the work or academic performance of those with whom they have amorous and/or sexual relationships, or from making hiring, salary, or similar decisions regarding those individuals. Sexual or romantic relationships between an undergraduate student and a faculty or staff member are not permitted.

Upon learning about a relationship that violates this policy, the supervisor, dean, or division chair has the authority and responsibility to review and remedy any direct administrative or academic relationship between the involved individuals.

When a consensual personal relationship arises and a power differential exists, consent may not be considered a defense in a claim that Caltech's unlawful harassment policy has been violated. The individual in the relationship with greater power will be held responsible.

Scope

This policy applies to all students, 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 regularly or temporarily employed, studying, living, visiting, or otherwise participating in Caltech's educational programs and activities. This policy applies to conduct occurring on Institute controlled property, at Institute sponsored events and in Institute programs.

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.

As used in this policy and the accompanying procedures, a complainant refers to the individual who allegedly is the subject of harassment. A respondent refers to the individual who allegedly committed the harassment. A third party refers to any other participant in the process, including a witness to the incident or an individual who makes a report on behalf of someone else.

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, proceeding, or hearing 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 Title IX or other 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 the Institute.

Title IX Coordinator & Deputy Coordinators

The Title IX Coordinator is responsible for coordinating Caltech's compliance with Title IX and for Caltech's overall response to conduct falling under Title IX. The Title IX Coordinator oversees all Title IX complaints, monitors outcomes, issues, addresses any patterns or systemic problems that arise, and assesses effects on the campus climate. The Title IX Coordinator also oversees the application of Caltech's policies within the scope of Title IX, implementation of the processes and procedures, and coordinates Caltech's response to all complaints under Title IX to ensure consistent treatment of parties' involved and prompt and equitable resolution of complaints. The Title IX Coordinator is supported by three Deputy Coordinators, all of whom can answer questions regarding Title IX.

Title IX Coordinator

Felicia Hunt (faculty, staff, JPL, postdoctoral scholars, and students)

Phone: (626) 395-3132

E-mail: TitleIXCoordinator@caltech.edu

Office: 205 Center for Student Services

After hours: Contact Caltech Security **(626)395-5000**. Ask to have the on-call confidential resource paged.

Contact information for the Deputy Title IX Coordinators is available in the attached Procedures and at:

<http://titleix.caltech.edu/coordinator>.

Privacy

Caltech will maintain the privacy of all individuals involved in a report of harassment to the extent possible. Caltech takes reasonable and appropriate steps to protect the complainant's and respondent's privacy and protect the confidentiality of information. All Caltech employees who are involved in the Institute's response to harassment, including the Title IX Coordinator, Deputy Coordinators, and investigators, receive specific instruction about respecting and safeguarding private information. Throughout the process, every effort is made to protect the privacy interests of all individuals involved in a manner consistent with the need for a thorough review of the matter.

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.

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. They can also help the individual who has experienced sexual assault decide what plan of action feels more comfortable. Talking to any of these staff members does not constitute reporting an incident to Caltech. Although they are not involved in Caltech's formal response to an incident, or possible legal action, staff members in each of these offices are available to provide support to a complainant or a respondent as they move through the steps related to either or both of these processes. Staff in these offices may be able to help them develop a clear statement that contains all of the

relevant information regarding the matter, or may recommend that they speak with another campus office for additional specialized services or resources, including how to obtain a protective order.

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.

If an individual who has experienced unlawful harassment speaks with a mental health professional or other confidential resources and requests confidentiality, Caltech will be unable to conduct an investigation into the particular incident or pursue disciplinary action against the person accused of unlawful harassment.

Even so, these confidential resources will assist the individual who has experienced sexual harassment in receiving other necessary protection and support, such as victim advocacy, academic support or accommodations, disability, health or mental health services, and changes to living, working or course schedules. 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

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 [JPL Employee Assistance Program](#) (let them know you are a JPL employee) <http://www.mylifematters.com/> (Password: JPL)
(818) 354-3333 after hours via [JPL Protective Services Division](#)
(818) 393-3333

Other Campus Confidential Resources

Designated confidential resources in the [Caltech Center for Diversity](#) and the Sexual Misconduct Prevention Coordinator's Office can generally talk to a complainant or respondent without revealing any personally identifying information about an incident to Caltech. A complainant can seek assistance and support from these individuals for incidents without triggering a Caltech investigation that could reveal the complainant's identity or that the complainant has disclosed the incident.

While maintaining a complainant's confidentiality in cases involving allegations of harassment, the Caltech Center for Diversity and the Sexual Misconduct Prevention Coordinator's Office will report the nature, date, time and general location of an incident to the [Title IX Coordinator](#). This limited report, which includes no information that directly or indirectly identifies the complainant, helps keep the [Title IX Coordinator](#) informed of the general extent and nature of sexual harassment on- and off-campus so that the coordinator can track patterns, evaluate the scope of the program and formulate appropriate campus-wide responses. These confidential resources will report aggregate statistics (with no identifying information) if required for inclusion in Caltech's Annual Security Report.

- [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
- JPL Protective Services Division's Workplace Violence Hotline: (818) 393-2851

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. A list of responsible individuals to whom violations of this policy can be reported follows.

When an individual tells a responsible employee about an incident of sexual harassment covered by Title IX, the responsible employee must report to the Title IX Coordinator or a Deputy Title IX Coordinator the relevant details of the alleged sexual harassment. Any person in a supervisory role must report any complaints of sexual harassment of which they become aware to one of the designated coordinators listed herein.

Caltech is committed to protecting the privacy of all individuals involved in a report of sexual harassment. All employees involved in a response to a report of sexual harassment understand the importance of properly safeguarding private information. Caltech will make every effort to protect individuals' privacy interests consistent with Caltech's obligation to investigate reports made to Caltech.

The following individuals are responsible employees for reporting purposes.

Campus Responsible Employees:

Title IX Coordinator and Deputy Coordinators
Chief of Security
Director of Security Operations
Security Officers
President
Provost
Vice Provosts
Division Chairs
Division Administrators
Vice Presidents
Associate Vice Presidents

Assistant Vice Presidents
Deans
Associate Deans
Director of Athletics, Physical Education and Recreation
Director of Financial Aid
Registrar
Executive Director of Admissions and Financial Aid
Senior Director, Student Programs and Activities
Director of Fellowships Advising and Study Abroad, and Career Development Center
Senior Director of Dining Services
Director of Housing
Master of Student Houses
Residence Life Coordinators
Resident Associates
Coaches
Director of Employee & Organization Development
Employee Relations Consultants
Supervisors and Managers
Faculty members who supervise a research laboratory or group, or who have administrative responsibilities

JPL Responsible Employees:

Title IX Coordinator and Deputy Coordinator
JPL Protective Services Group Supervisor, Investigations
Vice President and Director of JPL
Deputy Director of JPL
Director for Human Resources
Deputy Director for Human Resources
Assistant Director for Human Resources
Talent Acquisition Section Manager
Human Resources Business Partners
Supervisors and Managers

If a member of the Caltech community would like support and guidance in filing a complaint, they may contact the Title IX Coordinator or a Deputy Coordinator, one of the Deans or Associate Deans, the Director of Employee & Organization Development in Human Resources, or the JPL Section Manager of Talent Management or Human Resources Business Partners at JPL. They may also contact the EEO Coordinators identified in the [Nondiscrimination and Equal Employment Opportunity Policy](#).

No member of the Caltech community will be retaliated against for making a good-faith report of alleged harassment or for participating in an investigation, proceeding, or hearing conducted by Caltech, or by a state or federal agency.

Requests for Confidentiality or that Complaint not be Pursued

In matters falling under Title IX, if a member of the Caltech community discloses an incident to a responsible employee but requests that his or her name not be used or requests that no investigation into a particular incident be conducted or that no disciplinary action be taken, Caltech must weigh the request against its obligation to provide a safe, non-discriminatory environment.

The Title IX Coordinator or designee will evaluate all requests for confidentiality once a responsible employee is on notice of the alleged sexual harassment. Factors that the Title IX Coordinator or designee will consider include circumstances that suggest there is an increased risk of the accused committing additional acts of sexual violence or other violence. Factors may also include circumstances that suggest there is an increased risk of future acts of sexual violence under similar circumstances, whether there was a weapon

involved, the age of a student victim, and whether there are other means to obtain relevant evidence. In matters not falling under Title IX, the appropriate EEO Coordinator will make the evaluation.

Caltech will take all reasonable steps to investigate or otherwise determine what occurred and respond to the complaint consistent with the request not to use the complainant's name or request not to pursue an investigation or that no disciplinary action be taken, but its ability to do so may be limited based on the nature of the request by the complainant.

The Title IX Coordinator or EEO Coordinator, as appropriate, will inform the complainant about Caltech's chosen course of action, which may include Caltech seeking disciplinary action against the respondent. Alternatively, the course of action may also include steps to limit the effects of the alleged sexual harassment and prevent its recurrence that do not involve formal disciplinary action against the respondent or revealing the identity of the complainant.

If the complainant insists that his or her name not be disclosed to the respondent, the Title IX Coordinator will explain that Caltech's ability to respond may be limited, including pursuing disciplinary action against the person accused of sexual harassment. The Title IX Coordinator will also advise the complainant that Caltech and Title IX prohibit retaliation, and that Caltech will take steps to prevent retaliation and responsive corrective action if it occurs. If the complaint includes allegations that may constitute a possible crime, the complainant will be notified of his or her right to choose whether to file a criminal complaint.

Reports Involving Minors

Every member of the Caltech community, who knows of, or reasonably suspects, child abuse, including sexual harassment, has a personal responsibility to report the incident to [Caltech Security](#) or the [JPL Division of Protective Services](#) immediately. Caltech employees who are mandatory reporters have additional reporting obligations, including reporting immediately to LA County Child Protection or the local police department. See the [Violence Prevention Personnel Memorandum](#) for more information.

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 or (800) 421-3481 or OCR@ed.gov.

Informational Resources

Information on unlawful harassment, as well as copies of Caltech's Nondiscrimination and Equal Employment Opportunity, Unlawful Harassment, and Sexual Violence Policies, and the Violence Prevention Personnel Memorandum 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 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](#).



Thomas F. Rosenbaum
President

Procedures for Investigating and Resolving Unlawful Harassment Complaints at Caltech

These procedures apply to complaints of unlawful harassment (“harassment”). There are several courses of action available to address complaints of harassment, each with different consequences and implications with respect to confidentiality and resultant action. These options are not mutually exclusive. The complainant may choose which course to follow and may submit a formal complaint at any time. Caltech will conduct a fair, timely and thorough investigation that provides all parties with appropriate due process to ensure that the parties receive notice and an opportunity to be heard as described in these procedures.

These procedures are for the benefit of the Caltech community and do not apply in cases involving complainants and/or respondents who are not current Caltech students, faculty, staff, postdoctoral scholars, volunteers, and interns. When a complaint involves a third party who is not affiliated with Caltech, Caltech’s ability to investigate and take action against the person accused of harassment may be limited. However, in all cases, Caltech will conduct an inquiry into what occurred and take prompt action as is practicable to provide for the safety and well-being of the complainant and the campus community.

Prohibition Against Retaliation

Retaliation against any member of the Caltech community involved in the process of responding to and resolving a report of harassment, including complainants, respondents and third parties, is strictly prohibited. Caltech recognizes that retaliation can take many forms, may be committed by or against an individual or group, and that a complainant, respondent or third party may commit or be the subject of retaliation. Caltech will take steps to prevent retaliation and will take prompt and appropriate corrective action to stop retaliation if it occurs. Any acts of retaliation should immediately be reported to the Title IX Coordinator or Deputy Title IX Coordinator for Title IX cases, for other complaints at campus, to the Provost, or Division Chair, Dean or Associate Dean, or Employee and Organizational Development (EOD) Director; or for JPL, the Section Manager, Talent Management.

False Reports

Caltech will not tolerate intentional false reporting of incidents. A good-faith complaint that results in a finding of “no violation” is not considered a false report. However, when a complainant or third party is found to have fabricated allegations or to have given false information with malicious intent or in bad faith, they may be subject to disciplinary action.

Amnesty for Student Alcohol or Drug Use

Caltech encourages reporting of harassment, including sexual harassment. It is in the best interests of the Caltech community that complainants and third parties report sexual harassment to Caltech. To encourage reporting, a complainant or witness in an investigation will not be subject to disciplinary action for violation of Caltech’s Substance Abuse Policy in connection with the incident, unless Caltech determines that the violation endangered the health or safety of any other persons.

Making a Report to Caltech

A member of the Caltech community who wishes to report unlawful harassment should do so as soon as possible, although reports (hereinafter “complaints”) may be made at any time. Complaints can be made orally or in writing. Complaints should be brought to the attention of one of the individuals or other responsible employees listed in the Policy.

Informal Options

Individuals who believe they have been harassed may choose to resolve their concerns informally. In general, the goal of the informal options is to quickly end offending behavior without utilizing disciplinary action. Individuals with an official status at Caltech, such as faculty, managers, or supervisors, are expected to follow up with the complainant to make sure that the issue has indeed been resolved. Mutually agreeable administrative changes are sometimes possible to ease an uncomfortable situation. Individuals are not required to try to resolve their concerns informally before making a formal complaint.

Complainants should consider at the outset whether such changes might be desirable. Informal options include:

- Talking personally with the offending individual, or writing a letter asking they stop. This is a personal step taken solely among the relevant parties.
- Speaking to members of the Student Counseling Center, the Staff and Faculty Consultation Center, or the Caltech Center for Diversity on campus and the JPL Employee Assistance Program/Life Matters at JPL. Such conversations are confidential and are not communicated to individuals within or outside Caltech.
- Resolving the complaint informally with the help of a third party who has a faculty, supervisory, or managerial position at Caltech. The goal here is also to allow the parties to resolve complaints without an investigation and without elevating the complaint within Caltech. However, a person in one of these official positions is obligated to follow up with the Title IX Coordinator and complainant to be sure the situation has been resolved. This action might include referring the complaint to an appropriate individual within Caltech or sharing some of this information with other persons holding positions of responsibility at Caltech.

Interim Measures

Upon receipt of a report of sexual harassment, Caltech will take prompt measures to protect the rights of both the complainant and the respondent as appropriate. Caltech will immediately assess whether there is a threat to the complainant and/or other members of the community and will take steps necessary to address such risk. These steps may include interim safety measures to provide for the safety of individuals and the campus community.

Interim safety measures, administrative changes and/or academic changes can be made at any stage in the process to protect the rights of either party. They will be made by the appropriate administrators. These changes should be discussed with the appropriate responsible Caltech official: Provost, EOD Director, Deans, Associate Deans, and Associate Vice President for Human Resources on campus, or Director for Human Resources at JPL. Changes affecting faculty, staff and employees at JPL might include transfer of supervisory or evaluative responsibility regarding grading, supervision, tenure review, letters of recommendation, and/or changes to office assignments. For students, these changes might include the complainant's option to avoid contact with the respondent via a "no contact" order from the Deans, changes to classes and/or housing, Caltech-imposed leave for the respondent, as well as any other remedy that can be tailored to the involved individuals to achieve the goals of this policy. When taking steps to separate a complainant and respondent, Caltech will endeavor to minimize the burden on the complainant. Care will be taken to protect both parties with the greatest degree of privacy possible. If a complainant wishes to seek a temporary restraining order or similar judicial order, Caltech will help the complainant with that process.

Future measures for the broader Caltech community may include but are not limited to: developing additional materials on unlawful harassment and/or Title IX, further training for faculty, students, and staff regarding unlawful harassment and/or Title IX, education of students on bystander intervention, or taking steps to clearly communicate that Caltech does not tolerate unlawful harassment and will respond to any incidents and to any individual covered by these procedures who reports such incidents.

Initial Title IX Assessment

For every report of sexual harassment covered by Title IX, Caltech's Title IX Coordinator will make an initial assessment of the complaint, which will include an immediate assessment of any risk of harm to individuals or to the campus community and will take steps necessary to address those risks. These steps may include interim protective measures to provide for the safety of the complainant and the campus community as described above.

The complainant will be provided with information on the complainant's rights and options under the Institute's Unlawful Harassment policy and these procedures, written materials about the availability of, and contact information for, on and off-campus resources and services, and coordination with law enforcement if appropriate. The need for and types of interim measures also will be discussed.

The Title IX Coordinator may also meet with the respondent and other relevant parties as part of the initial assessment. If the Title IX Coordinator meets with the respondent, the respondent will be provided with information on the respondent's rights and options under the Institute's Unlawful Harassment policy and these procedures, and written materials about the availability of, and contact information for campus resources and services.

The initial assessment will proceed to the point where a reasonable assessment of the safety of the individual and of the campus community can be made and an appropriate approach to resolution can be determined. Thereafter, the Title IX Coordinator may refer the complaint for formal investigation, administrative resolution or other appropriate disposition, depending on a variety of factors, such as the complainant's request that his or her name not be used, complainant's request that no investigation into a particular incident be conducted or that no disciplinary action be taken, the risk posed to any individual or the campus by not proceeding, the nature and seriousness of the allegations, whether there have been other reports/complaints of sexual harassment involving the respondent, and whether the allegations are contested. The Title IX Coordinator will obtain the complainant's agreement to proceed with the proposed approach to resolution, whether it be a formal investigation, administrative resolution or another alternative approach. In implementing the approach, the Title IX Coordinator will inform and coordinate with the appropriate responsible Caltech official(s): Provost, EOD Director, Deans, Associate Deans, Associate Vice President for Human Resources on campus, or Director for Human Resources at JPL.

Caltech will investigate reports of sexual harassment consistent with its obligations under applicable law. For complaints solely covered by Title IX, the Title IX Coordinator will seek consent from the complainant to proceed with a formal investigation or an administrative resolution. If the complainant requests confidentiality or asks that the complaint not be pursued, Caltech will still take all reasonable steps to investigate or otherwise determine what occurred and respond to the report. If the complainant refuses to have his/her name disclosed to the respondent, the Title IX Coordinator will explain that Caltech's ability to investigate and respond may be limited. If the complaint includes allegations that may constitute a possible crime, the Title IX Coordinator will notify the complainant of his/her right to file a criminal complaint or to choose not to notify law enforcement.

Administrative Resolution

In cases where unlawful harassment is alleged, with the complainant's and the respondent's agreement, the Institute may offer the opportunity to resolve the harassment complaint by Administrative Resolution. Administrative Resolution provides an opportunity for the respondent to accept responsibility for his or her alleged conduct and proceed to a resolution without a formal investigation.

If the Administrative Resolution option is agreed to by a Title IX complainant, the Title IX Coordinator will meet with the respondent to review the allegations. The Title IX Coordinator will provide the respondent with information on the respondent's rights and options under the Institute's Unlawful Harassment Policy and these procedures, written materials about the availability of, and contact information for campus resources and services. The Title IX Coordinator will offer the respondent the opportunity to resolve the complaint by Administrative Resolution by accepting responsibility for the alleged conduct. If the respondent elects to acknowledge that the alleged conduct occurred and takes responsibility for the alleged sexual harassment, the respondent will sign a written acknowledgement and the matter will be referred to the appropriate Caltech official for a decision concerning sanctions and any other remedial action that may be appropriate. The complainant and respondent will both be notified simultaneously in writing of the resolution, including any sanctions against the respondent. Either party may appeal the sanction(s) imposed.

In cases of alleged unlawful harassment not falling under Title IX, the Administrative Resolution process will be administered by the appropriate EEO Officer identified in the Institute's Nondiscrimination and Equal Employment Opportunity Policy or their designee.

If the respondent contests responsibility for the alleged conduct, the Administrative Resolution process will be concluded and the case will be referred for Formal Investigation or other resolution as appropriate.

Formal Investigation

The following procedures apply with respect to complaints referred for formal investigation:

- The purpose of the investigation is to determine the facts relating to the complaint.
- All participants involved in the investigation will receive a fair process and be treated with care and respect.
- In Title IX cases, all parties may have an advisor of their choice accompany them when reporting, or responding to, allegations of harassment. Advisor may not speak on behalf of the party they are accompanying.
- Caltech's investigation will occur independently from any legal/criminal proceedings that may take place. Caltech may defer fact gathering for a short time during the initial stages of a criminal investigation.
- The individuals involved in the investigation will respect the privacy of the complainant, respondent, and that of all parties involved while conducting a thorough review of the complaint.
- Investigators will be trained regularly in issues related to harassment, and are trained how to conduct an investigation process that protects the safety of all involved and promotes accountability. Caltech will typically use a team of one or two investigators, though an individual, a committee or an outside consultant may conduct the investigation. The investigators chosen must be impartial and free of any

conflict of interest.

- The complainant and respondent will be informed of the relevant procedures, and may object to the investigator(s) by notifying the appropriate Caltech official in writing.
- If internal investigators are used, at least one investigator should be from the same area as the respondent.
- Within a reasonable length of time after the complaint has been filed, the respondent will be notified in writing of the nature and alleged factual bases underlying the complaint and an investigation will begin. If interim measures are needed to protect the rights of the complainant or respondent during the investigation, the appropriate administrators shall see that they are made.
- Caltech's Unlawful Harassment policy, and any other policies that may be relevant to the complaint, such as the Nondiscrimination and Equal Employment Opportunity policy, will be reviewed with both parties and copies will be provided to them.
- The complainant and respondent will be informed that Caltech will not tolerate retaliation, will take steps to prevent retaliation, and will take strong responsive action if retaliation occurs. The complainant and respondent will be advised to notify Caltech immediately if any retaliation occurs. They should immediately notify any of the individuals to whom a complaint can be made if anyone associated with the matter is under continuing threat or is being subjected to retaliation.
- The investigator(s) will summarize for the respondent the evidence in support of the complaint to allow the respondent the opportunity to respond.
- The investigation will be treated as private to the extent possible and all parties will be advised to maintain privacy. Caltech administrators will be informed on a need-to-know basis. Caltech will make reasonable and appropriate efforts to preserve the complainant's and respondent's privacy and protect the confidentiality of information.
- The complainant and respondent will be given equal opportunity to present their case separately to the investigator(s), to suggest others who might be interviewed, and to present other evidence. Subsequently, the investigator(s) can, if appropriate, interview other parties to reach findings and conclusions.
- The investigators will investigate any allegations that alcohol or drugs were involved in the incident.
- In cases involving allegations of sexual harassment, the investigators will not ask questions or seek evidence of the complainant's prior sexual conduct with anyone other than the respondent. Furthermore, evidence of a prior consensual dating or sexual relationship between the complainant and respondent itself does not imply consent or preclude a finding of sexual harassment or violence.
- All parties who participate in investigative interviews may submit written statements. Investigatory meetings will not be recorded.
- Both parties will be kept informed of the status of the investigation.

- Complaints will be investigated within a reasonable length of time after the complaint has been made, normally within 60 days (not including any appeal) though this time frame may be extended depending on factors, including but not limited to, the complexity of the case. An individual, a committee, or an outside consultant may conduct the investigation.
- Investigative files for Title IX complaints will be maintained in the Title IX Coordinator's office. Investigative files for other cases will be maintained in the appropriate administrator's office.
- Extensions of time, and other exceptions to or modification of these procedures can be made by the Title IX Coordinator or her designee, Provost, Dean or Associate Deans, Associate Vice President for Human Resources, or Director for Human Resources at JPL, if required for fairness or practical necessity. Exceptions must be made in writing and notice provided to both the complainant and respondent, said notice will include the reason for the extension, exception or modification.

Standard of Evidence

The investigator(s) will use the preponderance of evidence standard in determining whether prohibited harassment occurred. A preponderance of the evidence means that it is more likely than not that the incident occurred. When the investigator(s) is presented with two different but plausible versions of the incident, credibility determinations may affect the outcome.

Findings and Conclusions

The investigator(s) will report their findings and conclusions to the relevant Dean, Provost, Executive Director of Human Resources, or Deputy Director for Human Resources at JPL, as appropriate, for decision.

The conclusions that the investigation might reach include, but are not limited to, the following possibilities.

1. A violation of Caltech Policy occurred.
2. Inappropriate behavior occurred, but did not constitute a violation of Caltech policy.
3. The complaint was not supported by the evidence.
4. The complaint was brought without any basis or without a reasonable, good faith belief that a basis existed.

Resolution

As soon as practicable after receiving the findings and conclusions of the investigator(s), the appropriate Caltech official, the Provost for faculty, the relevant Dean for students, the Executive Director of Human Resources for postdoctoral scholars and campus staff, or the Deputy Director for Human Resources at JPL for JPL employees, will make a decision concerning resolution of the complaint, including imposing sanctions against the respondent if appropriate. The complainant and respondent simultaneously will be informed in writing of the results, and the parties' right to appeal, and the procedure for appeal. Any sanctions imposed may be disclosed consistent with applicable law, including FERPA, Title IX of the Education Code, and the Clery Act.

If a violation of Caltech's Nondiscrimination and EEO, Unlawful Harassment or Sexual Violence Policies has occurred, appropriate sanctions will be imposed. Depending on the severity of the case and the respondent's role at Caltech, possible sanctions include, but are not limited to:

- Verbal warning
- Training
- Mandatory Counseling/Coaching
- A formal written warning placed in the respondent's file
- Exclusion from participation in certain activities for specified period of time
- Suspension of the right to accept new graduate students or postdoctoral scholars
- Transfer of advisees
- Removal from positions of administrative responsibility
- Removal from student housing
- Removal from a supervisory position
- Involuntary leave of absence/suspension
- Termination of employment
- Permanent separation from the Institute
- Revocation of Admission
- Other sanctions instead of, or in addition to, those specified above
- Multiple sanctions may be imposed

If the respondent was not found to have violated Caltech Policy on Unlawful Harassment, but the investigation concludes that the individual violated another Caltech policy, or committed some other wrongful or improper act, corrective action will be taken. Effective corrective action may also require remedies for the complainant and/or the broader Caltech community. Caltech will take appropriate measures to prevent the reoccurrence of any unlawful harassment, and to correct any discriminatory effects on the complainant and others, as appropriate.

Appeals

Appeals must be in writing and submitted within ten (10) days of notification of the decision. Appeals of decisions resulting from the Formal Investigation process must be on the grounds that a procedural error occurred that significantly affected the outcome of the investigation, there is new and relevant evidence that was unavailable at the time of the investigation that could substantially impact the original findings, or the sanction is substantially disproportionate to the findings. Appeals of decisions resulting from the Administrative Resolution process must be made on the grounds that the sanction is substantially disproportionate to the acknowledged conduct. The complainant and the respondent simultaneously will be informed, in writing, of the outcome of the appeal. Appeal decisions are final.

Decisions of the Provost may be appealed to the Office of the Provost or his designee. Decisions by the Dean of Undergraduate Students or the Dean of Graduate Studies may be appealed to the Vice President for Student Affairs. Decisions by the Executive Director of Human Resources may be appealed to the Associate Vice President of Human Resources or her designee. Decisions by the Deputy Director for Human Resources at JPL may be appealed to the Director for Human Resources at JPL.

Further Complaints

If the corrective action does not end the harassment, the complainant should immediately notify the Title IX Coordinator, or for campus, the Provost or Division Chair, Dean or Associate Dean, or EOD Director; or for JPL, the Section Manager, Talent Management, in such cases, the complainant has the right to file another complaint.

Related Policies and Procedures:

- [Nondiscrimination and Equal Employment Opportunity](#)
- [Sexual Violence Policy](#)
- [Violence Prevention](#)