Procedures for Responding to and Resolving Complaints of Gender-Based Misconduct

Caltech will take prompt and appropriate action to address all reports of Prohibited Conduct in a fair and impartial manner. The complainant, respondent, and all other participants in the process will be treated with dignity, care and respect.

Caltech’s policy reflects its commitment to support and encourage individuals who have been subjected to Prohibited Conduct to come forward. Caltech takes all allegations of Prohibited Conduct seriously and responds appropriately. Caltech's policy is also intended to ensure that individuals accused of engaging in Prohibited Conduct are not prejudged; that they have notice and a full and fair opportunity to respond to allegations before findings and conclusions are reached; and that decisions are based on the evidence gathered in a process that is fair to both complainants and respondents. Caltech will conduct a fair, impartial, timely and thorough investigation that provides all parties with appropriate due process.

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 Prohibited Conduct 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 protection and well-being of the complainant and the campus community.

Reporting to Caltech

A member of the Caltech community who wishes to report Prohibited Conduct should do so as soon as possible after the incident, 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 the Title IX Coordinator (hereinafter “Title IX Coordinator or designee”), Lead Investigator, or a Deputy Title IX Coordinator, or other responsible employee listed in the policy, who will then notify the Title IX Coordinator in cases falling under Title IX.

Title IX Coordinator
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Initial Title IX Assessment

For reports of Prohibited Conduct covered by Title IX, Caltech’s Title IX Coordinator or designee 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 in the policy.
The complainant will be provided with information on the complainant’s rights and options under the Institute’s Gender-Based Misconduct policy (hereinafter the 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. The need for and types of interim measures also will be discussed. Appropriate interim measures will be instituted and may be modified. The imposition of interim measures is not indicative of a determination of responsibility or any other outcome.

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 individual will be provided with information on the respondent’s rights and options under the 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, whether there is a potential violation of the policy, and if there is a potential policy violation an appropriate approach to resolution can be determined. Thereafter, the Title IX Coordinator may refer the complaint for the appropriate disposition, depending on a variety of factors, such as the complainant’s request that their 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 Prohibited Conduct 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 unless there is a serious or continuing threat to the Caltech community. In implementing the approach, the Title IX Coordinator will inform and coordinate with the appropriate responsible administrator(s): Provost, Assistant Vice President for Human Resources, Deans, Associate Deans, Associate Vice President for Human Resources on campus, or Director for Human Resources at JPL.

Caltech will investigate reports of Prohibited Conduct consistent with its obligations under applicable law. The Title IX Coordinator will seek consent from the complainant to proceed with action. If the complainant does not consent, Caltech will still take all reasonable steps to protect the complainant, including instituting appropriate interim measures. If the Complainant refuses to have their 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 their right to file a criminal complaint or to choose not to notify law enforcement. If a complainant requests that the complaint not be pursued, the request will be considered consistent with the provisions of Section 9.0 of the policy.

In cases of alleged Prohibited Conduct at JPL not falling under Title IX, the above described initial assessment will be done by the JPL Deputy Title IX Coordinator or their designee.

**Interim Measures**

Interim measures are actions taken by Caltech in response to a report of Prohibited Conduct. Upon receipt of a report, Caltech will take prompt measures to protect the rights of the parties as appropriate. Caltech will immediately assess whether there is a threat to the complainant, the respondent and/or other members of the community and will take steps necessary to address such risks. These steps may include interim safety measures, which may be made at any time, to provide for the safety of individuals and the campus community.
Appropriate administrative changes and/or academic changes may be made, if requested and reasonably available, at any stage in the process to protect the rights of either party. They will be made by the Title IX Coordinator in coordination with responsible administrators. For students, these changes might include changes to housing arrangements, counseling services, academic accommodations, “no contact” orders between individuals, restrictions on access to Caltech or to specific Caltech areas or activities, persona non grata status, escorts, limitations on extracurricular or house activities, 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.

Changes affecting faculty, postdoctoral scholars and staff, including 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.

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.

The imposition of interim measures is not indicative of a determination of responsibility or any other outcome. These measures may be modified at any time and may be kept in place after a final investigative decision is reached.

All parties are expected to comply with any interim measures that may be imposed. Failure to comply with interim measures may be grounds for disciplinary action. A party may be found in violation of the policy for failure to comply with an interim measure even if they are found not responsible for the underlying report of Prohibited Conduct.

**Informal Options**

Individuals who believe they have been subjected to Prohibited Conduct 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 them to stop. This is a personal step taken solely among the relevant parties.
- Speaking to members of the Student Wellness Services, 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.
Formal Options
A complainant alleging Prohibited Conduct may elect to pursue a formal option. Formal options include:

Administrative Resolution
In cases alleging Prohibited Conduct covered by Title IX, the Title IX Coordinator or designee, with the complainant’s and the respondent’s agreement, may offer the opportunity to resolve the complaint by Administrative Resolution. Administrative Resolution provides an opportunity for the respondent to accept responsibility for their alleged conduct and proceed to a resolution without a formal investigation. Complainants and respondents participating in this process may have an advisor of their choice accompany them when reporting, or responding to, allegations of Prohibited Conduct. The advisor may not speak on behalf of the individual they are accompanying.

If the Administrative Resolution option is agreed to by a 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 policy and these procedures, and 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 conduct, the respondent will sign a written acknowledgement and the matter will be referred to the appropriate decision maker (hereinafter “decision maker or designee”) 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 only appeal the sanction imposed.

In cases of alleged Prohibited Conduct at JPL not falling under Title IX, the above described Administrative Resolution process will be administered by the JPL Equal Employment Opportunity Officer 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.

Remedy-Based Resolution
In appropriate cases at any time during the process, the Title IX Coordinator or the decision maker may propose a Remedy-Based Resolution (RBR) as a means of resolving a complaint of Prohibited Conduct. The intent of a RBR is to address the underlying issues that contributed to the subject incident by imposing non-disciplinary remedies focused on education around issues of concern, remediation of problematic and unhealthy behaviors and the use of other strategies to remedy the situation. Both parties must voluntarily agree to all the terms of the RBR as the complete and final resolution of the Title IX complaint(s).

Mediation
In appropriate cases as determined by the Title IX Coordinator, mediation may be offered to the parties. Mediation is a process whereby a facilitator (mediator) works with the complainant and respondent to attempt to reach a mutually agreeable resolution of a complaint of Prohibited Conduct. Both parties must voluntarily agree to all the terms of a mediated resolution as the complete and final resolution of the Title IX complaint(s).

Formal Complaint Process
Caltech takes all allegations of Prohibited Conduct seriously and responds appropriately. The following procedures apply to formal investigations of complaints of Prohibited Conduct.

For complaints involving students, staff or faculty, the Title IX Coordinator will refer the investigation to the Lead Investigator and appropriate Deputy Title IX Coordinator. For complaints involving responding parties outside the Institute, the Title IX Coordinator will oversee the response. Caltech’s investigation will occur independently from any legal/criminal proceedings that may take place. Caltech may defer fact gathering for an appropriate time during a criminal investigation.

Investigators will be trained regularly on issues related to Prohibited Conduct and investigation processes that protect the safety of all involved and promotes accountability. The investigators must be impartial and free of any conflict of interest.

All participants in an investigation will receive a fair and impartial process and be treated with dignity, care, and respect. The purpose of the investigation is to determine the facts relating to the complaint and decisions are based on the evidence. Evidence may include parties and witness testimony and any documents relating to the complaint. Caltech’s policy and procedures are intended to ensure that individuals reported for Prohibited Conduct are not prejudged and are provided with adequate notice and an opportunity to be heard regarding the allegations made against them. Consistent with federal and state law, 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 sexual, romantic, or intimate relationship between the complainant and respondent itself does not by itself imply consent or preclude a finding of Prohibited Conduct.

The investigation will be treated as private to the extent possible. 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. Investigatory meetings will not be recorded by any participant involved in a case. Investigation files will be maintained by the Title IX Office.

Caltech does not tolerate retaliation and will take steps to prevent retaliation and strong responsive action if it occurs. All participants, including the complainant and respondent, are protected against retaliation and will be advised to notify Caltech immediately if retaliation occurs.

Investigation Process

- The formal investigation process begins when the complainant files a formal complaint. Within a reasonable length of time after the complaint has been filed, the Title IX Coordinator will notify both parties when the Title IX Office is starting an investigation. That notification will summarize the allegations and underlying reported behavior, as well as identify the assigned investigator(s). The complainant and respondent also will be provided with a copy of the Gender-Based Misconduct policy and accompanying procedures.

- Either party may object to an investigator(s) if they believe that investigator has a conflict or cannot be impartial. The Title IX Coordinator will consider any objections and notify the parties of the decision related to the investigator(s).

- After a reasonable amount of time to review the notice of investigation and applicable policies, the parties will be given equal opportunity to meet with the investigator(s). In those meetings,
the investigator(s) will gather evidence about the allegations, including any documents or written statements submitted by either party.

- The complainant and respondent may have an advisor of their choice accompany them in the investigatory process or other meetings with the party related to the complainant. The advisor may not speak on behalf of the individual they are accompanying.

- Throughout the process, the parties may suggest witnesses and documents to the investigator(s), as well as questions for the investigator(s) to ask the other party and any witnesses. The investigator(s) will determine whether the suggestions are relevant and appropriate. Caltech asks the parties to keep the investigation private, but cannot prohibit the parties from discussing the investigation with others in connection with identifying evidence for the investigator(s) to gather.

- The investigator(s) will interview relevant witnesses and gather other evidence related to the allegations. Witnesses may also submit documents or written statements to the investigator(s).

- In complaints covered by Title IX, the investigators will investigate any allegations that alcohol or drugs were involved in the incident.

- The complainant and respondent will be given equal opportunity to review and respond to all the evidence gathered by the investigator(s).

- The investigator(s) will prepare a draft report which includes their recommended findings of fact and related analysis regarding the allegations. The complainant and respondent will have the opportunity to review and respond to the draft report. If any information is presented by either party that impacts the investigators’ analysis or findings it will be shared with the other party and they will be given an opportunity to respond.

- Once the report is finalized, it will be provided to the complainant, respondent, and decision maker.

- For cases in which a respondent faces severe disciplinary sanctions (e.g. involuntary temporary or permanent separation from the Institute) and the credibility of the parties or witnesses is central to the adjudication of the allegations, the decision maker and the lead investigator will meet with the parties, and others with whom the decision maker deems appropriate prior to making a decision regarding the case. The parties may suggest questions to ask the other party and any witnesses with whom the decision maker is meeting. The lead investigator will facilitate the questioning and will have the discretion to exclude any question(s) that they determine is inflammatory or otherwise inappropriate. To facilitate access while maintaining the physical separation of the parties, the party submitting the questions will have access to the live exchange(s) via telephone conference or other appropriate technology, and may submit follow-up questions via email or other appropriate technology during this process.

- The decision maker will make a decision regarding the allegations based on the report, the parties’ responses to the report, the information gathered in the decision maker’s meetings with the parties and others, and the decision maker’s assessment of credibility in cases where the credibility of any party or witness is relevant. When credibility is at issue, the decision maker will not rely on statements made by a party or witness if that person declines to meet with the decision maker.

- The decision maker, consulting with the Title IX Coordinator as appropriate, will determine the appropriate sanction or remedy.
The complainant and respondent will be notified in writing with a closing investigation letter of the outcome of the process, including any sanctions or remedies. This notice will also include the option to appeal.

Complaints will be investigated and resolved within a reasonably prompt time frame after the complaint has been made, generally within 60 days (not including any appeal). This time frame may be extended depending on factors, including but not limited to, the complexity of the case. Both parties will be kept informed of the status of the investigation.

The Title IX Coordinator will be informed of the outcome of the investigation and any appeal in order to carry out their responsibilities to consult on sanctions, monitor outcomes, identify and address any patterns, and assess effects on the campus climate.

Exceptions to or modification of these procedures can be made by the Title IX Coordinator or designee, Provost, Dean or Associate Deans, Associate Vice President for Human Resources, or Director for Human Resources at JPL.

**Student Policy Violations: Complainants and Witnesses**
A student who participates as a complainant or witness in an investigation of sexual assault, dating violence, domestic violence or stalking generally will not be subject to disciplinary sanctions for a violation of Caltech’s student conduct policies, including but not limited to the Substance Abuse policy, at or near the time of the incident, unless Caltech determines that the violation was egregious, including but not limited to, an action that places the health or safety of any other person at risk or involves plagiarism, cheating, research misconduct or other forms of academic dishonesty.

**Standard of Evidence**
The investigator(s) and the decision maker will use the preponderance of evidence standard in determining whether Prohibited Conduct occurred. A preponderance of the evidence means that it is more likely than not that the incident occurred. When the investigator(s)/decision maker is presented with two different but plausible versions of the incident, credibility determinations may affect the outcome.

**Recommended Findings**
The investigator(s) will report their recommended findings of fact regarding the charges to the appropriate decision maker. The decision maker shall be determined based upon the respondent’s affiliation (the Provost for faculty, the relevant Dean for students, the Assistant Vice President for Human Resources for postdoctoral scholars and campus staff, or the Deputy Director for Human Resources at JPL for JPL employees) or their designees.

**Resolution**
Once the decision maker has received the report and conducted the meetings with the parties and others they deem necessary to making a decision, the decision maker will reach conclusions regarding the allegations and if warranted will impose any sanctions they deem to be appropriate.

The conclusions that might be reached may 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.

The decision maker shall consult with the Title IX Coordinator and any other administrators that they deem appropriate in determining any sanctions for policy violations. The complainant and respondent simultaneously will be informed in writing of the results of the process and the parties' right to appeal and the procedures for appeal.

If a violation of Caltech policy has occurred, appropriate sanctions will be imposed. The decision maker may impose any one or more of the sanctions listed below:

- 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
- Banned from campus
- Suspension of the right to accept new graduate students or postdoctoral scholars
- Transfer of advisees
- Removal from positions of administrative responsibility
- Removal from housing
- Removal from a supervisory position
- Involuntary leave of absence/suspension
- Expulsion
- 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 found not to have violated Caltech’s policy, but the investigation concluded that the individual committed some other wrongful or improper act, appropriate 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 Prohibited Conduct, and to correct any discriminatory effects on the complainant and others, as appropriate.

Results of disciplinary proceedings may be disclosed consistent with applicable law, including FERPA, Title IX, and the Clery Act. Upon request, Caltech will disclose the results of a disciplinary proceeding against a student who is the alleged perpetrator of any crime of sexual violence to the alleged victim.

**Appeals**

Appeals must be in writing and submitted within ten (10) calendar days of notification of the decision to the appropriate administrator identified below. Appeals of decisions resulting from the Formal Complaint process are limited to one or more of the following grounds: a procedural error...
or due process violation occurred which would have significantly affected the outcome of the complaint; there is new evidence (including a new witness) that was not available during the process which would have significantly affected the conclusions of the decision maker; or the sanction is substantially disproportionate to the findings. Appeals of decisions resulting from the Administrative Resolution process can be made only on the ground that the sanction is substantially disproportionate to the acknowledged conduct.

If a party submits an appeal, the other party will have the opportunity to submit a written response to the appeal within ten (10) calendar days of the filing of the appeal. 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 designee. Decisions of the Dean of Undergraduate Students or Dean of Graduate Studies may be appealed to the Vice President for Student Affairs or designee. Decisions of the Assistant Vice President for Human Resources may be appealed to the Associate Vice President of Human Resources or designee. Decisions of the Deputy Director for Human Resources at JPL may be appealed to the Director for Human Resources at JPL or designee.

Further Complaints

If the corrective action does not end the Prohibited Conduct, the complainant should immediately notify the Title IX Coordinator, Lead Investigator, or a Deputy Title IX Coordinator, the Provost or a Division Chair, Dean or Associate Dean, EOD Director; or at JPL, the Section Manager, Talent Management. In such cases, the complainant has the right to file another complaint.

- It is a felony to induce another person to take various drugs and "intoxicating agents" with the intent of enabling oneself or the drugged person to commit a felony. The person who induced the other may be regarded as a principal in any crime committed.

- Any person found in a public place to be under the influence of an intoxicating liquor or drug and unable to care for their own safety, or who is interfering with the use of a public way, is guilty of disorderly conduct, which is a misdemeanor.

- It is unlawful for a person to possess nitrous oxide (e.g. whippets) with the intent to inhale for purposes of altering their mood or mental functioning.