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Policy

It is the policy of Caltech to provide a work and academic environment free of unlawful harassment ("harassment") and retaliation. 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 identity, sexual orientation, protected veteran status, or any other characteristic protected by state or federal laws, is unlawful and is strictly prohibited, as are all forms of sexual intimidation, exploitation, and violence. All faculty, students, staff, postdoctoral scholars and others participating in Caltech’s educational programs and activities, whether they take place in Caltech facilities, or elsewhere, should be aware that Caltech does not tolerate any conduct that constitutes harassment or retaliation. Caltech promptly and thoroughly investigates complaints of harassment consistent with legal requirements, and 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.

Some kinds of behavior that are clearly intended to harass, while inappropriate and not tolerated at Caltech, may not be unlawful. Behavior evidently intended to dishonor such characteristics 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. 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.

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.

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

1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s employment or education.

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

3. 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 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. All individuals are protected against sexual harassment regardless of gender, sexual orientation or gender identification. Moreover, 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:

- Unwanted sexual advances.
- Offering employment or research benefits in exchange for sexual favors.
- Making or threatening reprisals after a negative response to sexual advances.
- Making sexual gestures, or displaying sexually suggestive objects, pictures, cartoons, posters, calendars, or computer screens.
- Downloading, viewing, and/or sharing of pornography.
- Making or using derogatory comments, epithets, slurs, or jokes of a sexual nature.
- 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.
- 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 letters, notes, electronic mail messages, or invitations.
- Unwelcome, intentional, and/or repeated touching of a sexual nature.
- Ostracizing individuals from group activities because of their sex or because they objected to harassing behavior.

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 employees, who are not in the consensual relationship, less favorably. Caltech practice, as well as more general ethical principles, prohibits individuals from 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.

Upon learning about such a relationship, 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, staff, postdoctoral scholars, volunteers, interns, vendors, independent contractors, visitors and any other individuals regularly or temporarily employed, studying,
living, visiting, or otherwise participating in Caltech’s educational programs and activities or conducting business or having any official capacity with Caltech or on Caltech property.

**Prohibition against Retaliation**
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. Overt or covert acts of retaliation, reprisal, interference, discrimination, intimidation or harassment against an individual or group for exercising their rights under Title IX are unlawful. Retaliation against any member of the Caltech community for exercising their rights under Title IX or this policy is strictly prohibited. Caltech will take steps to prevent retaliation and will not be tolerated and will be subject to prompt and appropriate corrective action if retaliation occurs. Individuals who violate this policy may be subject to disciplinary action up to and including termination or expulsion.

**Title IX Coordinator & Deputy Coordinators**
The Title IX Coordinator is responsible for Caltech’s overall response to sex discrimination, sexual harassment and sexual violence. The Title IX Coordinator oversees all Title IX complaints and identifies and addresses any patterns or systemic problems that arise. The Title IX Coordinator also oversees the application of Caltech’s policies and implementation of the process and procedures to resolve complaints of sexual harassment 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. The Title IX Coordinator and Deputy Coordinators can answer questions regarding Title IX.

Title IX Coordinator
Felicia Hunt (faculty, staff, JPL, postdoctoral scholars, and students)
Phone: (626) 395-6346
E-mail: TitleIXCoordinator@caltech.edu
Office: 230 Center for Student Services

Contact information for the Deputy Title IX Coordinators is available in the attached procedures and at http://titleix.caltech.edu/coordinator.

**Privacy v. Confidentiality**
Caltech is committed to protecting the privacy of all individuals involved in a report of harassment. 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 response, 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” in order to assist in the matter. These individuals will be discreet and will respect the privacy of all individuals involved.
Confidentiality 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 under “Confidential Resources” in the policy. These individuals are prohibited from breaking confidentiality unless there is an imminent threat of harm to self or others or as otherwise legally required. 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 and are listed below.

Mental-Health Professionals
Mental-health professionals in the Student Counseling Center and the Staff and Faculty Consultation Center provide mental-health counseling to the campus community. The JPL Employee Assistance Program/Life Matters provides mental-health counseling to the JPL community. They will not report any information about an incident to the Caltech, including the Title IX Coordinator unless requested by their client. They may report aggregate statistics (with no identifying information) for inclusion in Caltech’s Annual Security Report. 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:
  (818) 354-3680  JPL Employee Assistance Program (on site)
  (800) 367-7474  JPL Employee Assistance Program/Life Matters (off site and after hours)
  (818) 354-3333  after hours via JPL Protective Services Division
  (818) 393-3333

Other Campus Confidential Resources
Certain individuals in the Caltech Center for Diversity and the Health Educator’s Office have been designated as confidential resources for purposes of Title IX. These designated individuals can generally talk to a victim of sexual harassment without revealing any personally identifying information about an incident to Caltech. A victim can seek assistance and support from these individuals for sexual harassment incidents without triggering a Caltech investigation that could reveal the victim’s identity or that the victim has disclosed the incident.

While maintaining a victim’s confidentiality in cases involving allegations of sexual harassment, the Caltech Center for Diversity and the Health Educator’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 victim, helps keep the Title IX Coordinator informed of the general extent and nature of sexual harassment on- and off-campus so that coordinator can track patterns, evaluate the scope
of the program and formulate appropriate campus-wide responses. These confidential resources may report aggregate statistics (with no identifying information) for inclusion in Caltech’s Annual Security Report.

- **Caltech Center for Diversity** (students): (626) 395-5772 or (626) 395-8108
- **Health Educator** (students): (626) 395-2961

**Reporting**
Anyone who witnesses or experiences or is otherwise aware of conduct that he or she believes to be in violation of this policy, including retaliation, is urged to contact Caltech immediately. For a list of individuals to whom violations of this policy can be reported, please see the Title IX Coordinator information above and other individuals identified in the attached Procedures.

Individuals also may report harassment anonymously by contacting the Caltech Hotline at (626) 395-8787 or (888) 395-8787 or the JPL Ethics Hotline at (818) 354-9999, or by submitting a **compliance hotline form**.

**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 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 policy](#) for more information.

**Contacting the Outside Agencies**
In addition, an employee who believes he or she has been unlawfully harassed has 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).

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.

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.

As used in these procedures, a complainant refers to the individual who is reported to be the subject of harassment. A respondent refers to the individual who reportedly 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
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.

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.

Informal Options
An individual who believes that he or she has been harassed may choose to resolve his or her 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 him or her to 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 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 Complaints**

A formal complaint is a request that Caltech take action. The complainant may file a formal complaint by reporting the offending conduct to individuals holding any of the positions listed below.

**Campus:**

Title IX Coordinator and Deputy Coordinators
Chief of Security
Director of Security Operations
Security Officers
Provost
Vice Provosts
Division Chairs
Division Administrators
Deans
Associate Deans
Student Affairs Directors
Master of Student Housing
Residence Life Coordinators
Resident Associates
Coaches
Director of Employee & Organization Development
Employee Relations Consultants
Associate Vice President of Human Resources
Department Heads
JPL:
Title IX Coordinator and Deputy Coordinator
JPL Protective Services Group Supervisor, Investigations
Director for Human Resources
Deputy Director for Human Resources
Human Resources Business Partners
Section Managers

**Responsible Employees**
The employees listed above are responsible employees for purposes of Title IX as well as faculty with administrative responsibilities. Pursuant to Title IX, Caltech is required to take corrective action if a “responsible employee” knew or reasonably should have known about sexual harassment. A “responsible employee” is a Caltech employee who has the authority to redress sexual harassment, who has the duty to report incidents of sexual harassment or other student misconduct, or who a student or employee could reasonably believe has the authority or duty to do so.

When an individual reports an incident of sexual harassment to a responsible employee, he or she must report to the Title IX Coordinator all relevant details about the alleged sexual harassment. Caltech is committed to protecting the privacy of all individuals involved in a report of sexual harassment. All employees involved in the 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. Caltech will not share information with law enforcement that identifies the victim without the victim’s consent.

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 harassment.

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. When Caltech is unable to take action consistent with the request of the complainant, the Title IX Coordinator 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 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 choose whether to file a criminal complaint.

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 harassment at (626) 395-5000.

Contacting one of these anonymous reporting resources may trigger an investigation, and if you share personally identifying information, you will be notified if an investigation occurs.

Processing Complaints
The complaint is then taken to the Provost, Director of EOD, or Dean(s) as appropriate (for faculty, postdoctoral scholars and staff, and students, respectively) at campus or the Section Manager, Talent Management at JPL, or their designees. Complaints of sexual harassment will be taken to the Title IX Coordinator or designee. The responsible administrator will initiate an investigation, or other action as described more fully below. Formal complaints of harassment can be made orally or in writing.

Caltech may initiate an investigation about an incident if it becomes aware that inappropriate conduct may have occurred. Caltech also will not delay its investigation of complaints of inappropriate conduct because of a law enforcement investigation.

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 a violation of the honor code or Caltech's 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. Caltech may however, initiate an educational discussion or pursue other educational remedies regarding alcohol or drugs.

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, he or she will be provided with information on the respondent’s rights and options under the Institute’s Sexual Violence 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.

**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.
Measures for the broader student population may include but are not limited to: developing materials on sexual harassment, further training for employees regarding Title IX, education of students on bystander intervention and/or sexual harassment prevention, or taking steps to clearly communicate that Caltech does not tolerate sexual harassment and will respond to any incidents and to any student who reports such incidents.

**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.
- All parties may have an advisor of their choice accompany them when reporting, or responding to, allegations of harassment. The advisor may not speak on behalf of the party he or she is 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 train regularly, and at least annually, 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 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 the respondent will be notified of the nature of 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.
- In cases involving allegations of sexual harassment, Caltech’s policies on Sexual Violence, Nondiscrimination and Equal Employment Opportunity and Unlawful Harassment will be reviewed with both parties and copies will be provided to them. In cases involving other forms of harassment, Caltech’s 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. An individual, a committee, or an outside consultant may conduct the investigation.

- Investigative files for sexual harassment complaints will be maintained in the Title IX Coordinator’s office. Investigative files for other forms of harassment 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, 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, which notice will include the reason for the extension, exception or modification.

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 present their findings and conclusions to the relevant Dean, Provost, Executive Director of Human Resources, or Talent Management Manager at JPL, as appropriate, for decision.

The conclusions that the investigation might reach include, but are not limited to, the following possibilities. In each case the investigator(s) should summarize the evidence that supports the conclusion.

1. A violation of Caltech’s Nondiscrimination and EEO, Unlawful Harassment or Sexual Violence Policies occurred.

2. Inappropriate behavior occurred, but did not constitute a violation of Caltech’s policies on discrimination, harassment, and/or sexual violence. For example, the respondent improperly used the power of his or her position, used poor judgment, or violated applicable standards of ethical behavior.

3. The charges were not supported by the evidence.

4. The charges were 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 postdocs and campus staff, or 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, any changes to the results that occur prior to the results becoming final, and when such results become final, and their right to appeal, the procedure for appeal. Any sanctions imposed will only 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 if possible. Depending on the severity of the case and role at Caltech, possible sanctions include, but are not limited to:

- Verbal counseling or warning/training
- A formal written warning placed in the respondent’s file
• 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
• Enforced leave of absence/suspension
• Termination of employment
• Expulsion/permanent dismissal

If the respondent was not found to have violated Caltech policy on harassment, but the investigation concludes that he or she 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 sexual harassment, and to correct any discriminatory effects on the complainant and others, as appropriate.

**Administrative Resolution**

In cases where sexual harassment is alleged, the Title IX Coordinator, with the complainant's and the respondent's agreement, may offer the opportunity to resolve the sexual 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 the 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 imposed.

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.

**Appeals**

Appeals must be in writing and submitted within thirty (30) 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.

Faculty complainants may appeal the decision to the Provost or designee; staff and postdoctoral scholars may appeal to the Vice President for Human Resources or designee; students may appeal to the Vice President for Student Affairs or designee; and JPL employees may appeal to the JPL Director for Human Resources or designee.

Appeals by a faculty member of decisions or actions by the Provost that affect academic freedom and tenure can be made to the Faculty Committee on Academic Freedom and Tenure, as indicated in Chapter 4 of the Faculty Handbook.

Further Complaints
If the corrective action does not end the harassment, or if any retaliatory action occurs, the complainant should immediately notify the Title IX Coordinator, or for campus, the Provost or Division Chair, Dean or Associate Deans, or EOD Director; or for JPL, the Employee Relations Manager. 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