

SEX- AND GENDER-BASED MISCONDUCT

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SECTION I: INTRODUCTION

1.0 Policy

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

As defined in this policy, Sex- and Gender-Based discrimination, sexual and gender-based harassment, and sexual misconduct, including sexual assault, nonconsensual sexual contact, relationship violence, sexual exploitation, and stalking constitute prohibited conduct and violate this policy. Such conduct generally violates Title VII of the Civil Rights Act of 1964, as amended; Title IX of the Education Code; and/or California law.

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

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

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

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

2.0 Scope

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

This policy applies to prohibited conduct occurring on Institute-controlled property, at Institute-sponsored events, in Institute programs or activities, by Institute-affiliated organizations including student organizations and residential facilities, regardless of location. In addition, it applies to prohibited conduct occurring off campus, in any location, whenever the respondent and the complainant are covered persons.

Organizations affiliated with the Institute or that use Caltech property or resources in connection with their activities also are prohibited from engaging in prohibited conduct. This policy also applies to prohibited conduct occurring at the Jet Propulsion Laboratory (JPL) in its educational programs and activities.

Members of the Caltech community are encouraged to promptly report prohibited conduct to Caltech or consult with a confidential resource regardless of where the incident occurred or who committed it. An individual who has experienced sexual misconduct is encouraged to immediately seek assistance from a medical provider and report the incident to local law enforcement. Reports to Caltech and law enforcement may be pursued simultaneously.

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

3.0 Retaliation

Retaliation against any member of the Caltech community at any point in time for making a good-faith report of prohibited conduct, or participating or refusing to participate in any manner in an investigation, proceeding, or hearing conducted by Caltech or a state or federal agency, is strictly prohibited. Retaliation is defined as overt or covert acts of reprisal, interference, discrimination, intimidation, or harassment against an individual or group for exercising their rights under Title IX or other federal and state laws. Retaliation does not include charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of an investigation, proceeding, or hearing related to this policy, provided, however, that a determination regarding responsibility, alone, is not sufficient to conclude that any party made a materially false statement in bad faith. Retaliation violates this policy and is unlawful.

The following are examples of conduct that may constitute retaliation:

- A faculty or staff supervisor suspects and assigns blame for an anonymous report to the Equity and Title IX Office and gives the suspected reporter undesirable work or lab assignments, or a lesser recommendation or salary increase, than the suspected reporter merits based on their actual work;
- A faculty or staff supervisor refuses to continue to work with a student, subordinate, or colleague who has reported a concern about them to the Equity and Title IX Office;
- A student spreads false information around the house about a fellow student who has reported a concern about them or a friend to the Equity and Title IX Office;
- A student gets other students to engage in “blackballing” or socially ostracizing behavior against a student who was called as a witness in a Title IX investigation where the respondent was a friend of the student organizing the blackballing;
- A staff supervisor requires an employee who raised concerns with them about differential treatment between men and women on the team to track her weekly time on assignments, but no one else is required to track their time, and there is no prior employment history to support the necessity of tracking time.

Caltech will take steps to prevent retaliation and will take prompt and appropriate corrective action to stop and remedy its effects if retaliation occurs. Caltech will involve senior academic,

administrative, and student affairs leadership, as required, to prevent and remedy retaliation. Individuals who violate Caltech's policy prohibiting retaliation may be subject to disciplinary action up to and including termination of employment or expulsion from Caltech.

4.0 Preservation of Evidence of Prohibited Conduct

Sexual assault, as defined in this policy, may also be a crime. Individuals who have experienced sexual assault are urged to seek medical treatment as soon as possible. Sexual assault forensic exams (or rape kit tests) are available free of charge at multiple local medical centers (see the Resources chart on Page 18) and facilitate both evidence preservation and any necessary medical treatment. Evidence preservation is important in case an individual would like to file a report with law enforcement, pursue civil litigation, or obtain a protective order. If an individual chooses to receive a forensic exam, they should avoid showering, bathing, douching, eating, drinking, washing their hands, or brushing their teeth until after the medical examination. Exams should be performed within 72 hours of the incident. Individuals should save all clothing worn at the time of the assault. Each item of clothing should be placed in a separate paper bag, not a plastic bag. They are strongly encouraged to preserve all physical and electronic evidence.

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

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

5.0 Emergency Notifications and Timely Warnings

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

SECTION II: REPORTING CONCERNS AND COMPLAINTS

6.0 Reporting to Caltech

Any person may report prohibited conduct, whether or not the person reporting is the person alleged to be the victim of the alleged prohibited conduct. They may make their report in person, by mail, by telephone, by electronic mail, or by any other means that results in the Title IX coordinator receiving their verbal or written report. A member of the Caltech community who wishes to report prohibited conduct should do so as soon as possible after the incident, although reports may be made at any time.

Anyone who witnesses, experiences, or is otherwise aware of conduct that the individual believes to be in violation of this policy, including retaliation, is urged to contact Caltech immediately. Individuals are encouraged to report to the Title IX coordinator or a deputy Title IX coordinator.

As detailed in section 6.2 below, responsible employees must report to the Title IX coordinator any prohibited conduct of which they become aware.

If a member of the Caltech community would like support and guidance in reporting prohibited conduct, they may contact the Title IX coordinator or a deputy coordinator, one of the deans or associate deans, the director of employee & organizational development in Human Resources, or the JPL section manager of talent management or Human Resources Business Partners at JPL. They may also contact any of the EEO coordinators identified in the [Nondiscrimination and Equal Employment Opportunity Policy](#).

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

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

6.1 Title IX Coordinator and 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 the implementation and application of Caltech's Title IX-related policies to ensure consistent treatment of parties involved and prompt and equitable resolution of complaints. In doing so, the Title IX coordinator oversees all Title IX complaints, monitors outcomes, identifies and addresses any patterns of systemic problems that arise, and assesses effects on the campus climate.

The Title IX coordinator is supported by four deputy Title IX coordinators and a lead investigator, all of whom can answer questions regarding Caltech's Title IX-related policies and Title IX.

Deputy Title IX coordinators also generally serve as co-investigators to the lead investigator under the formal investigation process set out in the Procedures for Complaints of Sex- and Gender-Based Misconduct Under Title IX.

Title IX Coordinator
Assistant Vice President for Equity and Equity Investigations
Hima Vatti
(626) 395-3132, equity@caltech.edu, 205 Center for Student Services

Lead Investigator
Brian Quillen
(626) 395-4424, bquillen@caltech.edu, 348 Center for Student Services

Deputy Title IX Coordinator for Students

Allie McIntosh
(626) 395-1743, allie@caltech.edu, 105 Center for Student Services
Deputy Title IX Coordinator for Faculty
Melany Hunt
(626) 395-4231, hunt@caltech.edu, 265 Gates-Thomas

Deputy Title IX Coordinator for Staff and Postdoctoral Scholars
Ofelia Velazquez-Perez
(626) 395-3819, Ofelia.Velazquez-Perez@caltech.edu, 206 Central Engineering Services

Deputy Title IX Coordinator for JPL
Jackie Clennan-Price
(818) 393-0016, Jackie.A.Clennanprice@jpl.nasa.gov, Human Resources T1720-149 at JPL

6.2 Responsible Employees

If an individual discloses prohibited conduct to any Responsible Employee, or if a Responsible Employee otherwise becomes aware of prohibited conduct, they must report to the Title IX coordinator all relevant details about the alleged conduct.

At campus, the following are responsible employees:

- Title IX deputies
- Faculty members who supervise a research laboratory or group or who have administrative responsibilities.
- Staff members with a supervisory or managerial role, whom Caltech has not designated as confidential resources
- Security officers
- Residential Life coordinators
- Resident associates
- Coaches
- Employee Relations consultants

At JPL, the following are responsible employees:

- Deputy Title IX coordinator for JPL
- Supervisors and managers
- Employee Relations representatives
- Human Resources business partners
- Education Office staff

6.3 Anonymous Reporting

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](#)

If the reporting party wants to remain anonymous, they should not share any personally identifying information. If the reporting party does share such information, the Equity and Title IX Office will contact the reporting party with information about support resources and reporting options. If an investigation is pursued, the reporting party who identified themselves will be notified.

6.4 Notification of Law Enforcement

Individuals who have experienced sexual assault, stalking, sexual exploitation, or domestic, relationship, or dating violence are encouraged to notify local law enforcement. Caltech will provide assistance in notifying law enforcement if the individual so chooses. An individual who has experienced sexual violence also has the right to decline to notify law enforcement or Caltech.

Caltech has an obligation under California law to report incidents of sexual assault to law enforcement; however, Caltech will not report identifying information about the complainant without the complainant's consent after being notified of their right to have personally identifying information withheld. If the complainant does not consent to be identified, personally identifying information about the respondent also will not be provided.

[Pasadena Police Department](#)

Call 911 for Emergency Response

Non-Emergency Response: (626) 744-4241

207 N. Garfield Ave., Pasadena, CA 91101

7.0 Reports Involving Minors

Every member of the Caltech community, who knows of, or reasonably suspects, child abuse, including any prohibited conduct involving a minor, has a personal responsibility to report to [Caltech Security](#) or the [JPL Protective Services Division](#) immediately. A minor under the age of 18 is not considered to be capable of giving valid affirmative consent to sexual activity under this policy. Caltech employees who are mandated reporters have additional reporting obligations, including reporting immediately to LA County Office of Child Protection and/or the local police department. See the [Violence Prevention Policy](#) for more information.

8.0 False Reports

Caltech expects its members to act with honesty, sincerity, and good faith in reporting concerns under this policy. Caltech will not tolerate intentional false reporting of information, allegations, or evidence. A good faith complaint that results in a finding of "no violation" is not considered a false report.

However, when a complainant or third party is found to have intentionally fabricated or knowingly misrepresented information, allegations, or evidence, or otherwise to have acted with an intent to deceive or mislead in any of their dealings relating to Caltech's administration of this policy, they may be subject to disciplinary action.

9.0 Privacy

Caltech will maintain the privacy of all individuals involved in a report of prohibited conduct to the extent possible. All Caltech employees who are involved in the Institute's response, including the Title IX coordinator, deputy Title IX coordinators, and investigators, receive training 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 and administration of the matter.

Privacy generally means that information related to a report of prohibited conduct will only be shared with those individuals who have a “need to know.” The determination of who has a “need to know” is within the discretion of the Title IX coordinator. These individuals are required to be discreet and respect the privacy of all individuals involved.

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

10.0 Requests for Confidentiality or that Complaint Not Be Pursued

With respect to allegations of prohibited conduct under this policy, the Title IX coordinator and deputy Title IX coordinators make every effort to respect the concerns and goals of complainants, as well as their capacity to make independent choices, as they consider their resolution options for addressing their complaints under this policy and the Title IX Complaint Procedures.

However, in instances where a complainant requests that their name not be used, that Caltech not pursue any action against the respondent, including an investigation, or that no disciplinary action be taken, Caltech must weigh the request against its obligations, including under applicable laws, to take action to provide a safe, nonthreatening environment. The Title IX coordinator will discuss with the complainant the reasons for their requests and attempt to address the underlying concerns such as taking steps to prevent retaliation.

Where the complainant remains committed to the requests mentioned above, the Title IX coordinator will weigh the request against factors that may lead the Title IX coordinator to take action on behalf of Caltech, against the wishes of the complainant, to protect the health and safety of the complainant and the Caltech community. The factors considered are within the discretion of the Title IX coordinator and include, but are not limited to, the nature and seriousness of the alleged conduct, whether the allegations are contested, the involvement of multiple respondents, circumstances that suggest there is a significant risk that the respondent will commit further acts of prohibited conduct, whether there was a weapon or violence involved, whether there is evidence of pattern, and the age of a complainant.

Circumstances speaking to a significant risk of further acts of prohibited conduct by the respondent may include whether there have been other reports/complaints of prohibited conduct involving the respondent, the intentional exploitation of a power differential, or the use of alcohol or drugs to induce vulnerability to sexual activity without consent.

Where the Title IX coordinator determines that the safety of the community requires Caltech to take action, the Title IX coordinator will determine the action to be taken and notify the complainant. The Title IX coordinator will attempt to address the prohibited conduct consistent with the complainant’s request(s), to the extent protecting the health and safety of the complainant and the

Caltech community allows. Where a complainant declines to participate in any response to the prohibited conduct, Caltech's ability to respond may be limited.

In those instances where the Title IX coordinator determines that Caltech must file a formal complaint despite the request of the complainant, the Title IX coordinator will inform the complainant of Caltech's intention to do so. The complainant is not required to participate in the ensuing process.

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.

All final determinations and decisions taken under this provision, except the complainant's decision to file a criminal complaint or to choose not to notify law enforcement, rest solely with the Title coordinator.

11.0 Contacting Government Agencies

Employees, student, and others participating in Caltech's educational programs or activities may direct questions regarding Title IX or file complaints with the U.S. Department of Education Office for Civil Rights, (415) 486-5555, ocr.sanfrancisco@ed.gov or (800) 421-3481, OCR@ed.gov. In addition, employees may file complaints with the California Department of Fair Employment and Housing (DFEH) at <https://www.dfeh.ca.gov/contact-us> or the United States Equal Employment Opportunity Commission (EEOC) at <https://www.eeoc.gov>. Complaints can also be directed to the Bureau for Private Postsecondary Education at <https://bppe.ca.gov/>.

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

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

12.0 Clery Reporting

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

SECTION III: PROHIBITED CONDUCT

13.0 Prohibited Conduct Covered under this Policy

This section sets out what conduct is prohibited under this policy. The subset of prohibited conduct that is also covered under Title IX is set out below in section 14.0.

Reported behavior that does not constitute prohibited conduct under this policy but is nevertheless determined to be inappropriate pursuant to another applicable Caltech policy may subject the offending individual to disciplinary action.

The term complainant refers to the individual who allegedly is the subject of the prohibited conduct and respondent refers to the individual who is alleged to have engaged in the prohibited conduct.

Attempts or threats to commit prohibited conduct are equally covered by this policy.

The Title IX coordinator will determine whether reported prohibited conduct is covered under Title IX. The Title IX coordinator's determination will be communicated in writing to the parties. Allegations of Title IX-covered prohibited conduct will be adjudicated under the Procedures for Complaints of Sex- and Gender-Based Misconduct Under Title IX ("Title IX Complaint Procedures"). Where multiple allegations of prohibited conduct are at issue, and the Title IX coordinator determines that only a portion fall within the scope of Title IX, all of the allegations will be adjudicated under the Title IX Complaint Procedures. Allegations of prohibited conduct not falling under Title IX will still be adjudicated under the Title IX Complaint Procedures, if any respondent is a student.

All other allegations of prohibited conduct, falling within the scope of this policy, will be addressed under Caltech's Procedures for Complaints of Unlawful Discrimination, Harassment, and Retaliation.

13.1 Sex or Gender-Based Discrimination

Sex or gender-based discrimination refers to unfavorable treatment based on sex, sexual orientation, gender identity, or gender expression.

The following are examples of conduct that may constitute sex or gender-based discrimination:

- Denying an employee a promotion because they are openly gay and some of the team who would be reporting to them strike you as somewhat conservative and you worry the employee might not feel comfortable supervising them
- Rejecting a student from house membership because some students feel uncomfortable with the student's openness about their recent gender transition
- Rejecting a faculty candidate after a hiring team member opined the candidate's voice and mannerisms are too high-pitched and animated to be perceived as sufficiently professional and authoritative to run a lab effectively.
- Telling a masculine presenting nonbinary individual that they cannot wear makeup or wear feminine clothing in the workplace.

13.2 Sexual or Gender-Based Harassment

13.2.1 Sexual harassment is unwelcome sexual advances, requests for sexual favors, and other conduct of a sexual nature when:

- *Quid pro quo*: 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 is used as the basis for decisions affecting that individual's employment or academic terms or status; or

- *Hostile environment*: Such conduct unreasonably interferes with an individual's work or academic performance or creates an intimidating, hostile, or offensive work or academic environment. An individual may experience sexual harassment even if the offensive conduct was not aimed directly at them.

13.2.2 Gender-Based Harassment is harassment based on an individual's actual or perceived sex, gender, gender identity, or gender expression including harassing or bullying conduct based on the individual's gender expression, gender identity, transgender status, gender transition, or nonconformity with sex stereotypes.

A single isolated incident may create a hostile environment if the incident is sufficiently severe, particularly if the conduct is physical. For example, a single incident of unwanted physical conduct of a sexual nature, like grabbing an intimate body part, may be sufficiently severe to constitute a hostile environment. Behavior of a harassing nature that does not rise to the level of unlawful harassment but is nevertheless determined to be inappropriate may subject the offender to disciplinary action.

The following are examples of conduct that, depending on the nature, frequency, and severity, may constitute sexual or gender-based harassment:

- Sending unwanted sexually-oriented jokes to a student or work group email list.
- Displaying explicit sexual pictures in common areas of Institute housing or on a work computer station where others can view it.
- Making or using derogatory comments, epithets, slurs, or jokes of a gender-based or sexual nature.
- Ostracizing individuals from group activities because of their sex, gender or gender identity, gender expression, sexual orientation, or because they objected to harassing behavior.
- Making unwelcome graphic comments about an individual's body, using sexually degrading words to describe an individual.
- Engaging in unwanted suggestive or obscene communications.
- Engaging in unwelcome touching, fondling, or groping of a sexual nature.
- Making unwanted sexual advances.
- Promising a benefit to someone in exchange for engaging in sexual activity.
- Exposing one's genitals to another without consent.

13.2.3 Sexual Harassment and Consent

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

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 romantic and/or sexual relationships, or from making hiring, salary, or similar decisions regarding those individuals. Upon learning about such a

consensual prohibited relationship, the supervisor, dean, or division chair should immediately notify the Title IX coordinator and, in consultation with the Title IX coordinator, should review and remedy any direct administrative or academic relationship between the involved individuals. The individual with greater power may be subject to disciplinary action for a violation of this policy.

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

13.2.4 Prohibition on Relationships between Employees and Undergraduates

This policy prohibits sexual or romantic relationships between an undergraduate student and a faculty member, postdoctoral scholar, or staff member. The non-undergraduate party in the relationship will be held responsible for prohibited conduct violating this policy, regardless of whether a complaint is filed.

13.3 Sexual Misconduct

Prohibited sexual misconduct includes sexual conduct that occurs by force or threat of force or without affirmative consent, including when the person is incapacitated. Sexual misconduct includes sexual violence and is prohibited under this policy. This definition encompasses a range of sexual conduct that could also fall within the definition of sexual harassment. The Title IX coordinator will determine whether allegations should be treated as sexual harassment or sexual misconduct, or both, based on the specific conduct alleged and the totality of the circumstances. Prohibited forms of sexual misconduct include, but are not limited to, sexual assault, nonconsensual sexual contact, sexual exploitation, relationship violence, and stalking.

Definitions Pertaining to Sexual Misconduct

13.3.1 Sexual assault is defined as having or attempting to have sexual intercourse with another individual by force or threat of force, without affirmative consent, including when the person is incapacitated. Sexual intercourse includes the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person.

13.3.2 Nonconsensual sexual contact is defined as having sexual contact with another individual by force or threat of force, or without affirmative consent, including when the person is incapacitated. Sexual contact includes intentional contact with the intimate body parts of another (whether directly or through clothing), touching any part of the body of another in a sexual manner, or disrobing or exposure of another. Intimate body parts are the breast, genitals, groin, anus, or buttocks.

13.3.3 Sexual exploitation occurs when an individual takes nonconsensual or abusive sexual advantage of another for their own or another's benefit or advantage. It includes the abuse of a position of vulnerability, power differential, or trust for sexual purposes.

The following are examples of conduct that may constitute sexual exploitation:

- Observing, recording, viewing, distributing or allowing another to observe, record, view or distribute, intimate or sexual images of another individual without that individual's consent.
- Surveillance and other types of observations of intimate or highly personal activities, whether by physical proximity or electronic means, live or by a camera, such as watching a person undressing, showering, or engaging in sexual activity.
- Taking steps to cause drunkenness or incapacitation by alcohol or drugs in order to make another person vulnerable to any degree of sexual activity.
- Sexually based stalking or bullying, including by electronic means.
- Offering someone for sexual activity in exchange for a benefit or payment.

13.4 Affirmative Consent

Affirmative consent is a crucial component of the Caltech policy. Affirmative consent is the affirmative, conscious, and voluntary agreement to engage in sexual activity.¹

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

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

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

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

- The complainant was asleep or unconscious.
- The complainant was incapacitated due to the influence of drugs, alcohol, or medication, so that the complainant could not understand the fact, nature, or extent of the sexual activity.
- The complainant was unable to communicate due to a mental or physical condition.

A person who is incapacitated is not capable of giving effective consent to sexual activity. An incapacitated person lacks the physical and mental capacity to make informed, reasonable

¹ A minor under the age of eighteen (18) is deemed to be incapable of providing affirmative consent under this policy.

judgments about whether or not to engage in sexual activity. A person who is incapacitated may not be able to understand where they are, whom they are with, how they got there, or what is happening.

A person may be incapacitated by a temporary or permanent mental or physical condition, sleep, or unconsciousness. A person may also be incapacitated as a result of voluntary or involuntary (e.g., induced, forced) consumption of alcohol or drugs. Incapacitation is a state beyond mere intoxication or drunkenness. Just because someone is under the influence of alcohol or drugs does not necessarily mean that a person is incapacitated. Impairment must be significant enough to render a person unable to understand the fact, nature, or extent of the sexual activity. In evaluating affirmative consent in cases involving an allegation of incapacitation, Caltech considers the state and degree of intoxication of the reporting party and the knowledge of the respondent.

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

13.5 Relationship Violence

Relationship violence includes, but is not limited to, physical, sexual, emotional, economic and/or psychological actions or threat of actions, including threatening to reveal personal or confidential information (including, but not limited to, information regarding one's gender identity or sexual orientation), that are intimidating, frightening, terrorizing, or threatening. It also includes threats of harm to one's family members, friends, or self-harm. Relationship violence can consist of a single act or pattern of behavior.

13.5.1 Dating violence means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with a complainant. The existence of such a relationship shall be determined by the complainant's statement as well as consideration of the length of the relationship, type of relationship, and the frequency of interaction between the persons involved in the relationship.

13.5.2 Domestic violence means violence committed against an adult or minor victim (a) by a person who is their spouse or former spouse, a cohabitant or former cohabitant, or a person with whom they have a child; (b) by a person similarly situated to a spouse under the law of the state where the violence occurred; or (c) by any other person from whose acts an adult or minor victim is protected under the domestic or family violence laws of the state where the domestic violence occurred.

13.6 Stalking

Stalking is a course of conduct of a sexual or romantic nature or motivation directed at an individual that would cause a reasonable person to fear for their safety or the safety of others, or suffer substantial emotional distress. Course of conduct means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with the person's property.

Reasonable person means a reasonable person under similar circumstances and with similar legally protected or other characteristics to the victim. Stalking that is not sex- or gender-based is also covered by the Violence Prevention policy and should be reported to the Equity and Title IX Office and Security at campus or the Protective Services Division at JPL. The following are examples of conduct that, depending on the frequency and severity, may constitute stalking:

- Repeated unwanted communication, including face-to-face contact, telephone calls, voice messages, emails, text messages, postings on social networking sites, written letters, or gifts.
- Posting picture(s) or information of a sexual nature on social networking sites or other websites.
- Gathering information about the person through the use of public records, online searches, going through the garbage, or contacting the person's family, friends, or co-workers.
- Posting private pictures or videos on school bulletin boards or internet sites.
- Installing spyware on another person's personal devices, including phones or computers.
- Surveillance or other types of observation, including staring or peeping.
- Pursuing, following or showing up uninvited at or near places like classrooms, residence, workplace, or other places frequented by the person.
- Directly or indirectly making threats to the person.
- Inducing friends, family members, or other persons to engage in any of the above conduct.
- Inducing friends, family members, or other persons to track and report on the person's whereabouts and activities.

14.0 Subset of Prohibited Conduct Covered under Title IX

Prohibited conduct under this policy is covered under Title IX if it meets the definition and scope requirements set out below in 14.1, 14.2, and 14.3.

14.1 Definition of Sex Discrimination under Title IX

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

14.2 Definition of Sexual Harassment under Title IX

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

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

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

Forcible Rape: The carnal knowledge of a person, forcibly and/or against that person's will or not forcibly or against the person's will in instances where the victim is incapable of giving consent because of his/her temporary or permanent mental or physical incapacity. This definition excludes statutory rape.

Forcible Sodomy: Oral or anal sexual intercourse with another person, forcibly and/or against that person's will or not forcibly or against the person's will in instances where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.

Sexual Assault with An Object: To use an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, forcibly and/or against that person's will or not forcibly or against the person's will in instances where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.

Forcible Fondling: The touching of the private body parts of another person for the purpose of sexual gratification, forcibly and/or against that person's will or not forcibly or against the person's will in instances where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.

Sex Offenses, Nonforcible: Unlawful, nonforcible sexual intercourse, except prostitution offenses.

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

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

14.2.2 Dating violence means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim and where the existence of such a relationship shall be determined based on a consideration of the following factors: the length of the relationship; the type of relationship; the frequency of interaction between the persons involved in the relationship.

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

14.3 Scope Requirements for Title IX Sexual Harassment

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

At the time of filing a formal complaint, a complainant must be participating in or attempting to participate in (e.g., applying for admission) an education program or activity of Caltech.

The term “education program or activity” includes locations, events, or circumstances over which Caltech exercised substantial control over both the respondent and the context in which the sexual harassment occurs, and also includes any building owned or controlled by a student organization that is officially recognized by Caltech.

15.0 Informational Resources

Information on prohibited conduct, as well as copies of Caltech’s Sex- and Gender-Based Misconduct; Nondiscrimination and Equal Employment Opportunity; Unlawful Harassment; and Violence Prevention policies are available from:

At Campus: Caltech’s Title IX coordinator and deputy Title IX coordinators, Caltech’s EEO coordinators, Human Resources, Student Affairs, the Deans’ offices, the Caltech Center for Inclusion and Diversity, resident associates, the Staff and Faculty Consultation Center, and Employee & Organizational Development.

At JPL: JPL’s deputy Title IX coordinator, EEO coordinator, and Human Resources business partners.

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

Related Policies and Procedures

- [Procedures for Complaints of Sex- and Gender-Based Misconduct Under Title IX](#)
- [Nondiscrimination and Equal Employment Opportunity](#)
- [Unlawful Harassment](#)
- [Procedures for Complaints of Unlawful Discrimination, Harassment, and Retaliation](#)
- [Violence Prevention](#)



Thomas F. Rosenbaum
President

APPENDIX: SUPPORT RESOURCES

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

Resource	Contact Information	Type of Resource	Confidential
Safety Resources			
Campus Security	(626) 395-5000	Safety situations, contact mental health and/or law enforcement resources and provide transportation vouchers to off-campus resources. Security can contact the caller's choice of a confidential or other resource.	No
Pasadena Police Department	911 (626) 744-4241	Local law enforcement.	No
JPL Protective Services Division	(818) 393-3333 (818) 354-3333	Safety situations, contact mental health and/or law enforcement resources and arrange for transportation to off-Campus resources. Security can contact the caller's choice of a confidential or other resource.	No
On-Campus Mental Health and Emotional Support Resources			
Campus Sexual Violence Advocate Teresa Mejia	(626) 395-4770	Sexual violence support resource for crisis response, case management, and advocacy.	Yes
Student Wellness, Counseling Services	(626) 395-8331 (after hours and weekends, press "2" to be connected to a clinician)	Individual psychotherapy and counseling, consultation, referrals, psychiatric evaluation and medication, and crisis intervention for students.	Yes
Staff and Faculty Consultation Center	626-395-8360	Professional counseling services for staff, faculty and postdocs.	Yes
Caltech Center for Inclusion and Diversity	Taso Dimitriadis: 626-395-8108 Erin-Kate Escobar: 626-395-3221	Support resource for students; not required to report complaints to Equity and Title IX Office.	Designated by Caltech as Confidential
Empathia/Life Matters for JPL employees	(800) 367-7474	Mental health resource and can contact mylifematters.com (Password: JPL)	Yes
Off-Campus Mental Health and Emotional Support Resources			

Resource	Contact Information	Type of Resource	Confidential
Peace Over Violence	892 N. Fair Oaks Avenue, Suite D Pasadena, CA 91103 (626) 584-6191 (626) 793-3385 (24 hours)	24-hour emergency services offer victims of sexual assault, domestic violence and stalking emotional support, information, compassion, accompaniment, referral and advocacy services.	Yes
Medical Resources		Note that Medical Providers (but generally not psychological counselors) must notify the police regarding assaultive or abusive conduct, including sexual assault.	
Caltech Student Health Services	626-395-6393	Medical consultation, lab and radiology services, pharmacy, allergy clinic, women's health and sexual health services.	Yes
Huntington Memorial Hospital	100 W. California Blvd., Pasadena, CA 91105 (626) 421-7733	Emergency and trauma services. Social workers available to provide counseling as needed.	Yes
The Rape Treatment Center at Santa Monica -UCLA Medical Center	(424) 259-7208 www.911rape.org	24-hour emergency medical treatment for victims of sexual assault including forensic services (the "rape kit").	Yes
San Gabriel Valley Medical Center Sexual Assault Response Team (SART)	438 West Las Tunas San Gabriel, CA 91776 (626) 289-5454 (SART) Hotline: (877) 209-3049	24-hour medical care, emotional support and comprehensive exams including forensic evidence collection (the "rape kit"). Immediate connection to on-call nurse for sexual assault services.	Yes
Planned Parenthood	1045 N. Lake Ave Pasadena, CA 91104 (626) 798-0706	Health clinic for emergency contraception, pregnancy resources, health and wellness, birth control and family planning.	Yes
National Hotlines			
National Suicide Prevention Hotline	800-273-8255	Provides free and confidential emotional support to people in suicidal crisis or emotional distress 24 hours a day, 7 days a week, across the United States. The	Yes

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