

**CalArts Discrimination, Harassment, and Retaliation
Interim Policy
24-25**

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I. Statement

California Institute of the Arts (“CalArts” or the “Institute”) is committed to creating and maintaining a learning, working, and living environment that is conducive to artistic pursuits, that is free from all forms of harassment and unlawful discrimination and an environment free from retaliation for participating in any protected activity covered in this policy.

CalArts does not discriminate on the basis of any protected characteristic in its educational, programs, activities or in the context of employment. The Institute complies with Titles VI and VII of the Civil Rights Act of 1964, Title IX of the Educational Amendments of 1972, as amended, the Violence Against Women’s Act, the California Fair Employment and Housing Act, the California Education Code, and other laws, which prohibit discrimination and harassment against protected categories in Institute employment and educational programs and activities.

The CalArts Non Sex-Based Discrimination, Harassment, and Retaliation Interim Policy (“DHR Interim Policy”) outlines expectations to pursuing a campus free of unlawful discrimination, harassment and retaliation; the steps for recourse for those individual who have experienced unlawful discrimination, harassment, or retaliation; and the procedures for determining whether a violation of This Policy has occurred.

II. Scope

A. Protection of Employees, Applicants, Volunteers, Unpaid Interns and Contractors

This policy prohibits discrimination and harassment on the basis of protected categories and related retaliation against CalArts’ applicants and employees (including applicants, students, student-employees, volunteers, and independent contractors) by employees or any other persons or third parties with whom [CalArts employees have contact through their employment, including any individuals or organizations over whom CalArts can exercise disciplinary authority. Conduct that is prohibited by CalArts’ *Policy Prohibiting Sex-Based Discrimination, Sex-Based Harassment and Related Retaliation* is defined and processed under CalArts Sex-Based Harassment and Sexual Misconduct Interim Policy, "CalArts Interim Policy".

This policy applies to Prohibited Conduct in Employment that occurs:

1. In the workplace (including the remote workplace during working time) or anywhere on CalArts’ property while employees are working;
- B. Off-campus, if the Prohibited Conduct in Employment occurred in connection with an Institute work event, activity, program, or event; or
- C. Off-campus, if the off-duty Prohibited Conduct in Employment by a supervisor has or reasonably may have the effect of creating a hostile work environment for an employee.

D. Protected of Students, Participants in Education Programs and Activities. This policy also prohibits discrimination and non-sexual harassment on the basis of protected categories, and related retaliation against CalArts’ students by employees, students or any other persons or third parties with whom CalArts have contact in CalArts’ education programs and activities, including any individuals or organizations over whom CalArts can exercise disciplinary authority.

E. Application of Policy to Community

All members of the CalArts community, including employees (including student-employees), students, volunteers, contractors, and vendors are responsible for carrying out this policy and CalArts' *Policy Prohibiting Sex-Based Discrimination, Sex-Based Harassment and Related Retaliation*. CalArts Sex-Based Harassment and Sexual Misconduct Interim Policy, "CalArts Interim Policy". *The procedures for resolving concerns of prohibited conduct will vary based on one's status.*

III. Prohibited Conduct and Definitions

Prohibited Conduct in Employment (Harassment, Discrimination and Related Retaliation)

CalArts prohibits harassment and discrimination against its employees, including applicants for employment, student-employees, volunteers, and contractors on the basis of race (including hair texture and protective hairstyles), ethnicity, color, religion (including religious dress and grooming practices), creed, ancestry, national origin, age, medical condition, physical or mental disability, sex, sexual orientation, gender, gender identity gender expression, transgender status, genetic information, marital status (including registered domestic partner status), military and veteran status, lawful change of name, Social Security Number or federal employment authorization document, receipt of Medi-Cal coverage, California driver's license with a "federal limits apply" notation, reproductive health decision-making or any other characteristic protected by local, state or federal law.

Discrimination or harassment on the basis of sex includes harassment or discrimination on the basis of sex, gender identity, gender expression, transgender status, sexual orientation pregnancy, childbirth, or related medical conditions, breastfeeding, and conditions related to breastfeeding and is covered by CalArts Sex-Based Harassment and Sexual Misconduct Interim Policy, *prohibiting Sex-Based Discrimination, Sex-Based Harassment and Related Retaliation*. These are not considered protected categories under this policy.

A. Definition of Discrimination in Educational Programs and Activities and Employment

CalArts also prohibits discrimination based on a lawfully protected category. (Note, definition is applicable to CalArts Employment and CalArts Educational Programs and Activities.)

Except as permitted by law, CalArts, including employees, students, participants and agents of CalArts, shall not, engage in any of the following prohibited discriminatory actions on the basis of a protected category under this policy against another employee, student, participant, or other individual protected by this policy, if it would cause more than *de minimis* harm. Discrimination on a lawfully protected category can take two primary forms:

1. Disparate Treatment Discrimination
2. Disparate Impact Discrimination

1. Disparate Treatment Discrimination

Disparate treatment discrimination is any unlawful distinction, preference, or detriment to an individual as compared to others that is based on an individual's actual or perceived protected characteristic(s) and that:

1. Treat one person differently from another in determining whether such person satisfies any requirement or condition for the provision of such aid, benefit, or service;
2. Provide different aid, benefits, or services or provide aid, benefits, or services in a different manner;

3. Deny any person any such aid, benefit, or service;
4. Subject any person to separate or different rules of behavior, sanctions, or other treatment;
5. Apply any rule concerning the domicile or residence of a student or applicant, including eligibility for in-state fees and tuition;
6. otherwise adversely affects a term, condition, or benefit of an individual's employment, education, living environment, or participation in an Institute program or activity.
7. Otherwise limit any person in the enjoyment of any right, privilege, advantage, or opportunity.
8. Aid or perpetuate discrimination against any person by providing significant assistance to any agency, organization, or person which discriminates on the basis of sex in providing any aid, benefit or service to students or employees;

2. Disparate Impact Discrimination Student/Educational Program or Activity:

In the student or educational context, Disparate Impact Discrimination occurs when there is sufficient evidence that facially-neutral policies, tests, or practices, although not adopted with the intent to discriminate, nonetheless have an unjustified effect of disproportionately excluding or adversely impacting Students or Third Parties on the basis of Protected Characteristics. In determining whether a facially-neutral policy has a disparate impact on the basis of Protected Characteristics, the Institute engages in the following three-part inquiry:

- a. Has the policy, test, or practice resulted in an adverse impact on Students or Third Parties of a particular Protected Characteristic?
- b. Is the policy, test, or practice necessary to meet an important educational goal?
- c. If necessary to meet an important educational goal, are there comparably effective alternative policies, tests, or practices available that would meet the stated educational goal with less of a burden or adverse impact on the disproportionately affected Protected Characteristic, or is the proffered justification a pretext for discrimination?

3. Disparate Impact Discrimination Employment

Disparate impact discrimination occurs when there is sufficient evidence that policies or practices that are neutral on their face disproportionately exclude or adversely impact persons within a protected class listed above, where the policies or practices are not:

- a. job-related and consistent with business necessity (for employees) or;
- b. necessary to meet employment expectations.

In determining whether a facially-neutral policy or practice has a disparate impact on a protected class listed above, the Institute will consider whether there are alternative policies or practices that would meet the job requirements, business necessities, and/or education goals without resulting in disparate impact.

B. Harassment

1. Definition of Harassment in Employment

Harassment in employment under this policy means any unwelcome behavior that is reasonably regarded as offensive that is based on a protected category listed above (except for the categories protected in CalArts's *Policy Prohibiting Sex-Based Discrimination, Sex-Based Harassment and Related Retaliation*: that:

- a. Sufficiently offends, humiliates, distresses, or intrudes upon its victim, so as to disrupt the victim's emotional tranquility in the workplace, or

- b. Affects the victim's ability to perform the job as usual, or
- c. Otherwise interferes with and undermines the victim's personal sense of well-being.

2. Definition of Harassment in Educational Programs and Activities

Harassment in educational programs and activities means any unwelcome behavior (physical, verbal, graphic, audio, social media, electronic, "cyberbullying" or written) based on a protected category that based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that it alters, interferes, limits or denies a person's ability to participate in or benefit from CalArts programs and activities.

3. Hostile Environment

A hostile environment exists when the conduct is so severe, pervasive, or persistent that it unreasonably interferes with, alters, limits, or deprives an individual from participating in or benefiting from the Institute's education or employment programs and/or activities. Whether conduct is sufficiently severe, pervasive, or persistent is determined both from a subjective and objective perspective.

A single incident of harassing conduct in employment may create a hostile work environment if the harassing conduct in employment, program or activity has unreasonably interfered with the victim's work performance or created an intimidating, hostile, or offensive work environment. Whether or not the person meant to give offense or believed their comments or conduct were welcome is not significant. Rather, the policy is violated when other individuals, whether recipients or mere observers, are actually offended by comments or conduct based on any protected category and the conduct is considered offensive by a reasonable person.

4. Examples of Harassing Conduct in Educational Programs and Activities and Employment

Examples of conduct which may be committed by any person covered under this policy against any other person covered under this policy based on a protected category covered by this policy that may constitute harassing conduct under this policy, include but are not limited to:

1. Making gestures, threats, derogatory comments, or slurs that may be reasonably regarded as offensive to individuals in a particular group;
2. Displaying derogatory objects, photographs, cartoons, calendars, or posters that may be reasonably regarded as offensive to individuals in a particular group;
3. Bullying behavior that is threatening, intimidating, verbally abusive or results in other disruptive actions in the workplace, programs and activities;
4. Physical conduct including physical assault;
5. Intentionally blocking egress or normal movement of an individual.
6. Offensive remarks about an individual's looks, clothing, hair, or body parts, that relate to a Protected Characteristic;
7. Offensive comments about an individual's racial, ethnic, religious, or other Protected Characteristics;
8. Expressing negative stereotypes about an individual based on Protected Characteristics (e.g., gender, country of birth, ancestry, citizenship, race), including acts of cultural appropriation;
9. Disparaging, intimidating, or offensive references to an individual's disability, record of disability, or perceived disability;
10. Disparaging or offensive racial or ethnic remarks, including racial or ethnic slurs, jokes, or epithets;

11. A course of conduct of pursuing, following, waiting, or showing up uninvited at or near places frequented by the Reporting Party;
12. Unwelcome touching and physical conduct.
13. Inappropriate displays of sexually explicit objects, pictures, cartoons, posters, computer screensavers, websites, movies, drawings, or sexual gestures, may be addressed under
14. Disparaging or offensive comments about an individual's religious beliefs or affiliations, or lack of religious beliefs or affiliations.

5. Evaluation of Hostile Environment

The determination of whether an environment is hostile is based on the totality of the circumstances, including but not limited to:

1. the frequency of the conduct;
2. the nature and severity of the conduct;
3. whether the conduct was physically threatening;
4. the effect of the conduct on the Complainant's mental or emotional state, with consideration of whether the conduct unreasonably interfered with the Complainant's educational or work performance and/or Institute programs or activities;
5. whether the conduct was directed at more than one person;
6. whether the conduct arose in the context of other discriminatory conduct;
7. whether the conduct implicates concerns related to academic freedom or protected speech; or
8. and other relevant factors that may arise from consideration of the reported facts and circumstances.

C. Harm to Others:

Physical, verbal, harassment, intimidation, or other harmful conduct that threatens, endangers, or has the potential to endanger the health, well-being, or safety of another individual. It can include but is not limited to threatening, intimidating, another person, and/or purposefully injuring another individual.

This Policy is written and interpreted broadly to include unwelcome conduct that occurs online or through other technology or electronic forms of communication (e.g., email, instant messages, direct messages, iMessages, text messages, blogs, pictures, videos, postings on social media), provided that it occurs within the scope and jurisdiction articulated in this Policy. For example, online conduct occurring completely outside of the Institute's education program or activity may only be addressed where the Institute otherwise regulates the conduct, the conduct has or could have a continuing impact within the Institute's education program or activity, or the conduct may have the effect of posing a serious threat to the Institute community.

D. Related Retaliation in Employment and Education Programs and Activities

Retaliation is any materially adverse action taken against an individual because they were involved in the disclosure, reporting, investigation, or resolution of a report of Prohibited Conduct under this Policy. Retaliation includes threats, intimidation, harassment, coercion, discrimination, violence, or any other conduct by a CalArts student, or an employee or other person authorized by CalArts to provide aid, benefit, or service under CalArts' employment, education program or activity, for the purpose of interfering with any right or privilege secured by this Policy or by law, including Title

IX or its regulations. Adverse action does not include perceived or petty slights, or trivial annoyances.

The prohibition against retaliation applies to any individuals who participate (or refuse to participate) in any manner in an investigation and to any student who refuses to participate in an investigation or proceeding. Retaliation may occur even where there is a finding of “not responsible” under this Policy. Good faith actions lawfully pursued in response to a report of prohibited conduct (such as discipline) are not Retaliation.

CalArts further prohibits retaliation as defined by this policy. CalArts will not retaliate, nor will it tolerate retaliation, against individuals who make good faith reports under this policy about discrimination, harassment or retaliation, whether internally or to an outside agency, or who participate in any investigation under this policy.

IV. Reporting Discrimination, Harassment, or Retaliation

The Institute strongly encourages individuals who have been the subject of, or have witnessed, or are aware of, discrimination, harassment or retaliation, to make a complaint as soon as possible. The ability to investigate a complaint may be impacted if it is not made within a reasonable time period after the alleged occurrence(s). An individual’s options for reporting conduct that may be a violation of this policy are detailed below. Reports from third parties who have not themselves been involved in an instance of discrimination, harassment or retaliation are accepted.

A. Information About Reporting

Timeliness for Reporting

In order for the Institute to respond promptly and effectively, all those impacted by Prohibited Conduct are encouraged to report as soon as possible. Although there is no time limit for Complainants reporting violations of this policy, if the respondent is no longer a student or employee at the time of the report, the Institute may not be able to take disciplinary action against them. The Institute may still provide support and reasonably available supportive measures to a Complainant, who is a student, faculty or staff of the Institute, as well as assistance in identifying appropriate external supportive options.

B. Reporting Responsibilities of CalArts Employees

a. Responsible Employee

Responsible Employee - means an employee who has the authority to take action to redress sexual harassment or provide supportive measures to students, or who has the duty to report sexual harassment to an appropriate school official who has that authority. Responsible Employee includes but is not limited to any of the following positions or job duties regardless of the specific job title:

- Title IX Coordinator;
- All CalArts Administrators and Staff;
- All CalArts Faculty, Special Faculty, Visiting Faculty;
- All student Teaching Assistants (TAs), while performing the duties of employment by CalArts;
- Resident Assistant while performing the duties of employment by CalArts;

- Orientation Leaders while performing the duties of employment by CalArts

b. Confidential Reporting Options (Students)

Excluded from the above are any individual acting in a professional capacity for which confidentiality is mandated by law or designated by the Institute. Such an individual shall inform each student who provides the student's ability to report to a responsible employee and direct the student to those specific reporting resources. The degree to which confidentiality can be protected, however, depends upon the professional role of the person being consulted and should be addressed with that person before specific facts are disclosed.

Confidential Student Resource Advocate

Elizabeth Peisner, AVP, Health and Wellness

Confidential Student Resource Advocate at Room F201M,

epeisner@calarts.edu; or phone, which is active 24/7, at (661) 713-5325 for matters related to sexual respect.

https://calarts-advocate.symlicity.com/titleix_report/

- This form is a confidential mechanism to connect with the Student Confidential Advocate.
- Anonymous reports are accepted but can give rise to a need to investigate.

A student, for example, can speak confidentially with a licensed counselor in Student Experience. A conversation with a licensed counselor, cannot be legally disclosed, without consent, to any other person, except under very limited circumstances specified by law.

Confidential On-Campus Counseling Services

Melissa Shepherd-Williams, MFT

msheperdwilliams@calarts.edu

Lily Rodriguez, LMFT

lrodriguez@calarts.edu

Student Health Services

Room D208

(661) 253-7830

Employee Confidential Resources

Employee Assistance Program

CalArts has an Employee Assistance Program (EAP) that provides professional counseling, information and referral services to eligible employees and their spouse, domestic partner, and/or dependent children. The program offers confidential consultation on a wide variety of personal, family, or work-related problems.

Guardian: <https://www.guardianlife.com/eap>

B. Disclosures Required by The Clery Act

a. Timely Warnings

A "Timely Warning" is a campus-wide notification of a serious or continuing threat to the Occidental community. The Timely Warning does not include identifying information about the complainant. If a report of misconduct discloses a continuing threat involving one of the specified "Clery crimes" to the Occidental

community, the Institute may issue a campus wide timely warning (which can take the form of an email to campus) to protect the health or safety of the community.

b. Annual Reporting Responsibilities

All higher education institutions that receive federal funding, including the Institute, are obligated to issue publicly an Annual Security Report (“ASR”) which identifies the number of particular reported crimes on campus or campus property, or adjacent to campus. The ASR does not include identifying information about the complainant or respondent.

c. Crime Log

All higher education institutions that have campus police forces or security departments must maintain a daily crime log that includes entries for all crimes that occur within both the Clery geography and the campus safety force’s regular patrol route. The crime log does not include identifying information about the complainant or respondent.

C. Reporting Prohibited Conduct to CalArts

CalArts is responsible for receiving, processing, and investigating a complaint involving a student as Complainant or Respondent involving allegations of discrimination, harassment, or retaliation on the basis of:

- Race
- Color
- Ethnicity
- Religion
- National origin
- Age
- Disability
- Military status
- Genetic information
- Other status protected by local, state, or federal law

Individuals seeking to make such a complaint should contact:

Institute Diversity Office

Office of Community Rights and Responsibilities

studentconduct@calart.edu

661.291.3019

Reporting Prohibited Conduct to the Title IX Coordinator

The Title IX Coordinator is responsible for receiving, processing, and investigating a complaint that an employee, student, or third party has engaged in discrimination, harassment, or retaliation on the basis of:

- Sex
- Gender
- Gender identity or expression
- Sexual orientation
- Marital status
- Pregnancy/parental status
- Family relationship status

Individuals seeking to make such a complaint should contact the Title IX Coordinator.

Contact information for the Title IX Coordinator is as follows:

Title IX Coordinator

titleix@calarts.edu

661.291.3019

V. Response to a Report

A. Initial Contact

Upon receipt of a report of prohibited conduct under this Policy, the Institute will conduct an initial assessment of the reported details and respond to any immediate health or safety concerns, that may include imposing reasonable and appropriate interim measures to address health and safety concerns.

The Institute will also contact the Reporting Party to discuss:

- Options available to address the reported concerns
- Discuss available on-campus resources and support.
- Notify the Reporting Party of the right to contact or decline to contact law enforcement, and if requested, assist them with notifying law enforcement;
- The availability of supportive measures (outlined below) with or without the filing of a Formal Complaint.

B. Supportive Measures

Supportive Measures are non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed.

Such measures are designed to restore or preserve equal access to education programs or activities without unreasonably burdening the other party, including measures designed to protect the safety of all parties or CalArts' educational environment, or deter harassment.

All measures will be implemented at the discretion of the Institute. Potential remedies and accommodations that may be applied to the complainant and/or the respondent include, but are not limited to:

- Access to counseling services and assistance in setting up initial appointment, both on and off campus;
- Imposition of a non-retaliation order
- Imposition of a no-contact order;
- Rescheduling of exams and assignments;
- Providing alternative course completion options;
- A change in class schedule, including the ability to drop a course without penalty;
- A change in work schedule or job assignment;
- A change in on campus residence hall assignments (either temporarily or permanently)
- A voluntary leave of absence;
- Providing an escort to ensure safe movement between classes, performances, and activities;
- Providing academic support services, such as tutoring;

C. Initial Intake & Assessment

The Initial Assessment process seeks to gather information about the nature and circumstances of the report to determine whether this Policy applies to the report and, if so, which resolution process may be appropriate, as well as which section of the grievance procedures apply based on the conduct and the status of the parties. The primary concern shall be safety. For cases of California Sexual Violence, a victim-centered interview protocol shall be used.

The Administrator of the process may also determine that the provision of supportive measures only is the appropriate response under the Policy. If the initial complaint was not reported by the actual Complainant, the Title IX Coordinator will limit communication to general information on policies and processes.

Should the Complainant wish to initiate a resolution process, the Title IX Coordinator will determine whether this Policy applies and, if so, the appropriate process under this Policy. The Administrator will communicate to the Complainant this determination. If the Complainant does not wish to initiate a resolution process, the Administrator will assess whether to proceed as set forth below.

If the information provided does not suggest a potential violation of this Policy, the Administrator will provide the Complainant written notice that the matter is being referred for handling under a different policy, and/or to another appropriate office for handling.

D. Requests for Confidentiality or No Further Action

When a Complainant requests that CalArts not use their name as part of any resolution process, or that CalArts not take any further action, CalArts will generally try to honor those requests. However, there are certain instances in which CalArts has a broader obligation to the community and may need to act against the wishes of the Complainant. In such circumstances, the Administrator will notify the Complainant in writing of the need to take action. The factors the Administrator will consider when determining whether to act against the wishes of a Complainant include:

1. The Complainant's request not to proceed with initiation of a complaint;
2. The Complainant's reasonable safety concerns regarding initiation of a Complaint;
3. The risk that additional acts of Prohibited Conduct would occur if a Complaint is not initiated;
4. The severity of the alleged Prohibited Conduct, including whether the discrimination, if established, would require the removal of a Respondent from campus or imposition of another disciplinary sanction to end the discrimination and prevent its recurrence;
5. The age and relationship of the parties, including whether the Respondent is an employee of CalArts;
6. The scope of the alleged discrimination, including information suggesting a pattern, ongoing sex discrimination, or sex discrimination alleged to have impacted multiple individuals;
7. The availability of evidence to assist a Decisionmaker in determining whether sex discrimination occurred;
8. Whether CalArts could end the alleged sex discrimination and prevent its recurrence without initiating its grievance procedures under this Policy; and
9. Whether the conduct as alleged presents an imminent and serious threat to the health or safety of the Complainant or other persons, or that the conduct as alleged prevents CalArts from ensuring equal access on the basis of sex to its education program or activity.

E. Emergency Removal

For sex discrimination and harassment, CalArts retains the authority to remove a Respondent from CalArts' education program or activity on an emergency basis, where CalArts:

1. Undertakes an individualized safety and risk analysis;
2. Determines that an immediate and serious threat to the health or safety of a Complainant or any student, employee, or other individual arising from the allegations of sex discrimination justifies a removal; and
3. Provides the Respondent with notice of and an opportunity to challenge the decision immediately following the removal.

The Respondent may challenge the decision immediately following the removal, by notifying the Title IX Coordinator in writing. CalArts will designate an impartial individual, not otherwise involved in the case, to consider the challenge to the removal and determine if the emergency removal was reasonable. For all other Prohibited Conduct, CalArts may defer to its interim suspension policies for students and administrative leave for employees.

F. Administrative Leave

CalArts retains the authority to place an employee Respondent on administrative leave during a pending complaint process under this Policy, with or without pay, as appropriate. Administrative leave implemented as a supportive measure or as emergency removal is subject to the procedural provisions above, including the right to challenge the decision to implement that measure.

G. Student Withdrawal or Employee Resignation While Matters Are Pending

If a student or employee Respondent permanently withdraws or resigns from CalArts with unresolved allegations pending, CalArts will consider whether and how to proceed with the resolution process. CalArts will continue to address and remedy any systemic issues or concerns that may have contributed to the alleged violation(s) and any ongoing effects of the alleged Prohibited Conduct.

A student Respondent who withdraws while the process is pending may not return to CalArts without first resolving any pending matters. Such exclusion applies to all CalArts campuses and programs. An employee Respondent who resigns with unresolved allegations pending is not eligible for rehire with CalArts and the records retained by the Administrator will reflect that status.

VI. Referrals for Other Misconduct

CalArts has the discretion to refer complaints of misconduct not covered by this Policy for handling under any other applicable CalArts policy or code. As part of any such referral for further handling, CalArts may use evidence already gathered through any process covered by this Policy.

VII. Consolidation of Complaints

CalArts may consolidate Complaints as to allegations of Prohibited Conduct against more than one Respondent, or by more than one Complainant against one or more Respondents, or by one party against the other party, where the allegations arise out of the same facts or circumstances. Where a grievance process involves more than one Complainant or more than one Respondent, references in this section to the singular "party," "Complainant," or "Respondent" include the plural, as applicable. Where multiple policies may be implicated by the same set of facts or circumstances, CalArts may bifurcate the proceedings in accordance with the requirements of the individual policies.

CalArts also reserves the right to use this Policy to adjudicate other allegations and conduct charges as defined by policies outside of the scope of this Policy in instances when the conduct is associated with an alleged issue of prohibited conduct under this Policy. The Title IX Coordinator will address

these consolidated complaints in collaboration and coordination with other appropriate offices, such as Student Services and Human Resources. Allegations of a violation of a separate policy are not required to be handled using the procedural requirements set forth in this Policy.

VIII. Options for Resolution

There are multiple ways to resolve a complaint or report of sex discrimination. During the resolution of a complaint, the Administrator will determine whether to implement reasonable supportive measures designed to assist all parties (Complainants and Respondents) and community members in maintaining access to and participation in CalArts' educational programs, services and activities during the resolution of the complaint.

A. Support-Based Resolution

A support-based resolution is an option for a Complainant who does not wish CalArts to take any further steps to address their concern, and when the Administrator determines that another form of resolution, or further action, is not required. Some types of support that may be appropriate include but are not limited to: adjustments or changes to class schedules; moving from one residence hall room to another; adjusted deadlines for projects or assignments; adjustments to work schedule or arrangements; escorts to and around campus; and/or counseling.

A support-based resolution does not preclude later use of another form of resolution, for example if new information becomes available to CalArts and the Administrator determines there is need for additional steps to be taken, or the Complainant later decides to pursue a Resolution Agreement or investigation and decision making.

B. Agreement-Based Resolution

Agreement-Based Resolution is an alternative where the Parties each voluntarily agree to resolve the complaint in a way that does not include an investigation and does not include any finding of responsibility. Agreement-Based Resolution is a voluntary, structured interaction between or among affected parties that balances support and accountability. If CalArts offers Agreement-Based Resolution to the parties, and they voluntarily consent to engage in that process, the Administrator must still take other prompt and effective steps as needed to ensure that sex discrimination does not continue or recur within the education program or activity. Parties and the Administrator may agree to pause or exit the investigation and decision making resolution procedures to explore Agreement-Based Resolution.

Any party may design the proposed agreement between the parties. The Administrator must approve of the use of the Agreement-Based Resolution process and approve the final agreement between the parties. Although not generally a part of Agreement-Based Resolution, under California law mediation is not permitted for California Misconduct. The Administrator must specifically determine that it is permissible for resolving California Sex-Based Harassment in Employment. Agreement-Based Resolution may be initiated at any time prior to the release of the final determination. Because Agreement-Based Resolution does not involve an investigation, there is not any determination made as to whether a Respondent violated this Policy.

The Administrator has the discretion to determine that Agreement-Based Resolution is not an appropriate way to address the reported conduct, and that the matter must instead be resolved through an alternate process.

C. Investigation & Decision Making Resolution Process

Acceptance of Responsibility

If a Respondent accepts responsibility for all or part of the Prohibited Conduct alleged, the Administrator of the process or designated sanctioning officer will issue an appropriate sanction or responsive action as to those violation(s) and continue processing remaining allegations of Prohibited Conduct, if any.

Assignment of the Investigator

CalArts will assign a trained Investigator to conduct an adequate, reliable, and impartial investigation and determination, as applicable, in a reasonably prompt timeframe. CalArts reserves the right to utilize internal or external Investigators.

All parties have the option to participate in the investigation, and each have the same rights during the resolution process including the right to an advisor, to submit relevant witness names and evidence, and to review the evidence gathered by the Investigator prior to the Investigator providing the final report to the Decision Maker.

The Investigator will establish deadlines for submission of names of relevant witnesses and submission of evidence and communicate those deadlines to the parties in writing.

Conflict of Interest or Bias Challenges

After a Notice of Investigation, as described below, is issued to all parties, any party may object to the participation of the Administrator or designated Investigator on the grounds of a demonstrated bias or actual conflict of interest. All parties will have three (3) days from the date of the Notice of Investigation to object to the selection of the Investigator]. Objections to the assigned Investigator are to be made, in writing, to the Administrator of the process]. All objections will be considered, and changes made as appropriate. If the objection is substantiated that individual shall be replaced. Any change will be communicated in writing.

Nature of Process

The investigation and adjudication shall provide all parties with appropriate process and reach reasonable conclusions based on the evidence collected.

Timeline

CalArts strives to complete the investigation process within 120 business days from the date of the Notice of Investigation and shall communicate with the Parties regarding the anticipated timeline. The communicated timeline information shall include:

Timeline Extensions

The timeline for any part of the resolution process may be extended for good cause by the Administrator or Investigator, who shall provide communication of that information to the Parties. Good cause reasons for extension may include but are not limited to ensuring availability of witnesses and other participants and ensuring participants have sufficient time to review materials.

CalArts shall not unreasonably deny a student party's request for an extension of a deadline related to a complaint during periods of examinations or school closures.

Burden of Evidence

CalArts has the burden of conducting an investigation that gathers sufficient evidence to determine whether Prohibited Conduct occurred. Any party may decide to limit their participation in part or all of the process, or to decline to participate. This does not shift the burden of proof away from CalArts and does not indicate responsibility.

Standard of Proof

The standard of proof used in any investigation and decision-making process is the preponderance of the evidence standard, which means that the allegation(s) are more likely than not to have occurred.

Written Notice of Meetings

CalArts will provide to a party or witness whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all meetings or proceedings with sufficient time to prepare to participate.

Notice of Allegations and Investigation

Prior to the start of an investigation, the Parties will be provided a written Notice of Investigation communicating the initiation of an investigation. Should additional allegations be brought forward, or information regarding location or date of the incident(s), a revised written Notice of Investigation shall be provided to all parties.

Evidence Gathering

The Investigator will interview all parties and relevant witnesses and gather relevant documentary evidence provided by the parties and any identified witnesses.

Individual Interviews

The Investigator will hold individual interviews with parties and witnesses to ask relevant questions and follow-up questions, including questions exploring credibility. When a party meets with an Investigator, the Investigator will ask questions related to the allegations in the complaint and a party is given the opportunity to speak to the allegations and related events. Parties may identify fact witnesses and provide evidence that is relevant to the allegations and not otherwise impermissible. This will include inculpatory evidence (that tends to show it more likely that someone committed a violation) and exculpatory evidence (that tends to show it less likely that someone committed a violation). The Investigator ultimately determines whom to interview to determine the facts relevant to the complaint.

Investigation Report

The Investigator shall evaluate the relevant and not impermissible evidence and make factual determinations regarding each allegation, and also determine whether a violation of the Policy occurred. The Investigator may choose to place less or no weight upon statements by a party or witness who refused to respond to questions deemed relevant and not impermissible, or declined to participate. The Investigator will not draw an inference about whether Prohibited Conduct occurred based solely on a party's or witness's refusal to respond to questions and the Investigator shall prepare an investigation report.

Notice of Outcome

The Administrator of the process shall then provide the parties with a written Notice of Outcome. The Notice of Outcome shall include:

1. Rationale for the decision;
2. Applicable outcomes or sanctions appropriate to the determination/outcome;
3. CalArts procedures and the permitted reasons for the parties to appeal

The determination regarding responsibility becomes final either on the date that CalArts provides the parties with the written determination or the result of any appeal, if applicable.

IX. Policy Review and Revision

These policies and procedures will be reviewed and updated regularly by the Administrator. The Administrator will submit modifications to this Policy in a manner consistent with institutional policy upon determining that changes to law, regulation or best practices require policy or procedural alterations not reflected in this Policy and procedure. Procedures in effect at the time of its implementation will apply. The Policy definitions in effect at the time of the conduct will apply even if the Policy is changed subsequently, unless the parties consent to be bound by the current Policy.

This Policy may be revised at any time without notice. All revisions supersede prior policy and are effective immediately upon posting to CalArts website.

Appendix - CalArts Non-Discrimination Statements

CalArts statements of non-discrimination shall be published as required by law and provided in this policy; shall state:

Title IX Statement

CalArts does not discriminate based on sex in any program or activity, including in the admissions process and employment, and is prohibited from such discrimination by Title IX and 34 CFR Part 106.

Complaints of discrimination based on sex or questions about Title IX can be directed to CalArts' Title IX Coordinator or to the U.S. Assistant Secretary of Education, or both. To make a report or complaint of sex discrimination or sexual harassment, or for any questions related to Title IX, please contact:

Dionne Simmons
Title IX Coordinator

Section 504 Statement

CalArts does not discriminate based on disability in any program or activity, including in the admissions process and employment, and is prohibited from such discrimination by Section 504 of the Rehabilitation Act. Denial of an accommodation and disability-discrimination complaints may be filed under this policy.

Complaints of disability discrimination can be directed to CalArts's Section 504 Coordinator or to the U.S. Assistant Secretary of Education, or both. To make a report or complaint of discrimination please contact:

Anthony Garrison-Engbrecht
Vice President Student Affairs

Title VI Statement

CalArts does not discriminate based on race, color or national origin in any program or activity, including in the admissions process and employment, and is prohibited from such discrimination by Title VI. To make a report or complaint of discrimination or for any questions related to Title VI, please contact:

Eva Graham
Institute Diversity Officer

Age Discrimination Act of 1975 Statement

CalArts does not discriminate based on age (over 40) in any program or activity, including in the admissions process and employment and is prohibited from such discrimination by the Age Discrimination Act of 1975. To make a report or complaint of discrimination or for any questions related to the Age Discrimination Act of 1975, please contact:

Eva Graham
Institute Diversity Officer