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Policy Statement

***Please note this is an interim policy with anticipated revisions pending. As of August 28, 2024, the College has been enjoined from full implementation of the 2024 regulations. To remain compliant with the injunction's requirements, the College has added a new Section to this Policy entitled "[Title IX Resolution Procedures for Certain Forms of Prohibited Conduct](#)".**

As an institution of higher education, Claremont McKenna College ("CMC" or "the College") is firmly committed to providing equal opportunity for all our community members, irrespective of an individual's background. The College strives to maintain a community in which all people respect the rights of other people to live, work, and learn in peace and dignity; to be proud of who and what they are; and to have equal opportunity to realize their full potential as individuals and members of society.

The College has adopted this Policy (the "Policy") to reflect and maintain its institutional values and community expectations including:

- Taking necessary steps to respond appropriately to allegations of Prohibited Conduct, as defined by this Policy;
- Utilizing best practices to educate the community to reduce the likelihood of events occurring or reoccurring and addressing such behavior and remedying its effects on impacted individuals or the CMC community; and
- Providing fair and equitable procedures for determining when Prohibited Conduct has occurred and providing recourse for individuals and the CMC community in response to such violations.

Definition of Protected Status

This Policy prohibits discrimination or harassment on the basis of legally protected categories, including: race, color, national origin, ethnicity, ancestry, creed, religion (including religious dress and appearance), gender, gender identity, sex (which includes pregnancy, childbirth, lactation, and related medical conditions), sexual orientation, sex stereotypes, sex characteristics, reproductive decision making, status as a victim of domestic violence, sexual assault, or stalking, age, physical disability, mental disability, medical condition, marital status, military status, veteran status, genetic information, or any other characteristic that may be specified in such laws and regulations, as well as the perception that a person has any of those characteristics ("Protected Status"). Protection

from race, color or national origin discrimination extends to discrimination, including harassment, based on actual or perceived (i) shared ancestry or ethnic characteristics or (ii) citizenship or residency in a country with a dominant religion or distinct religious identity.

Sex-based harassment, sexual assault, dating and domestic violence, and stalking based on sex are forms of sex discrimination, which are prohibited under Title IX, California law, and this Policy. The TCC Title IX policies apply to all cases involving students of CMC for conduct prohibited by that policy, whether Complainants or Respondents. All other forms of conduct prohibited by Title IX shall be processed under this Policy, provided that the jurisdictional requirements have been met.

Statements of Legal Compliance

This Policy is established in compliance with the California Equity in Higher Education Act, the California Fair Employment & Housing Act, Title IX, the Clery Act, VAWA/Campus SaVE Act, Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act of 1990, and the Age Discrimination Act of 1975, among other applicable state and federal laws governing employers and private colleges. The investigation and adjudication of alleged misconduct under this Policy is not an adversarial process between Complainants, Respondents, and witnesses. The primary purpose of this Policy is to ensure safety and access to CMC's education programs and activities and employment.

Statement of Non-Discrimination

Except as permitted by law, CMC does not discriminate in its admissions practices, in its employment practices, or in its educational programs or activities on the basis of any actual or perceived Protected Status. In cases in which an individual respondent cannot be identified, CMC reserves the right to address hostile climate claims that do not involve a particular Respondent outside of this Policy.

CMC's statements of non-discrimination shall be published as required by law and shall state:

Title IX Statement

Except as permitted by law, CMC does not discriminate based on sex (as defined by Title IX) 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 can be directed to CMC's Title IX Coordinator or to the U.S. Assistant Secretary of Education (see below for contact information), or both. To make a report or complaint please contact:

Title IX Coordinator
Joanna Rosas, Title IX Coordinator
Athenaeum, Second Floor
385 East Eighth Street
Claremont, CA 91711

(909) 607-3830

titleix@claremontmckenna.edu

Section 504 Statement

CMC does not discriminate based on disability in any education program or activity, including in the admissions process and employment, and is prohibited from such discrimination by Section 504 of the Rehabilitation Act. The College provides reasonable accommodations to qualified individuals with a Disability based on an interactive process with those involved to identify the nature and extent of the impairment or limitation and the appropriate accommodation. Denial of an accommodation, failure to implement an accommodation, and disability-discrimination, harassment or related retaliation complaints may be filed under this policy.

Complaints can be directed to CMC's Section 504 Coordinator or to the U.S. Assistant Secretary of Education (see below for contact information), or both. To make a report or complaint please contact:

Aridai Martinez

Associate Director of Accessibility Services and Section 504 Coordinator

Heggblade Center

850 Columbia Ave

Claremont, CA 91711

AccessibilityServices@cmc.edu

(909) 607-0316

Title VI Statement

CMC does not discriminate based on race, color or national origin in any education program or activity, including in the admissions process and employment, and is prohibited from such discrimination by Title VI. Complaints can be directed to CMC's Title VI Coordinator or to the U.S. Assistant Secretary of Education (see below for contact information), or both. To make a report or complaint please contact:

Nyree Gray, Vice President Human Relations and Chief Diversity Officer, Title VI Administrator

Heggblade, Second Floor

400 E Ninth St.

Claremont, CA 91711

(909) 607-0347

ngray@cmc.edu

Age Discrimination Act of 1975 Statement

Except as permitted by law, CMC does not discriminate based on age in any education program or activity, including in the admissions process and employment and is prohibited from such discrimi-

nation by the Age Discrimination Act of 1975. Complaints can be directed to CMC's Chief Diversity Officer or to the U.S. Assistant Secretary of Education (see below for contact information), or both. To make a report or complaint, please contact:

Nyree Gray, Vice President Human Relations and Chief Diversity Officer, Age Discrimination Administrator
Heggblade, Second Floor
400 E Ninth St.
Claremont, CA 91711
(909) 607-0347
ngray@cmc.edu

Complaints can be directed to CMC's Section 504 Coordinator or to the U.S. Assistant Secretary of Education (see below for contact information), or both.

Any student, employee or participant in the College's education programs or activities may pursue any questions or a charge of harassment, discrimination, or related retaliation based on the laws above with the United States Department of Education's Office for Civil Rights ("OCR"). As stated in the definition of Prohibited Conduct, it is a violation of this Policy and is also unlawful to retaliate against any individual for filing a complaint with, or for otherwise participating in an investigation, proceeding, or hearing conducted by, OCR.

Office for Civil Rights
San Francisco Office
U.S. Department of Education
50 United Nations Plaza
San Francisco, CA 94102
Telephone: (415) 486-5555
Facsimile: (415) 486-5570
Email: OCR.SanFrancisco@ed.gov

An employee (including an applicant for employment, student-employee, volunteer, unpaid intern, or contractor) may pursue any charge of harassment, discrimination, or related retaliation with the California Department of Fair Employment and Housing ("DFEH") or the comparable federal agency, the Equal Opportunity Employment Commission ("EEOC"). As stated in the definition of Prohibited Conduct, it is a violation of this Policy and is also unlawful to retaliate against any employee for opposing the practices prohibited by the California Fair Employment and Housing Act or comparable federal law or for filing a complaint with, or for otherwise participating in an investigation, proceeding, or hearing conducted by, the DFEH or EEOC.

EEOC Los Angeles District Office
255 East Temple Street, 4th Floor

Los Angeles, CA 90012

(213) 894-1000

DFEH Los Angeles Office

320 W. 4th St.

Los Angeles, CA 90013

(213) 439-6799

Statement of Equal Access for Pregnancy and Related Conditions

CMC shall provide certain support and modifications to students, employees, and prospective students experiencing pregnancy or related conditions to ensure their equal access to CMC's programs or activities.

CMC treats pregnancy or related conditions in the same manner and under the same policies as any other temporary medical conditions and must allow voluntary leaves of absence. Students, employees, or applicants should contact the Title IX Coordinator for more information. CMC's legally required policy for graduate students is set forth as an appendix to this Policy. Employees or applicants for employment may also contact the Office of Human Resources for more information as additional workplace laws and policies apply.

Application of Section 504/Americans with Disabilities Act to this Policy

CMC is committed to providing individuals with disabilities equal access to the implementation of this Policy. Individuals may request reasonable accommodations for disabilities from the Title IX Coordinator at any point relating to the implementation of this Policy, including making a disclosure or report and initiating a Resolution Procedure. Accommodations will be granted if they are reasonable and do not fundamentally alter the procedures established by this Policy. Please note that when implementing this Policy, CMC will not affirmatively provide disability accommodations that have not been specifically requested by the Parties, even where the Parties may be receiving accommodations in other CMC programs and activities.

With the consent of the individual seeking the accommodation, the Title IX Coordinator or other responsible administrator will work collaboratively with the Dean of Students Office and/or the Office of Human Resources to ensure that approved reasonable accommodations (disability-related) are afforded when implementing this Policy. Requests for accommodations to enable participation in the [TCC Title IX Policy](#) will be provided with the Section.

Academic Freedom and Freedom of Expression

This Policy is consistent with the College's core values of academic freedom and free expression. The College has adopted the University of Chicago's Statement on Academic Freedom, which is incorporated in full here:

From its very founding, the University of Chicago has dedicated itself to the preservation and celebration of the freedom of expression as an essential element of the University's culture. In 1902, in his address marking the University's decennial, President William Rainey Harper declared that "the principle of complete freedom of speech on all subjects has from the beginning been regarded as fundamental in the University of Chicago" and that "this principle can neither now nor at any future time be called in question."

Thirty years later, a student organization invited William Z. Foster, the Communist Party's candidate for President, to lecture on campus. This triggered a storm of protest from critics both on and off campus. To those who condemned the University for allowing the event, President Robert M. Hutchins responded that "our students ... should have freedom to discuss any problem that presents itself." He insisted that the "cure" for ideas we oppose "lies through open discussion rather than through inhibition." On a later occasion, Hutchins added that "free inquiry is indispensable to the good life, that universities exist for the sake of such inquiry, [and] that without it they cease to be universities."

In 1968, at another time of great turmoil in universities, President Edward H. Levi, in his inaugural address, celebrated "those virtues which from the beginning and until now have characterized our institution." Central to the values of the University of Chicago, Levi explained, is a profound commitment to "freedom of inquiry." This freedom, he proclaimed, "is our inheritance."

More recently, President Hanna Holborn Gray observed that "education should not be intended to make people comfortable, it is meant to make them think. Universities should be expected to provide the conditions within which hard thought, and therefore strong disagreement, independent judgment, and the questioning of stubborn assumptions, can flourish in an environment of the greatest freedom." The words of Harper, Hutchins, Levi, and Gray capture both the spirit and the promise of the University of Chicago. Because the University is committed to free and open inquiry in all matters, it guarantees all members of the University community the broadest possible latitude to speak, write, listen, challenge, and learn. Except insofar as limitations on that freedom are necessary to the functioning of the University, the University of Chicago fully respects and supports the freedom of all members of the University community "to discuss any problem that presents itself."

Of course, the ideas of different members of the University community will often and quite naturally conflict. But it is not the proper role of the University to attempt to shield individuals from ideas and opinions they find unwelcome, disagreeable, or even deeply offensive. Although the University greatly values civility, and although all members of the University community share in the responsibility for maintaining a climate of mutual respect, concerns

about civility and mutual respect can never be used as a justification for closing off discussion of ideas, however offensive or disagreeable those ideas may be to some members of our community.

The freedom to debate and discuss the merits of competing ideas does not, of course, mean that individuals may say whatever they wish, wherever they wish. The University may restrict expression that violates the law, that falsely defames a specific individual, that constitutes a genuine threat or harassment, that unjustifiably invades substantial privacy or confidentiality interests, or that is otherwise directly incompatible with the functioning of the University. In addition, the University may reasonably regulate the time, place, and manner of expression to ensure that it does not disrupt the ordinary activities of the University. But these are narrow exceptions to the general principle of freedom of expression, and it is vitally important that these exceptions never be used in a manner that is inconsistent with the University's commitment to a completely free and open discussion of ideas.

In a word, the University's fundamental commitment is to the principle that debate or deliberation may not be suppressed because the ideas put forth are thought by some or even by most members of the University community to be offensive, unwise, immoral, or wrong-headed. It is for the individual members of the University community, not for the University as an institution, to make those judgments for themselves, and to act on those judgments not by seeking to suppress speech, but by openly and vigorously contesting the ideas that they oppose. Indeed, fostering the ability of members of the University community to engage in such debate and deliberation in an effective and responsible manner is an essential part of the University's educational mission.

As a corollary to the University's commitment to protect and promote free expression, members of the University community must also act in conformity with the principle of free expression. Although members of the University community are free to criticize and contest the views expressed on campus, and to criticize and contest speakers who are invited to express their views on campus, they may not obstruct or otherwise interfere with the freedom of others to express views they reject or even loathe. To this end, the University has a solemn responsibility not only to promote a lively and fearless freedom of debate and deliberation, but also to protect that freedom when others attempt to restrict it.

As Robert M. Hutchins observed, without a vibrant commitment to free and open inquiry, a university ceases to be a university. The University of Chicago's long-standing commitment to this principle lies at the very core of our University's greatness. That is our inheritance, and it is our promise to the future.

Scope of Policy

Timing

This Policy is effective August 1, 2024 and may be amended at any time. Any amendments shall be published via CMC's policy library.

Definitions

Where the reported Prohibited Conduct is alleged to have occurred before the effective date of this Policy, the definitions of Prohibited Conduct in existence at the time of the alleged Prohibited Conduct occurred will be used.

Resolution Procedures for Conduct Not Covered by Title IX

Regardless of when the Prohibited Conduct occurred, these Resolution Procedures will be used.

Title IX Conduct Occurring Prior to August 14, 2020

The definitions and procedures in effect at that time will be used.

Title IX Conduct Occurring August 14, 2020 to July 31, 2024

The definitions in effect at that time will be used. The process for resolving complaints in the Title IX Resolution Procedures in this Policy will be used.

Persons Covered

This Policy applies to all members of the CMC community including: students (in their roles as students and as student-employees), student organizations, faculty, staff, administrators, and participants in CMC's education programs and activities. It also applies to (whether on or off campus) third Parties such as alumni, volunteers, vendors, contractors, interns, visitors, when they are on campus or participating in CMC's sponsored activities or programs. The procedures for resolving allegations of Prohibited Conduct may vary based on one's status, as further described in the Policy.

CMC prohibits coworkers, third Parties (including students), as well as supervisors and managers with whom a CMC employee (including a student-employee, applicant for employment, contractor, volunteer or intern) comes into contact, from engaging in conduct prohibited by the California Fair Employment and Housing Act, which includes Prohibited Conduct as defined by this Policy.

Geographic Coverage

In Education Programs and Activities or Off-Campus (Student and Participants)

CMC shall take reasonable steps to respond to each incident of Prohibited Conduct involving individuals subject to CMC's policies that occur in connection with any education programs or activities CMC as well as incidents that occurred outside of those education programs or activities, whether they occurred on or off campus to a student or participant in the College's education programs or activities, if, based on the allegations, there is any reason to believe that the incident

could contribute to a hostile educational environment or deny access to CMC's education programs and activities for a student or participant.

Relating to Employment

This policy applies to Prohibited Conduct in employment that occurs:

- In the workplace (including the remote workplace during working time) or anywhere on CMC's property while employees are working;
- Off-campus, if the Prohibited Conduct in employment occurred during a CMC work event, activity, program, or event (including authorized travel to and from the event); or
- Off-campus, if the off-duty Prohibited Conduct in employment has or reasonably may have the effect of creating a hostile work environment for an employee.

For students who are also student-employees, their status at the time the incident occurred will determine whether they will be treated as an employee or a student under this Policy.

Reporting Concerns

The College strongly encourages reports of Prohibited Conduct regardless of who engaged in the conduct. Even if the College does not have the ability to initiate a process under this policy, the College will take prompt action to provide for the safety and well-being of the individual reporting the Prohibited Conduct and the broader campus community.

Relationship to the Other Claremont Colleges

In circumstances involving Parties from more than one campus within The Claremont Colleges, the following rules apply:

- The Respondent's home institution will be responsible for administering any Resolution or other disciplinary process that falls outside of this Policy or the TCC Policy as it applies to CMC students.
- The College will coordinate with the Respondent's home institution in the investigation of the matter and will take steps to stop the conduct and remedy its effects to the extent reasonably possible.
- The College maintains its authority to take action to ensure safety on its own campus.

The Claremont Colleges Title IX Policy

This Policy covers Prohibited Conduct that occurs on the basis of sex that does not fall within the definitional or jurisdictional requirements of the [TCC Title IX Policy](#). The conduct covered in this Policy may also be covered under The Claremont Colleges (TCC) Title IX Policies for 2020 or the current TCC Interim Policy. Alleged Prohibited Conduct involving a CMC student that is covered under [TCC Title IX Policy](#) will be referred to the TCC Title IX Resolution Procedures, unless it also involves a CMC employee as a Respondent, in which case it will be processed under this Policy.

Definitions

These definitions apply throughout the Policy:

- **Age:** with respect to employment discrimination, refers to the chronological age of any individual who has reached a 40th birthday. With respect to discrimination in non-employment programs and activities, Age means how old a person is, or the number of years from the date of a person's birth.
- **Bias:** a preference or inclination that inhibits impartial judgment.
- **Business days:** Monday through Friday, excluding state, federal, and College holidays.
- **Complainant:** any individual who has reported being or is alleged to be impacted by Prohibited Conduct as defined by this Policy and who was participating in a CMC program or activity (or attempting to participate) at the time of the alleged Prohibited Conduct, including students, employees (including student employees in their capacity as employees), interns (paid and unpaid), applicants for employment and admission, volunteers, contractors, or any other participants in CMC's education programs and activities.
 - **Institution as Complainant:** a designated College official/office who acts in the capacity of a Complainant when: (1) a Complainant is unavailable or unwilling to participate in the Resolution Procedures and it has been determined that the matter must nevertheless proceed through the Resolution Procedures; or (2) CMC initiates the Resolution Procedures in order to ensure equal access to its education programs and activities and employment
- **Complaint:** an oral or written request to the Title IX Coordinator that objectively can be understood as a request for CMC to investigate and make a determination about alleged Prohibited Conduct under this Policy.
- **Conflict of Interest:** Generally, a conflict of interest is present when someone's personal interests may compromise-or be reasonably seen as compromising-the person's impartial exercise of duties under this policy. Personal interests (including adverse personal relationships) may arise from relationships (familial, friendships/social circles), financial connections, or otherwise. No one list can provide for every circumstance that may pose a conflict of interest, but the following common-sense guidelines may help:

CMC is a small, tight-knit community. Individuals involved in this process may know the Parties, may know other members of the College community who provide information bearing on the resolution of a Complaint, and may have a general prior knowledge of the Complaint. Acquaintance with the Parties or others involved and general knowledge of the Complaint do not in themselves constitute conflicts of interest, for this Policy presumes that the individuals implementing the Policy will conscientiously discharge their duties, acting in good faith. Similarly, providing procedural information to one or both Parties prior to the submission of a Complaint does not by itself constitute a cause for recusal, though advice that indicates a prejudgment or that does not maintain impartiality creates a conflict of interest

and would constitute cause for recusal. More generally, public or private statements suggesting a pre-judgment of the facts involved in the Complaint always constitute a conflict of interest. Familial relationship with one or more of the Parties or direct involvement, including but not limited to involvement as an immediate Party, a third Party (e.g. as a witness), or as a participant in rendering a decision related to the Complaint, also constitutes a conflict of interest.

- **Confidential Resource:** a campus- or community-based resource that has the duty of confidentiality. The duty of confidentiality is an obligation on the part of the resource provider to keep a person's information private and confidential unless consent to release or share the information is provided by the disclosing person or they are legally required to disclose information as described below. The Title IX Coordinator maintains a list of Confidential Resources.

There are two types of Confidential Resources:

1. **Confidential Resources with the Legal Privilege of Confidentiality.** Communications with these resources have legal protections from disclosure in court. These resources also possess professional obligations (the duty of confidentiality) to hold such communications in confidence and they cannot divulge information about an individual seeking their services to a third Party without that individual's consent. There are established limits to confidentiality and these must be communicated to the individual seeking services. Examples include, but are not limited to: Chaplains, and Monsour Counseling and Psychological Services (MCAPS).
2. **Institution-designated Confidential Resources.** Communications with these resources do not have legal privilege and therefore are not provided legal protections from disclosure in court. Outside of a courtroom proceeding or when otherwise subject to a lawfully issued subpoena or directive from an administrative agency, these individuals and/or offices do possess professional obligations (the duty of confidentiality) to hold communications in confidence and they cannot divulge information about an individual seeking their services to a third Party without that individual's consent. In addition to established limits to confidentiality that must be communicated to the individual seeking services, Institution designated Confidential Resources also have limited reporting responsibilities federally mandated by the Clery Act. Under the Clery Act, their reporting obligation arises when they become aware of information or allegations of criminal behavior and must report the information regarding an incident to the Institution's Clery Coordinator. They do not have to report identifying information about the individuals involved in an incident. Institution-designated Confidential Resources are not obligated to inform the Title IX Coordinator of a report/disclosure unless requested by the individual seeking their services.

Examples of Institution-designated Confidential Resources include, but are not limited to the Director of the EmPOWER Center and the Director of the Queer Resource Center (QRC).

CMC Campus Advocates are Institution-designated Confidential Resources. All campus Advocates, however, are private resources, and do not have an obligation to share any information with the Title IX Coordinator.

Prior to disclosing information to a Confidential Resource, an individual should ask questions about the Confidential Resource's ability to maintain confidentiality and privacy.

- **Chief Diversity Officer:** the designated College official responsible for the development and implementation of a comprehensive program for compliance with civil rights laws, including but not limited to the oversight and administration of this Policy. The Chief Diversity Officer oversees all matters dealing with discrimination, harassment, hate crimes, and Faculty/Staff Title IX matters.
- **Disability:**
 - Having a physical or mental condition that limits a major life activity. "Limits" means making the achievement of a major life activity difficult. "Limits" is determined without regard to mitigating measures such as medications, assistive devices, prosthetics, or reasonable accommodations, unless the mitigating measure itself limits a major life activity. A "major life activity" is broadly construed and includes physical, mental, and social activities (such as walking, talking, seeing, hearing) and working; or
 - Having a known history of a qualifying impairment; or
 - Being regarded or treated as having or having had a qualifying impairment; or
 - Being regarded or treated as having or having had such an impairment that has not presently disabling effects but may become a qualifying impairment in the future.
- **Faculty or "Faculty Member":** any College employee holding any type of appointment to the faculty, however titled (including, but not limited to all tenured, tenure-track, visiting, and part-time appointments). This includes head coaches on renewable contracts in the Department of Athletics, Physical Education, and Recreation.
- **Force or threat of force:** the use of force or violence, or the threat of force or violence, including but not limited to (1) when the Respondent threatens to use force or violence on the Complainant or on any other person, and the Complainant under the circumstances reasonably believes that the Respondent has the ability to execute that threat or (2) when the Respondent has overcome the Complainant by use of superior strength or size, physical restraint or physical confinement.
- **Gender:** includes a person's gender identity and gender expression. Gender expression means a person's gender-related appearance and behavior whether or not stereotypically associated with the person's assigned sex at birth.
- **Genetic Information:** means:
 - The individual's genetic tests.
 - The genetic tests of the individual's family members.
 - The manifestation of a disease or disorder in the individual's family members.

- Any request for, or receipt of genetic services, or participation in clinical research that includes genetic services, by a student, staff, or faculty member or their family member.
- Genetic Information does not include information about any Student's sex or age.
- **Investigator:** the person tasked by the Title IX Coordinator with investigating a Complaint.
- **Marital Status:** an individual's state of marriage, non-marriage, divorce or dissolution, separation, widowhood, annulment, or other marital state.
- **Medical Condition:**
 - Any health impairment related to or associated with a diagnosis of cancer or a record of history of cancer; or
 - Genetic characteristics, which includes any scientifically or medically identifiable gene or chromosome, or combination or alteration thereof, that is known to be a cause of the disease or disorder in a person or that person's offspring, or that is determined to be associated with a statistically increased risk of development of a disease or disorder, and that is presently not associated with any symptoms of any disease or disorder, as well as inherited characteristics that may derive from the individual or family member, that are known to be a cause of a disease or disorder in a person or that person's offspring, or that are determined to be associated with a statistically increased risk of development of a disease or disorder, and that are presently not associated with any symptoms of any disease or disorder.
- **National Origin:** includes citizenship, country of origin, and national origin.
- **Participants:** denotes a separate category of individuals who are participating in the College's education program and activities. Students and employees are referred to explicitly as such.
- **Parties:** to a Complaint are Complainant(s) and Respondent(s).
- **Pregnancy or related conditions:** include pregnancy, childbirth, termination of pregnancy, lactation; medical conditions related to pregnancy, childbirth, termination of pregnancy, or lactation; and conditions related to recovery from pregnancy.
- **Preponderance of the Evidence:** means the greater weight of the evidence; i.e., that the evidence on one side outweighs, preponderates over, or is more than, the evidence on the other side. The Preponderance of the Evidence is the applicable standard for determining facts and reaching conclusions in an investigation conducted pursuant to this Policy.
- **Race or Ethnicity:** includes ancestry, color, ethnic group identification, and ethnic background. Race is inclusive of traits associated with race, including, but not limited to, hair texture and protective hairstyles.
- **Reasonable Person:** means a reasonable person under similar circumstances and with the same Protected Status(es) as Complainant.
- **Religion:** is a Protected Status and includes all aspects of religious belief, observance, and practice and includes agnosticism and atheism. Religious dress and grooming practices, such as wearing religious clothing, head or face covering, jewelry, and artifacts, are part of a Complainant's religious observance or belief.

- **Resolution Procedures:** the rules the College will follow when adjudicating an allegation of Prohibited Conduct. This includes Agreement-Based, Formal, or Title IX Resolution Procedures, as applicable.
- **Respondent:** an individual student, employee, or other individual over whom CMC exercises disciplinary authority, or group of individuals such as a student organization, who has been reported to have engaged in conduct that could constitute Prohibited Conduct under this Policy.
- **Responsible Employee:** a College employee or agent who is generally required to report to the Title IX Coordinator when they know, or in the exercise of reasonable care, should know about Prohibited Conduct. Except for Confidential Resources, all College employees—even if not Responsible Employees—are trained to report alleged Prohibited Conduct to the Title IX Coordinator.

A Responsible Employee includes any employee who:

- Has the authority to take action to redress the discrimination or harassment; or,
- Has the duty to report incidents of potential discrimination or harassment to appropriate College officials; or
- A student or employee could reasonably believe has the authority or responsibility to take action.

Employees with supervisory and leadership responsibilities on campus are considered Responsible Employees. All exempt employees are considered Responsible Employees. These employees include faculty, coaches, administrators, resident advisors, and others with a responsibility for the welfare of our students, faculty, staff, and visitors. The Chief Diversity Officer, Title IX Coordinator, Deputy Title IX Coordinators, Deans or Assistant Deans in the Dean of Students Office, and Campus Safety Officers are all Responsible Employees. This list is not exhaustive.

- **Sanctions:** means any disciplinary action taken to correct a violation of Prohibited Conduct as set forth in this Policy. A list of Sanctions is [here](#).
- **Sex:** includes sex (identification assigned at birth), sex characteristics, sex stereotypes, gender, gender identity and expression, sexual orientation, pregnancy and related conditions.
- **Staff or Staff Member:** any employee of the College who is not a member of the Faculty or a student, including full-time, part-time, probationary, and temporary positions. In addition, for the purposes of this Policy:
 - Assistant coaches and other employees within the Department of Athletics, Physical Education, and Recreation are considered Staff.
 - CMC students may also be employed by CMC in various campus jobs. When performing these duties, they may be considered Staff for the purposes of this Policy.
- **Student:** any student enrolled at the College, including any student currently serving a suspension or interim suspension, on a leave of absence, or any who withdraws from the College while a disciplinary matter (including investigation) is pending.

- **Title IX Coordinator/Deputy Title IX Coordinators:** designated College personnel responsible for overseeing the College’s compliance with Title IX, the VAWA Amendments to the Clery Act, and California Education Code Sections 67380-67386.
- **VAWA:** the Violence Against Women Reauthorization Act of 2013 (which amends the Jeanne Clery Disclosure of Campus Crimes Statistics Act, commonly known as the Clery Act) (20 U.S.C. 1092(f)), under its Campus Sexual Violence Elimination Act provision (Campus SaVE Act).
- **Veteran or Military Status:** service in the uniformed services.
- **Witness:** a person asked to give information about a complaint pursuant to the Resolution Procedures.



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ADMISSION OFFICE

888 Columbia Avenue
Claremont, CA 91711
909.621.8088

WEBSITE ACCESSIBILITY

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