

Interim Sex Discrimination Policy

SECTION I: INTRODUCTION

1.0 POLICY

It is the policy of Caltech to provide a work and academic environment free of sex discrimination, including sexual misconduct, and retaliation. Caltech does not discriminate on the basis of sex and prohibits sex discrimination in any education program or activity that it operates, as required by Title IX and other Federal and State law, including in admissions and employment. Caltech will not tolerate such conduct and is committed to educating the community in ways to prevent its occurrence.

Sex discrimination, sex-based harassment, sexual misconduct, including sexual assault, sexual battery, dating and domestic violence, sexual exploitation, and stalking (collectively “sex discrimination”) constitute prohibited conduct and violate this policy. Discrimination on the basis of sex includes discrimination on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions (including childbirth, termination of pregnancy, or lactation, and related medical conditions or recovery from such conditions), sexual orientation, gender expression, and gender identity. Such conduct violates Title VII of the Civil Rights Act of 1964, as amended; Title IX of the Education Code; and California law.

Caltech will promptly, equitably, and effectively address any prohibited conduct which it has notice of using the resolution processes described in the Sex Discrimination Procedures (“procedures”). Caltech provides all parties with appropriate due process. Individuals who violate this policy may be subject to disciplinary action up to and including termination of employment, student expulsion, or being permanently excluded from Caltech-controlled premises.

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 students, faculty, supervisory and nonsupervisory staff, JPL employees, 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 or attempting to participate in Caltech’s educational programs or activities at the time of the alleged sex discrimination (“covered persons”).

Organizations affiliated with the Institute or that use Caltech property or resources in connection with their activities, including student organizations, also are prohibited from engaging in prohibited conduct.

This policy applies to all sex discrimination occurring in Caltech’s education programs or activities in the United States, including at the Jet Propulsion Laboratory (JPL). For purposes of this section, conduct that occurs under Caltech’s education program or activity includes but is not limited to conduct that occurs in locations, at events, or in circumstances in which the Caltech exercises substantial control over both the respondent and the context in which the conduct occurred, in a building owned or controlled by a student organization (e.g., in space provided to a student club) that is officially recognized by Caltech, and conduct that is otherwise subject to Caltech’s disciplinary authority. Caltech has an obligation to address a sex-based hostile environment under its education program or activity, even when some conduct alleged to be contributing to the hostile environment occurred outside Caltech’s education program or activity or outside the United States.

Even if Caltech does not have jurisdiction under this policy over the person accused of prohibited conduct, or the allegations reported, Caltech will 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 PRESERVATION OF EVIDENCE OF PROHIBITED CONDUCT

Prohibited conduct, as defined in this policy, may also be a crime. Individuals who have experienced sexual violence 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 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. It is recommended that exams be performed within 72 hours of the incident, however exams still may be possible after 72 hours. 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. Individuals who have experienced sexual violence are strongly encouraged to preserve all physical and electronic evidence.

Examples of physical evidence may include clothing, bedding, contraceptives, letters, and notes. Electronic evidence relating to any type of incident of prohibited conduct may include texts, emails, photos, social media posts, and messages to third parties. Any such items relating to an incident of prohibited conduct 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.

4.0 EMERGENCY NOTIFICATIONS AND TIMELY WARNINGS

In the event of a situation on campus that involves 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 that Caltech believes that there is a serious or continuing threat to the campus community that meets Clery requirements, 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

5.0 REPORTING TO CALTECH

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 coordinator. Employees, supervisory employees, and Responsible Employees must meet additional requirements related to reporting as described below.

An individual who has experienced sexual misconduct is encouraged to immediately seek assistance from a medical provider as appropriate and report the incident to Caltech and to local law enforcement. The confidential Campus Sexual Violence Advocate is available to provide support and assistance. Reports to Caltech and law enforcement may be pursued simultaneously.

Any employee in a supervisory role, including faculty, and any other employee who is a Responsible Employee as defined in Section 5.2, must promptly report all alleged sex discrimination, including sex-based harassment, sexual misconduct, and retaliation, regardless of its alleged severity or frequency, to the Title IX Coordinator at campus or the JPL Deputy Title IX Coordinator at JPL, who will provide guidance and advice. In addition, all other employees,

with the exception of Confidential Employees as defined in Section 5.2, are required to either: (a) notify the Title IX Coordinator when the employee has information about conduct that reasonably may constitute sex discrimination under this policy; or (b) provide the contact information of the Title IX Coordinator and information about how to make a complaint of sex discrimination to any person who provides the employee with information about conduct that reasonably may constitute sex discrimination under this policy.

Prohibited conduct should be reported whether or not the person reporting is the person alleged to be the victim of the alleged prohibited conduct. Reports may be made in person, by mail, by telephone, by electronic mail, or by other means to the Title IX Coordinator or a deputy coordinator. A [Report a Concern Form \(https://forms.office.com/Pages/ResponsePage.aspx?id=2elb_XJ7-U2DDrH5zFtEvUobj3A0Xb1PpGAK36xut5VUNThMTkdSWU1JVVIMRkhPU09USIA2QIBQNCQIQCN0PWcu&wdLOR=c39BF9F91-5ECA-A44A-B168-0AA78DD183C4\)](https://forms.office.com/Pages/ResponsePage.aspx?id=2elb_XJ7-U2DDrH5zFtEvUobj3A0Xb1PpGAK36xut5VUNThMTkdSWU1JVVIMRkhPU09USIA2QIBQNCQIQCN0PWcu&wdLOR=c39BF9F91-5ECA-A44A-B168-0AA78DD183C4) is available on the Equity and Title IX Office website, which can be submitted anonymously by not filling in the contact information. The Report Form is also available from the Equity and Title IX Office and at [equity.caltech.edu \(https://equity.caltech.edu/\)](https://equity.caltech.edu). A member of the Caltech community who is required to or wishes to report prohibited conduct should do so as soon as possible after the incident, although reports may be made at any time.

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 and 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 \(https://hr.caltech.edu/documents/2647/caltech_institute_policy-nondiscrimination_and_equal_opportunity_employment.pdf\)](https://hr.caltech.edu/documents/2647/caltech_institute_policy-nondiscrimination_and_equal_opportunity_employment.pdf).

Caltech is committed to protecting the privacy of all individuals involved in a report of prohibited conduct to the extent possible. All employees making, and administrators involved in responding to a report of prohibited conduct are expected to properly safeguard and maintain the privacy of sensitive personal information. Caltech will make every effort to protect individuals' privacy interests consistent with Caltech's obligation to address reports made to Caltech.

5.1 Title IX Coordinator

The Title IX Coordinator is responsible for coordinating Caltech's compliance with Title IX and for Caltech's overall response to prohibited conduct falling under applicable law, including Title IX. The Title IX Coordinator oversees the implementation and application of this policy and the related procedures to ensure the prompt and equitable resolution of complaints and consistent treatment of the parties involved. Inquiries about the application of Title IX and its application to Caltech may be referred to the Title IX Coordinator whose contact information is listed below or to the Department of Education, Office for Civil Rights, or both.

Lynzie De Veres, Title IX Coordinator
(626) 395-3132, [equity@caltech.edu \(mailto:equity@caltech.edu\)](mailto:equity@caltech.edu), 205 Center for Student Services

5.2 Responsible Employees

If an individual discloses prohibited conduct to any Responsible Employee, or if a Responsible Employee through any person or means, whether directly or indirectly, becomes aware of prohibited conduct, as defined below in III: Prohibited Conduct, Sections 12.0 and 13.0, they must report to the Title IX Coordinator all known details about the alleged conduct.

A Responsible Employee is broadly defined to mean an employee who has the authority to take action to redress sex-based harassment or provide supportive measures to students, or who has the duty to report sex discrimination to an appropriate school official who has that authority.

At Campus, Responsible Employees include but are not limited to:

- Title IX Coordinator, deputy coordinators for faculty, students, and staff, and associated staff in the Equity and Title IX Office
- All faculty members, teachers, instructors, and lecturers
- All deans and associate deans
- All Housing and Student Affairs directors and coordinators, including Residential Life Coordinators
- Resident Associates while performing the duties of employment
- Staff members with a supervisory or managerial role, whom Caltech has not designated as confidential resources
- Security officers
- All Athletics directors, coordinators, and coaches at all levels
- Employee Relations consultants
- Coaches of any student athletic or academic team or activity (e.g., employees who are club advisors, music coaches, etc.)
- Graduate and undergraduate teaching assistants, while performing the duties in that role
- Laboratory directors, coordinators, or principal investigators
- Internship or externship directors or coordinators
- Study-abroad program directors or coordinators

At JPL, the following are Responsible Employees:

- Deputy Title IX Coordinator for JPL and associated staff
- Supervisors and managers
- Employee Relations representatives
- Education Office staff
- Chief Scientist Office staff

The term Responsible Employee does not include Confidential Resources.

Confidential Resources on campus include:

- Staff and Faculty Consultation Center, 315 S. Hill, [626-395-8360](tel:626-395-8360)
- Student Wellness Services, 1239 Arden Road, [626-395-8331](tel:626-395-8331)
- Campus Sexual Violence Advocate, Pilar Montenegro, 168 Center for Student Services, [626-395-4770](tel:626-395-4770)

Confidential Resources at JPL include:

- Empathia/Life Matters: [\(800\) 367-7474](tel:800-367-7474), [mylifematters.com \(http://mylifematters.com\)](http://mylifematters.com)
- JPL Ombuds: [\(626\) 437-1990](tel:626-437-1990)

5.3 Anonymous Reporting

A report is considered anonymous if the reporting party does not share their name or contact information. If a reporting party chooses to provide their name or contact information they will receive information about support resources, reporting options, and notification of an investigation, if an investigation is pursued. Caltech provides the following resources for anonymous reporting:

[Campus Hotline \(https://asic.caltech.edu/caltech-hotline\)](https://asic.caltech.edu/caltech-hotline) [\(626\) 395-8787](tel:626-395-8787) or [\(888\) 395-8787](tel:888-395-8787)

JPL Ethics Hotline [\(818\) 354-9999](tel:818-354-9999)

JPL Protective Services Division's Workplace Violence Hotline [\(818\) 393-2851](tel:818-393-2851)

For either Campus or JPL, by submitting a compliance [Hotline Contact Form \(https://asic.caltech.edu/caltech-hotline/contact\)](https://asic.caltech.edu/caltech-hotline/contact).

5.4 Amnesty

Alleged victims and witnesses should not be deterred from reporting any instances of sexual assault, dating or domestic violence, or stalking due to concern they may be subject to discipline for related violations of drug, alcohol, or other Caltech student policies. Caltech's primary concern is the safety of the campus community. Therefore, 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. Egregious violations include 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. The application and scope of amnesty from disciplinary sanctions for alleged victims and witnesses who are employees is within the discretion of the Title IX Coordinator and Director for Employee and Organizational Development.

5.5 Notification of Law Enforcement as Required by California Law

Individuals who have experienced sexual assault, stalking, sexual exploitation, or domestic relationship or dating violence are encouraged to notify local law enforcement.

Caltech will assist in notifying law enforcement if the individual so chooses. If a complaint includes allegations that may constitute a possible crime, the Title IX Coordinator will notify the complainant of their right to determine whether to notify law enforcement. An individual who has experienced sexual violence also has the right to decline to notify law enforcement or Caltech. Contact information for the Pasadena Police Department (PPD) is provided below.

Pasadena Police Department
Call 911 for Emergency Response
Non-Emergency Response: [\(626\) 744-4241](tel:(626)744-4241)
207 N. Garfield Ave., Pasadena, CA 91101

Caltech makes the following mandated reports of sexual misconduct to law enforcement: (a) incidents of sexual assault or sexual battery of a minor, including the identities of the parties, as required under California law; and (b) summary reports of incidents of sexual assault or sexual battery, under California Education Code Section 67383; however, Caltech will not report identifying information about the complainant in the summary report 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.

Individuals may also engage with the confidential Campus Sexual Violence Advocate who can facilitate a report to law enforcement.

6.0 REPORTS INVOLVING MINORS

Every member of the Caltech community who knows of or reasonably suspects child abuse or neglect occurring in any Caltech's education programs or activity, including any prohibited conduct involving a minor, has a personal responsibility to report the suspected child abuse or neglect to [Caltech Security \(https://security.caltech.edu/\)](https://security.caltech.edu/) or the [JPL Protective Services Division \(https://psd.jpl.nasa.gov/site/\)](https://psd.jpl.nasa.gov/site/) immediately.

Caltech employees who are mandated reporters have additional, legally required reporting obligations, including reporting immediately to the LA County Office of Child Protection and/or the local police department. See [Mandated Reporter Guidelines \(https://protectionofminors.caltech.edu/mandated-reporters\)](https://protectionofminors.caltech.edu/mandated-reporters) and the [Violence Prevention Policy \(https://hr.caltech.edu/documents/2924/caltech_institute_policy-violence_prevention.pdf\)](https://hr.caltech.edu/documents/2924/caltech_institute_policy-violence_prevention.pdf) for more information.

7.0 FALSE REPORTS/STATEMENTS

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 is not substantiated by a preponderance of the evidence after an investigation 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 up to and including termination of employment, student expulsion, or being permanently excluded from Caltech-controlled premises.

8.0 PRIVACY

Caltech will maintain the privacy of all individuals involved in a report of prohibited conduct to the extent practicable and consistent with legal requirements. Caltech will not share personally identifiable information except as permitted by, or to fulfill the purposes of applicable laws and regulations (e.g., Title IX, Family Educational Rights and Privacy Act (FERPA)) and their implementing regulations, or as required by law, including any investigation, or resolution proceeding arising under this policy and related procedures. These steps will not restrict the ability of the parties to obtain and present evidence, including by speaking to witnesses; consulting with their family members, confidential resources, or advisors; or otherwise preparing for or participating in resolution processes under the procedures.

8.1 Unauthorized Disclosure of Information

Parties and Advisors are prohibited from the unauthorized disclosure of information obtained from Caltech through any resolution process to the extent that information is the work product of Caltech (meaning it has been produced, compiled, or written by Caltech for purposes of its investigation or other resolution of a complaint). It is also a violation of Caltech's policy to publicly disclose Caltech work product or a party's personally identifiable information without authorization or consent. Violation of this policy is subject to significant sanctions.

8.2 Unauthorized Recordings

Meetings or conversations that take place under this policy and the procedures, may not be audio- or visually recorded by anyone other than by members of the Equity and Title IX Office, in compliance with Title IX who will record certain proceedings conducted under the procedures in order to provide a verbatim record of the proceeding. These recordings will be maintained by the Equity and Title IX Office.

9.0 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 coordinators make every effort to respect the concerns and goals of complainants, as well as their capacity to make independent choices regarding resolution options for addressing their complaints under this policy and the procedures.

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, the Title IX Coordinator will seriously consider the request, including the complainant's reasonable safety concerns regarding initiation of a complaint. 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, but weigh the request against Caltech's responsibilities, including under applicable laws, to take action to provide a safe, nonthreatening, and nondiscriminatory environment for all community members, including the complainant. 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, and the prohibited conduct falls under Section 12.0 below, the Title IX Coordinator will weigh the request against factors that may lead the Title IX Coordinator to take action on behalf of Caltech, which may be contrary to the wishes of the complainant, including potentially disclosing the complainant's name and/or proceeding to an investigation, 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, the existence of multiple or prior reports of misconduct against the respondent, whether there was a weapon, physical restraints, battery, or other violence involved, whether the use of alcohol or drugs to induce vulnerability to sexual activity without consent was allegedly involved, whether there is evidence of a pattern of conduct, the presence of other circumstances that suggest there is a significant risk that the respondent will commit further acts of prohibited conduct, the age of the parties, whether the respondent is an employee, including whether it is a faculty member or staff member who has oversight of students, whether there is a power imbalance between the complainant and respondent, whether the complainant believes that the complainant will be less safe if the complainant's name is disclosed or an investigation is conducted, and whether Caltech is able to conduct a thorough investigation and obtain relevant evidence in the absence of the complainant's cooperation. If after considering the relevant factors, the Title IX Coordinator determines that the alleged conduct presents an imminent and serious threat to the complainant or other person, or that the alleged conduct prevents Caltech from ensuring equal access to its education programs and activities on the basis of sex, the Title IX Coordinator may initiate a complaint. Where the complainant remains committed to the requests above, and the prohibited conduct does not fall under Section 12.0, but only under 13.0, the Title IX Coordinator may elect to pursue action on Caltech's behalf without considering these factors.

If Caltech determines that it can honor the student's request for confidentiality, it shall still take reasonable steps to respond to the complaint, consistent with the request, to limit the effects of the alleged prohibited conduct and prevent its recurrence without initiating formal action against the alleged respondent or revealing the identity of the complainant. These steps may include increased monitoring, supervision, or security at locations or activities where the alleged misconduct occurred; providing additional training and education materials for students and employees; or conducting climate surveys regarding sexual violence. The Institute shall also take immediate steps to provide for the safety of the complainant while keeping the complainant's identity confidential as appropriate. These steps may include changing living arrangements or course schedules, assignments, or tests. The complainant shall be notified that the steps Caltech will take to respond to the complaint will be limited by the request for confidentiality.

If Caltech determines that it must disclose the complainant's identity to the respondent or proceed with an investigation and a complaint is initiated by the Title IX Coordinator, the complainant will be notified prior to disclosing the complainant's name or initiating the investigation. Caltech will take appropriate steps to address reasonable concerns about the safety of the complainant and others, including providing supportive measures. The complainant is not required to participate in the ensuing process. Caltech shall also take immediate steps to provide for the safety of the complainant where appropriate. In the event the complainant requests that Caltech inform the respondent that the student asked Caltech not to investigate or seek discipline, Caltech shall honor this request.

Whether or not a complaint is initiated by the Title IX Coordinator, the Title IX Coordinator shall still take reasonable steps to ensure that the alleged sex discrimination does not continue or reoccur and to limit its effects. These steps may include increased monitoring, supervision, or security at locations or activities where the alleged misconduct occurred; providing additional training and education materials for students and employees; or conducting climate surveys regarding sexual violence. The Institute shall also take immediate steps to provide for the safety of the complainant while

keeping the complainant's identity confidential as appropriate. These steps may include changing living arrangements or course schedules, assignments, or tests. The complainant shall be notified that the steps Caltech will take to respond to the complaint will be limited by the request for confidentiality.

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. As stated above in Section 5.5, Caltech does not report sex-based harassment to law enforcement on a complainant's behalf, unless such a report is mandated by law (e.g., sexual assault of a person under 18). If the complainant chooses to notify law enforcement, they may seek the assistance of the Equity and Title IX Office to facilitate contact with law enforcement and the scheduling of a meeting to make a report.

The Title IX Coordinator, depending on facts and circumstances, may also elect to file a formal complaint and initiate an investigation even if the complainant does not have the standing to do so.

Formal complaints may be filed even if a complainant elects not to notify law enforcement and/or pursue a criminal complaint.

All final determinations and decisions taken under this provision 10.0, except the complainant's decision to file a criminal complaint or to choose not to notify law enforcement, rest solely with the Title IX Coordinator.

10.0 CONTACTING GOVERNMENT AGENCIES

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

NASA-funded program participants may file a complaint at AssistedProgramComplaint@nasa.gov or find more information at missionstem.nasa.gov/filing-a-complaint.html (<http://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 (<mailto:programcomplaints@nsf.gov>), (703) 292-8020, or find more information at new.nsf.gov/stopping-harassment (<https://new.nsf.gov/stopping-harassment>). 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 of an alleged discriminatory or harassing event, and there is no requirement to exhaust remedies through (i.e., utilize or go through) Caltech's internal procedures before filing directly with a federal agency.

11.0 CLERY REPORTING

The federal Clery Act requires Caltech to issue an [Annual Security and Fire Safety Report](https://security.caltech.edu/our-mission/annual-security-and-fire-safety-report) (<https://security.caltech.edu/our-mission/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 the complainant, respondent, witnesses, or others and do not disclose any details of the incident. For more information and statistics for the past three years, see the current [Annual Security and Fire Safety Report](https://security.caltech.edu/our-mission/annual-security-and-fire-safety-report) (<https://security.caltech.edu/our-mission/annual-security-and-fire-safety-report>).

SECTION III: PROHIBITED CONDUCT

12.0 PROHIBITED CONDUCT

This section sets out what conduct is prohibited under this policy (prohibited conduct). Reported behavior that does not constitute prohibited conduct under this policy but is nevertheless determined to be inappropriate may still subject the offending individual to disciplinary or other sanctions.

12.1 Definition of Sex Discrimination

Sex discrimination is different treatment with respect to an individual's employment or participation in an education program or activity based, in whole or in part, upon the individual's actual or perceived sex or gender. Discrimination also includes allegations of a failure to provide reasonable accommodation for pregnancy or related conditions as required by law or policy. Sex discrimination includes unfavorable treatment on the basis of sex, gender, gender identity, gender expression, sexual orientation, sex stereotypes, and sex characteristics.

Gender expression means a person's gender-related appearance and behavior, whether or not stereotypically associated with the person's assigned sex at birth.

12.2 Retaliation

Retaliation, including peer retaliation, against any member of the Caltech community is strictly prohibited. Retaliation means intimidation, threats, coercion, or discrimination against any person by the recipient, a student, an employee or other person authorized by the Caltech to provide aid, benefit, or service under Caltech's education program or activity for exercising any right or privilege secured by Title IX or its regulations or other

applicable Federal or State laws, including reporting information, making a complaint, testifying, assisting, or otherwise participating or refusing to participate in any manner in an investigation, proceeding, or hearing under this Policy or the procedures. Threats of retaliatory action also constitute retaliation. Retaliation violates this policy and is unlawful.

Notwithstanding the foregoing, Caltech may require employees or other person authorized by Caltech to provide aid, benefit, or service under Caltech's education program or activity to participate as a witness in, or otherwise assist with, an investigation, proceeding, or hearing under this part.

12.3 Definition of Sex-Based Harassment under Title IX

Sex-based harassment is a form of sex discrimination and means sexual harassment and other harassment on the basis of sex, including on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity, that meets one or both of the following: (1) an employee, agent, or other representative of Caltech conditions the provision of an aid, benefit, or service on a person's participation in unwelcome sexual conduct; or (2) unwelcome sex-based conduct that, based on the totality of the circumstances, is subjectively and objectively offensive and is so **severe** or pervasive that it limits or denies a person's ability to participate in or benefit from the recipient's education program or activity ("hostile environment harassment"); or (3) specific offenses, including sexual assault; dating violence, domestic violence, or stalking as defined below.

Whether a hostile environment has been created is a fact-specific inquiry that includes consideration of the following:

- The degree to which the conduct affected the complainant's ability to access the education program or activity;
- The type, frequency, and duration of the conduct;
- The parties' ages, roles within the recipient's education program or activity, previous interactions, and other factors about each party that may be relevant to evaluating the effects of the conduct;
- The location of the conduct and the context in which the conduct occurred; and
- Other sex-based harassment in the recipient's education program or activity.

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

Rape: 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, without the consent of the victim. This definition excludes statutory rape.

Fondling: The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including 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.

For purposes of this policy, the term private body parts includes breast, genitals, groin, anus, or buttocks.

Caltech interprets fondling to include potentially, depending on the facts and circumstances, (a) the disrobing or exposure of another without their consent, and (b) the touching of another person's private body parts for the purpose of sexual gratification without consent through clothing, as well as directly.

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

Statutory Rape: Sexual intercourse with a person who is under the statutory age of consent, which in California is eighteen (18).

12.3.2 Dating, and Domestic Violence

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 based on the complainant's statement as well as consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of domestic violence.

Domestic violence means conduct, on the basis of sex, that constitutes a felony or misdemeanor crime of violence committed upon a victim who is (a) the offender's spouse or former spouse, (b) the offender's cohabitant or former cohabitant; or (c) the offender's fiancé or fiancée, or someone with whom the offender has, or previously had, an engagement or dating relationship; (d) the parent of the offender's child; or (e) any other victim who is protected under the domestic or family violence laws of the state where the domestic violence occurred.

12.3.3 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.

“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 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 Office at JPL.

12.4 Definition of Sex-based Harassment under California law

Sexual harassment (“sex-based harassment) means unwelcome sexual advances, requests for sexual favors, and other verbal, visual, or physical conduct of a sexual nature, made by someone from or in the work or educational setting, under any of the following conditions:

- (1) Submission to the conduct is explicitly or implicitly made a term or a condition of an individual’s employment, academic status, or progress.
- (2) Submission to, or rejection of, the conduct by the individual is used as the basis of employment or academic decisions affecting the individual.
- (3) The conduct has the purpose or effect of having a negative impact upon the individual’s work or academic performance, or of creating an intimidating, hostile, or offensive work or educational environment.

Verbal sexual harassment includes but is not limited to unwelcome epithets, comments, or slurs of a sexual nature.

Visual sexual harassment includes but is not limited to derogatory posters, cartoons, drawings, obscene gestures, or computer-generated images of a sexual nature.

Physical sexual harassment includes but is not limited to assault, impeding, or blocking movement, or any other physical interference with work or academic activities or movement when directed against an individual on the basis of sex.

When an individual sexually harasses a student, the harassing conduct creates a hostile environment on campus for the purposes of this section if the conduct is sufficiently serious that it interferes with or limits a student’s ability to participate in or benefit from the institution’s programs or activities. The more **severe** the conduct, the less need there is to show a repetitive series of incidents to prove a hostile environment on campus, particularly if the harassment is physical. A single or isolated incident of sexual harassment, including sexual violence, may create a hostile environment on campus if the incident is sufficiently **severe**.

- (4) Submission to, or rejection of, the conduct by the individual is used as the basis for any decision affecting the individual regarding benefits and services, honors, programs, or activities available at or through the educational institution.
- (5) Sexual violence, which means physical sexual acts perpetrated against a person without the person’s affirmative consent, including rape and sexual battery.
- (6) Rape, which is defined as penetration, no matter how slight, of the vagina or anus with any part or object, or oral copulation of a sex organ by another person, without the consent of the victim.
- (7) Sexual battery, which means the (a) intentional touching, directly or through clothing, of another person’s intimate parts without consent, (b) intentionally causing a person to touch the intimate parts of another, directly or through clothing, without consent, or (c) using a person’s own intimate part to intentionally touch another person’s body, directly or through clothing, without consent.
Intimate body parts are the breast, genitals, groin, anus, or buttocks
- (8) Sexual exploitation, which means a person taking sexual advantage of another person for the benefit of anyone other than that person without that person’s consent, including, but not limited to, any of the following acts:
 - (a) The prostituting of another person.
 - (b) The trafficking of another person, defined as the inducement of a person to perform a commercial sex act, or labor or services, through force, fraud, or coercion.
 - (c) The recording of images, including video or photograph, or audio of another person’s sexual activity or intimate parts, without that person’s consent.
 - (d) The distribution of images, including video or photograph, or audio of another person’s sexual activity or intimate parts, if the individual distributing the images or audio knows or should have known that the person depicted in the images or audio did not consent to the disclosure.
 - (e) The viewing of another person’s sexual activity or intimate parts, in a place where that other person would have a reasonable expectation of privacy, without that person’s consent, for the purpose of arousing or gratifying sexual desire.

12.5 Affirmative Consent

Consent is a key component of various definitions of prohibited conduct. Affirmative consent is the standard of consent in Caltech’s policy. Affirmative consent is the affirmative, conscious, and voluntary agreement to engage in sexual activity. A minor under the age of eighteen (18) is deemed to be incapable of providing affirmative consent under this policy.

- 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 a sexual activity and each time sexual activity is engaged in, and it 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 people 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, including in the evaluation of complaints in any resolution process, in response to an 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 in affirmative consent 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 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.

12.5.1 Limitation on Claiming Consent as a Defense to Sex- Based Harassment

When a consensual personal relationship arises and a power differential exists, Caltech does not consider consent as a defense to a claim of sex-based harassment. The individual in the relationship with greater power will be held responsible.

13.0 ADDITIONAL CONDUCT PROHIBITED BY CALTECH

13.1 Complicity

Complicity is any act that knowingly aids, facilitates, promotes, or encourages the commission of Prohibited Conduct by another person.

13.2 Violation of a Caltech Directive

Any individual may be found in violation for failure to comply with a Caltech directive regarding a supportive measure (e.g., violating the terms of a Mutual No-Contact Order).

13.3 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. Any Responsible Employee who becomes aware of such a relationship is expected to report it immediately to the Title IX Coordinator. The non-undergraduate party in the relationship will be held responsible for prohibited conduct violating this policy, regardless of whether a complaint is filed.

13.4 Prohibition on Evaluative Responsibilities in Certain Circumstances

Even when relationships are consensual, care must be taken to eliminate the potential for harassment or other conflicts. Caltech practice prohibits individuals, including Teaching Assistants, 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 a consensual relationship involving such a power differential, 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 prohibition.

13.5 Prohibition on Inequitable Treatment Stemming from Consensual Relationships

As previously noted, 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.

13.6 Prohibition on Uncompleted Attempts or Threats of Prohibited Conduct

To the extent that uncompleted attempts or threats of prohibited conduct are not covered in Sections 12.0 of this policy, they are covered here. Threats of prohibited conduct may also constitute retaliation under this policy.

13.7 General Caution about Maintaining Appropriate Professional Boundaries

All members of the Caltech community should maintain respectful and professional boundaries with one another. This is particularly important when Caltech employees, whether faculty, postdoctoral scholars, or staff, interact with their subordinates, or with graduate and undergraduate students, due to the power differential that exists between them.

While certain conduct may not constitute prohibited conduct, it can create situations where students or others feel uncomfortable but reluctant to voice that sentiment.

Depending on the circumstances, such situations may include hosting students at private homes, sharing lodging on academic-related trips (e.g., conferences, field trips), wearing swimsuits (e.g., marine research outing), and any interaction where alcohol is consumed (e.g., dinners at conferences, field trips, holiday parties).

Caltech encourages employees and other community members to think carefully about maintaining appropriate professional boundaries at all times, to state their boundaries as appropriate, and to consider seeking guidance from the Title IX Coordinator.

14.0 INFORMATIONAL RESOURCES

Information on prohibited conduct, as well as copies of Caltech's Sex Discrimination; Nondiscrimination and Equal Employment Opportunity; Unlawful Harassment; and Violence Prevention policies are available from the following resources:

At Campus: Caltech's Title IX Coordinator and deputy Title IX Coordinators, Caltech's EO 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 and Organizational Development.

At JPL: JPL's deputy Title IX Coordinator, EO Coordinator, and Human Resources Business Partners.

The policies are published in the [Caltech Catalog \(http://catalog.caltech.edu/current\)](http://catalog.caltech.edu/current) and on the following Caltech and JPL websites: [JPL Human Resources \(https://hr.jpl.nasa.gov/\)](https://hr.jpl.nasa.gov/), [Equity and Title IX Office \(https://titleix.caltech.edu/\)](https://titleix.caltech.edu/), and [Student Affairs \(https://studentaffairs.caltech.edu/\)](https://studentaffairs.caltech.edu/).

Related Policies and Procedures:

- Procedures for Complaints of Sex Discrimination (Interim Procedures are available from the Equity and Title IX Office)
- [Nondiscrimination and Equal Employment Opportunity Policy \(https://hr.caltech.edu/documents/2647/caltech_institute_policy-nondiscrimination_and_equal_opportunity_employment.pdf\)](https://hr.caltech.edu/documents/2647/caltech_institute_policy-nondiscrimination_and_equal_opportunity_employment.pdf)
- [Unlawful Harassment and Abusive Conduct Policy \(https://hr.caltech.edu/documents/2641/caltech_institute_policy-unlawful_harassment.pdf\)](https://hr.caltech.edu/documents/2641/caltech_institute_policy-unlawful_harassment.pdf)
- [Procedures for Complaints of Unlawful Discrimination, Harassment and Retaliation \(https://hr.caltech.edu/documents/2704/caltech_institute_procedure-procedures_for_complaints_of_unlawful_discrimination_harassment_and_retaliation.pdf\)](https://hr.caltech.edu/documents/2704/caltech_institute_procedure-procedures_for_complaints_of_unlawful_discrimination_harassment_and_retaliation.pdf)
- [Violence Prevention Policy \(http://www.hr.caltech.edu/documents/186-pm34.pdf\)](http://www.hr.caltech.edu/documents/186-pm34.pdf)

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