

# Prohibited Discrimination, Harassment, and Retaliation Policy

## I. POLICY STATEMENT

Consistent with Harvey Mudd College's ("HMC" or "College") commitment to the principle of equal opportunity both as an institution of higher education and an employer, HMC prohibits discrimination and harassment based on race, color, creed, sex (including pregnancy, childbirth, breastfeeding or related medical conditions), gender, gender identity (including transgender identity and transitioning), gender expression and sex stereotyping, age, sexual orientation, national origin (including language use and protected use of a driver's license issued to undocumented persons under California Vehicle Code section 12801.9), ancestry, religion (including all aspects of religious belief, observance, religious dress and grooming practices), marital or registered domestic partner status, military service and veteran status, physical or mental disability, medical condition (including genetic characteristics and cancer or a record or history of cancer), genetic information, or any other legally protected class (collectively referred to as "protected characteristics" or "protected class") or combination of those protected characteristics or protected class. The College also prohibits discrimination and harassment based on the perception that someone is a member of a protected class or is associated with a member of a protected class.

## II. SCOPE OF POLICY

This Policy applies to all faculty, staff, and students of the College. It also applies to third parties (including but not limited to trustees, applicants, volunteers, unpaid interns, campus visitors, or vendors) who may have contact with members of the HMC community either on the HMC campus or at off-campus HMC events, programs, and activities, such as College functions hosted in private homes and College-sponsored conferences, meetings, study-abroad programs, internships, research and other programs. This Policy may also apply to off-campus conduct that does not occur at an HMC-sponsored event, program, or activity, if both parties are members of the HMC community, and if the

conduct could have a substantial adverse effect on or pose a threat to members of the HMC community.

For purposes of the Policy, a Complainant is an individual alleged to be the subject of conduct that could constitute discrimination, harassment or retaliation (“Prohibited Conduct”) as defined by this Policy. A Respondent is an individual, group, or organization who has been reported to have engaged in Prohibited Conduct. A Reporting Party is an individual who makes a report of alleged Prohibited Conduct. This can be any person, including individuals unassociated with HMC.

### **III. RESPONSIBILITY**

All faculty, staff, students, and other members of the HMC community are responsible for ensuring that their conduct does not violate this Policy. If employees (i.e.: administrators, managers, supervisors, department chairs, faculty members), or residence hall proctors know that discrimination or harassment is occurring, receive a complaint of discrimination or harassment, or obtain other information indicating a possible violation of this Policy, they must take immediate steps to ensure that the matter is addressed.<sup>[1]</sup> Administrators, managers, supervisors, and department chairs have the further responsibility of preventing and eliminating discrimination and harassment within the areas they supervise.

## **IV. PROHIBITED CONDUCT**

### **A. Discrimination**

Prohibited discrimination is defined as any decision, act, or failure to act that improperly interferes with or limits an individual’s or group’s ability to participate in or benefit from the services, privileges, or activities of the College, or otherwise adversely affects an individual’s employment, education, or living environment, when such decision, act, or failure to act is based on a protected characteristic (or based on a perception that an individual has the protected characteristic or associates with others who have, or are perceived to have, the protected characteristic) or combination of those protected characteristics.

Examples of discrimination include, without limitation: (1) denying an individual admission or employment based upon a protected characteristic, (2) denying pay increases, benefits, or promotions based on a protected characteristic, or (3) subjecting an individual to different academic standards or employment conditions because of a protected characteristic.

## B. Harassment

### 1. Prohibited Harassment in General

Prohibited harassment is defined as conduct based on a protected characteristic (or based on a perception that an individual has the protected characteristics or associates with others who have, or are perceived to have, the protected characteristic) or combination of those protected characteristics which is sufficiently severe, persistent or pervasive to alter or interfere with an individual's work or academic performance, or which creates an intimidating, hostile, or offensive work, educational, or living environment.

- Whether particular physical, verbal, or non-verbal conduct constitutes harassment in violation of this Policy will depend upon all of the circumstances involved, the context in which the conduct occurs, and the frequency, severity, and pattern of the conduct.
- That one did not intend to harass an individual is no defense to a complaint of harassment. Regardless of one's intent, the effect and characteristics of one's behavior determine whether one's conduct constitutes harassment.
- Conduct alleged to constitute harassment will be evaluated according to the objective standard of a reasonable person. Thus, conduct that is objectionable to some, but that is not severe, persistent, or pervasive enough to create an objectively intimidating, hostile, or offensive environment, is beyond the purview of this Policy.

Harassment can take many forms and will vary with the particular circumstances. Examples of harassment prohibited by this Policy may include, without limitation: (1) verbal conduct, such as epithets, derogatory jokes or comments, or slurs directed at an individual or group of individuals because of a protected characteristic or combination of those protected characteristics; (2) visual displays, such as derogatory posters, photography, cartoons, or drawings not protected by policies on academic freedom and freedom of expression which ridicule or demean an individual on the basis of a protected classification; and/or (3) physical conduct, including unnecessary and unwanted touching and intentionally blocking normal movement. Generally, statements and/or conduct legitimately and reasonably related to the College's mission of education do not constitute harassment.

### 2. Sexual Harassment

One form of prohibited harassment is sexual harassment. For purposes of this Policy, sexual harassment may be either "quid pro quo" harassment, that is sexual advances or requests for sexual favors where submission is made an explicit or implicit term or condition of an individual's employment or education or where submission or rejection is used as the basis for making employment or educational decisions affecting an individual; or "environmental" harassment, where the individual is subjected to a hostile or

intimidating environment, in which verbal or physical conduct, because of its severity and/or persistence, is likely to interfere with an individual's work or education, or to affect adversely an individual's living conditions.

Sexual harassment includes harassment based on gender, gender identity, or gender expression, which may include acts of aggression, intimidation, or hostility, whether verbal, physical, graphic, or otherwise. To qualify as gender-based harassment, the conduct need not involve conduct of a sexual nature.

Examples of sexual harassment may include such conduct as: direct or implied threats that submission to sexual advances will be a condition of employment, work status, promotion, grades, or letters of recommendation; direct unwelcome propositions of a sexual nature; unwelcome subtle pressure for sexual activity, an element of which may be repeated requests for private meetings without an academic or employment purpose; and patterns of conduct which would cause discomfort to and/or humiliate a reasonable person at whom the conduct was directed and which include one or more of the following: (i) unnecessary touching, patting, hugging, or brushing against a person's body; (ii) remarks of a sexual nature about a person's clothing or body, whether or not intended to be complimentary; (iii) remarks about sexual activity or speculations about previous sexual experience; or (iv) other unwelcome offensive comments of a sexual nature, including sexually explicit statements, questions, jokes or anecdotes or certain unwelcome and offensive visual displays of sexually oriented images outside the educational context, including letters, notes, or electronic mail.

Sexual harassment may be committed by anyone, regardless of gender, age, position, or authority. While there is often a power differential between two persons, perhaps due to differences in age, social, educational, or employment relationships, harassment can occur in any context. It may affect the Complainant and/or third parties who witness or observe harassment and are affected by it.

### 3. Sexual Misconduct

Sexual misconduct is a form of sexual harassment and encompasses a range of behaviors, including but not limited to sexual violence, intimate partner violence, stalking (including cyber-stalking), and sexual exploitation. The College, together with other members of the Claremont Colleges Consortium, has adopted a comprehensive policy dealing with sexual harassment and specifically with sexual misconduct.

The policy can be found at <https://www.hmc.edu/student-life/title-ix-sexual-misconduct/> and is referred to as the Claremont Colleges Sexual Misconduct and Sex-Based Harassment Interim Policy (2024 Interim Policy). It is specifically designed to comply with

Title IX of the Educational Amendments of 1972 (Title IX), a federal law that prohibits discrimination on the basis of sex and gender in a college's education programs and activities.

The Title IX Policy applies to any allegations of sexual harassment, including sexual misconduct, against HMC students that fall under that policy's definition of sexual harassment. Complaints by a HMC student against a student of another of the Consortium Colleges, or vice versa, are also governed by the Title IX Policy. Behavior that does not fall within the definition of sexual harassment under the Title IX Policy, but which, if proven true, would violate HMC policy will be reviewed and adjudicated under this Policy.

Allegations of sexual harassment against faculty and staff will be reviewed and adjudicated under this Policy, provided however, that if the alleged behavior would, if proven true, constitute a violation of Title IX., the College will use the Title IX Grievance Process to adjudicate the complaint, with the administration of the Process to be managed by the College and not the TCCS Title IX Administrator.

The processes and procedures to be used to review and adjudicate any student complaint of sexual harassment, including sexual misconduct, under this Policy shall comply with the requirements of Sections 66281.8 and 67386 of the California Education Code, and the definition of sexual harassment, sexual assault, intimate partner violence, stalking (including cyber-stalking), and sexual exploitation with California law. See e.g., Cal. Educ. Code §66262.5. Any investigation, hearing and/or appeal to be conducted in connection with a student complaint under this Policy shall utilize the investigative, hearing and appeal procedures contained in the Grievance Process section of the Title IX Policy applicable to students.

Students and all other members of the HMC community are strongly encouraged to become familiar with the Title IX Policy. Information concerning internal and external sexual misconduct reporting options, and campus and community resources available to aid victims of sexual misconduct can be accessed at [Title IX and Sexual Assault](#) or obtained from Danny Ledezma, the College's Title IX Coordinator, in person at Platt Campus Center, by telephone at [909.607.4015](tel:909.607.4015), or by email at [dledezma@g.hmc.edu](mailto:dledezma@g.hmc.edu).

## C. Retaliation

It is a violation of this Policy to take action against any individual for the purpose of interfering with any right or privilege secured by the Policy, or to retaliate against an individual because that individual raised allegations of discrimination or harassment, or otherwise cooperated or participated in the administration of this Policy. The College

recognizes that retaliation can take many forms (e.g., threats, intimidation, and reprisals), that retaliation may be committed by or against an individual or a group, and that a Complainant, Respondent, or third party may commit or be the subject of retaliation.

HMC will take prompt action to investigate any report of retaliation and will pursue disciplinary action as appropriate. An individual who in good faith reports what that individual believes to be Prohibited Conduct under this Policy is entitled to protection from any form of retaliation following the report, even if the reported Prohibited Conduct is later not proven.

## **V. COMPLAINT RESOLUTION PROCEDURES**

### **A. Informal Resolution Procedures**

Individuals who believe that they have been or may be the subject of discrimination, harassment, or other behavior prohibited by this Policy may choose to avail themselves of informal resolution procedures. Use of these procedures is not a prerequisite to the filing of a complaint under the formal resolution procedures described below. An individual who chooses to make use of informal resolution procedures may terminate the process at any time to pursue a formal complaint.

Informal resolution procedures are designed to correct, rather than punish, the offending behavior; sanctions ordinarily are imposed only within the formal, and not the informal, resolution framework.

#### **1. Initiating Informal Resolution Procedures**

Requests for assistance under these informal procedures may be oral or written and should be made as soon as possible after the most recent alleged act of discrimination, harassment, or retaliation.

Such requests should be directed to any of the following College representatives: vice presidents, managers, academic department chairs, Division of Student Affairs staff, Assistant Vice President-Chief Human Resources Officer, human resources staff, or, in cases involving sexual harassment or sexual misconduct, the Title IX Coordinator or a Deputy Title IX Coordinator<sup>[2]</sup>.

To the greatest extent practicable and possible, requests for assistance under these informal procedures will be dealt with on a confidential basis, and disclosure of their existence will be made only as legally required or to those who, in the interests of fairness

and problem resolution, have an immediate need to know. A person seeking assistance under these informal procedures who requests that their name be withheld from the person against whom the complaint is made must understand that it is not always possible to do so (and is not an option under formal resolution procedures). Such requests will be evaluated in the context of the College's obligation to provide a safe and discrimination/harassment-free learning, working, and living environment. Among the factors that HMC will consider is the seriousness of the alleged behavior and whether there have been other complaints concerning the person whose behavior is at issue.

Persons who wish to seek advice or assistance or to discuss options for dealing with issues involving discrimination, harassment, or other conduct prohibited by this Policy on a strictly confidential basis may do so by speaking with licensed counselors, clergy, medical providers in the context of providing medical treatment, and rape crisis counselors who, except in very narrow circumstances specified by law, will not disclose confidential communications. Students who wish to speak to a licensed counselor on a confidential basis may contact The Claremont Colleges Services' Monsour Counseling Center or the EmPower Center. The Employee Assistance Program is a resource for faculty and staff. The Chaplains of The Claremont Colleges are also available to counsel students, faculty, and staff on a confidential basis.

## 2. Approaches and Outcomes

An individual who requests assistance under the informal procedures will be advised of options for resolving the problem and about sources of further assistance. Informal resolution procedures may not be appropriate in all circumstances.

Requests for assistance may result in one of several approaches to achieve resolution. The person making use of these procedures may wish to communicate directly with the person(s) accused of violating this Policy about the offensive conduct and explain that it must stop; seek intervention by a supervisor, another College official, the Title IX Coordinator in cases of sexual harassment and sexual misconduct, when a student is involved, the academic department chair, the Vice President for Student Affairs and Dean of Students ("Dean of Students"), a Division of Student Affairs staff member, a residence hall proctor, or Human Resources; or seek a mediated or negotiated resolution (mediation is not an available outcome in cases involving sexual violence).

Informal resolutions may also result in "no contact" orders; limitations on privileges, activities, and access to facilities; academic accommodations; changes in campus housing, dining, or workspace locations; work schedule modifications; and other remedial assistance.

If a resolution is reached, no further action will be taken, and the matter will be considered closed. If the matter cannot be resolved informally, the college representative overseeing the informal resolution procedure will assist the Complainant in filing a formal complaint.

## **B. Formal Resolution Procedures**

An individual who believes they have been subjected to discrimination, harassment, or other behavior prohibited by this Policy may file a formal complaint.<sup>[3]</sup> The filing of a formal complaint will result in an investigation to determine whether a violation of this Policy has occurred. An investigation may also be initiated without a formal complaint from any individual, and without regard to the time limitations for filing a complaint by an individual, at the request of the President, a member of the President's Cabinet, the Title IX Coordinator in matters involving sexual harassment or sexual misconduct prohibited by this Policy, or the Assistant Vice President-Chief Human Resources Officer.

### **1. Time Limitations**

A formal complaint must be made within one year of the most recent alleged act of discrimination, harassment, or retaliation. Note, there are no time limits associated with complaints concerning sexual harassment or sexual misconduct.

Although the failure to initiate a complaint in accordance with the terms of this Policy, including the time limits set forth, shall constitute a waiver of the Complainant's right to utilize the complaint procedures described herein, the College nevertheless reserves the right to pursue an investigation as it deems appropriate whenever and however it receives allegations of, or information related to, a violation of this Policy.

### **2. Submitting a Formal Complaint**

Formal complaints should be directed to any of the following: vice presidents, managers, academic department chairs, Division of Student Affairs staff, Assistant Vice President-Chief Human Resources Officer, Human Resources staff, or the Title IX Coordinator.

Complaints should be in writing (although verbal complaints will be accepted) and should include details concerning the conduct that gives rise to the complaint, the name of the person against whom the complaint is made (i.e., the Respondent), and the names of any witnesses.

The person receiving the complaint shall immediately notify appropriate College officers, supervisors, or others who have a need to know of the existence of the complaint, including, in the case of a complaint involving sexual harassment or sexual misconduct, the Title IX Coordinator. Complaints made against students shall be referred to the Dean of Students, complaints against faculty to the Vice President and Dean of the Faculty

(“Dean of the Faculty”), and complaints against staff or other persons to the Assistant Vice President-Chief Human Resources Officer, who will oversee the investigation of the complaint (hereafter referred to as the “Responsible Administrator”). If the Responsible Administrator is the subject of the complaint, or if there is a conflict of interest, the President shall designate another College administrator to serve as the Responsible Administrator.

### 3. Supportive Measures

When appropriate, prior to or during an investigation, the College may take supportive measures that are designed to restore or preserve access to HMC’s education programs or activities and/or protect student and employee safety.

Supportive measures include counseling, extensions of time or other course-related adjustments, modifications of work or class schedules, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of campus, and other similar supportive measures. Such measures shall not be punitive and, in the case of students, applied to the fullest extent possible to avoid depriving any student of their education.

The College may also suspend a student or employee (without pay) pending the completion of the Formal Resolution Procedures, particularly when in the judgment of the College, the imminent physical health or safety of any member(s) of the HMC community may be jeopardized by the on-campus presence of the student or employee.

A student who has been placed on interim suspension has the right, within three (3) business days of the notice of the suspension, to meet with the College’s Dean of Students (or designee), to request re-consideration of the interim suspension. The College’s Dean of Students (or designee) will review the decision to place the student on interim suspension to determine whether the decision to do so was arbitrary or capricious. A decision is arbitrary and capricious where there is no rational connection between the facts presented and the decision made.

The imposition of supportive measures is not indicative of a determination of responsibility or any other outcome. These measures may be modified at any time and may be kept in place after a final decision is reached as to whether a violation of this Policy has occurred.

### 4. Confidential Nature of Proceedings

All parties will be informed that confidentiality helps enhance the integrity of the investigation, safeguard the privacy interests of the parties, and protect the participants

from statements that might be interpreted to be retaliatory or defamatory. At the beginning of the investigation, the Complainant and Respondent will be asked to keep information related to the investigation private during the pendency of the investigation. This does not preclude a party from sharing information with family, legal counsel, support persons or others as necessary in connection with the marshalling and presentation of evidence in connection with the investigation. Witnesses also will be asked to respect the confidential nature of the investigative process, to the extent consistent with applicable law.

## 5. Investigation Protocol

In response to a formal complaint, the Responsible Administrator will conduct an investigation or, in consultation with appropriate College administrators, will designate an investigator to conduct an investigation. The investigator may be one or more HMC employees or a qualified independent third party. The Complainant and Respondent will have the opportunity to challenge the appointment of the investigator(s) if a conflict of interest or bias is present.

Before the investigation of a complaint is undertaken, the Respondent shall be informed of the complaint and the identity of the Complainant and shall be provided with a written summary of the nature of and alleged factual bases for the complaint. If at any time during the investigation additional allegations are made concerning the behavior of the Respondent, which if true, would involve a violation of this Policy, the Respondent shall be so notified and afforded an opportunity to respond.

During the investigation, the Complainant and Respondent will be afforded a full and complete opportunity to present their respective cases to the investigator. Both the Complainant and the Respondent may present evidence and suggest witnesses to be interviewed and questions for the investigator ask the other party or witnesses. The investigator will consider all such information when determining the persons to interview and the questions to ask, but these decisions remain in the investigator's discretion. The investigator may also choose to interview other witnesses not identified by the parties. Investigatory meetings shall not be recorded.<sup>4</sup>

Every effort shall be made to complete the investigation and resolve all reports of violations of this Policy within sixty (60) to ninety (90) business days of the date on which the formal complaint is made or as soon thereafter as practicable under the circumstances. Although every effort will be made to comply with this timeline, the complexity of the complaint or exigent, unforeseen, or unavoidable circumstances may require an extension of this period. The Complainant and Respondent will be notified of any timeline extension and the basis for such extension.

## 6. Investigation Results

The investigator shall document the results of the investigation in a written report. The report shall contain a summary of issues, key findings of fact, and an analysis of disputed facts based on all available evidence and credibility. Finally, the report will conclude with a determination of responsibility for a violation of this Policy or related policies based on a *preponderance of the evidence standard* and will include a discussion of the policy violations implicated by the complaint. Preponderance of the evidence” means that the information and facts establish that a Policy violation “more likely than not” occurred.

If the investigator is someone other than the Responsible Administrator, the investigator shall submit the report to the Responsible Administrator (or designee). Before acting on the report, the Responsible Administrator shall provide the Complainant and Respondent with an opportunity to review the report and provide comments, feedback, additional documentary evidence, requests for additional steps in the investigation, names of additional witnesses, questions to be asked the other party or witnesses, or any other information they deem relevant.

The Responsible Administrator has discretion to determine if the comments, feedback, and any other information submitted by the parties warrant further action before acting on the report. If the Responsible Administrator determines no further action is required, the report will be deemed final.

## C. Decision, Sanctions, and Remedies

The Responsible Administrator (or designee) is responsible for acting on the investigative report. In those instances where the investigation is conducted by someone other than the Responsible Administrator, the Responsible Administrator shall, with due regard to the preponderance of the evidence standard, accept or reject the investigator’s report, or take such further action as deemed appropriate.

If it is determined that the Respondent violated this Policy, the Responsible Administrator shall impose disciplinary sanctions commensurate with the violation and take such remedial actions as may be deemed appropriate. The determination of sanctions/remedial actions should be guided by the following considerations: applicable HMC policies and procedures, the interests of the community, the impact of the violation on the Complainant, documented conduct history, and any mitigating or aggravating circumstances

### Sanctions

Sanctions may include, but are not limited to, verbal warnings, written warnings, loss of privileges, probation, suspension, dismissal/expulsion from the College, or termination of employment.

## **Remedies**

Remedies may include, but are not limited to, removing the Complainant or the Respondent from the hostile environment, changes in work or class schedules, changes in residence arrangements for students, contacting professors/supervisors, changes in work locations or assignments, changes in supervisory relationships, and/or “no contact” orders.

## **D. Appeals**

### **1. Grounds for Appeal**

The Complainant and/or the Respondent may appeal the decision of the Responsible Administrator. Appeals will normally only be considered if made on the following alleged grounds:

1. **Significant Procedural Error:** A procedural error occurred which significantly affected the relevant decision/determination as it applies to the appealing party (e.g., substantiated bias, material deviation from established procedures). A description of the error and its impact must be included in the written appeal.
2. **New Information:** New information has arisen which was not available or known to the appealing party prior to the investigation determination; or information was improperly excluded from the investigation despite a request from the party to include it, which could have substantially affected the determination. Information that was known to the party but which the party chose not to present is not new information. A summary of the new or excluded evidence and its potential impact on the decision or determination must be included in the written appeal.
3. **Disproportionate Sanctions:** Either party may appeal the sanction because they feel that the sanction imposed for the violation of this Policy are disproportionate to the conduct found to have occurred. The written appeal must convey more than simple dissatisfaction with the sanction.

### **4. Appeal Procedures**

Appeals must be in writing and must be submitted to the Responsible Administrator (or designee) within five (5) business days after the date on which the person wishing to file an appeal is notified of the Responsible Administrator’s decision. The Responsible Administrator has five (5) business days to determine if the appeal is based on one or more of the grounds for appeal; if it is not, the appeal will be denied. If the appeal is not

denied, the Responsible Administrator will share the appeal with the other party, who shall have three (3) business days from the date on which they are notified of the appeal to submit a response. Absent a showing of good cause, appeals and responses to appeals shall not exceed ten (10) pages, 12-point font, double-spaced.

After the other party submits a response or the time for the other party to submit a response lapses without a response, the Responsible Administrator (or designee) shall promptly send the appeal, any response, and the underlying appeal record to the President (or President's designee), who shall consider the appeal and take such action they deem appropriate. If the President is involved in the underlying complaint, the appeal shall be directed to the Vice President, Chief Operating Officer and Treasurer or to the Chair or Vice-Chair of the Board of Trustees, who shall act in the President's place.

The appeal record will consist of the investigative file (which will include the initial report/complaint, the final investigative report, any responses to the report submitted by the parties; the decision of the Responsible Administrator (or designee); and any other documents that the Responsible Administrator deems relevant to the appeal itself).

The decision of the President (or designee) shall be final; no further appeals are allowed.

## **VI. SUPPORT PERSON/ADVISOR**

In connection with the Complaint Resolution Procedures under this Policy, the Complainant and the Respondent will be permitted to have an advisor/support person, who is a friend, mentor, family member, attorney, member of the Claremont Colleges community, or any other person, as long as they are not also a witness or otherwise a participant in the complaint resolution proceedings, accompany him/her through every phase of the process. The support person/advisor may be present in an advisory or emotional-support capacity only, and shall not directly participate or intervene in meetings, the investigation, or other matters related to the College's response under this Policy. In the case of a sexual harassment or misconduct complaint, the provisions of the College's Title IX Policy dealing with support persons and advisors, will control.

## **VII. RECORD RETENTION**

A copy of the "investigative file," any "record on appeal," and any decision on appeal shall, for the period of time mandated by HMC's record retention policy and applicable law, be maintained in the Division of Student Affairs for complaints against students and the Human Resources Office for complaints against all others.

Should a violation of this Policy be found, a record of the complaint and disciplinary action taken shall be made part of the personnel or student file of the person(s) found to have violated the Policy. In the event that the investigation does not result in a finding of violation of this Policy, no record of the complaint or investigation will become a part of any individual's personnel or student file.

Note that, whether or not a complaint is made under these formal resolution procedures, a record of all reports, complaints, and investigations involving sexual harassment or sexual misconduct, as well as of the outcomes of such reports, complaints, and investigations, shall be maintained by the Title IX Coordinator for the period of time mandated by HMC's record retention policy and applicable law.

## **VIII. FALSE ACCUSATIONS**

Knowingly making a false accusation of discrimination or harassment under either the informal or the formal procedures of this Policy is itself a violation of this Policy and a basis for disciplinary action up to and including dismissal/expulsion from the College or termination of employment. Failure to prove a claim of discrimination or harassment is not the equivalent of a knowingly false accusation.

## **IX. ACADEMIC FREEDOM**

HMC adheres to principles of academic and expressive freedom. Nothing in this Policy shall be construed to limit the legitimate exercise of academic and expressive freedom, including but not limited to written, graphic, or verbal expression that can reasonably be demonstrated to serve a legitimate educational purpose. Nor shall this Policy be interpreted or applied in a manner that is inconsistent with California Education Code section 94367.

## **X. CONSENSUAL RELATIONSHIPS**

### **A. Staff**

The College discourages consensual intimate, amorous, or sexual relationships between students and staff and prohibits such relationships whenever a staff member assigned to an instructional, research, administrative, or other College employment responsibility is involved in a relationship with a student whom they supervise or evaluate or over whom they exercise authority.

### **B. Faculty**

The College discourages consensual intimate, amorous, or sexual relationships between students and faculty. A sexual relationship between a faculty member and a student for whom the faculty member has, or should reasonably expect to have, academic responsibility entails a conflict of interest and, therefore, a breach of professional integrity. Accordingly, such relationships are prohibited even if consensual. Academic responsibility includes responsibility for teaching, advising, evaluating, or supervising a student in any aspect of the College's academic programs or the academic programs of other institutions that comprise the Claremont Colleges.

## XI. ADDITIONAL RECOURSE

Discrimination, harassment, and retaliation are violations of federal and state law. This policy is intended to supplement and not replace such laws. Whether or not the internal complaint procedures described in this Policy are utilized, a College employee who believes that they are the victim of discrimination, harassment, or retaliation may file a complaint with the [California Department of Fair Employment and Housing](#), or with the [United States Equal Employment Opportunity Commission](#). In addition, students and/or employees may file a complaint with the Office of Civil Rights, [United States Department of Education](#).

Persons who believe they are victims of discrimination, harassment, or other behavior prohibited by this Policy should be aware that both state and federal law impose time deadlines for the filing of complaints, and that the use of the internal complaint procedures described in this Policy will not change such filing deadlines.

In connection with claims involving sexual harassment including sexual misconduct, other forms of recourse are available which are described in detail in the College's Title IX Policy.

## XII. POLICY DISSEMINATION

The Human Resources Office and the Division of Student Affairs are responsible for distributing copies of this Policy to faculty, staff, and students. A notice of nondiscrimination, which also makes specific reference to this Policy and the College's Title IX Policy, shall also be provided to individuals employed by contract to perform services at HMC and volunteers. References to this Policy are included in faculty, staff, and student orientation materials and handbooks. In addition, this Policy is continuously available at appropriate campus locations and on the HMC website.

## XIII. MODIFICATION OF PROCEDURES AND PROCESSES

The College retains the authority to adapt or modify the complaint resolution process, for good cause and absent substantial conflict with the procedures and processes contained in this Policy, as part of the responsibility to ensure an equitable and prompt process for all parties.

## XIV. POLICY SOURCES

California Education Code sections 200, *et seq.*; California Sex Equity in Education Act, California Education Code sections 66250, *et seq.*; California Education Code section 67386, California Education Code section 94385; California Fair Employment and Housing Act, California Government Code sections 12900, *et seq.*; Age Discrimination in Employment Act of 1967, Title 29 of the United States Code, section 621; Title VI of the Civil Rights Act of 1964, Title 42 of the United States Code, section 2000d; Title VII of the Civil Rights Act of 1964, Title 42 of the United States Code, sections 2000e, *et seq.*; Section 504 of the Rehabilitation Act of 1973, Title 29 of the United States Code, section 794; Americans with Disabilities Act of 1990, Title 42 of the United States Code, sections 12101, *et seq.*; Title IX of the Education Amendments of 1972, Title 20 of the United States Code, sections 1681, *et seq.*; the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, Title 20 of the United States Code, sections 1092(f), *et seq.*; and Violence Against Women Reauthorization Act of 2013 (VAWA), Title 34 of the United States Code, section 1229.

## FOOTNOTES

[1] In matters involving sexual harassment, all employees (including faculty, staff, administrators, coaches, student workers) and proctors, who have responsibilities for student welfare (commonly referred to as “Responsible Employees”), are required to promptly share with the Title IX Coordinator any report of sexual harassment or sexual misconduct which they receive or of which they become aware of.

[2] For a list of Deputy Title IX Coordinators, see <https://www.hmc.edu/student-life/title-ix-sexual-misconduct/>.

[3] Note, individuals who believe that they have been discriminated against on the basis of disability are referred to the College’s Disability Grievance Policy and Procedure. A copy of the Policy is available online at <https://www.hmc.edu/student-life/disability-resources/grievance-procedures/>.

# REVISION HISTORY

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