



Sexual Misconduct and Harassment Policy

Casa Loma College is committed to providing a safe and non-discriminatory educational and working environment for the students, faculty, staff and other members of the Casas Loma College community. This includes having an environment free from sexual and gender-based harassment, sexual assault, interpersonal violence, dating violence, stalking, sexual exploitation, complicity, and retaliation (collectively, “sexual misconduct”). The College prohibits such conduct and will take prompt and equitable action to eliminate it, prevent its recurrence, and remedy its effects. Students found responsible for violating this Policy will face sanctions, up to and including termination from the College.

(This policy also applies to third parties, such as campus visitors or vendors who may have contact with members of the College community either on the College’s campus or at College events).

Consistent with its commitment to oppose sexual/gender-based misconduct and interpersonal violence, and to mitigate its effects on our College campus, the College designed this Policy to follow Title IX of the Higher Education Amendment of 1972 (“Title IX”) and Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (“Clery Act”) as amended by the Reauthorization of the Violence Against Women Act of 2013 (“VAWA”).

Casa Loma College is committed to the prevention of sexual misconduct through education and awareness programs. Throughout the year, programs designed to promote awareness are presented by a variety of campus resources. New students will receive primary prevention and awareness training during their first semester and new employees during their first 90 days of employment. Returning students and employees will receive training as scheduling permits.

The procedures set forth in this Policy are administrative in nature and are separate and distinct from the criminal and civil legal systems. Pursuing resolution through these procedures does not preclude victims from pursuing legal action now or in the future. If the conduct in question is alleged to be a violation of both College policy and public law, the College will proceed with its normal process, regardless of action or inaction by outside authorities. Decisions made, or sanctions imposed through these or other College procedures are not subject to change because criminal or civil charges arising from the same conduct are dismissed, reduced, or rejected in favor of or against the Respondent.

Casa Loma College’s Sexual Misconduct Policy applies to any instance in which a student, employee, or third party is alleged to have engaged in sexual misconduct against another student, employee, or third party when:

- The conduct occurs on College property
- The conduct occurs in the context of a College program or activity or event

- The conduct occurs outside the context of College employment or education program, activity or event but has adverse effects on or creates a hostile environment on College property or in any College employment or education program, activity or event.

Sexual Misconduct College Contacts:

The Title IX Coordinator, along with a team of administrative personnel oversee Casa Loma College's student conduct process and coordinates the prompt, fair and equitable investigation and resolution of student sexual misconduct complaints. The Title IX Team conduct thorough and impartial investigations into the facts of a case including interviewing the complainant, respondent, witnesses, or others who may have relevant information, and collecting any other evidence deemed relevant to a complaint.

Veronica Pantoja

Title IX Coordinator

veronica.pantoja@casalomacollege.edu

818-785-2726 ext. 223

The Ombudsman of Casa Loma College can assist students in the reporting of, filing and submission of sexual misconduct complaints.

Nicholas Walsh-Davis

Director of Admissions/Title IX Assessment Team

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818-785-2726 ext. 208

The Health and Wellness Coordinators participate in the Title IX assessment team when needed and are responsible for creating awareness, motivation, and resources to students and employees that help them adapt to a healthy lifestyle. The Health and Wellness Coordinators also work closely with the Title IX Coordinator in making recommendations for campus wide training and education programs designed to prevent and eliminate sexual misconduct.

Stephanie Shelburne

Director of Online Education/Health and Wellness Coordinator

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Kari Allen-Hammer

Curriculum Development Specialist/Health and Wellness Coordinator

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The President of Casa Loma College oversees coordination of the College's investigation and resolution of sexual misconduct complaints involving staff or faculty members.

Greg Malone
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Prohibited Conduct

The College prohibits the following forms of sexual misconduct:

- Sexual Harassment
- Sexual Assault
- Sexual Exploitation
- Intimate-Partner Violence, including Dating Violence and Domestic Violence
- Indecent Exposure
- Retaliation
- Stalking
- Other misconduct that is sex or gender-based, or in the context of an intimate partner relationship including:
 - Bullying and Intimidation
 - Physical Assault
 - Discrimination

Sexual Harassment

Sexual Harassment is any unwelcome conduct of a sexual nature or based on sex or gender when at least one of the following conditions are present:

- Quid pro quo: Submission to or rejection of such conduct is an explicit or implicit condition of, or the basis of an individual's employment, evaluation of academic work, or any aspect of a College program or activity;
- Hostile environment: Such conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance, i.e. it is sufficiently serious, pervasive, or persistent as to create an intimidating, hostile, humiliating, demeaning, or sexually offensive working, academic, residential, or social environment under both an objective and subjective standard.

Sexual harassment also includes harassment based on gender, sexual orientation, gender identity, or gender expression, which may include acts of verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex/gender or sex/gender-stereotyping, even if the acts do not involve conduct of a sexual nature.

Sexual harassment can take many forms. Sexual harassment:

- may include but is not limited to sexual advances or request for sexual favors, inappropriate comments, jokes or gestures, or other unwanted verbal or physical conduct of a sexual nature.
- may be blatant and intentional and involve an overt action, a threat of reprisal, or may be subtle and indirect, with a coercive aspect that is unstated.

- does NOT have to include intent to harm, be directed at a specific target, or involve repeated incidents.
- 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.
- may be committed by a stranger, an acquaintance, or someone with whom the complainant has an intimate or sexual relationship.
- may be committed by or against an individual or may be a result of the actions of an organization or group.
- may occur by or against an individual of any sex, gender identity, gender expression, or sexual orientation.
- may occur in the classroom, in the workplace, in residential settings, over electronic media (including the internet, telephone, and text), or in any other setting.
- may be a one-time event or part of a pattern of behavior.
- may be committed in the presence of others or when the parties are alone.
- may affect the complainant and/or third parties who witness or observe the harassment.

Sexual Assault

Sexual assault is intentional sexual contact with another person without that person's consent. Sexual assault includes:

- *Non-consensual sexual touching* includes contact with the intimate parts of another, causing another to touch one's intimate parts, or disrobing or exposure of another without permission. Intimate parts may include the breasts, genitals, buttocks, groin, mouth, or any other part of the body that is touched in a sexual manner.
- *Non-consensual sexual penetration* includes vaginal or anal penetration, however slight, with a body part (e.g., penis, tongue, finger, hand, etc.) or object, or oral penetration involving mouth-to-genital contact.

Intentional is defined as knowingly and/or recklessly engaging in sexual contact without an individual's consent and does not include accidental contact. Being intoxicated or impaired by drugs or alcohol is never an excuse for sexual misconduct in any form and does not negate one's intent or diminish one's responsibility to obtain informed and freely given consent.

Consent

A person who wishes to engage in sexual activity must ensure that they have the consent of their partner. Consent means informed, freely, and voluntarily given agreement, communicated by clearly understandable words or actions, to participate in each form of sexual activity. Consent is mutually understandable when a reasonable person would consider the words or actions of the parties to have demonstrated agreement between them to participate in the sexual activity. In the absence of mutually understandable words or actions, neither party should assume that it is permissible to engage in sexual activity.

Consent to some form(s) of sexual activity does not necessarily mean consent to other forms of sexual activity. Consent to sexual activity may be withdrawn at any time at which point all sexual activity for which consent has

been withdrawn must cease. Acquiescence to sexual activity based on the use of fraud or force (actual or implied), whether that force be physical force, threats, coercion, is never consent.

Force is the use or threat of physical violence or intimidation to overcome an individual's freedom of will to choose whether to participate in sexual contact.

Coercion is verbal and/or physical conduct, including manipulation, intimidation, unwanted contact, and express or implied threats of physical, emotional, or other harm, that would reasonably place an individual in fear of immediate or future harm and that is employed to compel someone to engage in sexual contact.

Sexual Exploitation

Sexual exploitation is an act or acts committed through non-consensual abuse or exploitation of another person's sexuality for sexual gratification, financial gain, personal benefit or advantage, or any other non-legitimate purpose. The act or acts of sexual exploitation are prohibited even though the behavior does not constitute one of the other sexual misconduct offenses.

Examples of sexual exploitation include:

- observing another individual's nudity or sexual activity or allowing another to observe consensual sexual activity without the knowledge and consent of all parties involved;
- non-consensual streaming of images, photography, video, or audio recording of sexual activity or nudity, or distribution of such without the knowledge and consent of all parties involved;
- prostituting another individual;
- exposing another's genitals in non-consensual circumstances;
- knowingly exposing another individual to a sexually transmitted disease or virus without that individual's knowledge; and
- inducing incapacitation for making another person vulnerable to non-consensual sexual activity.

Intimate-partner Violence, including Dating Violence and Domestic Violence

Intimate-partner violence includes dating violence, domestic violence, and relationship violence, includes any act of violence or threatened act of violence against a person who is, or has been involved in, a sexual, dating, domestic, or other intimate relationship with that person. It may involve one act or an ongoing pattern of behavior.

Intimate-partner violence can encompass a broad range of behavior, including, but not limited to, physical violence and sexual violence. Intimate-partner violence may take the form of threats, assault, property damage, or violence, or threat of violence to one's self, one's sexual or romantic partner, or to the family members or friends of the sexual or romantic partner.

Dating violence means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the alleged victim. The existence of such a relationship will be determined based on the reporting party's statement, taking into consideration the following factors: a) the length of the relationship, b) the type of relationship, and c) 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.

Domestic violence is violence committed by a current or former spouse, or sexual or intimate partner of the alleged victim, a person who is living as a spouse or who lived as a spouse with the alleged victim, parents and children, other persons related by blood or marriage, or by a person with whom the alleged victim shares a child in common. Under the criminal laws of Pennsylvania certain offenses, including but not limited to, rape, aggravated assault and stalking, can be deemed domestic violence depending on the relationship of the parties involved.

Indecent exposure

A person commits *indecent exposure* if that person exposes their genitals in any public place or in any place where there are present other persons when one knows or should know that this conduct is likely to offend, affront, or alarm.

Retaliation

Retaliation is any act or attempt to retaliate against or seek retribution from any individual or group of individuals involved in the investigation and/or resolution of a sexual misconduct allegation. Retaliation can take many forms, including continued abuse or violence, threats, and intimidation. Any individual or group of individuals, not just a complainant or respondent, can engage in retaliation.

Stalking

Stalking occurs when a person engages in a course of conduct or repeatedly communicates and/or commits acts toward another person, including following the person without proper authority, under circumstances that demonstrate or communicate either of the following:

- an intent to place the other person in reasonable fear of bodily injury; or
- an intent to cause substantial emotional distress to the other person.

A course of conduct is when a person engages in two or more acts that include, but are not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveys, threatens, or communicates to or about a person in a prohibited way, or interferes with a person's property.

Stalking includes the concept of cyberstalking, a particular form of stalking in which electronic media such as the Internet, social networks, blogs, cell phones, texts, or other similar devices or forms of contact are used to pursue, harass, or to make unwelcome contact with another person in an unsolicited fashion.

Examples of stalking include:

- unwelcome and repeated visual or physical proximity to a person;
- repeated oral or written threats;
- extortion of money or valuables;
- unwelcome/unsolicited written communication, including letters, cards, emails, instant messages, and messages on online bulletin boards;
- unwelcome/unsolicited communications about a person, their family, friends, or co-workers; or
- sending/posting unwelcome/unsolicited messages with an assumed identity; or
- implicitly threatening physical contact;

- or any combination of these behaviors directed toward an individual person.

Other misconduct that is sex or gender-based, or in the context of an intimate partner relationship including:

Bullying and Intimidation

Bullying includes any intentional electronic, written, verbal, or physical act or a series of acts of physical, social, or emotional domination that cause physical or emotional harm to another student or group of students. Bullying conduct may not only cause a negative effect on individuals targeted but also others who observe the conduct. Bullying conduct is severe, persistent, or pervasive and has the effect of doing any of the following:

- substantially interfering with a community member's education, employment, or full enjoyment of the college;
- creating a threatening or intimidating environment; or
- substantially disrupting the orderly operation of the College.

Bullying is prohibited and participating in such acts will result in disciplinary action.

Intimidation is any verbal, written, or electronic threats of violence or other threatening behavior directed toward another person or group that reasonably leads the person(s) in the group to fear for her/his physical well-being. Intimidation is prohibited and will result in disciplinary action.

Anyone who attempts to use bullying or intimidation to retaliate against someone who reports an incident, brings a complaint, or participates in an investigation to influence the student conduct process will be in violation of retaliation as described within this policy and will be subject to disciplinary action.

When acts of bullying and intimidation occur in the context of intimate-partner violence or when the behavior is perpetrated based on sex or gender, the conduct will be resolved under the *Sexual Assault and Harassment Policy*.

Physical Assault

Physical assault is a purposeful action meant to hurt another person. Examples include, but are not limited to, kicking, punching, hitting with or throwing an object, or biting. When these acts occur in the context of intimate-partner violence or when the behavior is perpetrated based on sex or gender, the conduct will be resolved under the *Sexual Misconduct and Harassment Policy*.

Discrimination

Discrimination under this Policy is defined as actions that deprive other members of the community of educational or employment access, benefits or opportunities based on sex, gender identity or expression, or sexual orientation.

Prohibited Relationships

Prohibition of Relationships between Faculty and Students and Staff and Students

- Romantic involvement or sexual relationships between faculty and College students are prohibited by this policy.

- Romantic involvement or sexual relationships between staff (who are not student employees) and College students, even if consensual, are prohibited by this Policy.

The Difference Between Privacy and Confidentiality

When disclosing information about gender-based or sexual misconduct to a College employee, all community members should be aware of how their information may be shared within the College based on the College's Title IX obligations, as well as the identity of confidential resources under state law. The following discussion on privacy and confidentiality may help a complainant make an informed choice.

The College recognizes that privacy is very important. All actions taken to investigate and resolve reports shall be conducted with as much privacy and discretion as possible without compromising the thoroughness and fairness of the investigation. All persons involved in an investigation are expected to treat the process with respect.

Privacy and Confidentiality have distinct meanings under this Policy.

Privacy: Privacy means that information related to a report will only be shared with those College employees with a "need to know" to assist in the assessment, investigation and resolution of the report. All employees who are involved in the College's response to reports of violations of this Policy receive specific training and guidance about sharing and safeguarding private information in accordance with state and federal law. Further, the College will maintain as private any accommodations or protective measures provided to any individual to the extent that maintaining such confidentiality would not impair the College's ability to provide the accommodations or protective measures.

The privacy of student education records will be protected in accordance with the Family Educational Rights and Privacy Act ("FERPA"). All documentation related to a student's report, investigation, and resolution are protected by FERPA and will not be released, except as required by law. The privacy of an individual's medical and related records generally is protected by the Health Insurance Portability and Accountability Act ("HIPAA"). Non-identifying information about a report may be shared with a designee to comply with the Clery Act (statistical information only). A complainant's name will never be published in connection with the College's obligations under the Clery Act.

Confidentiality: Confidentiality means that information shared with campus or community professionals who have legal confidentiality will only be disclosed: 1) with the individual's expressed written permission; 2) where there is a continuing threat of serious harm to the patient/client or to others; 3) where there is suspected abuse or neglect of a minor; or, 4) as required by state law. An individual can seek confidential assistance and support by speaking with specially designated confidential resources, both on campus and in the surrounding community.

Employee Reporting Obligations

All College employees, including faculty, staff, and administrators are required to inform the Title IX Coordinator any report of sexual misconduct reported to them or observed by them, including the name of the complainant and the respondent, if known, and all known details.

Confidential Resources and Support

While Casa Loma College encourages all College members to promptly report all incidents of sexual misconduct, the College recognizes that sometimes an individual may prefer to initially speak with someone in confidence. Accordingly, for members of the College who do not want details of their report of sexual misconduct to be shared with the College's Title IX Coordinator, the College has available confidential resources. These resources are subject to confidentiality obligations that generally prohibit release of information without an individual's express consent, unless otherwise required by law.

If someone discloses sexual misconduct to a College confidential resource, that confidential resource will not disclose to College authorities any identifying information about the person subject to the misconduct or the person alleged to have committed the misconduct, but may provide the Title IX Coordinator with limited nonidentifying information about the incident to permit the College to determine if the incident should be reported among the crime statistics the College is required to report under federal or state laws.

Ordinarily, reports made to individuals at the College designated as confidential resources will not be shared with law enforcement or any state agencies. However, there are limited exceptions to a confidential resource's legal ability to keep a report of sexual misconduct confidential, such as the reporting of abuse of minors. Additionally, if someone discloses to a confidential resource information suggesting they or someone else presents an imminent threat or danger to harm themselves or others, confidentiality cannot be maintained.

Campus Confidential Resources

The following have been designated as confidential resources:

- **Health and Wellness Coordinators**
Stephanie Shelburne and Kari Allen-Hammer

Off Campus Resources and Support

- **Center for Assault Treatment Services (CATS)** – A non-profit organization and a part of Northridge Hospital Medical Center, the CATS Program is open 24/7 for victims of sexual assault in the San Fernando and Santa Clarita Valleys.
Hotline: 818-908-8632
- **National Sexual Assault Online Hotline** - Offers free, confidential, and secure help 24/7, if you need someone to talk to or help with pressing charges or understanding your healing process.
Hotline: 800-656-HOPE (4673)
- [RAINN \(Rain, Abuse, & Incest National Network\)](#) - Can help you find a local rape crisis center anywhere in the U.S. when you click [here](#). These crisis centers also have 24/7 hotlines that serve victims of sexual violence. They are trained to provide you with the support and information you need.
- [Peace Over Violence - Rape and Battery Hotline](#)

Central Los Angeles (213) 626-3393; South Los Angeles (310) 392-8381;
West San Gabriel Valley (626) 793-3385

- [The National Center for Victims of Crime](#) – Provides a fast and easy way to locate crime victim assistance throughout the country by clicking [here](#).
- [The National Domestic Violence Hotline](#) - A 24/7 center that has access to service providers and shelters across the U.S.
Hotline: 800-799-7233
- [California Department of Fair Employment and Housing](#) - The state agency that enforces the state workplace anti-discrimination laws. (800) 884-1684: Within California (916) 227-0551: Outside California

Request for Anonymity by a Complainant

Students have the right under federal law (Title IX) to expect that reports of sexual misconduct will be taken seriously by the College. In accordance with federal law, the College investigates all reports of sexual misconduct made to any College official. Any time the College becomes aware of a possible case of sexual misconduct, the College has an obligation to investigate.

Casa Loma College is committed to protecting the privacy of all individuals involved in a report of sexual misconduct. The College, through the Title IX Coordinator, will take all reasonable steps to investigate and respond to the complaint consistent with the request not to share identifying information or pursue an investigation, but its ability to do so may be limited by the request. Under these circumstances, the complainant's request will be balanced against the following factors:

- the seriousness of the conduct;
- the respective ages and roles of the complainant and respondent;
- whether there have been other reports of violations of this Policy involving the respondent;
- whether the circumstances suggest there is a risk of the respondent committing additional violations of this Policy;
- whether the respondent has a history of arrests or records indicating a history of violence;
- whether the report indicates the respondent threatened further sexual violence or other violence against the complainant and other individuals involved;
- whether the reported conduct was committed by multiple individuals;
- whether the circumstances suggest there is a risk of future violations of this Policy under similar circumstances;
- whether the reported conduct was perpetrated with a weapon;
- whether the College possesses other means to obtain relevant evidence (e.g., security cameras or personnel, physical evidence); and, the respondent's right to receive information if such information is maintained in an "education record" under FERPA.

The College will take all reasonable steps to investigate and respond to the report consistent with the request not to share identifying information or pursue an investigation. Where the College is unable to act consistent with the request for confidentiality/anonymity, the Title IX Coordinator will inform the complainant about the chosen course of action.

Where the College determines that it must move forward with an investigation despite a complainant's request for anonymity, the College will notify the complainant and will make reasonable efforts to protect the privacy of the complainant to the extent possible. However, certain actions that may be required as part of the College's response, including an investigation and disciplinary resolution, will involve speaking with the respondent and others who may have relevant information, in which case the complainant's identity may have to be disclosed. In such cases, the College will notify the complainant that it intends to move forward with an investigation, but in no event will the complainant be required to participate in any such actions undertaken by the College.

All College proceedings are conducted in compliance with the requirements of the Family Educational Rights and Privacy Act (FERPA), the Clery Act, Title IX, Violence Against Women (VAWA), state and local law, and College policy. No information shall be released from such proceedings except as required or permitted by law and College policy.

False Reporting

The allegation of sexual misconduct may have severe consequences and therefore the College takes very seriously the legitimacy of reported information. An individual who makes a report that is later found to have been intentionally false or made maliciously without regard for the truth may be subject to disciplinary action. This provision does not apply to reports made in good faith, even if the facts alleged in the report are not substantiated by an investigation. Similarly, a party or witness who is later proven to have intentionally given false information during an investigation or resolution may be subject to disciplinary action.

Timely Warning

When the College becomes aware of an incident occurring on or off-campus that poses a threat to the health or safety of members of the campus community, the College will issue a timely warning to the campus, pursuant with the Clery Act. While the College will provide enough information to safeguard the campus community, a student's name or other personally identifying information will not be disclosed.

Reporting Sexual Misconduct Violence

A student or employee who experiences sexual misconduct violence is encouraged to report the incident as soon as possible to maximize the College's ability to respond promptly and effectively. The College does not, however, limit the timeframe for reporting. If the respondent is no longer a student or employee, the College may not be able to take disciplinary action against the respondent, but it will still seek to meet its Title IX obligation by taking steps to end the harassment, prevent its recurrence, and address its effects.

Several reporting options are available:

Reporting Options:

Report sexual misconduct to a College official such as the Title IX Coordinator, College Ombudsman, Health and Wellness Coordinators or other trusted College personnel.

Veronica Pantoja
Title IX Coordinator
veronica.pantoja@casalomacollege.edu
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Curriculum Development Specialist/Health and Wellness Coordinator
kari.allen-hammer@casalomacollege.edu

- **Report to the Los Angeles Police Department:** Students can contact the Los Angeles Police Department at 877-272-5273 or by dialing 911. Students may request assistance from the Title IX Coordinator in contacting the Police Department.
- **Report to Both the College and the Los Angeles Police Department:** See options 1 and 2.
- **Make an Anonymous Report:** Students who wish to anonymously inform the College of sexual/gender-based misconduct or interpersonal violence may file an incident report online. The information provided to the College in this manner will only be used for Clery Act data collection and will be kept confidential. While the College will investigate anonymous reports in accordance with federal law, anonymous reports may significantly limit the College's ability to conduct an effective investigation.
- **Take No Action:** Students have the right not to file a report, yet they are highly encouraged to seek medical attention and counseling. Students who wish to report later may do so by utilizing any of the options above. However, please note that a delay in reporting could create obstacles to the College's process for stopping harassment/discrimination, remedying its effects, and preventing recurrence as well as potentially weakening evidence that could be useful in determining whether prohibited conduct occurred.

Interim Measures

At any point before, during and after a report of sexual misconduct has been filed, the College may offer or impose interim measures, to immediately address the reported behavior. The College will maintain consistent contact with the parties to ensure that all safety and emotional and physical well-being concerns are being

addressed. Interim measures are designed to eliminate the sexual/gender-based misconduct and interpersonal violence, prevent its recurrence, and remedy its effects. These measures may include, but are not limited to, no contact orders, academic accommodations, changes in supervisor, removal from College property, changes in parking locations, increased security, and/or emotional and other support. Depending on the circumstances, an interim suspension, i.e. suspension from classes, work and other privileges or activities, or from the College, may also be instituted until resolution of a case.

The College will maintain the privacy of the individuals who have requested interim measures and the College will, to the best of its ability, keep interim measures private. Interim measures may be imposed regardless of whether a complaint has been filed.

In some circumstances, a complainant may also wish to seek an order of protection from a court of appropriate jurisdiction against the respondent. College officials are available to assist individuals with this process. Individuals may also seek restriction of access to the College by non-students or non-employees when appropriate.

Interim measures do not indicate the College has decided about the report of prohibited conduct. These measures may be modified at any time and may be kept in place after a final investigative decision is reached.

If the President of Casa Loma College decides at any point that the safety of a student or of any member of the College community is at stake, an interim suspension may be imposed on a student who is suspected of violating the *Student Conduct Policy*, the *Sexual Assault and Harassment Policy*, any rules, regulations, or procedures of the College, or otherwise poses a risk of safety to the campus, until the time student conduct resolution, disciplinary action, or decision can be completed.

Students are expected to comply with interim restrictions. Failure to comply with interim restrictions may result in a student's withdrawal from the College.

For assistance in obtaining interim measures, students should contact the Title IX Coordinator.

Investigation Process for Sexual Misconduct

The Title IX Coordinator will determine the most effective method of investigating the report of a violation of this Policy. The Title IX Coordinator may investigate reports or designate an investigator from the Title IX Assessment Team to conduct a prompt, thorough, fair and impartial investigation. Any investigator used by the College will be impartial, free from any conflict of interest, and have received annual and specific training on investigating sexual harassment. Investigators do not function as advocates or support persons for complainants or respondents. Investigators may, however, identify issues of concern and refer the parties to the Title IX Coordinator for assistance in obtaining resources.

Where appropriate, the College, upon the recommendation by the Title IX Coordinator, may attempt to resolve allegations of violations of the Policy by taking immediate and corrective action to stop the conduct, address its effects, and prevent recurrence without a formal investigation and determination that a violation of the Policy has occurred. Participation in the informal resolution is voluntary and either party can request to end the informal process at any time and request a formal investigation. In some instances, and at any time,

the College, on its own, may determine that informal resolution is no longer appropriate, in which case, the College will notify the parties that it is ending the informal resolution process and initiating a formal investigation. Please note that complaints alleging sexual misconduct, including sexual assault and nonconsensual sexual touching, or other forms of physical violence, are not appropriate for informal resolution and must proceed directly to a formal investigation.

Upon review of the complaint, the Title IX Coordinator may recommend that interim measures be put into place. (*See Interim Measures in this Policy*)

Complainants and respondents are permitted to submit to the Title IX Investigator potential witness names and questions to be asked during the investigative process. The Investigator will assess the appropriateness and relevance of the questions and witness names submitted. Generally, regarding sexual misconduct cases, questions, statements, or information about the sexual history of the complainant with anyone other than the respondent will not be considered relevant.

Both the complainant and respondent will receive written notice that an investigation has been initiated. The notice will include a concise summary of the conduct, and the potential policy violations, the name and contact information of the Title IX investigator and an overview of the investigation procedures.

All parties and witnesses are expected to provide truthful information in any proceeding under this policy. Knowingly providing false or misleading information is a violation of College policy and can subject a student or employee to disciplinary action. This provision does not apply to reports made or information provided in good faith, even if the facts alleged in the report are not later substantiated.

Complainants or respondents may choose to participate or decline to participate in the process. However, even if a complainant or respondent declines to participate, the college may continue to investigate the matter and issue findings based on available information. Absent compelling circumstances, witnesses, both students and employees, are expected to participate in the process.

Upon completion of the investigation, the investigator will prepare a preliminary report with a summary of the relevant facts determined through the investigation, but without findings. The report will include summaries of interviews with the complainant, respondent, any witnesses and refer to or attach other relevant information reviewed by the investigator, including, but not limited to, photographs of relevant sites, physical and medical evidence (as available), and communications between the parties. Both the complainant and respondent will have the opportunity to submit comments, feedback, any proposed corrections and any additional information, including the identity of additional witnesses or evidence for the investigator to pursue to the investigator within five (5) work days after receiving the draft for review.

Following the receipt of any proposed corrections to the report, or after the five (5) day review period has lapsed without comment, the investigator will conduct any additional investigation as appropriate, and prepare a final report. The final report will contain a summary of the investigation, the investigator's findings, and a summary of the investigator's rationale in support of the findings.

The College will maintain appropriate investigative files and will document the provision of interim measures, investigative steps and information gathered in the Investigation.

APPEALS

A respondent or complainant may submit a request for an appeal of a decision resulting from a Title IX investigation no later than five business days after receiving the decision in writing. The request for an appeal is to be submitted in writing to the Vice President for Student Affairs, who will consider the request. Appeals will be considered based on the following criteria:

- Failure to follow the process or procedures outlined within this Policy, which resulted in significant prejudice such that it impacted the outcome. Minor deviations from designated procedures will not be the basis for sustaining an appeal unless significant prejudice results.
- New information that was not known to the parties at the time of the investigation

Appellate decisions are final.

Disciplinary Action

If the Title IX Assessment Team finds the respondent responsible for violations of the Sexual Misconduct Policy and/or other College policies, or if the parties both accept an investigator's finding of a violation of College policy, the Title IX Assessment Team will evaluate appropriate actions to address the misconduct, prevent its recurrence, and remedy its effects. Some behavior is so harmful to the College community or so detrimental to the educational process that it may require serious actions or interventions, such as removal from specific courses or activities or suspension or termination from the College.

In determining the appropriate sanction(s), the Title IX Assessment Team may consider a number of factors including: the harm suffered by the complainant; the risk to either the complainant or the community posed by the respondent; the impact of the violation(s) on the College community; any previous conduct violations by the respondent; any mitigating or aggravating circumstances; and the information contained in any written statement submitted by the complainant and respondent to the Title IX Assessment Team in accordance with the Hearing Process. The Title IX Assessment Team may consult with the Title IX Coordinator or designee in reaching its determination of appropriate sanctions.

Following is a list of all possible sanctions for student respondents:

Formal Reprimand: A formal written reprimand that the student has violated College policy and that future violations of College policy may result in further disciplinary action, up to, and including, suspension or termination from the College.

Disciplinary Probation: This action will be in effect for a specified period determined by the Title IX Assessment Team. Should a student be found responsible for another violation of this Policy or of the Student Conduct Policy during the probationary period, the Title IX Assessment Team will be made aware of the student's standing on disciplinary probation and may impose additional sanctions to reflect a repeated

offense. A student's status on disciplinary probation may have an impact on their ability to participate in certain activities connected with or related to the College both on and off campus.

Apology: Letters of apology to individuals, or the entire Casa Loma College community designed to help the respondent assess the effects of their policy violation(s). These letters will be maintained as part of the respondent's disciplinary record for as long as the record is maintained.

Restriction from employment at the College: Prohibition of, or limitation of College employment.

Restorative Project: A project specifically designed to lead the Respondent to understand the harm done to the complainant and the community, to accept the responsibility for that harm, and to repair that harm, if possible.

Professional Assessment: Completion of a professional assessment that could help the student or the College ascertain the student's ongoing supervision or support needed to successfully participate in the College community. The cost of professional assessment will be paid by the respondent.

Removal from specific courses or activities: Suspension or transfer from courses or activities for a specified period.

No Contact Directive: Restriction from entering specific College areas and/or from all forms of contact with certain person(s).

Suspension: The rights and privileges of being a student at the College are suspended for a specified period. The individual may not participate in academic or activities, is required to leave the College campus, and restricted from College property. As part of the suspension, a respondent who later seeks re-admittance to the College may be required to complete a project specifically designed to help the respondent assess the violation(s) of College policy, and to prevent recurrence of the behavior.

Termination: The respondent is no longer a student at Casa Loma College and must leave the campus. An individual who has been dismissed from the College may be eligible to apply for readmission, but should not expect the application to be considered for a minimum of one full semester after termination. The individual seeking readmission may be required to provide supporting documentation sufficient to satisfactorily demonstrate to the College readiness to resume the career and fulfill standards of responsible conduct at Casa Loma College. The College may deny any application for readmission in its discretion.

Permanent Separation: The respondent is no longer a student at Smith College and must leave the campus. The student is not eligible for readmission.

Resolution Time Frame

The College seeks to resolve complaints of sexual misconduct with thirty (30) days; however, circumstances may arise that require additional time for resolution. If the investigation and resolution exceed this time frame, the College will notify all parties of the reason for the delay and the expected adjustment in time frames.

Records Maintained

Written minutes of the hearing and any documents or other evidence presented at the hearing will serve as the record of the hearing proceedings and will be maintained by the Title IX Coordinator as part of the respondent's conduct record for as long as the conduct record is maintained. Notes and records of the proceedings will be disposed of after the appeal period has expired.

Training, Prevention and Awareness Programs

The College provides training to students and employees to ensure they understand this Policy and the topics and issues related to maintaining an education and employment environment free from harassment and discrimination.

The College is committed to the prevention of Sexual Misconduct through regular and ongoing education and awareness programs. Incoming students and new employees receive primary prevention and awareness programming as part of their first semester and orientation and returning students and current employees receive ongoing training and related education.