

Pacific Oaks College
Policy Prohibiting Discrimination Based on Sex Under Title IX (Title IX Policy)
Effective Date: 08/01/2024

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Policy Prohibiting Discrimination Based on Sex Under Title IX (Title IX Policy)

Draft last Updated: July 24, 2024.

I. INTRODUCTION

This Policy sets forth Pacific Oaks College's obligations under the 2024 Title IX Regulations and incorporates the definitions and procedural requirements from the 2013 Clery Amendments pertaining to sexual assault, dating violence, domestic violence, and stalking. This Policy also sets forth Pacific Oaks College's obligations pertaining to sex-based discrimination (including sex-based harassment) and related retaliation under the California Fair Employment & Housing Act and the California Education Code.

Pursuant to this Policy, Pacific Oaks College will:

- Respond to all reports of sex-based discrimination and/or retaliation.
- It will take necessary measures to end conduct that is in violation of this Policy, prevent its recurrence, and remedy its effect on individuals and the community.

Within any process related to this Policy, Pacific Oaks College provides reasonable accommodations to persons with disabilities and reasonable religious accommodations, consistent with California and federal law.

Situations involving other conduct that may be in violation of other College student or employee conduct policies should be reported to the Dean of Students for matters involving students, or Human Resources for matters involving faculty or staff.

Any concerns related to conduct prohibited by this Policy should be reported to Pacific Oaks College's Title IX Coordinator or Deputy Title IX Coordinator. The Title IX staff members are:

Michael Patton, Dean of Students and Title IX Coordinator
45 Eureka Street
Pasadena, CA 91103
mpatton@pacificoaks.edu
626-529-8498

Deputy Title IX: Jane Sawyer, CP of Human Resources & Organizational Effectiveness and
Deputy Title IX Coordinator
45 Eureka Street

Pasadena, CA 91103
jsawyer@pacificoaks.edu
626-529-8437

A. Statement of Nondiscrimination and Applicability of this Policy

As set forth in this Policy, Pacific Oaks College prohibits discrimination on the basis of sex in its programs and activities. As defined by Title IX and California law, discrimination on the basis of sex includes discrimination on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity.

Pacific Oaks College does not discriminate in its admissions practices, in its employment practices, or in its educational programs or activities on the basis of sex. Pacific Oaks College also prohibits retaliation against any person opposing sex discrimination or participating in any sex discrimination investigation or complaint process, whether internal or external to Pacific Oaks College. Sex-based harassment, sexual assault, dating and domestic violence, and stalking are forms of sex discrimination which are prohibited under Title IX, California law, and by this Policy.

California law prohibits coworkers, third parties (including students), as well as supervisors and managers with whom an employee (including a student employee, applicant for employment, contractor, volunteer, or intern) comes into contact, from engaging in conduct prohibited by the California Fair Employment and Housing Act.

When brought to the attention of Pacific Oaks College, conduct prohibited by this Policy will be addressed by the institution according to the procedures set forth in this Policy. Discrimination on the basis of any other protected category will be addressed in accordance with the Student Policy on Anti-Discrimination, Anti-Harassment, and Anti-Retaliation (students) or the Equal Employment Opportunity, Non-Discrimination, and Anti-Harassment Policy (employees).

B. Statement of Equal Access

Pacific Oaks College shall provide certain support and modifications to people experiencing pregnancy and related conditions to ensure their equal access to the College's program or activity. Pregnancy or related conditions include pregnancy, childbirth, termination of pregnancy, lactation; medical conditions related to pregnancy, childbirth, termination of pregnancy, or lactation; and recovery from pregnancy, childbirth, termination of pregnancy, lactation, or related medical conditions.

Pacific Oaks College treats pregnancy or related conditions in the same manner and under the same policies as any other temporary medical conditions and must allow voluntary leaves of absence. Students, employees, or applicants should contact the Title IX Coordinator for more information. Employees or applicants for employment may also contact Human Resources at poccsshr@pacificoaks.edu for more information, because additional workplace laws and policies apply. A student should refer to Pacific Oaks College's Student Policy on Pregnancy and Related Conditions.

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

Pacific Oaks College complies with the requirements of the Americans with Disabilities Act of 1990, as amended 2008 ("ADAAA"); Sections 504 and 508 of the Rehabilitation Act of 1973, as amended; and all other federal and California laws and regulations prohibiting discrimination on the basis of disability. Pacific Oaks College is committed to providing individuals with disabilities equal access to the College's programs and activities.

Parties may request reasonable accommodations for disabilities from the Title IX Coordinator at any point relating to the implementation of this Policy, including making a disclosure or report, and initiating a resolution procedure. Accommodation will be granted if it is reasonable and does not fundamentally alter the procedures established by this Policy. Please note that the Title IX Coordinator will not affirmatively provide disability accommodations that have not been specifically requested by the parties, even where the parties may be receiving accommodations in other College programs and activities.

With the consent of the impacted student or employee, the Title IX Coordinator will work collaboratively with the Disability Services and ADA Accommodations (students) or the Office of Human Resources (employees) to ensure that approved reasonable accommodations (disability-related) are implemented.

II. SCOPE AND JURISDICTION OF THIS POLICY

All members of Pacific Oaks College's community, including, but not limited to, students, student organizations, faculty, administrators, and staff, whether on or off campus, and third parties such as contractors, interns, guests, visitors, volunteers, invitees, and alumni when they are on campus or participating in Pacific Oaks College sponsored activities, are subject to this Policy, though the procedures for resolving conduct prohibited by this Policy will vary based on one's status. This Policy applies to all students and employees and all other individuals participating in (or attempting to participate in) Pacific Oaks College programs or activities, including College sponsored events that take place off-campus.

This Policy may also pertain to instances in which the conduct occurred outside of the campus or College sponsored activity if Pacific Oaks College determines that the off-campus conduct is

within the jurisdiction of its disciplinary authority or affects a substantial College interest. The College will review all reported concerns to determine whether the conduct occurred in the context of an educational program or activity and/or has continuing effects on campus or in an off campus sponsored program or activity. A substantial Pacific Oaks College interest includes:

- Any action that could contribute to a hostile education environment or otherwise interfere with a student's access to education;
- Any action that constitutes a criminal offense as defined by law. This includes, but is not limited to, single or repeat violations of any local, state, or federal law;
- Any situation in which it is determined that the Respondent poses an immediate threat to the physical health or safety of any student or other individual;
- Any situation that significantly impinges upon the rights, property, or achievements of oneself or others or significantly breaches the peace and/or causes social disorder; and/or
- Any situation that is detrimental to the educational interests or mission of Pacific Oaks College.

Pacific Oaks College shall take reasonable steps to respond to each incident of Prohibited Conduct involving individuals subject to the College's policies that occur in connection with any educational activity or other program of Pacific Oaks College, as well as incidents that occurred outside of those educational programs or activities, whether they occurred on or off campus to a student, if, based on the allegations, there is any reason to believe that the incident could contribute to a hostile educational environment or otherwise interfere with a student's access to education.

Any individual covered by this Policy is expected to provide truthful information in any report, meeting, or proceeding under this Policy.

Unless otherwise specified in this Policy, any individual who is accused of engaging in conduct prohibited by this Policy who is not a student, faculty member, or staff member is generally considered a third party. Pacific Oaks College's ability to take corrective action against a third party may be limited and will depend on the nature of the third party's relationship, if any, with Pacific Oaks College.

The status of a party may impact which resources and remedies are available to them under this Policy.

If there is a conflict between the provisions of this Policy and other College policies, procedures, rules, regulations, or terms or conditions of employment, the provisions of this Policy will govern unless otherwise stated. Key terms in this Policy are defined as stated or in Section XXI.

III. PROHIBITED CONDUCT

This Policy prohibits sex discrimination, including sex-based harassment, and retaliation as defined below. These acts shall also be referred to as Prohibited Conduct under this Policy:

A. Discrimination on the Basis of Sex

Except as permitted by Title IX, prohibited discrimination on the basis of sex (where sex includes sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity) is defined as actions that cause an individual to be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any academic, extracurricular, research, occupational training, or other education program or activity operated by Pacific Oaks College.

Except as permitted by Title IX, Pacific Oaks College, including employees, students, participants and agents of Pacific Oaks College, shall not, engage in any of the following prohibited discriminatory actions on the basis of sex if it would cause more than *de minimis* harm:

- (1) Treat one person differently from another in determining whether such person satisfies any requirement or condition for the provision of such aid, benefit, or service;
- (2) Provide different aid, benefits, or services or provide aid, benefits, or services in a different manner;
- (3) Deny any person any such aid, benefit, or service;
- (4) Subject any person to separate or different rules of behavior, sanctions, or other treatment;
- (5) Aid or perpetuate discrimination against any person by providing significant assistance to any agency, organization, or person which discriminates on the basis of sex in providing any aid, benefit or service to students or employees;
- (6) Otherwise limit any person in the enjoyment of any right, privilege, advantage, or opportunity.

For the purposes of this definition, unless permitted by Title IX, adopting a policy or engaging in a practice that prevents a person from participating in an education program or activity consistent with the person's gender identity subjects a person to more than *de minimis* harm on the basis of sex and will be considered prohibited discrimination.

B. Sex-Based Harassment

Sex-based harassment is a form of sex discrimination and means sexual harassment and other harassment on the basis of sex, as defined by Title IX, including harassment on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity.

Under this Policy, prohibited Sex-based Harassment includes the following conduct:

1. Quid Pro Quo Harassment:

Quid pro quo harassment occurs when someone from or in the work or educational setting, including an employee, agent, or other person authorized by the recipient to provide an aid, benefit, or service under the recipient's education program or activity explicitly or implicitly actually, attempts to or purports to provide and condition an aid, benefit, or service under the recipient's education program or activity of Pacific Oaks College on an individual's participation in unwelcome sexual conduct, which includes but is not limited to, unwelcome sexual advances, requests for sexual favors, and other verbal, visual, or physical conduct of a sexual nature, including under any of the following conditions:

- Submission to the conduct is explicitly or implicitly made a term or a condition of an individual's employment, academic status, or progress;
- Submission to, or rejection of, the conduct by the individual is used as the basis of employment or academic decisions affecting the individual; or
- 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.

2. Sex-Based Hostile Environment Harassment in Programs and Activities

Sex-based Hostile environment harassment in Programs and Activities is defined as:

- (i) Unwelcome sex-based conduct (where sex includes sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity) 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 Pacific Oaks College's education program or activity (i.e. creates a hostile environment); or
- (ii) 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 where 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.

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

- i. The degree to which the conduct affected the individual's ability to access Pacific Oaks College's education program or activity;
- ii. The type, frequency, and duration of the conduct;
- iii. The parties' ages, roles within Pacific Oaks College's education program or activity, previous interactions, and other factors about a party that may be relevant to evaluating the effects of the conduct;
- iv. The location of the conduct and the context in which the conduct occurred; and
- v. Other sex-based harassment in Pacific Oaks College's education program or activity.

3. California Sex-based Harassment in Employment

Prohibited conduct is defined as any unwelcome behavior towards an employee (which for this definition includes a student-employee in their capacity as an employee), applicant for employment, unpaid intern, contractor or volunteer, that is reasonably regarded as offensive that is based on sex that:

- Sufficiently offends, humiliates, distresses, or intrudes upon its victim, so as to disrupt the victim's emotional tranquility in the workplace, or
- Affects the victim's ability to perform the job as usual, or
- Otherwise interferes with and undermines the victim's personal sense of well-being.

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

C. Sexual Assault & Interpersonal Violence

1. Sexual assault.

Sexual assault is defined as any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving affirmative consent.

Sexual assault includes:

- i. **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 affirmative consent of the victim. Attempted rape falls under this prohibition.
- ii. **Fondling**—The touching of the private body parts of another for the purpose of sexual gratification, without the affirmative consent of the victim, including instances where the victim is incapable of giving affirmative consent because of their age or because of their temporary or permanent mental incapacity.
- iii. **Incest**—Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- iv. **Statutory Rape**—Sexual intercourse with a person who is under the statutory age of consent. The statutory age of consent in California is eighteen (18).

2. California Sexual Violence (Against Students)

Pacific Oaks College also prohibits Sexual Violence as defined by the California Education Code. Conduct defined as California Sexual Violence may be eligible for alternative resolution except for mediation (a form of alternative resolution), which is never permitted for California Sexual Violence.

California Sexual Violence means physical sexual acts perpetrated against a person without the person's Affirmative Consent. Physical sexual acts include both of the following:

(A) Rape, 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.

(B) Sexual battery, defined as the intentional touching of another person's intimate parts without their Affirmative Consent, intentionally causing a person to touch the intimate parts of another without Affirmative Consent, or using a person's own intimate part to intentionally touch another person's body without Affirmative Consent.

3. Dating Violence

This includes violence committed by a person:

- i. Who is or has been in a social relationship of a romantic or intimate nature with the victim; and
- ii. Where the existence of such a relationship shall be determined based on a consideration of the following factors:
 1. The length of the relationship;
 2. The type of relationship; and
 3. The frequency of interaction between the persons involved in the relationship.

Emotional and psychological abuse do not constitute violence for the purposes of this definition.

4. Domestic Violence

This includes felony or misdemeanor crimes of violence committed by a person who:

- i. Is a current or former spouse or intimate partner of the victim under the family or domestic violence laws of the jurisdiction of Pacific Oaks College, or a person similarly situated to a spouse of the victim;
- ii. Is cohabitating, or has cohabitated, with the victim as a spouse or intimate partner;
- iii. Shares a child in common with the victim; or
- iv. Commits acts against a youth or adult victim who is protected from those acts under the family or domestic violence laws of California.

Emotional and psychological abuse do not constitute violence for the purposes of this definition.

5. Stalking

Stalking is defined as engaging in a course of conduct, on the basis of sex, directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others; or suffer substantial emotional distress.

6. California Sexual Exploitation

Sexual exploitation 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:

- i. The prostituting of another person;
- ii. 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;
- iii. The recording of images, including video or photograph, or audio of another person's sexual activity or intimate parts, without that person's consent;
- iv. 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.
- v. 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.

D. Retaliation

Retaliation is any materially adverse action taken against an individual because they were involved in the disclosure, reporting, investigation, or resolution of a report or complaint of Prohibited Conduct under this Policy. Retaliation includes threats, intimidation, harassment, coercion, discrimination, violence, or any other conduct by Pacific Oaks College, a student, or an employee or other person authorized by Pacific Oaks College to provide aid, benefit, or service under the school's education program or activity, for the purpose of interfering with any right or privilege secured by this Policy or by law, including Title IX or its regulations. Adverse action does not include perceived or petty slights or trivial annoyances.

The prohibition against retaliation applies to any individuals who participate (or refuse to participate) in any manner in a proceeding or meeting under this Policy.

Retaliation may occur even where there is a finding of "not responsible" under this Policy. Good faith actions lawfully pursued in response to a report of Prohibited Conduct are not Retaliation.

IV. INSTITUTION'S DUTY TO RESPOND AND DELEGATION OF DUTIES UNDER THIS POLICY

Pacific Oaks College shall respond to all allegations of Prohibited Conduct, as defined above.

Any reference to obligations in this Policy, including those assigned to a particular title, such as the Title IX Coordinator, may be designated as appropriate by Pacific Oaks College, including to external professionals.

V. CONFLICTS OF INTEREST OR BIAS

Any individual carrying out any part of this Policy shall be free from any actual conflict of interest or demonstrated bias that would impact the handling of a matter. Should the Title IX Coordinator have a conflict of interest, the Title IX Coordinator shall immediately notify the Deputy Title IX Coordinator, who will either take, or reassign the role of Title IX Coordinator for purposes of carrying out the handling and finalization of the matter at issue.

Should any Investigator, Decisionmaker, or Appeals Panel member have a conflict of interest, the Investigator, Decisionmaker, or Appeals Panel member shall notify the Title IX Coordinator upon discovery of the conflict so that the Title IX Coordinator may reassign the role as appropriate. This Policy will note where parties have the opportunity to challenge the participation of any individual implementing this Policy based on actual conflict of interest or demonstrated bias.

VI. CRIME AND INCIDENT DISCLOSURE OBLIGATIONS

The Clery Act is a federal crime and incident disclosure law (Section 67380 of the California Education Code has similar requirements). The Clery Act requires, among other things, that Pacific Oaks College report the number of incidents of certain crimes, including some of the Prohibited Conduct in this Policy, that occur in particular campus-related locations. The Clery Act also requires Pacific Oaks College to issue a warning to the community in certain circumstances.

In the statistical disclosures and warnings to the community, Pacific Oaks College will ensure that a Complainant's name and other identifying information is not disclosed. When reporting to law enforcement under the Education Code, Pacific Oaks College will not disclose personally identifiable information without a Complainant's consent. The Title IX Coordinator will refer information to the Vice President of Human Resources and Organizational Effectiveness when appropriate for a determination about Clery-related actions, such as disclosing crime statistics or sending campus notifications.

VII. REPORTING SEX DISCRIMINATION, INCLUDING SEX-BASED HARASSMENT

A. Employee Reporting Obligations

All employees are required to promptly provide to the Title IX Coordinator all complaints and/or reports of Prohibited Conduct and share all information reported or made available to the employee. As required by California law, if an employee in a supervisory capacity has knowledge of an incident of Prohibited Conduct directed toward any employee, that supervisor is required to bring the matter to the attention of the Title IX Coordinator.

When providing this information to the Title IX Coordinator, the employee must include their own name and contact information, and all known details about an incident, which may include, if known, the dates, times, locations, names of involved individuals and the nature of the incident.

Aside from this reporting obligation, employees will, to the fullest extent possible, maintain the privacy of an individual's information, consistent with [FERPA](#).

B. Public Awareness Events

Employees are required to report to the Title IX Coordinator information about sex discrimination they learn about at public awareness events relating to sex discrimination, including sexual violence.

The Title IX Coordinator is not obligated to respond directly to any identified Complainant in a report of sex-based harassment disclosed at a public awareness event that takes place on-campus or in a college-sponsored online platform unless there is an imminent and serious threat to someone's health or safety.

The Title IX Coordinator must respond to reports of conduct that could constitute sex discrimination other than sex-based harassment if disclosed at public awareness events, wherever they occur. In all cases, Pacific Oaks College must use the information to inform its efforts to prevent sex-based harassment, including by providing tailored training to address alleged sex-based harassment in a particular part of its education program or activity or at a specific location when information indicates there may be multiple incidents of sex-based harassment.

C. How to Make a Report to Pacific Oaks College

All complaints of violations of this Policy will be taken seriously and in good faith. The Title IX Coordinator will provide information and guidance regarding how to file a complaint with Pacific Oaks College and/or local law enforcement, as well as information and assistance about what course of action may best support the individual(s) involved and how best to address the complaint.

Every reasonable effort will be made to maintain the privacy of those making a report to the extent possible. In all cases, Pacific Oaks College will give consideration to the

party bringing forward a report with respect to how the matter is pursued. Pacific Oaks College may, when necessary to protect the community, initiate an investigation or take other responsive actions to a report, even when the person identifying a concern chooses not to participate in a resolution process and/or requests that the school not initiate an investigation.

Employees, students, guests, or visitors who believe that this Policy has been violated should promptly contact the Title IX Coordinator or another member of the Title IX Office as follows:

Michael Patton, Dean of Students and Title IX Coordinator
45 Eureka Street
Pasadena, CA 91103
mpatton@pacificoaks.edu
626-529-8498

Deputy Title IX: Jane Sawyer, CP of Human Resources & Organizational Effectiveness and
Deputy Title IX Coordinator
45 Eureka Street
Pasadena, CA 91103
jsawyer@pacificoaks.edu
626-529-8437

Or use this reporting form:

<https://forms.office.com/Pages/ResponsePage.aspx?id=wXL6IAYRXUmqH5LLq5iWBmFqmdKVHcIJkGCGqFI23sVURVlaT0E4QVdaWVJaQjAxM1ZQUlpWQIVNVy4u>

There is no timeline for making a report of Prohibited Conduct. However, Pacific Oaks College encourages the prompt reporting of a complaint as the ability of Pacific Oaks College to pursue the complaint to conclusion may be hindered by the passage of time.

Individuals may also refer to Section XIX of this Policy for other reporting options.

D. Amnesty for Student Conduct Charges When Reporting Prohibited Conduct

A student who participates as a Complainant or witness in an investigation of Prohibited Conduct will not be subject to disciplinary sanctions for a violation of Pacific Oaks College's student conduct policies at or near the time of the incident, unless Pacific Oaks College determines that the violation was egregious, including, but not limited to, an action that

places the health or safety of any other person at risk or involves plagiarism, cheating, or academic dishonesty. .

E. Privacy and Confidentiality in the Process

References made to privacy mean Pacific Oaks College offices and employees who cannot guarantee confidentiality, but will maintain privacy to the greatest extent possible, relaying information as necessary to investigate or seek a resolution and to notify the Title IX Coordinator is responsible for tracking patterns and spotting systemic issues. Pacific Oaks College will limit the disclosure as much as practicable.

Activities under this Policy are conducted with the privacy interests of those involved. While Pacific Oaks College will take reasonable steps to protect the privacy of individuals involved in a complaint, it may be necessary to disclose some information to individuals or offices in order to address a complaint. Thus, Pacific Oaks College cannot, and does not, guarantee that all information related to complaints will be kept confidential.

To maintain the privacy of evidence gathered as part of any resolution process, access to materials under the procedures in this Policy will be provided only by a secure method and parties and advisors are not permitted to make copies of any documents shared or make use of the documents outside of the processes described in this Policy. Parties may request to review a hard copy of materials, and Pacific Oaks College will make that available in a supervised or monitored setting. Inappropriately sharing materials provided during this process may constitute Retaliation under this Policy.

F. Options for Confidential Reporting

Individuals may speak confidentially with an external confidential resource. In addition to the variety of professional counselors, domestic violence counselors, and pastoral counselors located near Pacific Oaks College, Pacific Oaks College offers as a benefit to its students and employees the following resources that provide professional counseling services:

Student Solutions: Student Solutions is a free, confidential, around-the-clock counseling service available to all Pacific Oaks College students. 855-460-6668 www.guidanceresources.com. Web identifier: Pacific

Employee Assistance Program (EAP): Pacific Oaks College employees may receive counseling services through the EAP, which is available 24 hours per day, 7 days per week at 800-272-7255 www.guidanceresources.com Web identifier: COM589

Please note that Pacific Oaks College does not employ professional counselors, domestic violence counselors or pastoral counselors to provide on-campus mental health counseling and related services to members of Pacific Oaks College community. College faculty and staff who

are licensed mental health practitioners are not employed by the College in that capacity and communications with those faculty and staff are not privileged and confidential.

G. Reporting to External Law Enforcement

Some Prohibited Conduct may constitute a violation of both the law and the College's policy. Pacific Oaks College encourages students and employees to report alleged crimes promptly to local law enforcement agencies. All persons have the right to make a report to law enforcement, as well as the right to decline to file with law enforcement. The decision not to file shall not be considered as evidence that there was not a violation of Pacific Oaks College policy.

As a condition of participation in Cal Grant, Pacific Oaks College states the following pursuant to section 67380 of the California Education Code

Pacific Oaks College requires any report made by a victim or an employee pursuant to Section 67383 of a Part 1 violent crime, sexual assault, or hate crime, as described in Section 422. 55 of the Penal Code, received by a campus security authority and made by the victim for purposes of notifying the institution or law enforcement, to be immediately, or as soon as practicably possible, disclosed to the local law enforcement agency with which the institution has a written agreement pursuant to Section 67381 without identifying the victim, unless the victim consents to being identified after the victim has been informed of the victim's right to have the victim's personally identifying information withheld. If the victim does not consent to being identified, the alleged assailant shall not be identified in the information disclosed to the local law enforcement agency, unless the institution determines both of the following, in which case the institution shall disclose the identity of the alleged assailant to the local law enforcement agency and shall immediately inform the victim of that disclosure:

- (i) The alleged assailant represents a serious or ongoing threat to the safety of students, employees, or the institution.*
- (ii) The immediate assistance of the local law enforcement agency is necessary to contact or detain the assailant.*

Criminal investigations may be useful in the gathering of relevant evidence, particularly forensic evidence. The standards for finding a violation of criminal law are different from the standards for finding a violation of this Policy. Conduct may constitute Prohibited Conduct under this Policy even if law enforcement agencies lack sufficient evidence of a crime and decline to prosecute.

Proceedings under this Policy may be carried out prior to, simultaneously with, or following civil or criminal proceedings. However, when a complaint is made to Pacific Oaks

College as well as to law enforcement, Pacific Oaks College may delay its process for a reasonable amount of time to allow law enforcement to gather evidence of criminal misconduct if requested. Criminal or legal proceedings are separate from the processes in this Policy and do not determine whether this Policy has been violated.

All investigations and determinations under this Policy will be thorough, reliable, and impartial, and will seek to collect evidence and names of witnesses to gather information that is directly or substantially relevant to whether the alleged policy violation occurred and will not be based on the grounds that civil or criminal charges involving the same incident have been filed or that charges have been dismissed or reduced.

In the case of an emergency, where the physical well-being of a member of Pacific Oaks College community or the safety of Pacific Oaks College as an institution is threatened, any individual with such knowledge should promptly contact local law enforcement. Pacific Oaks College may take any immediate steps necessary and appropriate under the circumstances to ensure the well-being of the institution.

Pacific Oaks College's Board of Trustees, by this Policy, requires Pacific Oaks College to enter into written agreements with local law enforcement agencies that clarify operational responsibilities for investigations of Part 1 violent crimes, sexual assaults, and hate crimes occurring on each campus.

H. Consensual Relationships Policy

This policy covers unwelcome conduct that is sexual in nature. While romantic relationships between Pacific Oaks College Community Members may begin as consensual, it is possible that they may evolve into situations that lead to misconduct in violation of this policy. Given the asymmetrical nature of the relationship, voluntary consent from a supervised employee or a student is suspect. In addition, other students and employees may be affected by unprofessional behavior.

Consensual personal relationships between Pacific Oaks College Community Members are subject to other policies and ethical considerations, including but not limited to those contained in the Faculty and Staff Handbook, where applicable.

Relationships Between Employees and Students: Where a personal relationship exists or develops between an employee and a student for whom the employee has an assessment, supervising, tutoring, or teaching role, it is the responsibility of the employee to disclose the existence of the relationship to management and/or Human Resources. The relevant manager will then consider the appropriate action necessary to protect the integrity of teaching, learning, and assessment. Failure by an employee to disclose such a relationship may result in disciplinary action.

I. Academic Freedom

Academic freedom is the right of reasonable exercise of civil liberties and responsibilities in an academic setting. It is the policy of Pacific Oaks College to give its students the freedom, within the bounds of collegial behavior, to pursue what seems to them productive avenues of inquiry, to learn unhindered by external or nonacademic constraints, and to engage in full and unrestricted consideration of any opinion. All members of the College must recognize this fundamental principle and must share responsibility for supporting, safeguarding, and preserving this freedom.

VIII. RESPONSE TO A REPORT

Pacific Oaks College's Response to a report of Prohibited Conduct shall generally include the following:

A. Initial Contact

Following receipt of a report alleging a potential violation of this Policy, the Title IX Coordinator will contact the Complainant to schedule a meeting with the Title IX Coordinator for an initial intake and assessment meeting, and will provide the following:

1. An invitation to meet to offer assistance and explain their rights, resources, and options under this Policy as well as Pacific Oaks College's response to reports, and preliminary victim interview;
2. Access to this Policy;
3. Information regarding available resources for counseling, health care, mental health, or victim advocacy. Upon request, information regarding legal assistance, visa and immigration assistance, student financial aid and other available services may be provided;
4. The availability of Supportive Measures regardless of whether a complaint is filed and/or any resolution process is initiated;
5. The options for resolution (no action, support-based resolution, agreement-based resolution, and investigation and decision-making resolution) and how to initiate such resolution processes;
6. The right to notify law enforcement as well as the right not to notify law enforcement;
7. The importance of preserving evidence and, in the case of potential criminal misconduct, how to get assistance from local law enforcement in preserving evidence;
8. For cases of California Sexual Violence, the role of victim advocates and a student's right to consult with an attorney, at their own expense, at any stage of the process if they wish to do so. An attorney may serve as a support person or advisor.
9. The identification and location of witnesses;

10. The right to an advisor of choice, if applicable, during Pacific Oaks College proceedings under this Policy including the initial meeting with the Title IX Coordinator;
11. A statement that retaliation for filing a complaint, or participating in the complaint process, is prohibited; and
12. Information on how to initiate the Investigation or Resolution-Based Agreement process and how those procedures work, including contacting and interviewing Respondent and seeking identification and location of witnesses and possible disciplinary consequences.

B. Initial Intake & Assessment

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

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

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

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

C. Supportive Measures

The Title IX Coordinator will determine whether to implement reasonable supportive measures designed to assist all parties (Complainants and Respondents) and community members in maintaining access to and participation in Pacific Oaks College's educational programs, services and activities during the resolution of the complaint.

Supportive Measures are individualized measures offered as appropriate, as reasonably available, without unreasonably burdening a Complainant or Respondent, not for punitive or disciplinary reasons, and without fee or charge to the Complainant or Respondent to:

1. Restore or preserve that party's access to Pacific Oaks College's education program or activity, including measures that are designed to protect the safety of the parties or Pacific Oaks College's educational environment; or
2. Provide support during Pacific Oaks College's resolution procedures or during an alternative resolution process.

Supportive measures may include but are not limited to: counseling; extensions of deadlines and other course-related adjustments; campus escort services; increased security and monitoring of certain areas of the campus; restrictions on contact applied to one or more parties; leaves of absence; changes in class, work, or extracurricular or any other activity, regardless of whether there is or is not a comparable alternative; no-contact directives (which may be mutual or unilateral at the discretion of the Title IX Coordinator); and training and education programs related to sex-based harassment. Supportive measures are non-disciplinary and non-punitive. Supportive Measures will also be offered to Respondents when they are notified of the allegations.

Any Supportive Measures put in place will be kept confidential, except when doing so impairs the ability of Pacific Oaks College to provide the Supportive Measures.

Pacific Oaks College will offer and coordinate supportive measures as appropriate for the parties as applicable to restore or preserve their access to the school's program or activity or provide support during Pacific Oaks College's alternative resolution process or resolution procedures. Prohibited Conduct under this Policy have the right to request supportive measures from Pacific Oaks College regardless of whether they desire to make a complaint or seek alternative resolution.

A party may challenge Pacific Oaks College's decision to provide, deny, modify, or terminate supportive measures when such measures are applicable to them. An impartial employee will be designated to consider modification or reversal of Pacific Oaks College's decision to provide, deny, modify, or terminate supportive measures. When the individual providing Supportive Measures is a Deputy Title IX Coordinator or other individual identified by the Title IX Coordinator to provide Supportive Measures, the Title IX Coordinator will be designated to consider the challenge regarding supportive measures. The impartial employee will typically respond to the challenge within five (5) days.

The Title IX Coordinator has the discretion to implement or modify supportive measures. Violation of the parameters of supportive measures may violate existing codes or handbooks.

D. Requests for Confidentiality or No Further Action

When a Complainant requests that Pacific Oaks College not use their name as part of any resolution process, or that Pacific Oaks College not take any further action, the

school will generally try to honor those requests. However, there are certain instances in which Pacific Oaks College has a broader obligation to the community and may need to act against the wishes of the Complainant. In such circumstances, the Title IX Coordinator will notify the Complainant in writing of the need to act. The factors the Title IX Coordinator will consider when determining whether to act against the wishes of a Complainant include:

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

E. Requests for Confidentiality or No Further Action for California Sex-Based Harassment in Programs and Activities and California Sexual Violence

California has specific requirements for Pacific Oaks College's duty to respond to reports of California Sex-Based Harassment in Programs and Activities and/or California Sexual Violence and Sexual Exploitation where the conduct is not governed by Title IX ("California Misconduct"), regardless of whether or not a complaint has been filed under Pacific Oaks College's resolution procedures, if the school knows, or reasonably should know, about possible California Misconduct against a student, involving individuals subject to the school's policies at the time, Pacific Oaks College shall promptly investigate (as set forth in this Policy) to determine whether the alleged conduct more likely than not occurred, or otherwise respond if the school determines that an investigation is not required. If Pacific Oaks College determines that the alleged conduct more likely than not occurred, it shall

immediately take reasonable steps to end the harassment, address the hostile environment, if one has been created, prevent its recurrence, and address its effects.

For California Misconduct, if a student Complainant requests confidentiality, which could preclude a meaningful investigation or potential discipline of the potential Respondent, or that no investigation or disciplinary action be pursued to address alleged California Misconduct, Pacific Oaks College shall take the request seriously, while at the same time considering its responsibility to provide a safe and nondiscriminatory environment for all students, including for student Complainant. Pacific Oaks College shall generally grant the request. In determining whether to disclose the student Complainant's identity or proceed to an investigation over the objection of the student Complainant, the school may consider whether any of the following apply:

- (I) There are multiple or prior reports of sexual misconduct against the Respondent.
- (II) The Respondent reportedly used a weapon, physical restraints, or engaged in battery.
- (III) The Respondent is a faculty or staff member with oversight of students.
- (IV) There is a power imbalance between the student Complainant and the Respondent.
- (V) The student Complainant believes they will be less safe if their name is disclosed, or an investigation is conducted.
- (VI) Pacific Oaks College can conduct a thorough investigation and obtain relevant evidence in the absence of the student Complainant's cooperation.

If Pacific Oaks College determines that it can honor the student Complainant'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 California Misconduct and prevent its recurrence without initiating formal action against the alleged Respondent or revealing the identity of the student 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. Pacific Oaks College shall also take immediate steps to provide for the safety of the student Complainant while keeping the student Complainant's identity confidential as appropriate. These steps may include changing course schedules, assignments, or tests. The student Complainant shall be notified that the steps Pacific Oaks College will take to respond to the complaint will be limited by the request for confidentiality.

If Pacific Oaks College determines that it must disclose the student Complainant's identity to the Respondent or proceed with an investigation, it shall inform the student Complainant prior to making this disclosure or initiating the investigation. Pacific Oaks College shall also take immediate steps to provide for the safety of the student Complainant where appropriate. In the event the student Complainant requests that Pacific Oaks College inform the Respondent that the student asked the school not to investigate or seek discipline, the College shall honor this request.

F. Emergency Removal

For sex discrimination and sex-based harassment, Pacific Oaks College retains the authority to remove a Respondent from the College's education program or activity on an emergency basis, where Pacific Oaks College:

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

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

G. Administrative Leave

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

H. Student Withdrawal or Employee Resignation While Matters Are Pending

If a student or employee Respondent permanently withdraws or resigns from Pacific Oaks College with unresolved allegations pending, the school will consider whether and how to proceed with the resolution process. Pacific Oaks College will continue to address and remedy

any systemic issues or concerns that may have contributed to the alleged violation(s) and any ongoing effects of the alleged Prohibited Conduct.

A student Respondent who withdraws or leaves while the process is pending may not return to Pacific Oaks College without first resolving any pending matters. Such exclusion applies to all Pacific Oaks College campuses and programs. The College will place a registration hold on the student's account until the allegations have been resolved, and students who have completed degree requirements but not yet graduated may have a hold on receiving their diploma.

An employee Respondent who resigns with unresolved allegations pending is not eligible for rehire with Pacific Oaks College and the records retained by the Title IX Coordinator will reflect that status.

I. Dismissal of a Complaint

Before dismissing a complaint, Pacific Oaks College will make reasonable efforts to clarify the allegations with the Complainant.

Except for cases of California Misconduct or California Sex-Based Harassment in Employment, Pacific Oaks College may dismiss a complaint if:

1. Pacific Oaks College is unable to identify the Respondent after taking reasonable steps to do so;
2. The Respondent is not participating in the school's education programs or activities and/or is not employed by Pacific Oaks College;
3. The Complainant voluntarily withdraws their complaint in writing and the Title IX Coordinator declines to initiate a complaint;
4. The Complainant voluntarily withdraws some but not all allegations in a complaint in writing, and Pacific Oaks College determines that the conduct that remains alleged in the complaint would not constitute Prohibited Conduct under this Policy; or
5. Pacific Oaks College determines the conduct alleged in the complaint, even if proven, would not constitute Prohibited Conduct under this Policy.

Upon dismissal, Pacific Oaks College will promptly notify the Complainant in writing of the basis for the dismissal. If the dismissal occurs after the Respondent has been notified of the allegations, then the school will notify the parties simultaneously, in writing. If a dismissal of one or more allegations changes the appropriate decision-making process under these procedures, the Title IX Coordinator will include that information in the notification.

Pacific Oaks College will notify the Complainant that a dismissal may be appealed on the basis outlined in the Appeals section. If dismissal occurs after the Respondent has been notified of the allegations, then Pacific Oaks College will also notify the Respondent that the dismissal

may be appealed on the same basis. If a dismissal is appealed, Pacific Oaks College will follow the procedures outlined in the Appeals section of these procedures.

When a complaint is dismissed, Pacific Oaks College will, at a minimum:

1. Offer supportive measures to the Complainant, as appropriate;
2. If the Respondent has been notified of the allegations, offer supportive measures to the Respondent as appropriate; and
3. Take other prompt and effective steps, as appropriate, through the Title IX Coordinator to ensure that sex discrimination does not continue or recur within Pacific Oaks College education program or activity.

A Complainant who decides to withdraw a complaint or any portion of it may later request to reinstate it or refile it.

Complaints of California Misconduct and California Sex-Based Harassment in Employment must be processed unless a Complainant's request for confidentiality pertaining to California Misconduct can be honored, as set forth in this policy.

IX. REFERRALS FOR OTHER MISCONDUCT

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

X. CONSOLIDATION OF COMPLAINTS

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

Pacific Oaks College also reserves the right to use this Policy to adjudicate other allegations and conduct charges as defined by policies outside of the scope of this Policy in instances when the conduct is associated with an alleged issue of Prohibited Conduct under this Policy. The Title IX Coordinator will address these consolidated complaints in collaboration and coordination with other appropriate offices such as Human Resources.

Allegations of a violation of a separate policy are not required to be handled using the procedural requirements set forth in this Policy.

XI. OPTIONS FOR RESOLUTION

There are multiple ways to resolve a complaint or report of sex discrimination. This section includes information on (1) Support-Based Resolution, (2) Agreement-Based Resolution and (3) Investigation and Decision-Making Resolution.

A. Support-Based Resolution

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

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

B. Agreement-Based Resolution

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

Any party may design the proposed agreement between the parties. The Title IX Coordinator must approve of the use of the Agreement-Based Resolution process and approve the final agreement between the parties. Although not generally a part of Agreement-Based Resolution, under California law mediation is not permitted for California Misconduct. The Title IX Coordinator must specifically determine that it is permissible for resolving California Sex-Based Harassment in Employment. Agreement-Based Resolution may be initiated at any time prior to the release of the final determination. Because

Agreement-Based Resolution does not involve an investigation, there is not any determination made as to whether a Respondent violated this Policy.

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

Initiating the Agreement-Based Resolution Process

Prior to the initiation of Agreement-Based Resolution, the Title IX Coordinator will provide the Parties written notice that includes:

1. The specific allegation and the specific conduct that is alleged to have occurred;
2. The requirements of the Agreement-Based Resolution process;
3. Any consequences resulting from participating in the Agreement-Based Resolution process, including the records that will be maintained or could be shared, and whether Pacific Oaks College could disclose such information for use in a future Pacific Oaks College resolution process, including an investigation and resolution process arising from the same or different allegations, as may be appropriate;
4. Notice that an agreement resulting from the Agreement-Based Resolution process is binding only on the parties and is not subject to appeal;
5. Notice that once the Agreement is finalized and signed by the Parties, they cannot initiate or continue an investigation procedure arising from the same allegations;
6. A statement indicating that the decision to participate in the Agreement-Based Resolution process does not presume that the Prohibited Conduct at issue has occurred;
7. A statement that the Respondent is presumed not responsible for violating this Policy, unless Respondent admits to violations of this Policy;
8. An explanation that all parties may be accompanied by an advisor of their choice;
9. A statement that any party has the right to withdraw from the Agreement-Based Resolution process and initiate or resume resolution procedures at any time before agreeing to a resolution;
10. The date and time of each party's initial meeting with staff or the Title IX Coordinator, with a minimum of 3 days' notice;
11. Information regarding Supportive Measures, which are available equally to the parties; and
12. The potential terms that may be requested or offered in an Agreement-Based Resolution agreement.

Facilitating an Agreement

If all Parties are willing to explore Agreement-Based Resolution, the Title IX Coordinator will then meet separately with each party to discuss the Agreement-Based Resolution process and facilitate an agreement. If an agreement cannot be reached, either

because the Parties do not agree, determine they no longer wish to participate in the Agreement-Based Resolution process, or the Title IX Coordinator does not believe that the terms of the agreement or continuing the Agreement-Based Resolution process is appropriate, the Title IX Coordinator may decide that the reported conduct will instead be addressed through the investigation and decision-making process. The Title IX Coordinator will inform the parties of such decision, in writing.

Agreement-Based Resolution processes are managed by facilitators who do not have a conflict of interest or bias in favor of or against Complainants or Respondents generally or regarding the specific parties in the matter. The Title IX Coordinator may serve as the facilitator, subject to these restrictions. The Investigator or Decisionmaker for the matter may not facilitate an Agreement-Based Resolution in that same matter.

Any party may craft or create the terms of their agreement and will be asked for their suggestions or ideas. Examples of agreements may include but are not limited to:

1. An agreement that the Respondent will change their course schedule;
2. An agreement that the Parties will not communicate or otherwise engage with one another;
3. An agreement that the Parties will not contact one another;
4. Completion of a training or educational project by the Respondent;
5. Completion of a community service project by the Respondent;
6. An agreement to engage in a restorative justice process or facilitated dialogue; and/or
7. Discipline agreed upon by all parties.

To facilitate Agreement-Based Resolution, information shared by any party will not be used in any related resolution process of the same Complaint under this policy. No evidence concerning the allegations obtained within the Agreement-Based Resolution process may be disseminated to any outside person, provided that any party to the Agreement-Based Resolution process may generally discuss the allegations under investigation with a parent, advisor, or other source of emotional support, or with an advocacy organization. An admission of responsibility made during an Agreement-Based Resolution process, however, may not be incorporated into the investigation and adjudication proceeding.

Finalizing the Resolution Agreement

Once the final terms of the Resolution Agreement have been agreed upon by all parties, in writing, and approved by the Title IX Coordinator, the matter will be considered closed, and no further action will be taken. Once signed, no appeal is permitted. The Agreement-Based Resolution process is generally expected to be completed within thirty (30) days and may be extended by the Title IX Coordinator as appropriate. All parties will be notified, in writing, of any extension and the reason for the extension.

Records of an Agreement-Based Resolution process can be shared with other offices or officials as deemed appropriate by the Title IX Coordinator.

Any violations of the terms of the Resolution Agreement may result in disciplinary action.

XII. INVESTIGATION & DECISION-MAKING RESOLUTION

This Policy includes two types of investigation and decision-making procedures.

1. Procedures covering all Prohibited Conduct matters **except for** sex-based harassment involving a student as a party (106. 45 Procedures); and
2. Procedures covering sex-based harassment involving a student as a party (106. 46 Procedures).

The following information applies to both types of the investigation and decision-making procedures:

Acceptance of Responsibility

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

Assignment of the Investigator and/or Decisionmaker

Pacific Oaks College will assign a trained Investigator and/or Decisionmaker to conduct an adequate, reliable, and impartial investigation and determination, as applicable, in a reasonably prompt timeframe. Pacific Oaks College reserves the right to utilize internal or external Investigators and Decisionmakers. As required by California law, those involved in the process shall have undergone a comprehensive, trauma-informed training program for campus officials involved in investigating and adjudicating sexual assault, domestic violence, dating violence, and stalking cases.

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

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

Conflict of Interest or Bias

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

Nature of Process

The investigation and adjudication of alleged Prohibited Conduct under this Policy is not an adversarial process between a Complainant, a Respondent, and the witnesses, but rather a process for Pacific Oaks College to comply with its obligations under existing law. The investigation and adjudication shall provide all parties with appropriate due process and reach reasonable conclusions based on the evidence collected.

Timeline

Pacific Oaks College strives to complete the investigation process within ninety (90) days from the date of the Notice of Investigation and shall communicate with the Parties regarding the anticipated timeline. The communicated timeline information shall include:

- (I) The period during which Pacific Oaks College shall conduct any investigation.
- (II) The date by which the parties shall be notified of the outcome of any investigation.
- (III) The deadlines and process for parties to appeal.

The Investigator and/or Title IX Coordinator shall provide the Parties with periodic status updates, in writing.

Timeline Extensions

The timeline for any part of the resolution process may be extended for good cause by the Title IX Coordinator, who shall provide for the prompt communication of that information to the Parties. All parties shall be notified, in writing, of any extension to the timeline that is granted, the reason for the extension, and the new anticipated timeframes for the major stages of the complaint process, including the anticipated date(s) of conclusion of the investigation and decision-making.

Good cause reasons for extension may include ensuring availability of witnesses and other participants and ensuring participants have sufficient time to review materials.

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

Burden of Evidence

Pacific Oaks College has the burden of conducting an investigation that gathers sufficient evidence to determine whether Prohibited Conduct occurred. The Complainant does not have the burden to prove, nor does the Respondent have the burden to disprove, the underlying allegation or allegations of Prohibited Conduct. Any party may decide to limit their participation in part or all of the process, or to decline to participate. This does not shift the burden of proof away from Pacific Oaks College and does not indicate responsibility.

Standard of Proof

The standard of proof used in any investigation and decision-making process is the preponderance of the evidence standard, which means more likely than not that a violation of the policy occurred.

Written Notice of Meetings

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

Evidence Gathering

A. Interviews

The Investigator will interview all parties and relevant witnesses and gather relevant documentary evidence provided by the parties and any identified witnesses. Interviews may be conducted in person or via video conference. When a party meets with an Investigator, the Investigator will ask questions related to the allegations in the complaint and a party is given the opportunity to speak to the allegations and related events. Parties may identify fact witnesses and provide evidence that is relevant to the allegations and not otherwise impermissible. This will include inculpatory evidence (that tends to show it more likely that someone committed a violation) and exculpatory evidence (that tends to show it less likely that someone committed a violation). The Investigator ultimately determines whom to interview to determine the facts relevant to the complaint.

B. Impermissible Evidence

The following types of evidence, and questions seeking that evidence, are impermissible. This means this information will not be accessed or considered, except by Pacific Oaks College to determine whether one of the exceptions listed below applies. This information will not be disclosed or otherwise used, regardless of relevance:

1. Evidence that is protected under a privilege recognized by Federal or State law, unless the person to whom the privilege or confidentiality is owed has voluntarily waived the privilege or confidentiality;
2. Evidence provided to an employee designated by Pacific Oaks College as exempt from internal reporting under this Policy, unless the person who made the disclosure or otherwise provided evidence to that employee has voluntarily consented to re-disclosure;
3. A party's or witness's records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the provision of treatment to the party or witness, unless Pacific Oaks College obtains that party's or witness's voluntary, written consent for use in its resolution procedures; and
4. Evidence that relates to the Complainant's sexual interests or prior sexual conduct, unless evidence about the Complainant's prior sexual conduct is offered to prove that someone other than the Respondent committed the alleged conduct or is evidence about specific incidents of the Complainant's prior sexual conduct with the Respondent that is offered to prove consent to alleged sex-based harassment. The fact of prior consensual sexual conduct between the parties does not by itself demonstrate or imply the Complainant's consent to other sexual activity or preclude a determination that Prohibited Conduct occurred.
5. For cases of California Misconduct and California Sex-Based Harassment in Employment, an investigator or decisionmaker shall not consider the past sexual history of Complainant or Respondent except in the limited circumstances. Specifically, they shall not consider:
 - i. Prior or subsequent sexual history between the Complainant and anyone other than the Respondent for any reason unless directly relevant to prove that physical injuries alleged to have been inflicted by the Respondent were inflicted by another individual.
 - ii. The existence of a dating relationship or prior or subsequent consensual sexual relations between the Complainant and Respondent unless the evidence is relevant to how the parties communicated consent in prior or subsequent consensual sexual relations. Where the investigator or decisionmaker allows consideration of evidence about a dating relationship or prior or subsequent consensual sexual relations between the Complainant and Respondent pursuant to this paragraph,

the mere fact that the Complainant and Respondent engaged in other consensual sexual relations with one another is never sufficient, by itself, to establish that the conduct in question was consensual.

Before allowing the consideration of any evidence about the past sexual history of Complainant or Respondent in cases of California Misconduct and California Sex-Based Harassment in Employment, the investigator or decisionmaker shall provide a written explanation to the parties as to why consideration of the evidence meets the limited circumstances described above in this paragraph.

XIII. INVESTIGATION & DECISION-MAKING PROCEDURES FOR ALL PROHIBITED CONDUCT UNDER THIS POLICY EXCEPT SEX-BASED HARASSMENT INVOLVING A STUDENT PARTY (106. 45 Procedures)

This procedure is for all allegations of Prohibited Conduct being investigated and determined under this Policy, except for sex-based harassment involving a student as a party.

A. Notice of Allegations and Investigation

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

The Notice shall include, at a minimum:

1. Pacific Oaks College's resolution procedures, including the applicable resolution procedure, and any alternative resolution process, with a link to the full procedures;
2. Sufficient information available at the time to allow the parties to respond to the specific allegations, including the identities of the parties involved in the incident(s), a description of the facts alleged to constitute Prohibited Conduct, the type of Prohibited Conduct alleged, and the date(s) and location(s) of the alleged incident(s), if known;
3. A statement that Retaliation is prohibited;
4. Contact information for the assigned Investigator and Decisionmaker, as well as the process for raising a challenge to the appointed Investigator, Decisionmaker, or Title IX Coordinator, and the deadline for doing so;
5. A statement indicating the expected length of the major stages of the resolution process, as well as any applicable deadlines;
6. Whether the Investigator, or another individual, shall serve as the Decisionmaker;

7. A statement that the Respondent is presumed not responsible for Prohibited Conduct until a determination is made at the conclusion of the investigation and decision-making procedures. Prior to such a determination, the parties will have an opportunity to present relevant and not otherwise impermissible evidence to a trained, impartial Decisionmaker;
8. A statement indicating that the parties may have an advisor of their choice
9. A statement that the parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence, and to provide a response;
10. A statement that Pacific Oaks College prohibits knowingly making false statements or knowingly submitting false information during resolution procedures, with a link to the relevant policy(ies); and
11. If known, the date and time of the initial interview with the Investigator, with a minimum of five (5) days' notice.

B. Individual Interviews

The Investigator will hold individual interviews with parties and relevant witnesses to ask relevant and not otherwise impermissible questions and follow-up questions, including questions exploring credibility. Only the Investigator and the party or witness may attend each individual interview, and a party may be accompanied by their advisor. Additional attendees may be permitted at the discretion of the Title IX Coordinator in connection with approved disability-related accommodation. All persons present at any time during any part of the investigation or resolution process are expected to maintain the privacy of the proceedings and not discuss or otherwise share any information learned as part of those proceedings and may be subject to further Pacific Oaks College discipline for failure to do so.

The individual interviews may be conducted with all participants physically present in the same geographic location, or, at Pacific Oaks College's discretion, with all participants joining virtually through a video conferencing option.

Pacific Oaks College may also adopt and apply other reasonable rules regarding decorum, provided they apply equally to the parties. Pacific Oaks College will share expectations of decorum to be observed at all times in any meeting or proceeding under this Policy. These expectations are applied equally to all parties and advisors. Pacific Oaks College has the discretion to remove, with or without prior warning, from any meeting or proceeding any involved party, witness, or advisor who does not comply with these expectations and any other applicable College rules.

C. Evidence Review

At the conclusion of all fact-gathering, the Investigator will provide each party and their advisor, if any, the opportunity to review all relevant and not otherwise impermissible evidence gathered.

The purpose of the inspection and review process is to allow each party the equal opportunity to meaningfully respond to the evidence prior to conclusion of the investigation and to submit any additional relevant evidence, questions for parties or witnesses, or the names of any additional witnesses with relevant information. This is the final opportunity to offer evidence, or names of witnesses. Given the sensitive nature of the information provided, Pacific Oaks College will facilitate this review in a secure manner. None of the parties nor their advisors may copy, remove, photograph, print, image, videotape, record, or in any manner otherwise duplicate or remove the information provided. Any student or employee who fails to abide by this may be subject to discipline. Any advisor who fails to abide by this may be subject to discipline and/or may be excluded from further participation in the process.

The parties will have a minimum of 5 days to inspect and review the evidence and submit a written response in writing to the Investigator. Pacific Oaks College will provide access to copies of the parties' written responses to the Investigator to all parties and their advisors, if any. The Title IX Coordinator shall have the discretion to extend the evidence review period based on the volume and nature of the evidence. At the conclusion of the evidence review, when deemed appropriate by the Investigator, the Investigator shall then conduct any additional fact-gathering as may be necessary. If new, relevant evidence is gathered during this second fact-gathering period, the new evidence will be made available for review by the parties and their advisors. The parties shall have 5 days to provide a response to the newly gathered evidence. No new evidence will be accepted as part of any response, except that the Investigator shall have the discretion to accept relevant evidence that was not previously available or known to exist, and that was not previously discoverable with the exercise of reasonable diligence.

The Investigator will consider the parties' written responses before creating and finalizing the determination report, which will include a determination about whether this Policy was violated. The Parties may each submit a written impact statement prior to the conclusion of the resolution process. The impact statement is not evidence and will be reviewed only after a finding is reached, if applicable.

D. Determination

The Investigator is the Decisionmaker. The Decisionmaker shall evaluate the relevant and not impermissible evidence and make a finding regarding each allegation, and also determine whether a violation of the Policy occurred. The Investigator may choose to place less or no weight upon statements by a party or witness who refused to respond to questions deemed relevant and not impermissible or declined to participate. The Investigator will not draw an inference about whether sex-based harassment occurred based solely on a party's or witness's refusal to respond to questions. The Investigator shall prepare an determination report which shall include:

1. A description of the allegations of Prohibited Conduct;

2. Information about the policies and procedures used to evaluate the allegations;
 3. A summary of the procedural steps taken from the receipt of the complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, and methods used to gather other evidence;
 4. Findings of fact for each allegation, with rationale, which may include credibility assessments, based on an evaluation of the relevant and not otherwise permissible evidence; and
 5. Conclusions regarding which section of this Policy or other College policy, if any, the Respondent has or has not violated, with rationale.
6. Procedures and the permitted reasons for the parties to appeal, including identifying the Appeals Panel; and
 7. How to challenge participation of the Appeals Officer for bias or conflict of interest, which the Title IX Coordinator will resolve in their sole discretion.

This determination report shall be provided to the Title IX Coordinator. In the event that the Decisionmaker has determined that a violation of College policy has occurred, the Title IX Coordinator shall then provide the report and written impact statements, if provided, to the appropriate Sanctioning Officer to determine the sanction, and the Title IX Coordinator shall then determine the appropriate remedy(ies) for the Complainant and any impacted parties.

The Title IX Coordinator shall then provide the parties and their advisors, if any, with a written Notice of Outcome and a copy of the determination report. The Notice of Outcome shall include:

1. A statement of, and rationale for, any disciplinary sanctions Pacific Oaks College imposed on the Respondent;
2. A statement as to whether remedies will be provided to the Complainant;
3. For the Complainant, a description of any remedies that apply to the Complainant;
- 4.

The determination regarding responsibility becomes final either on the date that Pacific Oaks College provides the parties with the written determination of the result of any appeal, or, if no party appeals, the date on which an appeal would no longer be considered timely.

XIV. INVESTIGATION & DECISION-MAKING PROCEDURES IN CASES OF SEX-BASED HARASSMENT INVOLVING A STUDENT (106. 46 Procedures)

This procedure is for all allegations of sex-based harassment involving a student as a party including Quid Pro Quo, Hostile Environment, California Sex-based Harassment in Employment (if a student is a party), Sexual Assault, Dating Violence, Domestic Violence, Stalking, California Sexual Violence, California Sexual Exploitation, regardless of the status of

the other party. This section shall refer to this type of Prohibited Conduct collectively as “Sex-Based Harassment Involving a Student.”

A. Notice of Allegations and Investigation

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

The Notice shall include, at a minimum:

1. Pacific Oaks College’s resolution procedures, including the applicable determination procedure that will be used in this investigation and resolution, and a link to the relevant policies;
2. Information about the agreement-based resolution procedures, with a link to the full procedures;
3. Sufficient information available at the time to allow the parties to respond to the allegations, including the identities of the parties involved in the incident(s), a description of the facts alleged to constitute Prohibited Conduct, the type of Prohibited Conduct, and the date(s) and location(s) of the alleged incident(s), if known;
4. A statement that retaliation is prohibited;
5. A statement indicating whether the Investigator, or another individual, shall serve as the Decisionmaker;
6. At the discretion of Pacific Oaks College, the Investigator may serve as the Decisionmaker;
7. A statement indicating the expected length of the major stages of the resolution process, as well as any applicable deadlines;
8. A statement informing the parties that the Investigator will establish and communicate, in writing, all investigation deadlines, including the final deadlines for submitting names of witnesses, evidence, and relevant questions to ask a party or witness. These deadlines may be extended by the Title IX Coordinator for good cause, and any changes will be provided, in writing, to the parties, along with the rationale for the revised deadline(s);
9. A statement explaining the process for raising a challenge to the appointed Investigator, Decisionmaker, resolution officer or Title IX Coordinator, and the deadline for doing so;
10. A statement that the Respondent is presumed not responsible for Prohibited Conduct until a determination is made at the conclusion of the resolution process. Prior to such a determination, the parties will have an opportunity to present relevant and not otherwise impermissible evidence to a trained, impartial Decisionmaker;
- 11.. A statement that the parties may have an advisor of their choice;

12. A statement that the parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence.;
13. If Pacific Oaks College's Code of Conduct prohibits knowingly making false statements or knowingly submitting false information during resolution procedures, include the following: Pacific Oaks College's Student Code of Conduct prohibits knowingly making false statements or knowingly submitting false information during the resolution procedures;
14. If known, the date and time of the initial interview with the Investigator, with a minimum of five (5) days' notice.

B. Individual Interviews

The Investigator will hold individual interviews with parties and witnesses to ask relevant and not otherwise impermissible questions and follow-up questions, including questions exploring credibility, and to request of the parties the names of relevant witnesses and relevant evidence. Only the Investigator and the party or witness may attend each individual interview, and a party may be accompanied by their advisor. A party's advisor may attend these meetings, subject to the rules described above. Additional attendees may be permitted at the discretion of the Title IX Coordinator in connection with approved disability-related accommodation. All persons present at any time during any part of the investigation or resolution process are expected to maintain the privacy of the proceedings and not discuss or otherwise share any information learned as part of the grievance process and may be subject to further discipline for failure to do so.

The Investigator will then gather from parties, witnesses, and other sources, all relevant evidence.

At the initial interview with each party, the Investigator will invite the parties to provide, in writing and in advance of the individual interviews, questions to ask of the parties and witnesses that are relevant and not otherwise permissible, including questions exploring credibility. Upon receiving the question list, the Investigator will determine whether a proposed question is relevant and not otherwise impermissible and will explain, in writing in advance of the individual interview, any decision to exclude a question as not relevant or otherwise impermissible. The Investigator must give a party an opportunity to clarify or revise any question that the Investigator has determined is unclear or harassing and, if the party sufficiently clarifies or revises a question, the question will be asked.

An Investigator will not permit questions that are unclear or harassing of any party or witness being questioned.

Pacific Oaks College will share expectations of decorum to be observed at all times in any meeting or proceeding under this Policy. These expectations are applied equally to all parties and advisors. Pacific Oaks College has the discretion to remove, with or without prior

warning, from any meeting or proceeding an involved party, witness, or advisor who does not comply with these expectations and any other applicable College rules.

The individual interviews may be conducted with all participants physically present in the same geographic location, or, at Pacific Oaks College's discretion, with all participants joining virtually through a video conferencing option. All interviews will be recorded, and either an audio or audiovisual record, or transcript of these meetings will be provided to the parties during evidence review.

C. Investigator Determination of Relevance

The Investigator will determine whether parties and witnesses are likely to provide relevant information about the allegations and has the sole discretion to determine which parties and witnesses to call to individual follow-up meetings as they deem appropriate.

The Investigator will review all evidence gathered through the investigation and determine what evidence is relevant and what evidence is impermissible regardless of relevance. Character evidence is not relevant evidence, and therefore will not be considered. If the Decisionmaker is not the Investigator, the Decisionmaker is not bound by the Investigator's determinations about relevance.

D. Evidence Review

At the conclusion of all fact-gathering, the Investigator will provide each party and their advisor the opportunity to review all relevant and not otherwise impermissible evidence gathered. In the event that an audio or audiovisual recording is shared, the recording will only be made available at an in-person and monitored meeting on campus, and will not otherwise be transmitted for review, so as to maintain the privacy of those participating in the process.

The purpose of the inspection and review process is to allow each party the equal opportunity to meaningfully respond to the evidence prior to conclusion of the investigation, to submit any additional relevant evidence or questions for witnesses or the other party, and the names of any additional witnesses with relevant information. This is the final opportunity to offer evidence or names of witnesses. Evidence not provided during the investigation process will not be considered by the Decisionmaker. Given the sensitive nature of the information provided, Pacific Oaks College will facilitate this review in a secure manner. None of the parties nor their advisors may copy, remove, photograph, print, image, videotape, record, or in any manner otherwise duplicate or remove the information provided. Any student or employee who fails to abide by this may be subject to discipline. Any advisor who fails to abide by this may be subject to discipline and/or may be excluded from further participation in the process.

The parties will have a minimum of 5 days to inspect and review the evidence and submit a written response in writing to the Investigator. The Title IX Coordinator shall have the discretion to extend the evidence review period based on the volume and nature of the evidence.

The investigator shall then conduct any additional fact-gathering as may be necessary. If new, relevant evidence was submitted as part of evidence review, or is gathered during this second fact-gathering period, the new relevant evidence will be made available for review by the parties and their advisors. The parties shall have 5 days to provide a response to the newly gathered evidence. No new evidence will be accepted as part of any response, except that the investigator shall have the discretion to accept relevant evidence that was not previously available or known to exist, and that was not previously discoverable with the exercise of reasonable diligence.

The Investigator will consider the parties' written responses before creating and finalizing the determination report, which will include a determination about whether this Policy was violated.

The parties may each submit a written impact statement prior to the conclusion of the resolution process. The impact statement is not evidence and will be reviewed only after a finding is reached.

E. Determination

The Investigator may serve as the Decisionmaker. The Decisionmaker shall evaluate the relevant and not impermissible evidence and make a finding regarding each allegation.

The Decisionmaker may choose to place less or no weight upon statements by a party or witness who refused to respond to questions deemed relevant and not otherwise impermissible, or who was not available, despite reasonable diligence, for a follow-up interview. The Decisionmaker will not draw an inference about whether sex-based harassment occurred based solely on a party's or witness's refusal to respond to questions.

The Decisionmaker shall then determine, based upon the factual findings, whether a violation of this Policy occurred. The Decisionmaker shall prepare a report which shall include

1. A description of the alleged Sex-Based Harassment Involving a Student.
2. A reference to the policies and procedures used to evaluate the allegations;
3. Description of all procedural steps taken to date;
4. The Decisionmaker's evaluation of the relevant evidence along with the finding of facts;
5. Determinations for each allegation, with the rationale;
6. Sanction determination (if applicable);
7. Whether remedies will be provided; and
8. The procedures for an appeal.

This report shall be provided to the Title IX Coordinator. In the event that the Decisionmaker has determined that a violation of Pacific Oaks College's policy has occurred, the

Title IX Coordinator shall then provide the report to the appropriate Sanctioning Officer to determine the sanction, and the Title IX Coordinator shall then determine the appropriate remedy(ies) for the Complainant and any impacted parties.

1. *Sanctioning Officer for Student Respondents*: Dean of Students
2. *Sanctioning Officer for Staff Respondents*: Vice President, Human Resources & Organizational Effectiveness; or
3. *Sanctioning Officer for Faculty*: Vice President, Human Resources & Organizational Effectiveness.

The Title IX Coordinator shall then provide the parties and their advisors, if any, with a written Notice of Outcome and a copy of the determination report.

The Notice of Outcome shall include:

1. Any disciplinary sanctions for the Respondent;
2. Whether remedies will be provided;
3. And the procedures for appeal.

The Title IX Coordinator will provide each party, and their advisor, written communication regarding the decision, the sanction determination, and the procedures for appeal, along with a copy of the Determination Report. The Title IX Coordinator will also provide written communication to the Complainant regarding any appropriate remedies.

F. No-Contact Directives

For cases of Sex-Based Harassment Involving a student:

- (i) when requested by a Complainant or otherwise determined to be appropriate, Pacific Oaks College shall issue an interim, unilateral no-contact directive prohibiting the Respondent from contacting the complaint during the pendency of the decision-making process under this Policy, including any appeal.
- (ii) Pacific Oaks College shall not issue an interim mutual no-contact directive automatically, but instead shall consider the specific circumstances of each case to determine whether a mutual no-contact directive is necessary or justifiable to protect the noncomplaining party's safety or well-being, or to respond to interference with an investigation. Upon issuance of an interim mutual no-contact directive, Pacific Oaks College shall provide the Parties with a written justification for the directive and an explanation of the terms of the directive, including the circumstances, if any, under which a violation could be subject to disciplinary action.

XV. REMEDIES & SANCTIONS FOR ALL PROHIBITED CONDUCT

Remedies must be designed to restore or preserve equal access to Pacific Oaks College's education program or activity. The Title IX Coordinator is responsible for effective implementation of any remedies.

Sanctions are disciplinary consequences that may be imposed on a Respondent who is found responsible for a violation of Pacific Oaks College's policies. Sanctions not listed here may be imposed in consultation with the Title IX Coordinator.

The form of sanction or discipline used will depend on the nature of the offense, as well as any prior disciplinary history. Such discipline or sanction will be imposed pursuant to and in accordance with any and all applicable College rules, policies, and procedures. Factors considered when determining a sanction/responsive action may include:

1. The nature, severity of, and circumstances surrounding the violation;
2. An individual's disciplinary history;
2. Previous grievances or allegations involving similar conduct;
3. The need for sanctions/responsive actions to bring an end to the sex discrimination or retaliation;
4. The need for sanctions/responsive actions to prevent the future recurrence of sex discrimination or retaliation;
5. The need to remedy the effects of the sex discrimination or retaliation on the victim and the campus community.

Student sanctions imposed are implemented when the decision is final (after an appeal, or, if there was no appeal, after the appeals period expires).

Possible sanctions and disciplinary steps for student Respondents include, but are not limited to the following:

- Formal written warning
- Professional Development Plan (a plan intended to require reflection and remediation of behavior found to be in violation of this policy)
- No contact order pertaining to certain Pacific Oaks College Community Members or physical locations
- Referral to counseling and/or Student Solutions
- Required training or education
- Dismissal from Pacific Oaks College
- Withholding of degree conferral and/or issuance of a diploma.

An employee found responsible for violating this Policy may be referred to the appropriate academic official for any other applicable processes.

Possible sanctions and disciplinary steps for employee Respondents include, but are not limited to:

- Formal written warning
- Performance Improvement Plan
- Referral for counseling and/or to the EAP
- Required training or education
- Probation
- Loss of variable pay increase
- Loss of supervisory duties
- Demotion
- Suspension with pay or without pay
- Termination

People found responsible for a violation of this Policy will be subject to sanction(s) regardless of whether legal proceedings involving the same incident are underway or anticipated.

Failure to Complete Sanctions/Comply with Responsive Actions

All responding parties are expected to comply with conduct sanctions/responsive actions/ corrective actions within the timeframe specified by Pacific Oaks College. Responding parties needing an extension to comply with their sanctions must submit a written request to the Title IX Coordinator stating the reasons for needing additional time.

Failure to abide by the sanctions/actions imposed by the date specified, whether by refusal, neglect, or any other reason, may result in additional sanctions/actions, including dismissal, and/or termination from Pacific Oaks College and may be noted on a student's official transcript, where applicable. A suspension will only be lifted when compliance is achieved to the satisfaction of the Title IX Coordinator.

XVI. APPEALS

Determinations may be appealed in writing by either party. Appeals will be sent to the Title IX Coordinator, who will then send the appeal to the designated Appeals Panel assigned by the Title IX Coordinator to conduct a written review of the appeal(s) and to make a final determination. Appeals must be in writing and filed within ten (10) days following the issuance of the Notice of Outcome.

The Appeals Panel will consist of a member of the Title IX team not previously involved in the matter, a current or previous Student Standards Committee member, and a faculty member.

When an appeal is filed, the other party shall be notified and provided with a copy of the filed appeal within one (1) day and have five (5) days to respond to the appeal in writing. Any party's decision not to submit a reply to an appeal is not evidence that the non-appealing party agreed with the appeal.

Within three (3) days of an Appeals Panel being assigned, either party may provide written objection to a panelist on the basis of an actual bias or conflict of interest. Any objection is to be sent to the Title IX Coordinator. Should the Title IX Coordinator determine that there is an actual bias or conflict of interest, the Title IX Coordinator will replace one or more panelists.

Appeals may be filed only on the following three grounds:

1. **Procedural Error:** A procedural error occurred and would change the outcome. A description of the error and its impact on the outcome of the case must be included in the written appeal; or
2. **New Evidence:** New evidence or information has arisen that was not available or known to the party during the investigation, that would change the outcome. Information that was known to the party during the resolution process but which they chose not to present is not considered new information. The new evidence, an explanation as to why the evidence was not previously available or known, and an explanation of its potential impact on the investigation findings must be included in the written appeal; or
3. **Actual Conflict of Interest or Demonstrated Bias:** The Title IX Coordinator, Investigator, Decisionmaker or others with a role in the process with an actual conflict of interest or demonstrated bias for or against Complainants or Respondents generally, or the individual Complainant or Respondent, that would change the outcome. Any evidence supporting the alleged conflict of interest or demonstrated bias must be included in the written appeal.

The Appeals Panel will make a determination regarding the appeal and communicate that decision, along with a rationale for the decision to the Title IX Coordinator who will communicate the Appeals Panel's decision to the parties. The decision of the Appeals Panel is final. Appeals will only be considered if they contain new relevant information which becomes available after the time of the investigation or evidence of improper procedure or lack of due process.

XVII. PROHIBITION AGAINST RETALIATION

Pacific Oaks College prohibits Retaliation. No one may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right established by this Policy or because the individual has made a report or complaint, or were involved in the

disclosure, reporting, investigation or resolution of a report or complaint of Prohibited Conduct under this Policy.

Intimidation, threats, coercion, or discrimination, including charges against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or complaint of sexual harassment, for the purpose of interfering with any right under this Policy constitutes retaliation.

The exercise of rights protected under the First Amendment does not constitute retaliation prohibited under this section.

Complaints alleging retaliation may be filed according to the resolution procedures for sex discrimination above (106. 45 procedures).

Charging an individual with a code of conduct violation for making a materially false statement in bad faith during a grievance proceeding under this Policy does not constitute retaliation prohibited under of this section, provided, however, that a determination regarding responsibility, alone, is not sufficient to conclude that any party made a materially false statement in bad faith.

XVIII. RECORD RETENTION

In implementing this Policy, records of all reports and resolutions will be kept by the Title IX Coordinator in accordance with the applicable records retention schedule. All records will be afforded the confidentiality protections required by law, including but not limited to the Family Educational Rights and Privacy Act governing confidentiality of student information. This means that Pacific Oaks College will protect the party's privacy consistent with this Policy but may disclose information to those who have a legitimate need to know and in order to process complaints under this Policy.

XIX. ADDITIONAL ENFORCEMENT INFORMATION

Any person may report conduct prohibited by this Policy to the Title IX Coordinator. A complaint about the Title IX Coordinator can be made to the Deputy Title IX Coordinator or the Vice President of Academic Affairs.

Employees are not required to report concerns directly to their immediate supervisors. Concerns about violations of this Policy may be reported to Human Resources or to:

The U. S. Department of Education, Office for Civil Rights (OCR) investigates complaints of unlawful discrimination and harassment of students and employees in education programs or activities.

Questions about Title IX may be referred to the Title IX Coordinator or to the assistant secretary for civil rights:

Office for Civil Rights,
<https://ocrcas.ed.gov/contact-ocr>
U.S. Department of Education
Office for Civil Rights
Lyndon Baines Johnson Department of Education Bldg.
400 Maryland Avenue, SW
Washington, DC 20202-1100

Telephone: 800-421-3481
FAX: 202-453-6012; TDD: 800-877-8339
Email: OCR@ed.gov

The U. S. Equal Employment Opportunity Commission (EEOC) investigates reports of unlawful harassment, discrimination, and retaliation, including sex-based harassment, in employment.

U. S. Equal Employment Opportunity Commission (EEOC)
<https://www.eeoc.gov/field-office/losangeles/location>
Los Angeles District Office:
Roybal Federal Building
255 East Temple St., 4th Floor
Los Angeles, CA 90012
Phone
[213-785-3090](tel:213-785-3090)

California Civil Rights Department (formerly DFEH)
<https://calcivilrights.ca.gov/locations/>
LOS ANGELES Office:
320 West 4th Street, Suite 1000, 10th Floor
Los Angeles, CA 90013
Monday to Friday: 8am to 5pm
Phone: (800) 884-1684

XX. POLICY REVIEW & REVISION

These policies and procedures will be reviewed and updated regularly by the Title IX Coordinator. The Title IX Coordinator will submit modifications to this Policy in a manner consistent with institutional policy upon determining those changes to law, regulation or best

practices require policy, or procedural alterations not reflected in this Policy and procedure. Procedures in effect at the time of its implementation will apply. The Policy definitions in effect at the time of the conduct will apply even if the Policy is changed subsequently, unless the parties consent to be bound by the current Policy.

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

This Policy is effective as of August 1, 2024, and was approved by Pacific Oaks College's Executive Cabinet on July 25, 2024.

XXI. KEY DEFINITIONS

Advisor: Each party has the right to choose and consult with an advisor of their choice at their own expense. The advisor may be any person, including a friend, family member, or an attorney. Pacific Oaks College will not limit their choice of advisor. Parties in this process may be accompanied by an advisor of choice to any meeting or proceeding to which they are required or are eligible to attend. Except where explicitly stated by this Policy, advisors shall not participate directly in the process. Pacific Oaks College will provide the parties with equal access to advisors; any restrictions on advisor participation will be applied equally.

An Advisor may not represent, advocate, or speak on behalf of a Complainant or Respondent. An Advisor may not disrupt or impede any resolution proceeding.

Affirmative Consent: means affirmative, conscious, and voluntary agreement to engage in sexual activity. It is the responsibility of each person involved in the sexual activity to ensure that they have the affirmative consent of the other or others to engage in the sexual activity. Affirmative consent must be ongoing throughout a sexual activity and can be revoked at any time.

1. Lack of protest or resistance does not mean consent;
2. Silence does not mean consent;
3. The existence of a dating relationship between the persons involved, or the fact of past sexual relations between them, should never by itself be assumed to be an indicator of consent;

It shall not be a valid excuse that the alleged lack of affirmative consent that Respondent believed that Complainant consented to the sexual activity under either of the following circumstances:

- (A) Respondent's belief in affirmative consent arose from the intoxication or recklessness of Respondent;

(B) Respondent did not take reasonable steps, in the circumstances known to Respondent at the time, to ascertain whether Complainant affirmatively consented.

It shall not be a valid excuse that Respondent believed that Complainant affirmatively consented to the sexual activity if Respondent knew or reasonably should have known that Complainant was unable to consent to the sexual activity under any of the following circumstances:

(A) Complainant was asleep or unconscious.

(B) 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.

(C) Complainant was unable to communicate due to a mental or physical condition.

Affirmative Consent cannot be given if any of the following are present: Incapacitation, Force, or Coercion.

Coercion/Force: Consent cannot be procured using physical force, compulsion, threats, intimidating behavior, or coercion. Sexual activity accompanied by coercion or force is not consensual.

1. Coercion refers to unreasonable pressure for sexual activity. When someone makes it clear that they do not want to engage in sexual activity or do not want to go beyond a certain point of sexual interaction, continued pressure beyond that point can be considered coercive. The use of coercion can involve the use of pressure, manipulation, substances, or force. Ignoring objections of another person is a form of coercion. When someone makes clear that they do not want to engage in certain sexual activity, that they want to stop, or that they do not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive.
6. Force refers to the use of physical violence or imposing on someone physically to engage in sexual contact or intercourse. Force can also include threats, intimidation (implied threats), or coercion used to overcome resistance (e.g., "Have sex with me or I'll hit you," "Okay, don't hit me, I'll do what you want.").

Complaint: A complaint means an oral or written request to Title IX Coordinator that objectively can be understood as a request for Pacific Oaks College to investigate and make a determination about alleged sex discrimination under this Policy. A complaint may be filed with the Title IX Coordinator by email potitleix@pacificoaks.edu by submitting an online form <https://forms.office.com/Pages/ResponsePage.aspx?id=wXL6IAYRXUmqH5LLq5iWBmFqmdKVHcIjkGCGqFI23sVURVlaT0E4QVdaWVJaQjAxM1ZQUlpWQlVNVy4u>, by using the contact information listed on the Title IX website <https://www.pacificoaks.edu/title-ix-policy-and-training-materials/> or as described in this Policy. Individuals who would like more information

about filing a complaint are invited to contact the Title IX Coordinator for additional information.

Complainant: Any individual who has reported being or is alleged to be impacted by Prohibited Conduct as defined by this Policy, and who was participating in Pacific Oaks College’s program or activity (or attempting to participate) at the time of the alleged misconduct.

Confidential Resources: Any individual identified by Pacific Oaks College who receives information about conduct prohibited under this Policy in their confidential capacity and who are privileged under state law will not report prohibited conduct disclosed to them without written consent. Designation as a confidential resource under this Policy only exempts such individuals from disclosure to the Title IX Coordinator. It does not affect other mandatory reporting obligations under state child abuse reporting laws, the Clery Act as a campus security authority, or other laws that require reporting to campus or local law enforcement.

Days: Any reference to days refers to business days when Pacific Oaks College is in normal operation.

Decisionmaker: Trained professional designated by Pacific Oaks College to decide responsibility, sanction, or appeals. A Decisionmaker may be one person, or a panel of multiple people as determined by Pacific Oaks College. The Investigator may be appointed as the Decisionmaker.

Disclosure or Report: A disclosure or report may be made by anyone, whether they learned about conduct potentially constituting sex discrimination under this Policy, or whether they personally experienced such conduct. A person making a disclosure or report may or may not be seeking to initiate an investigation.

Education Program or Activity: Pacific Oaks College’s “education program or activity” includes all campus operations, including off-campus settings that are operated or overseen by Pacific Oaks College: including, for example, field experience, study abroad, and online classes; conduct subject to Pacific Oaks College’s disciplinary authority that occurs off-campus; conduct that takes place via College-sponsored electronic devices, computer and internet networks and digital platforms operated by, or used in the operations of, Pacific Oaks College. Conduct that occurs outside of the education program or activity may contribute to a hostile environment within the program or activity.

Finding: a written conclusion by a preponderance of the evidence, issued by an Investigator, that the conduct did or did not occur as alleged.

Incapacitation occurs when someone cannot make rational, reasonable decisions because they lack the capacity to give knowing and informed consent (e. g., to understand the “who, what, when, where, why, and how” of their sexual interaction). Incapacitation is determined through

consideration of all relevant indicators of a person's state and is not synonymous with intoxication, impairment, or being under the influence of drugs or alcohol. This Policy also covers a person whose incapacity results from temporary or permanent physical or mental health condition, involuntary physical restraint, and/or the consumption of incapacitating drugs, or who are sleeping.

No-Contact Directive: A No Contact Directive is a document issued by Pacific Oaks College administrator that is designed to limit or prohibit contact or communications between the parties. A No-Contact Directive may be mutual or unilateral, with the exception that a No-Contact Directive issued as either a sanction or remedy shall be unilateral, directing that the Respondent does not contact the Complainant.

Notice: All notices under this Policy are written and sent to the student or employee's assigned College email address.

Remedies: Remedies means measures provided, as appropriate, to a Complainant or any other person Pacific Oaks College identifies as having had their equal access to Pacific Oaks College's education program or activity limited or denied by sex discrimination or other prohibited conduct covered by this Policy. These measures are provided to restore or preserve that person's access to the education program or activity after the College determines that sex discrimination occurred. Only the Complainant will be informed of any remedies pertaining to them. Some examples are academic support and/or opportunity to retake a class or resubmit work or time extensions on course or degree completion, or non-academic support such as counseling, or changes to work assignments or locations. The Title IX Coordinator is responsible for the implementation of remedies.

Respondent: an individual, or group of individuals such as a student organization, who has been reported to be the perpetrator of conduct that could constitute Prohibited Conduct under this policy; or retaliation for engaging in a protected activity.

Student: Any person who has (or will have) attained student status by way of:

1. Admission, housing or other service that requires student status.
2. Registration for one or more credit hours.
3. Enrollment in any non-credit, certificate or other program offered by Pacific Oaks College.

XXII. RESOURCES

External Private & Confidential Resources

Student Solutions/ComPsych: Student Solutions is a free, confidential, around-the-clock counseling service available to all Pacific Oaks College students. 855. 460. 6668

www.guidanceresources.com

Web identifier: Pacific

Counselors who provide services to Pacific Oaks College Community Members through Student Solutions are not required to disclose reports of sexual misconduct to Pacific Oaks College's Title IX Coordinator. While professional and non-professional counselors and advocates may maintain a Complainant's confidentiality vis-à-vis Pacific Oaks College, they may have reporting or other obligations under state law. A Complainant is encouraged to ask the counselor to explain their ability to protect the student's privacy and to maintain confidential communications.

External Privileged & Confidential Resources for Employees:

Employee Assistance Program (EAP):

800.272.7255

www.guidanceresources.com

Web identifier: COM589

XXIII. Policy Dissemination

Shall disseminate this policy to:

- (A) Each student and employee of the postsecondary institution.
- (B) Each volunteer who will regularly interact with students.
- (C) Each individual or entity under contract with the postsecondary institution to perform any service involving regular interaction with students at the institution.