

equity+
title IX OFFICE

What does the Equity and Title IX Office Do?

We address issues of discrimination, harassment, and misconduct on the basis of **social identities protected** by law and Caltech policies:

These include race, national origin, ethnicity, sex, gender, gender identity, gender expression, sexual orientation, pregnancy, disabilities, and medical conditions.

What is Title IX



Title IX: Federal law that prohibits sex discrimination in education

Goal: Prevent and address sex or gender-based misconduct, including all forms of sexual misconduct, that negatively affect the educational experience

What is Covered Under Title IX?

Sex and gender-based discrimination

Sex and gender-based harassment

Sexual misconduct

Dating and domestic violence

Stalking

KEY ASPECTS OF POLICY

Scope of Caltech Policy

Both Parties are Covered Persons

- Students, faculty, staff, post docs, volunteers, interns
- Vendors, contractors, visitors
- Otherwise participating in Caltech educational programs or activities

Covered Circumstances of Prohibited Conduct

- On our property, at our sponsored events, in our programs/activities
- In residential facilities we own or control, anywhere
- On property or at events controlled or sponsored by Caltech-affiliated organizations, including student organization, regardless of location
- Off-campus, when the occurrence could contribute to a hostile educational environment or otherwise interfere with a student's access to education
- Any PC, anywhere, and outside our educational programs/activities, if there is any reason to believe the incident could contribute to a hostile educational environment or otherwise interfere with a student's access to education

Title IX Sexual Misconduct

Important Rules

- No dating between supervisor/advisor/instructor/coach and those whom they evaluate (their students, subordinates)
- No dating between employees and undergrads
- No dating anyone under 18
- No retaliation for exercising a right under law or Caltech policies/procedures

Retaliation

- **Retaliation** against any member of the Caltech community for making a good-faith report of sexual violence, or for participating in an investigation, proceeding, or hearing conducted by Caltech or a state or federal agency, is strictly prohibited.
- Overt or covert acts of retaliation, reprisal, interference, discrimination, intimidation, or harassment against an individual or group for exercising their rights under Title IX or other federal and state laws violate this policy and are unlawful.
- Caltech will take steps to prevent retaliation and will take prompt and appropriate corrective action to stop, and remedy its effects, if retaliation occurs. Individuals who violate this policy may be subject to disciplinary action up to and including termination of employment or permanent separation from Caltech.

Title IX Sexual Harassment

- Conditioning an aid, benefit, or service on participation in unwelcome conduct
- Unwelcome conduct so severe, pervasive, *and* objectively offense (acc to reasonable person) that it effectively denies access to our educational program/activity
- Sexual assault, dating violence, domestic violence or stalking

Limitation on Defense

- Where a power differential exists in a consensual relationship,
- Consent is not a defense to a claim of sexual harassment.
- More powerful party will be held responsible.

Sexual Assault

All involve a lack of affirmative consent.

Rape—even slight penetration of another’s vagina or anus by body part or object; oral penetration of another by a sex organ

Statutory rape— age of consent is 18 in California

Fondling— touching of another’s private body parts for sexual gratification, even through/over clothes

Dating Violence

Prior or present social relationship of a romantic or intimate nature

Length and type of relationship, as well as frequency of interactions between the parties and Complainant's statement, inform the determination of whether a dating relationship exists

Dating violence includes sexual or physical abuse or the threat of such abuse

Stalking

Course of conduct directed at a specific person that would cause a reasonable person to fear for their own or others' safety or to suffer substantial emotional distress

Two or more acts where the stalker, by any means, directly or through others follows, monitor, observes, surveils another; or communicates to or about another; or interferes with a person's property

Stalking that is not on the basis of sex or gender is covered under the Violence Prevention Policy

Who can be a Complainant

Someone who is or is attempting to participate in a Caltech education program or activity, which includes those who:

1. Are on leave but still enrolled or intending to re-apply
2. Are applying for admission
3. Intend to apply to another program after having graduated
4. Intend to participate in alumni programs/activities after having graduating
5. Have left due to sexual harassment but express a desire to re-enroll if Caltech responds appropriately

Educational Program or Activity

Includes:

- 1. buildings, locations, and remote learning platforms that are part of our operations**
- 2. Locations, events, or circumstances, even off campus, where we exercised substantial control over both the respondent and context in which the alleged sexual harassment took place**
- 3. Any building, even off campus, owned or controlled by a student org. officially recognized by Caltech**

Sexual Misconduct under California Education Code

Sexual Harassment (broader than Title IX)

Unwelcome sexual advances, requests for sexual favors, and other verbal, visual, or physical conduct of a sexual nature, made by someone from or in the work or educational setting under one of the following circumstances:

- 1. Quid pro quo (broadly defined)**
- 2. Negative impact/intimidating, hostile, or offensive environment**
- 3. Sexual violence, including rape and sexual battery (i.e., fondling)**
- 4. Sexual Exploitation**

Sexual Exploitation

Taking sexual advantage of another for the benefit of anyone other than that person without that person's consent, including but not limited to any of the following acts:

- 1. Prostituting or trafficking another**
- 2. Recording or distributing of images or audio of another's sexual activity or intimate parts without consent**
- 3. Viewing another's sexual activity or intimate parts where that person would have a reasonable expectation of privacy without consent, for the purpose of arousing or gratifying sexual desire**

Affirmative Consent

Affirmative Consent: Basic Requirements

Affirmative,
conscious,
voluntary

Ongoing

Limited in scope to
each activity
engaged in before
the activity begins.

Revocable at any
time

Power Differentials
Matter

Silence is not
consent

Someone **CANNOT** Legally Consent If They...



- Are under 18
- Are asleep
- Are unconscious
- Are incapacitated from Drugs or Alcohol!

Ambiguity & Uncertainty: Verbal

- “Are you sure you like doing this?”
- “I’m insecure about my breast size.”
- “I’m kind of dating someone else.”
- “I think I’m getting my period.”
- “This kind of feels uncomfortable.”
- “I’d like to kiss some more.”
- “Can you please get me some water.”

Ambiguity & Uncertainty: Behavioral

- Moving away
- Turning face away, turning over
- Moving a body part away
- Shielding oneself to any degree, with arms, bedding, clothes
- Moving to another location
- Excusing oneself to leave the room or use the bathroom
- Not being enthusiastically responsive
- Moving your hand to a different place on the body

Additional Conduct Prohibited by Caltech

Allegations of such conduct are handled under the Procedures for Complaints of Unlawful Discrimination, Harassment, and Retaliation

Sex- and Gender-Based Discrimination

When a person in the United States,

on the basis of actual or perceived sex, gender, gender identity, gender expression, or sexual orientation

**is excluded from participation in,
or is denied the benefits of,
or is subjected to discrimination,**

under any Caltech program or activity, which includes all our operations

Sex- and Gender-Based Harassment

Harassment, including bullying conduct

Based on actual or perceived sex, gender, gender identity, or gender expression, transgender status, gender transition, or non-conformity with sex stereotypes

Reporting Concerns and Complaints

Responsible Employees have a duty to report potential sexual harassment and sexual misconduct?

CA law and Title IX require *Responsible Employees* to report to the Title IX Coordinator any sexual misconduct they become aware of.

Different than role as **Mandated Reporter**, which requires reporting suspected child (under 18) abuse or neglect immediately to County Child Protection and/or the Pasadena Police Department.

Responsible Employees are broadly defined – many categories of staff, including all types of faculty and coaches, most types of residential life personnel, and staff with any supervisory or managerial role, are responsible employees.

Caltech Amnesty Policy

A student who interacts with our office will not be subject to discipline for violating student conduct policies in connection with an incident, including substance abuse rules, unless the violation involved egregious conduct such as risking health and safety, unlawful harassment, or academic misconduct.

Online Report Form

HOME

Who We Are

What We Do

Reporting

Reporting Options

Deciding to Report

Online Report Form

Resources

Campus Advocate

Get Involved

JPL

“ My philosophy is very simple: when you see something that is not right, not fair, not just, we have a moral obligation to say something, to do something, and make a little noise. ... I say to each and every one of you: continue to stand up, speak up, and speak out, continue to be brave and bold and courageous.”

John Lewis

...man, Civil Rights Activist (1940-2020) - Caltech Commencement Address, June 15, 2020

You can report a concern to the Equity Team right now, with [this form](#). If you want to remain anonymous, please do not provide your name on the form. You can provide as little or as much information as you want.

Scope of Confidentiality

- Need to know
- Use of confidential resources is encouraged
 - Reports to such resources are not reports to Caltech

Options

**Supportive and
Remedial Measures**
No Formal
Complaint Required

- Academic and Housing Accommodations
- Mutual No Contact Orders
- Safety counseling and support
- Other Supportive Measures
- Supportive Conversations
- Remedial Conversations
- Education/Outreach Activities
- Measures to Prevent Retaliation

Resolution Options
Formal Complaint
Required

- **Administrative Resolution**
 - Respondent admits alleged prohibited conduct and discipline is imposed
- **Remedy Based Resolution**
 - Title IX Coordinator determines if option is appropriate to circumstances
 - Non-disciplinary remedial/educational agreement
- **Investigation**

**Caltech may elect
to file a formal
complaint, where
Complainant does
not want to**

- **Responsibility to provide a safe, non-threatening, and non-discriminatory environment for all**
- **Attempt to address complainant's privacy concerns**
- **Filing a complaint on Caltech's behalf is within discretion of Title IX Coordinator**

**Factors for Title IX
Coordinator to
consider to
determine whether
to file a formal
complaint (can
consider others)**

- Nature and seriousness of conduct
- More than one respondent
- Multiple complaints or reports against respondent
- Weapons or physical violence or restraints
- Use of drugs or alcohol to induce vulnerability
- Evidence of pattern of conduct
- Circumstances suggesting high risk respondent will commit further acts
- Age of complainant
- Power imbalance between the parties
- Respondent oversees students/staff
- Whether disclosure of complainant's name or involvement will increase risk to them
- Whether Caltech can conduct a meaningful investigation without the complainant's cooperation

KEY PROCEDURAL POINTS

Title IX Coordinator Role

Key Title IX Coordinator Duties

- 1. Equal compassion, neutrality between the parties**
- 2. No prejudgment of allegations**
- 3. Timely Informational Support**
- 4. Tracking of process**
- 5. Estimation of timelines**
- 6. Oversight of process steps**
- 7. Regular status updates**
- 8. Implementation of supportive measures**
- 9. Extensions for good cause**
- 10. Consultation on discipline and remedial measures**
- 11. Recordkeeping**

Initial Title IX Assessment

- 1. Reasonable assessment of safety concerns**
- 2. Determination of whether emergency removal is warranted**
- 3. Determination of whether allegations present potential violation of policy, and, if yes, which provisions and procedures apply**
- 4. Initial Outreach Letter to Potential Complainant(s)**

Emergency Removal

1. **Determined by Title IX Coordinator in consultation with experts (e.g., CARE Team)**
2. **Presumption of innocence still applies**
3. **Academic accommodations must be put in place**
4. **Opportunity *after removal* for a student to appeal to Associate Vice President of Human Resources**
5. **Employees may be placed on administrative leave while resolution process is pending**

Initial Outreach Letter

- 1. States that letter is informational and no pressure to act**
- 2. Attaches policies and procedures (including adviser confidentiality agreement)**
- 3. Reiterates allegations and identifies policy provisions implicated**
- 4. Defines and offers supportive measures**
- 5. States right to adviser and right to report to law enforcement**
- 6. Describes how to file formal complaint and related resolution options; and informal options**
- 7. States whether Caltech will file complaint at present time**
- 8. Emphasizes presumption of innocence**
- 9. Describes obligations of parties (preserving evidence, honesty)**
- 10. Offers facilitation/assistance to report to law enforcement**
- 11. Provides confidential, support, and medical resource information**

Notice of Allegations/Initiation of Resolution Process

- 1. Emphasizes presumption of innocence**
- 2. Attaches policies and procedures (including adviser confidentiality agreement)**
- 3. Identifies allegations and policy provisions implicated**
- 4. Defines and offers supportive measures**
- 5. States right to adviser**
- 6. Describes resolution option**
- 7. Describes obligations of parties (preserving evidence, honesty)**
- 8. Provides confidential, support, and medical resource information**

Conversations with Parties

- 1. Equal compassion**
- 2. Emphasize neutral procedural oversight role**
- 3. Go through letter together before they receive it**
- 4. Use standard checklists**

Avoiding Bias

Potential Biases in Title IX Investigations

- Policy prohibits pre-judging allegations, evidence, credibility
- To ensure neutrality and fairness, it is important to be cognizant of and avoid potential biases
- Biases may be conscious or unconscious
- Unconscious bias is far more prevalent and is often inconsistent with one's conscious values
- Examples include stereotyping based on:
 - Gender
 - Race
 - Religious views
 - Sexual experience
 - Gender non-conformity
 - Alcohol or drug use
 - Status (professional, educational, monetary, athletic)
 - Appearance (looks, clothes)

Best Practices to Avoid Bias

- Identify and question your own biases continually
- Pay attention to feelings of being triggered; question their origin
- Express and discuss potential biases with counsel
- Imagine changing triggering characteristics to see if evaluation changes (e.g., if someone with _____ characteristic, instead, engaged in the same behavior, would I be less/more upset?)
- Suggested reading and resources *State of Science on Unconscious Bias*
<https://diversity.ucsf.edu/resources/state-science-unconscious-bias>

Trauma-Informed Approach

- Evidence of behaviors that may be related to trauma, should not be considered determinative of
 - the “truth” of the complainant’s testimony
 - the occurrence of a policy violation
- Decision-maker still should explore/seek clarification of inconsistencies in testimony and other evidence
- <https://www.hklaw.com/-/media/files/insights/publications/2019/07/fairequitabletraumainformedinvestigationtrainingjuly92019.pdf?la=en>

Sample Questions

What are you able to remember _____?

- Tell us about X Event.
- Remember hearing/seeing/feeling/thinking?

What else happened?

- Tell us more about X Event.
- Are you able to remember _____?

When you say you did _____, help me understand your perspective and approach.

- Walk us through the thoughts that went through your mind when you did _____.
- Tell us about the decision to _____.

Understanding Information

Non-Linear

Impact of trauma
on memory?

Changing their
account?

Gradual

Impact of trauma
on memory?

Inconsistency?

Counter-Intuitive

Trauma
response?

Evidence of no
incident?

Parties' Right to Object

- Any person whom Caltech designates to facilitate any resolution process, in any role, may not have a conflict of interest or bias for or against complainants or respondents generally, or an individual complainant or respondent
- Parties are provided opportunities at appropriate junctures to object to a person carrying out a facilitation role, on the grounds of a conflict of interest or bias
- Title IX Coordinator decides objections for non-Coordinators
- Associate Vice President for Human Resources decides objections for Title IX Coordinators and Deputy Coordinators
- No right to appeal decisions on objections

How to Assess and Decide Sanctions and Remedies

Discipline Decision Assignments

- Appeals of Findings of Responsibility (UH, SGBM)
- Grad Students: David
- Undergrads: Lesley and Kristin
- Postdocs: Tara
- Staff: Tara
- Faculty: Vice Provosts

Key Discipline Considerations

- Gravity of findings/conduct
- Consistency and Equity across cases
 - Gender bias
 - Racial bias
 - Socioeconomic bias
- Remedial Steps
- Training for individuals and groups
- Attitude of Respondent
- Community Impact

Best Practices to Avoid Bias

- Identify and question your own biases continually
- Pay attention to feelings of being triggered; question their origin
- Express, discuss potential biases, including in a confidential setting
- Imagine changing triggering characteristics to see if evaluation changes (e.g., if someone with _____ characteristic, instead, engaged in the same behavior, would I be less/more upset?)
- Suggested reading and resources *State of Science on Unconscious Bias*
<https://diversity.ucsf.edu/resources/state-science-unconscious-bias>

How to Assess and Decide Appeals

Limited Grounds for Appeal

- Procedural irregularity that affected the outcome
- New evidence (including a new witness) that was not reasonably available at the time of decision and that could affect the outcome
- Bias or conflict of interest of an involved administrator or decision maker, which affected that outcome of the matter
- Sanctions/remedies are substantially disproportionate to the conduct for which R was found responsible

How to Assess an Appeal

- Identify if allowable grounds are addressed
- Consider opposing party's response
- Use Resources
 - Consult with Deans and TIXC regarding issues of consistency, equity, basis for discipline decision
 - Consult with decision maker about whether an appeal point would have affected the outcome
 - Consult with TIXC/Ann about what TIXC requires

Form of Appeal

- Response to the appeal should be written and reasonably prompt
- Response should be provided to Equity and Title IX Office for record-keeping

RESOURCES

Reporting Resources

(non-confidential)

Title IX Coordinator, Hima Vatti
(626) 395-3132 or equity@caltech.edu

Deputy Title IX Coordinator for Students, Billie Dawn Greenblatt
(626) 395-1743 or bgreenbl@caltech.edu

Deputy Title IX Coordinator for Staff, Ofelia Velazquez-Perez
(626) 395-3819 or ofelia.velazquez-perez@caltech.edu

Deputy Title IX Coordinator for Faculty, Melany Hunt
(626) 395-4231 or hunt@caltech.edu



Ofelia Velazquez-Perez



Hima Vatti



Billie Dawn Greenblatt



Melany Hunt

Safety Resources

(non-confidential)

Campus Security x5000

- Access this resource if someone needs medical attention, if a dangerous situation is unfolding, or if someone wants to speak with the Title IX Liaison, who can talk through all immediate options.

On-Campus Confidential Resources

Student Counseling
Services x8331
Staff & Faculty
Consultation Ctr
x8360

- Individual psychotherapy and counseling, consultation, referrals, psychiatric evaluation and medication, and crisis intervention.

Pilar Montenegro,
Confidential Advocate
confidentialadvocate@caltech.edu

- Pilar is an employee at Peace Over Violence who is dedicated full-time to supporting our students, staff and faculty impacted by sexual harassment and misconduct.

Medical Resources

(Confidential)

San Gabriel Valley Medical
Center Sexual Assault
Response Team (SART) –
(626) 289-5454

- 24-hour medical care, emotional support and comprehensive exams including forensic evidence collection (the “rape kit”).

Huntington Memorial Hospital
(Pasadena) –
(626) 421-7733

- Access for emergency and trauma services. Social workers are on hand to provide counseling as needed.

The Rape Treatment Center at
Santa Monica, UCLA Medical
Center –
(310) 319-4000

- 24-hour emergency medical treatment for victims of sexual assault including forensic services (the “rape kit”).