



Interim Procedures for Complaints of Sex Discrimination

I. Introduction and Scope

Caltech's Sex Discrimination Policy (policy) makes clear that sex discrimination and other conduct prohibited under the policy (prohibited conduct) will not be tolerated. These procedures are designed to support the prompt and appropriate response by Caltech to reports of prohibited conduct, in a fair and impartial manner.

Caltech has adopted these grievance procedures (procedure) to provide for the prompt and equitable resolution of complaints of prohibited conduct made by students, employees, or other individuals who are participating or attempting to participate in its education program or activities, as well as complaints initiated by Caltech's Title IX Coordinator.

Information about reporting options is available in the Sex Discrimination Policy. These procedures apply to address allegations of prohibited conduct, including retaliation, which occurred on or after August 1, 2024, and fall within the scope of Caltech's Sex Discrimination Policy.

Throughout these procedures, any reference to a Caltech or JPL administrator is understood to include not only that administrator but also their designee.

II. Advisors

In cases involving complaints of sex-based harassment, involving students, the complainant and respondent may have an advisor or support person (hereinafter, collectively, "advisor") of their choice, which may be but is not required to be an attorney, accompany and generally support them at any virtual or live meetings or phone calls at any point in the procedures. However, Caltech's resolution processes, including the investigation process, are not legal proceedings and the advisor may not speak or submit written statements on behalf of the individual they are advising. Caltech will not be responsible for communicating information to advisors. Advisors are required to sign and abide by Caltech's Advisor Policy setting forth the parameters of their role.

Caltech is not required to identify or provide advisors to parties, but the Title IX Coordinator will assist parties to identify potential advisors upon request.

III. Timelines

These procedures set out reasonably prompt time frames for major procedural stages: initial assessment, investigation, determination, and appeal, if any. Time frames for each major procedural stage are specified in the sections of this document referencing each of these procedural stages.

The Title IX Coordinator, at their own discretion or upon the request of a party or witness, may extend a time frame for good cause, providing prompt written notice to the parties of any delays or extensions and the reasons therefor.

Good cause may include but is not limited to the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; the need for language assistance or accommodation of disabilities; the breadth and scope of the allegations, the number of potential witnesses, the amount of evidence, and school and office closures.

Parties must communicate requests for extensions in writing to the Title IX Coordinator before deadlines have passed, to the extent practicable.

Where an individual asks for adjustments to timelines based on an accommodation of a medical condition or disability, they will be required to follow the applicable Institute disability accommodation process in requesting an accommodation, as described in the Institute Disability and Reasonable Accommodation Policy or appropriate student accessibility services process.

The Title IX Coordinator shall not unreasonably deny a party's request for an extension of a deadline related to a complaint during periods of examinations or school closures.

IV. Initial Title IX Assessment and Response

Upon receiving a report of prohibited conduct, Caltech's Title IX Coordinator will respond promptly and effectively. Within fourteen (14) business days, the Title IX Coordinator will make an initial assessment of the report to determine whether the allegations on their face present a potential violation of the Sex Discrimination Policy; or, if not, whether they should be addressed under a different Caltech policy and process. Within that time frame, the Title IX Coordinator will also make a reasonable assessment of any safety concerns posed to any member of the Caltech community or Caltech's campus and determine whether emergency removal or administrative leave is warranted.

The Title IX Coordinator or other member of the Equity and Title IX Office will promptly contact the complainant to inform them of:

- the availability of supportive measures and other resources;
- the options for resolving the complaint, including information regarding the investigation procedures and any informal resolution processes offered;
- the availability of confidential resources both on and off campus;
- the importance of preserving evidence and identifying witnesses and their locations;
- their right to file a police report if the reported conduct could be a crime
- Caltech's policy prohibiting retaliation for making a good-faith report of prohibited conduct or participating or refusing to participate in any manner in an investigation, proceeding, or process conducted by Caltech under these procedures.

If the Title IX Coordinator determines that the reported conduct on its face does not fall within the scope of Title IX, the Title IX Coordinator will inform the complainant that the matter may be referred to another Caltech process. Even if the matter is not within the jurisdiction of the Title IX Office, the complainant will still be offered supportive measures if appropriate.

If the Title IX Coordinator or other member of the Equity and Title IX Office contacts the respondent about the complaint, initiates an investigation, or offers any informal resolution processes to complainant, the respondent will be provided with the following:

- the availability of supportive measures and other resources;
- the options for resolving the complaint, including information regarding the investigation procedures and any informal resolution processes offered;
- the availability of confidential resources both on and off campus;
- the importance of preserving evidence and identifying witnesses and their locations;
- Caltech's policy prohibiting retaliation for making a good-faith report of prohibited conduct or participating or refusing to participate in any manner in an investigation, proceeding, or process conducted by Caltech under these procedures.

V. Supportive Measures

Supportive measures are measures that are offered to the parties and coordinated by the Title IX Coordinator, as appropriate. Supportive measures may be offered before or after the filing of a complaint and are available whether or not a complaint is made or an investigation is initiated. They are designed to restore or preserve equal access to Caltech's education programs and activities, to protect the safety of the parties, and to provide support during the investigation or other resolution process. Supportive measures must not unreasonably burden the other party and may not be imposed for punitive or disciplinary reasons.

Supportive measures may include counseling, academic accommodations (e.g., extensions of deadlines, course-related adjustments), modifications of work or class schedules, campus escort services, increased security and monitoring of certain areas of campus, restrictions on contact applied to one or more parties, including in a virtual or electronic environment, changes in work or housing locations, leaves of absence, changes in class, work, housing or extracurricular or other activity, referrals to campus and off-campus support resources, and other similar measures.

Caltech will maintain as confidential any supportive measures provided to any party to the extent such confidentiality does not impair Caltech's ability to provide the supportive measures (e.g., notifying appropriate administrators involved in academic accommodations). The Title IX Coordinator will coordinate the effective implementation of supportive measures. Academic accommodations should be requested in a timely manner, reasonably in advance of deadlines. Retroactive accommodations, such as re-taking tests or extensions after the due date has passed, will not be granted.

Supportive measures affecting faculty, postdoctoral scholars, and staff, including employees at JPL, might include transfer of supervisory or evaluative responsibility regarding grading, supervision, tenure review, letters of recommendation, and/or changes to office assignments.

Caltech will endeavor to minimize the burden on the party receiving supportive measures without unreasonably burdening the other party. If a complainant wishes to seek a temporary restraining order or similar judicial order, Caltech will help the complainant with that process. Parties may seek the assistance of the Campus Sexual Violence Advocate, who can be contacted directly or through the Equity and Title IX Office.

The Title IX Coordinator will consider and make determinations regarding requests by the parties for supportive measures. If a party disagrees with the Title IX Coordinator's decision concerning a supportive measure, they may appeal the decision by submitting an appeal of the decision in writing to the associate vice president for human resources within seven (7) business days of the denial. The decision of the associate vice president for human resources is final.

The imposition of supportive measures is not indicative of a determination of responsibility or any other outcome. These measures may be modified at any time and may be kept in place after a final investigative decision is reached. Caltech will provide parties with the opportunity to seek modifications or terminations of supportive measures applicable to them if circumstances change materially.

All parties are expected to comply with any supportive measures that may be imposed. Failure to comply with supportive measures may be grounds for disciplinary action. A party may be subject to discipline under the appropriate Caltech policy for failure to comply with a supportive measure even if they are found not responsible for the underlying report of prohibited conduct.

VI. Emergency Removal

A respondent may be subject to removal from a Caltech education program or activity on an emergency basis consistent with the following process. The Title IX Coordinator will undertake an individualized safety and risk analysis for the purpose of determining whether the respondent, based on the alleged conduct, is an imminent and serious threat to the health or safety of a complainant or any students, employees, or other person arising from the allegations of sex discrimination, justifying their removal from campus or other appropriate scope of removal. The Title IX Coordinator may consult with any individuals they consider pertinent and appropriate to making the emergency removal determination. The safety and risk factors that the Title IX Coordinator will consider include but are not limited to the nature of the allegations, the alleged number and age of the complainant(s), the power differential between the respondent and complainant(s), whether the respondent is alleged to have used a weapon, violence, drugs, or alcohol to intimidate, harm, or control a complainant, and whether the allegations present a pattern of behavior or otherwise suggest a likelihood of repeated misconduct.

Where the Title IX Coordinator has determined that emergency removal of a student respondent is appropriate, the respondent will be provided with notice and an opportunity to challenge the decision immediately following the removal. To challenge a removal decision by the Title IX Coordinator, the respondent must submit a written appeal to the associate vice president for human resources within seven (7) calendar days of receipt of notice. In deciding this appeal, the associate vice president for human resources may consult with any individuals they consider pertinent and appropriate to making the decision. The decision of the associate vice president for human resources is final.

Prior to the beginning of a new term, an individual who has been subject to emergency removal may request that the Title IX Coordinator reconsider the scope or continuation of their removal.

Caltech may place nonstudent employee respondents on administrative leave while a complaint resolution process is pending.

VII. Complainant's Ability to Exercise Options

With respect to allegations of prohibited conduct under the Sex Discrimination Policy, the Title IX Coordinator and deputy coordinators make every effort to respect the concerns and goals of complainants, as well as their capacity to make independent choices regarding resolution options for addressing their complaints under the Policy and these procedures.

In instances where a complainant requests that their name not be used, that Caltech not pursue any action against the respondent, including an investigation, or that no disciplinary action be taken, Caltech will seriously consider the request but weigh the request against Caltech's responsibilities, including under applicable laws, to take action to provide a safe, nonthreatening, and nondiscriminatory environment for all community members, including the complainant. The Title IX Coordinator will discuss with the complainant the reasons for their requests and attempt to address the underlying concerns, such as taking steps to prevent retaliation.

Where the complainant request that no investigation or process be initiated, and the alleged prohibited conduct constitutes sex discrimination prohibited under Title IX, the Title IX Coordinator will determine whether to initiate a complaint. In making this determination, the Title IX Coordinator will make a fact-specific determination, considering factors that the Title IX Coordinator considers relevant, including but not limited to, the complainant's request not to proceed with the initiation of a complaint, the complainant's reasonable safety concerns regarding the initiation of a complaint, the risk that additional acts of sex discrimination would occur if a complaint is not initiated, the nature and seriousness of the alleged conduct, including whether the discrimination if established would require removal of the respondent from campus or other disciplinary sanction to end the discrimination and prevent its recurrence, the age and relationship of the parties, including whether respondent is an employee, the scope of the alleged discrimination, including information suggesting a pattern, ongoing sex discrimination, or sex discrimination involving multiple individuals, and whether Caltech is able to conduct a thorough investigation and obtain relevant evidence in the absence of the complainant's cooperation. If the prohibited conduct does not fall under Title IX, the Title IX Coordinator may elect to pursue action on Caltech's behalf despite the complainant's wishes without considering these factors.

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

If Caltech determines that it must disclose the complainant's identity to the respondent or proceed with an investigation, it shall inform the complainant prior to making this disclosure or initiating the investigation. The complainant is not required to participate in the ensuing process. Caltech shall also take immediate steps to provide for the safety of the complainant where appropriate, including providing supportive measures. In the event the complainant requests that Caltech inform the respondent that the complainant asked Caltech not to investigate or seek discipline, Caltech shall honor this request.

If the complaint includes allegations that may constitute a possible crime, the Title IX Coordinator will notify the complainant of their right to file a criminal complaint or to choose not to notify law enforcement. Caltech does not report sex- and gender-based misconduct to law

enforcement on a complainant's behalf, unless such a report is mandated by law (e.g., sexual assault of a person under 18, de-identified reporting as required under California Education Code Section 67383). If the complainant chooses to notify law enforcement, they may seek the assistance of the Equity and Title IX Office. The Equity and Title IX Office will facilitate the contact with law enforcement and the scheduling of a meeting, if the complainant chooses to make a report.

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

Where the Title IX Coordinator files a complaint, the complainant would still be treated as a party with all associated rights parties have under the complaint resolution procedures, as set out below.

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

Decisions by the Title IX Coordinator to file or not to file a complaint are within the Title IX Coordinator's sole discretion and are not subject to appeal.

VIII. Complaints

The following individuals have the right to make a complaint of sex discrimination, including complaints of sex-based harassment, and to request that Caltech investigate and make a determination about alleged discrimination covered under these procedures:

- a student or employee who is alleged to have been subjected to conduct that could constitute sex discrimination under the Caltech's Sex Discrimination Policy; or
- a person other than a student or employee who is alleged to have been subjected to conduct that could constitute sex discrimination under the Policy and who was participating or attempting to participate in a Caltech education program or activity at the time of the alleged sex discrimination.

The term "attempting to participate" includes when a complainant has: (a) applied for admission; (b) graduated but intends to apply for a new program; (c) graduated but intends to participate in alumni programs and activities; (d) gone on leave but is still enrolled; (e) gone on leave but intends to re-apply after the leave; or (f) withdrawn due to alleged sexual harassment and expresses a desire to re-enroll if Caltech responds appropriately to the allegations.

Under Caltech's Sex Discrimination Policy, conduct occurring under Caltech's education program or activity includes but is not limited to prohibited conduct that occurs in locations, at events, or in circumstances in which the Caltech exercises substantial control over both the respondent and the context in which the conduct occurred, in a building owned or controlled by a student organization that is officially recognized by Caltech, and conduct that is otherwise subject to Caltech's disciplinary authority. Caltech has an obligation to address a sex-based hostile environment under its education program or activity, even when some conduct alleged to be contributing to the hostile environment occurred outside Caltech's education program or activity or outside the United States. For reports of conduct occurring off-campus, the Title IX Coordinator will determine whether the alleged prohibited conduct occurred in a Caltech education program or activity.

However, even if a complainant is not qualified to bring a complaint, the respondent is outside the jurisdiction of Caltech's policy, or the alleged prohibited conduct took place outside of Caltech's educational programs and activities, if there is any reason to believe that the alleged prohibited conduct could contribute to a hostile educational or employment environment, interfere with a student's access to education, or otherwise compromise the safety of the Caltech community, Caltech will still take prompt action, as warranted and appropriate, to provide for the safety and well-being of the individual reporting and the campus community, including taking reasonable steps to stop and remedy the effects of the prohibited conduct and to prevent recurrence of the behavior. This may include the Title IX Coordinator's initiating a complaint under these procedures on their own authority. If other Institute policies are implicated, the Title IX Coordinator may also refer the matter to the appropriate office for follow-up so the matter is properly addressed.

IX. Consolidation of Complaints

The Title IX Coordinator may consolidate complaints of allegations covered under these procedures 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 arise out of the same facts or circumstances.

X. Notice of Allegations

Within fourteen (14) business days of receiving or initiating a complaint or receiving information about conduct that reasonably may constitute sex discrimination, whichever is earlier, the Title IX Coordinator must provide written notice to the parties of the following, with sufficient time for the parties—generally fourteen (14) business days—to prepare a response before any initial interview:

1. allegations, including sufficient details known at the time, including the identities of the parties involved in the incident, if known, the misconduct alleged, and the date and location of the alleged incident, if known;
2. alleged institute policy violations under review;
3. procedures and requirements of the resolution process(es) that will be offered or used to resolve the allegation(s);
4. statement that the parties may have an advisor of their choice, who may be, but is not required to be, an attorney, accompany them at any stage of the process;
5. statement that the parties may review and inspect relevant and permissible evidence under an investigation process or an accurate description of such evidence, provided that either party is entitled to review and inspect such evidence upon request;
6. A statement that the respondent is presumed not responsible for the reported misconduct unless and until the evidence supports a different determination
7. A statement that determinations of responsibility are made at the conclusion of the process and that the Parties will be given an opportunity during the review and comment period to inspect and review all relevant evidence
8. statement that knowingly making false statements or submitting false information is prohibited and may subject the offending party to discipline;
9. information regarding appropriate counseling and other support resources developed and maintained by the Institute;
10. statement that retaliation is prohibited;
11. copies of the policy and pertinent procedures.

The parties will be provided with written notice of any new allegations that arise during the course of the investigation that could subject either party to new or additional sanctions.

XI. Dismissal of a Complaint

Upon receiving a complaint, within fourteen (14) business days, the Title IX Coordinator may dismiss the complaint for resolution under these procedures for the following reasons:

- Caltech is unable to identify the respondent after taking reasonable steps to do so;
- The respondent is not participating in Caltech's education program or activity and is not employed by the recipient;
- The complainant voluntarily withdraws any or all of the allegations in the complaint, the Title IX Coordinator declines to initiate a complaint and determines that, without the complainant's withdrawn allegations, the conduct that remains alleged in the complaint, if any, would not constitute prohibited conduct even if proven; or
- The recipient determines the conduct alleged in the complaint, even if proven, would not constitute prohibited conduct. Prior to dismissing the complaint under this paragraph, the Title IX Coordinator will make reasonable efforts to clarify the allegations with the complainant.

Upon dismissal, the Title IX Coordinator will promptly notify the complainant of the basis for the dismissal. If the dismissal occurs after the respondent has been notified of the allegations, then the Title IX Coordinator must also notify the respondent of the dismissal and the basis for the dismissal promptly following notification to the complainant, or simultaneously if notification is in writing.

The parties may submit an appeal of any dismissal decision, in writing, to the associate vice president of human resources, within seven (7) business days of receiving the dismissal decision.

This appeal of a dismissal of a complaint, or of certain allegations therein, is limited to one or more of the following grounds: a procedural irregularity that affected the dismissal decision; new evidence (including a new witness) that was not reasonably available at the time of the dismissal decision that could affect that decision; and the Title IX Coordinator, investigator, or other decision decisionmaker had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the dismissal decision.

If a party submits an appeal of a dismissal, the other party will have the opportunity to submit a written response to the appeal within ten (10) calendar days of the filing of the appeal. The parties simultaneously will be informed, in writing, of the outcome of the appeal generally within thirty (30) business days. The appeal decision letter will state the rationale for the result. Appeal decisions are final.

Even where dismissal of a complaint occurs, the Title IX Coordinator may still provide supportive measures to parties or take other appropriate action in response to alleged concerns.

A complaint will not be dismissed, and a resolution process will not be discontinued, merely because it has not concluded before an undergraduate or graduate student has graduated. Caltech may continue the process, even if the graduated student elects not to participate in the process.

XII. Resolution Options: Informal Resolutions and Investigation Process

Caltech offers five resolution options to resolve allegations: (1) the Administrative Resolution process, (2) the Remedy-Based Resolution process, (3) the Mediation process, (4) Restorative Justice, and (5) the Investigation process. The Administrative Resolution process, the Remedy-Based Resolution process, the Mediation process and the Restorative Justice process are informal resolutions available only at the discretion of the Title IX Coordinator under circumstances they deem appropriate and if not in conflict with federal, state, or local law. Depending on their assessment of the allegations and circumstances, including the potential of the alleged conduct presenting a future risk of harm to others, the Title IX Coordinator may offer, but not require or pressure, the parties the option to pursue one or more of the informal resolution options.

Under all of the resolution options, remedies are designed to restore or preserve equal access to Caltech's education program or activity. Remedies may include actions that qualify as supportive measures, but unlike supportive measures, remedies may also include actions that are disciplinary, punitive, or burden the other party.

Any person designated by Caltech to serve as a facilitator, investigator or decisionmaker in any of the resolution processes set out below (e.g., Title IX Coordinator, investigator, mediator, decisionmaker, administrator who determines sanctions and remedies, administrator hearing an appeal of an outcome of an investigation process) may not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent. In addition, the individual facilitating any informal resolution process must not be the same person as the investigator or the decisionmaker in any investigation process, to the extent that process has been initiated. Parties will be provided an opportunity to object to a person carrying out a facilitation role in the process for the consideration and decision of the Title IX Coordinator on the grounds of a conflict of interest or bias. Where an objection is made about the Title IX Coordinator, the decision as to their suitability will be made by the associate vice president for human resources. Any consideration of impartiality, or objections based on conflict of interest or bias, of those involved in Title IX processes must be reviewed with thoughtful consideration of individual circumstances. Determination of whether a conflict of interest or bias exists in a particular instance will be a matter of judgment involving all the material facts of the situation.

In addition, any person designated by Caltech to facilitate any of the resolution processes set out below (e.g., Title IX Coordinator, investigator, decisionmaker, mediator, administrator who determines sanctions and remedies, administrator hearing an appeal of an outcome of an investigation process) will receive training that is trauma-informed and comprehensive and that includes information appropriate to their respective roles and duties, including how to serve impartially and properly identify permissible and impermissible evidence.

In deciding the scope of their participation in resolution processes, parties should consider that statements and evidence provided in the course of a resolution process may be produced to law enforcement in compliance with a subpoena or other court order and used in a civil or criminal proceeding.

At any time following the making of a complaint, including during an investigation process, prior to reaching a final determination regarding responsibility, inclusive of any appeal process, the Title IX Coordinator may offer and initiate an informal resolution process—an Administrative Resolution, Mediation, a Remedy-Based Resolution, or Restorative Justice—if determined to be

appropriate and not in conflict with Federal, State or local law, provided that the Title IX Coordinator:

1. Provides to the parties written notice disclosing the allegations, the requirements, and consequences of the AR, Mediation, RBR, or RJ process, including that: (a) the requirements of the informal resolution process; (b) completing such a resolution process precludes the parties from initiating or resuming a complaint arising from the same allegations; (c) at any time prior to agreeing to a resolution, either party has the right to withdraw from the informal resolution process and initiate or resume the investigation process; (d) potential terms that may be requested or offered in an informal resolution agreement, including notice that agreement is binding only on the parties; and (e) notice of information that will be maintained by Caltech or could be disclosed by Caltech in the investigation process, if subsequently initiated or resumed.
2. Obtains the parties' voluntary written consent to the AR, Mediation, RJ, or RBR process.

A. Administrative Resolution

The Title IX Coordinator, with the voluntary written consent of the parties, may offer the parties an opportunity to engage in the administrative resolution (AR) process. The Title IX Coordinator determines whether an AR is an appropriate option for resolving the allegations at issue, depending on their assessment of the allegations and circumstances. The AR option provides an opportunity for the respondent to accept responsibility for their alleged conduct and proceed to a resolution without a formal investigation. Complainants and respondents participating in this process may have an advisor of their choice accompany them when engaging in this resolution process, as set forth above in Section III.

If the AR option is agreed to by a complainant, the Title IX Coordinator will meet with the respondent to review the allegations.

The Title IX Coordinator will offer the respondent the opportunity to resolve the complaint by AR by accepting responsibility for the alleged conduct. It is the respondent's option and decision whether to do so. If the respondent elects to acknowledge that the alleged conduct occurred and takes responsibility for the alleged conduct, the respondent will sign a written acknowledgement, and the matter will be referred to the appropriate decisionmaker for a decision concerning sanctions and remedies that may be appropriate.

Generally, for purposes of determining sanctions in connection with an AR, the decisionmaker shall be determined based upon the respondent's affiliation (the vice provost of research or administration for faculty, the associate vice president for human resources for postdoctoral scholars and campus staff, or the deputy director for Human Resources at JPL for JPL employees). In the case of student respondents, the appropriate dean will serve as the decisionmaker.

In determining sanctions and remedies, decisionmakers will consult with the Title IX Coordinator and may consult with any other individual they deem appropriate.

The parties will both be notified simultaneously in writing of the resolution, including any sanctions and remedies. Within ten (10) business days of receiving this letter, either party may appeal in writing as outlined below in Section D, 11.

An AR process will be concluded within a reasonably prompt time frame after the complaint has been made, generally forty-five (45) business days. The Title IX Coordinator will keep the parties informed of the status of the process. The Title IX Coordinator may delay the process temporarily or extend the time frame for good cause, providing written notice to the parties of any delays or extensions and the reasons therefor.

If a resolution is not reached under this process within a reasonable amount of time, or if the Title IX Coordinator determines that one or both parties are not participating in good faith or a timely or appropriate manner in the process, the Title IX Coordinator may terminate the process, and the complainant may pursue an investigation or other resolution options determined to be appropriate by the Title IX Coordinator.

An AR is the final resolution of the allegations contained therein and is not subject to appeal.

B. Remedy-Based Resolution

A Remedy-Based Resolution (RBR) is a mutual non-disciplinary agreement entered into among Caltech and the parties to a complaint. The Title IX Coordinator determines whether an RBR is an appropriate option for resolving the allegations at issue, depending on their assessment of the allegations and circumstances. In a RBR, a respondent agrees to undertake, or all parties agree to undertake, certain social, academic, and/or administrative steps, on a certain timeline, as a means of resolving a complaint of prohibited conduct without an investigation and a finding regarding responsibility. All parties, and the Title IX Coordinator on behalf of Caltech, must voluntarily agree to, and sign a written agreement setting out, all the terms of the RBR as the complete and final resolution of the complaint(s). If an agreement is reached, the complainant cannot subsequently file a complaint for an investigation regarding the same alleged conduct, unless a respondent does not fulfill their agreed upon commitments under the RBR as determined by the Title IX Coordinator. Complainants and respondents participating in this process may have an advisor of their choice accompany them when engaging in this resolution process, as set out above in Section III.

Key aspects of an RBR include that it:

- is a voluntary process when available to resolve allegations; unlike an investigation process and requires that all parties agree to engage in the process;
- focuses on non-disciplinary remedies to address the concerns underlying the alleged prohibited conduct. For example, under an RBR, a respondent can agree to undertake a counseling and/or education program to address behavioral issues;

- provides a measure of control to the complainant in crafting measures and remedies undertaken by the respondent, allowing the complainant to focus on remedying specific social, academic, or administrative concerns;
- leaves open to the parties the alternative option of pursuing an investigation at any time during the negotiation process, or if the parties ultimately cannot come to a mutually acceptable agreement or if a party fails to comply with any or all of their commitments under an executed RBR as determined by the Title IX Coordinator;
- provides both parties a final resolution of the complaint if an agreement is reached and the parties comply with its terms; and
- does not involve an adjudication of the allegations and a potential finding of responsibility against the respondent.

In cases in which the Title IX Coordinator determines an RBR may be appropriate, the Title IX Coordinator will discuss with a complainant, potential elements of an RBR pertinent to their concerns and allegations to help them determine whether an RBR is an option they wish to pursue. If all parties to a complaint are agreeable to pursuing a resolution through the RBR process and provide voluntary written consent to engage in the RBR process, the Title IX Coordinator will work with the parties separately to negotiate and craft the agreement. The parties do not engage directly with one another. The Title IX Coordinator may seek the assistance of academic and administrative leadership, as appropriate, to make possible and implement elements of the agreement.

Potential elements of an RBR agreement include, but are not limited to, counseling or substance abuse treatment for a respondent; training for a respondent provided by the Title IX Coordinator and/or other resources; and other supportive measures, as described above in Section VI.

An RBR process culminating in a signed agreement will be concluded within a reasonably prompt time frame after the complaint has been made, generally forty-five (45) calendar days. The Title IX Coordinator will keep the parties informed of the status of the process. The Title IX Coordinator may delay the process temporarily or extend the time frame for good cause, providing written notice to the parties of any delays or extensions and the reasons therefor. Good cause may include but is not limited to the absence of a party or a party's advisor; the need for language assistance or accommodation of disabilities; the number of parties; and office closures.

If a resolution is not reached under this process within a reasonable amount of time, or if the Title IX Coordinator determines that one or both parties are not participating in good faith or a timely or appropriate manner in the process, the Title IX Coordinator may terminate the process, and the complainant may pursue an investigation or any other resolution options determined to be appropriate by the Title IX Coordinator.

A Remedy-Based Resolution is the final resolution of the allegations it addresses, unless a party fails to carry out their commitments under the agreement, as determined by the Title IX Coordinator. An RBR is not subject to appeal.

C. Mediation

In appropriate cases, as determined by the Title IX Coordinator, Mediation may be offered as a resolution option to resolve allegations of prohibited conduct.

Mediation is a voluntary process where a facilitator (mediator) works with the complainant and respondent and Caltech (represented by the Title IX Coordinator) to attempt to reach a mutually agreeable resolution of a complaint of prohibited conduct (Mediated Resolution). A Mediated Resolution will be reflected in a written agreement signed by the parties and the Title IX Coordinator, on behalf of Caltech. A Mediated Resolution entered into by the parties and Caltech is the final resolution of the complaint and the allegations therein (i.e., the complainant cannot subsequently file a complaint for an investigation regarding the same alleged conduct), unless a party fails to carry out their commitments under the Mediated Resolution Agreement, as determined by the Title IX Coordinator.

A Mediation is different than a Remedy-Based Resolution in that the elements of the agreement may include disciplinary sanctions. As with an RBR, there are no findings of responsibility in a Mediation process. However, in a Mediation process, measures that otherwise may be imposed as a sanction as a result of a finding of responsibility may be agreed upon by the parties, including Caltech, in the context of a mediated resolution.

If all parties to a complaint are agreeable to the Mediation process and provide voluntary written consent to engage in the Mediation process, the Title IX Coordinator will assign a mediator who will work with the parties to negotiate and prepare the agreement. The Title IX Coordinator has the discretion to elect to conduct the mediation or may appoint another appropriately trained individual to conduct the mediation. The Title IX Coordinator will notify the parties of their right to and process for objecting to the mediator on the basis of conflict of interest or bias.

During a Mediation, the parties do not engage directly with one another.

A Mediation process culminating in a signed agreement will be concluded within a reasonably prompt time frame after the complaint has been made, generally sixty (60) calendar days. The Title IX Coordinator will keep the parties informed of the status of the process. The Title IX Coordinator may delay the process temporarily or extend the time frame for good cause, providing written notice to the parties of any delays or extensions and the reasons therefor.

If a resolution is not reached under this process within a reasonable amount of time, or if the Title IX Coordinator determines that one or more parties are not participating in good faith or a timely or appropriate manner in the process, the Title IX Coordinator may terminate the process, and the complainant may pursue an investigation or any other resolution options determined to be appropriate by the Title IX Coordinator.

A Mediation is the final resolution of the allegations it addresses, unless a party fails to carry out their commitments under the agreement, as determined by the Title IX Coordinator and is not subject to appeal.

D. Restorative Justice

In appropriate cases, as determined by the Title IX Coordinator, the Restoration Justice (RJ) process may be offered as a resolution option to resolve an allegation. The RJ process is a voluntary process where a facilitator works with the complainant and respondent to examine the harmful impact of the alleged conduct and examine solutions that can repair the harm and/or address accountability.

To qualify for a RJ, the respondent must acknowledge the harm experienced by the complainant and agree to take responsibility for repairing the harm, to the extent possible, experienced by the complainant, and any other relevant, directly impacted individuals in the community. Respondent's acknowledgement of harm is not an admission of a Policy violation(s), unless respondent expressly accepted responsibility pursuant to the process outlined in these procedures. As with an RBR and a Mediation, there are no formal findings of responsibility in the RJ process. If appropriate under the circumstances, as determined by the Title IX Coordinator, affected community members may also participate in the RJ process.

The Title IX Coordinator has the discretion to conduct the RJ process or may appoint another appropriately trained individual to conduct the process. The Title IX Coordinator will notify the parties of their right to and process for objecting to the facilitator on the basis of conflict of interest or bias.

If a resolution is not reached under this process within a reasonable time, or if the Title IX Coordinator determines that one or more parties are not participating in good faith or a timely or appropriate manner in the process, the Title IX Coordinator may terminate the process, and the complainant may pursue an investigation or any other resolution options determined to be appropriate by the Title IX Coordinator.

A RJ resolution is the final resolution of the allegation(s) it addresses and is not subject to appeal.

E. Investigation Process

1.0 Introduction

The Investigation Process provides both parties with a prompt and equitable resolution of the allegations. The investigation and adjudication of alleged prohibited conduct under this Section is not an adversarial process between the complainant, the respondent, and the witnesses, but rather a process by which Caltech complies with its obligations under existing law. The complainant does not have the burden to prove, nor does the respondent have the burden to disprove, the allegations of prohibited conduct. It is Caltech's responsibility to gather sufficient evidence to make a determination whether the alleged prohibited conduct occurred. If the decisionmaker determines that a preponderance of the evidence substantiates alleged prohibited conduct and a violation of the Sex Discrimination Policy, sanctions, remedies, or systemic remedies, as appropriate, will be imposed. The decisions made by the decisionmaker, subject to the resolution of any appeal, represent the final resolution of the complaint, whether or not a respondent is found responsible.

Caltech's investigation will occur independently from any legal/criminal proceedings that may take place.

The Title IX Coordinator will assign an appropriate investigator to carry out the investigation. The investigator will also serve as the decisionmaker for purposes of making findings of disputed facts and determining whether a violation(s) of the Policy occurred unless another decisionmaker is appointed by the Title IX Coordinator.

All participants in an investigation will receive a fair and impartial process and be treated with dignity, care, and respect. Caltech's policy and investigation procedures are intended to ensure that individuals reported for prohibited conduct are not prejudged and are provided with adequate notice and an opportunity to be heard regarding the allegations made against them. Respondents are presumed not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the investigation process.

The purpose of the investigation is to gather the evidence relating to the complaint, and decisions are based on an objective evaluation of all relevant evidence, including both inculpatory and exculpatory evidence. Evidence may include statements from the parties and witnesses; documents relating to the complaint, such as texts, photographs, and emails; and physical evidence, such as clothing, rape kit evidence, and weapons.

Credibility determinations may not be based on a person's status as a complainant, respondent, or witness.

The investigation will be trauma-informed and impartial. Those involved in questioning parties and witnesses—namely, the Title IX Coordinator and Title IX deputies, the investigator and the decisionmaker—will receive training in conducting fair and trauma-informed investigations and hearings.

The investigation will be treated as private to the extent reasonable. Caltech does not restrict the ability of the parties to prepare for or participate in the investigation. Caltech administrators will be informed on a need-to-know basis. During the pendency of the investigation, Caltech will take reasonable and appropriate efforts to preserve the privacy of the parties and witnesses and protect the confidentiality of information. With the exception of the hearing portion, if any, of the investigation process, as set out in the live hearing procedures, no meetings or conversations that take place as part of the investigation process may be recorded by anyone. Investigation files, including the recording of any hearing, will be maintained by the Equity and Title IX Office.

Caltech does not tolerate retaliation and will take steps to prevent retaliation and strong responsive action if it occurs. All participants, including complainants, respondents, and witnesses, are protected against retaliation, and will be advised to notify Caltech immediately if retaliation occurs.

Any new allegations that arise during the course of the investigation that could subject either party to new or additional sanctions shall be subject to the notice requirements set out above in Sections V (Initial Title IX Assessment) and XI (Notice of Allegations).

Parties and witnesses who elect to participate in the investigation process are expected to do so in good faith and in a timely, reasonable, and appropriate manner. If the Title IX Coordinator determines that an individual is not complying with this expectation (e.g., failing to schedule meetings with the investigator, not showing up to meetings, neglecting to provide evidence they said they would provide, failing to respond to the draft investigation report), the Title IX Coordinator may conclude the investigation phase without further opportunity by such individual to provide evidence.

2.0 Impermissible Evidence and Limitations on Questioning

The investigator and decisionmaker will not ask parties or witnesses nor permit questions that are repetitive, irrelevant, or harassing. The following types of evidence must be excluded from consideration, and questions seeking such evidence are impermissible unless an exception applies. The investigator and the decisionmaker will not consider, ask questions, or seek evidence:

- that is protected under a privilege as recognized by Federal or State law or evidence provided to a confidential employee, unless the person to whom the privilege or confidentiality is owed has voluntarily waived the privilege or confidentiality;
- of 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 the party or witness provides their voluntary, written consent for use in the investigation process;
- that relates to a complainant's sexual interests or prior or subsequent sexual conduct with anyone, except to the extent such questions and/or evidence are offered or used to determine (1) whether someone other than the respondent committed the conduct alleged by the complainant or (2) whether prior sexual conduct between complainant and respondent prove consent to the alleged sex-based harassment.

The fact of prior consensual sexual, romantic, or intimate relationship between the complainant and respondent does not by itself imply consent or preclude a finding of prohibited conduct. The investigator and decisionmaker shall not consider the existence of a dating relationship or prior or subsequent consensual sexual relations between the parties unless the evidence is relevant to how the parties communicated consent in prior or subsequent consensual sexual relations. Where the investigator or decisionmaker allow consideration of evidence about a dating relationship or prior or subsequent consensual sexual relations between the parties, the mere fact that the parties 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 described in this section, the investigator or decisionmaker shall provide a written explanation to the parties as to why consideration of the evidence meets the requirements for consideration.

3.0 Amnesty Concerning Policy Violations: Complainants and Witnesses

The investigator will investigate any allegations that alcohol or drugs were involved in the incident.

A student who participates as a complainant or witness in an investigation of sexual assault, dating violence, domestic violence, or stalking will not be subject to disciplinary sanctions for a violation of Caltech's student conduct policies at or near the time of the incident, including but not limited to the Substance Abuse Policy, unless Caltech determines that the violation was egregious, including but not limited to, an action that places the health or safety of any other person at risk or involves conduct that violates Caltech's policies prohibiting discrimination, or other serious misconduct like plagiarism, cheating, research misconduct, or other forms of academic dishonesty.

Whether a student's violation of the Student Health and Hygiene Policies and other Caltech health and safety measures warrants amnesty will be determined on a case-by-case basis by the Title IX Coordinator. However, absent conduct showing a deliberate and reckless disregard for the health of others - for example, by hiding one's own known infected status and exposing others – a student who participates as a complainant or witness in an investigation of sexual assault, dating violence, domestic violence, or stalking will not be subject to disciplinary sanctions for a violation of such policies and measures.

The Title IX Coordinator, in consultation with the Director, Employee and Organizational Development, has the discretion to grant amnesty for certain policy violations to employees who participates as a complainant or witness in an investigation of sexual assault, dating violence, domestic violence, or stalking

4.0 Standard of Evidence

All decisions made in the course of this investigation process will utilize the preponderance of evidence standard. A preponderance of evidence means that it is more likely than not that the alleged prohibited conduct occurred. Stated another way, it means that the likelihood the alleged prohibited conduct occurred is any amount over 50%. The decisionmaker will make a decision on the disputed facts and also decide whether the evidence makes it more likely than not that the alleged prohibited conduct occurred based on the evidence available at the time of the decision. When the decisionmaker is presented with two different but plausible versions of alleged prohibited conduct, credibility determinations may affect the outcome.

5.0 Appointment of Decisionmaker

The Title IX Coordinator shall have the discretion to determine which appropriately trained individual will serve as the decisionmaker in the investigation process. The decisionmaker may be the same person as the investigator. As set forth below, the decisionmaker conducts the process for determining credibility through either individual party and witness meetings with the decisionmaker or a live hearing. The parties will be notified of the identity of the decisionmaker before the hearing as well

as the process for objecting to the identity of the decisionmaker on the basis of a conflict of interest or bias.

6.0 Timeline

Complaints will be evaluated, investigated, and resolved, including any appeals, within a reasonably prompt time frame after the complaint has been made, generally one hundred and twenty (120) business days.

The Title IX Coordinator will provide the parties written updates of the status of the investigation every thirty (30) days, including the date by which the parties shall be notified of the outcome of the investigation and the deadlines and process for parties to appeal. The Title IX Coordinator may delay the investigation process temporarily or extend the time frame for good cause, providing prompt written notice to the parties of any delays or extensions and the reasons therefor.

Good cause may include but is not limited to the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; the need for language assistance or accommodation of disabilities; the breadth and scope of the allegations, in terms of content and date, the number of potential witnesses, and the amount of available, relevant evidence; school and office closures, and the need to conduct a thorough, fair and accurate investigation. The Title IX Coordinator shall not unreasonably deny a party's request for an extension of a deadline related to a complaint during periods of examinations or school closures.

7.0 Procedural Steps for Investigation

7.1 Initial Notification to Parties

The Title IX Coordinator initiates the investigation process with a written notification sent to both parties. The initial notification will include:

- A summary of all allegations;
- The identity of the involved Parties (if known);
- The precise misconduct being alleged;
- The date and location of the alleged incident(s) (if known);
- The specific policies/offenses implicated;
- A statement that retaliation is prohibited;
- A description of, link to, or copy of the applicable policy and procedures;
- A statement that the parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence;
- The name(s) of the Investigator, the decisionmaker (if different than the investigator), and the Title IX Coordinator and notice to parties of their right to and process for objecting to either of the investigator or to the Title IX Coordinator on the basis of conflict of interest or bias;
- A statement that the respondent is presumed not responsible for the reported misconduct unless and until the evidence supports a different determination;
- A statement that determinations of responsibility are made at the conclusion of the process and that the Parties will be given an opportunity

during the review and comment period to inspect and review all relevant evidence;

- A statement that retaliation is prohibited;
- Information about the confidentiality of the process, including that the parties and their advisors (if applicable) may not share Caltech work product obtained through the investigation resolution process;
- A statement that the parties may have an advisor of their choice who may accompany them through all steps of the investigation resolution process.
- A statement informing the Parties that Caltech's Policy prohibits knowingly making false statements, including knowingly submitting false information during the process;
- Information about how a party may request disability accommodations during the investigation resolution process;
- Instructions to preserve any evidence that is directly related to the allegations;
- The estimated date by which the parties will be notified of the outcome of any investigation.

7.2 Party Advisor

The complainant and respondent may have an advisor of their choice, in accordance with and subject to the requirements set out above in Section III of these procedures and the Advisor Policy.

7.3 Conflict of Interest Objections

The Title IX Coordinator or associate vice president of human resources, as appropriate, will consider any objections by the parties on the basis of conflict of interest or bias and determine the Title IX Coordinator, investigator, and decisionmaker for the process, as appropriate.

7.4 Parties' Participation in the Investigation Process

After a reasonable amount of time to review the notice of allegations and applicable policies and procedures, the parties will be given equal opportunity to meet with the investigator. In those meetings, the investigator will seek and gather evidence about the allegations, including any documents or physical evidence, as well as the identification and location of any witnesses. The parties may submit written statements and evidence to the investigator that document their experiences. Each party is free to choose to meet or not to meet with the investigator, or otherwise to participate or not to participate in the investigation process. Regardless of the scope of a party's participation, the party would still be treated as a party with all associated rights.

In deciding the scope of their participation, parties should consider that statements and evidence provided in the course of an investigation may be produced to law enforcement in compliance with a subpoena or other court order and used against them in a civil or criminal proceeding.

7.5 Opportunity to Present Evidence

Throughout the investigation process, the parties may offer witnesses, documents, and other evidence to the investigator as well as questions for the investigator to ask the other party and any witnesses. The investigator will determine whether the parties' suggested questions are relevant and permissible. Caltech does not permit the parties to present expert witnesses' written or oral reports; however, the investigator or other decisionmaker may engage an expert witness to present written or oral reports by expert witnesses if they determine it appropriate.

The parties must not engage in coercion, pressure, undue influence, or retaliation with respect to potential witnesses or other parties in the course of identifying evidence for the investigator. The parties may seek guidance from the Title IX Coordinator and the investigator to avoid these concerns. Communications between parties and witnesses deemed to have resulted from coercion, pressure, undue influence, or retaliation may be discounted altogether by the decisionmaker or may be considered by the decisionmaker in making credibility determinations and weighing evidence deemed subject to the undue influence.

7.6 Witness Interviews and Evidence Gathering

The investigator will interview relevant witnesses and gather other evidence related to the allegations, if any. Witnesses may submit documents or written statements to the investigator. Written transcripts of the interviews will be prepared and will be made accessible to the parties.

7.7 Confidential Materials

Any evidence reports, including the party and witness interview transcripts and appendices of evidence and the hearing transcript, which will be shared with the parties are considered Confidential Materials by Caltech and any inappropriate copying, printing, emailing, photographing, downloading, or posting on social media of such materials may subject the disclosing party to disciplinary action for violation of Caltech policy protecting confidentiality or other Caltech policies, including Caltech's Honor Code, and, further could subject the disclosing party, to an allegation by a party of retaliation or harassment. It is permissible for a party to share the Confidential Materials with attorneys for the purpose of seeking legal advice or with any non-attorney advisor they have in the process, and it is permissible to share the contents of the materials with others to obtain informational or emotional support from family, therapists, or others to exercise any rights under the investigation process, including writing a response to the draft investigation report or preparing for the hearing.

7.8 Investigation Evidence Record

The parties will be provided access to all relevant evidence gathered by the investigator. The parties will have at least ten (10) calendar days to submit a written response to the evidence. The investigator will determine whether the parties' responses require any follow-up investigatory action or an opportunity for the other party to respond.

7.9 Decision of Process for Determining Credibility

The Title IX Coordinator has the sole discretion to determine whether the process for determining credibility will be conducted through individual party and witness meetings with the decisionmaker or a live hearing. The Title IX Coordinator's decision will be based on their determination concerning which method will better promote the prompt, equitable and efficient resolution of the investigation and they may consider any factors or circumstances they determine are relevant to making this decision, including whether there are multiple parties and the number of witnesses, and the availability of participants. The Title IX Coordinator will notify the parties concerning their decision as to which process for determining credibility will be used. The decision concerning which process will be used is not subject to appeal.

7.10 Process for Determining Credibility

The investigator or other decisionmaker (decisionmaker) shall conduct a process that enables the decisionmaker to question parties and witnesses to adequately assess a party's or witness's credibility to the extent credibility is both in dispute and relevant to evaluating one or more allegations of prohibited conduct. This process may be conducted during individual meetings with the parties and witnesses or during a live hearing. Whether the process is followed during an individual meeting or a live hearing will be determined by the Title IX Coordinator at their sole discretion based on their assessment of which method will better promote the prompt, equitable and efficient resolution of the investigation.

If the Title IX Coordinator determines that process will be conducted through individual meetings, the process for proposing and asking relevant and not otherwise impermissible questions and follow-up questions of parties and witnesses, including questions challenging credibility, will (a) allow the decisionmaker to ask such questions during individual meetings with a party or witness; (b) allow each party to propose questions that the party wants asked of any party or witness and have those questions asked by the decisionmaker during one or more individual meetings, including follow-up meetings, with a party or witness; (c) provide each party with written transcript with enough time for the party to have a reasonable opportunity to propose follow-up questions.

If the Title IX Coordinator determines that process will be conducted through a live hearing, the process for proposing and asking relevant and not otherwise impermissible questions and follow-up questions of parties and witnesses, including questions challenging credibility, must (a) allow the decisionmaker to ask such questions, and: (b) allow each party to propose such questions that the party wants asked of any party or witness and have those questions asked by the decisionmaker, Questioning may never be conducted by a party personally.

7.11 Evidence/Report Review by Parties

Regardless of the process utilized for determining credibility, prior to the process being conducted the parties will be provided with a reasonable opportunity to review and respond to the evidence and any investigative report summarizing the

evidence. After the process for determining credibility is completed, the investigator will incorporate any new, relevant evidence and information obtained through the parties' review into the record.

7.12 Availability of Evidence

All of the evidence that was made available as provided above will be made available during the individual meetings with the parties or the live hearing so that the parties will have equal opportunity to refer to such evidence during the individual meetings or hearing.

7.13 Notification of Decisionmaker's Identity

Prior to any decisionmaker led meetings or live hearing to access credibility, the parties will be notified of the identity of the decisionmaker if the decisionmaker is someone other than the investigator and they will be given an opportunity to object to that individual on the basis of a conflict of interest or bias.

7.14 Parties' Voluntary Participation in Individual Meeting or Hearing Process

Caltech cannot compel either party, or any witness, to meet with the decisionmaker at the hearing, or to answer questions whether posed by the decisionmaker or a party. Regardless of the scope of a party's participation in the hearing, the party would still be treated as a party with all associated rights. The decisionmaker will not draw an inference about responsibility or credibility based solely on a party's or witness's absence from the individual meetings or hearing or refusal to answer questions from the decisionmaker.

The decisionmaker may re-evaluate the relevance of any question a party or witness refuses to answer after the individual meetings or hearing has concluded.

In deciding the scope of their participation in the individual meetings or hearing, individuals should consider that statements and evidence provided in the course of an investigation may be produced to law enforcement in compliance with a subpoena or other court order and used in a civil or criminal proceeding.

7.15 Notification of Decisionmaker's Identity

Prior to any hearing, or decisionmaker led meetings as described below, the Parties will be notified of the identity of the decisionmaker and will be given an opportunity to object to that individual on the basis of a conflict of interest or bias.

7.16 Decisionmaker Led Meetings to Assess Credibility

If the Title IX Coordinator determines that individual meetings with the decisionmaker will be utilized as the process for making credibility determinations, the investigator or other decisionmaker (decisionmaker) will conduct questioning of the parties and any witnesses in individual meeting. To

the extent credibility is in dispute and relevant to one or more of the allegations, the investigator's questions may also explore credibility.

Prior to conducting interviews (meetings) with the parties and witnesses, the decisionmaker will also ask each of the parties to provide a proposed list of questions to ask the other parties and any witnesses. To the extent credibility is in dispute and relevant to one or more of the allegations, questions proposed by the Parties may also explore credibility. In individual meetings with the Parties and any witnesses, the decisionmaker will ask the Parties and witnesses the party-proposed questions that the decisionmaker has determined are relevant and permissible. These meetings will be recorded or transcribed.

Typically, within three (3) business days of the conclusion of the first round of meetings, the transcripts of the meetings will be provided to the Parties for their review. The parties will then have five (5) business days to review these recordings or transcripts and propose follow-up questions to be asked by the decisionmaker. The decisionmaker will review the proposed questions to determine relevance and permissibility. If deemed relevant, permissible and nonduplicative, the decisionmaker will then meet individually with parties or witnesses and ask the follow-up questions. These follow-up meetings will also be recorded, and the parties will receive the transcripts of these meetings. This final round of questioning is the last such round permitted, unless leave is granted to extend, by the decisionmaker.

7.17 Live Hearing Procedures

If the Title IX Coordinator determines that a live hearing will be utilized as the process for making credibility determinations, the parties will be physically present in separate locations, with technology enabling the decisionmaker and the parties to virtually observe each other's meeting, and any witness meetings, with the decisionmaker while maintaining their physical separation. Parties or witnesses may request to appear by video from a remote location. Any requests for disability accommodation should be made to the Title IX Coordinator and Caltech's Accessibility Services Specialist. Only the decisionmaker, the parties and their advisors, witnesses, the investigator, appropriate administrators, and others determined by Caltech to be necessary to the hearing may attend. The decisionmaker will determine an appropriate and reasonable scope and time frame for the hearing, as well as logistical processes for the hearing, such as for making objections and submitting questions.

Caltech will create an audio or audiovisual recording or transcript of any live hearing and make it available to the parties for inspection and review. No party, advisor, or witness is permitted to make independent recordings of the hearing or any other meeting or conversation that takes place under the investigation process.

7.18 Hearing Process for Proposing and Asking Party Questions

Before and during any hearing, the parties may submit written questions for the investigator or other decisionmaker to ask the other party and any witnesses with whom the decisionmaker is meeting. The parties can submit written questions

during the hearing through the appropriate technology while maintaining their physical separation. The decisionmaker will facilitate the questioning. The decisionmaker will have the discretion to exclude any question(s) that they determine inappropriate. At the hearing, the other party shall have the opportunity to note an objection in writing to a question posed. Neither the decisionmaker nor Caltech is obligated to respond to the objection but may consider it and must include it in the record. The decisionmaker shall have the authority and obligation to discard or rephrase any question that the decisionmaker deems to be repetitive, irrelevant or harassing. In making these determinations, the decisionmaker is not bound by but may take guidance from formal rules of evidence.

7.19 Decisionmaker Findings

The decisionmaker will resolve the disputed facts, make credibility determinations, and decide whether the allegations and any policy violations are substantiated by a preponderance of the evidence. In making these decisions, the decisionmaker will consider the relevant and otherwise permissible evidence, including the transcripts or recording from the individual meetings or live hearing, the parties' responses to the evidence, and any other evidence gathered by the investigator. The decisionmaker is responsible for resolving disputed facts, making credibility assessments of those interviewed at the hearing, as appropriate and for making determinations regarding whether policy violations occurred. The potential conclusions the decisionmaker can reach include but are not limited to a violation of Caltech's Sex Discrimination Policy occurred; inappropriate behavior but no violation occurred; the complaint was not supported by the evidence; the complaint was brought without a reasonable, good-faith basis.

After making these decisions, the decisionmaker will meet with the appropriate administrator who will determine any sanctions, remedies, and systemic remedies, in order to brief them on the process and factual findings and conclusions. That administrator will be identified and will determine any sanctions, remedies, and systemic remedies, if appropriate.

The decisionmaker will notify the parties simultaneously of these determinations in writing. The letter will include:

- a description of the allegations;
- a description of the procedural steps taken from the receipt of the complaint through the determination of responsibility, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;
- findings of fact supporting the determination;
- conclusions regarding the application of the Sex Discrimination Policy and any other applicable Caltech policy to the facts;
- a statement, and rationale for, the result as to each allegation, including a determination regarding responsibility and any sanctions, remedies, and systemic remedies determined by the appropriate administrator; and
- procedures and permissible bases for the complainant and respondent to appeal.

7.20 Effective Date of Final Determinations

The determinations regarding responsibility and sanctions, remedies, and systemic remedies become final either on the date that the parties are provided the result of any appeal, or if an appeal is not filed, the date on which an appeal would no longer be considered timely.

7.21 Notifying Title IX Coordinator of Investigation Outcome

The Title IX Coordinator will be informed of the outcome of the investigation and any appeal in order to carry out their responsibilities to consult on and coordinate implementation of any sanctions, remedies, and systemic remedies, monitor outcomes, identify and address areas of needed education and training presented by the case, and assess and address effects on the campus climate.

7.22 Exceptions

Exceptions to or modification of these procedures can be made at any time by the Title IX Coordinator, provost, deans or associate deans, associate vice president for human resources, or director for human resources at JPL in order to ensure these procedures promote fairness to both parties and compliance with the law.

8.0 Potential Sanctions, Remedies, and Systemic Remedies

If a violation of Caltech's Sex Discrimination Policy has occurred, appropriate sanctions, remedies, and systemic remedies, as appropriate, will be imposed. At the conclusion of the investigation process, if there is a finding of responsibility, the appropriate administrator will determine the appropriate sanctions, remedies, and systemic remedies.

Generally, the appropriate administrator shall be determined based upon the respondent's affiliation (the vice provost for research or administration for faculty, the associate vice president for human resources for postdoctoral scholars and campus staff, the deputy director for human resources at JPL for JPL employees, and the appropriate dean for student respondents).

In determining sanctions, remedies, and systemic remedies, these administrators will consult with the Title IX Coordinator and may consult with any other individual they deem appropriate. The appropriate administrator may impose any one or more of the following:

8.1 Sanctions

- Verbal warning;
- Training;
- Mandatory coaching;
- Mandatory substance abuse treatment;
- A formal written warning placed in the respondent's file;

- Exclusion from participation in certain activities for a specified period of time;
- Temporary or permanent exclusion from campus;
- Suspension of the right to accept new graduate students or postdoctoral scholars;
- Transfer of advisees;
- Removal from positions of administrative responsibility;
- Suspension from positions requiring supervision or interaction with students or other members of the Caltech community;
- Restricted access to Caltech premises;
- Restricted access to Caltech's educational programs or activities;
- Removal from Caltech housing;
- Removal from a supervisory position;
- Involuntary leave of absence/suspension;
- Disciplinary probation;
- Expulsion;
- Termination of employment;
- Permanent separation from the Institute;
- Revocation of admission;
- Delay or revocation of degree.

8.2 Remedies

- Access to counseling services and assistance in setting up initial appointment, both on and off campus;
- Imposition of "No-Contact Letter;" where a no-contact directive is issued after a finding of responsibility has been made, it shall be unilateral and apply only against the party found responsible;
- Rescheduling of exams and assignments, and reassignment of grading or other evaluative responsibilities (in conjunction with appropriate faculty and deans as necessary);
- Providing alternative course completion options (with the agreement of the appropriate faculty);
- Change in class schedule, including the ability to take an "incomplete," drop a course without penalty, or transfer sections (with the agreement of the appropriate faculty);
- Change in work schedule or job assignment;
- Change in on-campus housing, when feasible;
- Arranging to dissolve a housing contract and prorating a refund in accordance with campus housing policies;
- Assistance from Caltech support staff in completing housing relocation;
- Limiting an individual or organization's access to certain Caltech facilities or activities pending resolution of the matter;
- Voluntary leave of absence;
- Providing an escort to ensure safe movement between classes and activities;
- Providing medical services;
- Providing academic support services, such as tutoring;
- Any other remedy that can be tailored to the involved individuals to reasonably achieve the goals of this policy.

8.3 Systemic Remedies

- Institute-wide, division-wide, and/or option-wide, or other team-based communication or outreach effort and training, as appropriate;
- Addition of information to Equity and Title IX Office website, or other Institute website, as appropriate;
- Conduct of appropriate climate survey to gather information pertinent to preventative outreach efforts.

If the respondent was found not to have violated Caltech's Sex Discrimination Policy, but the investigation concluded that they committed some other wrongful or improper act, appropriate corrective action will be taken. Effective corrective action may also require remedies for a complainant and/or systemic remedies for the broader Caltech community. Caltech will take appropriate measures to prevent the reoccurrence of any prohibited conduct, and to correct and prevent any discriminatory or retaliatory effects, as appropriate.

In determining sanctions, remedies, and systemic remedies, as appropriate, the administrator will consult with the Title IX Coordinator and other persons they deem appropriate, to enable Caltech to take steps to prevent recurrence of any harassment and to correct its discriminatory effects on the complainant and, if appropriate, others.

The Institute may undertake remedies and systemic remedies, as appropriate, to safeguard a complainant's access to education, at any time. The complainant's engagement in a resolution process is not a prerequisite for such Institute action. Moreover, Caltech shall consider and respond to requests for accommodations relating to prior incidents of sexual harassment that could contribute to a hostile educational environment or otherwise interfere with a student's access to education or an employee's employment where both individuals are, at the time of the request, subject to Caltech's policies.

9.0 Disclosure of Outcomes

Outcomes of disciplinary proceedings may be disclosed consistent with applicable law, including FERPA, Title IX, and the Clery Act. Upon request, Caltech will disclose the outcomes of a disciplinary proceeding against a student who is the alleged perpetrator of any crime of sexual violence to the alleged victim.

Outcomes of the investigation process will be disclosed on a need-to-know basis, as determined by the Title IX Coordinator, in order to effect sanctions and/or other remedies and systemic remedies.

XIII. Appeals

Appeals may be submitted by either party. They must be in writing and submitted within ten (10) calendar days of notification of the decision to the appropriate administrator (the provost for faculty, the associate vice president for human resources for postdoctoral scholars and campus staff, the vice president of student affairs for students, or the director for human resources at JPL for JPL employee respondents). In assessing appeals, these administrators may consult with any individual they deem appropriate. The recipient of the appeal will notify the Title IX

Coordinator and any other party in writing when an appeal is filed.

Appeals of decisions resulting from the investigation process are limited to one or more of the following grounds: (a) a procedural irregularity that affected the outcome of the matter; (b) new evidence (including a new witness) that was not reasonably available at the time the determination regarding responsibility was made and that could affect the outcome of the matter; and (c) the Title IX Coordinator, investigator, decisionmaker(s), or administrator who determined and imposed any sanctions or remedies had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter; (d) the sanctions or remedies are substantially disproportionate to the conduct for which the respondent was found responsible.

If a party submits an appeal, the other party will have the opportunity to submit a written response to the appeal within ten (10) calendar days of the filing of the appeal. Appeals will be decided within a reasonable period of time after the last day for a party to file a response to an appeal and normally within thirty (30) calendar days. The parties simultaneously will be informed, in writing, of the outcome of the appeal. The appeal decision letter will state the rationale for the result. Appeal decisions are final.

If the appeal is granted in whole or in part, the administrator deciding the appeal will inform the Title IX Coordinator, the decisionmaker, and/or other appropriate Caltech administrator(s) so that appropriate follow up action can be taken to implement the appeal decision.

If the appeal is granted based on ground (d), the appeal administrator will determine what sanctions or remedies are appropriate if any, and their decision is final.

XIV. Further Complaints

If the corrective action does not end the prohibited conduct, the complainant should immediately notify at campus the Title IX Coordinator, or a deputy Title IX Coordinator, the provost or a division chair, dean or associate dean, Employee and Organizational Development director; or at JPL, the Deputy Title IX Coordinator. In such cases, the complainant has the right to file another complaint based on new prohibited conduct.

Related Policies and Procedures:

- [Sex Discrimination Policy](#)
- [Nondiscrimination and Equal Employment Opportunity Policy](#)
- [Unlawful Harassment and Abusive Conduct Policy](#)
- [Procedures for Complaints of Unlawful Discrimination, Harassment and Retaliation](#)
- [Violence Prevention Policy](#)

XV. Title IX Coordinator and Deputy Coordinators

The Title IX Coordinator is responsible for coordinating Caltech's compliance with Title IX and for Caltech's overall response to prohibited conduct falling under Title IX. The Title IX Coordinator oversees the implementation and application of this policy and the related procedures to ensure the prompt and equitable resolution of complaints and the consistent treatment of the parties involved. In doing so, the Title IX Coordinator oversees all Title IX-covered and other sex discrimination complaints, monitors outcomes, identifies and addresses any patterns of systemic problems that arise, and assesses effects on the campus climate.

The Title IX Coordinator is supported by deputy Title IX Coordinators, all of whom can answer questions regarding Caltech's Title IX-related policies and Title IX.

Title IX Coordinator:

Lynzie De Veres

(626) 395-3132, equity@caltech.edu, 205 Center for Student Services

Deputy Title IX Coordinator and Civil Rights Resolution Specialist:

Valerie Newcomb

(626) 395-1743, vnewcomb@caltech.edu, 215 Center for Student Services

Deputy Title IX Coordinator for Staff and Postdoctoral Scholars and Director, Employee and Organizational Development:

Ofelia Velazquez-Perez

(626) 395-3819, Ofelia.Velazquez-Perez@caltech.edu, 206 Central Engineering Services

Deputy Title IX Coordinator for JPL:

Rawand Baki

626-344-4918, rawand.baki@jpl.nasa.gov, JPL: Office 111-201