

**Sex- and Gender-Based Misconduct**

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## **SECTION I: INTRODUCTION**

### **1.0 Policy**

All members of the Caltech community have the right to be treated, and the responsibility to treat others, with dignity and respect. These principles are fundamental to the educational and intellectual mission of Caltech. It is the policy of Caltech to provide a work and academic environment free of discrimination, harassment, sexual misconduct, and retaliation. Caltech will not tolerate such conduct and is committed to educating the community in ways to prevent its occurrence.

As defined in this policy, sex- and gender-based discrimination, sexual and gender-based as3( c)-2 5 (i)2.6 (m)-

occurring off campus, in any location or context, when the occurrence of such alleged conduct could contribute to a hostile educational environment or otherwise interfere with a student's access to education; or (d) prohibited conduct occurring outside of Caltech's educational programs or activities, whether they occurred on or off campus, if, based on the allegations, there is any reason to believe that the incident could contribute to a hostile educational environment or otherwise interfere with a student's access to education.

Organizations affiliated with the Institute or that use Caltech property or resources in connection with their activities also are prohibited from engaging in prohibited conduct.

This policy also applies at the Jet Propulsion Laboratory (JPL).

Members of the Caltech community are encouraged to promptly report prohibited conduct to Caltech or consult with a confidential resource (see Appendix: Support Resources), regardless of where the incident occurred or who committed it. Supervisory employees and other Responsible Employees are required to promptly report prohibited conduct. An individual who has experienced sexual misconduct is encouraged to immediately seek assistance from a medical provider and report the incident to local law enforcement, which the confidential Campus Sexual Violence Advocate can coordinate and facilitate. Reports to Caltech and law enforcement may be pursued simultaneously.

Even if Caltech does not have jurisdiction under this policy over the person accused of prohibited conduct, or the allegations reported, Caltech will 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

- A student gets other students to engage in “blackballing” or socially ostracizing behavior against a student who was called as a witness in a Title IX investigation where the respondent was a friend of the student organizing the blackballing.
- A staff supervisor requires an employee who raised concerns with them about differential treatment between men and women on the team to track their weekly time on assignments, but no one else is required to track their time, and there is no prior employment history to support the necessity of tracking time.

Caltech will take steps to prevent retaliation and will take prompt and appropriate corrective action to stop and remedy its effects if retaliation occurs. Caltech will involve senior academic, administrative, and Student Affairs leadership, as required, to prevent and remedy retaliation. Individuals who violate Caltech’s policy prohibiting retaliation may be subject to disciplinary action up to and including termination of employment or expulsion from Caltech.

#### **4.0 Preservation of Evidence of Prohibited Conduct**

Prohibited conduct, as defined in this policy, may also be a crime. Individuals who have experienced sexual violence are urged to seek medical treatment as soon as possible. Sexual assault forensic exams (or rape kit tests) are available free of charge at multiple local medical centers (see the Appendix: Support Resources chart at the end of this policy) and facilitate both evidence preservation and any necessary medical treatment. Evidence preservation is important in case an individual would like to file a report with law enforcement, pursue civil litigation, or obtain a protective order. If an individual chooses to receive a forensic exam, they should avoid showering, bathing, douching, eating, drinking, washing their hands, or brushing their teeth until after the medical examination. Exams should be performed within 72 hours of the incident. Individuals should save all clothing worn at the time of the assault. Each item of clothing should be placed in a separate paper bag, not a plastic bag. Individuals who have experienced sexual violence are strongly encouraged to preserve all physical and electronic evidence.

Examples of physical evidence may include clothing, bedding, contraceptives, letters, and notes. Any such items relating to an incident of prohibited conduct should be preserved.

Electronic evidence relating to any type of incident of prohibited conduct, such as texts, emails, photos, and social media posts, should be preserved.

Once an individual reports a concern or receives notification of their involvement in a report or complaint under this policy, whether as a respondent or witness, they are required to preserve any physical or electronic evidence they have. An intentional failure to preserve such evidence may be grounds for disciplinary action.

#### **5.0 Emergency Notifications and Timely Warnings**

In the event of a dangerous situation on campus that has involved an immediate threat to the health or safety of students or employees, Caltech will issue an emergency notification consistent with its emergency notification procedures. In the event that Caltech believes that there is a serious or continuing threat to the campus community, Caltech will issue a timely

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## SECTION II: REPORTING CONCERNS AND COMPLAINTS

### 6.0 Reporting to Caltech

Any person may report prohibited conduct, whether or not the person reporting is the person alleged to be the victim of the alleged prohibited conduct. They may make their report in person, by mail, by telephone, by electronic mail, or by any other means that results in the Title IX Coordinator receiving their verbal or written report. They may also use the [Report Form](#) on the Equity and Title IX Office website, which can be submitted anonymously by not filling in the contact information. The Report Form is also available from the Equity and Title IX Office and at [equity.caltech.edu](http://equity.caltech.edu). A member of the Caltech community who wishes to report prohibited conduct should do so as soon as possible after the incident, although reports may be made at any time.

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-

## **6.2 Responsible Employees**

If an individual discloses prohibited conduct to any Responsible Employee, or if a Responsible Employee through any person or means, whether directly or indirectly, becomes aware of prohibited conduct, as defined below in III: Prohibited Conduct, Sections 15.0 and 16.0, they





[Pasadena Police Department](#)

Call 911 for Emergency Response

Non-Emergency Response: (626) 744-4241

207 N. Garfield Ave., Pasadena, CA 91101

**7.0**



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. In the event the complainant requests that Caltech inform the respondent that the

violence, dating violence, and stalking.

- Affirmative consent must be ongoing throughout a sexual activity and each time sexual activity is engaged in, and it can be revoked at any time. Consent to one form of sexual activity is not, by itself, consent to other forms of sexual activity.
- The existence of a dating relationship between the persons involved, or the fact of any past sexual activity between them, should never by itself be assumed to be an

## 15.0 Sexual Misconduct Covered under Title IX

Sexual harassment is covered under Title IX if it meets the definitions and scope requirements set out in this section.

NOTE: While Title IX prohibits discrimination on the basis of sex, sexual harassment is subject to specific procedures that do not apply to complaints of sex- and gender-based discrimination. Accordingly, sex- and gender-based discrimination is addressed separately below in Section 17.0 to ensure that the appropriate procedures are applied.

### 15.1 Definition of Sexual Harassment under Title IX

Sexual harassment means conduct on the basis of sex that satisfies one or more of the following: (1) an employee of Caltech conditioning the provision of an aid, benefit, or service of Caltech on an individual's participation in unwelcome sexual conduct; (2) unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to Caltech's education program or activity; or (3) sexual assault, dating violence, domestic violence, or stalking as defined below.

**15.1.1 Sexual assault** means an offense classified as a sex offense under the uniform crime reporting system of the Federal Bureau of Investigation, as follows:

Sex Offenses: Any sexual act directed against another person without the consent of the victim, including instances where the victim is incapable of giving consent.

*Rape*: The penetrationC ET/A0.6 (h (i)2.6 (c)-2 5 (f) 8.9 ( )JMC -c)-2 (r) h.6 (ow)13 s (nc)-2 (l)2

Sex







Sex- or gender-based discrimination

Sex- and Gender-



At JPL: JPL's deputy Title IX Coordinator, EO Coordinator, and Human Resources B

## **APPENDIX: SUPPORT RESOURCES**

**Your safety is important. If you have an immediate safety, medical, or mental health**

Resource	Contact Information	Type of Resource	Confidential
<b>Off-Campus Mental Health and Emotional Support Resources</b>			
Peace Over Violence	892 N. Fair Oaks Avenue, Suite D Pasadena, CA 91103 (626) 584-6191 M-F 9-5:30, after hours (626) 793-3385 (24-hour line)	24-hour emergency services offer victims of sexual assault, domestic violence, and stalking emotional support, information, and compassion, as well as accompaniment, referral, and advocacy services.	Yes
<b>Medical Resources</b>		Note that medical providers (but generally not psychological counselors) must notify the police regarding assaultive or abusive conduct, including sexual assault.	
Caltech Student Wellness Services	(626) 395-6393 (after hours and on weekends, press "2" to be connected to a clinician) M-F 8-5, after hours	Medical consultation, lab and radiology services, pharmacy, women's health and sexual health services.	Yes
Huntington Health (formerly Huntington Memorial Hospital)	100 W. California Blvd., Pasadena, CA 91105 (626) 397-5112 24/7	Emergency and trauma services. Social workers available to provide counseling as needed.	Yes
The Rape Treatment Center at Santa Monica -UCLA Medical Center	(424) 259-7208 <a href="http://www.uclahealth.org/rtc">www.uclahealth.org/rtc</a> 24/7	24-hour emergency medical treatment for victims of sexual assault, including forensic services ("rape kit").  <b>We strongly and preferentially recommend this resource over any other Sexual Assault Response Team (SART).</b>  <b>If you contact Security Dispatch in the Holliston Parking Lot, at (626) 395-5000, 24/7, they will provide you with travel vouchers to cover the trip by Uber.</b>	Yes
San Gabriel Valley Medical Center Sexual Assault Response Team (SART)	438 West Las Tunas San Gabriel, CA 91776 (626) 289-5454  (SART) Hotline: (877) 209-3049 24/7	24-hour medical care, emotional support, and comprehensive exams including forensic evidence collection (the "rape kit").  Immediate connection to on-call nurse for sexual assault services.	Yes

Resource	Contact Information	Type of Resource	Confidential
Planned Parenthood Pasadena and San Gabriel Valley	1045 N. Lake Ave Pasadena, CA 91104 (626) 798-0706 M 8:30-4:30, T 7:00- 3:30, W/TH 11-7, F 8:30-4:30, S 8-4	HTw 128 TmdJ0 Tc 0 ( )J1.04 857o T\	