

# **POLICY FOR THE PROTECTION OF STUDENTS FROM SEXUAL MISCONDUCT**

## **I. Overview as to How this Policy Works**

CIIS is committed to maintaining its campus and programs free from all forms of sexual misconduct. This particular policy is geared most directly to the protection and safety of students.

By this Policy, all forms of sexual misconduct, including sexual and gender-related: violence, assault, harassment, domestic violence, dating violence, and stalking are prohibited and will be promptly responded to with disciplinary or other corrective action measures that are appropriate.

This policy also explains the procedures of CIIS that allow for fact-finding for those students who find themselves to be victims of sexual misconduct and to provide ways in which the Institute supports and protects its students.

This Policy applies to misconduct whether it occurs on CIIS property or anywhere else that has a connection to sponsored events or programs involving the Institute. Off-campus conduct that the Institute thinks can interfere with students having a safe or welcoming experience or education at the Institute, or that poses a threat or danger to the CIIS community, is still within the Institute's oversight for the protection of our students and any incidents should be brought to our attention.

**Notice of Nondiscrimination:** This particular policy concerns matters involving sexual misconduct. However, please know that CIIS's other policies in the Student Handbook prohibit other kinds of misconduct inflicted against students. CIIS does not permit discrimination or harassment in its programs and activities on the basis of race, color, national origin, ancestry, sex, gender, gender identification or expression, sexual orientation, disability, age, religion, medical condition, veteran status, marital status or any other characteristic protected under law.

Incident(s) that involve one of these other kinds of misconduct will be handled under the CIIS Student Code of Conduct Process.

For information related to academic misconduct, or other misconduct that is not sexual misconduct, please refer to the applicable sections of the student handbook for your program.

**Getting Help:** CIIS encourages all members of the CIIS community who believe they have been victims of sexual misconduct to report these incidents to local law enforcement authorities and to seek medical attention as needed.

- For Emergencies call: 9-1-1

- City of San Francisco Police Department: Emergency: 415.553.8090
- San Francisco Women Against Rape 24-hour helpline: 415.647.RAPE (7273)
- San Francisco General Hospital and Trauma Center: 24-hour Rape Treatment Center: 1001 Potrero Avenue, San Francisco, 415.206.8000
- Bay Area Women Against Rape 24-hour hotline: 510.845.7273
- National Domestic Violence hotline: 800.799.SAFE (7233)
- La Casa de La Madres: 24-hour crisis support hotline: for adults: 877.503.1850; for teens: 877.923.0700
- A Safe Place, Inc.: 24-hour crisis hotline: 510.536.7233 (SAFE)
- For additional resources, please see section XIII below.
- For additional reporting options, please see section V below.

If you are a student who believes that you or another student has experienced an incident of possible sexual misconduct at the “hands” of another student, faculty member, administrator, or in any other situation that is detrimentally affecting your experience as a student, please let us know right away. Please click [here](#) to report the incident, and/or refer to Section VI below for information on how to report incident(s) to the Institute.

As to faculty and employees of CIIS who may have experienced sexual misconduct, or who may wish to report an incident of possible sexual misconduct against another person, prompt reporting is also very important. Please consult your faculty or employee handbooks for the relevant reporting policies and procedures that apply; and also contact the Title IX Coordinator and/or the Human Resources office for assistance. See below for their contact information.

## **II. What Every Student Should Know About the Legal Definitions of Sexual Misconduct**

CIIS prohibits all forms of sexual misconduct, which includes sexual and gender-related violence of any form: assault, harassment, domestic violence, dating violence, and stalking. Each of these terms encompasses a broad range of behavior that the CIIS forbids and that can subject perpetrators to serious consequences.

The following are among the forms of sexual misconduct that violate CIIS policy and the associated definitions, which overlap in some areas:

### **1. Sexual Assault:** Having or attempting to have sexual intercourse with another person:

- By force or threat of force;
- Without effective consent; or
- Where the person is incapacitated.

*Sexual Assault* includes, but is not limited to: rape, forced sodomy, forced oral copulation, rape by a foreign object, sexual battery, or the threat of any of these.

*Sexual intercourse* includes vaginal or anal penetration, however slight, with a body part (e.g., penis, tongue, finger, hand) or object, or oral penetration involving mouth to genital contact.

**2. Nonconsensual Sexual Contact (or attempts to commit the same):** Having or attempting to have sexual contact with another person:

- By force or threat of force;
- Without effective consent; or
- Where the person is incapacitated.

*Sexual contact* includes intentional contact with the intimate parts of another, causing another to touch one's intimate parts, or disrobing or exposure of another without permission. Intimate parts may include the breasts, genitals, buttocks, groin, mouth or any other part of the body that is touched in a sexual manner.

**3. Sexual Exploitation:** Occurs when one person takes nonconsensual or abusive sexual advantage of another person for one's own advantage or benefit, or to the benefit or advantage of another person. Examples of sexual exploitation include:

- Causing or attempting to cause another person to become drunk, drugged or otherwise incapacitated with the intent of engaging in a sexual behavior;
- Recording, photographing or transmitting images of sexual activity and/or the intimate body parts (groin, genitalia, breasts or buttocks) of another person without their consent;
- Allowing third parties to observe sexual acts and voyeurism (spying on people who are engaging in sexual acts or who are doing other intimate activities such as undressing, showering, etc.);
- Exposing one's genitals in nonconsensual circumstances or inducing someone to expose their genitals;
- Knowingly transmitting a sexually transmitted disease or virus to another person without his or her knowledge; or
- Sexually based stalking and/or bullying.

**4. Domestic Violence:** Violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

**5. Dating Violence:** Violence committed by a person –

(A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and  
(B) where the existence of such a relationship shall be determined based on a consideration of the following factors:

- (i) The length of the relationship.
- (ii) The type of relationship.
- (iii) The frequency of interaction between the persons involved in the relationship.

**6. Stalking:** A course of physical or verbal contact directed at another person that would cause a reasonable person to -

- (A) Fear for his or her safety or the safety of others; or
- (B) Suffer substantial emotional distress.

**7. Retaliation:** Action which is taken against a person or group of persons because of the person's or group of persons participation in a complaint or investigation of sexual misconduct, including but not limited to, Complainants, Respondents, witnesses, or others involved in the complaint, investigation and/or resolution of the alleged sexual misconduct. Retaliation can take many forms, including threats, intimidation, pressuring, continued abuse, violence or other forms of harm to others.

**8. Sexual Harassment or Gender-Based Harassment** is unwelcome, sexual or gender-based verbal or physical conduct that is sufficiently severe, persistent or pervasive to interfere with, deny or limit a person's ability to participate in or benefit from CIIS's education program and/or activities. Sexual harassment has many forms. Sexual harassment is harmful regardless of gender of the perpetrator or the victim.

One form is quid pro quo or "this for that." Unwelcome sexual advances, requests for sexual favors or other verbal or physical conduct of a sexual nature constitutes sexual harassment when it is implicitly or explicitly suggested that submission to or rejection of the conduct results in adverse educational or employment action. An example is an academic advisor asking a student to have sex in exchange for keeping quiet about a student's violation of the plagiarism policy.

Another form of sexual harassment involves hostile environment. It is sexual harassment when an individual receives unwelcome sexual advances, unwanted verbal, physical, or visual behavior of a sexual nature, or is made to feel uncomfortable because of their gender, gender identity or sexual orientation. Conduct that may constitute sexual or gender-based harassment may include one or more of the following:

- Physical conduct: unwanted touching, blocking normal movement, or interfering with studies or work;
- Verbal conduct: epithets, derogatory comments, slurs, or humor of a sexual nature;
- Visual conduct: leering, making sexual gestures, displaying suggestive objects or pictures, cartoon posters in a public space or forum;
- Written conduct: letters, notes, or electronic communications containing comments, words or images as described above.

**9. Special Policy That Protects Students (No Close Personal Relationships with Teachers, Mentors or Supervisors)** Faculty and other employees of CIIS are not allowed to participate in a close personal relationship with a student for whom that employee provides -- or might (by virtue of CIIS assigned position or functions) in the future provide -- teaching, mentoring or supervision.

Close personal relationships include dating, sexual and similar close personal relationships that are or are not consensually undertaken by the supervisor and the student. Such relationships do not include the usual and customary socializing at CIIS of teacher-student; mentor-mentee; supervisor-employee; faculty member-graduate student; coworkers; and supervisor-student employee. A person provides supervision when s/he oversees, directs or evaluates the work of others.

The following are additional definitions used under this Policy as defined by law:

**1. Consent** means "affirmative consent," which means affirmative, conscious, and voluntary agreement to engage in sexual activity.

This means that consent must be given without coercion, force, threats, or intimidation. It also means that consent cannot be given when a person is deemed to be *incapacitated*. Being intoxicated by drugs or alcohol does not diminish one's responsibility to obtain consent. The factors to be considered when determining whether consent was given include whether a person knew or should have reasonably known that the other person was incapacitated.

A person cannot freely give consent if they are:

- (A) asleep or unconscious;
- (B) incapacitated due to the influence of drugs, alcohol, or medication, such that they cannot understand the fact, nature, or extent of the sexual activity; or
- (C) unable to communicate due to a mental or physical condition.

It is the responsibility of each person involved in the sexual activity to ensure that he or she has the affirmative consent of the other or others to engage in the sexual activity. Lack of protest or resistance does not mean consent, nor does silence mean consent. Affirmative consent must be ongoing throughout a sexual activity and can be revoked at any time. The existence of a dating relationship between the persons involved, or the fact of past sexual relations between them, should never by itself be assumed to be an indicator of consent.

**2. Coercion** is a form of force that comprises unreasonable pressure for sexual activity. When someone makes clear that they do not want to participate in a sexual activity, that they want to stop, or that their limit is at a certain point, continued pressure to act beyond that point can be coercive.

**3. Force** is the use of physical violence and/or imposing on someone physically to gain sexual access. Other forms of force include intimidation (implied threats), threats and coercion that overcome resistance or produce consent. For example, "Have sex with me or I'll hit you." "Okay, don't hit me; I'll do what you want."

**4. Incapacitation** is a state where a person cannot make an informed and rational decision to engage in sexual activity because the person lacks conscious knowledge of the nature of the act (i.e., to understand the who, what, when, where, why or how of the sexual interaction) and/or is physically helpless. A person is incapacitated, and therefore unable to give consent, if that person is asleep, unconscious, or otherwise unaware that sexual activity is occurring. Incapacitation may occur as the result of alcohol or drugs.

**5. Complainant** refers to the person who may identify as having experienced, or being a victim or survivor of possible sexual misconduct and who makes a report of sexual misconduct under this Policy. A Complainant can also be a person who reports self-knowledge of an incident of possible sexual misconduct but is not a victim, such as a CIIS student, staff member, faculty, teacher, or administrator.

**6. Respondent** refers to the person whose conduct is at issue under this Policy. A Respondent may be a current or former student, staff member, faculty, teacher, administrator, visitor, alumni, contractor of CIIS or any other person. A Respondent may be a stranger or a nonstranger person.

**7. Witness** refers to any person who either witnessed an incident or who has relevant information regarding a case that is being investigated under this Policy.

**8. Advisor or Support Person** is a person who provides emotional support to a Complainant or Respondent and who may be present in a nonparticipating role to provide moral support during any meeting or proceeding under this Policy. The advisor or support person may be a currently enrolled student, parent of the student, or a CIIS faculty or staff member. Nonparticipating means that the advisor or support person is silent and does not speak or present information during the meeting or proceeding under this Policy. All persons involved in a proceeding might consider themselves as victims and CIIS tries to provide meaningful support. [Attorneys are not permitted to participate in any Campus meeting or proceeding under this Policy, absent advance written consent of the Title IX Coordinator and agreement to terms.]

### **III. How Students Should Report Incidents of Sexual Misconduct**

**1. General Information:** First and foremost: Student health and safety, and the protection from crimes, is essential. CIIS encourages all individuals to seek assistance from a medical provider and/or law enforcement as soon as possible after an incident that may be sexual misconduct. Prompt reporting is the best option for safety and also to ensure the preservation of evidence and for the identification and location of witnesses.

CIIS also encourages all students to make a report of the incident(s) to CIIS and to do so to CIIS's designated officers as described below. Students should make reports of the incident(s) as soon as the incident(s) of sexual misconduct become known.

CIIS will promptly review and thoroughly consider (including an investigation where needed) all reports of incidents that may be sexual misconduct under this Policy. CIIS will take prompt action to prevent, correct and discipline behavior that is found to violate this Policy, where appropriate, in the judgment of CIIS.

The filing of a report under this Policy is independent of any criminal investigation or proceeding that may take place by governmental authorities or law enforcement, and both CIIS and criminal investigations may be pursued simultaneously.

**2. Reporting Procedures:** If you are a student who believes there has been an incident of possible sexual misconduct against a CIIS student by another student, faculty or staff member, or visitor of CIIS, or any other person, you should report such conduct as follows:

#### **A. Emergency and Off-Campus Reporting Options:**

- For Emergencies call: 9-1-1
- City of San Francisco Police Department: Emergency: 415.553.8090
- San Francisco Women Against Rape 24-hour helpline: 415.647.RAPE (7273)
- Bay Area Women Against Rape 24-hour hotline: 510.845.7273
- National Domestic Violence hotline: 1.800.799.SAFE (7233)

- La Casa de La Madres: 24-hour crisis support hotline: For adults: 1.877.503.1850; for teens: 877.923.0700
- A Safe Place, Inc.: 24-hour crisis hotline: 510.536.7233(SAFE)
- San Francisco General Hospital and Trauma Center: 24-hour Rape Treatment Center: 415.206.8000

**Note:** The Title IX Coordinator, Deputy Title IX Coordinators, and/or Intake Officers will assist students who wish to make a report to law enforcement authorities in doing so if the student so chooses. Students may also chose to decline to notify law enforcement authorities; however, as explained below, CIIS may be required by law to report incidents that involve violence, hate violence, and/or sexual assault, to law enforcement authorities, including those incidents that occur on-campus and off-campus. Except if required by governmental agencies, CIIS will not disclose a victim’s identity unless the victim consents to being identified after being informed of his or her right to have identifying information withheld. If a victim does not consent to disclosing his or her identity, the alleged perpetrator’s identity will not be disclosed either, unless required by governmental authorities.

In any case, under state and federal law, a victim has: (1) the right to a Sexual Assault Forensic Medical Examination at no cost to the victim/patient; and (2) the right to participate or not participate with the local law enforcement agency or the criminal justice system, either prior to the examination, or at any other time. Additionally, a victim may agree to engage with local law enforcement and participate in the investigation and prosecution using a pseudonym (e.g., Jane or John Doe) instead of his or her true name.

**B. Reporting Options Here at the Institute -- These Are Encouraged and Welcomed:**

Incident(s) of past sexual misconduct or concerns about future incidents that affect any CIIS student should be initially reported as follows:

By submitting a written complaint to the Intake Officers Designated for Students Yunny Yip, Dean of Students: 415.655.5573 or [yyip@ciis.edu](mailto:yyip@ciis.edu)

**C. Specific Information Regarding Incidents Occurring Off-Campus:**

The Reporting Procedures for incidents to CIIS students occurring off-campus is the *same* as the Reporting Procedures outlined in Sections A and B above.

CIIS will do everything feasible to respond to reports of sexual misconduct committed by a person of another institution or entity; however, CIIS may be limited in its authority to take actions involving third parties, but it will help students with actions that CIIS can take to protect them and help them. Measures such as no-contact orders, changes in classes or programs of study, excused absences, changes in internships, changes in academic advisors, and so forth can be of help to students who are victims and CIIS will consider these as possible effective corrective action for misconduct by persons not under CIIS control.

In addition, CIIS students whose programs of study involve internships at external locations or non-CIIS entities, may also (in addition to reporting to CIIS) choose to report incident(s) of sexual

misconduct that occur in connection with their internships, by using the policies and procedures available (if any) by non-CIIS entities. CIIS may work in conjunction with another institute or entity in investigating and resolving reported incidents and will so notify the student if it does on a case-by-case basis.

**D. Anonymous Reporting:**

Anonymous reports, or reporting without disclosing the reporter's name, can be made, but anonymous reporting is not the preferred way. Depending on the information received, CIIS's ability to respond to an anonymous report may be limited. The Title IX Coordinator and/or Deputy Title IX Coordinator(s) will review anonymous reports received by CIIS and determine whether an investigation and response is appropriate.

**E. Alcohol, Drugs and/or Other Misconduct:**

CIIS encourages the reporting of conduct prohibited under this Policy. A student who reports sexual misconduct, either as a Complainant or a third-party witness, will not be subject to disciplinary action by CIIS for the person's own personal consumption of alcohol or drugs, or other nonsexual misconduct, that happened at or near the time of the incident, unless CIIS finds the violation(s) to be egregious, including but not limited to, an action that places the health or safety of any other person at risk or involves plagiarism, cheating or academic dishonesty.

**F. Prohibition against Retaliation:** It is a violation of CIIS policy to retaliate against any person making a report of possible sexual misconduct, or against any person cooperating in the investigation of any report of possible sexual misconduct. Retaliation against any member of the CIIS community may result in disciplinary action, including termination of employment or expulsion from CIIS. Please immediately report any retaliation just as you would report sexual misconduct.

**G. Protecting Students Also Means that CIIS Cannot Guarantee All Confidentiality**

CIIS is committed to assisting students throughout the processes outlined in this Policy. Efforts will be made to respect the privacy of all persons involved in this process in a manner consistent with the need for a thorough review of the report and carrying out the processes.

This means that the information related to a report under this Policy will only be shared with a limited circle of individuals who, in the judgment of CIIS, have a "need to know" basis in order to assist CIIS and/or its designees in its investigation and response and to prevent the recurrence of any such conduct found to have been committed.

If there is a request that the names remain confidential, CIIS will take steps to investigate and respond to the report in a manner that is consistent with that request. However, CIIS's ability to fully respond to the incident may be limited, and so that CIIS can meet its desire to protect students, CIIS cannot guarantee complete confidentiality.

CIIS is also required by law to report certain types of reported sexual misconduct in its annual crime statistics report. Neither names, nor other identifying details of the incident, will be made public in the annual crime report.

CIIS is also required by law under certain circumstances to report any incident that might be classified as a violent crime, hate crime, or sexual assault to law enforcement. However, it is up to the Complainant on whether or not to separately file his or her own report with the Police and/or to contact Rape Trauma Services.

Except if required by governmental agencies, CIIS will not disclose a victim's identity unless the victim consents to being identified after being informed of their right to have identifying information withheld. If a victim does not consent to disclosing their identity, the alleged perpetrator's identity will not be disclosed either, unless required by governmental authorities.

#### **H. What If a Student Wants to Discuss Sexual Misconduct, Without Making a Report or Record of the Incident?**

If a student would like to discuss the details of an incident of possible sexual misconduct, without making a report or record of the incident to the Institute, or in an otherwise confidential manner, the student should speak with those individuals who hold a relationship with the person of which there is a legal duty of confidence, such as with their physicians, mental health therapists, or clergy members. These individuals generally will maintain confidentiality if they are acting in their capacity as your physician, mental health therapist, or clergy member, except in extreme cases of immediacy of threat or danger, or abuse of a minor.

The staff, faculty and administrators of CIIS do not have such a relationship with CIIS students, and are required to promptly forward all reports of possible sexual misconduct that become known to them to the Title IX Coordinator and/or Deputy Title IX Coordinators, except if they are serving as a licensed mental health provider as described below.

CIIS's Counseling Center provides confidential psychological counseling services. The CIIS Counseling Center staff is not required to forward reports of possible sexual misconduct to CIIS's administrators.

### **VI. Intake Meetings: For Students to Report an Incident**

#### **A. Intake Meeting with Reporting Student**

The Institute will conduct an intake meeting with the reporting student in order for the student to be able to inform the Institute about the incident(s) of sexual misconduct and to give the Institute an opportunity to provide support.

For purposes of this part of the policy, a student who makes a report of sexual misconduct that this student or another student may have experienced is called a "Complainant."

CIIS will promptly schedule the intake meeting with the Complainant, to be held as soon as possible. A trained Intake Officer will hold the meeting with the Complainant and will afford the opportunity for the Complainant to provide an overview and details of the incidents. The Intake Officer will also discuss the contents of this Policy with the Complainant and will discuss possible forms of support for the Complainant (see the Resources section below).

All Institute Intake Officers will have training in victim-centered approaches. The Deputy Title IX Coordinators or Title IX Coordinator can also serve as Intake Officer. In some cases, the Title IX Coordinator may assign the intake meeting to a trained professional who is external of the Institute. At the intake meeting, the Intake Officer will also discuss whether there are any interim measures (see Interim Measures section below) that may be implemented. The preferences of the Complainant on such measures will be taken into consideration by the Intake Officer.

At the intake meeting, the Intake Officer will also discuss the following:

- A student's right to report the incident(s) to local law enforcement agencies;
- A student's right to seek medical treatment and the importance of preservation of evidence;
- Requests for confidentiality, if any;
- CIIS's obligation to consider all reports of incidents and the inability of CIIS to guarantee complete confidentiality;
- CIIS's policy against retaliation of any person making a report or participating in the investigation or adjudication of an incident under this Policy;
- The possibility of an investigation by an external impartial and neutral fact-finder selected by CIIS;
- The possibility for informal resolution where appropriate;
- The possibility for sanctions as determined by CIIS;
- The use of an Advisor or Support Person in any meeting under this Policy; and
- CIIS's obligation to report crime statistics into its daily crime log.

**B. Meeting to Inform the Respondent:** For purposes of this part of the policy, the person whose conduct has been reported, is called a "Respondent".

After there is a report of an incident, in many but not all cases, the Institute will schedule a meeting with the Respondent. If the Respondent is a student of CIIS, the Intake Officer will normally hold the meeting with the Respondent. If the Respondent is a faculty member of CIIS, the Title IX Coordinator and/or the Academic Vice President may assign an Intake Officer or other person to meet with the Respondent.

When there is a meeting with the Respondent, there will be a discussion of the contents of this Policy and whether there are any interim measures that may be implemented at the discretion of CIIS to avoid any problems or harm during the remaining steps to take place. The preferences of the Complainant and the Respondent on such measures may be stated and will be taken into consideration by the Intake Officer.

When there is a meeting with the Respondent, the following matters will also be discussed:

- A student's right to report the incident(s) to local law enforcement agencies;
- A student's right to seek medical treatment and the importance of preservation of evidence;
- Requests for confidentiality, if any;
- CIIS's obligation to consider all reports of incidents and the inability of CIIS to guarantee complete confidentiality;
- CIIS's policy against retaliation of any person making a report or participating in the investigation or adjudication of an incident under this Policy;

- The possibility of an investigation by an outside impartial and neutral fact-finder selected by CIIS;
- The possibility for informal resolutions where appropriate;
- The possibility for sanctions as determined by CIIS;
- The use of an Advisor or Support Person in any meeting or proceeding under this Policy; and
- CIIS's obligation to report crime statistics into its daily crime log.

### **C. Initial Witness Interviews**

The Intake Officer may also collect additional information or speak with any person(s) that may have relevant information concerning a reported incident, in an effort to gather preliminary information to make an initial assessment of the matter. The preferences of the Complainant and the Respondent as to witnesses to be interviewed may be stated by them and will be taken into consideration by the Intake Officer.

### **D. Initial Assessment**

The Intake Officer will then consider the nature of the report, the safety of the individuals involved and of the campus community, the Complainant and Respondent's expressed preferences for resolution, and will make a recommendation to the Deputy Title IX Coordinator on whether the matter can be resolved without further investigation or whether to refer the matter for further investigation.

The Deputy Title IX Coordinator or the Title IX Coordinator will make the final decision on whether to refer the matter for further investigation. If the matter is referred for further investigation, the matter will follow the procedures for investigation and resolution described below. The Title IX Coordinator or the Deputy Title IX Coordinator, or the Intake Officer if so designated by the Title IX Coordinator and/or Deputy Title IX Coordinator, will inform the Complainant and Respondent in writing if the matter will be referred for further investigation.

If the matter is not referred for further investigation, the Title IX Coordinator or the Deputy Title IX Coordinator, or the Intake Officer if so designated by the Title IX Coordinator and/or Deputy Title IX Coordinator, will inform the Complainant and Respondent of what the outcome is, including possible interim or final measures (see next section) for protection and safety. This is called the Outcome Letter.

### **E. Possible Interim or Final Measures**

Interim measures will be considered and implemented at the discretion of Deputy Title IX Coordinator or the Title IX Coordinator, or the Intake Officer if so designated by the Title IX Coordinator and/or Deputy Title IX Coordinator, in order to protect students and maintain a safe and healthy environment at the Institute. Interim measures, which may be applied to the Complainant and/or the Respondent, include such things as:

- Issuance of a "no-contact" order or directive that restricts persons from having contact with one another in person or through electronic means;
- Change in class schedule;
- Change in student residence;
- Change in student-related employment;

- Rescheduling of exams or assignments (in conjunction with appropriate faculty);
- Voluntary leave of absence;
- Providing escort services for movement between classes and CIIS activities;
- Interim suspension or CIIS-imposed leave;
- Administrative hold on student accounts, including a hold on the release of transcripts while an investigation is pending;
- Denial of access to campus, campus facilities and/or CIIS activities; and
- Other measures.

These measures may also be part of the plan of final measures that are required by the Outcome Letter.

#### **V. When Investigation Is Needed, CIIS Sometimes Uses an External Investigator**

As already explained, following the initial assessment, the Deputy Title IX Coordinator or the Title IX Coordinator decides whether to have further investigation, and if so, will designate an investigator who has specific training and experience. The investigator may be an employee of CIIS or an external investigator engaged to assist CIIS in fact gathering. The Title IX Coordinator retains the right to designate an external investigator because sometimes the Institute will not have enough or the right kind of resources.

Whether the investigator is internal or external, the role of the investigator is to be a neutral fact-finder. The investigator may also designate another trained colleague to assist in interviewing parties, identifying and locating witnesses, and in gathering other facts and evidence. The investigator will conduct an investigation in a manner deemed appropriate in light of the circumstances of the case and will cooperate with law enforcement authorities to the extent necessary.

A typical investigation will include interviews with the Complainant, the Respondent and third-party witnesses, collection of available physical, documentary and other evidence, and photographs may be taken. The Complainant, the Respondent and any third-party witnesses may present witnesses or other evidence to the investigator for consideration. Information collected during the initial intake and assessment will be forwarded to the investigator. If any law enforcement agency is also investigating the incident, the CIIS investigator may defer to the police department for the collection and preservation of evidence.

The investigator will compile the details of the investigation into an investigative report, which will contain summaries of the interviews, photographs (if available) and other related evidence or duty logs and also a detailed analysis of the events. Before finalizing a witnesses' statement, the investigator may send a draft of the statement to the individual to allow them a chance to add to it or make any suggested changes to their statement.

The investigative report will be prefaced with a summary of findings and recommended actions. In this summary the investigator will:

- State the initial complaint;
- Outline the details of the investigation;

- State, whether, using a preponderance of the evidence standard, it is more likely than not that policy violation(s) occurred; and
- If requested by the Title IX Coordinator, include any recommended sanctions or corrective actions to be taken.

If requested by the Title IX Coordinator to make recommendations, the investigator may recommend that CIIS impose certain sanctions or take certain corrective action; however, the decision to select and implement, appropriate sanctions or corrective action, if any, remains at all times within the authority of CIIS.

The completed investigative report normally will be submitted within thirty (30) days of the intake. However, depending on the complexity of the case, additional time may be needed to complete the investigation.

## **VI. Getting to a Proper Resolution -- And the Outcome Letter**

All sexual misconduct reports will result in an Outcome Letter.

Whenever an investigation takes place, the investigative report will be forwarded to the Deputy Title IX Coordinator and/or the Title IX Coordinator of CIIS, who will review the fact-finding determination by the investigator and take any recommendations for sanctions or corrective action into consideration.

The Title IX Coordinator and/or the Deputy Title IX Coordinator will decide whether the matter requires further proceedings; whether to accept the recommendations for sanctions/corrective action (if any); or whether to issue or recommend to an officer of CIIS, different or alternative sanctions/corrective action.

The Title IX Coordinator and/or the Deputy Title IX Coordinator can recommend to the proper CIIS officer any sanctions against a student who committed sexual misconduct that are appropriate based on the results of the investigation. These include cease and desist and stay away instructions; warnings, disciplinary probation, suspension, expulsion, revocation of admission and/or degree, or withholding a degree, or any lesser sanctions.

The Title IX Coordinator, or designee as assigned by the Title IX Coordinator, can recommend to the proper CIIS officer, any sanctions against a faculty or staff member or other nonstudent person deemed to have committed sexual misconduct, which are appropriate based on the results of the investigation. These include cease and desist and stay away instructions, warnings, censure, disciplinary probation, suspension, or dismissal from employment or from any other relationship with the Institute or any other lesser sanctions.

If a “serious sanction” is to be imposed and the evidence in support of the sanction is based on conflicting accounts of the key witness, the outcome letter will afford a live hearing option.

Past violations of the responsible student may be considered in the determination of an appropriate resolution. CIIS will also consider whether the action will bring an end to the violation in question, whether it will reasonably prevent a recurrence of a similar violation and/or whether it will mediate any effects the violation had on the Complainant and the CIIS community.

Within ten (10) business days of the decision, both the Complainant and the Respondent will be notified in the Outcome Letter, of the results of the investigation, including any sanctions or remedies imposed, along with notification of the rights to appeal.

The Title IX Coordinator, or any designee of the Title IX Coordinator, also may meet separately with the Complainant or the Respondent to discuss the results of the investigation and explain any resolution action that will be taken or imposed. A summary of the investigative report will be available for review by both the Complainant and the Respondent, if so requested.

The Institute seeks to resolve all reported incidents of sexual misconduct within sixty (60) days of the initial report. All time frames expressed in this policy are meant to be guidelines and depending on the complexity of the matter, additional time may be needed.

**Note:** A preponderance of the evidence standard will be used under this Policy, that is, whether it was more likely than not that the conduct prohibited under the Policy occurred. All proceedings under this Policy will be prompt, fair, impartial, and conducted by those who are adequately trained.

## **VII. Appeals**

If the Respondent or Complainant is dissatisfied with the resolution stated in the Outcome Letter or with some element of the process, either may appeal. An appeal must be made in writing, within ten (10) business days of the Outcome Letter. The appeal should clearly state the remedy sought. The written appeal must be delivered to the Title IX Coordinator, who will delegate review of the appeal as follows:

- If the person who appeals is a student of CIIS, the President shall review and make the decision on the appeal.
- If the person who appeals is a faculty member of CIIS, the President shall review and make the decision on the appeal.
- If the person who appeals is a staff member of CIIS, or any other person not identified above, the President shall review and make the decision on the appeal.
- The final decision on the appeal will be issued in writing and a copy given to the appealing person. The final decision is binding on the appealing person, except for Arbitration in section X below.
- Appeals should normally be completed within three Institute work weeks unless there is good reason to extend the time necessary to review the appeal. Normally, the grounds for granting an appeal will be limited to the following considerations:
- Is there compelling new evidence that was not available previously? Was the decision based on use of the proper criteria? Were improper or extraneous facts used that substantially affected the decision?

- Were there procedural irregularities that substantially affected the outcome of the investigation and decision for action that were detrimental to the Respondent or Complainant?

## **IX. Privacy of Records**

The office of the Title IX Coordinator will receive and retain records of reports and related documents.

Documents that are prepared in anticipation of the investigation and resolution of the matter (including the investigative report and any other documents) will not be disclosed outside of the review process, except as required by law.

The final Outcome Letter will be issued concurrently to both the Complaining and the Respondent. CIIS neither encourages nor discourages the further disclosure of the final Outcome Letter by either the Complainant or the Respondent. CIIS acknowledges that sharing the final outcome letter with others may be an important part of a student's healing process.

## **X. Dissemination of Policy; Training and Prevention**

The Title IX Coordinator is responsible for overseeing the CIIS's efforts at training, prevention and education as it relates under this Policy.

As a part of CIIS's commitment to maintaining its campus and programs free from sexual misconduct, this Policy shall be disseminated widely to the CIIS community through publications, websites, student orientations, and other appropriate channels of communication.

All students, staff and faculty will receive an email each academic year with references to the policies on the website.

The Title IX Coordinator, the Deputy Title IX Coordinators, and the Intake Officer will receive appropriate training for the intake and handling of reports of sexual misconduct under this Policy, including those that are victim-centered and trauma informed.

CIIS will also provide all other supervisory employees with online training every two years. In addition, the Office of Student Affairs will provide programs and materials to students that educate students on sexual misconduct and how to prevent it from occurring. Education programs shall promote the awareness of rape, acquaintance rape, domestic violence, dating violence, sexual assault, and stalking, and shall be designed to prevent all misconduct prohibited under this Policy from occurring, to empower victims, to identify safe and positive options for bystander intervention, and to help recognize warning signs of abusive behavior and how to avoid potential attacks.

Students, faculty and staff of CIIS are all encouraged to take part in education and training designed to prevent sexual misconduct.

## **XI. Resources**

**Getting Help:** CIIS encourages all members of the CIIS community who believe they have been victims of sexual misconduct to report these incidents to local law enforcement authorities and to seek medical attention where appropriate.

CIIS also encourages all members of the CIIS community to report any incident(s) of possible sexual misconduct to CIIS under these Policies and to get help from as many resources as possible.

### ***For Emergency Needs:***

- For Emergencies call: 9-1-1
- City of San Francisco Police Department: Emergency: 415.553.8090
- San Francisco Women Against Rape 24-hour helpline: 415.647.RAPE (7273)
- Bay Area Women Against Rape provides free 24-hour comprehensive services to victims of sexual assault. **Website:** 24-hour hotline: 510.845.7273
- Men Overcoming Violence: 1385 Mission Street, Suite 300, San Francisco. 415.626.6704
- La Casa de La Madres: 24-hour crisis support hotline: For adults: 1.877.503.1850; for teens: 1.877.923-0700
- A Safe Place, Inc.: 24-hour crisis hotline: 510.536.7233 (SAFE)
- There are also several national organizations that may be able to provide the CIIS community with important information and assistance:
- National Domestic Violence Hotline, 800.799.SAFE (7233)
- National Sexual Assault Hotline, 800.656.HOPE (4673)
- Stalking Resource Center, 202.467.8700
- National Teen Dating Abuse Helpline, 866.331.9474

### ***For Medical Needs:***

CIIS does not offer on-campus medical services. The following are resources for students to seek medical attention as it relates to sexual misconduct:

- San Francisco General Hospital and Trauma Center: 24-hour Rape Treatment Center: 1001 Potrero Avenue, San Francisco, 415.206.8000.

**Note:** Both of the above-listed hospitals offer Sexual Assault Forensic Examinations and other services for the collection of evidence.

### **Confidential Reporting Options:**

Students who would like to speak to someone in confidence about an experience of sexual misconduct or about another's experience of sexual misconduct, should contact off-campus rape crisis counselors, domestic violence resources, private agencies, external mental health agencies and external clergy members.