I. INTRODUCTION

Harvey Mudd College ("HMC" or "College") is committed to promoting and maintaining a working, learning and living environment that is free from discrimination, harassment and sexual misconduct.

II. POLICY

HMC prohibits discrimination and harassment based on a person’s race, color, religion, national origin, ethnic origin, ancestry, citizenship, sex (including pregnancy, childbirth, or related medical conditions), sexual orientation, gender (including gender identity and expression), marital status, age, physical or mental disability, medical condition, genetic characteristics, veteran status, or any other characteristic protected by applicable law. The College also prohibits discrimination and harassment based on the perception that anyone has any of these characteristics or is associated with a person who has, or is perceived as having, any of these characteristics. Sexual misconduct is a form of sexual harassment and is expressly prohibited by this policy.

Consistent with state and federal law, reasonable accommodation will be provided to persons with disabilities, women who are pregnant, and/or to accommodate religious practices.

III. SCOPE OF POLICY

This policy applies to all HMC students, administrators, faculty, trustees, teaching/research assistants, staff, and student organizations, as well as prospective students, employment applicants, visitors, and guests of the College. Persons who are not HMC employees but perform work at HMC for its benefit (such as contractors and temporary employees) are also protected and required to abide by this policy. This policy applies to "off-campus" activities that are College-related, such as College functions hosted in private homes, off-site conferences and meetings, and College-sponsored travel. HMC reserves the right to apply this policy to incidents of sexual misconduct by persons listed above that occur off-campus and are unrelated to College activities but which may directly impact or have a significant effect upon HMC or the HMC community.

IV. RESPONSIBILITY

All faculty, staff, students and other members of the HMC community are responsible for ensuring that their conduct does not violate this policy. If administrators, managers, supervisors, Department Chairs, faculty
members, or Dorm Proctors know discrimination, harassment or sexual misconduct is occurring, receive a complaint of discrimination, harassment, or sexual misconduct or obtain other information indicating possible discrimination, harassment or sexual misconduct, they must take immediate steps to ensure that the matter is addressed. Failure to do so may result in legal liability. Administrators, managers and supervisors have the further responsibility of preventing and eliminating discrimination, harassment and sexual misconduct within the areas they supervise.

V. DEFINITIONS

A. Discrimination

Prohibited discrimination is defined as any decision, act, or failure to act that improperly interferes with or limits a person’s or group’s ability to participate in or benefit from the services, privileges, or activities of the College, or otherwise adversely affects a person’s employment, education, or living environment when such decision, act, or failure to act is based on race, color, religion, national origin, ethnic origin, ancestry, citizenship, sex (including pregnancy, childbirth, or related medical conditions), sexual orientation, gender (including gender identity and expression), marital status, age, physical or mental disability, medical condition, genetic characteristics, veteran status, or any other characteristic protected by applicable law (or based on a perception that an individual has such characteristics or associates with others who have, or are perceived to have, such characteristics).

Examples of discrimination include, without limitation: (1) denying a person admission or employment based upon a protected characteristic, (2) denying raises, benefits, or promotions on the basis of a protected characteristic, or (3) subjecting a person to different academic standards or employment conditions because of a protected characteristic.

B. Harassment

Prohibited harassment is defined as any conduct directed toward an individual based on race, color, religion, national origin, ethnic origin, ancestry, citizenship, sex (including pregnancy, childbirth, or related medical conditions), sexual orientation, gender (including gender identity and expression), marital status, age, physical or mental disability, medical condition, genetic characteristics, veteran status, or any other characteristic protected by applicable law (or based on a perception that an individual has such characteristics or associates with others who have, or are perceived to have, such characteristics) that is sufficiently severe or pervasive to alter or interfere with an individual’s work or academic performance, or that creates an intimidating, hostile or offensive, work, educational, or living environment.

1. Whether particular physical, verbal or non-verbal conduct constitutes harassment in violation of this policy will depend upon all of the circumstances involved, the context in which the conduct occurred, and the frequency, severity, and pattern of the conduct.

2. The fact that someone did not intend to harass an individual is no defense to a complaint of harassment. Regardless of intent, it is the effect and characteristics of the behavior that determine whether the conduct constitutes harassment.

3. Conduct alleged to constitute harassment will be evaluated according to the objective standard of a reasonable person. Thus, conduct that is objectionable to some, but that is not severe or pervasive enough to create an objectively intimidating, hostile or offensive environment, is beyond the purview of this policy.

Harassment can take many forms and will vary with the particular circumstances. Examples of harassment prohibited by this policy may include, without limitation: (1) verbal conduct such as epithets, derogatory jokes or comments, or slurs directed at an individual or group of individuals because of a protected characteristic; (2) unwanted advances and/or propositions of a sexual nature, including relationships which began as consensual,
but later cease to be mutual and wherein one party then harasses the other; (3) visual displays such as derogatory posters, photography, cartoons, or drawings not protected by policies on academic freedom and freedom of expression that ridicule or demean an individual on the basis of a protected classification; (4) the suggestion or implication that submission to or rejection of sexual advances will affect decisions regarding such matters as an individual's work assignment or status, salary, academic standing, grades, receipt of financial aid, or letter of recommendation; or (5) physical conduct, including unnecessary and unwanted touching, intentionally blocking normal movement, or sexual misconduct.

C. Sexual Harassment

Because sexual harassment has been more thoroughly defined in the law than harassment based upon other protected categories, the following definition of sexual harassment is included in this policy.

Sexual harassment includes any unwelcome sexual advances, requests for sexual favors, or other unwelcome written, verbal, or physical conduct of a sexual nature when:

1. Submission to the conduct is explicitly or implicitly made a term or condition of an individual's employment, academic status, or progress; and/or
2. Submission to or rejection of the conduct by the individual is used as the basis of employment or academic decisions affecting the individual; and/or
3. Submission to or rejection of the conduct by the individual is used as the basis for any decision affecting the individual regarding benefits and services, honors, programs, or activities available through the College; and/or
4. The conduct has the purpose or effect of having a negative impact upon the individual's work or academic performance, or of creating an intimidating, hostile, or offensive work, educational, or living environment.

Sexual harassment may occur between members of the same or opposite sex. Further, harassment based on a person's sex is not limited to instances involving sexual behavior and may occur without sexual advances or sexual overtones when conduct is directed at individuals because of their sex.

D. Sexual Misconduct

Sexual misconduct is a form of sexual harassment and encompasses a range of behaviors (which includes any kind of nonconsensual contact), such as those defined below and any other conduct of a sexual nature that is nonconsensual or has the purpose or effect of threatening, intimidating, or coercing a person or persons (e.g. intimate partner violence). Both men and women may be perpetrators, as well as victims.

1. Sexual Assault is any unwanted physical contact of a sexual nature that occurs either without the consent of each participant or when a participant is unable to give consent freely. Physical contact of a sexual nature includes, but is not limited to, touching or attempted touching of another person's breasts, buttocks, inner thighs, groin, or genitalia, either directly or indirectly, or sexual penetration (however slight) of another person's oral, anal or genital opening. Sexual assault includes, but is not limited to, rape, sodomy, oral copulation, sexual battery, sexual penetration with an object, forcible fondling (e.g., unwanted touching or kissing for purposes of sexual gratification), or threat of sexual assault. Sexual assault can occur either forcibly and/or against a person's will or when a person is unable to give consent freely.

2. Sexual Exploitation occurs when one takes non-consensual or abusive sexual advantage of another for his/her own advantage or benefit, or to benefit or advantage anyone other than the one being exploited, and that behavior does not otherwise constitute sexual assault. Examples of sexual exploitation include, but are not limited to, stalking, prostituting another person; non-consensual video-taping, audio-taping or photographing of sexual activity and/or the intimate body parts of
another person (including breasts, buttocks, inner thighs, groin, or genitalia); unauthorized posting or distribution of materials involving the sexual activity of another person(s); going beyond the boundaries of consent (such as, voyeurism or secretly watching others); tampering with birth control or condoms; knowingly transmitting a sexually transmitted infection (such as, HIV); and inducing or attempting to induce incapacitation with the intent to rape or sexually assault another.

3. Consent involves explicit communications and mutual approval for the act in which the parties are/were involved. A sexual encounter is considered consensual when individuals willingly and knowingly engage in sexual activity. Consent can be revoked at any time for any reason. Consent is active, not passive. Lack of resistance, physical or verbal, does not imply consent, nor does silence, in and of itself, imply consent. Consent must be given for every act and for every time that the act occurs, regardless of history, past behaviors, or reputation. In order to give effective consent in California, one must be of legal age (18). Consent cannot be procured by use of pressure, manipulation, compelling threats, intimidating behavior, substances and/or force, nor can it be given if an individual is mentally or physically incapacitated by alcohol or other drug use, unconsciousness, mental disability, sleep, and/or involuntary physical restraint. Intoxication does not excuse behavior that violates this policy.

All forms of sexual misconduct and attempts to commit such acts are considered to be serious misconduct and may result in disciplinary action up to and including expulsion or termination of employment. In addition, such acts, whether by an acquaintance or stranger, violate federal, state and local laws, and perpetrators of such acts may be subject to criminal prosecution and/or civil litigation. HMC’s procedures for responding to sexual assaults and other forms of sexual misconduct are described in Appendix A.

VI. INFORMAL RESOLUTION PROCEDURES

Individuals who believe they have been or may be the victim of discrimination, harassment or sexual misconduct (“complainant”) may choose to initiate an informal resolution procedure and may request assistance from the resources described in paragraph A below. Use of these informal procedures is not a prerequisite to the filing of a complaint under the formal procedures described in Section VII and may be terminated at any time in order to pursue a formal complaint or external remedies.

A. Initiating Informal Resolution Procedures

Requests for assistance under informal procedures may be oral or written and should be made as soon as possible after the most recent alleged act of discrimination, harassment or sexual misconduct. Such requests should be directed to the following College representatives: the Dean of Faculty, Department Chair, Dean of Students, Campus Life Coordinator, Associate/Assistant Deans in Student Affairs, Dorm Proctors, immediate supervisor, or Assistant Vice President for Human Resources. Upon receipt of a request for assistance under these informal procedures, the individual requesting assistance will be advised about options for resolving the problem and about sources of further assistance including, in the case of sexual misconduct, those described in Appendix A.

B. Confidentiality

Requests for assistance under these informal procedures will be dealt with, to the greatest extent practical and possible, on a confidential basis and disclosure of their existence will be limited to those who, in the interests of fairness and problem resolution, have an immediate need to know or as legally required. Because HMC has an obligation to address discrimination, harassment and sexual misconduct, it cannot guarantee that the identity of a complainant will be treated as completely confidential where confidentiality would conflict with the College’s obligations to provide a safe or nondiscriminatory work, educational, and living environment.

Persons who wish to seek advice or assistance or to discuss options for dealing with issues involving discrimination, harassment or sexual misconduct on a strictly confidential basis may do so by speaking with
licensed counselors, clergy, medical providers in the context of providing medical treatment, and rape crisis counselors who, except in very narrow circumstances specified by law, will not disclose confidential communications. Students who wish to speak to a licensed counselor on a confidential basis may contact the Claremont University Consortium’s Monsour Counseling Center. The Employee Assistance Program (access code: ClaremontColleges) is a resource for faculty and staff. The Chaplains of The Claremont Colleges are also available to counsel with students, faculty and staff on a confidential basis.

C. Outcomes

Requests for assistance may have several outcomes. The person who makes such a request may only want to discuss the matter in order to clarify whether discrimination, harassment or sexual misconduct may be occurring and to determine her or his options, such as directly informing the responsible person(s) that specific conduct is offensive and must stop; seeking intervention by a supervisor, another College official, Department Chair, Dean of Students or a Student Affairs staff member, Dorm Proctor, or Human Resources; or pursuing formal action internally through the Formal Resolution Procedures or externally. In such situations, the person to whom the request is brought may be asked to take action to see whether an informal resolution can be reached or to take interim remedial steps (see Section VII.E, below). If resolution is reached, no further action will be taken and the matter will be considered closed. If the matter cannot be resolved informally, the person to whom the request was brought will assist the complainant in filing a formal complaint.

VII. FORMAL RESOLUTION PROCEDURES

Individuals who believe they have been the victim of discrimination, harassment or sexual misconduct may file a formal complaint. Such a complaint will result in an investigation, the purpose of which is to determine whether a violation of this policy has occurred. An investigation may also be initiated upon the request of the President, a member of the President's Cabinet, or the Assistant Vice President for Human Resources without a formal complaint from any individual.

A. Confidentiality

To the extent possible, formal complaints will be addressed confidentially. Their disclosure will be limited to instances when disclosure is required by law or when individuals who, in the interests of fairness and resolution, have an immediate need to know. All persons involved in the process are expected to treat the matter under investigation with discretion and with respect for the reputation of all parties involved.

B. Time Limitations

A formal complaint must be made within one year of the most recent alleged act of discrimination or harassment. There are no time limits associated with complaints concerning sexual misconduct. Although the failure to initiate a complaint in accordance with the terms of this policy, including the time limitations set forth, shall constitute a waiver of the complainant's right to utilize the complaint procedures described herein, the College nevertheless reserves the right to pursue an investigation as it deems appropriate whenever and however it receives allegations of or information related to violation of this policy.

C. Submitting a Formal Complaint

Formal complaints under this procedure should be directed to the following College representatives. The complaint should be in writing (although verbal complaints will be accepted) and should include details concerning the conduct that gives rise to the complaint, the name of the person(s) against whom the complaint is made, and the names of any witnesses.

1. Faculty, Staff and Others: Complaints from faculty, staff and anyone other than a student should be directed to the Dean of Faculty, Assistant Vice President for Human Resources, the Assistant Vice President for Human Resources or the Assistant Vice President for Human Resources and Chief Financial Officer.
President of Facilities and Emergency Preparedness or the Vice President for Administration and Finance/Treasurer.

2. Students: Complaints from students should be directed to the Dean of Students, the Sr. Associate Dean of Students or the Associate Dean of Institutional Diversity.

D. Investigation Protocol

1. Upon receipt of a formal complaint, the individual receiving the complaint shall (a) notify appropriate College officers (described in Paragraph D.2. below), supervisors, or others who have a need to know of the existence of the complaint and (b) take such steps as may be necessary to refer the complaint to the appropriate investigating officer. If the Dean of Faculty, Dean of Students or the Vice President for Administration and Finance/Treasurer is the subject of the complaint, the President shall designate another College officer to act in his or her place with respect to the administration of this policy.

2. In response to a formal complaint, the following College officers will designate the investigating officer and assist with the investigation, as necessary.

- For complaints against faculty members – the Dean of Faculty. If a student or staff member makes the complaint, the investigation may be conducted in collaboration with the Dean of Students Office or Human Resources Office.
- For complaints against staff or anyone other than a member of the faculty or a student – the Vice President for Administration and Finance/Treasurer. If the complaint is made by a faculty member or student, the investigation may be conducted in collaboration with the Dean of Students Office or Dean of Faculty's Office.
- For complaints made against a student or by a student against the conduct of another student(s) – the Dean of Students. If a faculty member or staff member makes the complaint, the investigation may be conducted in collaboration with the Dean of Faculty's Office or Human Resources Office.

3. Before the investigation of a complaint is undertaken, the person(s) against whom the complaint has been made shall be informed of the complaint and the identity of the complainant and be provided with a summary of the complaint. During the investigation, both the complainant and the person(s) against whom the complaint is made may identify witnesses and may present documents in support of their positions.

4. An individual who submits a sexual misconduct complaint and the person(s) against whom the complaint is made will be permitted to have a support person from the HMC community or a family member accompany him/her through every phase of the process.

5. Every effort shall be made to complete the investigation within thirty (30) working days of the date the formal complaint is made or as soon thereafter as practical under the circumstances.

E. Interim Remedial Steps

When appropriate, prior to or during an investigation, the Assistant Vice President for Human Resources or Dean of Students may recommend to appropriate College Officers that interim remedial steps be taken to protect the safety and well-being of the complainant and/or members of the HMC community. Interim remedies may be applied to either the complainant or the person(s) against whom the complaint has been made and include, but are not limited to, changes in residence arrangements, changes of room locks, contacting professors/supervisors, changes in schedules or work hours, changes in work assignment/location, a "no contact" order, or suspension.

F. Investigation Results

The investigating officer shall document the results of the investigation in a written report and submit it to the appropriate Vice President. The report should consist of findings and, if applicable, recommendations
G. Determination of Outcomes

The appropriate Vice President may accept or reject the findings and, if applicable, the recommendations in the report or may direct further action be taken prior to determining the imposition of remedies and/or sanctions, if warranted.

1. Remedies

Remedies may include, but are not limited to, removing the complainant or the person(s) against whom the complaint has been made from the hostile environment, changes in classes, changes in residence arrangements, changes of room locks, contacting professors/supervisors, and/or changes in schedules or work hours, location or assignment, or issuing a "no contact" order.

2. Sanctions

Persons who violate this policy are subject to disciplinary action. The particular form of discipline will depend on the nature of the offense. Such discipline shall be imposed pursuant to and in accordance with any and all applicable HMC rules, policies, and procedures. Sanctions may include, but are not limited to, verbal warnings, written warnings, loss of privileges, probation, suspension, dismissal/expulsion from the College, or termination of employment. A person against whom such discipline is imposed shall have any and all rights to contest or appeal the imposition of discipline (but not the finding of discrimination, harassment or sexual misconduct under this policy) as may otherwise exist under applicable HMC rules, policies, or procedures.

H. Appeals

Within ten (10) calendar days of the date s/he is notified of the outcome of the investigation, both the complainant and the person(s) against whom the complaint has been made may request in writing that the results of the investigation be reviewed by the President. The President or the President's designee shall consider the appeal and take such action as s/he deems appropriate. The decision of the President or the President's designee shall be final. If the President is involved in the underlying complaint, the appeal shall be directed to the Vice President for Administration and Finance/Treasurer or the Chair or Vice-Chair of the Board of Trustees who shall act in the President's place.

I. Anonymous Reports

An anonymous report of discrimination, harassment or sexual misconduct is not considered a formal complaint under this policy. While the College will attempt to perform an investigation of the alleged conduct described in such a report, anonymous reporting will limit the College's ability to conduct an effective investigation and take appropriate action to achieve resolution.

J. Location of Records

A copy of the complaint, investigative file (including any written materials, interview notes, and/or other items that make up the file), and the written report shall be maintained in the Dean of Students Office for complaints against students; in the Human Resources Office for complaints against staff members; and in the Dean of Faculty Office for complaints against faculty for the period of time mandated by HMC's record retention policy and applicable law. Should a violation of this policy be found, a record of the complaint and disciplinary action concerning remedies and sanctions (or in the case of certain sanctions, that applicable faculty, staff or student disciplinary procedures be initiated). A finding that a violation of this policy has occurred should be based upon the preponderance of evidence. Preponderance of evidence means that the information and facts establish "more likely than not" that policy violation has occurred. The complainant and the person(s) against whom the complaint is made shall be promptly notified of the outcome of the investigation and of the actions, if any, taken in connection with the complaint.
taken shall be made part of the personnel or student file of the person(s) found to have violated the policy. In the event that the investigation does not result in a finding of violation of this policy, no record of the complaint or investigation will become a part of any individual's personnel or student file.

VIII. RETALIATION

Retaliation against any individual for seeking assistance or bringing a discrimination, harassment or sexual misconduct complaint through the processes described in this policy is strictly prohibited. Similarly, any person who participates or cooperates in any manner in an investigation or any other aspect of the processes described herein shall not be retaliated against. Retaliation is itself a violation of this policy and is a serious separate offense.

IX. FALSE ACCUSATIONS

Knowingly making a false accusation of discrimination, harassment or sexual misconduct, whether under the informal or formal procedures of this policy, is itself a violation of this policy and a basis for disciplinary action, up to and including dismissal/expulsion from the College or termination of employment. Failure to prove a claim of discrimination, harassment or sexual misconduct is not the equivalent of a knowingly false accusation.

X. ACADEMIC FREEDOM

HMC adheres to principles of academic and expressive freedom. Nothing in this policy shall be construed to limit the legitimate exercise of academic and expressive freedom, including but not limited to written, graphic, or verbal expression that can reasonably be demonstrated to serve a legitimate educational purpose. Nor shall this policy be interpreted or applied in a manner that is inconsistent with California Education Code section 94367.

XI. CONSENSUAL RELATIONSHIPS

A. Staff
The College discourages consensual intimate, amorous, or sexual relationships between students and staff, and prohibits such relationships whenever a staff member assigned to an instructional, research, administrative or other College employment responsibility is involved in a relationship with a student whom he or she exercises authority over, supervises, or evaluates.

B. Faculty

A sexual relationship between a faculty member and a student for whom the faculty member has, or should reasonably expect to have, academic responsibility, entails a conflict of interest and therefore, a breach of professional integrity. Accordingly, such relationships are prohibited even if consensual. "Academic responsibility" includes responsibility for teaching, advising, evaluating, or supervising a student in any aspect of the College's academic programs and the other institutions of the Claremont University Consortium.

XII. ADDITIONAL RECOURSE

Discrimination, harassment or sexual misconduct is a violation of federal and state law. This policy is intended to supplement and not replace such laws. Whether or not the internal complaint procedures described in this policy are utilized, an HMC employee who believes that s/he is the victim of discrimination, harassment or sexual misconduct may file a complaint with the California Department of Fair Employment and Housing, http://www.dfeh.ca.gov/, or the United States Equal Employment Opportunity Commission, http://www.eeoc.gov/. In addition, students and/or employees may file a complaint with the Office of Civil Rights, United States Department of Education, http://www.ed.gov/ocr/. Victims of sexual misconduct may also seek recourse through the criminal justice system. Persons who believe they are victims of discrimination,
harassment or sexual misconduct should be aware that both state and federal law impose time deadlines for the filing of complaints and that the use of the internal complaint procedures described in this policy will not change such filing deadlines.

XIII. POLICY DISSEMINATION

The Assistant Vice President for Human Resources and the Dean of Students are charged with the responsibility for distributing copies of this policy to the faculty, staff, and students, respectively. A copy of this policy is included in employee and student orientation materials. In addition, copies of this policy are continuously available at appropriate campus locations and on the HMC website.

XIV. NOTIFICATION

In accordance with applicable law, HMC's annual security report includes statistics concerning reported sexual assaults and other crimes that occurred on campus; in certain off-campus buildings or property owned or controlled by HMC; and on public property within, or immediately adjacent to and accessible from, the campus. The Annual Campus Safety report, available online at www.hmc.edu/hrpolicies and from The Claremont University Consortium at www.cuc.claremont.edu/campussafety/reports.asp never includes personally identifiable information (e.g. the names and addresses of victims).

XV. INQUIRIES

Students and applicants for admission may make requests for accommodation, obtain information about this policy, or request assistance with complaint and resolution procedures from the:

Dean of Students
Platt Campus Center
301 Platt Boulevard
Claremont, CA 91711
909.621.8125
dean_of_students@hmc.edu

Faculty, staff, and others may make requests for accommodation, obtain information about this policy, or request assistance with complaint and resolution procedures from the:

Assistant Vice President for Human Resources
Kingston Hall, Room 227
301 Platt Boulevard
Claremont, CA 91711
909.621.8512
hr@hmc.edu

The Dean of Students is designated as HMC's Section 504 and Title IX Coordinator. The Assistant Vice President for Human Resources, the Senior Associate Dean of Students, the Assistant Vice President of Facilities and Emergency Preparedness, and the Associate Dean of Institutional Diversity are HMC's Deputy Section 504 and Title IX Coordinators.

XIV. POLICY SOURCES


Revised Section V March 2004
Revised Section XVIII September 2004
Updated Section XVIII September 2005
Revisions pertaining to change in HGO and titles spring 2007
Revised and approved by The President's Cabinet April 2011
Revised May & August 2012 to incorporate Title IX/DOE requirements

APPENDIX A

Procedures for Responding to Sexual Assault and Resources

Harvey Mudd College seeks to ensure, to the fullest extent possible, that any student or employee (faculty, staff or student) who is the victim of sexual assault and/or sexual exploitation committed on HMC’s campus or at a location other than HMC that affects the HMC community shall receive prompt treatment, support and information and to encourage victims of sexual assault and sexual exploitation to make full use of these provisions.

HMC does not tolerate sexual assault or sexual exploitation, whether directed at males or females and whether committed by a stranger or an acquaintance. All forms of sexual assault and sexual exploitation, and all attempts to commit such acts, are considered to be serious misconduct and may result in disciplinary action up to and including expulsion or termination of employment. In addition, such acts, whether by an acquaintance or stranger, violate federal, state and local laws, and perpetrators of such acts may be subject to criminal prosecution and/or civil litigation.

The College seeks to address the needs of the sexual assault and/or sexual exploitation victim and to protect other members of the campus community from potential sexual violence and misconduct. Because HMC has an obligation to address sexual misconduct, it cannot guarantee that the identity of a complainant will be treated as completely confidential where it would conflict with its obligations to provide a safe work, educational, and living environment. Persons who wish to seek advice or assistance or to discuss options for dealing with issues involving sexual assault and sexual exploitation on a strictly confidential basis may do so by speaking with licensed counselors, clergy, medical providers in the context of providing medical treatment, and rape crisis counselors who, except in very narrow circumstances specified by law, will not disclose confidential communications.

Procedures

Step 1: Treatment

First priority is given to arranging treatment for the sexual assault victim (particularly for victims of rape, forcible oral copulation or sodomy). Because sexual assault may involve physical trauma and is a crime, the campus individual or the college official first notified of the sexual assault should strongly encourage the victim to seek treatment. Please note the following options:

Treatment Option 1:
Go to the Pomona Valley Hospital Medical Center Emergency Room

Pomona Valley Hospital Medical Center
1798 North Garey Avenue
Pomona, California
909.865.9500

Victims who promptly seek medical attention benefit from being examined for physical injury and receiving preventative treatment for sexually transmitted diseases, a toxicology examination for date rape drugs, and emergency contraception. In addition, prompt reporting allows for the preservation of evidence, which will only be used if the victim decides (then or later) to press criminal charges or file civil suit. To preserve evidence, victims should be told not bathe, douche, smoke, brush their teeth or change clothes (a change of clothes should be brought along). If clothes have been changed, the original clothes should be put in a paper bag (plastic bags damage evidence) and brought to the hospital. The victim should be advised to refrain from disturbing the scene of the assault. If it is not possible to leave the scene undisturbed, evidence (e.g. bedding, towels, loose fabrics, prophylactics, and clothing) should be placed in separate paper bags to be preserved.

Time is a critical factor in collecting and preserving evidence. The physical evidence of an assault is most effectively collected within the first 24–48 hours of the assault, but some evidence may be collected for up to 72 hours. If, however, a sexual assault victim chooses to report the incident days, weeks, or even months after the assault, important support systems are still available and can be arranged, but the victim should understand that delay may make it more difficult to collect physical evidence of the sexual assault that could impact a criminal prosecution or civil lawsuit.

Hospitals that treat any physical injury sustained during a sexual assault are required to report it to law enforcement. The victim may choose whether or not to speak to police at the hospital and do not need to make an immediate decision to press criminal charges. That decision can be made at a later time.

If the victim is willing to go to the hospital, the campus individual or the College official first notified should assist with arrangements for transportation. This individual, with the consent of the victim, should contact or assist the victim in contacting the Project Sister – rape crisis hotline at 909.626.4357 to ask that a counselor meet the victim at the hospital. The victim who goes to the hospital should be informed that he/she may have a friend accompany him/her to the hospital. The victim should be advised not to shower or change clothes. Additionally, the victim should be advised not to douche. The victim should bring a fresh change of clothes to the hospital with him/her. If he/she has already changed clothes, he/she should be advised to put the clothes worn at the time of the assault in a paper bag and bring them to the hospital.

_Treatment Option 2:_

Use Other Community Resources

A victim who does not wish to go to the hospital should be strongly encouraged to receive treatment/assistance from some other resource such as his/her personal physician or Planned Parenthood.

Planned Parenthood
1550 North Garey Avenue
Pomona, CA
800.576.5544

Additionally, victims who are students should be encouraged to seek counseling by contacting:

Monsour Counseling and Psychological Services
909.621.8202
Victims who are employees may wish to seek counseling through the College's Employee Assistance Program by contacting:

OptumHealth
800.234.5465
(TDD/TTY Dial 711 and enter the number above.)

**Step 2: Contact the College Representative**

A victim who is an HMC student, or the campus individual representing a student victim (e.g., fellow student or faculty or staff member), should contact the Dean of Students' staff (hereafter referred to as the College representative).

Dean of Students                      Associate Dean, Student Health and Wellness
909.621.8125                           909.607.4101

A victim who is an employee, or the campus individual representing an employee victim (e.g., fellow faculty or staff member) should contact either the Dean of Faculty or the Human Resources Office (hereafter referred to as the College representative).

Dean of Faculty                        Assistant Vice President for Human Resources
909.621.8122                           909.621.8512

If the victim wishes to remain anonymous to the College representative, the College representative will serve as a consultant to the campus individual representing the victim and that person will provide ongoing support as needed.

The College representative will provide ongoing rape management, either directly or as a consultant, depending on the wishes of the victim. The College representatives will serve as backups for each other. In the event a College representative cannot be reached, call Campus Safety.

Campus Safety
909.621.8170 or 909.607.2000

**Step 3: Notification of Others That an Assault Has Occurred**

The College representative will notify the President and Director of Campus Safety that a sexual assault has occurred, maintaining confidentiality if requested by the victim. The President is the only College official who may authorize an exception to the rule of complete confidentiality regarding the release of the names of the victim (with the victim's approval) and/or alleged assailant.

**Step 4: Referral for Support**

Verbal and written information about sources of support on campus and in the community will be provided to the victim by the College representative, either directly or through the campus individual representing the victim. Of particular value will be:

Project Sister – rape crisis hotline
909.626.4357

**Step 5: Information about External and Internal Complaint Procedures**

The College representative will provide the victim, directly or through the campus individual representing the
victim, information about criminal and civil prosecution.

If both the victim and alleged assailant are either an HMC student or employee, the College representative will provide information about the College's informal and formal complaint procedures. In the case of student victims, the Dean of Students Office will assist the victim in arranging accommodations of academic or housing difficulties that may arise because of the assault.

**Step 6: Disciplinary Status Reporting to Victim**

If the alleged assailant is a member of the College community, the College representative, either directly or through the campus individual representing the victim, will provide to the victim information about the status of any disciplinary hearings connected with the assault and the results of any such actions.

**Step 7: Provision for Follow-up**

The College representative, either directly or through the campus individual representing the victim, will provide ongoing follow-up to the case on an as-needed basis, ensuring that the victim has access to the support services he/she needs.

**Prevention**

Toward ensuring the safety of all students and employees on the Harvey Mudd College Campus, the following recommendations and procedures have been adopted:

- Do not walk alone at night. Organize trips outside your dorm with friends, or call Campus Safety at 909.607.2000 for an escort.
- Call Campus Safety if activities or people around you appear suspicious.
- Keep your door locked.
- Carry a whistle with you and use it if you feel someone is threatening you. You may obtain a free whistle from the Dean of Students Office.
- Refer to the Dean of Students Office for information on self-defense courses and to local law enforcement on mace licensing.

**APPENDIX B**

**Statement on Intercampus Sexual Harassment and Sexual Assault**

In cases where the alleged perpetrator is an employee or student from one of the other Claremont Colleges or the Claremont University Consortium, HMC will investigate the matter and take steps to stop the conduct and remedy its effects to the extent reasonably possible. However, grievance procedures related to potential disciplinary action against the alleged perpetrator will be those of the alleged perpetrator's home institution.

When appropriate, prior to or during an investigation, the Assistant Vice President for Human Resources or Dean of Students may recommend to appropriate College Officers that interim remedial steps be taken to protect the safety and well-being of the complainant and/or members of the HMC community. Interim remedies may be applied to either the complainant or the person(s) against whom the complaint has been made and include, but are not limited to, changes in residence arrangements, changes of room locks, contacting professors/ supervisors, changes in schedules or work hours, changes in work assignment/location, a "no contact" order, or suspension.