

STUDENT SEXUAL MISCONDUCT AND RELATIONSHIP VIOLENCE POLICY



I. POLICY STATEMENT

It is the policy of Columbia College Hollywood to prohibit all forms of discrimination on the basis of sex in any education program or activity pursuant to Title IX of the Education Amendments of 1972. Title IX states, "No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance." This prohibition against discrimination on the basis of sex applies to all persons participating in college programs or activities, regardless of the individual's sexual orientation, gender, gender identity, or gender expression, including third parties.

In addition to prohibiting discrimination on the basis of sex, it is the policy of the college to prohibit the crimes of sexual harassment, dating violence, domestic violence, and stalking as they are defined for purposes of this policy and the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act).

II. TITLE IX COORDINATOR

The college has designated a Title IX Coordinator who assists with various Title IX implementation activities that involve faculty, staff, and students, including monitoring the Student Sexual Misconduct and Relationship Policy outlined herein.

The Title IX Coordinator is responsible for coordinating and implementing a Title IX Complaint Process that is prompt (begins and proceeds in a timely manner), fair, impartial, and equitable from the time a report is made, or when the college knows about prohibited behavior, until the final result. The college has also designated a Deputy Title IX Coordinator.

Columbia College Hollywood Vice President of Student Affairs Kelly Parker serves as the college's Title IX Coordinator. The Title IX Coordinator's office address is 18618 Oxnard Street, Los Angeles, CA 91356. The Title IX Coordinator can be contacted by phone at (818) 345-9245 or by email at kparker@columbiacollege.edu. The Deputy Title IX Coordinator is Director of Student Success Beth Cooper. The Deputy Title IX Coordinator can be contacted by email at beth.cooper@columbiacollege.edu.

III. VIOLATIONS OF POLICY

A. PARTIES

For purposes of this Student Sexual Misconduct and Relationship Violence Policy and the Title IX Complaint Process, a "Complainant" means a student who files a complaint reporting a violation of this policy. A "Respondent" means a student who has been reported to have violated this policy.

B. RIGHTS OF PARTIES

This policy outlines the rights of the Complainant and the Respondent when a violation(s) of this policy is alleged. This policy applies only to complaints made by and against students enrolled in the college.

This policy applies to all forms of sexual misconduct and relationship violence, including complaints of sexual and gender-based harassment, sexual assault, non-consensual sexual contact, sexual exploitation, dating and domestic violence, and stalking, whether they occur on or off campus. For information on the Title IX Complaint Process for Title IX complaints made by or against employees, please contact the Title IX Coordinator.

C. PRIVACY AND CONFIDENTIALITY

The college will make all reasonable efforts to protect the confidentiality of the Complainant, Respondent, and other involved parties by keeping all complaints and investigations private to the highest extent possible and will only disclose information on a need-to-know basis. It is the expectation of the college that all individuals involved in a Title IX Complaint Process, investigation, and/or adjudication of a violation under this policy or individuals who otherwise gain knowledge thereof shall treat all information acquired, whether written or oral, as confidential, provided however, that the Complainant and Respondent may share such information for support and guidance, if applicable.

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The college will make all reasonable efforts to honor requests for confidentiality, to the extent permitted by law. However, in certain circumstances, the college may not be able to grant the confidentiality request(s) due to various factors, including when there is a risk of imminent harm to an individual or others or a threat to the health and safety of the college community.

In cases where a request for confidentiality is granted, the college will continue to complete publicly available recordkeeping in accordance with relevant laws, including the Clery Act reporting and disclosures, without the inclusion of personally identifying information. Further, individuals who are directly accused of violations of this policy and who, as a result, may be subject to sanctions, are entitled to a summary of the charges against them so that they may effectively respond.

The college will maintain, as confidential, any accommodations or protective measures provided, to the extent that maintaining such confidentiality does not impair the ability of the college to provide the accommodations and/or protective measures.

D. EMPLOYEES' RESPONSIBILITY TO REPORT POLICY VIOLATIONS

All employees of the college, with the exception of those designated as confidential resources, are obligated to report all actual, suspected or alleged violations of this policy which are reported to them, or of which they become aware, to the Title IX Coordinator or designee.

IV. TYPES OF SEXUAL MISCONDUCT AND RELATIONSHIP VIOLENCE

The types of sexual misconduct and relationship violence prohibited by this policy are sexual harassment, sexual assault, dating and domestic violence, and stalking as defined below.

A. SEXUAL HARASSMENT

Sexual Harassment prohibited by this policy includes unwelcome behavior of a sexual nature that is severe, persistent, or pervasive. Sexual harassment includes sexual assault, non-consensual sexual contact, sexual exploitation, and quid pro quo and hostile environment sexual harassment as defined below.

i. Sexual Exploitation

Sexual exploitation occurs when a person takes non-consensual or abusive sexual advantage of another for the advantage or benefit of themselves or any other person that is not the person being exploited by the behaviors.

Examples include but are not limited to invasion of sexual privacy; prostitution; non-consensual recording of nudity or sexual activity; voyeurism; knowingly exposing someone to an STI, STD or HIV; intentional exposure of genitals in non-consensual circumstances; and sex-based stalking or bullying.

ii. Quid Pro Quo and Hostile Environment Harassment

Quid pro quo and hostile environment sexual harassment is severe, persistent, or pervasive conduct that includes unwelcome sexual advances, requests for sexual favors, and other verbal, non-verbal, or physical conduct of a sexual nature when (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or a student's status in a course, program or activity; (2) submission to or rejection of such conduct is used as the basis for employment or academic decisions; or (3) the conduct, viewed from the perspective of both the individual and a reasonable person in the same situation, interferes with performance, limits participation in the college's programs or activities, and/or creates an intimidating, hostile, or offensive environment.

Examples of conduct that may create a hostile environment include, but are not limited to, persistent and inappropriate personal attention in the face of repeated rejection; inappropriate verbal conduct, including unwelcome sexual jokes, language, advances, or propositions; unwelcome comments about an individual's sexual orientation, gender, gender identity, or gender expression; inappropriate written conduct containing comments, words, jokes, or images that are lewd or sexually suggestive or relate in an unwelcome manner to an individual's sexual orientation, gender, gender identity, or gender expression.

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The college will consider the effects of both on- and off-campus conduct when evaluating whether there is a hostile environment on campus.

iii. Gender-based Harassment

Gender-based harassment refers to unwelcome conduct, including harassment, based on actual or perceived biological sex including behaviors based on gender identity, gender expression, and nonconformity with gender stereotypes.

B. SEXUAL ASSAULT

Sexual assault is any oral, anal or vaginal penetration, to any degree, with any part of the body or other object, by any person upon another, without consent. Sexual assault also includes incest and statutory rape as defined in accordance with the Clery Act and applies to behaviors by strangers and non-strangers.

i. Non-Consensual Sexual Contact

Non-consensual sexual contact includes any touching (however slight) with any part of the body or other object, by any person upon another, without consent, for the purpose of sexual gratification.

C. DATING AND DOMESTIC VIOLENCE

i. Dating Violence

Dating Violence is defined as physical violence, or the threat of physical violence, committed by a person who is or has been in a social relationship of a romantic or intimate nature with an individual. The existence of such a relationship shall be determined based on factors such as the length and type of relationship and frequency of interaction between the persons involved.

ii. Domestic Violence

Domestic violence is defined as physical violence or the threat of physical violence committed by a current or former spouse of an individual, by a person with whom the individual has a child in common, by a person who is cohabiting or has cohabitated with the individual (as determined under applicable law), or by any other person against an individual who is protected from that person's acts by applicable domestic or family violence laws.

D. STALKING

Stalking occurs when a person engages in a course of conduct directed at a specific individual that would cause a reasonable person to fear for the safety of self or others or suffer substantial emotional distress. Course of conduct means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about an individual or interferes with an individual's property. Reasonable person means a reasonable individual under similar circumstances and with similar identities to the individual being stalked. Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

V. RELEVANT DEFINITIONS

A. CONSENT

To determine whether consent was given by both parties to sexual activity, the college will apply an affirmative consent standard. Affirmative consent means affirmative, conscious, and voluntary agreement to engage in sexual activity. It is the responsibility of all individuals involved in the sexual activity to ensure that they have the affirmative consent of the other(s) 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.

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In the evaluation of complaints, it shall not be a valid excuse to alleged lack of affirmative consent that the Respondent believed that the Complainant consented to the sexual activity under either of the following circumstances: (a) the Respondent's belief in affirmative consent arose from the intoxication or recklessness of the Respondent; (b) the Respondent did not take reasonable steps, in the circumstances known to the Respondent at the time, to ascertain whether the Complainant affirmatively consented.

In the evaluation of complaints, it shall not be a valid excuse that the Respondent believed that the Complainant affirmatively consented to the sexual activity. If the Respondent knew or reasonably should have known that the Complainant was unable to consent to the sexual activity under any of the following circumstances: (a) the Complainant was asleep or unconscious; (b) the Complainant was incapacitated due to the influence of drugs, alcohol, or medication, so that the Complainant could not understand the fact, nature, or extent of the sexual activity; or (c) the Complainant was unable to communicate due to a mental or physical condition.

B. INCAPACITATION

Incapacitation means the person is incapable of giving consent. A person is incapacitated if that person is in a physical or mental state that causes the person to be unable to make a knowing and voluntary choice to engage in the sexual activity or contact.

A person may also become incapacitated due to many factors, including the use of alcohol and/or drugs, or when the person is asleep or unconscious. When alcohol and/or drugs are involved, incapacitation requires more than impairment or intoxication. When determining incapacitation, the inquiry is whether the Respondent knew, or whether a sober, reasonable person in the Respondent's position should have known, that the Complainant was incapacitated and could not provide consent.

C. COERCION

Coercion is verbal and/or physical conduct, including intimidation, manipulation, and/or threats (either express or implied), that would cause a reasonable person to fear immediate or future harm and that is undertaken to compel a person to engage in sexual activity or contact.

D. FORCE

Force is the use of or threat of physical violence or intimidation which prevents an individual from making a knowing and voluntary choice to engage in sexual activity or contact.

VI. VIOLATION REPORTING PROCEDURES

To report violations of this policy, individuals should follow the procedures outlined below:

A. WRITTEN & VERBAL REPORTING

Violations of this policy may be reported verbally or in writing to the Title IX Coordinator. Any person may report a violation, including third parties and bystanders. The Title IX Coordinator or designee will review the report(s) in accordance with the Title IX Complaint Process. If an individual wishes to file a complaint alleging violation of this policy, the complaint must be submitted in writing to the Title IX Coordinator.

B. CONFIDENTIAL REPORTING

Confidential reports can be made by using the college's In Touch service, which is available 24 hours a day. Individuals can choose to contact In Touch via email at columbiacollege@getintouch.com or, submit a concern via web at www.intouchwebsite.com/columbiacollege.

C. REPORTING TO LAW ENFORCEMENT

While not required, the college strongly encourages anyone who becomes aware of behavior that may constitute a violation of federal, state, or local law to report the incident to local law enforcement. The college can provide support, resources, and assistance to those who do so.

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Regarding the involvement of law enforcement, the Complainant has the option to (1) notify law enforcement authorities, including local police; (2) request assistance from campus authorities in notifying law enforcement authorities; or (3) decline to notify such authorities. The college will comply with the Complainant's request for assistance in notifying law enforcement. The Complainant's choice to report to law enforcement will not impact the implementation of accommodations and/or protective measures, if applicable.

Information about the Campus Safety & Security departments and local law enforcement agencies and about how to make a police report can be found at <https://www.columbiacollege.edu/student-life/campus-safety>. The Complainant has the right to file a criminal complaint and a complaint under the Title IX Complaint Process simultaneously.

D. TIME LIMITS

There is no time limit on reporting violations of this policy, although the college's ability to respond fully may be limited with the passage of time.

E. WRITTEN EXPLANATION OF RIGHTS AND OPTIONS

When an individual reports a violation of this policy, whether the offense occurred on or off campus, the college will provide the individual with a written explanation of rights and options. If the college proceeds with an investigation, the Complainant (if not the reporting party) and the Respondent will be provided with a written explanation of rights and options. See the Title IX Complaint Process for details.

F. PRESERVING EVIDENCE

In cases of sexual misconduct and relationship violence, including sexual assault, dating violence, domestic violence, and stalking, as defined herein, it is critical that the Complainant preserve evidence because doing so may assist in proving that the alleged behavior occurred and/or may be helpful in obtaining a protective order. Also, individuals may be entitled to medical forensic exams at no charge. See Resources section of this policy for more information.

VII. INITIATING A TITLE IX COMPLAINT

The college will investigate and address all complaints of sexual misconduct and relationship violence in accordance with the Title IX Complaint Process. The Title IX Complaint Process constitutes the formal resolution process and disciplinary proceeding used by the college to respond to complaints concerning student sexual misconduct and relationship violence, including sexual harassment, dating violence, domestic violence, and stalking.

The Title IX Complaint Process outlines the steps, anticipated timelines and decision-making process for the disciplinary proceeding, including how to report a complaint, the standard of evidence that will be used (preponderance of the evidence); and a list of all possible sanctions that the college may impose following the investigation of a Title IX complaint.

The Title IX Complaint Process will be implemented by officials who, at a minimum, receive annual training on relevant issues and on how to conduct the Title IX Complaint Process in a way that protects safety and promotes accountability. Relevant issues include issues related to sexual misconduct and relationship violence, including sexual harassment, sexual assault, dating violence, domestic violence, and stalking.

The college will provide for an adequate, reliable, and impartial investigation of all complaints, which will include interviews with the Complainant, the Respondent, and any relevant witnesses; a review of any other relevant evidence; an equal opportunity for the parties to present witnesses and other evidence; and equal access to information being considered in the Title IX Complaint Process in accordance with the Family Educational Rights and Privacy Act.

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The Complainant and the Respondent will, to the extent possible, receive simultaneous notification, in writing, of the result of the Title IX Complaint Process; the procedures for the Complainant and the Respondent to appeal the result of the Title IX Complaint Process; any change to the finding(s) and/or sanction(s) as a result of the appeal, if applicable; and when such results become final.

VIII. ADVISORS

The Complainant and the Respondent have the same opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice for support, guidance, and/or advice. The college will not limit the choice of advisor or presence of the advisor for either the Complainant or Respondent in any meeting or proceeding provided the advisor complies with the guidelines for advisors outlined in this policy. The advisor's role is to provide support, guidance, and/or advice only. The advisor may not participate in any manner during any related meeting or proceeding, including interviews or hearings.

This advisor may not 1) address or question the investigator, or other parties or witnesses; 2) present evidence or make arguments; and/or 3) have any role other than to accompany and communicate with the party requesting support and/or advice. The Complainant or the Respondent may request a break during any meeting and/or proceeding to allow the Complainant or the Respondent to confer with their respective advisors in private. Advisors who do not follow the guidelines outlined in this policy will be asked to leave the meeting(s) and/or proceeding(s). The college may consider reasonable requests to reschedule a meeting or proceeding because an advisor cannot be present; however, the college is not required to do so and will not do so if it unreasonably delays the Title IX Complaint Process.

IX. REMEDIAL AND PROTECTIVE MEASURES

The college may provide interim measures to the Complainant and/or Respondent. Requests for interim measures may be made to the Title IX Coordinator or designee. The Title IX Coordinator or designee will be responsible for the implementation and coordination of interim measures. Interim measures will not disproportionately impact the Complainant and are available even if the Complainant does not report or continue to pursue a complaint.

If the college has made a finding of responsibility under this policy, and if requested by the Complainant, the college will promptly implement a one-way no contact mandate (with the burden of no contact on the Respondent), even if an appeal may be filed, or has been filed and is pending. If requested by the Complainant, the college will assist the Complainant in filing/applying for orders of protection, restraining orders, or similar lawful orders issued by a criminal, civil, or tribal court. To request information about available remedial and protective measures, please contact the Title IX Coordinator or designee for assistance and information regarding available options for remedial and protective measures, including assistance in obtaining, complying with, and enforcing orders of protection issued by a criminal, civil, or tribal court.

X. AMNESTY

Any individual who participates in an investigation of a violation(s) of this policy will not be subject to disciplinary sanctions for a violation of the college's student conduct policies at or near the time of the incident, unless the college determines that the violation was egregious, including, but not limited to, an action that places the health or safety of any other person at risk or involves plagiarism, cheating, or academic dishonesty.

XI. RESOURCES

The college will provide written notification to the Complainant and Respondent about existing resources and other services that may be available on each campus and in the community. The written information may include options for available assistance and how to request protective measures and/or changes to academic, living, transportation, and/or working situations. The college will make such accommodations and protective measures available if they are reasonably available, regardless of whether the Complainant chooses to report the crime to the Campus Safety & Security department or local law enforcement.

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RESOURCES AVAILABLE NEAR THE LOS ANGELES CAMPUS:

Emergency 9-1-1

End Rape on Campus (EROC)
<http://endrapeoncampus.org/>

Rape, Abuse & Incest National (RAINN) Hotline
<https://centers.rainn.org/>
1-800-656-HOPE (4673)

National Domestic Violence Hotline
<http://www.thehotline.org/>
1-800-799-SAFE (7233)

Support for Men
<http://www.malesurvivor.org/index.php>

Off Limits Sexual Harassment Hotline
1-844-OFF-LIMITS (633-5464)

California Coalition Against Sexual Assault
<http://www.calcasa.org/>

UCLA's Free Rape Treatment
<http://www.911rape.org/about-us/who-we-are>

Los Angeles County Domestic Violence Hotline
800-978-3600

Peace Over Violence-Rape & Battery Hotline
213-626-3393 (Central Los Angeles)
310-392-8381 (South Los Angeles)
626-793-3386 (West San Gabriel Valley)
877-633-0044 (Stalking Hotline)

Los Angeles District Attorney's Office
<http://da.co.ia.ca.us/sexual-assault>
213-974-1611

XII. PREVENTION AND AWARENESS PROGRAMS

The college is committed to preventing sexual misconduct and relationship violence, including sexual assault, dating violence, domestic violence, and stalking as they are defined in this policy as well as in the Clery Act. The college conducts ongoing programs for all faculty, staff, employees, and students, including incoming students and new employees, to remind the college community of the college's prohibition against sexual misconduct and relationship violence.

Awareness programming includes institutional action designed to communicate the prevalence of sexual violence. Primary prevention programming includes institutional action and strategies intended to prevent sexual violence before it occurs by means of changing social norms and other approaches.

All forms of programming may include, without limitation, training, poster and flyer campaigns, electronic communications, films, guest speakers, symposia, conferences, seminars, or panel discussions.

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XIII. BYSTANDER INTERVENTION

Bystander intervention includes, without limitation, the act of challenging the social norms that support, condone, or permit sexual violence. Bystander intervention includes safe and positive options that may be carried out by an individual(s) to prevent harm or intervene when there is a risk of sexual misconduct and relationship violence, including sexual assault, dating violence, domestic violence, or stalking, against a person(s) other than the bystander. Safe and positive options for bystander intervention include recognizing prohibited conduct and situations of potential harm; understanding institutional structures and cultural conditions that facilitate violence; overcoming barriers to intervening; and identifying effective ways to intervene and take action provided that the intervention or action can be undertaken in a way that ensures the safety of the bystander.

XIV. RISK REDUCTION

Risk reductions are designed as options designed to decrease perpetration and bystander inaction and increase empowerment in order to promote safety and help individuals and communities address conditions that facilitate violence.

XV. VIOLATIONS OF STATE LAW

Violations of this policy will be determined in accordance with this policy; however, individuals may also wish to pursue criminal charges through local law enforcement.

XVI. COMPLAINTS AND INQUIRIES

Complaints regarding the application or enforcement of this policy should be made to the college's Title IX Coordinator. Inquiries regarding the application of Title IX and its implementing regulations may be referred to the Title IX Coordinator or designee, or to the United States Department of Education, Office for Civil Rights, at OCR@ed.gov or (800) 421-3481. This policy is in compliance with applicable legal requirements including Title IX of the Education Amendments of 1972; relevant provisions of the Violence Against Women Reauthorization Act of 2013; the Clery Act; and other applicable federal and state laws.

XVII. RETALIATION

Retaliation against any individual for reporting a violation, filing a complaint, or participating in any investigation or proceeding brought pursuant to this policy is prohibited. For more information regarding retaliation, please see the Title IX Complaint Process.