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# CAMPUS SECURITY POLICY AND ANNUAL SAFETY REPORT

**Published: September 30, 2019**

**Updated: August 14, 2020**

## Introduction

Fremont College is providing the following information to all of its employees and students as part of the Fremont College commitment to safety and security pursuant to the requirements of the federal Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act of 1990. The Clery Act requires annual reporting of statistics for various criminal offenses, including forcible and non-forcible sex offenses and aggravated assault. The Violence Against Women Reauthorization Act of 2014, (VAWA) Campus Sexual Violence Act (SaVE Act) provision adds domestic violence, dating violence, and stalking to the categories that, if the incident was reported to a campus security authority or local police agency, must be reported under Clery. Included in the Annual Security Report (ASR) are the school's policies, procedures, and programs addressing safety and security, such as, policies for responding to emergency situations and sexual offenses. Three years' worth of statistics are included for certain types of crimes that were reported to have occurred on campus and on public property within or immediately adjacent to the campus.

## Emergency and Contact Numbers

To provide a healthy and secure training environment, Fremont College encourages prompt and accurate reporting of all crimes to school authorities and the appropriate law enforcement agencies. To report a crime in progress or an emergency, dial 9-1-1. Please report any crime or hazard to your safety or that of a fellow student, employee, or guest to school authorities immediately. In case there is an emergency situation involving robbery, aggravated assault, arson, burglary, motor vehicle theft, manslaughter, rape or murder, and alcohol and drug related violations, including use, sale, possession, and underage drinking, Fremont College encourages prompt reporting to the school's Campus Director. The school will work closely with State and local police agencies involving emergency situations and reportable crimes.

## Campus Location

The campus is located at 18000 Studebaker Rd. Suite 900, Cerritos, CA 90703. The premises are patrolled by professional security officers provided by the Property Management of the building.

## Contact Numbers

**Emergency:** 9-1-1

**Police Department:** (562) 860-0044 (Cerritos Sheriff Station)

**Fire Department/Paramedics:** (562) 865-3714

**Security Office of the Building:** (714) 657-6621

**Local Hospital:** (562) 868-3751 (Coast Plaza-Cerritos)

**Poison Control Center:** (800) 222-1222



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**Fremont College - Main Line:** (562) 809-5100

**Fremont College, Administration:** Campus President, Tony Wong (562) 977-6046

**Fremont College, Title IX Coordinator:** Tony Wong, Campus President Telephone: (562) 809-5100, Email: [tony.wong@fremont.edu](mailto:tony.wong@fremont.edu), 18000 Studebaker Rd #900a Cerritos, CA 90703

## **Campus Law Enforcement**

Fremont College is committed to maintaining a safe and secure environment for its students, faculty and staff. Unarmed security personnel at the school building are there at the direction of the building owners, and are available to assist students, faculty and staff of Fremont College. Students are advised to carry their valid Student Photo Identification Cards at all times and to present them upon request. Security personnel may not make arrests, but is instructed to promptly contact the Los Angeles Police Department or the Campus Director if any illegal activity occurs.

## **Emergency Procedures**

Students, Faculty and Staff are strongly encouraged to review this information so as to ensure readiness and awareness of options in the event an emergency situation should transpire.

### **In the event of fire:**

- Remain calm
- Evacuate the building using the north stairwells and meet at the designated safe area.
- Do not use the elevators.
- Fire extinguishers and emergency evacuation floor plans are located throughout Fremont College's floor space.
- If the room is filling with smoke, get as low to the ground as possible while leaving the building.
- If a person is on fire, attempt to extinguish the flames by rolling them on the ground. Fire needs oxygen to continue to flame.

### **In the event of an earthquake:**

- Remain calm
- Protect your head by moving under a table or desk or into a doorframe
- *Keep away from windows and glass.*
- Do not use the elevators.
- Do not run out of the building. Only evacuate the building after the motion has stopped.
- Do not use the telephone except for emergencies.
- If time permits, turn off computers.



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## Safe Areas:

Your instructor will have you meet in a safe area, away from the building, where a headcount will be conducted to ensure everyone is accounted for and safe. Please do not leave without notifying your instructor.

## Evacuation Procedures

Evacuation drills are conducted annually and at additional intervals as determined by Fremont College's administration. The drills prepare employees, students, and visitors for an organized evacuation in case of fire or other emergencies. The designated evacuation location is at the rear of the building behind the rear parking structure. Additional information about evacuation procedures is provided in the College's Emergency and Disaster Recovery Plan.

## Missing Person Procedures

Fremont College will take the following actions when a student has been reported missing for more than 24 hours:

1. Attempt to reach the student via phone, text, and email.
2. Notify the individual identified by the student on the emergency contact list.
3. Notify appropriate law enforcement officials.

## Security and Access to the College

It is the policy of Fremont College that access to all campus facilities be limited to authorized personnel, students and invited visitors. Visitors are at all times subject to school policies and conduct codes. Students and employees are responsible for the conduct of their guests at all times.

## Access to Academic Buildings

The building management security desk is located on the First Floor of the 18000 building. Security guards monitor the building via security cameras. After hours, security guards are stationed at the entrances of the school buildings. Exterior lighting is provided around the building, and parking areas. Shrubs and hedges are minimal for safety reasons. Suspicious persona are questioned and asked to leave by the security team.

## Timely Warnings

In order to keep the campus community informed about current security issues, the Campus Director or designee shall issue a timely warning about all situations that could pose an immediate or ongoing threat to the safety or welfare of the campus community.

In the event of certain crimes that represent a continuing threat to students and employees, the College will issue warning reports to advise the students and employees on the types of recurring criminal offenses that have occurred and the procedures that





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can be taken to prevent these offenses from recurring. For instance, in the case of repeated burglary or petty thefts on campus, a warning will be distributed to all faculty and staff with instructions for faculty to read to all their classes. Students may also be notified of these recurring offenses through flyers posted on bulletin boards or in the student lounge. In an instance in which an individual has been observed committing a crime, the description of the individual observed will be distributed.

### **Programs to Inform Students and Employees About Campus Security**

Your safety on campus is vitally important to us. The key to a safe and secure environment is cooperation. By working together, students, faculty and staff members can learn more about safety awareness. All students and faculty receive the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Report as part of their registration and orientation process. This policy includes a description of campus security procedures, how to report a crime, and suggestions on how to avoid being the victim of a crime. A common theme of all awareness and crime prevention programs is to encourage students and employees to be aware of their responsibility for their own security and the security of others. The community relations programs that are sponsored by the police departments that we utilize encourage students to be responsible for their own security and for the security of others. Students can receive counseling referrals.

*Tip:* To enhance personal safety, and especially after an evening class, walk with friends or a professor, or call the **Security Office of the Building**.

### **Campus Security and Crime Prevention Policy**

The Fremont College Disclosure of Campus Security Policy and Campus Crime Statistics Report is distributed to every student and employee on an annual basis and is available to prospective employees and students at their request. Employees receive a copy via departmental meetings. The report is distributed to all students through Fremont College's New Student Orientation. Additionally, the report is available to prospective students and the general public via the school's website at [www.fremont.edu](http://www.fremont.edu).

### **Reporting Crimes and Emergencies**

A safe environment is everyone's responsibility. Students, faculty and staff are encouraged to report all criminal acts, suspicious activities or emergencies promptly and accurately and have the right to report these matters confidentially. Victims or witnesses to a crime are encouraged to file report of the incident. Reports can be filed on a voluntary, confidential basis for inclusion in the annual disclosure of crime statistics by contacting the Associate Campus Director. Reports are kept in a secure location in the building management security office. Names of victims or witnesses are not disclosed in the crime report. It is the policy of Fremont College that all criminal acts or other emergencies be properly documented and reported to local authorities as required by law.

Students and Employees should promptly and accurately report all criminal actions and emergencies occurring on or around school facilities to the Campus President, Tony



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Wong at (562) 977-6046 and the Police Department by dialing 911 or Cerritos Sheriff's Station/Community Safety Center at (562) 860-0044.

All criminal activity is documented by the completion of an Incident Report with the building management security and is reported to local police agencies. Criminal activity might include, but is not limited to, burglary, motor vehicle theft, aggravated assault, robbery, sexual offenses, hate crimes, gender crimes or murder.

In the event of fire or medical emergencies, staff and employees should contact the Los Angeles Police by dialing 911 and then notify the Campus Director.

### Alcoholic Beverages and Illegal Drugs

Fremont College is committed to promoting a drug-free learning environment. The college has a vital interest in maintaining a safe and healthy environment for the benefit of its employees and students. Drug abuse affects all aspects of life. It threatens the workplace as well as our homes, our schools and our community. Consistent with the Drug-Free Schools and Communities Act Amendments of 1989 (Public Law 101-226), all students and employees are advised that individuals who violate federal, state or local laws and campus policies are subject to disciplinary action and criminal prosecution. The college community must adhere to a code of conduct that recognizes the unlawful manufacture, sale, delivery, unauthorized possession or use of any illicit drug is prohibited on college property. If an individual is apprehended for violating any alcohol- or other drug-related law while at a college location or activity, the college will fully support and cooperate with federal and state law enforcement agencies.

### Substance Abuse Education PREVENTION PROGRAMS

Information on Fremont College's drug policies and prevention may be found in the Student Handbook. Fremont's Drug Prevention Program Disclosure providing the following:

- Standards of Conduct
- Institutional Sanctions
- Federal, State, and Local Sanctions
- Loss of Title IV (Financial Aid) Eligibility
- Health Risks Associated with Use and Abuse
- Drug and Alcohol Counseling and Treatment Availability

Any member of the college community found possessing or selling illegal drugs on college property shall be subject to discipline on a case-by-case basis.

- Discipline will be based on the seriousness of the situation.
- A case may result in dismissal from the College.
- In all cases, the College will abide by local, state and federal sanctions regarding unlawful possession of drugs and the consumption of alcohol.
- Additional state penalties and sanctions may also apply.
- Penalties may include required participation in and completion of appropriate rehabilitation programs



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- The College has adopted a zero-tolerance policy regarding alcohol and drug violations.

#### LOCAL, STATE & FEDERAL LEGAL SANCTIONS

The State of California sets 21 as the minimum age to purchase or possess any alcoholic beverage. Specific ordinances regarding violations of alcohol laws, including driving while intoxicated, are available at [www.abc.ca.gov](http://www.abc.ca.gov).

#### Disclosures of Alleged Victims of Crimes of Violence or Non-Forcible Sex Offenses

Fremont College will, upon written request, disclose to the alleged victim of a crime of violence, or a non-forcible sex offense, the results of any disciplinary hearing conducted by the college against the student who is the alleged perpetrator of the crime or offense. If the alleged victim is deceased as a result of the crime or offense, the school will provide the results of the disciplinary hearing to the victim's next of kin, if so requested.

#### Preventing and Responding to Sex Offenses

Fremont College endeavors to educate the student community about sexual assaults and date rape during student orientation. The school offers sexual assault education and information programs to students and employees upon request.

If you are a victim of a sexual assault at this institution, your first priority should be to get to a place of safety. You should then obtain necessary medical treatment. Fremont College strongly advocates that a victim of sexual assault reports the incident in a timely manner. See below Sexual Misconduct Policy for more information.

Should a victim of a sex offense request a change in academic situation (such as switching classes, faculty, etc.), Fremont College will make such changes if they are reasonable and available.

Possible options for such changes:

- Change in schedule
- Change in faculty/teacher
- Change in program sequence
- Other changes as appropriate, available and reasonable

Individuals may make such requests through the Student Affairs and Registrar.

Fremont College's disciplinary proceedings are detailed the school's Sexual Misconduct Policy below. A student found guilty of violating Fremont's conduct policy could be criminally prosecuted in the state courts and may be suspended or expelled from the college for the first offense.

#### Sex Offender Registration

As an institution of higher education, we are required to issue a statement advising the campus community where law enforcement information, provided by a State concerning registered sex offenders, may be obtained. Sex offenders already required to register in



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a State must provide notice of each institution of higher education in that State at which the person is employed, carries a vocation, or is a student.

Information concerning registered sex offenders can be obtained by visiting the California Megan's Law Sex Offender website at <http://meganslaw.ca.gov/homepage.htm>.

### **Notification to Students of Existing On and Off-Campus Services for Victims of Sexual Offenses**

Various counseling options (on- and off- campus) are available to victims of sex offenses:

#### **On-Campus Services:**

The Director of Student Affairs can schedule professional counseling sessions for students: (562) 809-5100

#### **Off-Campus Services:**

##### **HOTLINES/CENTERS**

Emergencies (Fire Dept., Police, Paramedics & Highway Patrol): Dial 911

Suicide Prevention Lifeline: [www.suicidepreventionlifeline.org](http://www.suicidepreventionlifeline.org) (800) 273-TALK

National Sexual Assault Hotline: [www.ohl.rainn.org](http://www.ohl.rainn.org) (800) 656-HOPE

Rape Treatment Center: [www.rapetreatmentcenter.org](http://www.rapetreatmentcenter.org) (310) 319-4000

Substance Abuse Treatment Helpline: [www.samhsa.gov](http://www.samhsa.gov) (800) 662-HELP

Angel Step Inn, Domestic Violence Emergency Shelter, Crisis Line: [www.angelstepinn.org](http://www.angelstepinn.org) (323)780-4357

National Domestic Violence Hotline: [www.thehotline.org](http://www.thehotline.org) (800) 799-SAFE

##### **CLINICS**

Planned Parenthood  
[www.plannedparenthood.org](http://www.plannedparenthood.org)

Lakewood Health Center  
5525 East Del Amo Blvd, Lakewood CA 90713; (800) 576-5544

Behavioral Health Services  
[www.bhs-inc.org](http://www.bhs-inc.org)  
3421 East Olympic Blvd., Los Angeles, CA 90023; (323) 262-1786  
1334 Post Ave, Torrance CA 90501; 310-328-1587

LA County Health Services



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[www.ladhs.org](http://www.ladhs.org) (800) 427-8700

H. Claude Hudson Comprehensive Health Center  
2829 South Grand Avenue, Los Angeles, CA 9007; (213) 744-3945

Bellflower Health Center  
10005 Flower Street, Bellflower, CA 90706; (562) 804-8112

Department of Public Health  
[www.publichealth.lacounty.gov](http://www.publichealth.lacounty.gov)  
Monrovia Health Center  
(626) 256-1600

FreeClinics.com  
[www.freeclinics.com](http://www.freeclinics.com)

### Campus Policy on Sexual Misconduct

Sexual misconduct, including sexual harassment, sexual violence, sexual exploitation, intimate partner violence, and stalking are violations of Fremont College's Conduct of Code and its sexual misconduct policy. A number of federal laws and regulations, including Title IX, the Violence Against Women Act, and the Clery Act mandate how institutions respond to such allegations. Many types of sexual misconduct also constitute violations of California law.

Members of the campus community, guests, and visitors have a right to be free from sexual misconduct. All members of the community must conduct themselves in a way that does not infringe upon the rights of others. Fremont College's sexual misconduct policy is intended to define expectations for appropriate conduct and outline resolution processes to address conduct that does not meet these expectations. When individuals accused of sexual misconduct are found to be in violation of the policy, Fremont College will impose serious sanctions, including suspension or expulsion from the school.

All members of the campus community, guests, and visitors are protected by this policy regardless of their sexual orientation or gender identity. Fremont College has jurisdiction over all acts of sexual misconduct involving members of the campus community, no matter where they occur, whether on- or off-campus.

Additional information about campus crime statistics, state laws, and disclosures related to sexual misconduct can be found in this Annual Security Report.

### What To Do If You Are Sexually Assaulted

If you or someone you know has been sexually assaulted recently, there can be time sensitive decisions to make about preventing sexually transmitted infections, preventing pregnancy and collecting physical evidence. Students who have been sexually assaulted are advised to proceed with the following:

- Go to a safe location as soon as you are able.
- Seek immediate medical attention if you are injured, or believe you may have been exposed to an STI/STD or potential pregnancy. Go to a hospital, emergency room or



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a specialized forensic clinic that works with sexual assault survivors. Some options in Los Angeles include the Rape Treatment Center, (310) 319-4000 (24 hours/7 days), and the Violence Intervention Program, (323) 226-3961 (24 hours/7 days). Both locations provide medical care and the collection of forensic evidence. You may also request medications for the prevention of sexually transmitted infections, including HIV, and emergency contraception

- If you are experiencing an emergency situation or want to report the crime immediately, call 911 (24 hours);
- Contact a family member, trusted friend, or someone who can provide support
- Contact the National Sexual Assault Hotline at (800) 656-HOPE (4673), 24 hours/7 days Angel Step Inn, Domestic Violence Emergency Shelter, Crisis Line at (323)780-4357, 24 hours/7 days a week
- It is important to preserve physical evidence that may include tissue and fluid samples, evidence of violence, sheets, towels, clothing, etc. You may choose to avoid washing, bathing, urinating, etc., until after being examined at the hospital, if possible. Because evidence of a sexual assault can deteriorate quickly, you may choose to seek a medical exam as soon as possible. Evidence collection should be completed within 120 hours of an assault, but fluids, hair samples, and DNA can be collected for a long time thereafter. Even if you have washed, evidence can often still be obtained. After 120 hours, it may still be helpful to have medical attention, even if you are not trying to obtain evidence of an assault. Sexual assault nurse examiners (SANE) are trained in the collection of forensic evidence, and can check for injuries and exposure to sexually transmitted diseases. If you are still wearing any clothes worn during the assault, wear them to the hospital, but bring a change of clothes, as the hospital will keep the clothes you are wearing as evidence. If you have changed clothes, bring the ones you were wearing during the assault to the hospital in a clean paper (not plastic) bag or a wrapped in a clean sheet. Leave sheets/towels at the scene of the assault. Police will collect them. Typically, police will be called to the hospital to take custody of the rape kit, but it is up to you whether you wish to speak with them or file a criminal complaint.
- Choose how to proceed. You have options, and are encouraged to contact counseling to discuss your options: (1) Do nothing until you are ready; (2) Pursue resolution by Fremont College; and/or (3) Initiate criminal proceedings; and/or (4) Initiate a civil process against the perpetrator. You may pursue whatever combination of options is best for you. Those who wish incidents to be handled criminally should contact the local police where the assault occurred.

## INCIDENTS INVOLVING MINORS

Please be aware that institutional duties with respect to minors (those under the age of 18) may require reporting sexual misconduct incidents to state agencies and/or local law enforcement. As a result, confidentiality cannot be guaranteed in sexual misconduct incidents involving minors.

## Risk Reduction

**RISK REDUCTION FOR INTIMATE PARTNER VIOLENCE, STALKING, SEXUAL HARASSMENT, AND SEXUAL VIOLENCE**



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While victim-blaming is never appropriate and Fremont College fully recognizes that only those who commit sexual misconduct are responsible for their actions, Fremont College provides the suggestions that follow to help individuals reduce their risk of being victimized and their risk of committing acts of sexual misconduct.

#### REDUCING THE RISK OF VICTIMIZATION

- ✓ Make any limits/boundaries you may have known as early as possible.
- ✓ Clearly and firmly articulate consent or lack of consent.
- ✓ Remove yourself, if possible, from an aggressor's physical presence.
- ✓ Reach out for help, either from someone who is physically nearby or by calling someone. People around you may be waiting for a signal that you need help.
- ✓ Take affirmative responsibility for your alcohol and/or drug consumption. Alcohol and drugs can increase your vulnerability to sexual victimization.
- ✓ Look out for your friends, and ask them to look out for you. Respect them, and ask them to respect you, but be willing to challenge each other about high-risk choices.

#### REDUCING THE RISK OF BEING ACCUSED OF SEXUAL MISCONDUCT

- ✓ Show your potential partner respect if you are in a position of initiating sexual behavior.
- ✓ If a potential partner says "no," accept it and don't push. If you want a "yes," ask for it, and don't proceed without clear permission.
- ✓ Clearly communicate your intentions to your potential sexual partners, and give them a chance to share their intentions and/or boundaries with you.
- ✓ Respect personal boundaries. If you are unsure what's OK in any interaction, ask.
- ✓ Avoid ambiguity. Don't make assumptions about consent, about whether someone is attracted to you, how far you can go with that person, or if the individual is physically and mentally able to consent. If you have questions or are unclear, you don't have consent.
- ✓ Don't take advantage of the fact that someone may be under the influence of drugs or alcohol, even if that person chose to become that way. Others' loss of control does not put you in control.
- ✓ Be on the lookout for mixed messages. That should be a clear indication to stop and talk about what your potential partner wants or doesn't want to happen. That person may be undecided about how far to go with you, or you may have misread a previous signal.
- ✓ Respect the timeline for sexual behaviors with which others are comfortable, and understand that they are entitled to change their minds.
- ✓ Recognize that even if you don't think you are intimidating in any way, your potential partner may be intimidated by or fearful of you, perhaps because of your sex, physical size, or a position of power or authority you may hold.
- ✓ Do not assume that someone's silence or passivity is an indication of consent. Pay attention to verbal and non-verbal signals to avoid misreading intentions.
- ✓ Understand that consent to one type of sexual behavior does not automatically grant consent to other types of sexual behaviors. If you are unsure, stop and ask.
- ✓ Understand that exerting power and control over another through sex is unacceptable conduct.

#### Programs



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## BYSTANDER INTERVENTION

Fremont College offers bystander intervention programming to all new students in an effort to ensure that each member of the campus community is invested in creating a safe campus environment for themselves and others. Program participants are instructed on safe options for preventing harm and intervening when a risk of sexual misconduct exists.

## RESPECT COMMITTEE

A committee of student, faculty, and staff members meets regularly to survey the campus climate in relation to sexual misconduct. The group focuses on ensuring campus compliance with relevant policies and laws, prevention, and education.

## VAWA/CLERY TRAINING

Incoming students are provided with education and training on awareness and risk reduction of sexual violence, dating violence, domestic violence, stalking, and consent in compliance with the Violence Against Women Act and the Clery Act.

## ONGOING CAMPAIGNS:

Ongoing awareness and prevention campaigns are provided throughout the school year to students, faculty, and staff

## Definitions and Terms:

**Sexual Assault:** An offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI's UCR program.

### Sexual Harassment

Sexual harassment is:

- unwelcome,
- sexual, sex-based, and/or gender-based verbal, written, online, and/or physical conduct.

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

- **Rape**- The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.
- **Fondling** – The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.
- **Incest** – Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- **Statutory Rape** – Sexual intercourse with a person who is under the statutory age of consent.

### Non-Consensual Sexual Contact

Non-consensual sexual contact is:

- any intentional sexual touching,
- however slight,
- with any object,
- by a person upon another person,



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- that is without consent and/or by force.
- Sanctions range from warning through expulsion/termination.*

### **Non-Consensual Sexual Intercourse**

Non-consensual sexual intercourse is:

- any sexual intercourse
- however slight,
- with any object,
- by a person upon another person,
- that is without consent and/or by force.

*Sanctions typically result in suspension or expulsion/termination.*

### **Sexual Exploitation**

- Occurs when one person 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 one of other sexual misconduct offenses.

*Sanctions range from warning through expulsion/ termination.*

### **Intimate Partner Violence**

Intimate partner violence is:

- violence or emotional and/or psychological abuse between those in an intimate relationship toward each other;

*Sanctions range from warning through expulsion/ termination.*

**Domestic Violence:** A felony or misdemeanor crime of 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 in which the crime of violence occurred;
- 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 in which the crime of violence occurred.

**Dating Violence:** Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.

- The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.
- For the purposes of this definition, dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
- Dating violence does not include acts covered under the definition of domestic violence.
- Any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

**Stalking:** Engaging in a course of conduct directed at a specific person that would cause a reasonable person to

- Fear for the person's safety or the safety of others; or
- Suffer substantial emotional distress.



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For the purposes of this definition:

- *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 a person, or interferes with a person's property.
- *Reasonable person* means a reasonable person under similar circumstances and with similar identities to the victim.
- *Substantial emotional distress* means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.
- Any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

Stalking 1:

- a course of conduct,
- directed at a specific person,
- on the basis of actual or perceived membership in a protected class,
- that is unwelcome, and,
- would cause a reasonable person to feel fear.

*Sanctions range from warning through expulsion/ termination.*

Stalking 2:

- repetitive and menacing
- pursuit, following, harassing, and/or interfering with the peace and/or safety of another.

*Sanctions typically result in suspension or expulsion/termination.*

### **Hostile Environment**

A hostile environment is created when sexual harassment is:

- sufficiently severe, or
- persistent or pervasive, and
- objectively offensive that it:
  - unreasonably interferes with, denies, or limits someone's ability to participate in or benefit from the institution's educational and/or employment, social, and/or residential program.

*Sanctions range from warning through expulsion/ termination.*

### **Consent**

Knowing, voluntary, and clear permission, through word or action, to engage in mutually agreed upon sexual activity or contact.

Since different people may experience the same interactions differently, each party is responsible for making sure that partners have provided ongoing, clear consent to engaging in any sexual activity or contact.

A person may withdraw consent at any time during sexual activity or contact through words or actions. If that happens, the other party must immediately cease the activity or contact. Pressuring another person into sexual activity can constitute coercion, which is also considered to be sexual misconduct.

Silence or the absence of resistance alone does not constitute consent. A victim is not required to resist or say "no" for an offense to be proven.



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Consent to some forms of sexual activity (e.g., kissing, fondling, etc.) should not be construed as consent for other kinds of sexual activities (e.g., intercourse).

Being or having been in a dating relationship with the other party does not mean that consent for sexual activity exists. Previous consent to sexual activity does not imply consent to sexual activity in the future. To legally give consent in California, individuals must be at least 18 years old.

### **Force**

Force is defined as direct or indirect use of physical violence and/or imposing physically on someone to gain sexual access. Force, unless part of mutually-permissible kink, is a clear demonstration of a lack of consent.

### **Incapacitation**

Incapacitation is defined as a state in which individuals are unable to make rational, reasonable decisions because they lack the capacity to understand the “who, what, when, where, why, or how” of a situation or interaction. Individuals cannot give sexual consent if they can’t understand what is happening, or if they are disoriented, helpless, asleep, or unconscious for any reason. That applies even if it is because they voluntarily consumed alcohol or drugs. Unless consent is “knowing,” it is not valid. Those engaging in sexual activity who know or should have known that the other party is incapacitated are engaging in sexual misconduct. The possession, use, distribution, and/ or administration of any incapacitating substances is prohibited.

The fact that a responding party was intoxicated, and thus did not realize the reporting party was incapacitated, does not excuse sexual misconduct

### **Retaliation**

Retaliation is:

- any adverse action,
  - taken against a person participating in a protected activity,
  - because of that person’s participation in that protected activity
- subject to limitations imposed by the First Amendment and/or academic freedom.

*Sanctions range from warning through expulsion/ termination*

**Programs to prevent dating violence, domestic violence, sexual assault, and stalking:** Comprehensive, intentional, and integrated programming, initiatives, strategies, and campaigns intended to end dating violence, domestic violence, sexual assault, and stalking that:

- Are culturally relevant, inclusive of diverse communities and identities, sustainable, responsive to community needs, and informed by research or assessed for value, effectiveness, or outcome; and
- Consider environmental risk and protective factors as they occur on the individual, relationship, institutional, community, and societal levels

Programs to prevent dating violence, domestic violence, sexual assault, and stalking include both primary prevention and awareness programs directed at incoming students and new employees and ongoing prevention and awareness campaigns directed at students and employees.



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**Awareness programs:** Community-wide or audience specific programming, initiatives, and strategies that increase audience knowledge and share information and resources to prevent violence, promote safety, and reduce perpetration

**Bystander intervention:** Safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault, or stalking

Bystander intervention includes:

- Recognizing situations of potential harm
- Understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking actions to intervene

**Ongoing prevention and awareness campaigns:** Programming, initiatives, and strategies that are sustained over time and focus on increasing understanding of topics relevant to and skills for addressing dating violence, domestic violence, sexual assault, and stalking, using a range of strategies with audiences throughout the institution

**Primary prevention programs:** Programming, initiatives, and strategies informed by research or assessed for value, effectiveness, or outcome that are intended to stop dating violence, domestic violence, sexual assault, and stalking before they occur through the promotion of positive and healthy behaviors that foster healthy, mutually respectful relationships and sexuality, encourage safe bystander intervention, and seek to change behavior and social norms in healthy and safe direction.

**Risk reduction:** Options designed to decrease perpetration and bystander inaction, and to increase empowerment for victims in order to promote safety and to help individuals and communities address conditions that facilitate violence.

**Prompt, fair, and impartial proceeding:** A proceeding that is completed within reasonably prompt timeframes designated by an institution's policy, including a process that allows for the extension of timeframes for good cause and with written notice to the accuser and the accused of the delay and the reason for the delay;

Conducted in a manner that:

- Is consistent with the institution's policies and transparent to the accuser and accused;
- Includes timely notice of meetings at which the accuser or accused, or both, may be present; and
- Provides timely and equal access to the accuser, the accused, and appropriate officials to any information that will be used during informal and formal disciplinary meetings and hearings; and
- Conducted by officials who do not have a conflict of interest or bias for or against the accuser or the accused

**Advisor:** Any individual who provides the accuser or accused support, guidance, or advice

**Proceeding:** All activities related to a non-criminal resolution of an institutional disciplinary complaint, including, but not limited to, fact finding investigations, formal or informal meetings, and hearings.



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Proceeding does not include communications and meetings between officials and victims concerning accommodations or protective measures to be provided to a victim.

**Result:** Any initial, interim, and final decision by any official or entity authorized to resolve disciplinary matters within the institution

The result must include any sanctions imposed by the institution.

**Unfounded Crimes:** An institution may withhold, or subsequently remove, a reported crime from its crime statistics in the rare situations where sworn or commissioned law enforcement personnel have fully investigated the reported crime and, based on the results of this full investigation and evidence, have made a formal determination that the crime report is false or baseless and therefore “unfounded.” Only sworn or commissioned law enforcement personnel may “unfound” a crime report for purposes of reporting under this section. The recovery of stolen property, the low value of stolen property, the refusal of the victim to cooperate with the prosecution, and the failure to make an arrest do not “unfound” a crime report.

### **Policies for Preparing the Annual Disclosure of Criminal Statistics**

Criminal activity is reported and documented on the Incident Report which is provided by the property building management and maintained by the Campus Director. The annual crime report is prepared by gathering campus crime statistics from the building property management and data from the local Sheriff's department, if available.

### **Crime Statistics (2016-2018)**

Fremont College's annual campus security report contains the disclosure of crime occurrences for the three most recent calendar years. The most recent report is for calendar year 2018 and discloses the number or crime occurrences in the following categories:



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## CLERY CRIME STATISTICS

*Fremont College does not have any non-campus properties*

Offense	Year	On- Campus Property	Public Property
MURDER/NON-NEGLIGENT MANSLAUGHTER	2018	0	0
	2017	0	0
	2016	0	0
MANSLAUGHTER BY NEGLIGENCE	2018	0	0
	2017	0	0
	2016	0	0
RAPE	2018	0	0
	2017	0	0
	2016	0	0
FONDLING	2018	0	0
	2017	0	0
	2016	0	0
INCEST	2018	0	0
	2017	0	0
	2016	0	0
STATUTORY RAPE	2018	0	0
	2017	0	0
	2016	0	0
DOMESTIC VIOLENCE	2018	0	0
	2017	0	0
	2016	0	0
DATING VIOLENCE	2018	0	0
	2017	0	0
	2016	0	0
STALKING	2018	0	0
	2017	0	0
	2016	1	0
ROBBERY	2018	0	0
	2017	0	0
	2016	0	0
AGGRAVATED ASSAULT	2018	0	0
	2017	0	0
	2016	0	0
BURGLARY	2018	0	0
	2017	0	0
	2016	0	0



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Offense	Year	On- Campus Property	Public Property
MOTOR VEHICLE THEFT	2018	0	0
	2017	1	0
	2016	0	1
ARSON	2018	0	0
	2017	0	0
	2016	0	0
ARRESTS: WEAPONS, CARRYING, POSSESSING, ETC.	2018	0	0
	2017	0	0
	2016	0	0
ARRESTS: DRUG ABUSE VIOLATIONS	2018	0	0
	2017	0	0
	2016	0	0
ARRESTS: LIQUOR LAW VIOLATIONS	2018	0	0
	2017	0	0
	2016	0	0
DISCIPLINARY REFERRALS: WEAPONS, CARRYING, POSSESSING, ETC.	2018	0	0
	2017	0	0
	2016	0	0
DISCIPLINARY REFERRALS: DRUG ABUSE VIOLATIONS	2018	0	0
	2017	0	0
	2016	0	0
DISCIPLINARY REFERRALS: LIQUOR LAW VIOLATIONS	2018	0	0
	2017	0	0
	2016	0	0
UNFOUNDED CRIMES	2018	0	0
	2017	0	0
	2016	0	0

Fremont College had no hate crimes reported in 2016, 2017 and 2018 on campus or on public property related to the above listed crimes.

Published 9/30/2019

# Title IX Policy: Addressing Sexual Harassment & Sexual Violence



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2020/2021

**Fremont College  
Select Education Group  
August 2020**

# Understanding Title IX

Many of us were introduced to Title IX as the legislation that resulted in the law that enforced standards of equity for girls and women participating in athletics in schools. Title IX does provide the legal basis for establishing equity in athletics but it does so much more than that.

Title IX also prohibits Sexual Harassment, which includes acts of sexual violence such as sexual battery, rape, and acts of sexual coercion. These are all forms of sex discrimination and are prohibited by Title IX. These acts of violence promote a hostile environment on campus and we take this very seriously as we endeavor to provide a safe and secure campus environment for our students. It is important that we be able to respond effectively when a student does have a problem in these areas.

## The Title IX Coordinator

Our campus Title IX Coordinator is available to you and responsible to provide the following services:

- Overseeing all Title IX complaints and investigations to provide prompt, fair and equitable resolutions.
- Identifying and addressing patterns and systemic problems that are identified.
- Meeting with students, providing Supportive Measures and answering questions.
- Working cooperatively with other College officials.
- Managing Title IX training, education and communication.
- Assist College staff and faculty regarding how to respond appropriately to reports of sexual violence.
- Ensuring the College meets its Title IX requirements.

*“No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefit of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.”*

*Title IX of the Education  
Amendments of 1972*

You can speak with anyone on campus if you or a friend is experiencing sexual harassment or sexual violence. Any staff or faculty member can refer you to our **Title IX Coordinator** and other resources to assist you. Ask for help now, don't wait!

Remember sexual harassment, including acts of sexual violence, rape, sexual battery and sexual coercion are forms of sexual harassment prohibited by Title IX.

## Title IX Coordinator

Tony Wong

Telephone: (562) 809-5100

Email: [tony.wong@fremont.edu](mailto:tony.wong@fremont.edu)

18000 Studebaker Rd #900a

Cerritos, CA 90703



## Notice of Non-Discrimination

The College doesn't tolerate discrimination and that means:

- In accordance with Title IX requirements, Fremont College doesn't discriminate on the basis of sex in educational programs or activities (including admission and employment).
- If you have questions about the application of Title IX to a specific circumstance, you may be referred to our Title IX Coordinator or you may decide to contact the Department of Education's Office of Civil Rights at [ocr@ed.gov](mailto:ocr@ed.gov).
- Sexual discrimination that is prohibited by Title IX includes sexual harassment and sexual violence (the next few pages describe what types of actions constitute sexual harassment and sexual violence).

### College Policies and Disciplinary Procedures

- The College will investigate Title IX complaints in a prompt and impartial manner.
- The College will take steps to prevent the recurrence of harassment and to correct its discriminatory effects on the complainant and others as appropriate.
- The parties to the complaint can present witnesses and other evidence during the investigation.
- Sexual assault complaints will not be resolved utilizing mediation.
- Grievance investigations will be conducted expediently and should not exceed sixty (60) days to reach a resolution unless there are extenuating circumstances.
- Both parties will be notified of the outcome of the complaint.

### What about Title IX Complaints and Criminal Investigations?

When alleged sexual harassment or sexual violence occurs, the College will promptly and equitably investigate the alleged Title IX violation to determine the facts. Appropriate steps will be taken to resolve the matter in accordance with Title IX requirements.

A Title IX investigation is separate from any law enforcement investigation and the filing of any criminal complaints. You have the right to file a Title IX complaint and a criminal complaint with law enforcement.

Our Title IX Coordinator can assist you in determining the best course of action for you as you consider the College grievance procedure.

# Sexual Harassment

Sexual harassment can deny or limit, on the basis of sex, the student's ability to participate in or receive benefits, services or opportunities from the College's programs. That makes it a form of sex discrimination prohibited by Title IX.

1. According to the Department of Education's Office of Civil Rights the following criteria is used to define what constitutes sexual harassment: An employee of the recipient conditioning the provision of an aid, benefit, or service of the College on an individual's participation in unwelcome sexual conduct.
2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the College's education program or activity; or
3. Sexual assault, dating violence, domestic violence, or stalking.<sup>1</sup>

See the examples below.

## Sexual Conduct that is defined as Sexual Harassment

- Making sexual propositions or pressuring someone for sexual favors.
- Unwelcome sexual advances.
- Writing graffiti of a sexual nature.
- Displaying or distributing sexually explicit drawings, pictures or written material.
- Performing sexual gestures or touching oneself sexually in front of others.
- Telling sexual or dirty jokes.
- Spreading sexual rumors or rating other students as to sexual activity or performance.
- Circulating or showing emails, websites or social media pages of a sexual nature.

<sup>1</sup>"Sexual assault" as defined in 20 U.S.C. 1092(f)(6)(A)(v), "dating violence" as defined in 34 U.S.C. 12291(a)(10), "domestic violence" as defined in 34 U.S.C. 12291(a)(8), or "stalking" as defined in 34 U.S.C. 12291(a)(30).

Here is some other key information:

- Sexual harassment presents itself in different forms depending on the harasser and the nature of the harassment.
- Anyone on campus can commit sexual harassment (visitors, students, and staff).
- The conduct may be nonverbal, physical or verbal.
- Male and female students can be victims and the harasser may also be of the same sex.
- Sexual harassment may occur on campus or at an off campus event sponsored by the College such as a field trip or retreat.

### Here are some examples of sexual harassment on campus:

- An instructor grading a student's work conditions the grade on whether or not the student responds to sexual advances.
- An Externship Coordinator only schedules students that give out sexual favors to the best externship locations.
- An instructor continually tells off color jokes in the classroom and displays images of a sexual nature in the faculty office.
- A student constantly shares information about other students with whom he has had sexual encounters in a public forum on campus.
- Students (male or female) exchange social media posts or email of a sexual nature without the consent of the other party.

### Here are two common forms of sexual harassment.

#### Two Forms of Sexual Harassment

**Quid Pro Quo Harassment.** This occurs when a campus faculty or staff member causes a student to believe he or she must submit to sexual advances or other forms of unwelcome sexual conduct in order to participate in school activities. It may also occur when an employee causes a student to feel that the employee will make educational decision based on whether or not the student submits to unwelcome sexual conduct. Even if the student submits to the sexual advances or other forms of unwelcome sexual conduct, it may still be considered sexual harassment.

**Example:** A faculty member threatens to fail a student unless the student agrees to date him or her.

**Hostile Environment Harassment.** This occurs when the sexual misconduct is so severe, pervasive, and objectively offensive that it causes a student to not participate in or benefit from an educational experience at the College, or creates an intimidating or abusive educational environment.

**Example:** Someone continually makes sexually suggestive comments or sexually assaults a student.



## Sexual Violence

Sexual violence is a form of sexual harassment and includes acts that are criminal in nature and are prohibited by Title IX.

Many types of sexual violence may not involve physical contact between the two parties such as sexual harassment, voyeurism, and sexual threats. Some examples of sexual violence that do include physical contact are:

- Rape
- Sexual assault.
- Sexual battery.
- Sexual coercion.
- Unwanted touching.
- Dating violence.
- Sexually motivated stalking.

When consent is not obtained in advance of a sex act and the act is committed against the victims will or in instances where the victim is unable to give consent due to the effects of alcohol or drugs, such acts constitute sexual violence.

A majority of the victims of sexual violence are women and are often victimized when under the influence of alcohol or drugs. The assailant is usually male and usually someone the victim knows. An estimated 20% to 25% of college women and 6.1% of men in the U.S have experienced an attempted or completed rape during their attendance at a college.

If you are a victim of sexual violence, there is no need to be afraid or embarrassed, assistance is available. Tell someone you trust, get help and the ongoing care you need.

### The Role Alcohol Plays in Sexual Violence

On average, at least 50% of campus sexual assaults involve alcohol. It is the primary drug used by perpetrators of sexual violence.

- Alcohol impairs the perpetrators judgment so he/she ignores the indicators that a person doesn't welcome sexual advances.
  - Alcohol impairs the victim so that they don't recognize the risk of certain sexual encounters and may not be able to resist sexual advances.
  - Perpetrators may use alcohol as an excuse for their inappropriate behavior.
  - Victims who drink have a more difficult time establishing that the perpetrator assaulted them against their will.
-

## Sexual Violence (cont.)

### What to do when you are a victim of sexual violence.

- Go to a safe place, away from the perpetrator.
- Locate a friend, faculty member or school administrator.
- Contact the Title IX Coordinator.
- Contact law enforcement when appropriate.
- Preserve any evidence of the assault, do not bath, comb your hair, change clothes, or use medications.
- Preserve any bedding or objects the perpetrator may have left behind that may contain evidence of the assault.
- At the appropriate time seek medical attention, ensure you have no injuries (external or internal) and get information or treatment for STDs, HIV/AIDS and possible pregnancy.
- Consider having a rape kit done even if you have not decided whether or not to press charges against the perpetrator. This preserves evidence for later.
- Seek counseling support.
- Take time to consider all legal options and ask questions for clarification.

### Sexual Coercion

Using pressure, force, alcohol or other drugs to have sexual contact with someone against their will is considered sexual coercion.

You may be experiencing it if:

- You feel pressured by your date to engage in sexual conduct. “If you love me you will have sex with me.”
- Gifts or social outings are used as leverage to make you feel like you owe your partner sex.
- There are times you don’t want to have sex but don’t feel like you can say no.
- You have had a sexual experience that frightened you or left you feeling angry or guilty.
- You were pressured into having sex without taking precautions because your partner didn’t want to.

If you have had experiences like these then you may be a victim of sexual coercion, a form of sexual violence, and it’s a violation of your rights.

## Your Rights and Supportive Measures

When you are a victim of sexual harassment or sexual violence and come forward to report what has happened, you are a “complainant”. This is simply a word used to describe the reporting party. As a complainant there are certain supportive measures available that are designed to help prevent the recurrence of sexual harassment or violence and to help address the effects of such acts. Those supportive measures include, but are not limited to:

- Certain assurances that you and the respondent will not be required to attend the same classes.
- Avoidance of contact directives.
- Providing an escort to ensure the student can move safely between school programs and activities.
- Assistance identifying additional resources including off-campus support and services.
- The availability of counseling services.
- Access to a sexual assault response team advocates.
- The availability of medical services.
- Academic support services like advising and tutoring.
- The option to re-take a course or withdraw from a course without penalty.
- The review of any adverse action the college may have taken against you that may be related to conduct that was the result of your attempts to avoid sexual harassment or violence.
- The option to file a criminal complaint with the assistance and support of the college.

### **You also have the right to:**

- You have the right to an impartial, reliable and appropriate investigation of your complaint including the interview of witnesses and other evidence you provide. You have the right to appeal the decision that is rendered as does the respondent.
  - You have the right to the timeline for the investigation, when the investigation will take place, when an appeal may be filed, when the outcome will be provided to the parties to the complaint.
  - You have a right to have the complaint decided on the preponderance of the evidence provided which is the standard which means it is more likely than not that sexual harassment has occurred.
  - You have the right to written notification of the outcome of the investigation of the complaint. You have the right to information about any sanctions imposed on the perpetrator if it directly relates to you.
  - The College cannot require you to abide by a non-disclosure agreement, written or otherwise, because the Clery Act requires that both the complainant and respondent be informed of the outcome and of any institutional sanctions or proceedings alleging a sex offense.
-



## Your Rights and Supportive Measures

If you want to learn more about your rights or if you believe your College is violating Federal Law, you may contact the U. S. Department of Education, Office of Civil Rights, at [ocr@ed.gov](mailto:ocr@ed.gov) or (800) 421-3481. You can also fill out a complaint form online through the Department of Education [www2.ed.gov/about/offices/list/ocr/complaintintro.html](http://www2.ed.gov/about/offices/list/ocr/complaintintro.html).

### Confidentiality Concerns

If you are concerned about confidentiality, here's where we stand on the issue.

- The College will take all reasonable steps to investigate and respond to your concerns in a manner consistent with your requests for confidentiality. The College will also let you know if confidentiality can be maintained in your case.
- If a student makes a request for confidentiality and decides not to press charges in a sexual violence case, an anonymous report of the incident must still be made so that the College can comply with the Clery Act requirements (crime reporting requirements).
- Counselors, to whom you may be referred as a result of your complaint, can maintain the confidentiality you desire.
- In some cases, the greater good of the student population may outweigh the desire of the complaining student to maintain confidentiality.

**Proactive steps may be taken to protect students before the final determination of the investigation has been reached.**

**Students do not have to wait to obtain important protective support.**

You have the option to avoid contact with the alleged perpetrator immediately. The College will speak with you about this right away.

---

## Student Advocates – How will they help?

Victims of sexual harassment or sexual violence can expect support from College staff, faculty and student services to meet needs that arise as a result of such events. Here are some of the ways the College can assist you:

- Provide information about community and campus based services to support you.
- Make referrals for counseling through programs offered at your campus.
- Accompany you to the hospital or to a meeting with law enforcement officials as needed.
- Assist you with filing a report.
- Provide support when you seek protective orders or other remedies such as class schedule changes.
- Provide companionship and a listening ear.
- Direct you to help for academic concerns.
- Support you as you prepare for judicial meetings and accompany you for moral support.
- Assure you that the assault was not your fault.
- Provide follow-up after the remedies are in place.

### Responding to Retaliation

Title IX protects all college students from retaliation if they report sexual harassment or violence. If after reporting an incident of sexual harassment or sexual violence the alleged perpetrator or his or her friends taunt you or harass you in any way report it immediately.

The Title IX Coordinator at the College and others are there as resources to take strong action if any retaliation or new incidents of harassment occur.

The College will be attentive to your needs as long as you are enrolled so you know you're not alone. The College is your link to both campus based and community based resources.

### Helping Someone Else

Perhaps you know someone else, a friend or classmate who has been the victim of sexual harassment or sexual violence. You may be the best person to help them, you can...

- Listen compassionately.
- Suggest they contact campus based or community based resources for help.
- Seek the advice and counsel of student advocates on campus as you try to help your friend.

Connecting your friend with trained professionals is an important step toward getting them the help they need.

## Intervening as a Bystander

Every campus has a body of students who by virtue of their inaction support sexual harassment and sexual violence. They may not intend to do so, but when they don't act the end result is that they allow sexual harassment and sexual violence to occur. It sends a message to perpetrators that their conduct is okay.

### Proactive Steps Bystanders Can Take

Here's what you can do to stop sexual harassment and sexual violence.

- Take a stand against violence and voice your opposition to it.
- Respect others and their rights.
- Speak up when others blame victims for sexual violence.
- Enlist the support of male friends in your stand against violence.
- Educate female friends about sexual harassment and sexual violence.
- Educate yourself about the resources available for victims.
- Be aware of and use campus resources.
- Participate in awareness events.
- Empower victims to tell their stories.

### Reactive Intervention Strategies

When you observe an incident of sexual harassment or sexual violence, here are some steps you can take to intervene.

- Get campus personnel involved immediately.
  - Invite a friend in a potentially dangerous situation to leave with you.
  - Ensure a friend has safe passage home from campus events.
  - When you encounter a victim ask if they are okay.
  - Be a friend, provide a listening ear.
  - Contact law enforcement when it is appropriate to do so.
  - Contact campus based or community based counseling services for assistance.
-



# Definitions

## Title IX Sexual Harassment Definitions

The following terms have the following definitions as used in this Title IX Sexual Harassment Grievance Process:

“Actual Knowledge”— Notice of Title IX Sexual Harassment or allegations of Title IX Sexual Harassment to Fremont College’s Title IX Coordinator or to any Official With Authority, as defined herein. Assumption of knowledge based solely on Fremont College’s status as an employer or other presumption under law does not constitute Actual Knowledge. This standard is not met when the only official of Fremont College with Actual Knowledge is the Title IX Respondent. “Notice” as used here includes, but is not limited to, a report or complaint of Title IX Sexual Harassment to the Title IX Coordinator or any Official With Authority in person, by mail, by telephone, or by email using the contact information listed for the Title IX Coordinator, or by any other means that results in the Title IX Coordinator or Fremont College employee receiving the person’s verbal or written report.

“Business Days”— Days on which Fremont College campus is open.

“Consent”— Informed, freely and actively given, mutually understandable words or actions that indicate a willingness to participate in a mutually agreed upon sexual activity. A person can withdraw consent at any time. There is no consent when there is force, threats, intimidation, or duress. A person’s lack of verbal or physical resistance or manner of dress do not constitute consent. Consent to past sexual activity with another person does not constitute consent to future sexual activity with that person. Consent to engage in sexual activity with one person does not constitute consent to engage in sexual activity with another person. A person cannot consent to sexual activity if the person is unable to understand the nature, fact, or extent of the activity or give knowing consent due to circumstances including without limitation the following:

1. the person is incapacitated due to the use or influence of alcohol or other drugs;
2. the person is asleep or unconscious;
3. the person is under the legal age to provide consent; or
4. the person has a disability that prevents such person from having the ability or capacity to give consent.

Definition of “Consent” in your state — Positive cooperation in an act or attitude pursuant to the exercise of free will. The person must act freely and voluntarily and have knowledge of the nature of the act or transaction involved. (California Penal Code § 163.315.)

Definition of “Affirmative Consent” in your state — Affirmative, conscious, and voluntary agreement to engage in sexual activity. It is the responsibility of each person involved in the sexual activity to ensure that the person 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. (California Education Code Section 67386)

“Education Program or Activity”— Locations, events, or circumstances in the United States over which Fremont College exercises substantial control over both the Title IX Respondent and the context in which Title IX Sexual Harassment occurs, and also includes any building owned or controlled by a student organization that is officially recognized by Fremont College. Depending on the facts, this phrase may extend to off-campus Title IX Sexual Harassment incidents.

“Officials With Authority”— Includes any official designated by Fremont College to have authority to institute corrective measures on behalf of the institution, specifically: Campus President, Director of Student Affairs, Director of Academic Affairs, Director of Financial Aid, and Director of Admissions.

“Title IX Appellate Decisionmaker”— One or more individuals designated to conduct an appeal required by Title IX and this Title IX Sexual Harassment Grievance Process. The Title IX Decisionmaker cannot be the Title IX Coordinator or the Title IX Investigator or Decisionmaker assigned to the same Formal Complaint, must be free from conflicts of interest or bias against complainants and respondents generally and against an individual Title IX Complainant or Respondent, and must be trained to properly implement this Title IX Sexual Harassment Grievance Process and to serve impartially.

“Title IX Complainant” or “Complainant” — An individual who is alleged to be the victim of conduct that could constitute Title IX Sexual Harassment.

“Title IX Formal Complaint”— A document filed by a Title IX Complainant or signed by the Title IX Coordinator alleging Title IX Sexual Harassment against a Title IX Respondent and requesting that Fremont College investigate the allegation. At the time of filing a Formal Title IX Complaint, a Title IX Complainant must be participating in or attempting to participate in Fremont College’s Education Program or Activity within which the Formal Title IX Complaint is filed. A Formal Title IX Complaint may be filed with the Title IX Coordinator in person, by mail, or by email, by using the contact information required to be listed for the Title IX Coordinator in Fremont College’s Nondiscrimination Policy and included in this Student Handbook. As used here, the phrase “document filed by a Title IX Complainant” means a document or electronic submission (such as by email or paper or electronic form provided for this purpose by Fremont College) that contains the Title IX Complainant’s physical or digital signature, or otherwise indicates that the Title IX Complainant is the person filing the Formal Title IX Complaint. Where the Title IX Coordinator signs a Formal Title IX Complaint, the Title IX Coordinator is not a complainant or otherwise a party under this Title IX Sexual Harassment Grievance Process.

“Title IX Investigator”— An individual designated to investigate a Formal Title IX Complaint according to this Title IX Sexual Harassment Grievance Process. The Title IX Investigator cannot be the Title IX Decisionmaker or the Title IX Appellate Decisionmaker assigned to the same Formal Complaint, must be free from conflicts of interest or bias against complainants and respondents generally and against an individual Title IX Complainant or Respondent, and must be trained to properly implement this Title IX Sexual Harassment Grievance Process and to serve impartially.

“Title IX Respondent” or “Respondent” — An individual who has been reported to be the perpetrator of conduct that could constitute Title IX Sexual Harassment.

“Title IX Sexual Harassment”— Conduct on the basis of sex that satisfies one or more of the following:

- A Fremont College employee conditions the provision of an aid, benefit, or service on an individual’s participation in unwelcome sexual conduct; or
- Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to Fremont College’s education program or activity; or
- Sexual assault as defined in 20 U.S.C. §1092(f)(6)(A)(v), dating violence as defined in 34 U.S.C. §12291(a)(10), domestic violence as defined in 34 U.S.C. §12291(a)(8), or stalking as defined in 34 U.S.C. §12291(a)(30).
  - o Sexual assault means an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system (UCR Program) of the Federal Bureau of Investigation (FBI). 20 U.S.C. §1092(f)(6)(A)(v). For more information regarding the FBI UCR Program, see [www.fbi.gov/services/cjis/ucr/](http://www.fbi.gov/services/cjis/ucr/).
  - o Dating violence means violence committed by a person: (1) who is or has been in a social relationship of a romantic or intimate nature with the victim, and (2) where the existence of such a relationship shall be determined based on a consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. 34 U.S.C. §12291(a)(10).
  - o Domestic violence includes any felony or misdemeanor crimes of 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, 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. 34 C.F.R. §12291(a)(8).
  - o Stalking means engaging in a course of conduct directed at a specific person that would cause a reasonable person to: (1) fear for his or her safety or the safety of others, or (2) suffer substantial emotional distress. 34 C.F.R. §12291(a)(30).

“Title IX Supportive Measures”— Non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to a Title IX Complainant or Respondent before or after the filing of a Formal Title IX Complaint or where no Formal Title IX Complaint has been filed. Such measures are designed to restore or preserve equal access to Fremont College’s Education Program or Activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or Fremont College’s educational environment and deter sexual harassment. Title IX Supportive Measures may include but are not limited to counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures.

“Title IX Team”— The group of individuals responsible for addressing reports and complaints of Title IX Sexual Harassment, including the Title IX Coordinator or designee, Title IX Investigators, Title IX Decisionmakers, Title IX Appellate Decisionmakers, and Title IX Informal Resolution Facilitators.

“Title IX Decisionmaker” or “Decisionmaker” — An individual designated by the Title IX Coordinator or designee to reach a determination regarding responsibility in a Formal Title IX Complaint by applying the preponderance of the evidence standard of proof. The Title IX

Decisionmaker cannot be the Title IX Coordinator or the Title IX Investigator or Appellate Decisionmaker assigned to the same Formal Complaint, must be free from conflicts of interest or bias against complainants and respondents generally and against an individual Title IX Complainant or Respondent, and must be trained to properly implement this Title IX Sexual Harassment Grievance Process and to serve impartially.

“Sexual Misconduct” — For the purposes of this document, Sexual Misconduct means sexual harassment and sexual assault as those terms are defined in the Title IX brochure on Sexual Harassment and Sexual Violence. The grounds for discipline for such conduct are Physical Abuse, Sexual, Racial, Dating Violence, Domestic Violence, or Other Forms of Harassment, Stalking and/or Expectation of Privacy.

“Sexual Misconduct Complaint” — For the purposes of this document, a formal written complaint made to the Title IX Coordinator or designee, or a complaint made to any Campus Security personnel alleging that the Complainant was subjected to acts, committed by the student who is the subject of the complaint, which acts violated the provisions of the College policy concerning sexual harassment, sexual violence, dating violence, domestic violence and/or stalking.



## Title IX at Fremont College

In compliance with Title IX, Fremont College does not deny or limit any student or employee the ability to participate in or benefit from any program offered by the College on the basis of sex or gender.

### **Making Title IX Sexual Harassment Complaints**

Complaints that allege Sexual Harassment may be made directly to any Campus Security Authority, Official With Authority, the Director of Student Affairs, or the \*Office of the Campus President or any other campus personnel authorized to receive such complaints. When the initial complaint is received and documented by appropriate authorized personnel, then the Office of the Campus President shall disclose to the Complainant the options for pursuing the complaint under applicable campus policies and/or to law enforcement agencies.

Title IX Sexual Harassment Complaints, after receipt by authorized personnel, shall be investigated. All time periods and timelines that would apply pursuant to the provisions of Title IX will be upheld while the Office of the Campus President responds to the Title IX Sexual Harassment Complaint.

*\* The Office of the Campus President is the office for the Prevention of Harassment and Discrimination and is the office that represents the campus Title IX Officer, who is responsible for coordinating the institution's efforts to comply with Title IX and related College and campus policies focused on nondiscrimination on the basis of sex. These responsibilities include the oversight of the campus response to complaints of sexual harassment and assault. The Title IX Officer and other designated staff can conduct administrative investigations of complaints of sexual harassment and assault, according to College and campus policies and procedures.*

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### **Title IX Sexual Harassment Grievance Process**

This Title IX Sexual Harassment Grievance Process will be used to process any report or complaint of "Title IX Sexual Harassment," as defined in this Title IX Policy: Addressing Sexual Harassment & Sexual Violence. Any person may report Title IX Sexual Harassment under this process, whether or not the reporting party is the person alleged to be the victim of the conduct. Reports of Title IX Sexual Harassment may be made in person, by mail, by telephone, or by electronic mail at any time (including during non-business hours) directed to the Title IX Coordinator using the contact information contained in this policy. If an Official With Authority, as defined in this Title IX Policy: Addressing Sexual Harassment & Sexual Violence, Definitions section, receives a report or otherwise has knowledge of a report or incident of Title IX Sexual Harassment, the Official With Authority must promptly report such information to the Title IX Coordinator.

Processing a report or complaint under this Title IX Sexual Harassment Grievance Process does not preclude processing some or all allegations of a report or complaint under other policies and procedures, to the extent allowed by Title IX and other laws. This grievance process complies with all requirements of Title IX and its implementing regulations and provides required notice

of the procedure used to respond to complaints of Title IX Sexual Harassment for necessary stakeholders.

If the regulations implementing Title IX at 85 Fed. Reg. 30026, 30026-30579, are enjoined or invalidated by a Federal Court with jurisdiction over Fremont College or reversed or replaced by any agency with sufficient authority, this Title IX Sexual Harassment Grievance Process will immediately cease to apply to reports and complaints of sexual harassment and sexual misconduct, including Title IX Sexual Harassment, unless and until any such injunction, invalidation, reversal, or replacement is overturned or reversed.

If Fremont College has Actual Knowledge of Title IX Sexual Harassment, the institution shall respond in a manner that is not clearly unreasonable in light of the known circumstances by using this Title IX Sexual Harassment Grievance Process. No person designated or serving as a Title IX Coordinator or designee, Title IX Investigator, Title IX Decisionmaker, Title IX Appellate Decisionmaker or Title IX Informal Resolution Facilitator will have a conflict of interest or bias for or against Title IX complainants or respondents generally or against an individual Title IX Complainant or Title IX Respondent.

## **Response to a Title IX Sexual Harassment Complaint**

Whether or not a formal complaint alleging Title IX Sexual Harassment is filed, at a minimum, the Title IX Coordinator or designee will do the following:

**Initial Meeting with the Complainant:** The Title IX Coordinator or designee will promptly contact the Title IX Complainant to:

- Discuss the availability of Supportive Measures;
- Inquire about and consider the Title IX Complainant's wishes with respect to Supportive Measures;
- Inform the Title IX Complainant of the availability of Supportive Measures with or without the filing of a Formal Complaint; and
- Explain to the Title IX Complainant the process for filing a Formal Complaint as set forth in this Title IX Sexual Harassment Grievance Process.

## **Formal Title IX Complaints**

If a Formal Complaint alleging Title IX Sexual Harassment is filed or initiated, the Title IX Coordinator or designee will, at a minimum:

**Notice of Allegations:** Provide written notice to any known Title IX Complainants and Title IX Respondents including:

- A copy or link to this Title IX Sexual Harassment Grievance Process
- Notice of the allegations of Title IX Sexual Harassment in the formal complaint, including the identities of all known parties involved in the incident(s), the conduct allegedly constituting Title IX Sexual Harassment, the date and location of the alleged incident, and any other details necessary to prepare a response; such notice must be provided with sufficient time for the parties to prepare a response before any interview, which in no case shall be less than 24 hours
- A statement that the Title IX Respondent is presumed not responsible for the alleged

- conduct
- A statement that a determination regarding responsibility is made at the conclusion of the grievance process
- Notice to the parties that they may have an advisor of choice who may be, but is not required to be, an attorney
- Notice to the parties that they may inspect and review evidence obtained during the investigation
- Notice of any provision of Fremont College's code of conduct that prohibits knowingly making false statements or knowingly submitting false information during the grievance process

Fremont College will identify and document one or more qualified Title IX Investigator(s) who will investigate the Formal Complaint. The Title IX Investigator(s) will investigate the allegations of Title IX Sexual Harassment in a Formal Complaint.

If at any time during the course of the investigation additional allegations of Title IX Sexual Harassment arise that will be investigated and that were not included in the written notice, the Title IX Coordinator or designee will, within five (5) Business Days of the decision to add the allegations to the investigation, provide notice of the additional allegations as described above to the parties whose identities are then known.

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### **Interim Responses to Title IX Sexual Harassment Complaints**

An interim suspension or other interim protections and remedies may be imposed pursuant to the will of the Campus President during an investigation of a Sexual Misconduct Complaint and/or prior to completion of the conduct process. The scope of, and process regarding, such interim suspension shall be in accordance with provisions of College policy, the Clery Act and Title IX.

**Supportive Measures:** Fremont College will maintain as confidential any supportive measures provided to the Title IX Complainant or Respondent, to the extent that maintaining such confidentiality would not impair the ability of Fremont College to provide the Supportive Measures. Fremont College may not impose any disciplinary sanctions or other actions that are not Supportive Measures against a Title IX Respondent unless a Formal Complaint has been filed and a finding of responsibility has been issued against the Title IX Respondent under this Title IX Sexual Harassment Grievance Process.

- **Emergency Removals/Leaves of Absence:** Fremont College may, however, remove a student-Title IX Respondent from its education program or activity on an emergency basis, provided that Fremont College makes an individualized safety and risk analysis, determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal, and provides the Title IX Respondent with notice and an opportunity to challenge the decision immediately following the removal. Fremont College also may place a non-student employee Title IX Respondent on paid administrative leave during the pendency of this Title IX Sexual Harassment Grievance Process. Such emergency removals/leaves of absence must comply with any other relevant laws, policies, administrative procedures, and agreements governing removals of students and/or employees from the institution's program or activity.

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## **Mandatory Dismissal**

Within seven (7) Business Days of receiving a formal complaint filed by a Complainant, dismiss under this Title IX Sexual Harassment Grievance Process any allegation in the Formal Complaint that would not constitute Title IX Sexual Harassment, even if true; that did not occur in Fremont College's education program or activity; or that did not occur against a person in the United States. Nothing precludes action on any dismissed allegations under another policy, procedure, or rule of Fremont College. Upon such dismissal, the Title IX Coordinator or designee will send written notice of the dismissal and reason(s) therefor simultaneously to the parties.

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## **Special procedures regarding Informal Resolution**

**Informal Resolution:** Unless the Formal Complaint involves an allegation of sexual misconduct by a Fremont College employee against a student, the Title IX Investigator will, within five (5) Business Days of assignment to the Formal Complaint, notify the Title IX Complainant and the Title IX Respondent of the option to complete informal resolution. Fremont College will not require as a condition of enrollment or continuing enrollment, or employment or continuing employment, or enjoyment of any other right, waiver of the right to an investigation and adjudication of Formal Complaints of Title IX Sexual Harassment consistent with this policy. Fremont College also will not require parties to participate in an informal resolution process under this policy and may not offer an informal resolution process unless a Formal Complaint is filed. However, at any time prior to reaching a determination regarding responsibility, Fremont College may facilitate an informal resolution process, such as mediation, that does not involve a full investigation and adjudication, provided that Fremont College:

Provides to the parties a written notice disclosing:

- the allegations;
- the requirements of the informal resolution process, including the circumstances under which it precludes the parties from resuming a Formal Complaint arising from the same allegations, provided, however, that at any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the Formal Complaint; and
- any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared.

Prior to agreeing to an Informal Resolution of a Title IX Sexual Harassment Complaint, the Campus President shall obtain voluntary written consent to the informal resolution process. Informal resolution may not be offered to resolve allegations that an employee sexually harassed a student.

If informal resolution is undertaken, the Title IX Coordinator or designee will assign an Informal Resolution Facilitator who will attempt to informally resolve the matter between the parties. During the informal resolution process, all timeframes under this Title IX Sexual Harassment Grievance Process will be tolled. If no resolution is reached within twenty (20) Business Days of commencement of the informal resolution, unless such 20-day time period is extended by agreement of the parties, or if the parties do not elect to engage in informal resolution, the Title IX Investigator(s) will recommence the investigation and the timeframes under this Title IX Sexual Harassment Grievance Process will recommence.



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## **Investigation of Title IX Sexual Misconduct Complaints**

In cases involving alleged sexual harassment (including without limitation sexual assault and/or gender discrimination), the Title IX Investigator or other designee will take responsibility for investigating complaints of sexual misconduct. The Office of the Campus President may temporarily delay the fact-finding portion of its investigation while law enforcement officers collect evidence for a criminal investigation, but will promptly resume its investigation at such time as there will be no interference with law enforcement evidence collection. The Title IX investigation will be completed whether or not any related criminal proceedings are concluded.

When an investigation is temporarily delayed, immediate steps shall be considered and may be imposed by the Campus President to ensure the safety and well-being of the Complainant and the campus community during the law enforcement investigation. Such steps shall be imposed consistent with the requirements of the Clery Act and Title IX. The Campus President will not suspend the investigation on the basis that a student faces potential or actual criminal charges associated with the matters being investigated. A Sexual Misconduct investigation shall be completed promptly. If the investigation is not completed within sixty (30) days, the Title IX Coordinator shall inform the Complainant and Respondent of the status of the investigation and provide the Complainant and the Respondent with an estimated date for the completion of the investigation.

Within seven (7) days after the date that the Office of the Title IX Investigator documents the investigative findings, the Title IX Coordinator shall either

- (1) issue an Alleged Violation Letter consistent with the requirements of the Clery Act and Title IX; or
- (2) extend the time to render a decision; or
- (3) choose not to pursue the case and issue a Dismissal Letter to the complainant and the respondent.

Following issuance of the Alleged Violation Letter, the Conduct process shall proceed in accordance with the requirements of College policy, the Clery Act and Title IX, except to the extent that those requirements are specifically modified by issuance of new policy.

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## **During the investigation of a Formal Complaint and throughout this Title IX Sexual Harassment Grievance Process**

- Fremont College will ensure that the burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rest on Fremont College and not on the parties, provided that Fremont College cannot access, consider, disclose, or otherwise use a party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party, unless Fremont College obtains the voluntary, written consent to do so from that party.
- Equal Treatment – Evidence Presentation: Provide an equal opportunity for the parties to present any inculpatory or exculpatory evidence, including fact and expert witnesses. Fremont

College will not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence.

- **Equal Treatment – Advisors:** Provide the parties with the same opportunities to have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by an advisor of choice, who may be, but is not required to be, an attorney, and not limit the choice or presence of an advisor for either the Title IX Complainant or Title IX Respondent in any meeting or grievance proceeding; however, Fremont College may establish restrictions regarding the extent to which the advisor may participate in the proceedings, if at all, as long as the restrictions apply equally to both parties.
- **Written Notice of Meetings:** Provide, to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all investigative interviews and other meetings, with sufficient time for the party to prepare to participate.
- **Equal Opportunity – Evidence Review:** Provide both parties an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a Formal Complaint, including the evidence upon which Fremont College does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to conclusion of the investigation. Prior to completion of the investigative report, the Title IX Investigator(s) must send to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy, and the parties must have at least 10 calendar days to submit a written response, which the Title IX Investigator(s) will consider prior to completion of the investigative report.
- **Investigative Report:** Within thirty (30) Business Days of receipt of the Formal Complaint, the Title IX Investigator will create an investigative report that fairly summarizes relevant evidence and, at least ten (10) calendar days prior to a live hearing or other time of determination regarding responsibility, send to each party and the party's advisor, if any, the investigative report in an electronic format or a hard copy, for their review and written response. If the investigation is not completed within sixty (30) days, the Title IX Coordinator shall inform the Complainant and Respondent of the status of the investigation and provide the Complainant and the Respondent with an estimated date for the completion of the investigation.

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**The process used to investigate and resolve a Formal Complaint will also meet the following additional requirements:**

- The process used must treat Title IX Complainants and Title IX Respondents equitably in all manners, including by providing remedies to a Title IX Complainant where a determination of responsibility for Title IX Sexual Harassment has been made against the Title IX Respondent, and by following this Grievance Process before the imposition of any disciplinary sanctions or other actions that are not Supportive Measures against a Title IX Respondent.
- No evidence that constitutes or seeks disclosure of information protected under a legally recognized privilege will be required, allowed, or relied on unless the person holding such privilege has waived the privilege.

- The Title IX Investigator and the Title IX Decisionmaker will objectively review all relevant evidence, including both inculpatory and exculpatory evidence, and credibility determinations will not be based on a person's status as a Title IX Complainant, Title IX Respondent, or Witness.
- All members of the Title IX Team will operate under a presumption that the Title IX Respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of this Title IX Sexual Harassment Grievance Process.
- Remedies may include, but are not limited to, the same individualized services described as Supportive Measures in this policy but need not be non-disciplinary or non-punitive and need not avoid burdening the Title IX Respondent. Student discipline can involve a range of consequences, which may include, but are not limited to, Supportive Measures, a warning, recommendation for suspension and/or expulsion, depending on the severity of the action and circumstances of the student(s) involved. Discipline for employees also includes a range of options, including, but not limited to, a letter of reprimand, reassignment, suspension with or without pay, discharge or recommendation for discharge, notifying appropriate legal authorities and/or taking legal action against the employee.
- The Title IX Coordinator or designee may consolidate Formal Complaints as to allegations of Title IX Sexual Harassment against more than one Title IX Respondent, or by more than one Title IX Complainant against one or more Title IX Respondents, or by one party against the other party, where the allegations of Title IX Sexual Harassment arise out of the same facts or circumstances.

### **Special pre-hearing procedures**

College policy provides that pre-hearing information is exchanged by the Campus President and the Respondent no later than (10) days prior to the hearing date. The Campus President shall provide this information to the Complainant prior to the hearing, to the extent permitted by law.

**Designation of Decisionmaker:** The Title IX Coordinator or designee will identify one or more Title IX Decisionmakers for the Formal Complaint, which cannot include the Title IX Coordinator or designee or the Title IX Investigator assigned to the Formal Complaint.

### **Special procedures regarding the conduct of the hearing.**

The Complainant may be present at the hearing. With regard to the scheduling of the hearing, the Campus President shall make an equal effort to accommodate the schedules of the Respondent and the Complainant. Once the hearing is scheduled, the absence or unavailability of either the Respondent or the Complainant shall not be cause to cancel, postpone, or reschedule a scheduled hearing. Neither the Complainant nor the Respondent may record any portion of the hearing.

**Live Hearing:** A live hearing will be provided as part of the grievance process. The live hearing will comply with the following requirements:

The live hearing may, upon the request of either party, be held virtually, with parties located in separate rooms with technology enabling the Title IX Decisionmaker(s) and parties to

simultaneously see and hear the party or witness answering questions. Unless the live hearing is conducted virtually, all parties must be physically present in the same geographic location. Requests for visual or physical separation should be made to the Title IX Coordinator at least five (5) days prior to the hearing.

All hearings will be documented through audio recording, audiovisual recording, or transcript, at the institution's discretion, and will be made available to the parties for inspection or review.

At the hearing, the Title IX Decisionmaker(s) must permit each party's advisor to ask the other party and any witnesses all relevant questions and follow-up questions, including those challenges credibility. Only relevant cross-examination and other questions may be asked of a party or witness. With respect to cross-examination:

Questions and evidence about the Title IX Complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the Title IX Complainant's prior sexual behavior are offered to prove that someone other than the Title IX Respondent committed the conduct alleged by the Title IX Complainant, or if the questions and evidence concern specific incidents of the Title IX Complainant's prior sexual behavior with respect to the Title IX Respondent and are offered to prove Consent.

- The Title IX Decisionmaker must explain to the party proposing the questions any decision to exclude a question as not relevant. Cross-examination at the live hearing must be conducted directly, orally, and in real time by the party's advisor of choice and never by the party personally.
- Cross-examination must be conducted by the party's advisor, and never by the party. If a party does not have an advisor present at the live hearing, the Institution will provide an advisor of the Institution's choice, without charge to the party, who may be, but is not required to be, an attorney to conduct cross-examination on behalf of the party.

If a party or witness does not submit to cross-examination at the live hearing, the Title IX Decisionmaker(s) cannot rely on any statement of that party or witness in reaching a determination regarding responsibility; provided, however, that the Decisionmaker(s) cannot draw an inference about the determination regarding responsibility based solely on the party or witness's absence or refusal to answer cross-examination or other questions.

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### **Special notice of the outcome**

Written Determination: Within twenty (20) Business Days of receipt of the final written responses and evidence from the parties, the Title IX Decisionmaker(s) must issue a written determination regarding responsibility. To reach this decision, the Title IX Decisionmaker(s) must apply the preponderance of the evidence standard, regardless of whether the Title IX Respondent is a student or an employee. The written determination must include:

- Identification of the allegations potentially constituting Title IX Sexual Harassment
- A description of the procedural steps taken from the receipt of the Formal Complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings



held

- Findings of fact supporting the determination
- Conclusions regarding the application of this Title IX Sexual Harassment Grievance Process to the facts
- A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions Fremont College will impose on the Title IX Respondent, and whether remedies designed to restore or preserve equal access to Fremont College's Education Program or Activity will be provided by Fremont College to the Title IX Complainant, and
- Fremont College's procedures and permissible bases for the Title IX Complainant and Title IX Respondent to appeal.

Notice of Written Determination: The Title IX Decisionmaker(s) or a designee must provide the written determination to the parties simultaneously.

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### **Special appeal process and procedures.**

Any action that is subject to appeal pursuant to this policy is subject to the following requirements. Such action specifically includes the Administrative Disposition and the final outcome of a formal hearing.

A Title IX Complainant or Title IX Respondent who wishes to appeal must submit a notice of appeal to the Title IX Coordinator within ten (10) calendar days of the date of the Title IX Decisionmaker(s)'s decision. An appeal may be filed by email, mail, or hand delivery to the Title IX Coordinator. If delivered by mail, the notice of appeal must be postmarked by the fifth (5<sup>th</sup>) calendar day after the date of the Title IX Decisionmaker(s)'s decision.

When such an appeal is submitted within that time period, the Title IX Coordinator will:

- Notice of Appeal: Within 5 Business Days of receipt of the appeal, notify the other party in writing that an appeal was filed
- Equal Treatment – Appeal: Implement appeal procedures equally for both parties
- Different Title IX Appellate Decisionmaker: Ensure that the Appellate Decisionmaker(s) are not the same person(s) as the Title IX Decisionmaker(s) that reached the determination regarding responsibility or dismissal, the Title IX Investigator(s) assigned to the formal complaint, or the Title IX Coordinator or designee.
- Appeal Standards Met: Ensure that the Title IX Appellate Decisionmaker(s) complies/comply with the standards set forth in this policy for appeals

**Appeal:** Both parties may appeal from either a determination regarding responsibility or from Fremont College's dismissal of a Formal Complaint or any allegations therein, on the following bases:

1. Newly discovered evidence that was not reasonably available at the time of the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; or
2. Procedural irregularity or error that affected the outcome of the matter; or
3. Claims that the Title IX Coordinator or designee, Investigator(s), or Decisionmaker(s) had

a conflict of interest or bias for or against complainants or respondents generally or the individual Title IX Complainant or Title IX Respondent that affected the outcome of the matter; or

4. Evidence or arguments, which for good cause, should be considered.

The Title IX Appellate Decisionmaker(s) or his/her designee will make the final determination of all matters appealed under this provision. The Title IX Appellate Decisionmaker(s) President/CEO or his/her designee may:

1. Reject the appeal and affirm the original decision and/or sanctions; or
2. Approve the appeal; and
  - a. Modify the decision and/or sanction(s) in question; or
  - b. Require that the matter be reopened and that elements of the Conduct process, including without limitations hearings, be repeated.

If the appeal is based upon newly discovered evidence, then the matter may be referred back to the Office of the Campus President to determine whether any modifications should be made to the investigative report.

Upon receipt of an appeal, the Title IX Appellate Decisionmaker(s) must do the following:

- Equal Treatment – Written Statement: Give both parties a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome
- Written Appeal Decision: Issue a written decision describing the result of the appeal and the rationale for the result within fifteen (15) Business Days of receipt of the notice of appeal, and
- Notice of Written Appeal Decision: Provide the written decision on appeal simultaneously to both parties

If an appeal is successful, the Title IX Coordinator or designee will remand the matter back to the appropriate member of the Title IX Team to remedy the concern. A determination regarding responsibility becomes final on the date that

1. if an appeal is filed, the Title IX Appellate Decisionmaker or designee provides the parties with the written determination of the result of the appeal upholding the determination; or
2. if an appeal is not filed, the date on which an appeal would no longer be considered timely. The Title IX Coordinator or designee is responsible for effective implementation of any remedies.

The filing of a timely appeal suspends the imposition of sanctions and/or formal resolution of charges until the appeal is decided, but interim action may be taken as determined by the Campus President or his/her designee consistent with the process and requirements of the hearing procedures. The imposition of discipline or determination not to uphold charges following a formal hearing shall not be effective until the appeal period has run and, if an appeal has been made, the appeal has been resolved. Grades or degrees may be withheld pending resolution of appeals.

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**Special General Provisions. Notices.**

Notices or communications given to the Respondent by the Campus President concerning the following shall be provided to Complainant on the same day:

1. Administrative Disposition;
  2. Notice of the outcome of a hearing;
  3. Final decision to impose sanctions issued by the Campus President; and
  4. Any decision regarding an appeal.
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**Privacy**

Portions of the communication to Complainant of actions and proposed actions may be redacted if such redaction is required or permitted by law in order to protect the privacy of the student who is the subject of the Title IX Sexual Harassment Complaint, other students, or other persons. In accordance with federal and state law, the Campus President may maintain certain information regarding a Title IX Sexual Harassment Complaint in confidence in order to protect the privacy and confidentiality of the Complainant; however, this information will not be used in a hearing.

Fremont College must keep confidential the identity of any individual who has made a report or complaint of sexual discrimination, including Title IX Sexual Harassment; any person who has filed a Formal Complaint of sexual harassment; any Title IX Complainant; any individual who has been reported to be the perpetrator of sex discrimination; any Title IX Respondent; and any witness, except as may be permitted or required by law or to conduct any investigation, hearing, or judicial proceeding arising under this Title IX Sexual Harassment Grievance Process.

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**Special Grounds for Discipline; retaliation and intimidation.**

The campus does not permit retaliation against any person for bringing a Title IX Sexual Harassment Complaint. Students may be disciplined for retaliating in any fashion against any person who makes a Title IX Sexual Harassment Complaint. Retaliation includes, but is not limited to, harassment, threats, intimidation, reprisals, and/or adverse actions committed or instigated by the person who is the subject of the complaint or persons acting on behalf of that person against directed toward the Complainant or anyone providing emotional or material support to the Complainant. Any student who participates in retaliation may be subject to the disciplinary process as outlined in the College catalog.

Students may be subject to the disciplinary process as outlined in the College catalog for any attempt to intimidate any witness or otherwise attempt to prevent the testimony of any witness who has information relevant to a student conduct proceeding.

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## **Application of Sanctions**

Any sanctions described in College policy may be imposed in response to a Sexual Misconduct Complaint. Sanctions include without limitation exclusion, probation, suspension and dismissal.

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## **Right to Pursue Other Remedies Not Impaired**

The right of a person to resolution of a report or complaint under this policy shall not be impaired by the person's pursuit of other remedies, such as criminal complaints, civil actions, etc. Use of this policy and the grievance processes herein are not a prerequisite to the pursuit of other remedies and may not extend any filing deadline related to the pursuit of other remedies. If a person is pursuing another remedy subject to a complaint under this policy, Fremont College will conduct its own investigation, although in some cases delays due to another process may be warranted or required.