

## **IMPORTANT NOTE REGARDING POLICY APPLICABILITY:**

This Policy Prohibiting Discrimination and Harassment is effective September 9, 2025. It represents Chapman University's efforts to consolidate all its policies pertaining to discrimination, harassment, and related retaliation for students, faculty, staff, and third parties into one unified policy with a single set of procedures.

With respect to alleged conduct falling under Title IX, to the extent there is any conflict between this policy and the requirements of the May 2020 Title IX regulations, the May 2020 Title IX regulations will apply.

**Until further notice, this Policy is in full force and effect for all complaints of discrimination, harassment, and related retaliation except the following:**

**Any conduct which is within the defined scope of the University's 2020 "Student Policy on Sexual Harassment Prohibited by Title IX" and/or 2020 "University Policy on Sexual Harassment Prohibited by Title IX" and which, as alleged, satisfies those policies' definitions of the following offenses:**

- **Sexual Harassment (Quid Pro Quo)**
- **Sexual Harassment (Unwelcome Conduct)**
- **Sexual Assault**
- **Dating Violence**
- **Domestic Violence**
- **Stalking**

Such conduct will continue to be addressed pursuant to those policies until further notice. All other conduct prohibited by this Policy will be addressed by this Policy.

**Importantly, the University's Lead Title IX Coordinator remains, as ever, the University's first point of contact for any individual affected by sex-based misconduct. Any confusion about the applicability of University policy can be addressed by the Lead Title IX Coordinator and should in NO case deter ANY individual affected by sexual harassment, sexual assault, dating violence, domestic violence, stalking, or any other sex-based conduct from promptly seeking information, resources, and options from the Lead Title IX Coordinator:**

Colleen Wood, Lead Title IX Coordinator  
E-mail: [cwood@chapman.edu](mailto:cwood@chapman.edu)  
Phone: (714) 997-6721  
Office: Argyros Forum 101

The University is committed to maintaining a living, learning, and working environment that is welcoming, inclusive, and respectful for all members of the University community and appreciates your joining us in our continued efforts to do so.

## **Policy Prohibiting Discrimination and Harassment**

### **I. INTRODUCTION**

This Policy Prohibiting Discrimination and Harassment (the "Policy") sets forth the commitments of Chapman University ("Chapman" or the "University") pursuant to Title IX of the Education Amendments Act of

1972 ("Title IX"); the Violence Against Women Act ("VAWA"); Title VI of the Civil Rights Act of 1964 ("Title VI"); Title VII of the Civil Rights Act of 1964 (Title VII); the Age Discrimination Act of 1975; the Age Discrimination in Employment Act of 1967; the Americans with Disabilities Act of 1990, as amended ("ADA"); Section 504 of the Rehabilitation Act of 1973, as amended ("Section 504"); Section 508 of the Rehabilitation Act of 1973, as amended; the California Fair Employment & Housing Act ("FEHA"); the California Education Code; and all other federal or state laws or regulations prohibition discrimination and promoting equal access and opportunity (collectively, "civil rights laws").

Consistent with the Policy, Chapman will respond to all reports of Discrimination, Harassment, and/or Retaliation, and take necessary measures to end conduct that is in violation of this Policy, prevent its recurrence, and remedy its effect on individuals and the community. Chapman has adopted grievance procedures which provide for the resolution of Complaints alleging any conduct which would be prohibited by this Policy ("Prohibited Conduct"). All Complaints brought under this Policy will be addressed promptly and equitably pursuant to the Discrimination and Harassment Resolution Procedures (the "Procedures").

## **II. STATEMENT OF NON-DISCRIMINATION AND NON-RETALIATION**

Chapman does not discriminate, and prohibits Discrimination, in its Education Programs and Activities – including employment, and applications for admission or employment – on the following bases (each a "Protected Class"):

Race,<sup>1</sup> color, or national origin; ethnicity or ancestry; religion<sup>2</sup> or creed; age; genetic information; marital,<sup>3</sup> family, or parental status; military and/or veteran status; lawful change of name; Social Security Number or federal employment authorization document; receipt of Medi-Cal coverage; California driver's license with a "federal limits apply" notation; medical condition; physical or mental disability; sex (including sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity<sup>4</sup>); and/or any other characteristic protected by local, state or federal law.

Discrimination based on race, color, or national origin includes Discrimination based on actual or perceived (i) shared ancestry or ethnic characteristics or (ii) citizenship or residency in a country with a dominant religion or distinct religious identity. This could include conduct such as use of ethnic or ancestral slurs; harassment for how a person looks, dresses, or speaks in ways linked to ethnicity or ancestry (e.g. skin color, religious attire, language spoken); or stereotypes based on perceived shared ancestral or ethnic characteristics. Hindu, Jewish, Muslim, and Sikh individuals are examples of individuals who may experience Discrimination based on shared ancestry or ethnic characteristics.

In assessing any allegations and evidence regarding discrimination and harassment, the University, consistent with Section VII below, will apply free speech principles as required by law and Chapman policy.

With respect to allegations of antisemitism, in assessing the applicability of this policy and in determining whether a violation of the policy is substantiated, the University will consider the applicability of the information set out in the International Holocaust Remembrance Alliance (IHRA) definition of antisemitism ("Antisemitism is a certain perception of Jews, which may be expressed as hatred toward Jews. Rhetorical and physical manifestations of antisemitism are directed toward Jewish or non-Jewish individuals and/or their

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<sup>1</sup> Discrimination based on race includes Discrimination based on hair texture and protective hair styles.

<sup>2</sup> Discrimination based on religion includes Discrimination based on religious dress and/or grooming practices.

<sup>3</sup> Discrimination based on marital status includes Discrimination based on registered domestic partner status.

<sup>4</sup> Discrimination based on gender identity includes all gender-based Discrimination, including Discrimination based on gender expression and transgender status.

property, toward Jewish community institutions and religious facilities.”) and accompanying illustrative examples: <https://holocaustremembrance.com/resources/working-definition-antisemitism>.

In addressing any allegations and evidence regarding prohibited conduct related to other religious, ethnic, ancestral, national, or racial groups, the University will consider perceptions of such a group, which may be expressed as hatred towards that group.

This Policy is intended to protect applicants for admission, students, applicants for employment, employees (including faculty, administrators, and staff), student-employees, interns, volunteers, independent contractors, and others participating or attempting to participate in a University Education Program or Activity from Discrimination and/or Harassment based on Protected Class committed by an applicant, student, employee, intern, volunteer, contractor, or other person such individuals may have contact with through their enrollment, employment, or other participation in a University Education Program or Activity.

Chapman’s prohibition on Discrimination based on sex includes a prohibition of all forms of Sex-Based Harassment, including Quid Pro Quo Sex-Based Harassment, Hostile Environment Sex-Based Harassment, Sexual Assault, Dating Violence, Domestic Violence, and Stalking.

Chapman also prohibits Retaliation against any person opposing Discrimination or participating in any Discrimination Complaint, investigation, or resolution process, whether internal or external to the University.

In addition, this policy prohibits Abusive Conduct in the employment context, which is defined under California law as conduct of an employer or employee in the workplace, with malice, that a reasonable person would find hostile, offensive, and unrelated to an employer’s legitimate business interests. Abusive conduct may include repeated infliction of verbal abuse, such as the use of derogatory remarks, insults, and epithets, verbal or physical conduct that a reasonable person would find threatening, intimidating, or humiliating, or the gratuitous sabotage or undermining of a person’s work performance. A single act shall not constitute ‘abusive conduct’, unless especially severe and egregious. Conduct by students is addressed by the Code of Student Conduct, unless alleged conduct by a student employee in the context of their employment.

### **III. SCOPE AND JURISDICTION OF THIS POLICY**

The conduct of all applicants for admission, students, applicants for employment, employees (including faculty, administrators, and staff), student-employees, interns, volunteers, independent contractors, and others participating or attempting to participate in a University Education Program or Activity is subject to this Policy, although the procedures for addressing Prohibited Conduct will vary based on the nature of the individual’s relationship, if any, to Chapman.<sup>5</sup> The status of a party may also impact which resources are available to them under the Policy.

Conduct that occurs in Chapman’s Education Program or Activity includes all conduct which is subject to Chapman’s disciplinary authority and which occurred in the United States, including on-campus or, if applicable, in buildings owned or controlled by a student organization that is officially recognized by Chapman. Chapman will address conduct contributing to a Hostile Environment, including a hostile work environment,<sup>6</sup> even if the

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<sup>5</sup> For example, if the Respondent is not subject to the direct control of the University (e.g. contractors, visitors), they may be barred from the campus and from doing business with the University in the future.

<sup>6</sup> Conduct is reachable by this Policy if it occurs in the workplace (including the remote workplace during working time) or anywhere on Chapman’s property while employees are working; off-campus, if the Prohibited Conduct occurred in

underlying conduct itself occurred outside the University's Education Programs or Activities, including if it occurred outside the United States. Chapman may also address such conduct when it threatens safety and security; implicates the University's compliance with applicable law; and/or prevents the University from achieving its educational mission. This Policy also applies to conduct occurring online (via computer and internet networks or on digital platforms, including social media sites) if it contributes to a Hostile Environment in Chapman's programs or activities.

If there is a conflict between the provisions of this Policy and other University policies, procedures, rules, regulations, or terms or conditions of employment, the provisions of this Policy will govern unless otherwise stated. Any capitalized terms in this Policy are defined as stated or in Sections VIII and IX, below.

#### **IV. ACCOMMODATIONS FOR INDIVIDUALS WITH DISABILITIES**

Individuals with disabilities as defined by the ADA or Section 504 may request reasonable accommodations from Disability Services ("DS") (for students) by contacting [ds@chapman.edu](mailto:ds@chapman.edu) or the Equal Opportunity Office ("EOO") (for employees) by contacting [accommodations@chapman.edu](mailto:accommodations@chapman.edu) at any point relating to the implementation of this Policy, including (but not limited to) making a Report or Complaint, participating in an agreement-based process, or participating in formal resolution procedures (investigation and adjudication). Reasonable accommodations do not fundamentally alter the Procedures established by this Policy. Please note that disability accommodations that have not been specifically requested by the parties will not be provided, even where the individual may be receiving accommodations in other University programs and activities. Disability accommodations personnel in DS and EOO may collaborate in assessing, approving, and/or implementing accommodations.

#### **V. REPORTING PROHIBITED CONDUCT TO THE UNIVERSITY**

**Concerns of Discrimination, Harassment, or Retaliation based on a Protected Class (other than sex) should be reported as follows:**

*For matters involving alleged Prohibited Conduct by students or third parties:*

Colleen Wood  
Assistant Vice President for Student Affairs  
Associate Dean of Students  
Lead Title IX Coordinator  
E-mail: [titleix@chapman.edu](mailto:titleix@chapman.edu)  
Phone: (714) 997-6721  
Office: Argyros Forum 101

*For matters involving alleged Prohibited Conduct by faculty or staff or third parties:*

Dennis Kwarteng  
Office of Human Resources  
Director of Equal Opportunity and Investigations  
Deputy Title IX Coordinator and ADA/504  
Officer Email: [eo@chapman.edu](mailto:eo@chapman.edu)  
Phone: (714) 997-6847  
Office: DeMille Hall 140

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connection with a University work event, activity, program, or event; or off-campus, if conduct by a supervisor has or reasonably may have the effect of creating a Hostile Environment at work.

**Concerns of Sex Discrimination, including all Sex-Based Harassment, and related Retaliation, should be reported to Chapman University's Title IX Coordinator:**

Colleen Wood  
Assistant Vice President for Student Affairs  
Associate Dean of Students  
Lead Title IX Coordinator  
E-mail: [titleix@chapman.edu](mailto:titleix@chapman.edu)  
Phone: (714) 997-6721  
Office: Argyros Forum 101

**IN CASE OF EMERGENCY, DIAL 911.**

Chapman's Title IX Coordinator coordinates the University's compliance with Title IX. The Director of Equal Opportunity and Investigations serves as the University's Title VI and ADA/504 Coordinator, and is the University's Deputy Title IX Coordinator. Together, the two coordinate the University's compliance with civil rights laws (each a "civil rights coordinator"). Depending on the nature of the Prohibited Conduct at issue in an individual matter, and the status of the individuals involved (i.e., students or employees), one or the other may take a more prominent role in administering the University's response processes.

For the purposes of this Policy, when the term "Coordinator" is used, it should be understood to include any and all responsibilities of the two civil rights coordinators, as well as any of their designees; when the Prohibited Conduct at issue is sex-based, it explicitly refers to the Title IX Coordinator or designee acting in that capacity.

The responsibilities of the Title IX Coordinator include:

- Taking prompt and effective steps to ensure that Sex Discrimination does not continue or recur, and to remedy its effects;
- Monitoring University's Education Program or Activity for barriers to reporting conduct that may constitute Sex Discrimination and taking steps reasonably calculated to address such barriers;
- Facilitating the provision of a non-discriminatory environment and equal access to individuals experiencing Pregnancy or Related Conditions; and
- When notified of conduct that reasonably may constitute Sex Discrimination,
  - Treating Complainants and Respondents equitably;
  - Offering and coordinating Supportive Measures for the Complainant and, if an agreement-based resolution or formal resolution procedures are pending, the Respondent;
  - Notifying Complainants or, if different, individuals making Reports, of the agreement-based resolution process and formal resolution procedures, as available and appropriate;
  - Notifying the Respondent of the agreement-based resolution process and formal resolution procedures, as available and appropriate, if a Complaint is made;
  - In the event of a Complaint, initiating the formal resolution procedures or, if available and appropriate and requested by all parties, the agreement-based resolution process; and
  - In the absence of a Complaint made by a Complainant, or in the event of the withdrawal of any or all of the allegations in a Complaint, determining whether to initiate a Complaint.

All Reports and Complaints of alleged violations of this Policy will be taken seriously and in good faith, and reporting parties and Complainants will be provided information, resources, and options. In all cases, Chapman will protect the privacy of the parties and give consideration to the party bringing forward a Report with respect to how the matter is pursued. But, Chapman may, under circumstances described below, initiate an

investigation or take other responsive action even when the person identifying a concern chooses not to participate in a resolution process and/or requests that Chapman not initiate an investigation or other responsive action.

Chapman encourages the prompt reporting of concerns because early reporting and intervention have proven to be the most effective method of resolving actual or perceived incidents. And, the ability of the University to respond may be hindered by the passage of time. However, late reporting by itself will not preclude the University from taking appropriate action. There is no time limit for making a report of Prohibited Conduct to the University.

## **VI. REPORTING PROHIBITED CONDUCT TO LAW ENFORCEMENT**

Some Prohibited Conduct may constitute a violation of both the law and University policy. Chapman encourages prompt reporting of criminal conduct to local law enforcement. All persons have the right to file a criminal complaint with law enforcement, as well as the right to decline to file a criminal complaint. The decision to file, or not to file, a criminal complaint shall not be considered as evidence that there was or was not a violation of University policy.

Criminal investigations may be useful in the gathering of evidence, particularly forensic evidence. It is important to note that the standards for finding a violation of criminal law are different from the standards for finding a violation of this Policy. Conduct may constitute Prohibited Conduct under this Policy even if law enforcement agencies lack sufficient evidence of a crime and decline to prosecute, or whether a prosecution does not result in a conviction.

Proceedings under this Policy may be carried out prior to, simultaneously with, or following civil or criminal proceedings off campus. In most cases, Chapman's process will not be halted pending criminal proceedings. However, when a complaint is made to Chapman as well as to law enforcement, Chapman may delay its process if a law enforcement agency requests that it do so for a reasonable amount of time to allow law enforcement to gather evidence of criminal conduct.

## **VII. ACADEMIC FREEDOM AND FREEDOM OF SPEECH**

Chapman recognizes the critical importance of academic freedom at institutions of higher education. Chapman maintains a [statement on academic freedom and freedom of speech](#). Nothing in this Policy will be construed to restrict any rights that would otherwise be protected from government action by the First Amendment of the United States Constitution or California's Leonard Law, or negate any rights afforded by Chapman's statement on academic freedom and freedom of speech. In the event a Report or Complaint alleges conduct which is determined – before, during, or at the conclusion of formal resolution procedures - to constitute protected speech only, Chapman will typically not make a finding of responsibility or impose Disciplinary Sanctions, although Supportive Measures may be provided, and the agreement-based resolution process may be available. In all cases, Chapman will take prompt and effective steps to ensure that Prohibited Conduct does not continue or recur, and to remedy its effects.

**In all cases, the University will assess whether alleged protected speech is being conveyed in compliance with University time, place and manner restrictions, and is otherwise in compliance with this policy.**

## **VIII. DEFINITIONS OF PROHIBITED CONDUCT**

### **Discrimination**

Discrimination is defined as actions that cause an individual or group to be excluded from participation in, be denied the benefits of, or be subjected to adverse action in any University Education Program or Activity (including academic, employment, extracurricular, research, occupational training, or other activities) on the basis of Protected Class, including, but not limited to:

- Treating one person differently from another in determining whether they satisfy any requirement or condition for the provision of an aid, benefit, or service;
- Providing different aid, benefits, or services, or providing these in a different manner;
- Denying a person any such aid, benefit, or service;
- Subjecting a person to separate or different rules of behavior, sanctions, or other treatment;
- Applying a rule concerning the domicile or residence of a student or applicant, including eligibility for in-state fees and tuition;
- Providing significant assistance to an agency, organization, or person which discriminates on the basis of sex in providing any aid, benefit or service to students or employees; and/or
- Otherwise limiting any person in the enjoyment of any right, privilege, advantage, or opportunity.

Sex Discrimination is a form of Discrimination, but separately defined under this Policy.

### **Sex Discrimination**

Sex Discrimination is Discrimination on the basis of sex (where sex includes sex stereotypes, sex characteristics, Pregnancy or Related Conditions, sexual orientation, and gender identity).

### **Harassment**

Harassment is a form of Discrimination and means any unwelcome behavior (physical, verbal, graphic, written, or electronic) based on an actual or perceived Protected Class that, based on the totality of the circumstances, evaluated subjectively and objectively, is so severe or pervasive that it limits or denies a person's ability to participate in or benefit from a University Education Program or Activity by creating a Hostile Environment.

Determining whether conduct has created a Hostile Environment is a fact-specific inquiry which may include many factors such as, but not limited to: the degree to which the conduct affected the Complainant's ability to access the Education Program or Activity; the type, frequency, and duration of the conduct; the parties' ages, roles, previous interactions, and other factors about each party that may be Relevant to evaluating the effects of the alleged unwelcome conduct; the location and context in which the conduct occurred; and other similar conduct in the Education Program or Activity.

Sex-Based Harassment and Employment Harassment are forms of Harassment, but separately defined under this Policy.

### **Employment Harassment**

Harassment includes a subset of conduct referred to as Employment Harassment, which means any unwelcome behavior that is reasonably regarded as offensive, based on a Protected Class, and:

- Sufficiently offends, humiliates, distresses, or intrudes upon its victim, so as to disrupt the victim's emotional tranquility in the workplace,



- Affects the victim's ability to perform the job as usual, or
- Otherwise interferes with and undermines the victim's personal sense of well-being.

A single incident of harassing conduct in employment may constitute Employment Harassment if the conduct unreasonably interferes with the victim's work performance or creates an intimidating, offensive, or hostile environment. Whether or not the person meant to give offense or believed their comments or conduct were welcome is not significant. Rather, the standard is met when other individuals, whether recipients or mere observers of the conduct, are actually offended by comments or conduct based on Protected Class and the conduct would be considered offensive by a reasonable person. Examples of conduct based on a Protected Class that may constitute harassing conduct include, but are not limited to:

- Making gestures, threats, derogatory comments, or slurs that may be reasonably regarded as offensive to individuals in a particular group;
- Bullying behavior that is threatening, intimidating, verbally abusive or results in other disruptive actions in the workplace; or
- Displaying derogatory objects, photographs, cartoons, calendars, or posters.

### **Sex-Based Harassment**

Sex-Based Harassment means Harassment on the basis of sex (where sex includes sex stereotypes, sex characteristics, Pregnancy or Related Conditions, sexual orientation, and gender identity) including the following conduct:

#### **1. Quid Pro Quo Sex-Based Harassment**

Quid Pro Quo Sex-Based Harassment occurs when someone from or in the work or educational setting, including an employee, agent, or other person authorized by the University to provide an aid, benefit, or service under a Chapman Education Program or Activity explicitly or implicitly attempts to condition or conditions an aid, benefit, or service on an individual's participation in unwelcome sexual conduct.

Unwelcome sexual conduct includes, but is not limited to, unwelcome sexual advances; requests for sexual favors; and other verbal, visual, or physical conduct of a sexual nature, including under any of the following conditions:

- Submission to the conduct is explicitly or implicitly made a term or a condition of an individual's employment, academic status, or progress;
- Submission to, or rejection of, the conduct by the individual is used as the basis of employment or academic decisions affecting the individual; or
- Submission to, or rejection of, the conduct by the individual is used as the basis for any decision affecting the individual regarding benefits and services, honors, programs, or activities available at or through the University.

#### **2. Hostile Environment Sex-Based Harassment**

Hostile Environment Sex-Based Harassment is Harassment, as defined above, when it is based on sex.

#### **3. Sex-Based Employment Harassment**



Sex-Based Employment Harassment is Employment Harassment when it is based on sex.

#### 4. Sex-Based Education Program and Activity Harassment

Sex-Based Education Program and Activity Harassment is a form of Sex-Based Harassment consisting of unwelcome sexual advances; requests for sexual favors; and other verbal, visual, or physical conduct of a sexual nature, made by someone from or in the work or educational setting where the conduct has the purpose or effect of having a negative impact upon the individual's work or academic performance, or of creating an intimidating, hostile, or offensive work or educational environment.

#### 5. Sexual Assault

Sexual Assault includes the following acts:

- a. **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. Attempted rape falls under this prohibition.
- b. **Criminal sexual contact:** the intentional touching of the clothed or unclothed body parts of the Complainant, without the affirmative consent of the Complainant, for the purpose of sexual degradation, sexual gratification, or sexual humiliation; and/or the forced touching by the Complainant, caused by the Respondent, of the Respondent's clothed or unclothed body parts, without the affirmative consent of the Complainant, for the purpose of sexual degradation, sexual gratification, or sexual humiliation.
- c. **Incest:** Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- d. **Statutory Rape:** Sexual intercourse with a person who is under the statutory age of consent (in California, 18).

The University's definitions of consent (an Affirmative Consent standard) and Incapacitation are in Section IX, below.

#### 6. Dating Violence

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

#### 7. Domestic Violence

Domestic Violence is felony or misdemeanor crimes of violence committed by a person who: is a current or former spouse or intimate partner of the victim under the family or domestic violence laws of California, or a person similarly situated to a spouse of the victim; is cohabitating, or has cohabitated, with the victim as a spouse or intimate partner; shares a child in common with the victim;

or commits acts against a youth or adult victim who is protected from those acts under the family or domestic violence laws of California.

## **8. Stalking**

Stalking is defined as engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for their safety or the safety of others, or suffer substantial emotional distress.<sup>7</sup>

## **9. Sexual Exploitation**

Sexual Exploitation means a person taking sexual advantage of another person for the benefit of anyone other than that person without that person's consent, including, but not limited to, any of the following acts:

- The prostituting of another person;
- The trafficking of another person, defined as the inducement of a person to perform a commercial sex act, or labor or services, through force, fraud, or coercion;
- The recording of images, including video or photograph, or audio of another person's sexual activity or intimate parts, without that person's consent;
- The distribution of images, including video or photograph, or audio of another person's sexual activity or intimate parts, if the individual distributing the images or audio knows or should have known that the person depicted in the images or audio did not consent to the disclosure; and/or
- The viewing of another person's sexual activity or intimate parts, in a place where that other person would have a reasonable expectation of privacy, without that person's consent, for the purpose of arousing or gratifying sexual desire.

## **Abusive Conduct**

Abusive Conduct, which is defined as conduct of an employer or employee in the workplace, with malice, that a reasonable person would find hostile, offensive, and unrelated to an employer's legitimate business interests. Abusive conduct may include repeated infliction of verbal abuse, such as the use of derogatory remarks, insults, and epithets, verbal or physical conduct that a reasonable person would find threatening, intimidating, or humiliating, or the gratuitous sabotage or undermining of a person's work performance. A single act shall not constitute 'abusive conduct', unless especially severe and egregious. Conduct by students is addressed by the Code of Student Conduct, unless alleged conduct by a student employee in the context of their employment.

## **Retaliation**

Retaliation is any sufficiently severe intimidation, threats, coercion, or discrimination directed at an individual by the University, a student or employee of the University, or any other person authorized by the University to provide aid, benefits, or services as part of a University Education Program or Activity, for the purpose of interfering with that individual's rights under this Policy, or because the individual has made a Report or Complaint under this Policy; made a report or complaint to an external agency or to law enforcement; or, other

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<sup>7</sup> Stalking which is not on the basis of sex, but which is based on another Protected Class, may be addressed under this Policy and its procedures. Stalking which is not based on sex or any Protected Class may be address under separate University policy.

than as provided for in the paragraph below, participated or refused to participate in any investigation or other proceeding under this Policy, including an agreement-based resolution process or formal resolution procedures. To constitute retaliation, the conduct must be sufficiently severe to deter a reasonable person from exercising their rights under this Policy or under the law.

The exercise of rights protected under the First Amendment or state law does not constitute Retaliation. It is not Retaliation for Chapman to require an employee, or other person authorized to provide aid, benefits, or services as part of its Education Program or Activity, to participate as a witness in, or otherwise assist with, any investigation or proceeding under this Policy. Retaliation includes Peer Retaliation, but also Retaliation by a student against an employee, or by an employee against a student, as well as by an employee against another employee of more or less senior role. An individual need not be a Complainant or Respondent to have committed or been affected by Retaliation.

Retaliation may occur even where there is a finding of “not responsible” under this Policy for the underlying conduct. Good faith actions lawfully pursued in response to a report of Prohibited Conduct are not Retaliation. Along the same lines, charging an individual with a conduct violation for making a materially false statement in bad faith in a report, Complaint, or the course of a resolution process under this Policy does not constitute Retaliation, provided, however, that a determination regarding responsibility alone is not sufficient to conclude that any party made a materially false statement in bad faith.

Retaliation may include, but is not limited to:

- For a student, adverse academic actions such as a reduced grade, negative recommendation, negative comments about the student at academic meetings or conferences, or limiting access to an academic opportunity;
- For an employee, threats of termination, transfers and changes in work location, poor performance reviews, the denial of a promotion or tenure, denial of job benefits, demotion, suspension, or termination;
- An escalation of behavior in response to a Complaint;
- Making false reports to Chapman or to government authorities (e.g., law enforcement, licensing agencies); and/or
- Other threats, such as threats of deportation, initiating action with immigration authorities, and similar.

## **IX. OTHER DEFINITIONS**

**Advisor:** An Advisor is a person in a non-speaking role present to advise and support the party and may be, but is not required to be, an attorney. Parties are entitled to be accompanied by Advisors in all cases involving Complaints of Sex-Based Harassment, and where otherwise required or permitted by law.

**Affirmative Consent:** Affirmative Consent means 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 they have the Affirmative Consent of the other or others to engage in the sexual activity. Consent cannot be given when the person is incapable of giving Consent because of their age or temporary or permanent mental or physical capacity. Affirmative Consent must be ongoing throughout a sexual activity and can be revoked at any time. Lack of protest or resistance does not mean Affirmative Consent. Silence does not mean Affirmative Consent. And, the existence of a dating relationship between the persons involved – or the fact of past sexual relations between them – is not by itself an indicator of Affirmative Consent. It shall not be a valid excuse to an alleged lack of Affirmative Consent that Respondent believed that Complainant consented to sexual activity under either of the following circumstances:

- Respondent's belief in Affirmative Consent arose from the intoxication or recklessness of Respondent; or

- Respondent did not take reasonable steps, in the circumstances known to Respondent at the time, to ascertain whether Complainant affirmatively consented.

It shall not be a valid excuse that Respondent believed that Complainant gave Affirmative Consent to sexual activity if Respondent knew or reasonably should have known that Complainant was unable to give Affirmative Consent due to any of the following circumstances:

- Complainant was asleep or unconscious;
- Complainant was incapacitated due to the influence of drugs, alcohol, or medication, so that the Complainant could not understand the fact, nature, or extent of the sexual activity; or
- Complainant was unable to communicate due to a mental or physical condition.

Affirmative Consent cannot be procured by the use of physical force, compulsion, threats, intimidating behavior, or coercion. Sexual activity accompanied by coercion or force is not consensual. Coercion refers to unreasonable pressure for sexual activity. When someone makes it clear that they do not want to engage in sexual activity or do not want to go beyond a certain point of sexual interaction, continued pressure beyond that point can be considered coercive. The use of coercion can involve the use of pressure, manipulation, substances, or force. Ignoring objections of another person is a form of coercion. Force refers to the use of physical violence or imposing on someone physically to engage in sexual contact or intercourse. Force can also include threats, intimidation (implied threats), or coercion used to overcome resistance.

**Complainant:** A student, employee, or other individual who is alleged to have been impacted by conduct that could constitute Prohibited Conduct as defined by this Policy. In the event a Complaint is brought by the Coordinator, the individual affected by the alleged Prohibited Conduct that is the subject of the Complaint remains the Complainant, and the Coordinator does not become the Complainant.

**Complaint:** A Complaint is an oral or written request that objectively can be understood as a request for Chapman to investigate and make a determination about alleged Prohibited Conduct under this Policy. It is the policy of Chapman to confirm a Complainant's request in writing prior to initiating formal resolution procedures.

A Complaint can be made by a Complainant<sup>8</sup> or the Coordinator. A Complainant must have been enrolled, employed, or otherwise participating or attempting to participate in Chapman's Education Program or Activity at the time the alleged Prohibited Conduct occurred in order to file a Complaint under this Policy, although the Complainant need not be enrolled, employed, or otherwise participating or attempting to participate in the Education Program or Activity at the time the Complaint is made.

With respect to allegations of Sex Discrimination other than Sex-Based Harassment, a Complaint may be brought by any student or employee, or any other person who was participating or attempting to participate in the Education Program or Activity at the time the alleged conduct took place.

**Day:** Unless otherwise noted, a Day is a business day, when the University is open.

**Disciplinary Sanctions:** Disciplinary Sanctions are consequences imposed on a Respondent following a determination that the Respondent is responsible for having committed Prohibited Conduct.

**Education Program or Activity:** Conduct which is part of Chapman's Education Program or Activity includes all conduct occurring in the United States and which: occurs on campus and, if applicable, in buildings owned or controlled by a student organization that is officially recognized by Chapman; occurs in off-campus settings that are operated or overseen by Chapman, including, for example, field trips, online classes, and athletic programs;

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<sup>8</sup> A Complaint may also be brought by a parent, guardian, or other authorized legal representative with the legal right to act on behalf of a Complainant, where applicable.

is subject to the University's disciplinary authority; and takes place via University-sponsored electronic devices, computer and internet networks, and/or digital platforms operated by, or used in the operations of, the University. For the avoidance of doubt, conduct in the employment context, when within the scope set out in this paragraph, is part of the University's Education Program or Activity. Chapman will address conduct that occurs outside of the University's Education Program or Activity if it contributes to a Hostile Environment within the Education Program or Activity.

**Incapacitation:** Incapacitation describes when someone lacks the capacity to give knowing and informed Affirmative Consent (e.g., to understand the "who, what, when, where, why, and how" of their sexual interaction). Incapacitation is determined through consideration of all relevant indicators of a person's state and is not synonymous with intoxication, impairment, or being under the influence of drugs or alcohol. This Policy also covers a person whose Incapacitation results from temporary or permanent physical or mental health condition, involuntary physical restraint, and/or the consumption of incapacitating drugs (voluntary or involuntary), or who are sleeping.

**Intimate Parts:** Intimate parts, also referred to as private body parts, may include the breasts, genitals, buttocks, groin, mouth, or any other part of the body that is touched in a sexual manner.

**No-Contact Directive:** A No-Contact Directive is a document issued by the University that is designed to limit or prohibit contact or communications between the parties. A No-Contact Directive may be mutual or unilateral. For cases of Sex-Based Harassment involving a Student, when requested by a Complainant or otherwise determined to be appropriate, Chapman shall issue an interim, unilateral No-Contact Directive prohibiting the Respondent from contacting the Complainant during the pendency of the decisionmaking process under this Policy, including any appeal.

Chapman shall not issue an interim mutual No-Contact Directive automatically, but instead shall consider the specific circumstances of each case to determine whether a mutual No-Contact Directive is necessary or justifiable to protect the noncomplaining party's safety or well-being, or to respond to interference with an investigation. Upon issuance of an interim mutual No-Contact Directive, Chapman shall provide the parties with a written justification for the No-Contact Directive and an explanation of the terms of the No-Contact Directive, including the circumstances, if any, under which a violation could be subject to disciplinary action.

**Party:** The Complainant or Respondent (collectively, the "parties"). At all times throughout its processes, the University will treat Complainants and Respondents equitably.

**Peer Retaliation:** Retaliation by a student against another student.

**Pregnancy or Related Conditions:** Pregnancy, childbirth, termination of pregnancy, or lactation, including related medical conditions and/or recovery. For the avoidance of doubt, this includes reproductive health decisionmaking.

**Relevant:** Relevant means related to the allegations of Prohibited Conduct at issue and whether or not the alleged Prohibited Conduct occurred. Questions are Relevant if they may aid in showing whether the alleged Prohibited Conduct occurred, and evidence is Relevant if it may aid a decisionmaker in determining whether the alleged Prohibited Conduct occurred. The following evidence is impermissible (and will not be considered Relevant) even if it would otherwise be considered Relevant:

- evidence protected under a privilege recognized by federal or state law, unless the person holding the privilege has waived it voluntarily;
- records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the provision of treatment to a Party or witness, unless the person

has voluntarily consented, in writing, to the use of such records in the formal resolution procedures; and/or

- evidence and questions about the Complainant's sexual interests or prior sexual conduct, unless:
  - offered to prove that someone other than the Respondent committed the conduct alleged, or
  - if concerning specific incidents of prior sexual activity with the Respondent which are offered to prove Consent.<sup>9</sup>

Such impermissible evidence will not be accessed, considered, disclosed, or used, except to determine whether one of the preceding exceptions applies.

**Remedies:** Remedies means measures provided, as appropriate, to a Complainant or any other person Chapman identifies as having had their equal access to a University Education Program or Activity limited or denied by Prohibited Conduct covered by this Policy. These measures are provided to restore or preserve that person's access to the Education Program or Activity after the University determines that Prohibited Conduct occurred. Only the Complainant, not all parties, will be informed of any Remedies pertaining to them.

**Report:** A Report is any notice to Chapman of conduct that may constitute Prohibited Conduct. A Report may be made by anyone, whether they learned about conduct potentially constituting Prohibited Conduct under this Policy, or whether they personally experienced such conduct. A person making a Report may or may not be seeking to make a Complaint and initiate an investigation.

**Respondent:** A Respondent is an individual who has been reported to be the perpetrator of conduct that could constitute Prohibited Conduct under this Policy. In the event that a Complaint alleges that a University policy or practice discriminates on the basis of Protected Class, Chapman is not considered a Respondent. In such cases, the University will follow this Policy, including the formal resolution procedures, although Chapman will, necessarily, not be entitled to certain procedural rights and steps afforded to individual Respondents. In the event a Complaint against an individual Respondent is based on actions the Respondent took in accordance with a University policy or practice, the Complaint may, in the University's sole discretion, be amended to substitute Chapman as Respondent. This determination will be made after a consideration of factors including, but not limited to, whether the individual was, in fact, following the University policy or practice; what actions the individual took; and whether the individual could be subject to Disciplinary Sanctions.

**Student:** A student is any person who has gained admission to the University.

**Student-Employee:** A student-employee is a person who is both a student and an employee of the University.

## **X. CONFLICTS OF INTEREST OR BIAS**

Any individual carrying out any part of this Policy shall be free from any conflict of interest or bias on behalf of Complainants or Respondents generally, or a specific Complainant or Respondent (hereafter, "bias") that would impact the handling of a matter. Any concerns about conflict of interest or bias pertaining to an Investigator, agreement-based resolution process facilitator, Decisionmaker, Sanctioning Officer, or Appeals Officer should be promptly brought by the concerned party to the Coordinator so that the concern may be reviewed and the individual(s) at issue reassigned, if appropriate, or other corrective action taken. Should a concern be raised that the Coordinator has a conflict of interest or bias, the Chief Compliance Officer will review the concern and, if necessary, reassign the role for purposes of carrying out the handling and finalization of the matter at issue.

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<sup>9</sup> Before allowing the consideration of any evidence proffered pursuant to this section, the Investigator or Decisionmaker shall provide a written explanation to the parties as to why consideration of the evidence is consistent with this paragraph.

## **XI. CRIMINAL INCIDENT DISCLOSURE OBLIGATIONS**

The Clery Act is a federal crime and incident disclosure law. The California Education Code has similar requirements for disclosures to local law enforcement. Chapman will report the number of incidents of certain crimes, including some Prohibited Conduct under this Policy, that is reported to have occurred in particular campus-related locations, and will issue a warning to the community in certain circumstances.

In statistical disclosures and warnings to the community, Chapman will ensure that a Complainant's name and other identifying information is not disclosed. When reporting to law enforcement under the Education Code, Chapman will not disclose personally identifiable information without a Complainant's consent.<sup>10</sup>

## **XII. MANDATORY REPORTING OF PROHIBITED CONDUCT**

### **A. Employee Reporting Obligations**

All employees (including student-employees), with limited exceptions for Confidential Employees designated by Chapman, as described in Section XIII below, are required to promptly provide to the Coordinator all Complaints and/or Reports of Prohibited Conduct, and share all information reported or made available to the employee. This obligation cannot be satisfied anonymously and failure to comply with this reporting obligation may result in disciplinary action, up to and including termination of employment. Aside from this reporting obligation, employees are expected to maintain the privacy of an individual's information.

The following categories of employees should be aware that they are considered Responsible Employees under federal and/or state law and are required by law, in addition to this policy, to report any awareness of sexual misconduct promptly to the Title IX Coordinator or Deputy Title IX Coordinator named above for follow up by the Title IX Coordinator, even if the source of the information requests confidentiality. The Title IX Coordinator will reach out to Complainant(s) and give them the opportunity to accept or decline a meeting.

Title IX Coordinator and Deputy Title IX Coordinator

All faculty members, teachers, instructors, and lecturers

All deans and associate deans

All Housing and Student Affairs directors and coordinators

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<sup>10</sup> Any report by a victim or an employee pursuant to Section 67383 of the Education Code of a Part 1 violent crime, sexual assault, or hate crime (as described in Section 422.55 of the Penal Code) which is received by a campus security authority and which is made for purposes of notifying the institution or law enforcement, must be immediately (or as soon as practicably possible) disclosed to the local law enforcement agency with which Chapman has a written agreement pursuant to Section 67381. These disclosures will be made without identifying the victim, unless the victim consents to being identified after having been informed of their right to have their personally identifying information withheld. If the victim does not consent to being identified, the alleged assailant shall also not be identified, unless Chapman determines (i) The alleged assailant represents a serious or ongoing threat to the safety of students, employees, or the University and (ii) The immediate assistance of the local law enforcement agency is necessary to contact or detain the assailant. In such cases, Chapman shall disclose the identity of the alleged assailant and immediately inform the victim of that disclosure. In addition to Chapman's legal obligations, the University's Board of Trustees, by this Policy, requires Chapman to enter into written agreements with local law enforcement agencies that clarify operational responsibilities for investigations of Part 1 violent crimes, sexual assaults, and hate crimes occurring on each Chapman campus.



Resident Associates while performing the duties of employment

Staff members with a supervisory or managerial role, who are not confidential employees listed in Section XIII below

Public safety officers

All Athletics directors, coordinators, and coaches at all levels

Employee Relations consultants

Coaches of any student athletic or academic team or activity (e.g., employees who are club advisors, music coaches, etc.)

Graduate student instructors, while performing the duties of employment

Laboratory directors, coordinators, or principal investigators

Internship or externship directors or coordinators

Study-abroad program directors or coordinators

## **B. Public Awareness Events**

Employees are required to report to the Coordinator information about Sex Discrimination they learn at public awareness events such as Take Back the Night which are held on campus or on an online platform sponsored by Chapman. Such reports will not prompt the Coordinator to take responsive action unless the information reveals an immediate and serious threat to the health or safety of a Complainant, any students, employees, or other persons, or unless the individual affected by the alleged Prohibited Conduct clearly indicates that they desire responsive action be taken. Chapman will still use the information disclosed to inform its education and prevention efforts

## **XIII. CONFIDENTIAL EMPLOYEES AT CHAPMAN**

Individuals may wish to speak with a campus resource under conditions when the person is not obligated to report to the Coordinator any disclosures they make of Prohibited Conduct ("Confidential Employees"). The following are Confidential Employees who are not obligated to make reports to the Coordinator, and with whom communications are also privileged or confidential under Federal and/or State law when the person is functioning within the scope of the duties to which the privilege or confidentiality applies.

- Counselors in the Student Psychological Counseling Center ((714) 997-6778)
- Counselors in the Frances Smith Center for Individual and Family Therapy ((714) 997-6746);
- Sexual Assault/Rape Crisis Counselor ((714) 744-7080, [dasmith@chapman.edu](mailto:dasmith@chapman.edu));
- Clergy in the Fish Interfaith Center ((714) 628-7289, [interfaith@chapman.edu](mailto:interfaith@chapman.edu)); and
- Medical providers in the Student Health Center.

Communications with these individuals cannot be disclosed to anyone internal or external to Chapman without the express permission of the individual disclosing the information except for specific circumstances, such as where a health care provider observes an injury related to sexual violence, or where a professional counselor believes (i) a patient is likely to engage in conduct that would result in serious harm to the patient or others or (ii) there is reasonable cause to suspect that California's Mandatory Reporting Obligations pertaining to abuse and

neglect have been triggered.<sup>11</sup> Individuals should clarify a Confidential Employee's ability to keep information confidential **before** disclosing information they wish not to be shared.

Also included in the category of Confidential Employees are individuals who conduct human subjects-research studies that have been approved by the Institutional Review Board ("IRB") and which are designed to gather information about Sex Discrimination, with respect to information disclosed in the course of conducting the approved study.

And, Chapman has designated other Confidential Employees who are not obligated to make reports to the Coordinator, but who are not otherwise individuals who, by nature of their profession, have communications which are otherwise privileged and confidential. Such employees must be acting in the scope of that role when they learn of the information about Prohibited Conduct for this exemption from otherwise mandatory reporting to apply.

- The Faculty Ombudsperson ((714) 628-7320, [giannant@chapman.edu](mailto:giannant@chapman.edu))

Importantly, Confidential Employees do still have notification obligations, and must inform each person who provides information regarding Prohibited Conduct that they are a Confidential Employee; provide contact information for the Coordinator; explain how to report Discrimination; and inform the disclosing individual that the Coordinator may be able to offer and coordinate Supportive Measures, as well as initiate an agreement-based resolution process or formal resolution procedures.

Additional confidential resources which are available off-campus can be found on Chapman's website: <https://www.chapman.edu/students/health-and-safety/title-ix/title-ix-resources.aspx>

#### **XIV. SUPPORTIVE MEASURES**

Supportive Measures are individualized measures offered as appropriate, as reasonably available, without unreasonably burdening a Complainant or Respondent, not for punitive or disciplinary reasons, and without fee or charge to the Complainant or Respondent to:

1. Restore or preserve that party's access to the University's education program or activity, including measures that are designed to protect the safety of the parties or the University's educational environment; or
2. Provide support during the University's formal resolution procedures or during an alternative resolution process.

Supportive Measures may include but are not limited to: counseling; extensions of deadlines and other course-related adjustments; campus escort services; increased security and monitoring of certain areas of the campus; leaves of absence; changes in class, work, housing, or extracurricular or any other activity, regardless of whether there is or is not a comparable alternative; No-Contact Directives (which may be mutual or unilateral); and training and education programs.

Information about Supportive Measures provided to a person will not be disclosed, including informing one party of Supportive Measures provided to another party, except when necessary to provide the Supportive Measures, or restore or preserve a party's access to University's Education Program or Activity. Supportive Measures are available before or after the filing of a Complaint, as well as in cases in which no Complaint is ever filed.

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<sup>11</sup> For more information, refer to the University's [Mandated Reporter Policy](#).

A party may challenge the University's decision to provide, deny, modify, or terminate Supportive Measures when such measures are applicable to them. An impartial employee will be designated to consider modification or reversal. The impartial employee will be assigned by the Coordinator and will typically respond to the challenge within five (5) Days.

Violation of the parameters of Supportive Measures may constitute a violation of this or other University policy and may result in disciplinary action.

## **XV. PRIVACY OF REPORTS, COMPLAINTS, AND RESOLUTION PROCESSES**

In responding to Reports, Complaints, and in implementing resolution processes, Chapman cannot guarantee confidentiality, but will maintain privacy, meaning Chapman is committed to sharing information related to any Report, Complaint, Supportive Measures, agreement-based resolution process, or formal resolution procedures under this Policy only:

- To a person with a legal right to receive disclosures of information, or with prior written consent;
- When necessary to effectuate this Policy, or to otherwise address conduct which may reasonably may constitute Discrimination, Harassment, or Retaliation;
- As required by Federal law or regulation, including by the terms and conditions of a Federal award (e.g., a grant award or other funding agreement); and/or
- When required or permitted by State or local law or the Family Educational Rights and Privacy Act ("FERPA").

Chapman provides training to personnel regarding the safeguarding of private information, and instructs parties and witnesses about the University's privacy-related expectations, and will take other reasonable steps to prevent and address the Parties' and, if applicable, their Advisors', unauthorized disclosure of evidence and documents obtained solely through the University's resolution processes.

In order to preserve the privacy of Parties and witnesses, such evidence or documents (including, but not limited to, Complaints, draft and final evidence summaries, notices, and recordings or transcripts of proceedings) may not be disclosed by the Parties or others acting on their behalf other than as provided for by this Policy, or as may be required or authorized by law. Inappropriately sharing of such evidence and/or documents may constitute Retaliation under this Policy and otherwise subject the individuals involved to disciplinary action under other University policy.

Subject to the foregoing, Chapman will not restrict the ability of Parties to discuss the allegations prompting a Report or Complaint, including for the purposes of obtaining and presenting evidence (such as by speaking to witnesses), consulting with family members, confidential resources, or Advisors, or otherwise preparing for or participating in formal resolution procedures.

## **XVI. AMNESTY FOR STUDENT CONDUCT CODE CHARGES WHEN REPORTING PROHIBITED CONDUCT**

Students may be hesitant to make a Report or Complaint, or participate as a party or witness in an investigation, due to concerns about being charged with disciplinary violations. In order to address these concerns, and encourage the prompt reporting of information related to known or suspected Prohibited Conduct, Chapman maintains a Good Samaritan Policy, a Medical Amnesty Policy, and a Sexual Misconduct Amnesty Policy, which can be found on Chapman's website: <https://www.chapman.edu/students/policies-forms/student-conduct/ files/pdfs/student-conduct-code-master.pdf>

## **XVII. ANONYMOUS REPORTING**

Any individual may report an incident without disclosing their name, or withholding certain details, including, but not limited to, the identity of the Respondent. **However, once information is disclosed, the University may have obligations that it must satisfy.** When a known Complainant wishes to remain anonymous, the University will seek to respect the request of the Complainant, and where it cannot do so, will explain why.

Depending on the information available about a reported incident, the University's ability to respond may be limited. This includes, but is not limited to, the likelihood that the University will not be able to pursue formal resolution procedures against the individual alleged to have engaged in Prohibited Conduct, as typically the identity of the Complainant must be disclosed to the Respondent.

## **XVIII. RESPONSE TO REPORTS**

### **A. Initial Contact and Intake**

Following receipt of a Report alleging a potential violation of this Policy, the Coordinator will contact the Complainant for an initial intake and assessment meeting, and will provide the following:

- An invitation to meet to offer assistance and explain their rights, resources, and options under this Policy;
- A copy of or link to this Policy;
- Information regarding available campus and community resources for counseling, health care, mental health, or victim advocacy;
  - Upon request, information regarding legal assistance, visa and immigration assistance, student financial aid and other available services may be provided.
- The availability of Supportive Measures regardless of whether a Complaint is filed and/or any resolution process is initiated;
- Options for resolution (including agreement-based resolution and pursuit of formal resolution procedures (i.e., investigation and adjudication)) and how to initiate such resolution processes;
- The right to notify, or not to notify, law enforcement;
- The importance of preserving evidence and, in the case of potential criminal misconduct, how to get assistance from Public Safety or local law enforcement in preserving evidence;
- The right to an Advisor of choice, if applicable, during University proceedings under this Policy including the initial meeting with the Coordinator;<sup>12</sup>
- Information about the identification and location of witnesses; and
- A statement that retaliation for filing a Complaint, or participating in the resolution process, is prohibited.

During the intake, the primary concern shall be safety.<sup>13</sup>

Should the Complainant wish to initiate a resolution process, the Coordinator will determine whether this Policy applies and, if so, the available and appropriate processes under this Policy. If the Complainant does not wish to initiate a resolution process, the Coordinator will assess whether to proceed as set forth below ("University-Initiated Complaints"). If the information provided does not suggest a potential violation of this Policy,

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<sup>12</sup> For cases involving allegations of Sexual Assault, Dating Violence, Domestic Violence, Stalking, and Sexual Exploitation, as defined above in Section VIII, the Complainant will be provided with information about the role of victim advocates and the right to consult with an attorney, at their own expense, at any stage of the process if they wish to do so. An attorney may serve as an Advisor.

<sup>13</sup> For cases involving allegations of Sexual Assault, Dating Violence, Domestic Violence, Stalking, and Sexual Exploitation, as defined above in Section VIII, a victim-centered interview protocol shall be used.

the Coordinator will provide the Complainant written notice that the matter is being referred for handling under a different policy, and/or to another appropriate office for handling.

## **B. University-Initiated Complaints**

In the absence of a Complaint brought by a Complainant, or in the event of the withdrawal of any or all of the allegations in a Complaint by the Complainant, the Coordinator may initiate a Complaint and pursue formal resolution procedures. In making this determination, the following factors will be considered:

- The Complainant's request not to proceed with initiation of a Complaint;
- The Complainant's reasonable safety concerns regarding initiation of a Complaint;
- The risk that additional acts of Prohibited Conduct would occur if a Complaint is not initiated;
- The severity of the alleged Prohibited Conduct, including whether the conduct, if established, would require the removal of a Respondent from campus or imposition of another Disciplinary Sanction to end the Prohibited Conduct and prevent its recurrence;
- The age and relationship of the parties, including whether the Respondent is an employee of Chapman;
- The scope of the alleged Prohibited Conduct, including information suggesting a pattern, ongoing misconduct, or conduct alleged to have impacted multiple individuals;
- The availability of evidence to assist a Decisionmaker in determining whether Prohibited Conduct occurred;
- Whether Chapman could end the alleged Prohibited Conduct and prevent its recurrence without initiating formal resolution procedures under this Policy; and
- Other relevant factors.<sup>14</sup>

If, after considering these and other relevant factors, the Coordinator determines that the conduct as alleged presents an imminent and serious threat to the health or safety of the Complainant or other person, or that the conduct as alleged prevents Chapman from ensuring equal access on the basis of a Protected Class to its Education Program or Activity, the Coordinator may initiate a Complaint. Prior to doing so, the Coordinator will notify the Complainant and appropriately address reasonable concerns about their safety or the safety of others, including by providing Supportive Measures. Regardless of whether a Complaint is initiated, the Coordinator will take other appropriate prompt and effective steps to ensure that Prohibited Conduct does not continue or recur within the Education Program or Activity.

## **C. Emergency and Interim Removal; Administrative Leave**

In cases involving allegations of Sex Discrimination, including Sex-Based Harassment, Chapman retains the authority to remove a student Respondent from the University's education program or activity on an emergency basis, where it:

- Undertakes an individualized safety and risk analysis;
- Determines that an immediate and serious threat to the health or safety of a Complainant or any student, employee, or other individual arising from the allegations justifies a removal; and

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<sup>14</sup> California has specific requirements for universities' duty to respond to reports of Sex-Based Education Program and Activity Harassment, Rape, Sexual Battery, and Sexual Exploitation (collectively, "California Misconduct"), in the event the conduct is not governed by Title IX. In such rare instances, the requirements set forth in Appendix A to this Policy will be satisfied in determining whether to initiate a Complaint and proceed with an investigation.

- Provides the Respondent with notice of and an opportunity to challenge the decision immediately following the removal.

The Respondent may challenge the decision immediately following the removal, by notifying the Coordinator in writing. Chapman will designate an impartial individual, not otherwise involved in the case, to consider the challenge to the removal and determine if the emergency removal was reasonable.

With respect to employee Respondents in Sex Discrimination matters, Chapman retains the authority to place an employee Respondent on administrative leave during pending formal resolution procedures under this Policy, with or without pay, as appropriate. The employee will have an opportunity to challenge the decision to impose administrative leave following its imposition.

For all other Prohibited Conduct, Chapman may defer to its interim suspension policies for students and administrative leave for employees.

#### **D. Student Withdrawal or Employee Resignation While a Matter is Pending**

If a student or employee Respondent permanently withdraws or resigns from Chapman with unresolved allegations pending, Chapman will consider whether and how to proceed with the resolution process. Chapman will continue to address and remedy any systemic issues or concerns that may have contributed to the alleged violation(s) and any ongoing effects of the alleged Prohibited Conduct.

A student Respondent who withdraws or leaves (including undergraduate students taking an interrupted enrollment period or graduate students taking a leave of absence) while the process is pending generally may not return to Chapman without first resolving any pending matters. Such exclusion applies to all Chapman campuses and programs. The Coordinator will place a hold on a student respondent's account preventing registration in classes.

An employee Respondent who resigns with unresolved allegations pending is generally not eligible for rehire with the University and responses to future inquiries regarding employment references for that individual will include that the former employee resigned during a pending disciplinary matter. The Coordinator will ensure that these provisions are noted in an employee Respondent's employment file.

#### **E. Withdrawal or Dismissal of a Complaint**

A Complaint may be dismissed if the Complainant notifies the Coordinator that they would like to withdraw the Complaint. Such notice must be in writing. If a Complainant requests dismissal, they can re-file the Complaint at a later date and request a continuation of the formal resolution procedures or pursue an agreement-based resolution. The Coordinator will consider requests in light of the factors laid out in Section XVIII(B), above, relating to the Coordinator's decision to initiate a Complaint.<sup>15</sup> If the Coordinator refuses a request by a Complainant to dismiss a Complaint, the Coordinator will notify the Complainant in writing of the decision and rationale.

Chapman may dismiss a Complaint, in whole or in part, if it is determined, at any time, that:

- The University is unable to identify the Respondent after taking reasonable steps to do so;
- The Respondent is not, or is no longer, participating in a University Education Program or Activity and/or is not, or is no longer, employed by Chapman;

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<sup>15</sup> Complaints of California Misconduct and Sex-Based Employment Harassment must be processed, unless the conditions as set forth in Appendix A are satisfied.

- The Complainant voluntarily withdraws some or all allegations in a Complaint; the Coordinator does not initiate a Complaint; and the conduct that remains alleged in the Complaint, if any, would not constitute Prohibited Conduct under this Policy; or
- The conduct alleged in the Complaint, even if proven and after reasonable efforts to clarify with the Complainant, would not constitute Prohibited Conduct under this Policy.

Upon dismissal, Chapman will promptly notify the Complainant in writing of the dismissal, the basis for the dismissal, and the right to appeal the dismissal. If the dismissal occurs after the Respondent has been notified of the allegations, then Chapman will notify the parties simultaneously, in writing. If a dismissal of one or more allegations changes the appropriate decisionmaking process under the Procedures, the Coordinator will include that information in the notification.

Chapman may still offer Supportive Measures to the Complainant, as appropriate (and, if the Respondent has been notified of the allegations, offer Supportive Measures to the Respondent, as appropriate), and may refer the matter to another, appropriate office for review and response. Chapman will take other prompt and effective steps, as appropriate to ensure that Prohibited Conduct does not continue or recur within a University education program or activity.

## **XIX. CONSOLIDATION AND PROCESS OF COMPLAINTS**

Chapman may consolidate Complaints against more than one Respondent, or by more than one Complainant against one or more Respondents, or by one party against the other party, where the allegations arise out of the same facts or circumstances. Where a resolution process involves more than one Complainant or more than one Respondent, references to the singular “party,” “Complainant,” or “Respondent” include the plural, as applicable.

Where multiple policies may be implicated by the same set of facts or circumstances, Chapman may bifurcate the proceedings in accordance with the requirements of the individual policies, or may use this Policy to address all the conduct alleged in a consolidated manner.

All Complaints are resolved pursuant to the Procedures, which provide details about the agreement-based resolution process and the formal resolution procedures (investigation and adjudication), including determinations of responsibility, the imposition of Disciplinary Sanctions and the provision of Remedies, and the process for any available appeals.

## **XX. RECORD RETENTION**

In implementing this Policy and the Procedures, records of all reports and resolutions will be kept by the Coordinator in accordance with the applicable University [records retention schedule](#).

## **XXI. ADDITIONAL ENFORCEMENT INFORMATION**

Concerns about violations of this Policy or questions about this Policy or the applicability of civil rights laws to Chapman (including, but not limited to, Title IX) may be reported externally to the University to:

Office for Civil Rights  
U.S. Department of Education  
915 Second Avenue, Room 3310  
Seattle, WA 98174-1099  
Telephone: (206) 607-1600  
Fax: (206) 607-1601



Email: [OCR.Seattle@ed.gov](mailto:OCR.Seattle@ed.gov)

U.S. Equal Employment Opportunity Commission (EEOC)

<https://www.eeoc.gov/contact-eeoc>

Roybal Federal Building  
255 East Temple St., 4<sup>th</sup> Floor  
Los Angeles, CA 90012  
Telephone: (213) 785-3090  
Fax: (213) 894-1118  
<https://publicportal.eeoc.gov/Portal/Login.aspx>

California Civil Rights Division (formerly DFEH)

<https://cacrivilrights.ca.gov/>

320 West 4<sup>th</sup> Street, Suite 1000, 10<sup>th</sup> Floor  
Los Angeles, CA 90013  
Phone: (800) 884-1684

## **XXII. POLICY REVIEW & REVISION**

This Policy is effective as of September 9, 2025. This Policy and the Procedures will be reviewed and updated regularly, with any modifications made in a manner consistent with institutional policy, including, but not limited to, upon determining that changes to law, regulation, or best practices require policy or procedural alterations. Generally, procedures in effect at the time of a Complaint will apply, while policy definitions in effect at the time of the alleged Prohibited Conduct will apply. However, all decisions relate to the applicable policy and procedures are to be made by the University, consistent with applicable law, regulations, and institutional policy.

This Policy and the Procedures may be revised at any time without notice. All revisions supersede prior policy and procedures and are effective immediately upon posting to Chapman University website.

## APPENDIX A

As noted, California has specific requirements for universities' duty to respond to reports of Sex-Based Education Program and Activity Harassment, Rape, Fondling, and Sexual Exploitation (collectively, "California Misconduct"), in the event the conduct is not governed by Title IX. For the avoidance of doubt, in the event of a Report of California Misconduct against a student – or when the University should otherwise reasonably know about California Misconduct against a student – regardless of whether or not a Complaint has been filed, when the Respondent is an individual subject to this Policy, Chapman shall promptly investigate (as set forth in this Policy) to determine whether the alleged conduct more likely than not occurred, or, if Chapman determines that an investigation is not required, otherwise respond. If Chapman determines that the alleged conduct more likely than not occurred, it shall immediately take reasonable steps to end the conduct and address the Hostile Environment, if one has been created; prevent its recurrence; and address its effects.

If the Complainant requests confidentiality, which could preclude a meaningful investigation or potential discipline of the Respondent, or that no investigation or disciplinary action be pursued to address alleged California Misconduct, Chapman shall take the request seriously, while at the same time considering its responsibility to provide a safe and nondiscriminatory environment for all students, including Complainant. Chapman shall generally grant the request. In determining whether to disclose Complainant's identity or proceed to an investigation over the objection of Complainant, Chapman may consider whether any of the following apply: (I) There are multiple or prior reports of sexual misconduct against Respondent; (II) Respondent reportedly used a weapon, physical restraints, or engaged in battery; (III) Respondent is a faculty or staff member with oversight of students; (IV) There is a power imbalance between Complainant and Respondent; (V) Complainant believes that they will be less safe if their name is disclosed or an investigation is conducted; and (VI) Whether Chapman is able to conduct a thorough investigation and obtain relevant evidence in the absence of Complainant's cooperation.

If Chapman determines that it can honor the request for confidentiality, it shall still take reasonable steps to respond, consistent with the request, to limit the effects of the alleged California Misconduct and prevent its recurrence without initiating formal action against the alleged Respondent or revealing the identity of Complainant. These steps may include increased monitoring, supervision, or security at locations or activities where the alleged misconduct occurred; providing additional training and education materials for students and employees; or conducting climate surveys regarding sexual violence. Chapman shall also take immediate steps to provide for the safety of Complainant while keeping Complainant's identity confidential, as appropriate. These steps may include changing living arrangements or course schedules, assignments, or tests. Complainant shall be notified that the steps Chapman will take to respond will be limited by the request for confidentiality.

By contrast, if Chapman determines that it must disclose Complainant's identity to the Respondent or proceed with an investigation, it shall inform Complainant prior to making this disclosure or initiating the investigation. Chapman shall also take immediate steps to provide for the safety of Complainant where appropriate. In the event Complainant requests that Chapman inform Respondent that they asked Chapman not to investigate or seek discipline, Chapman shall honor this request.

## **Discrimination and Harassment Resolution Procedures**

These Discrimination and Harassment Resolution Procedures (the “Procedures”) implement the resolution processes supporting the Chapman University (“Chapman” or the “University”) Policy Prohibiting Discrimination and Harassment (the “Policy”). These Procedures provide details about the agreement-based resolution process and the formal resolution procedures (investigation and adjudication), including determinations of responsibility, the imposition of Disciplinary Sanctions and the provision of Remedies, and the process for any available appeals. All defined, capitalized terms contained in these Procedures are as defined in the Policy. Please refer to the Policy for all other information pertaining to the University’s response to Reports and Complaints of Prohibited Conduct, including the following:

- The University’s statement of non-discrimination and non-retaliation;
- Information about the scope and jurisdiction of the Policy;
- Information pertaining to accommodations for individuals with disabilities;
- How to report Prohibited Conduct to the University, or to law enforcement;
- How academic freedom and freedom of speech are considered under the Policy;
- Definitions of Prohibited Conduct and other, supporting definitions;
- How to report conflicts of interest or bias;
- The University’s criminal incident disclosure obligations and requirements for the mandatory reporting of Prohibited Conduct by University employees;
- Information about confidential employees at Chapman and the availability of Supportive Measures;
- Information related to privacy and confidentiality;
- The University’s policy providing amnesty for Student Conduct Code charges when reporting Prohibited Conduct;
- The availability of, and limitations related to, anonymous reporting;
- The University’s response to Reports of Prohibited Conduct, including
  - initial contact and intake,
  - the use of University-initiated Complaints,
  - the imposition of emergency or other interim removal of students, and the imposition of administrative leave for employees,
  - the impact of student withdrawal or employee resignation while a matter is pending, and
  - withdrawal or dismissal of Complaints; and
- Consolidation of Complaints.

### **I. AGREEMENT-BASED RESOLUTION PROCESS**

Agreement-based resolution is an option by which the parties each voluntarily agree to resolve a concern in a way that does not include an investigation and does not include any finding of responsibility. If the parties voluntarily consent to engage in that process, and the Coordinator agrees that it is appropriate, the Coordinator must still take other prompt and effective steps as needed to ensure that Prohibited Conduct does not continue or recur within the Education Program or Activity. An agreement-based resolution is not permitted if such a process would conflict with federal, state, or local law; Chapman may also decline to permit an agreement-based resolution process when it determines that the alleged conduct presents a future risk of harm to others.

A Complaint need not be made in order to initiate agreement-based resolution, which may be

initiated at any time prior to notice of a final determination of responsibility. Prior to the initiation of agreement-based resolution, the Coordinator will provide the Parties written notice that includes:

- The conduct that is alleged to have occurred, if not already noticed;
- Information about Supportive Measures, if not already provided;
- The requirements of the agreement-based resolution process;
- A statement that any party has the right to withdraw from the agreement-based resolution process and initiate or resume formal resolution procedures at any time before agreeing to a resolution;
- Notice that once an agreement is finalized and signed by the parties, they cannot initiate or continue formal resolution procedures arising from the same allegations;
- The potential terms that may be requested or offered in an agreement-based resolution agreement;
- Notice that an agreement resulting from the agreement-based resolution process is binding only on the Parties and is not subject to appeal;
- A statement indicating that the decision to participate in the agreement-based resolution process does not presume that the conduct at issue has occurred and the Respondent is presumed not responsible for violating this Policy, unless Respondent admits to or is found responsible for violations of this Policy;
- An explanation that all parties may be accompanied by an Advisor of their choice, where applicable; and
- An explanation of the records that will be maintained as part of the agreement-based resolution, and whether Chapman could disclose such information for use in future University formal resolution procedures in the event the agreement-based resolution process is not completed and formal resolution procedures are initiated or resumed.

If all Parties are willing to explore agreement-based resolution, the Coordinator will meet separately with each party to discuss. If the parties do not ultimately reach an agreement, including if one or all parties determines they no longer wish to participate or the Coordinator does not believe that the terms of the agreement or continuing the process is appropriate, the formal resolution procedures may be initiated or continued, or other action taken.

Agreement-based resolution processes are managed by facilitators who do not have a conflict of interest or bias. The Coordinator may serve as the facilitator, but the Investigator or Decisionmaker for a matter may not facilitate an agreement-based resolution in that same matter.

Any party may craft or create the terms of the agreement and will be asked for their suggestions or ideas. Examples of agreements may include but are not limited to:

1. An agreement that a party will change classes or housing assignments;
2. An agreement that the parties will not contact, communicate, or otherwise engage with one another;
3. Completion of a training or educational project;
4. Completion of a community service project; and/or
5. An agreement to engage in a restorative justice process or facilitated dialogue.<sup>1</sup>

Once the final terms of the agreement have been agreed upon by all parties, in writing, and

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<sup>1</sup> Although not generally a part of Agreement-Based Resolution, for the avoidance of doubt, under California law, mediation is not permitted for matters involving alleged California Misconduct. The Title IX Coordinator must specifically determine that it is permissible for resolving Sex-Based Employment Harassment.

approved by the Coordinator, the matter will be considered closed, and no further action will be taken. No appeal is permitted. The agreement-based resolution process is generally expected to be completed within thirty (30) calendar days but this timeline may be extended as appropriate. All parties will be notified, in writing, of any extension and the reason for the extension.

Any violations of the terms of a resolution agreement may result in disciplinary action.

## **II. FORMAL RESOLUTION PROCEDURES (INVESTIGATION & ADJUDICATION)**

The investigation and adjudication of alleged Prohibited Conduct under this Policy is not an adversarial process between a Complainant, a Respondent, and the witnesses, but rather a process for Chapman to comply with its obligations under existing law. The investigation and adjudication shall provide all parties with appropriate process and reach reasonable conclusions based on the evidence collected.

### **A. Acceptance of Responsibility**

At any time prior to the rendering of a finding as to responsibility, the Respondent may indicate that they do not wish to contest the disciplinary case against them and accept responsibility for all or part of the Prohibited Conduct alleged. In all cases in which the alleged Prohibited Conduct is Sex Discrimination, Sex-Based Harassment, or related Retaliation, in the event that a Respondent accepts responsibility, the Complainant will be notified in writing, and the parties will thereafter be notified simultaneously of the Disciplinary Sanctions imposed and whether Remedies will be provided. In all other cases, other than when permitted or required by law, only the Respondent will be notified of the Disciplinary Sanctions imposed; the Complainant will not be advised of the outcome. This decision is not appealable and is final. In the event that the Respondent accepts responsibility for only part of the Prohibited Conduct alleged, the remaining allegations will proceed to the Decisionmaker for a finding, and Remedies and Disciplinary Sanctions for all the Prohibited Conduct at issue will be assigned at the conclusion of the matter in its entirety.

### **B. Assignment of the Investigator and/or Decisionmaker**

Chapman will assign a trained Investigator and, where applicable, Decisionmaker to conduct an adequate, reliable, and impartial investigation and determination in a reasonably prompt timeframe. Chapman reserves the right to utilize internal or external Investigators and Decisionmakers, who shall be free of conflicts of interest or bias. If applicable, as required by California law, those involved in the process shall have undergone a comprehensive, trauma-informed training program for campus officials involved in investigating and adjudicating cases involving Sexual Assault, Domestic Violence, Dating Violence, and Stalking.

All Parties have the same rights to participate in the investigation, to an Advisor, where applicable; to submit Relevant witness names and evidence; and to review the evidence gathered by the Investigator prior to decisionmaking. The Investigator will establish deadlines for submission of names of Relevant witnesses and submission of evidence and communicate those deadlines to the parties in writing.

### **C. Timeline**

Chapman strives to complete the investigation process within ninety (90) Days from the date of the Notice of Investigation and shall communicate with the parties regarding the anticipated timeline. The communicated timeline information shall include:

- The period during which the University shall conduct any investigation.
- The date by which the parties shall be notified of the outcome of any investigation.
- The deadlines and process for parties to appeal.

The Investigator and/or Coordinator shall provide the parties with periodic status updates, in writing. The timeline for any part of the resolution process may be extended for good cause by the Coordinator, who shall provide for the prompt communication of that information to the parties. All parties shall be notified, in writing, of any extension to the timeline that is granted, the reason for the extension, and the new anticipated timeframes for the major stages of the complaint process, including the anticipated date(s) of conclusion of the investigation and/or hearing.

Good cause reasons for extension may include, but is not limited to, ensuring availability of witnesses and other participants and ensuring participants have sufficient time to review materials. Chapman shall not unreasonably deny a student party's request for an extension of a deadline related to a Complaint during periods of examinations or school closures.

#### **D. Standard of Proof**

The standard of proof used in any investigation and decisionmaking process is the preponderance of the evidence standard, which means that the allegation(s) are more likely than not to have occurred.

Chapman has the burden of conducting an investigation that gathers sufficient evidence to determine whether Prohibited Conduct occurred. Complainant does not have the burden to prove, nor does Respondent have the burden to disprove, the underlying allegation or allegations of Prohibited Conduct. Any party may decide to limit their participation in part or all of the process, or to decline to participate. This does not shift the burden of proof away from Chapman and does not indicate responsibility.

#### **E. Evidence Gathering**

Chapman will provide, to a party or witness whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all meetings or proceedings with sufficient time to prepare. The Investigator will interview all parties and Relevant witnesses and gather Relevant documentary evidence provided by the parties and any identified witnesses. Interviews may be conducted in person, or via video conference.

When a party meets with an Investigator, the Investigator will ask questions related to the allegations in the Complaint and a party is given the opportunity speak to the allegations and related events. Parties may identify fact witnesses and provide evidence that is Relevant to the allegations and not otherwise impermissible. This will include inculpatory evidence (that tends to show it more likely that someone committed a violation) and exculpatory evidence (that tends to show it less likely that someone committed a violation). The Investigator ultimately determines whom to interview to determine the facts Relevant to the complaint.

#### **F. Notice of Investigation**

Prior to the start of an investigation, the Parties will be provided a written Notice of Investigation communicating the initiation of an investigation. The Notice shall include, at a minimum:

- The University's resolution procedures, including the applicable formal resolution procedures, and any agreement-based resolution process, with a link to the full Policy and procedures;

- The specific allegations, including the identity of the parties, and dates and location if known;
- A statement that Retaliation is prohibited;
- Contact information for the assigned Investigator and Decisionmaker (as applicable), as well as the process for raising a challenge to an appointed Investigator or Decisionmaker, or the Coordinator;
- A statement indicating the expected length of the major stages of the resolution process, as well as any applicable deadlines, and that the Investigator will establish and communicate, in writing, all investigation deadlines, which may be extended for good cause, with any changes will be provided, in writing, to the parties, along with the rationale for the revised deadline(s);
- A statement that the parties are entitled to an equal opportunity to an accurately summary of the Relevant and not otherwise impermissible evidence (the “evidence summary”), and retain equal opportunity to access the Relevant and not otherwise impermissible evidence upon request, and to provide a response;
- A statement that the Respondent is presumed not responsible for Prohibited Conduct until a determination is made at the conclusion of the investigation and decisionmaking procedures and that prior to such a determination, the parties will have an opportunity to present Relevant and not otherwise impermissible evidence to a trained, impartial decisionmaker;
- A statement indicating that the parties may have an Advisor of their choice, where applicable;
- A statement that Chapman prohibits knowingly making false statements or knowingly submitting false information;
- Information about Supportive Measures;
- A statement regarding the standard of proof to be used in considering the facts and evidence;
- The range of possible Disciplinary Sanctions and Remedies;
- Information about the appeals process, as available; and
- The date and time of the initial interview with the Investigator, with a minimum of five (5) Days’ notice.

If, in the course of an investigation, Chapman decides to investigate additional allegations of Prohibited Conduct not included in the original Notice about the Respondent’s conduct toward the Complainant, or which are otherwise consolidated with the ongoing investigation, the University will provide notice of the additional allegations to the parties whose identities are known. If the University has reasonable concerns for the safety of any person as a result of providing this Notice, it may reasonably delay in providing it in order to address the safety concern appropriately. Reasonable concerns must be based on individualized safety and risk analysis and not on mere speculation or stereotypes.

## **G. Interviews**

The Investigator will gather from parties, witnesses, and other sources, all Relevant evidence. The Investigator will hold individual interviews with parties and witnesses to ask Relevant and not otherwise impermissible questions and follow-up questions, including questions exploring credibility. The Investigator will determine, in their sole discretion, whether witnesses are likely to provide Relevant information about the allegations, and has the sole discretion to determine which witnesses to call to an interview. The Investigator may conduct follow-up interviews as they deem appropriate.

Only the Investigator and the party or witness being interviewed may attend each individual interview. A party’s Advisor, if any, may attend the party’s meeting(s), subject to the rules described in this Policy. Additional attendees may be permitted in connection with an approved disability-related or language access accommodation. Chapman does not compel Parties in cases involving Sex Discrimination, Sex-Based Harassment, or related Retaliation, or non-employee witnesses in any case,



to answer questions during the interview or submit documents, although all Parties and witnesses are encouraged to do so. Employee witnesses are required to participate in all cases, and Parties may be required to participate in all cases not involving allegations of sex-based conduct. A person's decision not to participate in the investigation, in whole or in part, will be documented in the evidence summary.

Interviews may be conducted with all participants physically present in the same geographic location, or, at the University's discretion, with all participants joining virtually through a video conferencing option. Chapman will share expectations of decorum to be observed at all times in any meeting or proceeding under this Policy. These expectations are applied equally to all Parties and Advisors. Chapman has the discretion to remove, with or without prior warning, from any meeting or proceeding an involved Party, witness, or Advisor who does not comply with these expectations and any other applicable University rules.

## **H. Evidence Review**

At the conclusion of fact-gathering, the Investigator will provide each Party and their Advisor, if any, the opportunity to review a draft evidence summary, which accurately summarizes all Relevant and not otherwise impermissible evidence gathered. The parties have equal opportunity to access the Relevant (not otherwise impermissible) evidence upon request.

The purpose of the inspection and review process is to allow each party the equal opportunity to meaningfully respond to the evidence collected prior to conclusion of the investigation, and to submit any additional Relevant evidence and the names of any additional witnesses with Relevant information. Subject to the limitations of the next section (pertaining to "Decisionmaking"), this is the final opportunity to offer evidence, or names of witnesses. Given the sensitive nature of the information provided, Chapman will facilitate this review in a secure manner. None of the Parties nor their Advisors, if any, may copy, remove, photograph, print, image, videotape, record, or in any manner otherwise duplicate or remove the information provided. Any student or employee who fails to abide by this may be subject to discipline. Any Advisor who fails to abide by this may be subject to discipline and/or may be excluded from further participation in the process.

The Parties will have five (5) Days to inspect and review the draft evidence summary and submit a written response to the Investigator. Chapman will provide access to copies of the Parties' written responses to all Parties and their Advisors, if any. The University has the discretion to extend the evidence review period based on the volume and nature of the evidence. At the conclusion of the evidence review, the Investigator shall conduct any additional fact-gathering they determine to be necessary or appropriate.

If new, Relevant evidence is gathered during this second fact-gathering period, the new evidence will be made available for review by the Parties and their Advisors, if any. The parties shall have five (5) Days to provide a response to the newly-gathered evidence. No new evidence will be accepted as part of any response, except that the Investigator shall have the discretion to accept Relevant evidence that was not previously available or known to exist, and that was not previously discoverable with the exercise of reasonable diligence. The Investigator will consider the Parties' written responses before finalizing the evidence summary.

## **I. Decisionmaking**

### **(I) For all matters other than those involving a Complaint of Sex-Based Harassment in which a Student is a Party**

For all matters other than those involving a Complaint of Sex-Based Harassment in which a Party (Complainant or Respondent) is a student, the following decisionmaking process is used.

The Investigator may also serve as the Decisionmaker, or a separate Decisionmaker shall be appointed. The Investigator/Decisionmaker shall objectively evaluate the Relevant and not impermissible evidence, both inculpatory and exculpatory, and determine whether a violation of the Policy occurred pursuant to the standard of proof.

The Investigator/Decisionmaker will assess the credibility of the parties and witnesses, to the extent credibility is both in dispute and Relevant to evaluating the allegations. Any credibility determinations will not be based on a person's status as a Complainant, Respondent, or witness.

The Investigator/Decisionmaker may choose to place less or no weight upon statements by a party or witness who refused to respond to questions deemed Relevant and not impermissible, or declined to participate. The Investigator/Decisionmaker will not draw an inference about whether Prohibited Conduct occurred based solely on a party's or witness's refusal to respond to questions.

The Investigator/Decisionmaker shall prepare a written outcome which shall include:

- A description of the allegations of Prohibited Conduct;
- Information about the policies and procedures used to evaluate the allegations;
- A description of all procedural steps taken;
- An evaluation of the Relevant and not otherwise impermissible evidence; and
- Conclusions regarding which section of this Policy or other University policy, if any, the Respondent has or has not violated, with rationale.

This written outcome shall be provided to the Coordinator. In the event that the Investigator/Decisionmaker has determined that a violation of University policy has occurred, the Coordinator shall then provide the report to the appropriate Sanctioning Officer to determine Disciplinary Sanctions, and the Coordinator shall then determine any appropriate Remedies for the Complainant and any impacted parties. The Sanctioning Officers are the following individuals, or their designees:

- *Student Respondents:* Assistant Dean of Students
- *Staff Respondents:* Vice President and Chief Human Resources Officer, in consultation with the supervisor
- *Faculty Respondents:* Executive Vice President & Chief Academic Officer

In all cases in which the alleged Prohibited Conduct is Sex Discrimination, Sex-Based Harassment, or related Retaliation, the Coordinator shall then provide the Parties and their Advisors, if any, with the written outcome, with the Disciplinary Sanctions included, as well as whether any Remedies will be provided,<sup>2</sup> and the procedures and permitted reasons for the parties to appeal, including identifying the Appeals Officer. In all other cases, unless required or permitted by law, only the Respondent will be notified of the outcome and only the Respondent will have the opportunity to pursue an appeal.

The outcome becomes final either on the date that the University provides the parties with the written determination of the result of any appeal, or, if no party appeals, the date on which an appeal would no longer be considered timely.

## **(II) For all matters involving a Complaint of Sex-Based Harassment in which a Party is a Student**

For all matters involving a Complaint of Sex-Based Harassment in which a Party (Complainant

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<sup>2</sup> The Complainant will be provided a description of any Remedies that apply to the Complainant.

or Respondent) is a student, the following decisionmaking process is used.

The Investigator may also serve as the Decisionmaker, or a separate Decisionmaker shall be appointed. The Investigator/Decisionmaker will be provided the opportunity to question parties and witnesses to adequately assess a party's or witness's credibility, to the extent credibility is both in dispute and Relevant to evaluating the allegations of Sex-Based Harassment. The Investigator/Decisionmaker will accomplish this by asking the parties and witnesses, during individual meetings, Relevant (not otherwise impermissible questions) and follow-up questions, including questions challenging credibility.

The parties may propose questions to the Investigator/Decisionmaker that the party wants asked of any party or witness and have those questions asked during the individual meetings. Although the parties do not attend the meetings, Chapman will provide each Party with an audio or audiovisual recording or transcript within ten (10) Days, with each party having the right to, within five (5) Days, propose follow-up questions.

The Investigator/Decisionmaker will determine whether a proposed question is Relevant (and not otherwise impermissible) and will explain any decision to exclude a question as not Relevant or as otherwise impermissible. All Relevant (not otherwise Impermissible) questions will be asked. Questions that are unclear or harassing of the party or witness being questioned may be excluded, but prior to doing so, the Investigator/Decisionmaker will give the party posing the question the opportunity to clarify or revise the question.

The Investigator/Decisionmaker shall evaluate objectively evaluate the Relevant and not impermissible evidence, both inculpatory and exculpatory, and determine whether a violation of the Policy occurred pursuant to the standard of proof. regarding each allegation, and also determine whether a violation of the Policy occurred. Any credibility determinations will not be based on a person's status as a Complainant, Respondent, or witness. The Investigator/Decisionmaker may choose to place less or no weight upon statements by a party or witness who refused to respond to questions deemed Relevant and not impermissible, or declined to participate. The Investigator/Decisionmaker will not draw an inference about whether Prohibited Conduct occurred based solely on a party's or witness's refusal to respond to questions.

The Investigator/Decisionmaker shall prepare a written outcome which shall include:

1. A description of the alleged Prohibited Conduct;
2. Information about the policies and procedures used to evaluate the allegations;
3. An evaluation of the Relevant and not otherwise impermissible evidence; and
4. A determination of whether the Respondent was responsible or not responsible for Prohibited Conduct and, if responsible, the specific behaviors for which Respondent was found to be responsible.

This written outcome shall be provided to the Coordinator. In the event that the Investigator/Decisionmaker has determined that a violation of University policy has occurred, the Coordinator shall then provide the report to the appropriate Sanctioning Officer to determine Disciplinary Sanctions, and the Coordinator shall determine the appropriate Remedies for the Complainant and any impacted parties. The Sanctioning Officers are the following individuals, or their designees:

- *Student Respondents:* Assistant Dean of Students
- *Staff Respondents:* Vice President and Chief Human Resources Officer, in consultation with the supervisor

- *Faculty Respondents:* Executive Vice President & Chief Academic Officer

The Coordinator shall then provide the Parties and their Advisors, if any, with the written outcome, with the Disciplinary Sanctions included, as well as whether any Remedies will be provided,<sup>3</sup> and the procedures and permitted reasons for the parties to appeal, including identifying the Appeals Officer. The outcome becomes final either on the date that the University provides the parties with the written determination of the result of any appeal, or, if no party appeals, the date on which an appeal would no longer be considered timely.

## **J. Disciplinary Sanctions and Remedies**

Disciplinary Sanctions will be determined based on a consideration of the following factors:

- The nature, severity of, and circumstances surrounding the violation;
- The individual's disciplinary history;
- Previous allegations, Reports, or Complaints involving similar conduct;
- The need for sanctions to bring an end to the Prohibited Conduct;
- The need for sanctions to prevent the future recurrence of Prohibited Conduct;
- The need to remedy the effects of Prohibited Conduct; and
- Other relevant factors.

Disciplinary Sanctions imposed are implemented when the decision is final (after an appeal, or, if there was no appeal, after the appeals period expires). Faculty found responsible for violating this Policy may be referred to the appropriate academic official for any other applicable processes. Findings of responsibility under this Policy or other information related to a Report or Complaint may also be reported to a grant making or licensing authority, if required.

Possible sanctions for student Respondents include, but are not limited to the following:

- Educational sanctions (e.g., completion of online modules, required meeting(s) with appropriate University or community resources, research or reflection papers, restitution)
- Probation
- Loss of privileges
- Academic or housing reassignment, or removal from campus housing
- Restriction from campus facilities or participation in University-sponsored activities or events (including athletics participation)
- Permanent No-Contact Orders
- Suspension
- Expulsion
- Withdrawal of an awarded degree

Possible sanctions for staff and faculty Respondents include, but are not limited to the following:

- Termination
- Demotion Verbal or written warning
- Performance improvement plan
- Suspension without pay
- Denial of pay increase
- Loss of supervisory responsibilities

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<sup>3</sup> The Complainant will be provided a description of any Remedies that apply to the Complainant.

- Shift or schedule adjustments
- Reassignment
- Delay of tenure track process of referral for such
- Assignment to a new supervisor
- Restrictions on research, travel and professional development
- Presentation to Faculty Senate for revocation of tenure or abrogation of contract
- Non-renewal of contract
- Reassignment/change in assignment
- Revocation or suspension of clinical privileges
- Revocation of administrative duties or assignments
- Documentation of violation and consequences in faculty/employee file
- Mandatory training
- Supervision or ongoing monitoring

All responding parties are expected to comply within the timeframe specified by the University, if applicable; requests for any extension to comply must be submitted in writing, including the reasons for the additional time requested, to the Coordinator, who will direct the correspondence to the applicable party. Failure to satisfy the terms of any sanctions by the date specified, whether by refusal, neglect, or any other reason, may result in the imposition of additional sanctions, as determined by the applicable Sanctioning Officer (or designee).

Remedies could include, but are not limited to:

- Academic support
- The opportunity to retake a class or resubmit work
- Time extensions on course or degree completion
- Counseling
- Changes to work assignments or locations

The Coordinator is responsible for implementation of any Remedies.

## K. Appeals

Dismissals and determinations of responsibility may be appealed, where permitted, in writing. Appeals will be sent to the Coordinator, who will then send the appeal to the designated Appeals Officer assigned to conduct a review of the appeal(s) and to make a final determination. Appeals must be in writing and filed within ten (10) Days following the issuance of the Notice of Outcome.

When an appeal is filed, in cases where both Parties have appeal rights, the other Party shall be notified and provided with a copy of the filed appeal within five (5) Days and have five (5) Days to respond to the appeal in writing. Any Party's decision not to submit a reply to an appeal is not evidence that the non-appealing Party agreed with the appeal.

Appeals may be filed only on the following three grounds:

1. **Procedural Error:** A procedural error occurred would change the outcome. A description of the error and its impact on the outcome of the case must be included in the written appeal.
2. **New Evidence:** New evidence or information has arisen that was not available or known to the party during the investigation, that would change the outcome. Information that was known to the party during the resolution process but which they chose not to present is not considered

new information. The new evidence, an explanation as to why the evidence was not previously available or known, and an explanation of its potential impact on the investigation findings must be included in the written appeal.

- 3. Conflict of Interest or Bias:** The Title IX Coordinator, Investigator, Decisionmaker, Sanctioning Officer, or others with a role in the process had a conflict of interest or bias for or against Complainants or Respondents generally, or the individual Complainant or Respondent, that would change the outcome. Any evidence supporting the alleged conflict of interest or bias must be included in the written appeal.

The appeal is not an opportunity for a re-investigation or re-hearing. The Appeal Officer will make a determination, typically within thirty (30) Days of the appeal and any response being delivered to the Appeal Officer, regarding the appeal based on the written record, as well as any recordings or transcripts, and communicate that decision, along with a rationale for the decision, to the Coordinator, who will communicate the Appeal Officer's decision to the Party or Parties, as appropriate.

For an appeal related to the dismissal of a Complaint, the Appeals Officer will decide whether to approve or reject the decision and, if rejected, return the Complaint to the Coordinator for further process. For an appeal of a finding of responsibility, the Appeals Officer will decide whether to approve, reject, or modify the decision and/or Disciplinary Sanctions and/or Remedies, and may remand the case for further proceedings consistent with the appeals decision. The Appeals Officer's decision is final.