

Introduction & Definitions for Respondents

This guide is meant to help clarify information for students who may be a part of a Title IX process at Chapman University. Full details of the University investigation process for student matters are described in the Student Sexual Misconduct Policy and are discussed online at chapman.edu/consent. This guide uses specific terms defined in the Student Sexual Misconduct Policy and the Student Conduct Code. Those terms are defined here.

Respondent

An individual or group alleged to have violated University policy

Complainant

An individual who is reported to have experienced prohibited conduct; a complainant is alleged to have been the subject of, or harmed by, a respondent's alleged violations of University policy

Witness

Any person(s) who can be called upon to provide relevant information about an incident in which they are not the respondent or complainant

Support person

An individual who may accompany a respondent or complainant during the investigation process, such as any meetings with the Title IX Coordinator, investigator(s), or appeals board. A support person may not simultaneously be a complainant, respondent, or witness in the process in which they are also serving as a support person. A support person may not speak on behalf of the individual they are supporting in the investigation, response hearing or other part of the process, including answering or asking questions for them.

Interim and supportive measures

Measures or steps taken to help student succeed academically and personally at Chapman University before, during, after, or outside of a Title IX investigation process. Students who are complainants, respondents, and witnesses may make requests for interim and supportive measures to the Title IX Coordinator, who will help identify all available options and determine which measures to take to support the student. Please see *Interim & Supportive Measures* sheet.

Chapman University is deeply committed to creating and sustaining an educational, working, and living environment that is conducive to learning and scholarship and is supportive of students and employees. Part of this commitment is fostering a campus free of sexual misconduct in all its forms.

Privileged & Confidential Resources

All University employees (faculty, staff, administrators, and student employees) are required to report any gender- or sex-based discrimination or harassment (this is inclusive of all alleged incidents of sexual violence) to a Title IX Coordinator except for those individuals who are designated as privileged and confidential resources. The privileged and confidential resources at Chapman University are as follows.

On-Campus Privileged & Confidential Individuals

The University has designated individuals who have a professional requirement to maintain confidentiality* of a conversation with a complainant, respondent, or witness who wants someone to talk to, but does not want to report the incident to the University. If a complainant, respondent, or witness discloses sexual misconduct to a below mentioned individual when that individual is not acting in the role that provides them privilege (such as when a counselor is serving as a professor rather than in their counseling role), the individual is required to make a report to the Title IX Coordinator. The following are individuals and departments on campus who are privileged and confidential resources when working in the following roles:

- Student Psychological Counseling Services
 - During business hours: (714) 997-6778
- Dani Smith, Ed.D., Chapman University Sexual Assault/Rape Crisis Counselor
 - (714) 744-7080, dasmith@chapman.edu
- Chapman Sexual Assault Information Line
 - (714) 744-7000
- Reverend Gail Stearns, Ph.D., Dean of Chapel
 - (714) 628-7289
- Reverend Nancy Brink, Director of Church Relations
 - (714) 997-6760
- Rabbi Cori Yutkin
 - (714) 628-7260
- Father Rafael Luévano
 - (714) 532-6098
- Cisa Payuyo
 - (714) 997-6760
- Frances Smith Center for Individual & Family Therapy
 - (714) 997-6746

**While the individuals listed above have professionally required confidentiality, there are certain, specific situations in which they are not able to maintain information confidentially. Those situations are: (1) if someone may be a danger to themselves or others, (2) information about any minor or elder currently being subjected to abuse or neglect – including intentional access to unlawful sexual images, or (3) if the information is subpoenaed for court proceedings.*

A Note on Interim & Supportive Measures

The Title IX Coordinator and individuals listed above can help students connect with opportunities for interim and supportive measures, as applicable. Interim and supportive measures are available for complainants, respondents and witnesses at any time, including outside of, during, or following any investigation or process.

Interim & Supportive Measures

Students who are complainants, respondents, and witnesses may make requests for interim and supportive measures to the Title IX Coordinator, who will help identify all available options and determine which measures to take to support the student. Interim and supportive measures are available for complainants, respondents and witnesses before, during, after, or outside of an investigation. As described in the Student Sexual Misconduct Policy, supportive measures for complainants are available regardless of whether the complainant chooses to make a formal report to the University or report the crime to law enforcement. Supportive measures shall be confidential, to the extent that maintaining confidentiality does not impair the University's ability to provide such measures. Interim and supportive measures for students include, but are not limited to, the following:

Academic Measures

Examples include:

- Transferring to another section of a lecture or laboratory
- Rescheduling an academic assignment or test
- Accessing academic support (e.g., tutoring)
- Arranging for incompletes, a leave of absence, or withdrawal from course(s)
- Preserving eligibility for academic, athletic, or other scholarships, financial aid, internships, study abroad, or international student visas

Health & Safety Measures

Examples include:

- Medical and mental health services, including counseling
- Consultation with the Department of Public Safety or local police agency as appropriate
- Transportation and parking assistance
- Assistance identifying an additional resources including off-campus support and services
- No Contact Orders

Location-Based Measures

Examples include:

- Change in campus housing and/or dining locations
- Assistance in finding alternative housing
- Assistance in making alternative University employment arrangements and/or changing work schedules
- Providing an escort to ensure that the student can move safely between school programs and activities
- Transportation and parking accommodations
- Transferring to another section of a lecture or laboratory
- No Contact Orders

About No Contact Orders

Complainants, respondents and witnesses may request a No Contact Order at any time to prevent unnecessary or unwanted contact or proximity to the other party, when reasonably available. Individuals may request supportive measures (such as those listed above) both outside of any investigative process as well as any time following an investigation or hearing to aid in their continued academic success at the University.

Interim Protective Measures

Interim protective measures are actions taken against a respondent by the University after receiving a report of prohibited conduct but prior to an investigative decision. These measures are taken based upon the totality of the circumstances known at the time and are designed as a safety precaution to prevent potential ongoing prohibited conduct. Failure to comply with protective interim measures may result in a separate policy violation. Examples include:

- Interim suspension
- Interim removal from on-campus housing or changing of housing assignment
- Restrictions on use of campus dining locations
- Interim suspension from an on-campus employment position
- Interim suspension from a student organization, athletic team or other University recognized group
- Limiting access to campus and/or University events
- Schedule modifications to separate a respondent from a complainant or other involved party

Steps of the Title IX Investigation Process for Student Matters

The following overview may help students participating the Title IX investigation process for matters involving student respondents. For more information, refer to the Student Sexual Misconduct Policy. For matters involving faculty and staff, please visit www.chapman.edu/faculty-staff/human-resources/eoo.aspx

1 Receipt, Outreach & Intake

After receiving a report of alleged sexual misconduct, the Title IX Coordinator will invite the complainant to an in-person meeting to review options, resources, and the University investigation process. The Title IX Coordinator and/or investigator(s) will meet with the complainant and gather initial information about the incident and assess the need for interim or supportive measures action with the student.

2 Notification

If the Title IX Coordinator or designee determines that the University will proceed to an investigation, the Title IX Coordinator or designee will typically assign two trained investigators to the case. The investigator(s) will gather sufficient information to prepare a written notice of investigation to present in person and/or via email to the complainant and respondent. The notice of investigation will include the following information: the identity of the complainant and respondent, the specific section(s) of policies that may have been violated, alleged conduct that may constitute a policy violation, investigation process, support resources, and appropriate referrals.

3 Information Gathering

The investigators will meet separately with the complainant, respondent and identified witnesses. The investigators will ask the parties for all information related to the allegations, including documentation related to the incident, such as communications between parties, receipts, photos, video, etc. While the investigator(s) will attempt to gather information from all relevant parties, the University does not compel

the participation of complainants, respondents, or witnesses, with the exception of University employees who have been identified as witnesses.

4 Information Review

Once the investigators have gathered all relevant information reasonably available, the complainant and respondent each have an opportunity to review the information collected. The parties will each receive a deadline by which to request that the investigators attempt to collect any additional relevant information, if applicable. If more information needs to be gathered, the investigators will attempt to do so. The investigators will then send any additional information to the parties, along with a written notice of a scheduled response hearing.

5 Response Hearing

The complainant and respondent are given individual and separate opportunities to meet with the investigators and Title IX Coordinator to respond to all of the information collected. Each party may provide the investigators with questions to consider asking of the other party during the other party's response hearing. After meeting with each party, the investigators will make an audio recording of the response hearing available for the other party's review. The investigators will determine if a second set of response hearings is necessary to allow each party a chance to respond to new, material information shared.

6 Conclusion

The investigators will prepare an investigation report including their analysis and the investigation outcome. The report will be simultaneously shared with each of the parties. They each have one appeal opportunity.

Overview of Information Gathering as part of a Title IX Investigation

The following information may help both potential complainants and potential respondents in preparing to participate in the information gathering phase of a Title IX investigation at Chapman University. For more information, refer to the Student Sexual Misconduct Policy.

Preserving information for an investigation Sharing your account

Students involved in investigations are encouraged to consider saving materials that might be helpful to investigator(s). Students may also choose to preserve relevant items such as receipts, text messages, pictures, videos, emails, Facebook posts or messages, Snapchats, or other social media posts. It may be helpful not to delete this information and to preserve it for later. If a complainant, respondent, or witness has deleted text messages or other materials, they may wish to contact their phone carrier to find out if they can be recovered. Students are encouraged to write down a list of possible witnesses to submit to investigator(s).

Types of information collected

The University will collect and consider information that is relevant and material to the alleged misconduct in question. Information found by the Title IX Coordinator and/or the investigator(s) to be not relevant, material, credible or reliable may be excluded or not considered in the investigation process. Here are some examples of information not considered:

- *Character witnesses/information* – Character witnesses and information are those that speak to a respondent's or complainant's past behavior or reputation without any connection to the conduct in question. Character witnesses, statements, or letters will not be considered.
- *Prior sexual history* – Generally, the sexual history of a complainant, respondent, or witness will not be considered unless directly relevant to an issue. For example, while the existence of a dating relationship or past sexual relations between parties can never by itself be assumed to be an indicator of consent, prior sexual history between the parties may be relevant to assess context for how the parties communicated consent.

During an investigation's fact-gathering phase, the investigators will ask the complainant and respondent for all information related to the allegations, including names of witnesses and documentation related to the incident, which may include documented communications between the parties, receipts, photos and video. While the investigators will attempt to gather information from all relevant parties, the University does not compel the participation of complainants, respondents, or witnesses, with the exception of University employees who have been identified as witnesses. Some students find it helpful to write out their account of what occurred. If complainants or respondents choose to participate in the process, they may provide a written account with the investigators or use it as a reference while sharing their account verbally.

Timeline for investigations

The University will complete investigations generally within 60 calendar days. University holidays and breaks will likely impact the time that it may take to conclude an investigation. During the course of the investigation, the investigator(s) will provide, at a minimum, monthly updates to the parties about the general progress of the investigation. Cases that are particularly complex or involve unusual circumstances may require more than 60 days for the investigation process. If this is the case, the Title IX Coordinator and/or investigator(s) will notify the parties in writing, including the reason for the delay and the anticipated date of completion.

Informal Resolution Process for Student Matters

The following overview may help students who are considering entering an informal resolution process understand how to go about that type of process at Chapman University. For more information, refer to the Student Sexual Misconduct Policy.

Informal resolution defined

At the request of an involved party, and with the agreement of the other parties, some conduct reported under the Student Sexual Misconduct Policy may be addressed by informal resolution. The parties involved include the complainant, respondent, and the University, and each must agree to the terms of an informal resolution. The goals of informal resolution are to address reported behavior, prevent recurrence, and remedy effects without completing a formal investigation process. Informal resolutions may include targeted or broad-based educational programming/training, adjustments made to reduce proximity between the parties, and/or direct or indirect action by the Title IX Coordinator or the University designed to meet the goals of the informal resolution.

Requesting an informal resolution

A complainant or respondent may request an informal resolution at any time, whether it is outside of an investigation process or during an investigation process. The University will consider the terms shared by the proposing party. If all three parties—the complainant, the respondent, and the University—agree to the terms of an informal resolution, a document is prepared outlining the terms in writing.

Informal resolution flexibility

Informal resolution is flexible by nature, and tailored to the specific circumstances of a particular case. Informal resolution will be considered only when consistent with institutional values, legal obligations and only with the voluntary, mutual agreement of all involved parties, including the University. Parties retain the opportunity to request the matter be addressed through a formal investigation process at any time, even after an informal resolution has been reached.

A note on mediation

Mediation (which is different from informal resolution) is not appropriate for cases involving alleged sexual violence, including reports of alleged sexual assault, sexual battery, stalking, or intimate partner violence and abuse.

Anonymity and informal resolutions

Depending on the form of informal resolution used, it may be possible to maintain anonymity of the complainant.

Failure to comply with a resolution

Failure to comply with any required component of an informal resolution may result in a formal investigation and/or student conduct process.

Title IX Investigation FAQs for Respondents

The following is a list of frequently asked questions that may be helpful for any student who is involved in the Title IX investigation process as a respondent. Find more FAQs and information online at chapman.edu/consent. Please refer to the Student Sexual Misconduct Policy for full definitions of prohibited behaviors, overview of the investigation and informal resolution processes, and more.

What is considered sexual misconduct at Chapman?

According to the Student Sexual Misconduct Policy, sexual misconduct is any sex- or gender-based behavior, attempted or completed, that goes beyond the boundaries of consent. The intoxication of or lack of intent by the respondent does not diminish responsibility for an act of sexual misconduct. The following behaviors are prohibited: intimate partner violence and abuse, sexual assault, sexual battery, sexual exploitation, sexual harassment, stalking, discrimination, making a bad faith complaint of sexual misconduct, and retaliation.

What happens after a complainant makes a report to the University and names me as the respondent?

The Title IX Coordinator or investigators will request a meeting with you to explain the investigative process as well as your rights within the process. In this meeting, they will review relevant University policies, procedures, and support resources. They will also discuss any adjustments that need to be made, such as the implementation of a No Contact order or changes to classes or housing accommodations. These are called interim and supportive measures. The Title IX Coordinator or Title IX investigators will share information with you about the nature of the allegation(s) so you have enough information to respond to the allegations if you choose to do so. You may have a support person of your choice present during this meeting and any meeting thereafter that takes place as part of the investigation or appeal process. You will have the opportunity to discuss your perspective of the incident(s) with the investigators or decline to participate in an interview with the investigators. They will continue their process and provide you with updates on their progress so you know when to expect the outcome.

How does Chapman determine whether or not a violation of its sexual misconduct policies occurred?

Title IX investigators utilize a preponderance of evidence standard to determine whether it is “more likely than not” that a violation of University policy occurred. This means that the investigators make a determination, based on the information gathered in the investigation, whether or not it is more than 50% likely that a violation occurred.

Will you tell my parents about the report or investigation?

In accordance with federal law and University policy, the University does not contact students’ parents regarding the details of sexual misconduct. If you want your parents to know what is going on, it is best that you share this information directly with them or speak to the Dean of Students Office about a FERPA release.

FIND MORE FAQs ONLINE AT CHAPMAN.EDU/CONSENT

Contact Information

If you have questions, concerns, or want to make a report of alleged sexual misconduct to the University, please contact any of the following individuals:

For matters involving students:

DeAnn Yocum Gaffney, Ed.D., Associate Vice President for Student Affairs
and Senior Associate Dean of Students, Lead Title IX Coordinator

Office location: Argyros Forum 101
gaffney@chapman.edu | (714) 997-6721

Chris Toutain, Program Coordinator for Student Conduct & Title IX Investigator

Office location: Argyros Forum 302B
toutain@chapman.edu | (714) 532-6039

Kristen Entringer, Program Coordinator for Student Conduct & Title IX Investigator

Office location: Argyros Forum 302A
entringer@chapman.edu | (714) 532-6056

For matters involving faculty and staff:

Misha Martinez, Equal Opportunity and Diversity Officer Title IX Deputy Coordinator

Office location: DeMille Hall 103
mismarti@chapman.edu | (714) 997-6847