Student Sexual Misconduct Policy
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Student Sexual Misconduct Policy

I. Policy Statement ...................................................................................................... 2
II. To Whom Policy and Procedures Apply ............................................................. 2
III. Definition of Terms ................................................................................................. 3
IV. Prohibited Conduct ............................................................................................... 4
V. Other Potentially Relevant Policies and Procedures............................................... 8
VI. Resources, Support and Protective Measures ..................................................... 9
VII. Information on Reporting ................................................................................ 12
IX. General Principles of Investigation and Adjudication ........................................ 17
X. Initial Assessment .................................................................................................. 20
XI. Informal Resolution .............................................................................................. 22
XII. Investigation ....................................................................................................... 23
XIII. Hearing ............................................................................................................. 24
XIV. Findings and Appeals ........................................................................................ 26
I. Policy Statement

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.

Sexual Misconduct and gender/sex-based harassment or discrimination can take many forms, including, sexual battery, sexual assault, intimate partner violence and abuse, stalking, sexual exploitation, or other forms of sex-based or gender-based harassment or discrimination. These types of conduct are prohibited under this policy, Chapman University’s Harassment, Discrimination, and Sexual Harassment Policy, the Student Conduct Code, and applicable State and Federal laws.

The University’s goal is to foster an open and safe community where these behaviors are deemed unacceptable, where those who are affected are provided support, and where a fair and impartial review process is provided to all parties. The University’s response to allegations of prohibited conduct is grounded in the fair application of policy and procedure.

The University is firmly committed to complying with all applicable laws and governmental regulations. This commitment applies to all educational programs and activities, including admissions, financial aid, and University programs.

II. To Whom Policy and Procedures Apply

This policy applies in its entirety to Chapman University students and student groups. The sections on information, resources, and procedures also apply to faculty and staff members and third parties who report allegations of Sexual Misconduct they have experienced by students. Although the University is at times limited in its control of third parties, the prohibited behaviors defined in this policy articulate the behavioral expectations Chapman University holds for third parties.

Chapman University shall have jurisdiction over the behavior of students and student groups on University premises, at University-sponsored events, or at other off-campus locations if the behavior adversely affects the University community, the pursuit of its objectives as determined by University officials, and/or may contribute to a hostile living, learning, or work environment.

For the purposes of this policy, when the individual who is reported to have experienced prohibited conduct is a student, faculty, or staff member, that person is referred to as the complainant. When the individual who is reported to have experienced prohibited conduct is a third party, that person is referred to as the complaining witness. The respondent is the individual who is alleged to have committed the prohibited conduct.
III. Definition of Terms

A. **Complainant** – the Chapman University student, faculty, or staff member or student group reported to have experienced the prohibited conduct from a Chapman University student

B. **Complaining witness** – an individual, who is a third party, reported to have experienced the prohibited conduct

C. **Hearing Officer(s) (may also be referred to as hearing board/body or conduct officer/board/body)** – any person(s) authorized by the Vice President for Student Affairs/Dean of Students or designee to determine whether a student(s)/group(s) has violated the Code and to assign sanctions when a policy violation is determined to have been committed.

D. **Hearing Coordinator** – any person appointed by the Vice President for Student Affairs/Dean of Students or the Vice President’s designee to manage hearings under the Code.

E. **Investigator** – any person appointed by the Title IX Coordinator to gather information to be considered as part of a hearing or other adjudicative process.

F. **Presiding Officer** – an individual authorized by the Vice President for Student Affairs/Dean of Students or the Vice President’s designee to organize, administer and make decisions regarding the proceedings of a hearing within the conduct process.

G. **Respondent** – the individual or student group alleged to have committed the prohibited conduct.

H. **Sexual Misconduct** – Any sexual behavior, attempted or completed, that goes beyond the boundaries of consent (as defined in the Section IV). This includes intimate partner violence, sexual assault, sexual battery, sexual exploitation, sexual harassment, stalking, discrimination, retaliation for reporting or supporting the reporting any of these behaviors, or filing a false complaint of Sexual Misconduct.

I. **Student** – a person taking courses at or through Chapman University (including Study Abroad, travel courses, internships, externships, independent studies, online courses, and off-site study trips) either full-time or part-time, pursuing undergraduate, graduate, or professional studies. Persons who are not officially enrolled but who have a continuing academic relationship with the University are considered “students.” This includes students not currently enrolled who are making up incompletes and former students still living in University-owned housing. This policy also applies to persons who have been
accepted for admission to the University but have not yet begun coursework.

J. **Student Group** (may also be referred to as student club, chapter, or organization) – any number of persons organized in manners including but not limited to: clubs and organizations, Greek lettered organizations, athletic teams, club sports, governing bodies, societies, departmental student organizations or committees, any other University recognized student organization, any student organization seeking University recognition, or any student organization not recognized or sponsored by the University.

K. **Third Party** – Any individual who is not a University student, faculty or staff member. Third parties may be guests who enter University property or attend a University sponsored event.

L. **Title IX Coordinator** – the person designated by the University to coordinate the University’s efforts to comply with its responsibilities under Title IX of the Education Amendments of 1972.

M. **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. Witnesses may be excluded from a hearing if:
   a. They do not have first-hand information about the reported incident;
   b. They did not respond to or investigate the incident in question;
   c. They can only provide repetitive information;
   d. They did not communicate with the respondent or complainant about the incident in question; or
   e. They can only present information that is deemed to be unnecessary for the deliberation process.

IV. **Prohibited Conduct**
The behaviors prohibited by this policy are outlined below, in section B. These behaviors are defined by an affirmative consent standard, as follows:

A. **Consent**
Consent is an affirmative, conscious, voluntary agreement by all participants to engage in sexual activity, communicated through mutually understandable words and/or actions. Affirmative consent must be continuously present throughout an interaction, for all sexual activities, and may be modified, withdrawn or revoked at any time. It is the responsibility of each person involved in the activity to ensure that affirmative consent has been obtained from the other or others before engaging in any sexual activity. Existence of a dating relationship between the persons involved, or the fact of past sexual relations between them, can never by itself be assumed to be an indicator of consent.

Consent **cannot** be any of the following:
   - Inferred from silence, the absence of a “no,” or lack of protest or resistance.
• Obtained from a person who is asleep or otherwise mentally or physically incapacitated, and this condition was known or reasonably should have been known by the other individual(s) involved in the incident.
• Obtained from a person who is incapacitated by intoxicants such as alcohol, drugs or medication, and this condition was known or reasonably should have been known by the other individual(s) involved in the incident. Incapacitation is defined as a state where someone cannot make rational, reasonable decisions because they lack the capacity to give knowing consent (e.g., to understand the “who, what, when, where, why or how” of the sexual interaction). Note: a person may still be conscious but lack the capacity to consent to a sexual act(s).
• Obtained by threat or force.
• Obtained through coercion. Coercion is the use of an unreasonable amount of pressure to gain sexual access. Coercion is more than an effort to persuade, entice, or attract another person to engage in sexual contact. When a person makes clear that they do not want to participate in a particular form or sexual contact, that they want to stop, or that they do not want to go beyond a certain sexual interaction, continued pressure can be coercive. In evaluating whether coercion was used, the University will consider: (i) the frequency of the application of the pressure, (ii) the intensity of the pressure, (iii) the degree of isolation of the person being pressured, (iv) the duration of the pressure, and (v) the relative positions within the University community of those involved.
• Obtained through an unreasonable belief in affirmative consent that arose from an individual’s own intoxication, recklessness, or failure to determine affirmative consent.

B. Prohibited behaviors – Sexual Misconduct
The following behaviors are prohibited:

1. **Intimate partner violence and abuse**
   - Intimate partner violence and abuse, also referred to as domestic violence or dating violence, is violence committed against a person by a person who is their spouse or former spouse, cohabitant or former cohabitant, a person with whom they have a child, or a person with whom they have a previous or current dating, romantic, intimate or sexual relationship.
   - The existence of such a relationship shall be determined based on the complainant’s and respondent’s statements and/or other information collected and with consideration of the following:
     - Length of the relationship
     - The type of relationship
     - The frequency of interaction between persons involved in the relationship
   - Intimate partner violence and abuse may include, but is not limited to, the following types of behavior within the context of an intimate partner relationship:
     - Battering that causes bodily injury
     - Emotional abuse reflecting apprehension of bodily injury or property damage
2. **Retaliation** – Adverse action taken against anyone for reporting, supporting, or assisting in the reporting and/or adjudication of any of the behaviors prohibited in the Student Sexual Misconduct Policy, or against anyone perceived to be involved in any of these actions. Retaliation may include intimidation, violation of a No Contact order, harassment, efforts to impede an investigation, or filing a false or bad faith cross-complaint. Retaliation under this policy is prohibited by University policy, state, and federal law. Retaliation is a violation of policy whether or not the underlying complaint of Sexual Misconduct is found to be a violation of policy.

3. **Sexual assault** – Any non-consensual act of penetration, however slight, of person’s vaginal or anal openings with any body part or object (including a finger) or non-consensual oral-genital penetration.

4. **Sexual battery** – Any intentional sexual contact, however slight, with any object, without consent. Sexual contact includes contact above or beneath clothing with the breasts, buttocks, genitals, or areas directly adjacent to genitals (for instance, the inner thigh); touching another with any of these body parts; making another touch someone or themselves with or on any of these body parts; or any other bodily contact in a sexual manner.

5. **Sexual exploitation** – Taking non-consensual or abusive sexual advantage of another person for the benefit or advantage of anyone other than the exploited party. Examples of sexual exploitation include, but are not limited to, the following:
   - Causing or attempting to cause the incapacitation of another person to gain a sexual advantage
   - Prostituting another student
   - Non-consensual streaming, sharing, or recording of audio, video or photography of any type or distribution of such
   - Engaging in sexual activity in the presence of a non-consenting third party
   - Exposing genitals to a non-consenting individual (including sending pictures, video, etc.) or in a public area
   - Watching others when they are naked or engaged in sexual activity without their consent
   - Knowingly transmitting a sexually transmitted infection/disease to another individual without their consent
   - Stealing of clothing
6. **Sexual harassment** – Unwelcome conduct of a sexual nature when:

- It is implicitly or explicitly suggested that submission to or rejection of the conduct will be a factor in academic or employment decisions, evaluations, or permission to participate in a University activity; or
- The conduct is sufficiently severe, and/or pervasive and objectively offensive that it unreasonably interferes with, denies or limits an individual’s ability to participate in or benefit from a University educational, employment, social and/or residential program.

**Conduct of a sexual nature:** This includes conduct that is verbal, visual, or physical. Conduct of a sexual nature may either be explicitly sexual or may involve conduct that derives its sexual nature from the circumstances in which the conduct occurs or when combined with other conduct that occurs in a sexual context. Conduct does not need to express any sexual desire or be directed to a specific person and can include conduct that attempts to demean, control, or stereotype others on the basis of their sex.

**Unwelcome conduct:** For purposes of this policy, conduct is considered “unwelcome” if, under the totality of the circumstances, it is 1) neither solicited nor incited, and 2) is regarded by the recipient as undesirable or offensive.

**Objectively Offensive:** Conduct that would be offensive to a reasonable person under similar circumstances and with similar identities; considering the totality of the known circumstances.

7. **Stalking** – Repetitive and menacing behavior towards another, or pursuit, tracking, surveilling, or harassing another in such a way that would cause a reasonable person, under similar circumstances and with similar identities, to fear for their safety or the safety of others, the safety of their property, or to otherwise suffer substantial emotional distress.

8. **Bad faith complaint of Sexual Misconduct** – Reporting a knowingly false allegation of any kind of Sexual Misconduct or making a knowingly false counter-complaint. A University determination that no policies were violated following an investigation process is not, in and of itself, evidence of a bad faith complaint.

9. **Discrimination** – Any conduct that subjects an individual to disparate treatment on the basis of gender identity, gender expression, pregnancy, marital status, or sexual orientation. This would include within its scope alleged conduct that deprives an individual of academic, employment, or other opportunities offered by the University on the basis of such protected characteristics. This may include but is not limited to refusing access or admission to educational or social groups or activities on the basis of such protected characteristics. Discrimination in membership selection based on sex
is permitted from those organizations exempt from Title IX. See also the University’s Harassment, Discrimination, and Sexual Harassment Policy.

10. Engaging in sexual contact with an individual under the age of 18.

V. Other Potentially Relevant Policies and Procedures

A. If the respondent is a staff employee

The policy and procedures for responding to reports of prohibited conduct committed by University staff employees, including postdoctoral candidates, are described in the University Harassment, Discrimination, and Sexual Harassment Policy. These procedures do not apply to non-student respondents.

B. If the respondent is both a student and a staff employee

If respondent is a student and a staff employee, the University’s Equal Opportunity and Diversity Officer/Deputy Title IX Coordinator and Lead Title IX Coordinator will determine which policies and procedures apply, either the Student Sexual Misconduct Policy or the University’s Harassment, Discrimination and Sexual Harassment Policy. The determination will be based upon the facts and circumstances of the alleged behavior, including the context of the prohibited conduct, the roles of the parties at the time of the conduct, and the location of the incident. Once that determination is made, the Title IX Coordinator, Title IX Deputy Coordinator/Equal Opportunity and Diversity Officer or designee(s) will notify the parties which policies and procedures will apply. If the matter is referred for review under the student policies and procedures, then the University will apply the procedures outlined in the policy. If the matter is referred for review under the staff and faculty procedures, the University will apply the procedures outlined in the University’s Harassment, Discrimination and Sexual Harassment Policy.

C. If the respondent is faculty

If the respondent is a faculty member, the University’s Deputy Title IX Coordinator and Equal Opportunity and Diversity Officer will coordinate the investigation and follow the policy and procedures set forth in the University’s Faculty Handbook, which is available in the Office of Human Resources.

D. If the respondent is a student and teaches classes at the University

If the respondent is a student and also teaches a class at the University (i.e. is a lecturer, instructor, or adjunct faculty), the University’s Equal Opportunity and Diversity Officer/Deputy Title IX Coordinator and Lead Title IX Coordinator will determine which policies and procedures apply, either the Student Sexual Misconduct Policy or the University’s Harassment, Discrimination and Sexual Harassment Policy. The determination will be based upon the facts and circumstances of the alleged behavior, including the context of the prohibited conduct, the roles of the parties at the time of the conduct, and the location of the incident. Once that
determination is made, the Title IX Coordinator, Title IX Deputy Coordinator/Equal Opportunity and Diversity Officer or designee(s) will notify the parties which policies and procedures will apply. If the matter is referred for review under the student policies and procedures, then the University will apply the procedures outlined in the Student Sexual Misconduct Policy. If the matter is referred for review under the staff and faculty procedures, the University will apply the procedures outlined in the University Harassment, Discrimination, and Sexual Harassment Policy.

E. If the respondent is a student group

The University may address prohibited conduct alleged to be committed by and in relation to student groups as set forth in the Student Conduct Code. Policies and honor codes promulgated by individual schools and colleges that govern student groups or internal accountability processes that some groups may have may also address prohibited conduct committed by student groups but may not serve in place of the procedures set forth in this policy.

F. If the respondent is a third party

If the respondent is a third party, the University ability to take action may be limited and is determined by the context of the prohibited conduct and the nature of the relationship of the third party to the University. The Title IX Coordinator and/or Equal Opportunity and Diversity Officer/Title IX Deputy Coordinator will determine the appropriate manner of resolution, which may include referral to area law enforcement, restriction from access to campus or University activities, or referral to the Title IX Coordinator of the home school of the third party.

Note: Complaints involving third-party contractors, employees of third-party contractors, and temporary employees will be referred to Human Resources for review and appropriate action. Policies and procedures for University employees will govern the review of the complaint and can be found in the University’s Harassment, Discrimination, and Sexual Harassment Policy.

The University will offer resources and assistance to all community members who experience or are affected by alleged prohibited conduct. In instances when this policy does not apply, the University will assist in identifying and contacting external law enforcement agencies and appropriate campus or community resources.

VI. Resources, Support and Protective Measures

A. Supportive measures are available regardless of whether or not the complainant chooses to report full details (such as the name of the respondent) to the University or 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.
When a student or employee reports to the University that they have experienced Sexual Misconduct, whether the incident(s) occurred on or off campus, the University shall provide the individual with written information about resources and options. The University shall also provide the individual (hereafter referred to as the complainant) with written notification of health and mental health resources as well as other referrals or services as requested and available both on and off campus.

1. **Supportive measures for students** – The University shall provide supportive measures (temporary and/or ongoing) as reasonably available. Students who are complainants, respondents, and witnesses may make requests for supportive measures to the Title IX Coordinator, who will help identify all available options and determine which measures to take to support the student. Supportive measures for students may include, but not be limited to, the following options:
   a. Academic Assistance
      - 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
   b. Medical and mental health services, including counseling
   c. Change in campus housing and/or dining locations
   d. Assistance in finding alternative housing
   e. Consultation with the Department of Public Safety or local police agency as appropriate
   f. Assistance in arranging for alternative University employment arrangements and/or changing work schedules
   g. Providing an escort to ensure that the student can move safely between school programs and activities
   h. Transportation and parking assistance
   i. Assistance identifying any additional resources including off-campus support and services
   j. No contact orders

2. **Interim actions for students** – For most cases, the enrollment status of a respondent will not be changed upon receipt of a report or during an investigation. If the University determines there is a credible safety concern, interim actions may be taken by the University after receiving a report of prohibited conduct but prior to a hearing outcome. These measures are taken against a respondent based upon the totality of the circumstances known at the time and may be adjusted as necessary. They may be kept in place until a final investigation decision is released. These measures are designed to protect complainant(s), witness(es), and/or the University community from additional or ongoing prohibited conduct. Failure to comply with protective interim measures may result in a separate policy violation. Protective interim measures include, but are not limited to, the following:
a. No contact orders
b. Change in campus dining locations
c. Interim suspension from an on-campus employment position
d. Interim suspension from a student organization, athletic team or other University recognized group
e. Limiting access to campus and/or University events
f. Schedule modifications to separate a respondent from a complainant or other involved party
g. Interim suspension (as set forth in the Student Conduct Code)
h. Interim removal from on-campus housing or changing of housing assignment

3. **Supportive measures for employees** – For employees, supportive measures may include, but not be limited to:
   a. Assistance in arranging for alternative University employment arrangements and/or changing work schedules
   b. Providing an escort to ensure that the employee can move safely around campus
   c. Consultation with the Department of Public Safety or local police agency as appropriate.
   d. Transportation and parking assistance
   e. Assistance identifying any additional resources including off-campus support and services
   f. No contact orders
   g. Life Assistance Program (LAP)

**B. Privileged and confidential resources**

The University has identified individuals and departments on campus 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 an individual 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:

**Advocates***
- Dani Smith, Ed.D., Chapman University Sexual Assault/Rape Crisis Counselor
  o (714) 744-7080, dasmith@chapman.edu
- Reverend Gail Stearns, Ph.D., Dean of Chapel
  o (714) 628-7289
- Reverend Nancy Brink, Director of Church Relations
  o (714) 997-6760
• Rabbi Cori Yutkin  
  o (714) 628-7260
• Father Rafael Luévano  
  o (714) 532-6098
• Shaykh Jibreel Speight, Director of Muslim Life  
  o (714) 628-2646
• Reverend Cisa Payuyo, Associate Director of Church Relations  
  o (714) 997-6760

Support Services*
• Student Psychological Counseling Services  
  o During business hours: (714) 997-6778
• Frances Smith Center for Individual & Family Therapy  
  o (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.

VII. Information on Reporting

Prohibited conduct may be reported to local law enforcement (such as Orange Police or Irvine Police), the Dean of Students Office, Human Resources, or Public Safety. Supportive measures and resources are available to a complainant regardless of how they choose to report.

A. Timely warnings
When an incident of Sexual Misconduct that is reported to the University involves an alleged crime that constitutes a possible ongoing or continuing threat to the campus community, the University will evaluate each incident on a case-by-case basis to determine if a timely warning notice will be distributed to the community in a manner consistent with the requirements of the Clery Act. The University shall not publish the name or other identifiable information about the victim of a crime in the daily crime log or other statistics that are disclosed as a requirement of the Clery Act. If a timely warning is issued to the campus community due to a report of intimate partner violence and abuse, sexual assault, sexual battery, sexual exploitation or stalking, the University will not release the name or identifying information about the complainant.

B. Preserving information
Complainants, respondents, and witnesses should consider whether there is information to gather that might be helpful to investigator(s) and should preserve relevant items. For example, receipts, text messages, pictures, videos, emails, Facebook posts or messages,
Snapchats, or other social media posts may be helpful during an investigation or hearing. It may be helpful not to delete this information and to preserve it for later. If a complainant, respondent, or witness has already deleted text messages or other materials, they may wish to contact their phone carrier to find out if they can be recovered. Also, complainants, respondents, and witnesses are encouraged to write down a list of possible witnesses to submit to investigator(s).

Any individual considering reporting an allegation of Sexual Misconduct to law enforcement is encouraged to take steps to preserve evidence for use in the legal process. Please see Part C below for information about preserving physical evidence. Additionally, preserving evidence may be helpful in obtaining a protection order from the court and may also be helpful during a University investigation.

C. Reporting to hospitals and medical professionals
In Orange County, forensic exams (commonly referred to as rape kits) are only conducted at Anaheim Regional Medical Center located at 1111 W. La Palma Ave, Anaheim, CA 92801. Other Orange County hospitals (including St. Joseph’s Hospital, Hoag Hospital, Chapman Global Medical Center, and Orange County Global Medical Center) or urgent care facilities do not conduct forensic exams. More information can be gathered from these exams the sooner the exam is performed following the alleged incident. Individuals are encouraged to not bathe, shower, douche, or brush their teeth before the exam, if possible. Additionally, individuals are encouraged to maintain any physical objects such as clothing worn during an alleged incident or other relevant materials. If clothing is changed, each garment should be placed in a separate paper (not plastic) bag.

Under California law, any health practitioner employed in a health facility, clinic, physician’s office, or local or state public health department or clinic is required to make a report to local law enforcement if he or she provides medical services for a physical condition to a person who he or she knows or reasonably suspects is suffering from: (1) a wound or physical injury inflicted by a firearm; or (2) any wound or other physical injury where the injury is the result of assaultive or abusive conduct (including Rape, Sexual Assault, and Dating and Domestic Violence). This exception does not apply to sexual assault and domestic violence counselors and advocates.

D. Reporting to law enforcement or Public Safety
The University supports any complainant who wishes to make a police report and will inform that individual of this reporting option. Complainants are encouraged to contact local police in the city where the incident occurred, but it is their choice whether or not to report to law enforcement. If an individual reports an alleged incident to law enforcement, the University will cooperate with any investigation to the extent possible under federal and state law.

An individual who wishes to report prohibited conduct to Public Safety may contact Public Safety directly at 714-997-6763. When prohibited contact is reported to Public Safety, Public Safety immediately notifies:

- The Orange, Anaheim, or Irvine Police Department, as appropriate, or the local law enforcement agency if outside of these cities – The complainant can
request that their name not be provided to the police and Public Safety will honor that request.

- *The Title IX Coordinator* – The Title IX Coordinator or designee will provide outreach to the impacted student or employee to provide resources and reporting options.

Should a student or employee obtain a restraining order against another individual, the student or employee is encouraged to share that information with the Title IX Coordinator and/or Public Safety so that the University can be prepared to assist in the enforcement of the restraining order.

An individual who wishes to make a report to law enforcement in addition to, or instead of, making a report to the University may contact law enforcement directly by calling:

- 911 (for emergencies)
- Orange Police Department: 714-744-7444
- Irvine Police Department: 949-724-7000
- Anaheim Police Department: 714-765-1900

An individual over the age of 18 has a right to report, or to not report, prohibited conduct to law enforcement. Reporting to law enforcement may start a criminal investigation and adjudication within the criminal justice system. A criminal investigation and process is separate from a University administrative investigation and process.

**E. Reporting to Title IX Coordinator or Investigators**

The University encourages individuals to report prohibited conduct to a Title IX Coordinator. They are available to talk if you have a concern you want to share, have questions about the Title IX investigative process, or want to report an incident.

These individuals work with matters involving students:

**DeAnn Yocum Gaffney, Ed.D., Associate Vice President for Student Affairs and Senior Associate Dean of Students**
Lead Title IX Coordinator
Argyros Forum 101
gaffney@chapman.edu
(714) 997-6721

**Chris Toutain, Title IX Investigator and Assistant Director for Student Conduct**
Argyros Forum 302B		
toutain@chapman.edu
(714) 532-6039

**Kristen Entringer, Title IX Investigator and Assistant Director for Student Conduct**
Argyros Forum 302D
entringe@chapman.edu
1. Reports by individuals who want to remain anonymous or do not wish to pursue an investigation – If a complainant requests anonymity or that the University not pursue an investigation or take any other action, the University will balance this request with its obligation to protect the complainant and provide a safe and non-discriminatory environment for all University community members. The University will take reasonable steps to protect the privacy of the individuals who participate in the process. The University will take all requests for anonymity and non-investigation seriously, but neither can be guaranteed.

When a complainant has requested anonymity, the University will take all reasonable steps to investigate and respond to the report consistent with the request for anonymity or request not to pursue an investigation, but its ability to respond may be limited by these requests. The University will weigh the request against various factors, including but not necessarily limited to the following:

- The severity of the alleged conduct
- Any potential threats to community safety
- The respective positions of the complainant and respondent
- Whether there have been other complaints against the respondent
- Whether the respondent has a record of any prior acts of violence
- Whether the circumstances suggest there is an increased risk of future acts of sexual violence under similar circumstances

The University will seek to respect the request of the complainant, and where it cannot do so, Chapman will keep the complainant informed about the University’s chosen course of action. The Title IX Coordinators are responsible for evaluating requests for anonymity.

2. Timeframe for reporting – There is no time limit for making a report. In fact, the University recognizes the sensitive nature of these incidents, and acknowledges that many reports of Sexual Misconduct are delayed. If the report is delayed to the point where one of the parties has graduated by the date of institutional notice, the
University will still seek to meet its Title IX obligation by taking steps to end the harassment, prevent its recurrence, and remedy its effects, when appropriate.

The University does encourage the prompt reporting of prohibited conduct as prompt reporting allows for the collection and preservation of evidence, digital media and witness statements. The University’s ability to investigate and respond may be limited by delay.

3. **Amnesty for students who report or participate as witnesses** – To encourage and support the reporting of incidents of Sexual Misconduct, students who participate as witnesses or complainants in Sexual Misconduct investigations will not be held accountable for violations of the Code that may have occurred at the time of or as a result of the incident in question (for example, being under the influence of alcohol or other drugs), unless the University determines that the violation was egregious. Egregious violations include, but are not limited to, actions that place the health or safety of another other person at risk or that involve academic dishonesty.

   **Not participating in an investigation as a complainant or respondent** – While the University does not compel complainants or respondents to participate in investigations or hearings, complainants and respondents should be aware that participating in investigative interviews is almost always a crucial component of the University’s ability to fully gather and analyze information. Should a complainant choose not to participate in the investigation, the investigator(s) shall notify the Title IX Coordinator so that the Coordinator may determine if the complainant’s lack of participation has created an obstacle requiring the investigation and any subsequent hearing be discontinued.

   Should a respondent choose not to participate in the investigation the University will proceed with the process, and the findings will be made based upon the available information.

   **Not participating in a hearing as a complainant or respondent** – If, after having the opportunity to review the finalized summary report, the complainant and/or respondent choose not to participate in a hearing or requests an alternate resolution outside of hearing, the Title IX Coordinator shall determine whether a hearing shall be convened.

   Should a complainant not wish to participate in the hearing, the Title IX Coordinator must consider the need for the hearing officer(s) to have an opportunity to assess the complainant’s credibility and for the respondent to pose questions to the complainant (through the hearings officers). A complainant’s decision to not participate in the hearing may likely result in the hearing being cancelled and the process discontinued.

   Should a respondent choose not to participate in the hearing, the hearing will likely be held in the respondent’s absence and the hearing officer(s) will make a decision based upon the information available.
F. Reporting to University faculty and staff

Students may report to faculty or staff member of their choice, but students should be aware that all University employees (faculty, staff, administrators, and student employees) are required to report any sex or gender based discrimination to a Title IX Coordinator. The only exceptions to this requirement are those individuals who are designated as privileged and confidential resources as noted above. For more information about reporting obligations see the Harassment, Discrimination, and Sexual Harassment Policy.

G. Reporting to governmental authorities

University employees, including student employees, who feel they may have been subjected to unlawful harassment or discrimination may also file a complaint with the California Department of Fair Employment and Housing (DFEH), the United States Equal Employment Opportunity Commission (EEOC). Students may file a complaint with the U.S. Department of Education, Office for Civil Rights (OCR).

   Department of Fair Employment and Housing (DFEH)
   contact.center@dfeh.ca.gov
   www.dfeh.ca.gov

   United States Equal Employment Opportunity Commission
   1-800-669-4000 (TTY 1-800-669-6820)
   www.eeoc.gov

   Office for Civil Rights
   U.S. Department of Education
   Office for Civil Rights
   50 United Nations Plaza
   Mail Box 1200, Room 1545
   San Francisco, CA 94102

   Phone: (415) 486-5555
   Fax: (415) 486-5570
   TDY: (800) 877-8339
   Email: ocr.sanfrancisco@ed.gov
   Web: http://www.ed.gov/ocr

IX. General Principles of Investigation and Adjudication

A. General principles

1. Standard of proof – The standard of proof to find a violation of University policy is a preponderance of the evidence. Preponderance of the evidence means that a decision of responsibility for a policy violation will be made on whether it is more likely than not
that the respondent violated the policy based on the totality of information gathered during the investigation.

2. **Information collected during investigation** – 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, investigator(s), and/or hearing officers to be not relevant, credible or reliable may be excluded or not considered in the investigation process.
   a. **Character witnesses/information** – Character witnesses and information are those that speak to an individual’s past behavior or reputation without any connection to the conduct in question. Character witnesses, statements, or letters will not be considered.
   b. **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.

3. **Conflicts of interest** – Chapman University is committed to the rendering of fair, impartial decisions in its investigative and adjudicative processes.
   a. For cases involving student respondents, the Title IX Coordinator and Director of Student Conduct work in tandem to identify and avoid potential bias and/or conflict of interest in the assignment of investigator(s), hearing officers, and appeal officer(s). At the outset of an investigation, the Title IX Coordinator will select investigator(s) based on the parties involved, and the need to avoid any potential conflict of interest. Complainants and respondents may object, within two calendar days of being contacted by the investigator(s), to their selection on the basis of bias or conflict of interest. If a party objects, the Title IX Coordinator will evaluate whether the objection is substantiated. The Title IX Coordinator will remove and replace any investigator(s) the Title IX Coordinator finds to have a conflict of interest or bias for or against any party involved. Further, complainants and respondents have similar opportunities regarding hearing and appeal officers.
   b. Additionally, the Title IX Coordinator and Director of Student Conduct coordinate work to avoid conflict of interest based on supervisory structures. They do this by coordinating the assignment of investigator(s), hearing administrators, and appeals officers. Individuals are assigned to these roles with attempts made to avoid requiring them to base decisions on the work of their immediate supervisors.

4. **Documentation of formal and informal processes** – Documentation of the names of complainant and respondent, a summary of the concerns/allegations and resolution measure(s) taken shall be documented and maintained by the Title IX Coordinator.

5.
B. Procedures afforded to participating parties

During the process outlined in this policy, both the complainant and the respondent are afforded specific procedures. The procedures afforded to students are defined in Appendix 1 of the Student Conduct Code (the same procedures are also afforded to University faculty and staff members when they are participating in the process outlined in the policy as complainants).

Regarding the ability to confront other parties, complainants and respondents are able to submit questions for those parties to the investigators and/or hearing officers. Administrators have the responsibility to exclude or modify questions that are not necessary to render a decision, including but not limited to questions that are unfairly prejudicial, confusing, compound, argumentative, misleading, unnecessarily repetitive, not probative of the disputed facts or to the determination of the case, or speak only to a party’s character or non-relevant sexual history.

C. Role of a support person

A support person is 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 officer(s), including interviews, hearings, and any meetings related to the appeals process. A student may only have one support person with them during a meeting or other proceeding; however, that person does not need to be the same individual throughout an entire investigative process. Complainants and respondents may have any individual of their choosing serve 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. A support person’s participation in the process must not interfere with the investigation or hearing. The Title IX Coordinator, investigator(s), hearing officers, and appeals officer(s) have the authority to determine what constitutes appropriate behavior of a support person and to take reasonable steps to ensure compliance with this policy, which may include removing a support person from a meeting or process.

The University is not obligated to communicate with support persons and instead will make all communication directly with the student. The process will not be unreasonably delayed to accommodate the schedule of a support person.

D. Other procedural matters

1. **Multiple complainants and/or respondents** – When incidents involve more than one complainant and/or respondent, the Title IX Coordinator will determine whether the investigations and/or hearings should be conducted separately or in one, consolidated process.

2. **Pending criminal investigations and/or proceedings** – If an individual files a criminal complaint with law enforcement, the University is still obligated to investigate any
allegation of Sexual Misconduct in a timely, equitable manner. At the request of a law enforcement agency, the University may temporarily delay the fact-finding portion of an investigation while the law enforcement agency is gathering evidence.

3. **Timing** – The University will complete investigations and hearings in a prompt, fair, and impartial manner, 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 the Title IX Coordinator, investigator(s), and/or hearing officer(s) determine that an extension of the 60-day investigation timeline is warranted or necessary, they will notify the parties in writing, including the reason for the delay and the anticipated date of completion. The timeline for any appeals process is 30 business days. If the Title IX Coordinator and/or appeals officer determine that an extension of the 30-day appeals timeline is warranted or necessary, they will notify the parties in writing, including the reason for the delay and the anticipated date of completion.

4. **Disability accommodations** – Chapman University is committed to the full access and inclusion of students with disabilities in its processes and services, including investigations, hearings and other student conduct processes. Disability Services assists with the coordination of reasonable and appropriate accommodations for students with documented disabilities. If students have questions or need assistance with this as it relates to the investigative or hearing process, they are asked to inform the Title IX Coordinator, the investigator(s), the Presiding Officer, or the director of Disability Services.

5. **Procedure** – Formal rules of process, procedure and/or technical rules of evidence, such as those applied in criminal or civil court, are not used in investigation and adjudication. All procedural questions are subject to the final decision of the Title IX Coordinator and/or the director of Student Conduct.

**X. Initial Assessment**

**A. Receipt and outreach**

After receiving a report of alleged Sexual Misconduct, the Title IX Coordinator will contact the complainant to explain their opportunities and resources under this policy, reporting options on and off campus, interim and supportive measures as applicable, and appropriate referrals, as well as to invite the complainant to an in-person meeting. This is called outreach and is most commonly communicated through the student’s Chapman email account.

The Title IX Coordinator may refer the report to the Director of Student Conduct if it is determined that the behavior does not allege Sexual Misconduct.
The University is also committed to fulfilling its duties under the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act or Clery Act and may issue a timely warning to the campus community under the terms delineated in this law. The Chief of Public Safety will determine when to issue a timely warning. See also the University’s Annual Security Report.

B. Intake

Any student who reports experiencing alleged Sexual Misconduct may make an appointment with the Title IX Coordinator by telephone call, email, or in person. The first meeting is called intake. An intake meeting may also be made by any individual who reports experiencing alleged Sexual Misconduct by a Chapman student.

At intake, the Title IX Coordinator and/or investigator(s) will gather information about the incident and assess the need for interim action. Supportive and/or interim measures may be taken prior to and/or without an investigation.

At intake, the complainant may ask questions about the policy and the investigative process. The complainant may bring a support person to intake. Please note that translation services are offered, if requested and reasonably available.

C. Request by complainant to not proceed

A complainant may request their name not be shared with a respondent, no investigation be pursued, and/or no student conduct action be taken. In these instances, the Title IX Coordinator and/or investigator(s) will discuss the complainant’s concerns and seek to address and remedy concerns that they may have, such as concerns about retaliation or lack of clarity about procedural options or potential outcomes.

The Title IX Coordinator will assess possible, appropriate action when a complainant requests anonymity or when a respondent is unknown, such as what actions may address the effects of the reported behavior. Complainant requests for anonymity will limit the University’s ability to fully investigate, and as such, the University’s ability to respond to the complaint may be limited. The University will, however, take other action to address the reported concern.

The Title IX Coordinator will determine the appropriate manner of resolution under this policy. The University will seek resolution consistent with the complainant’s request to the degree possible but may need to take action to protect the health and safety of the complainant and the University community.

In those instances when the Title IX Coordinator determines that the University must proceed with an investigation despite the request of the complainant, the Title IX Coordinator will notify the complainant that the University intends to initiate an investigation. The complainant is not required to participate in this investigation or in any subsequent actions taken by the University.
In all cases, the final decision on whether, how, and to what extent the University will conduct an investigation, and whether other measures will be taken in connection with a report of prohibited conduct, rests solely with the Title IX Coordinator.

XI. Informal Resolution

At the request of an involved party, and with the agreement of the other parties, some conduct reported under this policy may be addressed by informal resolution. The goals of informal resolution are to address reported behavior, prevent recurrence, and remedy effects without completing a formal investigation process. It 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 the voluntary, mutual agreement of all involved parties, including the University.

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 as stated above. More specifically, informal resolutions may include, but is not limited to:

- No-contact order between the parties
- Changes to employment arrangements, living arrangements, class schedule, dining facilities, or advisor/supervisor arrangements, as feasible
- Written apology and/or explanation of the circumstances surrounding the agreement
- Educational training for an individual, group or unit
  - Online educational modules
  - Meeting with University staff members
- Community service
- Restorative justice
- Mediation/Facilitated discussion
  - Mediation is one form of informal resolution that may be considered in some cases. However, Chapman does not deem mediation appropriate for cases involving alleged sexual violence, including reports of alleged sexual assault, stalking, or intimate partner violence and abuse.

Depending on the form of informal resolution used, it may be possible to maintain anonymity of the complainant. Failure to comply with any required component of an informal resolution may result in a formal investigation and/or student conduct process.

Participation in the informal resolution is voluntary, and a party may request to end the informal process and begin the formal investigation process at any time prior to resolution. If the respondent fails to complete the required outcomes, the matter may move to a formal investigation or may be subject to further conduct action under the Student Conduct Code.
XII. Investigation

A. Notification – If the Title IX Coordinator or designee determines that the University will proceed to a formal investigation, the Title IX Coordinator or designee will assign investigator(s) 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.

B. Information-gathering – The investigator(s) will meet separately with the complainant, respondent and identified witnesses. The investigator(s) will ask the parties for all information related to the allegations, including names of witnesses and documentation related to the incident, which may include, for example, documented communications between parties, receipts, photos, video, or other information relevant to the allegations.

C. Information review – At the conclusion of fact-gathering, the Title IX Coordinator or investigator(s) will provide the complainant and respondent with individual and separate opportunities to review the information collected. The information review is an opportunity for the parties to access all information gathered to date, such as the investigator(s)’ typed interview notes and documentation collected. The investigator(s) will email or otherwise provide redacted versions of this information to the parties and will make full versions of this information available for review.

Following information review, the complainant and respondent will be given a deadline (at least 5 business days following the date of information review) by which to provide additional information to the investigators, and/or request that the investigator(s) gather additional relevant information, if applicable, in the form of:
   a. Requests for additional documentation from witnesses
   b. Information-specific questions to be asked of relevant individuals
   c. New witnesses
   d. Additional documentation under the control of the University

Requests for additional information deemed by the investigator(s) to not be relevant may be denied.

Only information that is provided to the investigator(s) or otherwise uncovered by the investigator(s) during the course of the investigation may be considered in the determination of whether a violation of policy has occurred. Any and all information for consideration by the hearing officer(s) should be provided to the investigator prior to the hearing and will not be allowed during the hearing itself, unless it can be clearly demonstrated that such information was not reasonably available to the parties at the time of investigation.
At the conclusion of the investigation, the investigators shall draft a report which will contain a timeline of the investigation and a list of undisputed and disputed facts. The report will not contain any factual determinations or policy analysis. Included in the report shall be interview summaries and any other documents. The investigator(s) will submit the summary report to the Title IX Coordinator, who may require the investigator(s) to conduct additional information gathering to be included in the summary report. After the report is approved by the Title IX Coordinator, the complainant and respondent will be provided with the summary report.

After having the opportunity to review the finalized summary report, the complainant and respondent will have the opportunity to meet with the Title IX Coordinator and discuss whether the party wants to proceed and participate in a hearing. Should one party wish not to proceed with a hearing, the Title IX Coordinator shall determine whether a hearing shall be convened.

Should a complainant not wish to participate in the hearing, the Title IX Coordinator must consider the need for the hearing officer(s) to have an opportunity to assess the complainant’s credibility and for the respondent to pose questions to the complainant (through the hearings officers). A complainant’s decision to not participate in the hearing will likely result in the hearing being cancelled and the process terminated.

Should a respondent choose not to participate in the hearing, the hearing will likely be held in the respondent’s absence and the hearing officer(s) will make a decision based upon the information available.

**XIII. Hearing**

After the summary report is complete, the University will notify the complainant and respondent of the policies alleged to have been violated and the date and time of the hearing at least 10 calendar days prior to the hearings (or a shorter time by mutual consent).

The hearing notice shall also contain the names of the assigned hearing officer(s) and the Presiding Officer. Complainants and respondents may object, within two calendar days of being notified of the hearing officer(s), to their selection on the basis of bias or conflict of interest. Objections must be made in writing to the Title IX Coordinator. If a party objects, the Title IX Coordinator will evaluate whether the objection is substantiated. The Title IX Coordinator will remove and replace any hearing officer the Title IX Coordinator finds to have a conflict of interest or bias for or against any party involved.

In the event of documented extenuating circumstances, a complainant or respondent may request to reschedule the hearing. This request must be made no later than 2 business days prior to the originally scheduled hearing. The decision of whether to reschedule is at the discretion of the hearing officer(s) and Title IX Coordinator, with consideration to the prompt and equitable completion of the process.
Parties, including the respondent, complainant, and witnesses may participate by video-conference.

The hearing officer(s) will be well versed in the summary report and its attachments. The hearing is an opportunity for the hearing officer(s) to hear from the complainant, respondent, and witness(es) and to gather information needed to determine whether the Student Sexual Misconduct Policy and/or the Student Conduct Code has been violated. The hearing officer(s) shall determine the hearing format. During the hearing the complainant and respondent will have the opportunity present their account of the events, to ask questions of other parties through the hearing officer(s), and to provide a closing statement.

The complainant and respondent can each bring a written statement to the hearings, may share their perspective verbally, or both. The hearing officer(s) will ask the complainant, respondent, and witnesses questions during the hearing.

The hearing officer(s) may request witnesses participate in the hearing. Should either party wish to request that witnesses participate in the hearing, such requests must be submitted in writing to the Presiding Officer 5 business days prior to the hearing. If the witness was not interviewed as part of the investigation, the party requesting the witness must email the Title IX Coordinator and hearing officers the name of the witness, a written summary of what the witness observed, an explanation statement as to why the witness’ presence is relevant to making a determination of responsibility at the hearing, and the reason the witness was not interviewed by the investigator(s). The hearing officer(s) will determine if there is sufficient justification for a witness who was not interviewed by the investigator(s) to participate in the hearing and may require that the investigator(s) interview the witness prior to the hearing. Parties will be notified which witnesses have been requested to participate in the hearing no fewer than 3 business days prior to the hearing.

Parties may submit any questions for the complainant, respondent, or witnesses to the hearing officer(s) for consideration. The hearing officer(s) has the responsibility to exclude or modify questions that are not necessary to render a decision, including but not limited to questions that are unfairly prejudicial, confusing, compound, argumentative, misleading, unnecessarily repetitive, not probative of the disputed facts or to the determination of the case, or speak only to a party’s character or non-relevant sexual history.

Hearings will ordinarily be audio recorded, with the exception of any deliberation between the hearing officer(s), although written notes or video recording may serve as a substitute. This record will be the property of the University. Respondents, complainants, or support persons at the hearing are free to take their own written notes, but they may not record, share, or stream any photography, video or audio of the hearing. Respondents or complainants may request the opportunity to review the official record under the supervision of the Title IX Coordinator or designee.

The hearing officer(s) may remove any party (including complainant, respondent, witness, support person) from a hearing for reasons including, but not limited to, disruption, waste of
time, sharing irrelevant, immaterial, or unduly repetitive information, or failing to adhere to requests of the hearing administrators. The hearing officer(s) may have the individual leave the hearing and proceed with the hearing in the person’s absence.

The hearing administrators shall determine whether the respondent violated the Student Sexual Misconduct Policy and/or the Student Conduct Code based solely upon material presented at the hearing, including any investigation reports and attachments, with the exception of prior violations of the Student Sexual Misconduct Policy which may be considered when determining responsibility for the alleged violations.

XIV. Findings and Appeals

A. Hearing Outcome

After the hearing has concluded, the hearing officer(s) will prepare the hearing outcome. The hearing officer(s) will prepare the report promptly, generally making it available to the parties within 14 business days of the completion of the hearings. The Presiding Officer will notify the parties if an extension of this timeline is necessary. The hearing outcome will include an analysis of all relevant disputed information identified throughout the process, an analysis of policy, and conclusion of whether or not there is a preponderance of evidence that the respondent violated University policy. The hearing officer(s) will make determinations regarding the respondent’s responsibility for violations of University policy based solely upon information gathered throughout the process, with the exception of prior violations of Sexual Misconduct, which may be considered when determining responsibility for the alleged violations in the present case.

The possible outcomes for each alleged violation are as follows:
- Responsible
- Not responsible

If the hearing officer(s) determines that policy was violated, they will consult with the Title IX Coordinator on appropriate sanctions.

The Hearing officer(s) will submit the hearing outcome to the Title IX Coordinator for final review prior to providing it to the parties. The Title IX Coordinator, at their discretion, retains the authority to override a decision made by the hearing officer(s) when, in the judgment of the Title IX Coordinator, the policy was misapplied or there are insufficient facts or evidence on which to base the hearing outcome. The Title IX Coordinator may also direct the hearing officer(s) to further consider or investigate additional aspects of a particular case prior to finalizing the hearing process.

As simultaneously as possible, the Presiding Officer will provide each party with the hearing outcome.
The parties will each receive an appeal deadline by which, if they disagree with the findings of responsibility and/or sanctions, they may request an appeal based on one or more relevant criteria, as outlined in the policy.

If neither party requests an appeal by the deadline, the findings/sanctions outlined the hearing outcome will become the final determination on the matter.

B. Sanctioning

The sanctions generally applicable to a student who is found responsible for violating Chapman’s Student Conduct Code are found within the sanctions section of the Code. Engaging in Sexual Misconduct is a violation of the Student Conduct Code and will result in the imposition of one or more sanctions ranging from warnings and educational sanctions up to and including suspension or expulsion, depending on the severity of the incident in question and the student’s prior conduct history. The following are the typical sanction ranges for the various forms of Sexual Misconduct prohibited by this policy, prior to consideration of individual conduct history:

<table>
<thead>
<tr>
<th>Violation</th>
<th>Possible Sanctions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Intimate partner violence and abuse</td>
<td>A student found in violation of the dating violence provision will typically be suspended for a minimum of one year and may be suspended for multiple years or expelled. However, incidents involving verbal abuse only or other less severe incidents may result in probation with loss of privileges or deferred suspension. A student may also receive educational sanctions.</td>
</tr>
<tr>
<td>Retaliation</td>
<td>A student found in violation of the retaliation provision will typically be placed on a minimum of a deferred suspension to a multi-year suspension. A student may also receive educational sanctions to complete as a requirement for continued enrollment or as a requirement for returning from a suspension.</td>
</tr>
<tr>
<td>Sexual assault</td>
<td>A student found in violation of the sexual assault provision will typically be sanctioned to a multi-year suspension or be expelled from the University. A student may also receive educational sanctions to complete as a requirement for returning from a suspension.</td>
</tr>
<tr>
<td>Sexual battery</td>
<td>A student found in violation of the sexual battery provision will typically be placed on deferred suspension but may also be suspended or expelled. However, less severe violations of this policy may result in probation or probation with loss of privileges. A student may also receive educational sanctions.</td>
</tr>
<tr>
<td>Sexual exploitation</td>
<td>A student found in violation of the sexual exploitation provision will typically be placed on a minimum of a semester suspension to a multi-year suspension or expelled from the University. A student may also receive educational sanctions to complete as a requirement for returning from a suspension.</td>
</tr>
</tbody>
</table>
Sexual harassment | A student found in violation of the sexual harassment provision will typically be placed on a minimum of a deferred suspension to a multi-year suspension. A student may also receive educational sanctions to complete as a requirement for continued enrollment or as a requirement for returning from a suspension.

Stalking | A student found in violation of the stalking provision will typically be suspended from the University for a minimum of one year and may be suspended for multiple years or expelled. However, less severe violations of this policy may result in probation with loss of privileges or deferred suspension. A student may also receive educational sanctions.

Bad faith complaint of Sexual Misconduct | A student found in violation of the bad faith complaint of Sexual Misconduct provision will typically be placed on a minimum of a deferred suspension to a multi-year suspension. A student may also receive educational sanctions to complete as a requirement for continued enrollment or as a requirement for returning from a suspension.

Discrimination | A student found in violation of the discrimination provision will typically be placed on a minimum of a deferred suspension to a multi-year suspension. A student may also receive educational sanctions to complete as a requirement for continued enrollment or as a requirement for returning from a suspension.

Additional sanctions may include permanent no contact orders, academic or housing reassignment, or removal from campus housing or other sanctions uniquely tailored to remedy any discrimination and prevent its recurrence.

C. Appeals

1. **Appeals** – After a hearing has been convened and within 5 business days of receiving the hearing outcome, the parties will have an opportunity to submit a written appeal outlining why they believe one or more of the criteria for appeal exists in their case. Appeals are typically limited to 7 pages, double-spaced, 12-pt. font. In the instance of particularly complex or simultaneous cases, an extension on this page limit may be granted by the Dean of Students or designee.

   The other party will be notified within 2 business days if an appeal is submitted. The notified party will have an opportunity, if requested, to review the original written appeal. They may submit a written response (typically limited to 7 pages, double-spaced, 12-pt. font) within 5 business days of being notified that an appeal was submitted.

2. **Appeals criteria** – Appeals may only be brought on one or more of the four possible criteria for an appeal as outlined in the Student Conduct Code. The appeals officer(s) will consider appeals requests narrowly, specific to the relevant criteria for appeal.
3. **Appeals outcomes** – Appeals will be concluded in one of the following manners:
   
a. If the Dean of Students or designee determines that none of the appeals criteria have been met, they will deny the appeal request, thereby upholding the hearing findings and sanctions (if applicable).
   
b. If the Dean of Students or designee determines that new information not previously available needs to be considered, the case will be remanded to the Title IX Coordinator, hearing officer(s) and/or designee. Parties will be allowed to respond to new information and new findings will be issued.
   
c. If the Dean of Students or designee determines that sanctions were unreasonably disproportionate to the violation and respondent’s conduct history, new sanctions will be assigned.
   
d. If the Dean of Students or designee determines that there was a procedural error that had a significant impact the outcome, the matter will be remanded to the Title IX Coordinator to remedy the error or the Dean of Students or designee may take other corrective action to remedy the error.
   
e. If the Dean of Students or designee determines that a conclusion of policy violation is not supported by the findings of fact, the Dean of Students or designee may reverse specific conclusion of policy violations. If applicable, new sanctions may be applied as well by the Dean of Students or designee.

The Dean of Students or designee will provide the complainant and respondent written notification of the final determination as simultaneously as possible.

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[http://www.chapman.edu/consent](http://www.chapman.edu/consent)