

**Official Addendum** – Replaces the Title IX section of The Hoot (pages 62-74) of The Hoot – 2020-21 Course Catalog/Student Handbook.

## HARASSMENT AND DISCRIMINATION POLICIES

Below are the College’s policies as they relate to discrimination and harassment. In this section you will find the following:

1. Discriminatory Harassment Policy
2. Sexual Harassment and Discrimination policy
3. Title IX Sexual Misconduct Policy

### **DISCRIMINATORY HARASSMENT POLICY**

Discriminatory Harassment. Any unwelcome conduct based on actual or perceived status including sex, gender, race, color, age, creed, national or ethnic origin, physical or mental disability, veteran status, pregnancy status, religion, sexual orientation, or other protected status should be reported to campus officials, who will act to remedy and resolve reported incidents. When discriminatory harassment is sufficiently severe, pervasive, or persistent and objectively offensive that it unreasonably interferes with, limits, or denies the ability to participate in or benefit from the College’s educational or employment program or activities, sanctions can be imposed for the creation of a hostile environment.

### **SEXUAL HARASSMENT AND DISCRIMINATION POLICY**

Otis College of Art and Design expects that all members of the community—students, faculty, instructors, staff, guests, and visitors—should be able to pursue their work and education in an environment free from sexual misconduct, violence, harassment, and intimidation. The College does not tolerate sexual misconduct, violence, harassment, or intimidation within the work or academic environment.

Sexual harassment occurs when sexual advances, requests for sexual favors, or any conduct of a sexual nature is made a condition of an individual’s employment, appointment, admission or academic evaluation, or used as a basis for evaluation in personnel decisions or academic evaluations. Any sexual misconduct that purposely or effectively interferes with an individual’s work or academic performance or creates an intimidating, hostile, offensive, or otherwise adverse working or learning environment, is a direct violation of this policy. Such examples may include, but are not limited to, the following: sexual harassment, sexual violence, sex or gender-based bullying, hazing, stalking, relationship violence, and failure to provide equal opportunity in admissions, activities, employment, or professional development.

### **Violations of the College’s Sexual Harassment and Discrimination Policy**

Sexual misconduct is a serious offense and such violations are subject to any combination of conduct sanctions as described above in *Section 7: Formal Conduct Procedures* with individuals found responsible

for violation of the sexual harassment and misconduct policy facing a potential sanction of College suspension or College dismissal. Deviations from this range are rare and only made where there are compelling mitigating circumstances. Suspensions, if given, are based on satisfying conditions rather than solely on a period of time. Predatory, pattern and/or repeat offenders face dismissal, which is also available for any serious offense whether pattern, predatory or repeat offending is evidenced or not. The other forms of sexual misconduct defined below cover a range of behaviors, and therefore a range of sanctions from warning to dismissal can be applied, depending on the nature and frequency of the misconduct. A partial list of College sexual misconduct policy violations is listed below.

1. **Sexual Harassment:** Gender or sex-based verbal or physical conduct that has the effect of unreasonably interfering with an individual's work or academic performance or creates an intimidating, hostile or offensive working or educational environment. There are two types of sexual harassment defined here, and harassment may also be found under the retaliation policy, below:
  - **Hostile Environment:** includes situations in which there is harassing conduct that is sufficiently severe, pervasive/persistent, and objectively offensive so that it alters the conditions of education, from both a subjective (the alleged victim's) and objective (a reasonable person's) viewpoint. The determination of whether an environment is "hostile" must be based on all the circumstances. These circumstances could include, but are not limited to, the following:
    - The frequency of the speech or conduct;
    - The nature and severity of the speech or conduct;
    - Whether the conduct was physically threatening;
    - Whether the speech or conduct was humiliating;
    - The effect of the speech or conduct on the alleged victim's mental and/or emotional state;
    - Whether the speech or conduct was directed at more than one person;
    - Whether the speech or conduct arose in the context of other discriminatory conduct;
    - Whether the speech or conduct unreasonably interfered with the alleged victim's educational or work performance; and
    - Whether a statement is a mere utterance of an epithet which engenders offense in a student or offends by mere discourtesy or rudeness.
  - **Quid Pro Quo** sexual harassment exists when there are unwelcome sexual advances, requests for sexual favors or other verbal or physical conduct of a sexual nature where submission to, or rejection of, such conduct results in educational or employment action.
2. **Sexual Exploitation:** Taking nonconsensual or abusive sexual advantage of another for one's own advantage or benefit, or to benefit a person other than the one being exploited. Examples of sexual exploitation include, but are not limited to, the following:
  - Prostituting another student;
  - Nonconsensual video or audio recording of sexual activity;
  - Exceeding the boundaries of explicit consent, such as allowing friends to hide in a closet to be witness to one's consensual sexual activity;
  - Engaging in voyeurism; and/or
  - Knowingly transmitting a sexually transmitted disease/infection or HIV to another student.

## TITLE IX SEXUAL MISCONDUCT POLICY

The College is committed to complying with all requirements as set forth by Title IX of the Education Amendments of 1972 (“Title IX”). As such, discrimination on the basis of sex or gender will not be tolerated in any of College’s education programs or activities. Such discrimination includes, but is not limited to, the following: *sexual harassment; sexual violence; stalking; relationship violence; and failure to provide equal opportunity in admissions, activities, or employment*. Student workers will be covered by this policy, and may also fall under the jurisdiction of Human Resources and Development, which will jointly resolve all complaints with the Dean of Student Affairs.

**Severe and pervasive sexual harassment** pertains to only the following three categories of conduct:

1. A College employee conditioning the provision of an aid, benefit, or service of the College on an individual’s participation in unwelcome sexual conduct (quid pro quo);
2. Unwelcome conduct by a College employee on the basis of sex determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the College’s education programs or activities; or
3. “Sexual assault” as defined in [20 U.S.C. 1092\(f\)\(6\)\(A\)\(v\)](#), “dating violence” as defined in [34 U.S.C. 12291\(a\)\(10\)](#), “domestic violence” as defined in [34 U.S.C. 12291\(a\)\(8\)](#), or “stalking” as defined in [34 U.S.C. 12291\(a\)\(30\)](#).

### Jurisdiction

In keeping with Federal regulations, behavior falls under Title IX policy and procedure if it meets the following jurisdictional criteria:

#### 1. **Nature of Complaint:**

- A complaint of Dating Violence, Domestic Violence, Stalking, or Sexual Assault as defined below;
- A complaint of sexual harassment in which the harassment was so severe and pervasive and objectively offensive that it denied the Complainant equal access to an educational program or activity, or denied the employee the ability to continue their work at Otis College;
- A complaint of quid pro quo sexual harassment by an employee respondent against a student.

If yes, to one of the above, continue. If no, please see the Code of Student Conduct ([The Hoot](#), pp 76-102).

#### 2. **Location**

- The incident(s) occurred on the institution’s campus, within the United States;
- The incident(s) occurred in a building under the institution’s control, such as a residence hall or affiliated residential locations off campus, and within the United States;
- The incident(s) were part of one of the institution’s programs or activities, such as part of a field trip or travel study, and within the United States.

If yes, to one of the above, continue. If no, please see the Code of Student Conduct ([The Hoot](#), pp 76-102).

3. The institution has control over the Respondent, meaning the Respondent is a student (whether applicant, admitted, or currently enrolled) or employee (applicant, hired, but not yet working, or employed).

If yes, to one of the above, continue. If no, please see Code of Student Conduct

4. Complainant is a student (whether applicant, admitted, or currently enrolled) or employee (applicant, hired but not yet working, or employed).

If yes, to one of the above, continue. If no, please see the Code of Student Conduct ([The Hoot](#), pp 76-102).

If the above jurisdictional requirements are met, a report must be filed with the Title IX Coordinator or the Dean of Student Affairs.

You may file a formal complaint at any time by using the online [Title IX Reporting Form](#). You may also file a complaint by email, or in person. Upon receipt of a formal complaint, the Title IX Coordinator will reach out to the Complainant to conduct an intake interview (*see below*).

You may also notify the Title IX Coordinator if you believe you, or someone else, may have experienced conduct that would be a violation of this policy. The Title IX Coordinator will then reach out to the Complainant and schedule an intake interview.

## **DEFINITIONS & PROHIBITED CONDUCT**

### **CONSENT**

"Affirmative consent" means affirmative, conscious, and voluntary agreement to engage in sexual activity. It is the responsibility of each person involved in the sexual activity to ensure that he or she has the affirmative consent of the other or others to engage in the sexual activity. Lack of protest or resistance does not mean consent, nor does silence mean consent. Affirmative consent must be ongoing throughout a sexual activity and can be revoked at any time. The existence of a dating relationship between the persons involved, or the fact of past sexual relations between them, should never by itself be assumed to be an indicator of consent.

### **COERCION**

There is a difference between seduction and coercion; coercion is defined as unreasonably pressuring another person for sex. Coercing someone into engaging in sexual activity violates this policy in the same way as physically forcing someone into engaging in sexual activity.

### **SEXUAL MISCONDUCT**

Includes, but is not limited to, sexual harassment, nonconsensual sexual contact, nonconsensual sexual intercourse, and/or sexual exploitation (see "Community Standards Sexual Misconduct Policy" for further information).

### **RESPONDENT**

Respondent is an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.

## **COMPLAINANT**

Complainant is an individual who is alleged to be the victim of conduct that could constitute sexual harassment.

## **SEXUAL ASSAULT**

An offense that meets the definition of rape, fondling, incest, or statutory rape.

*Rape:* The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.

*Fondling:* The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age and/or because of his/her temporary or permanent mental incapacity.

*Incest:* Non forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

*Statutory Rape:* Non forcible sexual intercourse with a person who is under the statutory age of consent.

## **OTHER SEXUAL ASSAULTS**

Besides rape, other sexual assault crimes include the following: sodomy (forced anal intercourse); oral copulation (forced oral-genital contact); rape by a foreign object (forced penetration by a foreign object, including a finger); and sexual battery (the unwanted touching of an intimate part of another person for the purpose of sexual arousal).

## **SEXUAL INTIMIDATION**

Stalking, cyberstalking, and/or indecent exposure; Any unreasonable behavior, verbal or nonverbal, which has the effect of subjecting members of either sex to humiliation, embarrassment, or discomfort because of their gender or sexual identity.

## **DOMESTIC VIOLENCE**

A felony or misdemeanor crime of violence committed by a current or former spouse or intimate partner of the victim; by a person with whom the victim shares a child in common; by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner; by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

## **DATING/RELATIONSHIP VIOLENCE**

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

Relationship Violence is violence or abuse used by one person who has been or is in a relationship with another. Partners may be married or not married; heterosexual, gay, or lesbian; living together, separated or dating.

### **STALKING**

Engaging in a course of conduct directed at a specific person that would cause a reasonable person to (1) fear for the person's safety or the safety of others; or (2) suffer substantial emotional distress.

Course of conduct means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means follows, monitors, observes, surveils, threatens, or communicates to or about, a person, or interferes with a person's property.

Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.

### **LEGAL DEFINITIONS**

Rape is generally defined as forced sexual intercourse. It may also include situations where the victim is incapable of giving consent due to a disability or intoxication. Many rapes are committed by someone the victim knows, such as a date or friend.

Under California law, rape is sexual intercourse against the will of the victim that can occur under a variety of circumstances, including the following:

- Where the victim is prevented from resisting due to alcohol or drugs;
- Where the assailant uses physical force or the threat of force to overpower and control the victim;
- Where the victim fears that she or he or another will be injured if the victim does not submit;
- Where the victim is at the time unconscious of the nature of the act, and this is known to the assailant;
- Where the victim is incapable of giving legal consent due to a mental disorder or developmental or physical disability, and this is known or reasonably should be known to the assailant;
- Where the act is accomplished by threatening to use the authority of a public official to incarcerate, arrest, or deport the victim or another person;
- Where the assailant uses duress, such as a direct or implied threat of hardship or retribution, to coerce the victim; and
- Where the assailant uses force, fear, or threats to accomplish sexual intercourse against the will of the spouse. This provision of the law is known as the "spousal rape law."

The complete California Rape Law is contained in Section 261 of the Penal Code. The spousal rape law is set forth in Section 262.

### **RETALIATION**

Retaliation against any individual for seeking assistance or bringing complaint through the processes described in this policy is strictly prohibited. Similarly, any person who participates or cooperates in any

manner in an investigation or any other aspect of the process described herein shall not be retaliated against. Except where the retaliatory conduct constitutes Prohibited Conduct as defined in this policy, retaliation for bringing a complaint or participating in a process under this policy shall constitute a violation of the Harassment, Discrimination, and Retaliation policy.

## **NON-TITLE IX CONDUCT**

Behavior that does not rise to the level of severe and pervasive conduct as defined in this Title IX Sexual Misconduct Policy is covered under the the College's Sexual Harassment and Discrimination Policy.

Students with questions regarding these policies or believed instances of harassment or sexual misconduct should be brought to any of the following individuals: Title IX Coordinator, Dr. Carol Branch, at [cbranch@otis.edu](mailto:cbranch@otis.edu), or the Dean of Student Affairs Dr. Nicholas Negrete at [nnegrete@otis.edu](mailto:nnegrete@otis.edu), or complete an online "Incident Report" to initiate a complaint process at [https://cm.maxient.com/reportingform.php?OtisCollege&layout\\_id=2](https://cm.maxient.com/reportingform.php?OtisCollege&layout_id=2). Reports may be submitted at any time.

Students will not be disciplined or discriminated against in any way for sexual harassment inquiries or complaints made in good faith. If allegations of harassment or sexual misconduct are reported but do not meet the Title IX criterion noted above, the College will follow due process as outlined in the Code of Student Conduct.. Disciplinary action for violations of this policy can range from verbal or written warnings, to serious sanctions, up to and including dismissal from the College.

The College's Title IX Coordinator will be informed of, and oversee, all complaints of sex discrimination/harassment/misconduct and is responsible for identifying and addressing any patterns or systemic problems that arise during the review of such complaints.

The College will make every effort to successfully complete the grievance process for complaints of sex discrimination within an appropriate time frame. The parties will receive periodic status updates on the progress of the Title IX Grievance Process. During the investigation and/or grievance process for complaints of sex discrimination, the College may take a number of interim actions in order to ensure the preservation of the educational experience and the overall College environment of the parties. These actions may include, but are not limited to, the following: imposing a No Contact Order; residence hall room change for one or more involved parties; changes in academic schedules or assignments for one or both parties and interim suspension. To read more about Title IX of the Education Amendments of 1972, please visit <https://www2.ed.gov/about/offices/list/ocr/frontpage/faq/sex.html>

## **CONFIDENTIALITY AND REPORTING SEXUAL MISCONDUCT**

College officials, depending on their roles at the College, have varying reporting responsibilities and abilities to maintain confidentiality. In order to make informed choices, one should be aware of confidentiality and mandated reporting requirements when consulting campus resources. The majority of faculty/staff members are mandated reporters. However, on campus, some resources may maintain confidentiality, offering options and advice without any obligation to inform an outside agency or individual unless you have requested information to be shared. Other resources exist for you to report crimes and policy violations and these resources will take action when you report victimization to them. Most resources on campus fall in the middle of these two extremes; neither the College nor the law

requires them to divulge private information that is shared with them, except in the rare circumstances. The following describes the three reporting options at College:

### **CONFIDENTIAL REPORTING**

If you would like the details of an incident to be kept confidential, you may speak with on-campus counselors, off-campus rape crisis resources, or clergy/chaplains who will maintain confidentiality. Free counseling services within the Student Health and Wellness Center are available to help you and can be seen on an emergency basis during normal business hours.

### **PRIVATE REPORTING**

You may seek advice from certain resources who are still required to report information to the Title IX Coordinator, while keeping your information as private as possible. Private reporting is not confidential, and will still follow all mandated reporting procedures but will do so in a way that protects everyone's privacy. These resources include: Resident Advisors (RAs), faculty members, advisors to student organizations, career services staff, admissions officers, student activities personnel, and many others. If you are unsure of someone's duties and ability to maintain your confidentiality, ask them before you talk to them. They will be able to tell you and can help you make decisions about who can assist you best. Any non-confidential resource member who receives a report of allegations related to Title IX violations is required to submit a Title IX report to the Title IX Coordinator, in an effort to protect you or other members of the community. If your personally identifiable information is shared, it will be shared with as few people as possible and all efforts will be made to protect your privacy to the greatest extent.

### **REPORTING A TITLE IX COMPLAINT**

Complaints made to other individuals in the Otis community will need to be routed to the Title IX Coordinator. Formal reports of violations of this policy must be made to the Title IX Coordinator.

You may file a formal complaint at any time by using the form [Title IX Reporting Form](#). You may also email the complaint, call the Title IX Coordinator, or make an in-person report with the Title IX Coordinator. The Title IX Coordinator can be reached at 310-846-2554, or [cbranch@otis.edu](mailto:cbranch@otis.edu). Upon receipt of a formal complaint, the Title IX Coordinator will reach out to the Complainant to conduct an intake interview (*see below*).

**Note:** Once a formal complaint that meets Title IX criterion is signed and an investigation is requested, the Title IX Coordinator will, within 7 business days, put the Respondent on notice of the allegation and commence the investigation process. This process will commence even in the event that the Complainant declines to participate in an intake interview.

You may also notify the Title IX Coordinator if you believe you, or someone else, may have experienced conduct that would be a violation of this policy. The Title IX Coordinator will then reach out to the Complainant and schedule an intake interview.

### **REPORTING SEXUAL HARASSMENT AND MISCONDUCT AND GENDER-BASED DISCRIMINATION**

To report an incident, contact the Title IX Coordinator (310) 846-2554, or the Dean of Student Affairs (310) 665-6967. Reports can also be submitted online through the incident report form online. Anyone with knowledge about a sexual assault or incident of sexual misconduct is encouraged to report it immediately.



If you are sexually assaulted it is important that you do as follows:

1. Go to a safe place and speak with someone you trust. Tell this person what happened. If there is any immediate danger, let a security guard know if you are on campus or call 911 if you are off campus. To contact Campus Security call (310) 665-6965 or stop by the office it is open 24 hours.
2. Consider securing immediate professional support to assist you in the crisis.
3. You can contact Student Counseling Services at (310) 846-5738.
4. For your safety and well-being, immediate medical attention is encouraged. Further, being examined as soon as possible, ideally within 120 hours, is important. The Santa Monica Rape Treatment Center will arrange for a specific medical examination at no charge. To preserve evidence, it is best that you do not bathe, shower, douche, or change clothes before that exam. Even if you have already bathed, you are still encouraged to have prompt medical care. Additionally, you are encouraged to gather bedding, linens, or unlaundered clothing and any other pertinent articles that may be used for evidence.
5. Even after the immediate crisis has passed, consider seeking support from Student Counseling Services at Otis College or Santa Monica Rape Treatment Center or Valley Trauma Center.
6. Contact the Title IX Coordinator at (310) 846-2554 or [cbranch@otis.edu](mailto:cbranch@otis.edu), if you need assistance with College-related concern

## TITLE IX RESPONSE PROCESS

### 1. Intake Interview

During the intake interview, the Title IX Coordinator will assess the potential Title IX complaint for all of the jurisdictional elements required to proceed under this policy. In the event the allegation involves a sexual assault, dating or domestic violence, or stalking, within Clery geography, the Title IX Coordinator will document and report data to the Chief of Campus Safety and Security for statistical purposes. This data will, generally, not personally identify the parties involved in the incident(s).

The Title IX Coordinator will also explain to the Complainant the process for filing a formal complaint.

The Title IX Coordinator will also offer the Complainant Supportive Measures designed to restore or preserve equal access to the College's education programs or activities, and will consider the Complainant's wishes with respect to these measures. These measures are available with, or without, the filing of a formal complaint. Such Supportive Measures may include, but are not limited to measures that are not punitive to the Respondent, are non-disciplinary, and at no fee to the Complainant or the Respondent:

- Counseling
- Extensions of deadlines or other course-related adjustments
- Modifications of work or class schedules
- Campus escort services (as appropriate)
- Mutual no-contact directives
- Changes in work or housing locations
- Leaves of absence
- Increased security
- Monitoring of certain areas of the campus

**Note:** Any Supportive Measures put in place will be kept confidential, except to the extent that doing so impairs the ability of the institution to provide the supportive measures. For example, in order to facilitate a housing change, staff at Residential Life and Housing shall be informed of the need to assist with a housing change as directed by the Title IX Coordinator, but will not be provided with any of the details of any complaint.

## 2. **Notice to Respondent**

Upon the filing of a Title IX Complaint, written notice shall be provided to the Respondent. Such notice shall include the following information:

- The specific allegation and the specific conduct that is alleged to have occurred
- The identity of the Complainant
- The date and location (if known) of the conduct that is alleged to have occurred
- A copy of this policy, which contains the process that will be followed, including an explanation that each party shall have the right to inspect and review all reports and any submitted evidence prior to the completion of the investigation
- A statement indicating that the decision to accept a complaint does not presume that the conduct at issue has occurred, and that the Respondent is presumed not responsible, unless and until, at the conclusion of the process below, there is a determination of responsibility
- An explanation that each party may be accompanied by an advisor of their choice, who may be a parent, friend, attorney, or any other individual they choose
- The date and time of the initial meeting with the Title IX Coordinator, with a minimum of 5 business days' notice
- The College's alcohol and drug amnesty policy
- The name and contact information for the assigned investigator
- Information regarding Supportive Measures, which are available equally to the Respondent and to the Complainant
- Abuse of the Conduct Process conduct policy

**Note:** Should additional allegations be added at a later time, the Respondent will again be provided with a full written notice.

### **Emergency Removal Provisions**

If the College determines that the conduct, as alleged, poses a safety risk to one or more students, or to the College's educational environment, the College may instruct that the Respondent be suspended, on an interim basis, from the College, from residence halls, or from specific programs or activities. Any such assessment will be made on a case-by-case basis, based on an individualized safety and risk analysis. If the College determines that an immediate physical threat to the health or safety of students, or others justifies removal, then a Respondent may be suspended on an interim basis. The decision to do so will be provided to the Respondent in writing.

The Respondent shall have an opportunity to challenge the decision immediately following the removal. To challenge the removal, the Respondent should contact the Dean of Student Affairs, who will explain the college's process for challenging interim removals.

The decision to place any Respondent on an interim suspension shall not be considered as evidence that any determination has been made regarding potential responsibility.

**Standard of Evidence**

The decision regarding a Respondent's responsibility will be determined by a preponderance of the evidence. This means that the Decision Maker will decide whether it is "more likely than not," based upon all of the evidence, that the Respondent is responsible for the alleged violation(s).

**Prohibition On False Evidence Provided During Title IX Process**

Each party and every witness is expected to provide truthful information to the investigator, hearing officer, and appeals officer. Should any party, or a witness, provide knowingly false information as part of this process, this may be considered a violation of the Code of Student Conduct and will be referred to the Dean of Student Affairs, to the Student Conduct Process for further handling.

**Mandatory Dismissal**

At any time prior to the commencement of a hearing, any case proceeding under this policy will be dismissed if it is determined that the conduct does not meet the jurisdictional requirements of this policy. If the alleged conduct would, if true, support a finding that another college policy has been violated, the College may, in its sole authority, transfer the case for further handling under the appropriate policy.

**Transfer of Cases, Sharing of Information**

For any case brought under this policy, should the case be dismissed and then transferred to another office, the College shall have the right to transfer all communications and information gathered to any other College administrator who will be reviewing and/or handling the case.

**No Conflict of Interest or Bias**

Any individual carrying out this policy shall be free from any actual conflict of interest or bias that would impact the handling of this matter. Should the Title IX Coordinator have a conflict of interest, the Title IX Coordinator is to immediately notify the Dean of Student Affairs (substitute role for hearing officer), who will take the role of Acting Title IX Coordinator for purposes of carrying out the handling and finalization of the matter at issue. Should any investigator have a conflict of interest, the investigator is to notify the Title IX Coordinator upon discovery of the conflict.

Each party may object to the Title IX Coordinator or designated investigator, hearing officer, or appeals officer, on the grounds of an actual bias or conflict of interest. If either of the parties objects, they must notify the Title IX Coordinator or Acting Title IX Coordinator, in which case the Title IX Coordinator will evaluate whether the objection is substantiated. The party raising the objection will be notified in writing of the findings within three (3) business days. If it is determined that an actual bias or conflict of interest exists, the person who was the subject of the objection will be removed and replaced.

**Presumption of Non-Responsibility**

The decision to proceed with an investigation is not a determination that the Respondent has engaged in the conduct as alleged. Any Respondent is presumed not responsible for the conduct that is the subject of the investigation, unless and until a decision of responsibility has been made upon the completion of the adjudication process.

**Advisor**

All persons who are a Complainant or a Respondent are permitted to bring an Advisor of their own choosing to any meeting or interview to provide support. The advisor may be any person, including a family member or an attorney. The Advisor may accompany the Complainant or Respondent to any and all portions of the grievance process. Other than asking questions of the other party, or of witnesses, at the hearing, the Advisor may not participate directly in, or interfere with, the proceedings. Although reasonable attempts will be made to schedule proceedings consistent with an Advisor's availability, the

process will not be delayed to schedule the proceedings or hearing at the convenience of the Advisor. The Hearing Officer has the discretion to remove the Advisor from the proceedings if the Advisor interferes with the proceedings. For any Complainant or Respondent who does not have an Advisor at the hearing, one shall be provided, at no charge, for purposes of cross-examination of the other party or witnesses.

### **Requests for Delays, and Extensions of Time**

The Title IX Coordinator may extend any deadlines within this policy for good cause shown and documented. The Complainant and Respondent will be notified in writing of any extension, the reasons for it, and projected new timelines.

## **3. RESOLUTION METHODS**

### **A. Alternative Resolution**

When the Complainant requests an Alternative Resolution, the Title IX Coordinator will provide the Complainant and Respondent written notice that includes:

- The specific allegation and the specific conduct that is alleged to have occurred
- The identity of the Complainant
- The date and location (if known) of the conduct that is alleged to have occurred
- A copy of this policy, which contains the information about both the Alternative Resolution process as well as the formal complaint process
- A statement indicating that the decision to accept a complaint does not presume that the conduct at issue has occurred, and that the Respondent is presumed not responsible, unless and until, at the conclusion of the process below, there is a determination of responsibility
- An explanation that each party may be accompanied by an advisor of their choice, who may be a parent, or friend, attorney
- The date and time of the initial meeting with the Title IX Coordinator, with a minimum of seven (7) business days notice
- Information regarding Supportive Measures, which are available equally to the Respondent and to the Complainant
- An explanation of the consequences of participating in the Alternative Resolution process, including a summary of the records that will be maintained or could be shared if the parties elect an Alternative Resolution.

The Alternative Resolution process is generally expected to be completed within thirty (30) days, and may be extended for good cause by the Title IX Coordinator. Both parties will be notified, in writing, of any extension and the reason for the extension.

Participation in an Alternative Resolution is voluntary, and both parties must agree, in writing. Even if the parties agree to an Alternative Resolution, it is within the discretion of the Title IX Coordinator to determine that a report must proceed through Formal Complaint process in certain cases (e.g., where a Respondent is alleged to have violated the Title IX Policy on multiple occasions or with multiple Complainants, or where the reported conduct, if true, presents a threat to the safety of the Otis College community). If either party does not voluntarily agree in writing to pursue an Alternative Resolution, or if the Complainant, Respondent, or Title IX Coordinator, at any time, determines that Alternative

Resolution is no longer appropriate, the Title IX Coordinator will promptly inform the Complainant and Respondent in writing that the complaint will proceed through Formal Resolution.

Once the final terms of an Alternative Resolution have been agreed upon by both parties, in writing, the matter shall be considered closed, and will not then proceed to a Formal Complaint process. Any resolution reached through an Alternative Resolution process will be confirmed in writing and provided to the parties within five (5) business days of reaching a resolution. Records of any Alternative Resolution will be maintained and can be shared with other offices as appropriate.

Allegations of quid pro quo harassment of a student by an employee shall not be handled through the Alternative Resolution process, and instead only through the formal complaint process.

## **B. Investigation and Hearing Process**

*The Investigation process, up to evidence review, is generally expected to take 40 business days, which may be extended for good cause by the Title IX Coordinator. Both parties shall be notified, in writing, of any extension granted and the reason for the extension.*

The Investigator will interview all Parties and relevant witnesses, and gather relevant documentary evidence provided by the Parties and any identified witnesses. Interviews may be conducted in person, or via video conference. Within three (3) business days of each interview, the Investigator will provide each individual interviewed with a copy of the notes taken, and shall permit each the opportunity to correct, comment on, or add to the notes taken. In the event that the party or witness makes substantial revisions or additions the investigator may, at their discretion, re-interview the individual to review the changes or additions. If the interviewee has corrections or comments to the Interview Notes, the interviewee may submit a written response within three (3) days reflecting any additions or changes which the interviewee believes are necessary to ensure the accuracy of the Interview Notes. If no response is received from the interviewee by the deadline, the Interview Notes shall be presumed to be correct.

The Investigator shall also prepare an Interview Summary of each interview. The Investigator will share the Interview Summary with the interviewee. The interviewee will have three (3) business days opportunity to correct or comment on any statements made in the Interview Summary. The deadline may be extended for good cause, upon request to the investigator. If the interviewee has no corrections to, or comments on, the Interview Summary, the interviewee will sign an acknowledgement that the interviewee has reviewed and agrees that the Interview Summary is accurate. If the interviewee has corrections or comments to the Interview Summary, the interviewee may submit a written response within three (3) days reflecting any additions or changes which the interviewee believes are necessary to ensure the accuracy of the interviewee's statement. If no response is received from the interviewee by the deadline, their Interview Summary will be presumed to be accurate. In all instances where the Investigator includes the Interview Summary as an exhibit to a report, the Investigator will either adjust the Interview Summary as may be appropriate, or include any response provided with the Investigation Report.

Each party shall be provided with an opportunity to offer relevant witnesses and evidence. The Investigator will consider all relevant evidence which has a tendency to prove or disprove the allegation(s) (inculpatory and exculpatory).

Any and all information for consideration by the Hearing Officer must be provided to the investigator as part the investigation process. Information that was not provided to the Investigator will not be allowed during the hearing itself, unless it can be clearly demonstrated that such information was not reasonably known to or available to the Parties at the time of the investigation. In the event that new evidence is provided at the hearing, either the Hearing Officer or Title IX Coordinator may send the case back to the investigator.

#### **4. Evidence Review**

At the conclusion of all interviews and fact gathering, and when the evidence has been gathered, the Investigator will provide each party the opportunity to review all of the evidence gathered that is directly related to the allegation(s). This shall include both inculpatory and exculpatory evidence. Given the sensitive nature of the information provided, the information will be provided in a secure manner (e.g., by providing digital copies of the materials through a protected, “read-only” web portal). Neither the Complainant nor the Respondent (nor their advisors) may copy, remove, photograph, print, image, videotape, record, or in any manner otherwise duplicate or remove the information provided. Any student or employee who fails to abide by this policy may be subject to discipline. Any advisor who fails to abide by this policy may be subject to discipline and/or may be excluded from further participation in the process.

Each party may respond to the evidence gathered. Each party shall have ten (10) days in which to respond to the evidence. Each may provide a response in writing, or verbally, to the Investigator. The Investigator will incorporate any response provided by the Parties into the Summary of Evidence Report. Along with their response to the evidence, each Party may also submit a written request for additional investigation, such as a request for a follow-up interview(s) with existing witnesses to clarify or provide additional information, including offering questions to the investigator to pose to witnesses or to the other party. This response may include written, relevant questions that a party would like the investigator to ask of any party or witness. If any of the questions posed will be excluded as not relevant, or not likely to lead to relevant information, the investigator shall explain to the party who proposed the questions any decision to exclude a question as not relevant.

Upon receipt of each party’s response to the evidence reviewed, the investigator will determine if any additional investigation is needed.

In addition, either party may offer new witnesses or other new evidence. The Investigator will take into account the responses provided, shall pose questions to parties or witnesses as appropriate, and interview new witnesses, and accept new, relevant, evidence.

If new relevant evidence is provided by either party, or gathered by the Investigator, the newly-gathered evidence (including answers to clarifying questions) will be made available for review by each party. Each party shall have five (5) days in which to respond to the new evidence. Each may provide a response in writing, or verbally, to the Investigator. The Investigator will incorporate any written response provided by the Parties into the Summary of Evidence Report.

#### **Exclusion of Questions Regarding Complainant’s Past Sexual Behavior, or Predisposition**

Questions and evidence about the complainant’s sexual predisposition or prior sexual behavior are not relevant and will not be asked, unless such questions and evidence about the complainant’s prior sexual

behavior are offered for one of two reasons: (a) to prove that someone other than the respondent committed the conduct alleged by the complainant, or (b) if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent.

### **5. Investigation Report**

The Investigator shall then prepare a written report summarizing all of the relevant evidence gathered and all investigative steps taken to date. Each party shall be provided with a copy of the written report and shall have 10 days to provide a response. Upon receipt of any response(s), the Investigator shall then complete the Investigation Report, which shall include as an attachment all relevant evidence gathered during the investigation, as well as all interview notes and interview summaries, showing the original (as sent to each interviewee for review) and the revised version, after corrections or additions by each interviewee.

### **6. Conclusion of Investigation, Notice of Hearing**

The Title IX Coordinator will review the final Investigation Report, with attachments. The Title IX Coordinator may require that the Investigator conduct additional investigation. Once the Investigation Report is final, it shall be provided through a protected, read-only, server, together with all attachments, to each Party.

At the same time, each party shall be provided with a Notice of Hearing, which shall include information regarding the date of the hearing, the identity of the Hearing Officer and hearing panel, and any deadlines for submission of evidence, names of witnesses, or questions to be reviewed by the Hearing Officer to ensure relevance. The hearing shall be scheduled no less than 10 business days from the date of the Notice of Hearing.

Within three (3) days of receipt of the Notice of Hearing, either party may object to the hearing officer, or hearing panel, on the basis of an actual bias or conflict of interest. Any objection is to be in writing, and sent to the Title IX Coordinator. Should the Title IX Coordinator determine that there is an actual bias or conflict of interest, the Title IX Coordinator shall remove the hearing officer and appoint another.

### **7. Hearing**

Hearings may be by in person or via videoconferencing. Each hearing shall be recorded, on video with an audio transcript. No other individual is permitted to record while the hearing is taking place. The recording is the property of Otis College, but shall be available for listening by contacting the Title IX Coordinator.

The Complainant, Respondent, and the Hearing Officer all have the right to call witnesses. Witnesses must have information relevant to the incident. No party will be permitted to call as a witness anyone who was not interviewed by the Investigator as part of the College's Investigation. Each party shall submit the names of witnesses they would like to call no less than five (5) days in advance.

Three days prior to the hearing, each party shall submit to the Hearing Officer a preliminary list of questions they wish to pose to the other party, or to a witness. If the hearing officer determines that any are not relevant, the hearing officer shall explain the reason for the exclusion of the question at the hearing.

The hearing officer shall have the authority to limit the time allotted to any phase of the hearing, and/or to limit the time allotted to the full hearing. Any such limitation shall be communicated to the parties no later than three (3) days before the hearing.

The hearing shall start with an overview of the hearing process from the hearing officer. The hearing officer will then pose questions to the Complainant. When the hearing officer has concluded, the Respondent's advisor will then pose questions to the Complainant. If the hearing officer has any additional questions, those will be posed by the hearing officer. If the Respondent's advisor has any follow-up questions for the Complainant, the advisor will ask those questions. The same process will then be followed for questions posed to the hearing officer, followed by questions from the Complainant's advisor to the Respondent. This process will then be followed for any witnesses who are to be interviewed.

The hearing officer may refuse to allow those questions that seek information that is not relevant under this Policy. The hearing officer is not required to provide a lengthy or complicated explanation, but is required only to explain the reason why a question is not relevant.

If either Party does not appear, their advisor will be present for the purpose of asking questions of the other party, or of witnesses.

During the hearing, if either party has any follow-up or clarifying questions for the other party, or for witnesses, the parties may ask their questions when prompted by the Hearing Officer, who will allow or disallow the questions based on relevance. At the hearing, the hearing officer will not consider any statement(s) of any Party or witness who does not appear at the hearing, and who is not cross-examined.

Each party shall have 5 minutes to make a closing statement. This statement is to be made by the party directly, and not by their advisor. This closing statement is not evidence, but is intended as an opportunity to address the decision-maker directly.

The Hearing Officer will then prepare a report. To the extent credibility determination needs to be made, shall not be based on a person's status as complainant, respondent, witness. The Hearing Officer's report shall be provided to the parties fourteen (14) days after the hearing.

The Hearing Officer's report will include:

- The allegations
- Description of all procedural steps
- Findings of fact
- Conclusion of application of facts to the policy
- Rationale for each allegation
- Sanctions and Remedies
- Procedure for appeal
- The written decision shall not be redacted, and shall be sent simultaneously to each party.

### **Advisor for Hearing**

Each party is entitled to one advisor at the hearing. The role of the Hearing Advisor is to ask questions of the other Party and of witnesses, but not to advocate for, or otherwise speak on behalf of, the advisee during the hearing. No party shall be permitted to ask questions of the other Party, or of a



witness. An advisor of the College's choosing shall be provided for any party who does not have an advisor. The advisor will be required to attend a pre-hearing meeting with their party, which will be scheduled by the Hearing Officer for no later than three (3) days before the hearing. This meeting will be an opportunity to understand the hearing process and afford each party an opportunity to ask relevant questions pertaining to the hearing process. The Hearing Officer will also review possible questions for the hearing. Should either party not have an advisor at this time, one shall be assigned.

## 8. Sanctions and Remedies

Upon conclusion of the adjudication process, when there is a finding of responsibility, the complainant will be offered such remedies designed to restore or preserve equal access to the institution's education program or activity. Some examples are individualized supportive measures, tutoring, or counseling. Sanctions can range from informal coaching up to and including suspension or dismissal.

## 9. Appeals

Appeals may be filed by either party. Appeals shall be sent to the VP of Human Resources and Development. When an appeal is filed, the other party shall be notified, in writing, within one business day, and shall then have five (5) days to respond to the appeal. Any party's decision not to submit a reply to an appeal is not evidence that the non-appealing party agreed with the appeal. The appeals process is documentary only, and no hearing is held.

The Appeals Officer shall not have any actual conflict of interest or bias. Within three (3) days of receipt of the Hearing Officer's report at the conclusion of the hearing, either party may object to the Appeals Officer on the basis of an actual bias or conflict of interest. Any objection is to be

in writing, and sent to the Title IX Coordinator. Should the Title IX Coordinator determine that there is an actual bias or conflict of interest, the Title IX Coordinator shall remove the appeals officer and appoint another.

Appeals may be filed on the following grounds:

- **Procedural Error:** A procedural error occurred that significantly impacted the outcome of the investigation or hearing. A description of the error and its impact on the outcome of the case must be included in the written appeal; or
- **New Evidence:** New evidence or information has arisen that was not available or known to the party during the investigation or hearing, and that could significantly impact the findings. Information that was known to the Appellant during the investigation or hearing but which they chose not to present is not new information. A summary of this new evidence and its potential impact on the investigation findings must be included in the written appeal.
- **Disproportionate Sanction:** The sanction(s) imposed were unfair or disproportionate to the investigation findings. An explanation of why the sanctions
- **Conflict of Interest or Bias:** An actual conflict of interest or bias impacted the handling or results of the resolution procedures.

The written appeals decision shall be sent simultaneously to both parties.

## Consolidation of Cases

In the event that the allegations under this policy involve allegations of a violation of a separate policy,

whether Student Code of Conduct, Faculty Handbook, or Staff Handbook, the College shall have the right, within its sole discretion, to consolidate those other allegations within one investigation and/or hearing. Allegations of a violation of a separate policy are not required to be handled using the procedural requirements set forth in this policy.

You are encouraged to speak to College officials, such as the Title IX Coordinator, Dean of Student Affairs, or Campus Safety and Security to make formal reports of incidents of sexual misconduct. You have the right, and can expect, to have incidents of sexual misconduct taken seriously by the College when formally reported, and to have those incidents investigated and properly resolved through administrative procedures. Formal reporting still affords privacy to the reporter, and only a small group of officials who need to know will be told. Information will be shared as necessary with investigators, witnesses, and the responding party. The circle of people with this knowledge will be kept as tight as possible to preserve your rights and privacy. Please note, for statistical purposes, the College must notify local law enforcement of the occurrence on campus of any of six major violent crimes, including certain sex offenses, and hate crimes. Your personally identifiable information can be excluded from this report if you desire.

### **FEDERAL TIMELY WARNING OBLIGATIONS**

Individuals impacted by sexual misconduct should be aware that College administrators must issue timely warnings for incidents reported to them that pose a substantial threat of bodily harm or danger to members of the campus community. The College will make every effort to ensure that the impacted party's name and other identifying information are not disclosed, while still providing enough information for community members to make safety decisions in light of the danger.

### **INFORMATION SUPPLEMENTING THE COLLEGE SEXUAL MISCONDUCT POLICY**

In addition to the information provided in the Title IX Sexual Misconduct Policy, students should know that rape is a crime that can be reported to civil authorities. "Victims of rape and sexual assault report that in nearly 3 out of 4 incidents, the offender was not a stranger...two thirds of the victims 18 to 29 years old had a prior relationship with the rapist" (Greenfield, 1997). Therefore, College students are more likely to be victimized by someone they know, and perhaps trust, than by someone who is a stranger. Both men and women can be targets, regardless of sexual orientation.

### **CONTACTS AND RESOURCES**

Questions or concerns regarding the College's procedures and Title IX may be directed to the following resources:

Carol D. Branch, Ph.D.  
Assistant Dean of Student Affairs and  
Title IX Coordinator  
Office of Student Affairs  
9045 Lincoln Blvd.  
Los Angeles, CA. 90045  
(310) 846-2554

[cbranch@otis.edu](mailto:cbranch@otis.edu)

Inquiries may be made externally to:

Office for Civil Rights (OCR)  
U.S. Department of Education  
400 Maryland Avenue, SW,  
Washington, DC 20202-1100  
Customer Service Hotline #: (800) 421-3481  
Facsimile: (202) 453-6012  
TDD#: (877) 521-2172  
[OCR@ed.gov](mailto:OCR@ed.gov)  
[www.ed.gov/ocr](http://www.ed.gov/ocr)

Local resources include:

Santa Monica Rape Treatment Center—UCLA Medical Center  
1250 16th St.  
Santa Monica, CA 90404  
(310) 319-4000  
<http://www.911rape.org/home>

To report directly to law enforcement, contact:

Los Angeles Police Department-Pacific Division  
12312 Culver Blvd.  
Los Angeles, CA 90066  
(310) 482-6334

## FREQUENTLY ASKED QUESTIONS

The following are some of the most commonly asked questions regarding the College's Sexual Misconduct Policy and procedures.

*Does a complaint remain confidential?*

Reports made to on-campus counselors, off-campus health service providers, and off-campus clergy will be kept confidential. All other reports are considered private. The privacy of all parties to a complaint of sexual misconduct will be maintained, except insofar as it interferes with the College's obligation to fully investigate allegations of sexual misconduct. Where information is shared, it will still be tightly controlled on a need-to-know basis.

In all complaints of sexual misconduct, the reporting party will be informed of the outcome. In some instances, the administration also may choose to make a brief announcement of the nature of the violation and the action taken, to the community, though personally identifying information about the impacted party will not be shared. Certain College administrators are informed privately (e.g., the President of the College, Chief Conduct Officer, Title IX Coordinator, Chief of Safety and Security, etc.).

The College must statistically report the occurrence on campus of any of six major violent crimes, including certain sex offenses, and hate crimes in an annual report of campus crime statistics. This statistical report does not include personally identifiable information. Similarly, the College must notify local law enforcement of the occurrence on campus of any of six major violent crimes, including certain sex offenses, and hate crimes for statistical purposes. Your personally identifiable information can be excluded from this report if you desire.

*Will my parents/guardians be told?*

No, not unless you tell them. Whether you are the reporting party or the responding party, the College's primary relationship is to the student and not to the parent/guardian; however, in the event of major medical, conduct action, or academic jeopardy, students are strongly encouraged to inform their parents. College officials may directly inform parents when requested to do so by a student, or if a student is in a life-threatening situation.

*Will I have to confront the alleged perpetrator?*

Yes, if you file a formal complaint, but not directly. Sexual misconduct is a serious offense and the responding party has the right to question the reporting party; however, the College does provide options for allowing questioning without direct contact, including Zoom, using a room divider, or using separate hearing rooms.

*Do I have to name the alleged perpetrator?*

Yes, if you want formal conduct action to be taken against the alleged perpetrator. No, if you choose to respond informally and do not file a formal complaint. One should consult the complete privacy policy described above to better understand the College's legal obligations regarding information that is shared with various College officials.

*What should I do if I am accused of sexual misconduct?*

First, do not contact the alleged impacted individual. You may immediately want to contact someone in the campus community who can act as your advisor. You may also contact the Title IX Coordinator, who can explain the College's procedures for dealing with sexual misconduct complaints. You may also want to talk to a counselor in Counseling Services.

*What should I do about legal advice?*

Targets of criminal sexual assault need not retain a private attorney to seek prosecution because legal issues will be handled through a representative from the District Attorney's office. You may want to retain an attorney if you are the responding party or are considering filing a civil action against the alleged perpetrator.

*What should I do about changing College housing rooms?*

If you want to move, you may request a room change. Room changes under these circumstances are considered emergencies. It is the College's policy that in emergency room changes, the student is moved to the first available suitable room. Other accommodations available to you might include the following:

- Assistance from College support staff in completing the relocation;
- Arranging to dissolve a housing contract and prorate a refund;
- Exam, paper or assignment rescheduling;
- Taking an incomplete in a class;
- Transferring class sections;

- Temporary withdrawal; and/or
- Alternative course completion options;
- A no-contact order;
- Counseling assistance; and/or
- Escorts or other campus safety protections.

*What should I do to preserve evidence of a sexual assault?*

Physical information of a sexual assault must be collected within about 120 hours of the assault for it to be useful in a criminal prosecution. If you believe you have been sexually assaulted, you should go to a hospital Emergency Room before washing yourself or your clothing. A sexual assault health professional (a specially trained nurse called a SANE) at the hospital is on call and will counsel you. If you go to the hospital, local police will be called but you are not obligated to talk to the police or to prosecute. The exam will help to keep that option open for you should you decide later to exercise it.

The hospital staff will collect information, check for injuries, and address the possibility of exposure to sexually transmitted infections. If you have changed clothing since the assault, bring the clothing you had on at the time of the assault with you to the hospital in a clean, sanitary container such as a clean paper grocery bag or wrapped in a clean sheet. (Plastic containers do not breathe, and may render forensic information useless.) If you have not changed clothes, bring a change of clothes with you to the hospital, if possible, as they will likely keep the clothes you are wearing as information. You can take a support person with you to the hospital, and they can accompany you through the exam, if you want. Do not disturb the crime scene—leave all sheets, towels, etc. that may bear information for the police to collect.

*Will a student be sanctioned when reporting an act of sexual misconduct if the student has illegally used drugs or alcohol?*

No. The College offers amnesty in such situations. The seriousness of sexual misconduct is a major concern and the College does not want any of the circumstances (e.g., drug or alcohol use) to inhibit the reporting of sexual misconduct.

*Will either party's prior use of drugs and/or alcohol be a factor when reporting sexual misconduct?*

No, not unless there is a compelling reason to believe that prior use or abuse is relevant to the present complaint.

*What should I do if I am uncertain about what happened?*

If you believe that you have experienced non-consensual sexual contact, but are unsure of whether it was a violation of the College's sexual misconduct policy, you should contact the Title IX Coordinator and/or Dean of Student Affairs. The College provides counselors who can help you to define and clarify the event(s), and advise you of your options.

## **RISK REDUCTION TIPS**

Tips like these tend to make individuals feel blamed if a sexual assault occurs. It is never the impacted party's fault, and these tips are offered in the hope that recognizing patterns can help men and women to reduce the risk of victimization. That said, only a rapist or an empowered bystander can intervene to prevent a rape or assault. Generally, an assault by a known offender will follow a four-step pattern:

- An individual's personal space is violated in some way. For example, the perpetrator may touch the individual in a way that does not feel comfortable.
- If the impacted party does not express discomfort, the perpetrator may begin to view the individual as an easy target because she/he is not acting assertively.
- The perpetrator may take the potential target to a location that is secluded and where the person is vulnerable.
- The individual feels trapped or unable to be assertive and is raped or assaulted.

Decisive action early in an encounter may be the key to avoiding rape. An individual who can combine assertiveness and self-defense skills, who is self-confident and definite in his/her interactions with others, is less likely to become a target of rape. If the individual can assertively defend his/her rights initially, they have a better chance of avoiding being raped than does a person who resorts to techniques such as pleading or trying to talk the perpetrator out of it. If you find yourself in an uncomfortable sexual situation, these suggestions may help you to reduce your risk:

- Make your limits known before things go too far.
- Give clear messages. Say "yes" when you mean yes and "no" when you mean no. Leave no room for misinterpretation. Tell a sexual aggressor "NO" clearly and loudly.
- Try to extricate yourself from the physical presence of a sexual aggressor.
- Grab someone nearby and ask for help.
- Be responsible for your alcohol intake/drug use and realize that alcohol/drugs lower your sexual inhibitions and may make you more vulnerable to someone who views a drunk or high person as a sexual opportunity.
- Watch out for your friends and ask that they watch out for you. A real friend will get in your face if you are about to make a mistake. Respect them if they do.
- Be aware of any nonverbal messages you may be sending that conflict with what you are saying. Notice your tone of voice, gestures, and eye contact.
- Be forceful and firm when necessary. Don't be concerned with being polite. Your passivity may be interpreted as permission or approval for this behavior.
- Do not acquiesce to something you do not want just to avoid unpleasantness. Do not allow "politeness" to trap you in a dangerous situation. This is not the time to be concerned about hurt feelings.
- Trust your feelings or instincts. If a situation does not feel comfortable to you or you feel anxious about the way your date is acting, you need to respond. Leave immediately if necessary.

If you find yourself in the position of being the initiator of sexual behavior, you owe sexual respect to your potential partner. These suggestions may help you to reduce your risk for being accused of sexual misconduct:

- Do not make assumptions about the following:
  - Consent;
  - Someone's sexual availability;
  - Whether a person is attracted to you;
  - How far you can go; or
  - Whether a person is physically and mentally able to consent to you.
  - Clearly communicate your intentions to your sexual partner and give them a chance to clearly relate their intentions to you.

- Mixed messages from your partner should be a clear indication that you should step back, defuse the sexual tension, and communicate better. Perhaps you are misreading your partner. Perhaps your partner has not figured out how far they want to go with you yet. You need to respect the timeline with which your partner is comfortable.
- Do not take advantage of someone's drunkenness or drugged state, even if they did it to themselves.
- Realize that your potential partner could be intimidated by you, or fearful. You may have a power advantage simply because of your gender or size. Do not abuse that power.
- Understand that consent to some forms of sexual behavior does not necessarily imply consent to other forms of sexual behavior.
- On this campus, silence and passivity cannot be interpreted as an indication of consent. Read your potential partner carefully, paying attention to verbal and nonverbal communication and body language.
- Do not force someone to have sex with you, or have sex with a partner who has not clearly consented to you by words or actions unmistakable in their meaning.

## **SEX OFFENDERS AND MEGAN'S LAW**

In accordance to the "campus sex crimes prevention act" of 2000, which amends the Jacob Wetterling crimes against children and sexually violent offender registration act, the Jeanne Clery Act, and the Family Educational Rights and Privacy act of 1974, Otis College of Art and Design is providing a link to the California State Sex Offender Registry. All sex offenders are required to register in the state of California and to provide notice of each institution of higher education in California at which the person is employed, carries a vocation, or is a student. See [www.meganslaw.ca.gov](http://www.meganslaw.ca.gov).

In addition to the above notice to the state of California, all sex offenders are required to deliver written notice of their status as a sex offender to the College's Dean of Student Affairs no later than five (5) business days prior to their enrollment on the College. Such notification may be disseminated by the College to, and for the safety and well-being of, the Otis College community, and may be considered by the College for enrollment and discipline purposes.

### **References**

Greenfield, L.A. (1997). Sex offenses and offenders [Electronic version]. U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics. Retrieved July 26, 2010, from [www.bjs.ojp.usdoj.gov/index.cfm?ty=pbdetail&iid=1146](http://www.bjs.ojp.usdoj.gov/index.cfm?ty=pbdetail&iid=1146).