

MILLS COLLEGE	Administration Policy Manual
---------------	------------------------------

Title IX Policy

Policy Number 2040

Warning: Please note that this policy addresses issues of sexual violence and uses descriptions and examples of this conduct which may be triggering.

Effective Date: August 14, 2020

I.	PURPOSE	4
II.	POLICY	4
III.	TITLE IX OFFICE AND COORDINATOR	4
IV.	SCOPE AND EFFECTIVE DATE	6
V.	EFFECTIVE DATE OF PROCEDURES	6
VI.	JURISDICTION.....	7
VII.	KEY TERMS.....	7
VIII.	PROHIBITED CONDUCT AT MILLS COLLEGE.....	8
	A. SEXUAL HARASSMENT.....	8
	B. SEXUAL ASSAULT.....	9
	C. OTHER LAWFULLY PROHIBITED SEXUAL INTERCOURSE	9
	D. STALKING:.....	10
	E. DOMESTIC VIOLENCE AKA INTIMATE PARTNER VIOLENCE (IPV).....	10
	F. DATING VIOLENCE.....	10
IX.	REPORTING PROHIBITED CONDUCT	10
	A. INTERNAL REPORTING OPTIONS	12
	B. EXTERNAL REPORTING OPTIONS	13
	C. MEDICAL EXAM AND SERVICES	14
	D. ANONYMOUS REPORTING.....	14
	E. REQUIRED NOTIFICATIONS FOR REPORTS OF SEXUAL ASSAULT, DATING/DOMESTIC VIOLENCE, OR STALKING.....	15
	F. RESPONSE TO REPORTS OF PROHIBITED CONDUCT	15
	G. ADDITIONAL ENFORCEMENT INFORMATION.....	16
X.	RESPONDING TO REPORTS OF PROHIBITED CONDUCT	16
	A. SUPPORTIVE MEASURES	16
	B. PRIVACY VS. CONFIDENTIALITY.....	17
	C. INDIVIDUALIZED SAFETY AND RISK ANALYSIS, AND TIMELY WARNING.....	19
	D. AMNESTY FOR STUDENT CODE OF CONDUCT VIOLATIONS	19
	E. FILING A FORMAL COMPLAINT.....	20
	F. RECEIPT OF A FORMAL COMPLAINT OF TITLE IX PROHIBITED CONDUCT	21
XI.	PROCEDURES FOR RESOLVING COMPLAINTS OF PROHIBITED SEXUAL HARASSMENT	22
	A. INFORMAL RESOLUTION.....	22
	B. DISMISSAL OF FORMAL COMPLAINTS PRIOR TO INVESTIGATION OR RESOLUTION	23
	C. PRINCIPLES FOR THE GRIEVANCE PROCESS	24
	D. EXTENSIONS OF THE GRIEVANCE PROCESS.....	25
	E. INVESTIGATION OF FORMAL COMPLAINTS.....	25
	F. ACCEPTANCE OF RESPONSIBILITY	27
	G. EFFECT OF WITHDRAWAL.....	27
XII.	LIVE HEARINGS AND THE GRIEVANCE PROCESS	27
	A. REQUIREMENT OF A LIVE HEARING FOR FACT-FINDING AND DETERMINING RESPONSIBILITY.....	28
	B. QUESTIONING AT THE LIVE HEARING	29
	C. USE OF WITNESS STATEMENTS.....	29
	D. WRITTEN DETERMINATION OF THE DECISION-MAKER	30
XIII.	APPEALS	30
	A. GROUNDS	30

B.	RESPONSE TO APPEALS.....	31
C.	DECISION ON APPEAL	31
XIV.	REMEDIES AND SANCTIONS.....	31
XV.	RETALIATION PROHIBITED.....	32
XVI.	CONFIDENTIALITY.....	32
XVII.	REQUIRED TRAININGS.....	33
XVIII.	RECORDKEEPING	34
XIX.	EFFECTIVE DATE; REVISIONS	34
XX.	APPENDIX A DEFINITONS	35
XXI.	APPENDIX B RIGHTS AND RESPONSIBILITIES OF PARTIES AND WITNESSES.....	43
XXII.	APPENDIX C RESOURCES: CRISIS RESPONSE, SUPPORT AND ADVOCACY	45
A.	INTERNAL MILLS RESOURCES	45
B.	COMMUNITY RESOURCES: SUPPORT AND ADVOCACY	45
C.	LEGAL SUPPORT	48
D.	ONLINE RESOURCES:	48
E.	MILLS INTERNAL REPORTING	49
F.	OTHER SUPPORTIVE SERVICES FOR VICTIMS OF SEXUAL VIOLENCE AT MILLS COLLEGE	50

I. Purpose

Mills College is firmly committed to providing a community in which students, faculty and staff are not subjected to discrimination, harassment, exploitation, or intimidation.

Sexual harassment is unlawful under Title IX of the 1972 Education Amendments, Title VII of the Civil Rights Act of 1964, California SB 976 and AB 1433, and the California Fair Employment and Housing Act. Sexual violence (including sexual assault, domestic violence, dating violence and stalking) is a severe form of sexual harassment and will not be tolerated at Mills College.

Every member of the Mills community should be aware that the College prohibits all forms of sexual harassment and that such behavior violates both law and College Policy. The College encourages the prompt reporting of any incident of sexual harassment to the College and to local law enforcement or to civil rights enforcement agencies. The College will take appropriate action to correct and discipline behavior that is found to violate this Policy.

II. Policy

This Policy prohibits all forms of misconduct on the basis of sex, defined in this Policy as Prohibited Conduct. Prohibited Conduct can occur in any sex or gender configuration and regardless of actual or perceived sex, gender, gender identity, gender expression and/or sexual orientation. The College will respond promptly to reports of Prohibited Conduct and will take appropriate action to address, and when necessary, to discipline behavior that has been found to violate this Mills College policy.

III. Title IX Office and Coordinator

Mills College has appointed the Associate Vice President for Human Resources to serve as the College's Title IX Coordinator. The Title IX Coordinator oversees the College's investigation and resolution of reports of Prohibited Conduct. The Title IX Coordinator also oversees the College's overall compliance with Title IX. Deputy Title IX Coordinators, which may be designated by the Title IX Coordinator, have a shared responsibility for supporting the Title IX Coordinator and are accessible to any member of the community for consultation and guidance.

If you are unclear about any of the provisions below and would like to get more information, you may speak on a non-confidential basis with the Title IX Coordinator. If you would like to have more information, but prefer to speak with someone confidentially, you may speak with a confidential resource, as listed below in the resources section.

Any person may report Prohibited Conduct (whether or not the individual reporting is the person alleged to have experienced the conduct) in person, by mail, by telephone, by email or by online report, using the contact information listed below. Such a report may be made at any time, including during non-business hours, using the telephone, by email, by contacting the Campus Conduct Hotline at 866.943.5787, by online report or by mail to the office address, listed for the Title IX coordinator.

Inquiries or complaints concerning the application of Title IX may be referred to the College's Title IX Coordinator, Deputy Title IX Coordinators and/or to the U.S. Department of Education's Office for Civil Rights:

Title IX Coordinator and Deputy Title IX Coordinators

Kamala Green, AVP for Human Resources/Title IX Coordinator

5000 MacArthur Blvd

Sage Hall 134

Oakland, CA 94613

510.430.2333

titleIX@mills.edu

Jenn Corry, Deputy Title IX Coordinator, Director of Employee Services

5000 MacArthur Blvd

Sage Hall 126

Oakland, CA 94613

510.430.2293

jcorry@mills.edu

Chicora Martin Deputy Title IX Coordinator,

5000 MacArthur Blvd

Cowell

Oakland, CA 94613

510.430.3189

chimartin@mills.edu

U.S. Office for Civil Rights

Beale Street, Suite 7200 San Francisco, CA 415.486.5555

Email: OCR@ed.gov

Web: <http://www.ed.gov/ocr50>

Throughout this policy, various College officials are assigned responsibility for performing specific functions. Named officials are authorized to delegate responsibility to other appropriate University officials and non-university consultants except where such delegation contravenes University policy.

IV. Scope and Effective Date

Under the Department of Education's Title IX Regulations, published May 19, 2020, the following procedures will apply **only** to a narrow category of cases. Those cases meeting the definitions and jurisdictional elements below will follow this policy. Those cases that do not fit within this policy will be handled through the College's **Discrimination, Harassment and Retaliation Prevention Policy** and student conduct policies as found in the [Student Handbook](#). This is not to suggest that any case is more or less important, but instead a reflection of federal regulations that apply only to a specifically-identified set of cases.

V. Effective Date of Procedures

The effective date of these procedures is August 14, 2020.

These procedures will apply in all cases where misconduct occurred after August 14, 2020, and where a Formal Complaint of prohibited conduct under these procedures is made on or after August 14, 2020.

Where the date of the alleged prohibited conduct precedes the effective date of these procedures or a subsequent update to these procedures, the definitions of prohibited conduct in existence at the time of the alleged conduct will be used. These procedures, however, will be used to investigate and resolve all Formal Complaints made on or after the effective date of these procedures or subsequent updates to these procedures, regardless of when the conduct occurred.

VI. Jurisdiction

Mills College is committed to fostering a fair and equitable environment for individuals to study, learn and work and a prompt and equitable process for investigation and resolution of complaints covered by Title IX. This Policy applies to students, faculty, staff who are (1) employed by, attending, or affiliated with Mills College; (2) participating in, or attempting to participate in, any College program or activity; and/or (3) visiting the College's campus(es) or any property owned or leased by Mills College. This Policy also covers acts of Prohibited Conduct committed by third parties, including visitors, guests, vendors, and contractors who are affiliated with the College, or accessing, or attempting to access, a College program or activity; however, complaints against such third-parties may be handled in accordance with existing contracts and agreements, and third parties may not be eligible for the procedural protections provided within this Policy.

The procedures in this policy are in accordance with the Department of Education's Title IX Regulations, published May 19, 2020. They apply only to complaints of sexual harassment, sexual assault, dating violence, domestic violence and stalking on the basis of sex as defined by this Policy collectively as "Prohibited Conduct".

VII. Key Terms

Prohibited Conduct: This Policy prohibits all forms of sex or gender-based harassment, including sexual violence, sexual assault, sexual harassment, stalking, dating violence and domestic violence. For the purposes of this policy, these behaviors are hereinafter defined collectively as "Prohibited Conduct," which is explained in more detail below.

Terms specific to this policy are defined in the Definitions section below. If there is a conflict between any definition in this procedure and the definitions assigned terms in other University policies, the specific definitions in this policy control.

'Days' are defined as business days unless otherwise specified.

For clarity and consistency, we have used the terms Complainant and Respondent to refer to the parties in an investigation pursuant to this policy. The **Complainant** refers to the student who is reporting the violation and the **Respondent** refers to the student who is accused of violating this policy.

VIII. Prohibited Conduct at Mills College

Conduct prohibited by this policy and collectively called “Prohibited Conduct” includes conduct on the basis of sex that satisfies one or more of the definitions below:

A. Sexual Harassment.

Conduct, on the basis of sex, that satisfies one or more of the following:

1. Unwelcome Conduct¹ determined by a reasonable person to be so severe, pervasive and objectively offensive that it effectively denies a person equal access to an education program or activity of the College.
2. An employee of the College conditioning the provision of an aid, benefit or service of the College on an individual’s participation in unwelcome sexual conduct (*quid pro quo*).
3. “Sexual assault,” “dating violence,” “domestic violence,” or “stalking” as defined *below*.

Examples of prohibited sexual harassment may include unwelcome sexual conduct such as:

- a) Visual conduct: leering, making sexual gestures, displaying of sexually suggestive objects or pictures, cartoons or posters.
- b) Verbal conduct: making or using derogatory comments, epithets, slurs and jokes.
- c) Verbal abuse of a sexual nature: graphic verbal commentaries about an individual’s body, sexually degrading words used to describe an individual.
- d) Physical conduct: touching, assault, impeding or blocking movements.
- e) Written conduct (e.g., letters, notes, or electronic communications, including by email, text or social media that contain comments, words or images of a sexual nature.)
- f) Offering employment or educational benefits in exchange for sexual favors (*quid pro quo*).
- g) Making or threatening retaliatory action after receiving a negative response to sexual advances.

¹ Unwelcomeness is subjective and determined by the Complainant (except when the Complainant is below the age of consent). Severity, pervasiveness, and offensiveness are evaluated objectively based on the totality of the circumstances by a reasonable person in the same or similar circumstances (“in the shoes of the Complainant”), including the context in which the alleged incident occurred and any similar, previous patterns that may be evidenced.

B. Sexual assault.

The term “sexual assault,” means an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting [UCR] system of the Federal Bureau of Investigation [FBI]. Sexual Assault is defined as any sexual act directed against another person, without the consent of the Complainant, including instances where the Complainant is incapable of giving consent. This category of Prohibited Conduct includes the following:

1. 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 affirmative consent of the Complainant.
2. Oral or anal sexual intercourse with another person, without the affirmative consent of the Complainant, or in instances in which the Complainant is incapable of giving affirmative consent because of age or because of temporary or permanent mental or physical incapacity.
3. The use of an object or instrument to penetrate, however slightly, the genital or anal opening of the body of another person, without the affirmative consent of the Complainant, or in instances in which the Complainant is incapable of giving affirmative consent because of age or because of temporary or permanent mental or physical incapacity.
4. The touching of the private body parts of another person (buttocks, groin, breasts), for the purpose of sexual gratification, without the affirmative consent of the Complainant, or in instances in which the Complainant is incapable of giving affirmative consent because of age or because of temporary or permanent mental or physical incapacity.

C. Other Lawfully Prohibited Sexual Intercourse

This category includes conduct constituting sexual assault that does not meet the definition of Non-Consensual Penetration or Fondling:

1. Nonforcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law, regardless of affirmative consent.
2. Nonforcible sexual intercourse with a person who is under the statutory age of consent, regardless of affirmative consent.

D. Stalking:

Engaging in a course of conduct directed at a specific person that would cause a reasonable person to— (A) fear for their safety or the safety of others; or (B) suffer substantial emotional distress. This includes instances of stalking based on sex that occurs online or through messaging platforms, commonly known as cyber-stalking, when it occurs consistent with the jurisdictional elements of this policy.

E. Domestic Violence aka Intimate Partner Violence (IPV)

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 state of California 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 state of California.

F. Dating Violence

Violence committed by a person— (A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (B) where the existence of such a relationship shall be determined based on a consideration of the following factors: (i) The length of the relationship. (ii) The type of relationship. (iii) The frequency of interaction between the persons involved in the relationship.

IX. Reporting Prohibited Conduct

Any member of the College community may report conduct that may constitute sexual misconduct to any supervisor, manager, or the Title IX Coordinator. Mills College encourages individuals to report incidents involving Prohibited Conduct and other potential violations of this policy. The College does not limit the timeframe for reporting an incident regardless of when the incident occurred. However, individuals are encouraged to report as soon as practical, as memories may fade and evidence may be lost over time.

Mills College encourages individuals who believe they are experiencing sexual harassment to report the harassment. The College strongly supports an individual's decision not to pursue Formal Complaints under these procedures, and/or a desire for anonymity. Prior to reporting, individuals may first seek support and information from a confidential staff or community member in considering whether to file a formal or informal report (see below for procedures for formal and informal reports.)

Individuals may also notify the Title IX Coordinator if they believe someone else may have experienced conduct that would be a violation of this Policy.

Confidential Resources. The College provides confidential resources with whom students can consult for advice and information regarding making a report of sexual harassment or sexual violence. Students who are thinking about or wanting to report a sexual harassment incident are encouraged to meet with a counselor in the Counseling Center. The counselor will review options and provide support. Information shared with the counselor can be kept confidential, until the student is ready to file a complaint.

Employees may seek out confidential resources through the Employee Assistance Program. Generally, information shared with a licensed confidential resource cannot be revealed to any other person or office, unless written permission is granted by the individual to share their information.

Reports of potential violations of this Policy may be made to the Title IX Coordinator, at titleix@mills.edu.

Reports to the Title IX Coordinator of potential violations of this policy will be kept private to the extent possible for the College to respond to the report, but reports made to the Title IX Coordinator are not confidential.

Upon being notified of a report the Title IX Coordinator will reach out to the Complainant to schedule an Intake Interview and will also provide Complainant information regarding resources, rights, Supportive Measures, and reporting options, and will explain that Supportive Measures are available without filing a Formal Complaint.

During the outreach, the Title IX office will ask for the following information:

- Name of Complainant
- Complainant's role, if any, within the College (undergraduate student, graduate student, faculty, staff, fellow, alumni or other (describe))
- Name of Respondent, if known
- Respondent's role within the College (undergraduate student, graduate student, faculty, staff, fellow, alumni or other (describe)), if known
- Date of the incident
- Location of the incident, as specifically as is known (for example, which room in which dorm, if known).
- Time of the Incident
- Specific conduct at issue (for example: e.g. "Complainant awoke to Respondent touching their genital area without permission")
- Date of previous report (if any)
- To whom any previous report had been made (if any)

A. Internal Reporting Options

The College cannot take appropriate action unless an incident of possible sexual harassment or sexual violence is reported. Reports of sexual harassment or sexual violence should be brought forward as soon as possible after the alleged conduct occurs. Prompt reporting will better enable the College to respond to the report, determine the issues, and provide an appropriate remedy and/or action. All incidents should be reported even if a significant amount of time has passed. However, delaying a report may impede the College's ability to conduct an investigation and/or to take appropriate remedial actions.

Any College employee who is not a confidential resource under this Policy and who witnesses, is advised of or learns about an alleged violation of this Policy should promptly notify the Title IX Coordinator of the incident by email, or telephone. The employee must report to the Title IX Coordinator all relevant details about the alleged misconduct known to the employee or shared with them.

Faculty, managers, supervisors and designated employees are mandated to notify the Title IX Coordinator or other appropriate official designated to review and investigate suspected sexual harassment complaints when any report is received. The term "designated employee" refers to any employee in a leadership position. "Mandatory reporters" for minors is further defined in the [Protection of Minors Policy](#).

If the person to whom suspected harassment normally would be reported is the individual accused of the harassment, reports may be made to another manager, supervisor, or designated employee.

The College encourages all members of its community to make Mills College a safe and supportive environment for everyone including calling 911 or campus police in an emergency situation or to report a crime or other incident that poses a risk of harm to the campus community.

B. External Reporting Options

If you are in immediate danger, or if you believe there could be an ongoing threat to you or the community, please call 911 from a campus phone.

The College encourages all individuals to seek assistance from a medical provider and/or law enforcement immediately after an incident of Prohibited Conduct. This is the best option to ensure preservation of evidence and to begin a timely investigation and remedial response. The College will help any Mills community member to get to a safe place and coordinate with law enforcement about on/off-campus resources and options for reporting.

It is up to the individual on whether they wish to make a report to law enforcement authorities and an individual may choose to decline to notify law enforcement authorities; however, Mills College is required by law to report incidents that involve violence, hate violence and/or sexual assault to law enforcement authorities, including those incidents that occur on-campus and/or off-campus. Mills College will not disclose a complainant's identity except under the following circumstances: (1) As required by federal, state and/or local laws; (2) If the complainant consents to be identified after being informed of their right to have identifying information withheld. If a complainant does not consent to disclosing their identity, the respondent's identity will not be disclosed either, unless required by law.

Under state and federal law, a victim has: (1) the right to a Sexual Assault Forensic Examination at no cost ; and (2) the right to participate or not participate with the local law enforcement agency or the criminal justice system, either prior to the examination, or at any other time. Additionally, a victim may agree to receive a sexual assault forensic exam anonymously, and be given a code (Jae Doe) to identify themselves if they choose to report later.

College officials will assist any Complainant in contacting local law enforcement authorities, if assistance is requested. Any Complainant who believes that there is an ongoing threat to their safety from a particular individual may request an emergency protective restraining order from a California police officer.

Additionally the Employee Services department is available to assist faculty and staff in making such a report.

C. Medical Exam and Services

It is important to obtain medical care as soon as possible so that a medical professional can assist with any complications that may arise from the trauma sustained. Alameda County Highland Hospital Sexual Assault Center provides immediate medical care after a sexual assault and can be contacted at (510) 534-9290 or 9291(24/7 crisis hotline)

Some typical medical tests and preventative treatment provided after a sexual assault include:

- Hepatitis B: A clinician may recommend a baseline Hepatitis B screening test and/or vaccinations. Vaccination involves a series of three injections. The first is given at the time of your initial visit. Subsequent injections are given at four weeks and six months.
- Preventative treatment and on-going screening for Gonorrhea, Chlamydia and Syphilis.
- HIV: You may choose to take the HIV antibody test after a discussion with your clinician. *If your assault took place within the last 72 hours, discuss HIV prevention options (prophylaxis) with your clinician.
- Pregnancy (for those at risk): Be sure to ask when and how you can get the results of the pregnancy test if you have elected to take one. If you have not started your period at your usual time or within four weeks of the assault, be sure to take a pregnancy test even if you have taken the morning after pill (also known as Plan B).
- Medical Follow-Up: If several days have passed and you have not sought medical treatment, please make an appointment with your personal medical provider.
 - Clinical staff at Vera Whole Health, the Mills Health Clinic, are all mandated reporters who must call the police to report suspected sexual assault at any age or sexual or physical abuse of a minor. Forensic medical exams are not carried out at the Mills Health Clinic.
 - In Alameda County, forensic medical exams are only carried out at Alameda County Highland Hospital Sexual Assault Center.

D. Anonymous Reporting

Any individual may make an anonymous report concerning an act of Prohibited Conduct. The Title IX Coordinator will receive the anonymous report and will determine any appropriate steps, including individual or community remedies as appropriate, and in compliance with all Clery Act obligations.

Depending on the extent of information available about the incident or the individuals involved, however, the College's ability to respond to an anonymous report may be limited. This means that unless information identifying the person responsible and the identity of the complainant is shared with the Title IX Coordinator or a responsible employee, the College may not be able to take action to stop the discrimination or harassment, remedy its effects, or prevent future instances of discrimination and harassment, because it will not be able to engage in the appropriate procedures under this policy.

Please note that a Formal Complaint cannot be filed anonymously, and is only considered to have been filed only when the complaint contains the Complainant's physical or digital signature, or otherwise indicates that the Complainant is the person filing the Formal Complaint.

E. Required Notifications for Reports of Sexual Assault, Dating/Domestic Violence, or Stalking

Upon receipt of information alleging a potential violation of this Policy, the Title IX Coordinator will reach out to the Complaint to schedule an intake or informational interview and provide a copy of this policy and the following information:

- Availability of Supportive Measures with or without filing a Formal Complaint;
- How to file a Formal Complaint;
- Right to notify law enforcement and the right not to notify law enforcement, their right to decline to do so, and, when applicable, information about seeking a personal protection order from the local courts;
- Importance of preserving evidence;
- Resources for counseling, health care, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid and other available services; and,
- Right to an Advisor of choice.

F. Response to Reports of Prohibited Conduct

The College shall respond promptly to reports of sexual harassment and/or misconduct. Upon receipt of a report, a Complainant shall be provided with a written explanation, which may occur via email, of available Supportive Measures, options for filing a Formal Complaint, and with information regarding resources including counseling references, and with nearby hospital contact information if appropriate, by the Title IX Coordinator or by deputies designated by the Title IX Coordinator.

Any member of the College community who is found to have engaged in Prohibited Conduct as defined in this Policy is subject to disciplinary action up to and including

dismissal in accordance with the applicable Student Conduct Policy and/or Employee Progressive Discipline policy. A list of all potential sanctions can be found in the [Student Handbook](#).

G. Additional Enforcement Information

The Federal Equal Employment Opportunity Commission (EEOC) and the California Department of Fair Employment and Housing (DFEH) investigate complaints of unlawful harassment, including sexual violence, in employment. The U.S. Department of Education Office for Civil Rights (OCR) investigates complaints of unlawful harassment and sexual violence by students in educational Programs or Activities. These agencies may serve as neutral fact finders and attempt to facilitate the voluntary resolution of disputes with the parties. For more information, contact the nearest office of the EEOC, DFEH or OCR.

X. Responding to Reports of Prohibited Conduct

A. Supportive measures

Upon receipt of a report of Prohibited Conduct, the College will inform the Complainant of their right to Supportive Measures, which are available whether or not a Formal Complaint is filed. Supportive measures are available to both parties, and are non-disciplinary, non-punitive, free of charge individualized services offered to the Complainant and/or the Respondent as appropriate and reasonably available, designed to restore or preserve equal access to College programs and activities. A Complainant or Respondent may request a mutual No Contact Letter or other protection, or the College may choose to impose supportive measures at its discretion to ensure the safety of all parties. Faculty, managers and supervisors are mandated to report concerns about failure of another individual to abide by any restrictions imposed by an interim or supportive measure. All individuals are encouraged to report concerns about failure of another individual to abide by any restrictions imposed by an interim measure.

If on the face of the Initial Report, the Title IX Coordinator determines that the conduct alleged does not fall within the scope of Title IX, the Title IX Coordinator may also inform the Complainant that the matter may be referred to another College process. Even if the matter is referred, the Complainant will still receive an offer of Supportive Measures.

Supportive measures will be implemented at the discretion of the College. Potential remedies, which may be applied to the Complainant and/or the Respondent, include, but are not limited to:

- Access to counseling services and assistance in setting up initial appointment, both on and off campus.
- Facilitating access to counseling and medical services.
- Guidance in obtaining a sexual assault forensic examination.
- Assistance in arranging rescheduling of exams and assignments and extensions of deadlines.
- Academic support.
- Assistance in requesting long-term academic accommodations through the Office of Counseling Services if the individual qualifies as an individual with a disability.
- Change in class schedule, including the ability to transfer course sections or withdraw from a course.
- Allow either a Complainant or a Respondent to drop a class in which both parties are enrolled in the same section.
- Voluntary changes in the Complainant's or Respondent's College work schedule or job assignment.
- Change in campus housing.
- Escort and other safety planning steps.
- Mutual "no contact order," an administrative remedy designed to curtail contact and communications between two or more individuals.
- Voluntary leave of absence.
- Referral to resources to assist in obtaining a protective order.
- Referral to resources to assist with any financial aid, visa or immigration concerns.
- Any other remedial measure that does not interfere with either party's access to education can be used to achieve the goals of this Policy.
- Reasonable Change in either party's class schedule.
- Reasonable Change in either party's College work schedule or job assignment.
- Reasonable Changes in either party's campus housing.
- Any other reasonable restrictive measure that can be used to achieve the goals of this Policy, as long as this is not punitive or disciplinary.

The College will maintain as confidential any Supportive Measures provided to the Complainant or Respondent, to the extent that maintaining such confidentiality would not impair the ability of the College to provide the Supportive Measures.

B. Privacy vs. Confidentiality

Notice to the Title IX Coordinator, the Deputy Title IX Coordinator or a College Officer of conduct that could constitute prohibited conduct triggers the College's obligations under this policy. If the Title IX Coordinator, the Deputy Title IX Coordinator or other College Officer become aware that Title IX Prohibited Conduct is alleged to have occurred, the College has an obligation to review the available information and determine whether to proceed to an investigation.

In this context, Privacy and Confidentiality have two meanings.

Privacy means that information related to a complaint will be shared with only a limited number of College employees who “need to know” in order to assist in the assessment, investigation, and resolution of the report. All employees who are responsible for the College’s response to Prohibited Conduct receive specific training and guidance about sharing and safeguarding private information in accordance with state and federal law. The privacy of student education records will be protected in accordance with the Family Educational Rights and Privacy Act (FERPA), and the privacy of employee records will be protected in accordance with California law and College policy.

Confidentiality exists in the context of laws that protect certain relationships, including those who provide services related to medical and clinical care, mental health providers, counselors, ordained clergy or individuals working in the capacity of a clergy member. The law creates a privilege between certain others, with their patients, clients, parishioners, and spouses. The College has designated individuals who have the ability to have privileged communications as confidential resources.

The College will make reasonable and appropriate efforts to preserve an individual’s Privacy and to protect the Confidentiality of information. However because of laws relating to reporting and other state and federal laws, the College cannot guarantee Confidentiality relating to incidents of Prohibited Conduct except where those reports are privileged communications to Confidential Resources. Even then, there are exceptions to maintaining Confidentiality set by law; for example, physicians and nurses who treat any physical injury sustained during a sexual assault are required to report it to law enforcement. Also, physicians, nurses, psychologists, psychiatrists, teachers and social workers must report a sexual assault committed against a person under age 18. However, it is up to the Complainant on whether or not to separately and voluntarily file a report with the local police department. The Director of Public Safety is responsible for required reporting to local law enforcement.

Except for Confidential Resources, information shared with other individuals is not legally protected from being disclosed. However, the College takes requests for Privacy and Confidentiality seriously, the extent it can do so while at the same time fulfilling its responsibility to provide a safe and nondiscriminatory environment for all students and the College community. The College in such circumstances will make sure the Complainant is aware that they are protected from Retaliation.

At no time will the College release the name of the Complainant to the general public without the express consent of the Complainant. The release of the Respondent's name to the general public is guided by state and federal law.

All College proceedings are conducted in compliance with the requirements of, state and federal law, including the Family Educational Rights and Privacy Act (FERPA). No information shall be released from such proceedings except as required or permitted by law and College Policy

C. Individualized Safety and Risk Analysis, and Timely Warning

Based on an Initial Report or Formal Complaint of Title IX Prohibited Conduct, the Title IX Coordinator, in consultation with the Threat Assessment Team, or others as appropriate, may undertake an individualized safety and risk analysis to determine whether the allegations indicate the Respondent poses an immediate threat to the physical health or safety of any student or other individual arising from the allegations of Prohibited Conduct. If the College determines removal is appropriate, the Respondent will be provided with notice and an opportunity to challenge the decision immediately following the removal.

If a report of misconduct discloses a serious threat to the Mills community, the College may also issue a campus-wide timely warning (which can take the form of an email to campus or Rave alert) to protect the health or safety of the community. The timely warning will not include any identifying information about the Complainant. Even where there is no imminent threat, the College may send campus-wide e-mail notifications on all reported Prohibited Conduct.

Administrative Leave of a Non-Student Respondent

The College may place a non-student Respondent on paid or unpaid administrative leave after notice of a report of Title IX Prohibited Conduct and during the pendency of resolution of the matter.

D. Amnesty for Student Code of Conduct Violations

An individual who participates as a complainant or witness in an investigation of sexual assault, domestic violence, dating violence or stalking will not be subject to disciplinary sanctions for a violation of the Mills' College student conduct policy at or near the time of the incident unless the College determines that the violation was egregious, including but not limited to, an action that places the health or safety of any other person at risk or involves plagiarism, cheating or academic dishonesty.

E. Filing a Formal Complaint

Whether or not an Initial Report has been made, the matter will not move forward with a formal or alternative resolution until a Formal Complaint is filed. A Formal Complaint can be filed by either the Complainant or the Title IX Coordinator.

Complainant submits Formal Complaint.

- a. A Complainant may complete and sign a Formal Complaint alleging Title IX Prohibited Conduct against a Respondent and requesting that the College Investigate the allegation of Title IX Prohibited Conduct. A Formal Complaint may be filed with the Title IX Coordinator in person, by mail, by electronic mail, by online portal, by contacting the Campus Conduct Hotline at 866.943.5787 or by using the contact information listed for the Title IX Coordinator above. At the time of filing a Formal Complaint, the Complainant must be participating in, or attempting to participate in, a College program or activity.

Title IX Coordinator submits Formal Complaint.

The Title IX Coordinator may complete and sign a Formal Complaint.

- a. A Complainant may request that the College not proceed with an Investigation or further resolution under this Procedure. A serial Complainant's wishes with respect to whether the College Investigates will be respected unless the Title IX Coordinator determines that signing a Formal Complaint over the wishes of the Complainant is not clearly unreasonable in light of the known circumstances.
- b. If the Title IX Coordinator decides to move forward with an investigation, the Title IX Coordinator will inform the Complainant in writing of that decision. The College's decision is subject to a balancing test that requires the College to consider a range of factors, including:
 - (a) The status of the Respondent and whether the Respondent has authority over students and/or staff.
 - (b) Whether there have been multiple reports of Title IX Prohibited Conduct or other violations of this policy relating to a single Respondent;
 - (c) The seriousness of the alleged Title IX Prohibited Conduct (e.g., whether the alleged conduct involved a weapon, physical restraints or battery, serial predation);
 - (d) Whether there is a likelihood that the Respondent would be a danger to the complainant or the Mills community;
 - (e) The age of the Complainant;
 - (f) Whether the report of Title IX Prohibited Conduct can be effectively addressed through another type of intervention; and

(g) The ability of the College to obtain relevant evidence.

At the time of filing a formal complaint, a complainant must be participating in or attempting to participate in the education program or activity of the school with which the formal complaint is filed.

F. Receipt of a Formal Complaint of Title IX Prohibited Conduct

Initial Notice of Formal Complaint filed.

Upon receipt of a Formal Complaint, the College will provide a Notice of Formal Complaint to each party, including the following details. If the Respondent's identity is not known, the College may first conduct any necessary investigation in order to determine their identity, and will then provide written notice of an investigation upon identification of the Respondent.

- a. A description of the College's Procedures, including information about the Informal Resolution process.
- b. A description of the allegations including sufficient details known at the time such as:
 - a) the identities of the Parties involved in the incident;
 - b) the conduct allegedly constituting Prohibited Conduct; and
 - c) the date and location of the alleged incident.
- c. A statement that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made only at the conclusion of a Hearing.
- d. A statement that each party may have an advisor of their choice, who may be any person, including a friend, family member, or an attorney.

The Notice of Formal Complaint will be provided with sufficient time for each party to respond and prepare for any investigative interviews.

A Respondent employee's ability to receive a raise or promotion is placed on hold while the investigation is pending, and the determination of the investigation may affect any employment action, even if initiated prior to the onset of the investigation.

After receiving Notice of Formal Complaint, both the Complainant and the Respondent will be asked to identify any academic, employment, or other significant conflicts that would affect the timing of the Investigation and Hearing. The Hearing Coordinator will consider this input in finalizing any Hearing Schedule.

Ongoing Notice of Charges Requirement.

If, in the course of an Investigation, the College decides to investigate allegations about the Complainant or Respondent that are not included in the initial Notice of Formal Complaint provided, the College will provide notice of the additional allegations to the Parties whose identities are known.

XI. Procedures for Resolving Complaints of Prohibited Sexual Harassment

A. Informal Resolution

Participation in the Informal Resolution process is voluntary for both the Complainant and Respondent. Both parties, and the Title IX Coordinator, must agree to the use of Informal Resolution to resolve the complaint. If an Informal Resolution option is preferred, the Title IX Coordinator will assess whether the complaint is suitable for Informal Resolution and will then take steps to determine if the Respondent is also willing to engage in Informal Resolution. Both parties must agree, in writing, to an Informal Resolution.

When the parties choose to proceed with an Informal 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 requirements of the Informal Resolution process including the circumstances under which it precludes the parties from resuming a Formal Complaint arising from the same allegations;
- Any consequences resulting from participating in the Informal Resolution process, including the records that will be maintained or could be shared;
- 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 formal investigation and adjudication processes, there is a determination of responsibility;
- An explanation that each party may be accompanied by an Advisor and a support person) of their choice, who may be a parent, friend, or attorney;
- The date and time of the initial meeting with the Title IX Coordinator, with a minimum of 2 days' notice;
- Information regarding Supportive Measures, which are available equally to the Respondent and to the Complainant.

At the conclusion of the assessment, the College will decide whether to pursue informal resolution through a remedies-based approach that is appropriate under the circumstances. Where the Title IX assessment concludes that informal resolution may be appropriate, the College will take immediate and corrective action through

the imposition of individual and community remedies designed to maximize the Complainant's access to the educational and extracurricular activities at the College and to eliminate a hostile environment. Other potential remedies include targeted or broad-based educational programming or training, direct confrontation of the Respondent, and/or indirect action by the Title IX Coordinator or the College. The College will not compel either party to engage in informal resolution, to directly confront the other party, or to participate in any particular form of informal resolution.

Once the final terms of an Informal Resolution have been agreed upon by both parties, in writing, the matter shall be considered closed, and no further action shall be taken.

The Informal Resolution process is generally expected to be completed within thirty (30) 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.

The Title IX Coordinator will maintain records of all reports and conduct referred for informal resolution.

If either party does not voluntarily agree in writing to pursue an Informal Resolution, or if the Complainant, Respondent, or Title IX Coordinator, at any time, determines that Informal Resolution is no longer appropriate, the Title IX Coordinator will promptly inform the Complainant and Respondent in writing that the complaint will proceed through the Investigation and Hearing Process.

B. Dismissal of Formal Complaints Prior to Investigation or Resolution

Mills College shall investigate the allegations in a formal complaint, except as follows:

Mandatory Dismissal.

Mills College shall dismiss the Formal Complaint if the conduct alleged in the Formal Complaint

- would not constitute sexual harassment as defined by this policy, even if proved, and/or
- did not occur on campus, in a Mills College education program or activity, in a building under the control or a recognized student organization, or did not occur against a person in the United States.

This dismissal does not preclude action under another policy or procedure of Mills College.

Discretionary Dismissal.

The College may dismiss the Formal Complaint or any allegations that are part of the Formal Complaint, if at any time during the investigation or hearing:

- A Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the Formal Complaint or any of the specific allegations;
- The Respondent is no longer enrolled in or employed by the College; or
- Specific circumstances prevent Mills College from gathering evidence sufficient to reach a determination as to the Formal Complaint or any specific allegations.

Notice of Dismissal Prior to Investigation.

Upon dismissal, the College shall promptly send a Notice of Dismissal including the reason(s) therefor simultaneously to the Parties. The decision to dismiss can be appealed (see link).

C. Principles for the Grievance Process

Under this grievance process, Mills College shall:

1. Ensure that the burden of proof and the burden of gathering evidence rest on Mills College and not on the parties, provided that Mills College cannot access, consider, disclose, or otherwise use a party's medical or treatment records, or any other records protected by a recognized privilege, unless Mills College first obtains that party's voluntary, written consent to do so for purposes of this conducting an investigation or hearing under this policy.
2. Provide an equal opportunity for the parties to present relevant witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence.
3. Not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence.
4. Provide the parties with the same opportunities to have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice.
5. Allow each party to be accompanied by an advisor (the advisor can also be the support person). Each party may be accompanied by only one other person.
6. Provide, to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings, with sufficient time for the party to prepare to participate.
7. Require an objective evaluation of all relevant evidence—including both inculpatory and exculpatory evidence— and provide that credibility

determinations may not be based on a person's status as a Complainant, Respondent, or witness.

8. Require that any individual designated as a Title IX Coordinator, investigator decisionmaker, or any person to facilitate an informal resolution process, not have a conflict of interest or bias for or against complainants or respondents generally or an individual Complainant or Respondent. Mills College may use internal personnel or external parties in the informal resolution process or the grievance process, provided that they meet this requirement.
9. Include a presumption that the Respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process.
10. Use the preponderance of the evidence standard, which shall be the same for Formal Complaints against students as for Formal Complaints against faculty and staff.

D. Extensions of the Grievance Process

The Title IX Coordinator may grant or deny requests from either party to temporarily delay the grievance process or may issue the limited extension of time frames for good cause with written notice to the Complainant and the Respondent of the delay or extension and the reasons for the action.

Good cause may include considerations such as the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities.

E. Investigation of Formal Complaints

If not serving as the Investigator, the Title IX Coordinator will appoint an Investigator, who may be an employee or official of Mills College or may be an external investigator with appropriate experience or expertise. The parties will be provided with notice of the identity of the appointed Investigator, and will be informed that any objections to the service of the appointed Investigator on grounds of conflict of interest or a lack of impartiality should be submitted in writing to the Title IX Coordinator within three days of notice of the appointment. If there is objection to the Title IX Coordinator, the objection should be provided in writing within 3 days to the Vice President for Finance and Administration.

The Title IX Coordinator or a Deputy Title IX Coordinator will decide promptly whether the appointed Investigator will or will not continue to conduct the investigation and will provide this determination in writing to the party who raised the objection. Any materials collected or notes prepared by the Investigator during the objection period will be turned over to any replacement Investigator. The replacement Investigator will decide whether to use such materials or not.

When investigating a Formal Complaint, Mills College shall, within 30 days of receiving the Formal Complaint, unless unusual or complex circumstances exist:

1. Engage in fact-gathering of all relevant facts, which shall include interviews of the Complainant and Respondent, and relevant witnesses.
2. At the conclusion of the fact-gathering, the investigator shall provide both parties 10 days to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations. If a party has an advisor, that party's advisor may also inspect and review the evidence. Either party may submit additional relevant evidence or suggest additional witnesses, or request that the investigator ask additional or follow-up questions of the other party, or of a witness. The investigator will then conduct any additional investigation as may be appropriate. Any evidence not provided to the investigator shall not be considered at the hearing, unless it can be demonstrated that, despite due diligence, the evidence was not available.
3. Statements regarding the Complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the Complainant, or 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
4. Make all such evidence subject to the parties' inspection and review available at any hearing to give each party equal opportunity to refer to such evidence during the hearing, including for purposes of cross-examination.
5. The Investigators may also consider information publicly available from online sources that comes to the attention of Investigators. The College does not actively monitor online sources, however, and as with all potentially relevant information, the Complainant, Respondent or witness should bring online information to the attention of the Investigators if they believe it is relevant. The Investigators may also consider communications involving or relating to one or both parties that either party brings to the attention of the Investigators or that is provided by the parties in response to a request by the Investigators. The Investigators may also seek a review of information available on College devices or servers, consistent with the College's technology policies.
6. Upon conclusion of the fact-gathering, the investigator shall create a Summary of Relevant Evidence investigative report that fairly summarizes relevant evidence and the Title IX Coordinator shall send to each party and the party's advisor, if any, the report in an electronic format or a hard copy, for their

review and written response. Each party shall have 10 days to provide a written response, which shall be attached to the Summary of Relevant Evidence Report. Upon finalization of the Summary of Relevant Evidence report, the Title IX Coordinator shall provide it to the decisionmaker(s).

F. Acceptance of Responsibility

At any point during the investigation, the Respondent may elect to accept responsibility for some or all of the Policy violations at issue. Where there is an acceptance of responsibility as to some but not all of the charges, the investigation will continue to conclusion. Where there is an acceptance of responsibility as to all of the potential Policy violations, the Investigators will complete an investigative report of all information gathered to date and refer the matter to a Decision-maker for any further appropriate process consistent with this policy. Where both parties and the College agree, the matter may also be resolved through the Informal Resolution process.

G. Effect of Withdrawal

Even if a Respondent withdraws from the College, the Title IX Coordinator may proceed with further action as necessary to eliminate, prevent or address any impacts of the reported conduct.

XII. LIVE HEARINGS AND THE GRIEVANCE PROCESS

The College's formal resolution process is designed to identify and implement a tailored and individual response intended to address Prohibited Conduct, while supporting the College's educational mission, legal obligations and commitment to Title IX.

A. Requirement of a Live Hearing for Fact-Finding and Determining Responsibility

1. Following the investigation, within 30 days of sending the final investigative report to the parties, unless unusual or complex circumstances exist, Mills College shall conduct a live hearing in front of the decision-maker(s), which may be an individual or a Review Panel, for the purposes of determining responsibility for allegations of prohibited conduct in the Formal Complaint. The decision-maker(s) cannot be the same person(s) as the Title IX Coordinator or the investigator(s). A decision-maker may include internal employees or external third-parties contracted by Mills College. If using a Review Panel, the Title IX Coordinator will choose three (3) Review Panel members from its pool to attend the hearing and make determinations. All potential Review Panel members will receive annual training as specified by this policy. The parties each may challenge the participation of any member of the Review Panel for demonstrated bias, actual conflict of interest, or other good cause within three (3) days of receipt of the final investigative report. The Title IX Coordinator will make the final decision whether to select an alternate upon a challenge from a party. If using a Review Panel, the Title IX Coordinator will appoint a member of the Review Panel to be Chair of the Review Panel.
2. A pre-hearing meeting will be conducted with each party to go over the logistics, and rules and expectations of the hearing.
3. The live hearing will be closed. The only individuals permitted to participate in the hearing are as follows: the Complainant and Respondent, the decision-maker(s), the advisor for each party, any witnesses (only while being questioned), and any individual providing authorized accommodations or assistive services.
4. Live hearings shall be recorded, and the recording shall be the property of Mills College. No other person is permitted to record the hearing, or any portion of the hearing.
5. If a party does not have an advisor present at the live hearing, Mills College shall provide without fee or charge to that party, an advisor of Mills College's choice, to conduct cross examination on behalf of that party. Mills College is obligated to ensure each party has an advisor, either of the party's or the College's choice regardless of whether the party is present at the hearing. To ensure timely proceedings, a party shall alert the Title IX Coordinator as soon as practicable if the party will need an advisor. If a party's selected advisor is unavailable for a hearing date, the live hearing date may be postponed for good cause, or the hearing may proceed with an advisor of the College's choosing.
6. During the hearing, each party's advisor may ask relevant questions of the other party or witnesses, but may not address the hearing officer, or make arguments regarding law or policy. Hearing advisors may not pose questions that are unduly harassing, repetitive, abusive, threatening, or demeaning. Advisors are expected to display respectful and appropriate conduct and may not cause a disruption, or otherwise impede the smooth operation of the hearing. The hearing officer reserves the right to remove an advisor for unruly or disorderly behavior; the advisor may continue participation by video from another room..

7. Live hearings may be conducted with all parties physically present in the same geographic location or, at Mills College's discretion, any or all parties, witnesses, and other participants may appear at the live hearing virtually, with technology enabling participants simultaneously to see and hear each other

B. Questioning at the Live Hearing

1. At the live hearing, the decision-maker(s) must permit each party's advisor to ask the other party and any witnesses all relevant questions and follow-up questions, including those challenging credibility.
2. Only relevant questions may be asked of a party or witness.
3. Decision-maker(s) also have the right to question a party or witness.
4. Cross examination at the live hearing must be conducted directly, orally, and in real time by the party's advisor of choice and never by a party personally, notwithstanding Mills College's ability to otherwise restrict the extent to which advisors may participate in the proceedings.
5. Before the Complainant, Respondent, or witness answers a cross-examination question, the Chair must first determine whether the question is relevant. The Chair must explain to the party proposing the questions any decision to exclude a question as not relevant.
6. Questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the Complainant, or 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.

C. Use of Witness Statements

1. If a party or witness does not submit to cross examination at the live hearing, the decision-maker(s) must not rely on any statement of that party or witness in reaching a determination regarding responsibility but may reach a determination based on evidence that does not constitute a statement by the party.
2. The decision-maker(s) cannot draw an inference about the determination regarding responsibility based solely on a party's or witness's absence from the live hearing or refusal to answer cross examination or other questions.

D. Written Determination of the Decision-Maker

1. Following the hearing, the decision-maker(s) shall issue a written determination regarding responsibility within 30 days. If the decision-maker is a Review Panel, a majority of the Review Panel members must find that a policy violation occurred for a finding of responsibility and a majority of the Panel members must assent to the sanction(s) imposed, if any. To reach this determination, the decision-maker must apply the standard of evidence required by this policy. The written determination must include:
 - a. Identification of the allegations potentially constituting sexual harassment as defined by this policy;
 - b. A description of the procedural steps taken from the receipt of the Formal Complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;
 - c. Findings of fact supporting the determination;
 - d. Conclusions regarding the application of Mills College's policy to the facts;
 - e. A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions imposed on the respondent, and whether remedies designed to restore or preserve equal access to Mills College's education program or activity will be provided to the complainant; and
 - f. The procedures and permissible bases for the Complainant and Respondent to appeal, as set forth in this policy.

Mills College shall provide the written determination to the parties simultaneously.

The determination regarding responsibility becomes final either on the date that Mills College provides the parties with the written determination of the result of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely.

XIII. APPEALS

A. Grounds

Within 10 days of receiving the written determination, either party may appeal from a determination regarding responsibility, and from Mills College's dismissal of a Formal Complaint or any allegations therein, on the following grounds:

- **Ground 1:** Procedural irregularity that affected the outcome of the matter;
- **Ground 2:** New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and

- **Ground 3:** The Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter.

Appeals must be sent to the Title IX Coordinator in writing.

B. Response to Appeals

As to all appeals, the Title IX Coordinator (or designee) shall:

1. Notify the other party in writing immediately when an appeal is filed and implement appeal procedures equally for both parties;
2. Ensure that the decision-maker(s) for the appeal is not the same person as the decision-maker(s) that reached the determination regarding responsibility or dismissal, the investigator(s), or the Title IX Coordinator;
3. Ensure that the decision-maker(s) for the appeal complies with the standards set forth in this policy;
4. Give the non-appealing party an opportunity to submit a written statement in response to the appeal within 10 days of receiving the appeal, which shall be transmitted within 2 business days to the Appeal decision-maker(s).

C. Decision on Appeal

Within 20 days of receiving the appeal and the response, the Appeal decisionmaker(s) shall issue a written decision describing the result of the appeal and the rationale for the result; and provide the written decision simultaneously to both parties. The Appeal decision-maker(s) may deny the appeal or, if the appeal ground(s) has or have been met, may return the case to the initial decision-maker(s) for reconsideration, or convene a new hearing. If a case is returned to the initial decision-maker(s), the Appeal decision-maker(s) shall identify which aspects merit further review.

XIV. Remedies and Sanctions

Remedies must be designed to restore or preserve equal access to Mills College's education program or activity.

A student found responsible for a violation of this policy will be subject to sanction(s) regardless of whether legal proceedings involving the same incident are underway or anticipated. An employee found responsible for a violation of this policy will be subject to sanction(s) up to and including termination of employment. A list of all potential sanctions can be found in the [Student Handbook](#).

Possible remedies that Mills College may implement is not fixed. The Title IX Coordinator is responsible for effective implementation of any remedies.

XV. RETALIATION PROHIBITED

No one may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right established by this policy or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this policy.

The exercise of rights protected under the First Amendment does not constitute retaliation prohibited under this section.

Complaints alleging retaliation may be filed according to the grievance procedures.

Charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of a grievance proceeding under this policy does not constitute retaliation prohibited under of this section, provided, however, that a determination regarding responsibility, alone, is not sufficient to conclude that any party made a materially false statement in bad faith.

XVI. CONFIDENTIALITY

Consistent with the requirements of this policy, Mills College shall keep confidential the identity of any individual who has made a report or complaint of sexual harassment under this Policy, including any individual who has made a report or filed a Formal Complaint of sexual harassment, any complainant, any respondent, and any witness, except as may be permitted by the FERPA statute, or as required by law. Mills College will protect a party's privacy consistent with this Policy but may disclose information to those who have a legitimate need to know and in order to process complaints under this policy.

Confidentiality is not absolute, however. Where criminal conduct has occurred, or where the health and/or safety of others in the community may be in danger, it may be necessary for Mills College to take appropriate steps to protect the safety of its students and employees, including the person who has reported the misconduct. In most cases, Confidential Resources at Mills College will not share the substance of any such communications or that such communications occurred without consent. Individuals who wish to talk about issues related to sexual harassment or Prohibited Conduct confidentially, with the understanding that Mills College will not take any action based on such confidential communications, are encouraged to contact one of these Confidential Resources.

Confidential resources may, however, have an obligation to disclose otherwise privileged information where they perceive an immediate and/or serious threat to a person and/or property. This is a limited exception to the privileged nature of communications with Confidential Resources. Reports or records maintained by Mills College (including

Counseling Service records), and other confidential, nonprivileged records may, however, be subject to a subpoena if civil or criminal charges are filed in court.

In accordance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, Confidential Resources will not report Clery crimes they learn about through confidential communications for purposes of Mills College's compilation of campus crime statistics. In addition, when appropriate and legally permissible, Mills College shall conduct record-keeping on reports of dating violence, domestic violence, stalking and sexual assault, such as that collected for legally required disclosures, that excludes personally identifiable information of any complainants.

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 Sexual Assault, and Dating and Domestic Violence). This requirement does not apply to sexual assault and domestic violence counselors and advocates.

XVII. REQUIRED TRAININGS

The Title IX Coordinator, investigators, decision-makers, and any person who facilitates an informal resolution process (whether internal or external) shall receive training on the definition of sexual harassment under this policy, the scope of Mills College's education program or activity, how to conduct an investigation and grievance process including hearings, appeals, and informal resolution processes, as applicable, and how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias. These individuals shall receive annual training on the issues related to domestic violence, dating violence, sexual assault, and stalking and how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability.

Decision-makers shall receive training on any technology to be used at a live hearing and on issues of relevance of questions and evidence, including when questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant.

Investigators shall receive training on issues of relevance to create an investigative report that fairly summarizes relevant evidence.

Any materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process, will not rely on sex stereotypes and will promote impartial investigations and adjudications of Formal Complaints of sexual harassment.

XVIII. RECORDKEEPING

Mills College shall maintain for a period of seven years records of:

- A. Each sexual harassment investigation including any determination regarding responsibility and any audio or audiovisual recording or transcript required under this policy, any disciplinary sanctions imposed on the respondent, and any remedies provided to the complainant designed to restore or preserve equal access to Mills College's education programs or activities;
- B. Any appeal and the result therefrom;
- C. Any informal resolution and the result therefrom; and
- D. All materials used to train Title IX Coordinators, investigators, decisionmakers, and any person who facilitates an informal resolution process. Mills College shall make these training materials publicly available on its website and shall make these materials available upon request for inspection by members of the public.
- E. Records of any actions, including any Supportive Measures, taken in response to a report or Formal Complaint of sexual harassment. In each instance, Mills College will document the basis for its conclusion that its response was not deliberately indifferent, and document that it has taken measures designed to restore or preserve equal access to Mills College's education program or activity. If Mills College does not provide a complainant with Supportive Measures, then Mills College must document the reasons why such a response was not clearly unreasonable in light of the known circumstances. The documentation of certain bases or measures does not limit Mills College in the future from providing additional explanations or detailing additional measures taken.

XIX. Effective Date; Revisions

This policy is effective as of August 14, 2020

XX. APPENDIX A DEFINITONS

Affirmative Consent:

Under California law, “affirmative consent” is defined as an affirmative, conscious, and voluntary agreement to engage in sexual activity. Under the law, neither the lack of protest or resistance, nor silence, constitutes consent; consent may be withdrawn at any time. For purposes of this Policy, the age of consent is eighteen (18) years of age or older, consistent with California Penal Code Section 261.5.

Consent is voluntary. It must be given without coercion, force, threats, or intimidation. Consent means positive cooperation in the act or expression of intent to engage in the act pursuant to an exercise of free will.

Consent is revocable. Consent to some form of sexual activity does not imply consent to other forms of sexual activity. Consent to sexual activity on one occasion is not consent to engage in sexual activity on another occasion. A current or previous dating or sexual relationship, by itself, is not sufficient to constitute consent. Even in the context of a relationship, there must be mutual consent to engage in sexual activity. Consent must be ongoing throughout a sexual encounter and can be revoked at any time. Once consent is withdrawn, the sexual activity must stop immediately.

Consent cannot be given when a person is incapacitated. A person cannot consent if they are asleep, unconscious or coming in and out of consciousness. A person cannot consent if they are under the threat of violence, bodily injury or other forms of coercion. A person cannot consent if their understanding of the act is affected by a physical or mental impairment. A person cannot consent if the individual is under the age of 18. A person cannot consent if they are incapacitated due to the influence of alcohol or drugs or medication, such that they are not able to understand the fact, nature or extent of the sexual activity.

It is the responsibility of each person to ensure that they have the affirmative consent of the other or others to engage in the sexual activity.

Advisor

An may be, but is not required to be, an attorney, and not limit the choice or presence of advisor for either the Complainant or Respondent in any meeting or grievance proceeding; however, Mills College may establish restrictions regarding the extent to which the advisor may participate in the proceedings, as long as the restrictions apply equally to both parties. For the purposes of this policy, the role of the advisor is limited to the following: the advisor may attend any interview or meeting connected with the grievance process, but may not actively participate in interviews nor provide testimony or argument on behalf of the party. The advisor may attend

the live hearing and may conduct cross-examination of the other party and any witness at the hearing; otherwise, the advisor may not actively participate in the hearing.

Appeal Officer:

A professional neutral decision-maker experienced and trained in adjudicating matters of civil rights, sexual harassment and/or sexual violence and trained on this Title IX Procedure, who will review the Parties' appeals and issue the Notice of Outcome of Appeal.

College Program or Activity:

Locations, events, or circumstances over which the College exercised substantial control over both the alleged Respondent and the context in which the Title IX Prohibited Conduct occurs, and also includes any building owned or controlled by a student organization that is officially recognized by the College.

Complainant:

The Party to the process who has allegedly experienced the alleged Title IX Prohibited Conduct at issue. Mills College uses this term to provide consistency with the Title IX regulations and many peer institutions. Use of this term does not necessarily indicate that this person either reported the conduct or requested that the College pursue the matter.

Confidential Resource:

A person who is exempted from the obligation to report an allegation of conduct that could constitute Prohibited Conduct under this policy to any entity, including the College's Title IX Coordinator or law enforcement in circumstances in which the reported conduct could be a crime (except, as to law enforcement, if the Complainant is a minor or if there is a belief that there is an imminent threat of harm to self or others).

Confidentiality:

Exists in the context of laws that protect certain relationships, including those who provide services related to medical and clinical care, mental health providers, counselors, and ordained clergy. The law creates a privilege between certain health care providers, mental health care providers, attorneys, clergy, spouses, and others, with their patients, clients, parishioners, and spouses.

Court Order:

Any formal order issued by a state or federal court or authorized police officer that restricts a person's access to another Mills College community member, such as an emergency, temporary or permanent restraining order.

Deputy Title IX Coordinator:

A person designated by the Title IX Coordinator to handle a report of Title IX Prohibited Conduct.

Expert Witness:

A Witness identified by a Party or the Title IX Office that has special expertise in a technical matter, such as forensic evidence that is directly related and/or relevant to the allegations.

Formal Complaint:

A document filed and signed by a Complainant or filed and signed by the Title IX Coordinator alleging Prohibited Conduct against a Respondent and requesting that the College investigate the allegations.

Gender Identity, Gender Expression, or Sexual Orientation Harassment:

Harassment that is not sexual in nature but is based on gender, gender identity, gender expression, sex- or gender-stereotyping, or sexual orientation is considered harassment “on the basis of sex,” and thus is also prohibited by the College. While discrimination based on these factors may be distinguished from sexual harassment, these types of discrimination may contribute to the creation of a hostile work or academic environment. Thus, in determining whether a hostile environment due to sexual harassment exists, the College may take into account acts of discrimination based on gender, gender identity, gender expression, sex- or gender-stereotyping, or sexual orientation.

Incidents of discrimination or harassment that involve gender, gender-identity, gender expression, sex or gender stereotyping and/or sexual orientation, but that do not fall under the purview of Title IX Prohibited Conduct as outlined in this policy, shall be handled under the applicable policies and procedures outlined in the Student Handbook, Faculty Handbook, Employee Handbook or Administrative Policy Manual.

Hearing Coordinator:

The person who manages Hearings under this Title IX Procedure.

Hearing File:

The information collected during the Investigation that is deemed relevant to be considered by the Hearing Officer.

Hearing Officer:

A professional neutral decision-maker experienced and trained in adjudicating matters of civil rights, sexual harassment and/or sexual violence and trained on this Title IX Procedure who will preside over the Hearing and will issue the Written Determination Regarding Responsibility.

Hearing Schedule:

A time-table specific to each matter that schedules key dates for the matter after it has been charged.

Hearing Advisor:

The person who will attend the Hearing with a Party and conduct the oral cross-examination of the other Party and Witnesses. The Hearing Advisor may be the same as the Party's Process Support Person or advisor. All Advisors are expected to follow the Rules of Decorum.

Hostile Environment

Includes any situation in which there is harassing conduct that is sufficiently severe, pervasive and objectively that it alters the conditions, limits, interferes with or denies: employment or educational benefits or opportunities, from both a subjective (the alleged victim's) and an objective (reasonable person's) viewpoint. Complaints of a hostile environment that do not meet the requirements of Title IX prohibited conduct are handled under other College policies or the student conduct code.

The determination of whether an environment is "hostile" must be based on the following circumstances.

These circumstances could include:

The frequency of the conduct;

- The nature and severity of the conduct;
- Whether the conduct was physically threatening;
- Whether the conduct was humiliating;
- The effect of the conduct on the alleged victim's mental or emotional state;
- Whether the conduct was directed at more than one person;
- Whether the conduct arose in the context of other discriminatory conduct;

Incapacitation:

A person lacks the ability to voluntarily agree (that is, to give Affirmative Consent) to sexual activity because the person is asleep, unconscious, under the influence of an anesthetizing or intoxicating substance such that the person does not have control over their body, is otherwise unaware that sexual activity is occurring, or is unable to appreciate the nature and quality of the act. Incapacitation is not necessarily the same as legal intoxication.

Initial Report:

A report of conduct that may constitute Prohibited Conduct, which may be made by any individual, even if not the person alleged to have experienced the conduct. An Initial Report is generally made prior to a Formal Complaint, and triggers the Title IX Coordinator's obligation to contact the Complainant and inform the Complainant of Supportive Measures and how to file a Formal Complaint, as described in Section IV.A.1.

Intimidation:

Includes any threatening statement or conduct made with the intent to prevent or dissuade any Party or Witness from reporting or participating in the Title IX Procedure. Threats of intimidation will be adjudicated through the Mills Student Conduct Code or **Discrimination, Harassment and Retaliation Prevention Policy**.

Summary of Relevant Evidence Report:

A formal written document that fairly summarizes the relevant evidence gathered during the Investigation and that is provided to the Parties with at least 10 days to respond.

Investigator:

The person assigned by the Title IX Coordinator to investigate Formal Complaints under this Title IX Procedure. The Investigator shall have been trained on all elements of an Investigation as required by federal and state law.

New Evidence:

Evidence that was not available at the time of the investigation, could not have been available based on reasonable and diligent inquiry, is relevant to the matter, and which could substantially impact the conclusion or the sanction applied.

Non-Discrimination

Mills College does not discriminate on the basis of race, color, marital status, age, religious creed, national origin, ancestry, sexual orientation, gender identity, gender expression, or disability (in accordance with the Americans with Disabilities Act, 1973 Rehabilitation Act, Section 504, and implementing regulations) in its admission policies, scholarship and loan programs, or in the educational programs or activities which it operates. Nor does Mills discriminate on the basis of sex in its graduate programs. Mills enforces against unlawful discrimination through its Campus Policy and Procedure on Discrimination, which is available by request from the Division of Student Life at 510.430.2130.

Mills is an equal opportunity employer and seeks to comply with all applicable state and federal laws and local ordinances prohibiting employment discrimination. All aspects of employment are based on merit, qualifications, and job competence. Mills does not discriminate against anyone regarding employment practices, compensation, or promotional or educational opportunities on the basis of race, color, marital status, age, religious creed, national origin, ancestry, sex, sexual orientation, gender identity, gender expression, disability, veteran status, pregnancy, or medical conditions. It is Mills policy to provide reasonable job accommodations to employees with disabilities who can perform essential functions of jobs for which they are otherwise qualified. Inquiries regarding compliance with various employment laws and regulations should be directed to Employee Services (HR), Mills College, 5000 MacArthur Boulevard, Oakland, CA 94613 or hrhelp@mills.edu.

Mills College does not discriminate on the basis of race, ethnicity, color, marital status, age, religious creed, national origin, ancestry, sex, sexual orientation, gender/gender identity, gender expression, class, political affiliation, or disability (in accordance with the Americans with Disabilities Act, 1973 Rehabilitation Act

Notice of Dismissal:

The formal notification issued by the Title IX Coordinator following a determination that the matter does not meet the definitional or jurisdictional standards of Title IX and stating the reasons for dismissal. Either party may appeal with decision to dismiss.

Notice of Formal Complaint:

The formal notification issued by the Title IX Coordinator that a Formal Complaint has been filed and including the details set forth in Section IV.C.1.

Notice of Outcome of Appeal:

A written determination describing the Appeal Officer's final decision of a matter brought forward on appeal.

Party/Parties:

The generic or collective term used to refer to Complainant(s) and Respondent(s).

Preponderance of the Evidence:

The standard of proof used by the Hearing Officer. A finding by the Preponderance of the Evidence means that the credible evidence on one side outweighs the credible evidence on the other side, such that, as a whole, it is more likely than not that the alleged fact or conduct occurred. It does not mean that a greater number of Witnesses or documents is offered on one side or the other, but that the quality or significance of the evidence offered in support of one side is more convincing than the evidence in opposition.

Privacy:

Means that information related to a complaint will be shared with only a limited number of College employees who "need to know" in order to assist in the assessment, Investigation, and resolution of the report. All employees who are responsible for the College's response to Prohibited Conduct under this policy receive specific training and guidance about sharing and safeguarding private information in accordance with state and federal law. The privacy of student education records will be protected in accordance with the Family Educational Rights and Privacy Act ("FERPA"), and the privacy of employee records will be protected in accordance with California law and College policy.

Rebuttal Evidence:

Evidence presented to contradict other evidence in the Hearing File, which could not have been reasonably anticipated by a Party to be relevant information at the time of the Investigation.

Remedies:

Individualized measures implemented after a Hearing or as part of an Informal resolution that are designed to restore or preserve equal access to College Programs or Activities, and may include Supportive Measures, but need not be non-disciplinary or nonpunitive and need not avoid burdening the Respondent.

Respondent:

The person alleged to have engaged in Prohibited Conduct.

Retaliation:

No individual shall be penalized in any way for reporting or threatening to report sexual or gender based harassment or violence nor for cooperating or participating in an investigation of a complaint. Retaliation against any member of the Mills College community who makes a complaint of sexual harassment, sexual misconduct, or sexual violence, or otherwise participates in an investigation or proceeding, is prohibited and may result in disciplinary action that includes termination of employment or expulsion from the College. Intentionally making a false complaint, claim or report or providing false information, however, is grounds for discipline including suspension, expulsion or termination.

Retaliation includes, but is not limited to, materially adverse action related to employment, academic opportunities, participation in College Programs or activities, or similar punitive action taken against an individual because that person has made an Initial Report or Formal Complaint, responded to a Formal Complaint, testified, assisted, or participated or refused to participate in any manner in an Investigation, proceeding, or Hearing.

Rules of Decorum/Etiquette Expectations

- All parties are expected to be civil and not engage in behavior that violates collegial standards, such as talking over someone, yelling, taking an aggressive stance towards someone (i.e., shaking a fist or standing too close to someone's face), or any other behavior that is deemed disruptive by the Decision-maker.
- Parties may not interrupt any testimony or cross-examinations being conducted.
- The Complainant, Respondent, and their Advisors shall be allowed to attend the entire portion of the live hearing. Witnesses are only allowed to attend during the time the credibility of their evidence is being reviewed; however, all witnesses will need to be available during the entire hearing.
- Advisors are not to disrupt the proceedings by making an opening or closing statement or by advising their advisee to refuse from answering questions.

Sanctions:

Individualized measures implemented after a Hearing that may be disciplinary in nature, as described in Appendix B.

Supportive Measures:

Non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the Complainant or the Respondent before or after the filing of a Formal Complaint or where no Formal Complaint has been filed. Such measures are designed to restore or preserve equal access to College Programs or Activities without unreasonably burdening the other Party, including measures designed to protect the safety of all Parties or the College educational environment, or deter sexual harassment. Supportive measures may include extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures.

Third-party:

Refers to any other participant in the process, including a witness to the incident or an individual who makes a report on behalf of someone else.

Title IX Coordinator:

The individual at Mills College responsible for overseeing the College's compliance with Title IX, the Clery Act, and California Education Code sections 67380-67386

Advisor or Support Person:

A person who provides emotional support to a Complainant or Respondent and who may be present in a non-participating role to provide support during any meeting or proceeding under this Policy, with the exception of hearings (see Hearing Advisor). Non-participating means that the advisor or support person is silent and does not speak or present information during the meeting or proceeding under this Policy. An attorney may be present in the capacity of an advisor or support person.

Violence:

The use of physical force to cause harm or injury.

Witness:

A person asked to give information or a statement under this Procedure.

XXI. APPENDIX B Rights and Responsibilities of Parties and Witnesses

During an Investigation and Hearing under this Title IX Procedure, the Parties and Witnesses have the following responsibilities and rights.

Responsibilities of the Parties and Witnesses

1. The responsibility to be truthful, to cooperate with the process, and to follow the directions of College staff and agents responsible for administering this process;
2. The responsibility not to Retaliate against or Intimidate any individual who has reported Title IX Prohibited Conduct or who has participated as a Party or Witness in the process; and
3. The responsibility to keep private (by not disseminating beyond Support Persons or Advisors) documents, materials, and information received from the College during this process; and,
4. The responsibility to destroy, when so directed by the College, evidentiary materials and/or writings submitted by the other Party as party of the process.

Right of all Parties and Witnesses

1. The right to be protected from Retaliation and Intimidation where one has reported Title IX Prohibited Conduct or participated as a Party or Witness in the process;
2. The right to exercise First Amendment rights and not be subject to investigation for Retaliation for the exercise of such rights;
3. The right to receive information regarding consequences for knowingly making false statements or knowingly submitting false information during the Title IX Procedure.

Rights of Student Parties and Student Witnesses

1. The right not to be disciplined for drug and alcohol violations (relating to voluntary ingestion) or similar offenses in connection with the reported incident that do not place the health or safety of any other person at risk;

Rights of all Parties

1. The right to be treated equitably and receive equitable access to Supportive Measures;
2. The right to have each phase of the Title IX Procedure completed within a reasonably prompt timeframe.
3. The right to a Support Person to support and/or advise the Party, and to a hearing advisor during any hearing that is conducted as part of this policy.
4. The right to receive a Notice of Formal Complaint that provides sufficient detail about the allegations and the applicable College policies for the Respondent to be able to respond and for both Parties to understand the scope of the Investigation;
5. The right to decline to give a statement about the allegations or attend a Hearing;

6. The right to participate in the Investigation, including by identifying fact Witnesses and Expert Witnesses and identifying and/or providing inculpatory, exculpatory and other relevant information and evidence to the Investigator;
7. The right to receive any Notice of Dismissal;
8. The right to appeal any Notice of Dismissal;
9. The right to review all evidence directly related to the allegations, in electronic format or hard copy, with at least 10 days for the Parties to inspect, review, and respond to the evidence.
10. The right to receive an Investigative Report that fairly summarizes relevant evidence, in electronic format or hard copy, with at least 10 days for the Parties to respond;
11. The right to have the matter heard at a live Hearing by a neutral Hearing Officer who will determine the matter using a Preponderance of the Evidence standard and who will not prejudge the outcome of a case;
12. The right to a Hearing Advisor who will conduct oral cross-examination at the live Hearing on behalf of the Party;
13. The right to jointly agree with the other Party to waive cross-examination through the Hearing Support Persons and instead submit written cross-examination questions to the Hearing Officer to conduct the examination. Parties will not be pressured to make this election or be penalized in any way for electing to conduct cross-examination through their advisor;
14. The right to receive a Written Determination Regarding Responsibility
15. The right to appeal the Written Determination Regarding Responsibility to a neutral Appeal Officer and
16. The right to receive a Notice of Outcome of Appeal.

Rights of the Respondent

1. The right not to have any disciplinary Sanctions imposed before a finding of responsibility in accordance with this Title IX Procedure; and
2. The right to be presumed not responsible for the alleged Title IX Prohibited Conduct until a determination regarding responsibility is made at the conclusion of the Hearing.

XXII. APPENDIX C RESOURCES: CRISIS RESPONSE, SUPPORT AND ADVOCACY

A. INTERNAL MILLS RESOURCES

The Office of Counseling & Psychological Services (CAPS) is staffed by professional, counselors and is available to all students. These hours may be adjusted by the College at any time. Call 510.430.2111, Monday through Friday, between 9:00 am–1:00 pm and 2:00 pm–5:00 pm. In case of emergency, call 911 and/or campus safety at 510.430.5555. You may also reach CAPS at counseling@mills.edu. Please note, this email is only to be used for non-urgent concerns related to information or scheduling.

B. COMMUNITY RESOURCES: SUPPORT AND ADVOCACY

A Safe Place Oakland

Crisis response, support, advocacy, information, referrals and shelter for survivors of sexual assault.

24/7 Crisis Line: (510) 536-SAFE (7233)

asafeplacedvs.org

Alameda County Highland Hospital Sexual Assault Center (Oakland)

Crisis response, support, advocacy, information and referrals for survivors of sexual assault and domestic violence; Medical Sexual Assault Response Team (in Emergency Department) for medical forensic exams (requires police report).

24/7 Crisis Line: (510) 534-9290 or 9291

[oaklandwiki.org/Alameda County/Sexual Assault Center](http://oaklandwiki.org/Alameda%20County/Sexual%20Assault%20Center)

This Emergency Department is where you should go within 72 hours for a Medical Forensic Exam.

Asian Women's Shelter (San Francisco)

Shelter program, language advocacy program, crisis line, case management, and programs in support of underserved communities such as queer Asian survivors and trafficked survivors.

24/7 Crisis Line: (877) 751-0880

www.sfaws.org

Bay Area Women Against Rape (BAWAR) (Oakland)

Crisis response, support, advocacy, information and referrals for survivors of sexual assault and domestic violence.

24/7 Crisis Line (English/Spanish): (510) 845-RAPE (7273)

www.bawar.org/get-help-for-yourself

Community United Against Violence (CUAV) (San Francisco)

Crisis support, counseling and services for victims of violence and abuse, including sexual assault and domestic violence, focusing on the LGBTQ community.

415.777.5500 Business Line

415.333.HELP (4357) Safety Line- Leave a Message

www.cuav.org

San Francisco Women Against Rape (SFWAR) (San Francisco)

Crisis response, support, advocacy, information and referrals for survivors of sexual assault and domestic violence.

24/7 Crisis Line: (415) 647-7273

www.sfwar.org

FVLC (Family Violence Law Center)

Offers legal help and advocacy, community and support. 470 27th Street, Oakland

510.208.0255 24-hr. crisis line

Whether or not you have reported the incident to police, the FVLC in Oakland offers information and assistance, including advocacy and supportive services:

www.fvlc.org

Tri-Valley Haven (Livermore)

Support, advocacy, information and referrals for survivors of sexual assault and domestic violence. Medical and social services and counseling.

(800) 884-8119 (925) 449-5842

www.trivalleyhaven.org

Oakland Police Department

For Emergencies: call 911

Call 911 from any campus extension or from a cell phone call emergency line 510.777.3211

Be prepared to advise the dispatcher where the emergency is located. If time permits, call the Mills campus front gate (extension 5555 from any campus phone) so they may be alerted that emergency services are responding and they can be ready to assist in giving directions to your location.

Oakland Police Department non-emergency numbers:

510.238.3227 or for cell phone users 510.777.3333

Clinica de la Raza (Oakland and Other Locations)

East Bay-based assessment and safety planning services for domestic violence and child abuse, support groups, treatment groups, violence evaluations and referral services. Multiple sites.

(510) 535-400

www.laclinica.org

Korean Community Center of the East Bay (Oakland)

Helpline, information and referrals for shelter, legal services, counseling, translation services, citizenship/legal residency for Korean and Korean-American survivors of domestic violence and their families. Intimate Partner Violence Helpline: (510) 547-3258; other services: (510) 547-2662.

www.kcceb.org

Narika (Oakland and Richmond)

Advocacy, support, information, and referrals for survivors of domestic violence in the South Asian community- Bangladesh, Bhutan, India, Nepal, Pakistan, Sri Lanka and diasporic communities.

(800) 215-7308 (510) 444-6068

www.narika.org

Native American Health Center (Oakland and San Francisco)

Medical and family services; groups in San Francisco for Native American families dealing with violence or abuse.

(415) 621-8051 San Francisco (510) 535-4400 Oakland

www.nativehealth.org

C. LEGAL SUPPORT

Alameda County Family Justice Center (ACFJC) (510) 267-8800

If you have reported the incident to the police, the ACFJC can help you understand your rights, provide assistance and advocacy, including access to financial support through the Victims of Crime program as well as counseling and support groups.

www.acfjc.org

Asian-Pacific Islander Legal Outreach (510) 251-2846

Legal advocacy, cultural and linguistic support for API families undergoing domestic violence

510.251.2846 Oakland

415.567.6255 San Francisco

www.apilegaloutreach.org

Bay Area Legal Aid (800) 551-5554 or (510) 250-5270

For legal assistance with issues related to domestic violence, housing, immigration, access to health care and other issues:

www.baylegal.org

D. ONLINE RESOURCES:

California Coalition Against Sexual Assault (CALCASA)

www.calcasa.org

Campus SaVE Act (Updates the Violence Against Women Act (VAWA), 2013)

beta.congress.gov/bill/112th-congress/house-bill/2016

Circle of Six App

www.circleof6app.com

Department of Education Office of Civil Rights

www.ed.gov/about/offices/list/ocr/docs/tix_dis.html

Futures without Violence

www.futureswithoutviolence.org

Kaiser Permanente Family Violence Prevention Program

Oakland Medical Center 510.987.4493

www.share.kaiserpermanente.org/family-violence-prevention-program/violence-prevention-program/

Know Your IX

www.knowyourix.org

Changing Our Campus

www.changingourcampus.org

E. MILLS INTERNAL REPORTING

Public Safety (24/7): 510-430-5555.

Director of Public Safety: [510-430-2139](tel:510-430-2139)

Also provides an escort service on campus to any student and can reach the Dean on Duty at any time. Available 24 hours a day, 7 days a week.

Title IX Coordinator: 510-430-2333. This resource is not confidential.
TitleIX@mills.edu

Title IX Deputy: 510.430.2293. This resources is not confidential. TitleIX@mills.edu

Title IX Deputy: 510-430-3189. This resource is not confidential.

Student Support Coordinator: 510-430-2143. This resource is not confidential.

Associate Dean of Students: 510-430-3241. This resource is not confidential.

Director of Residential Life and Community Standards: 510-430-3184. This resource is not confidential.

Vera Whole Health: 510-671-3985. This resource is not confidential.

Reporting an Incident to the Law Enforcement: In addition to, or instead of, reporting an incident of sexual violence to Mills College, you may report an incident to law enforcement.

Oakland Police Department: Cell Phone/Direct Emergency Line 510-777-3211. This resource is not confidential.

California Highway Patrol: Land line 911. This resource is not confidential.

F. OTHER SUPPORTIVE SERVICES FOR VICTIMS OF SEXUAL VIOLENCE AT MILLS COLLEGE

Campus Bans or Support with Filing a Restraining Order

Mills College provides safety support for students, faculty and staff, including campus bans or assistance with filing a restraining order. Please contact the Public Safety Department at (510) 430-5555 or talk to the Director of Public Safety by calling (510) 430-2139.

Assistance with Housing Accommodations

Faculty and staff who do not live on campus at Mills can seek help and advice from the Division of Student Life, who manage emergency housing situations. For emergency housing assistance, you can contact:

Dean of Students: 510-430-3189. or deanofstudents@mills.edu This resource is not confidential.

Associate Dean of Students: 510-430-3241. This resource is not confidential.

Director of Residential Life and Community Standards: 510-430-3184. This resource is not confidential.

Special Needs and Other Accommodations

Faculty and Staff who need accommodations, services or support for special needs are encouraged to contact any of the following:

Title IX Coordinator: 510-430-2333. This resource is not confidential.

Title IX Deputy: 510-430-3189. This resource is not confidential.

Associate Dean of Students: 510-430-3241. This resource is not confidential.