



**SFCM**

SAN FRANCISCO CONSERVATORY OF MUSIC

**Collegiate Student Handbook  
2024 to 2025**

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# Introduction

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Welcome to the San Francisco Conservatory of Music located in the San Francisco Civic Center arts and cultural community. We are thrilled to welcome you home, where together we will continue to nourish the Bay Area with beautiful music.

We have been educating many of the world's most gifted music students since SFCM's founding in 1917. SFCM is the creation of generations of gifted faculty and students who have dedicated their lives to the achievement of artistic excellence. The distinctive vitality, creativity and beauty of the San Francisco Bay Area are manifested in SFCM's personality – an intimate and supportive environment that enables each student to find a distinctive musical voice.

This *Student Handbook* complements the *Collegiate Catalog* ([www.sfcm.edu/collegiate-catalog](http://www.sfcm.edu/collegiate-catalog)) and other publications. Together they serve as your guide to the programs, policies, procedures, requirements, and resources of SFCM. In addition, each year's *Student Handbook* will be a useful reference to answer questions which may arise during your student career.

This Student Handbook is subject to change at any time. Only the President and the Dean may provide authorized final interpretation of the contents of the Student Handbook and determine its appropriate application to the circumstances of any individual matter. Tuition, student fees, courses and course contents, curricular requirements, and other matters referenced or set forth in these documents or otherwise related to students, are subject to change at the discretion of SFCM at any time, during or after registration or course enrollment, and with or without notice or written confirmation.



# Directory

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## OFFICE OF THE PRESIDENT

Suite 208

David H. Stull, *President*

Ava Harmon, *Director of Operations, Office of the President and Dean*

(415) 503-6251, [aharmon@sfc.edu](mailto:aharmon@sfc.edu)

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## SENIOR STAFF

Suites 208, 408 & 414

David H. Stull, *President*

Jonas Wright, *Dean and Vice President of Academic Affairs*

Mike Peluse, *Acting Vice President of Advancement*

Regina Lee, *Vice President for Finance and Administration*

Michael Patterson, *Associate Vice President for Human Resources and Administration*

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## OFFICE OF THE DEAN

Jonas Wright, *Dean and Vice President of Academic Affairs*

Ryan Brown, *Dean*

Kai Fu, *Associate Dean for International Collaborations*

Hank Mou, *Associate Vice President of Artistic Operations*

Justin Sun, *Associate Dean and Executive Director of Pre-College and Continuing Education*

Timothy Dunn, *Associate Dean for Student Affairs*

Jason Hainsworth, *Associate Dean for Diversity, Equity, and Inclusion*

James Encarnación, *Assistant Dean of Admissions*

Ava Harmon, *Director of Operations, Office of the President and Dean*

(415) 503-6251, [aharmon@sfc.edu](mailto:aharmon@sfc.edu)

Zoe Dweck, *Executive Office Assistant*

(415) 503-6230, [zdweck@sfc.edu](mailto:zdweck@sfc.edu)

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## ACADEMIC AFFAIRS AND REGISTRAR

Ryan Brown, *Dean*, [rbrown@sfc.edu](mailto:rbrown@sfc.edu)

(415) 503-6217, Office 405

Rebecca Sorell, *Director of Institutional Research & Educational Outcomes*

Connor Callaghan, *Registrar*, [ccallaghan@sfc.edu](mailto:ccallaghan@sfc.edu)

(415) 503-6235, Office 406

Veronica Bassano, *Academic Operations Coordinator*

The Office of Academic Affairs and the Registrar is responsible for maintaining students' academic records. This office coordinates registration for each fall and spring semester, scheduling of classes and juries, statistical reporting, transcript preparation and issuance, class and grade rosters, and directory

preparation. The office, in conjunction with the Financial Aid Office, also completes necessary forms for the Veterans' Administration. Students must report any change of local or permanent address, phone numbers, and email addresses to the Office of Academic Affairs and the Registrar. The office supplies the following documents: leave of absence or withdrawal, academic petition, transcript request and others.

## **Student Academic Enrichment Center (SAEC)**

Suite 302 (Bowes Center)  
Edward Joaquin, *Coordinator*, [ejoaquin@sfc.edu](mailto:ejoaquin@sfc.edu)  
(415) 503-6258, [saec@sfc.edu](mailto:saec@sfc.edu)

The Student Academic Enrichment Center (SAEC) is the tutoring center. It's your place to gather and work either one-on-one or in groups with a specialized tutor on each subject matter. We're here to empower you to become a responsible, active, and interdependent learner who can adapt to new challenges and thrive in the pursuit of your career. <https://sfc.edu/saec>.

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## **ADMISSIONS**

Suite 622 (Ann Getty Center)  
James Encarnacion, *Assistant Dean of Admissions*  
Lee Anne Frahn, *Assistant Director of Admissions*  
Abby Bush, *Admissions Counselor*  
(415) 503-6271, [apply@sfc.edu](mailto:apply@sfc.edu)

The Office of Admission guides students through the full application process, from inquiring about programs to matriculating at SFCM. Working closely with faculty, the Office of Admission enrolls new students each fall and spring semester, with the majority of students enrolled starting in a fall semester.

Current SFCM students considering earning another degree or certificate, or changing majors at SFCM must apply and audition for admission. Current SFCM students and alumni will have the application fee reduced or waived and be considered for pre-screening and transcript upload waivers.

The Office of Admission also assists current students with requests for private teacher changes. Department Chairs, the Associate Dean for Academic Affairs, the Office of the Dean, and Assistant Dean of Admission work closely together on guiding students through this process.

Auditions are held at SFCM in the late fall for spring enrollment and in January through February for fall enrollment. Please consult SFCM's website at [sfc.edu/admissions](https://sfc.edu/admissions) for specific dates and audition requirements.

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## **ADVANCEMENT**

50 Oak Street - Suite 414  
Bowes Center - Suite 301  
Mike Peluse, *Acting Vice President of Advancement*

*Version date: September 6, 2024*

Kati Platt, *Associate Vice President of Advancement Operations*  
Danielle Blechle, *Data and Operations Coordinator*  
Kaleigh O'Connor, *Stewardship and Donor Relations Coordinator*  
Claire Amaral, *Director of Annual Giving*  
Nic Meredith, *Director of Legacy Giving*  
Lanlian Szeto, *Director of Individual Philanthropy*  
Thea Hashagen, *Director of Proposal Development & Advancement Communications*  
Derek Jandu, *Major Gift Officer*  
Akemi Yamaguchi, *Director of Donor Engagement & Special Events*  
Mia Macaspac, *Senior Donor Events Manager*

The Advancement Office is responsible for identifying, cultivating, soliciting, and stewarding all charitable contributions to SFCM. Fundraising is an important component of community engagement that enriches SFCM at every level. Contributions from individuals, foundations, and corporations as well as from our alumni and parents support a variety of SFCM programs including student scholarships, professional development funds, master classes, and community outreach.

It may surprise you to know that tuition does not fully cover the cost of educating our students. Therefore, the efforts of the Advancement Office are integral to the ongoing success of SFCM and the level of excellence our students are able to achieve.

Some of you may hear directly from Advancement in regards to your scholarships. You are expected to participate and provide any or all of the following information:

- a quote and profile information
- thank-you letters to scholarship funders
- a thank you video
- an in-person or zoom meeting

There are also opportunities for students to participate in events and activities that further SFCM's relationship with its donors and help ensure continued financial support in the future.

## **Alumni Relations**

For over 100 years, SFCM alumni have made musical history as performers, composers, and conductors. Many hold positions in musical organizations across the globe, as well as in the Bay Area's very own San Francisco Symphony, Opera, and Ballet orchestras. Alumni also teach and direct music schools and programs throughout the world. Others have chosen to continue their love of music while pursuing such varied professions as medicine, law, and business. Alumni news, opportunities, and performance announcements are featured on SFCM Alumni Connect, the official networking platform for SFCM alumni. Additional alumni information is also available on the SFCM website. For more information, contact [alum@sfc.edu](mailto:alum@sfc.edu).

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## **ARTISTIC OPERATIONS**

Hank Mou, *Associate Vice President of Artistic Operations*  
Victoria Paarup, *Director of Artistic Operations*  
*Version date: September 6, 2024*

Benjamin Brown, *Director of Production Services*  
Daven Tjaarda-Hernandez, *Production Manager*  
Jade Somoza-Norton, *Scheduling & Rentals Coordinator*  
Hailey Gutowski, *Concert Operations Manager*  
Abbey Springer, *Director of Ensemble Operations*  
Will Laney, *Institutional Performance Librarian*  
Michael Disque, *Director of Piano Services*  
Brian Lee, *Piano Technician*

General Production-related Inquiries: [production@sfc.edu](mailto:production@sfc.edu)

General Reservation/Booking-related Inquiries: [bookings@sfc.edu](mailto:bookings@sfc.edu)

## **Ensembles**

The Ensembles Department oversees all operations for Large Ensembles which includes orchestra, new music ensemble, opera, wind ensemble, musical theater orchestra, and Baroque ensemble. This office communicates with conductors, faculty, students, and other departments to ensure all ensemble rehearsals and performances run smoothly. The Performance Library also ensures that all music is distributed in a timely manner and in good quality. Students should be in touch with the Ensemble staff with issues regarding attendance, seating assignments, sheet music, and instrument loans.

## **Concert Operations & Production**

The Concert Operations and Production Offices produce SFCM's recitals and events, in addition to some off-campus events. See "Recital Information" and "Practice Room Policy" for more information. Students should be in touch with Production staff regarding specific piano requests, Lighting requests, and stage set-up requests for reserved rehearsals and performances. The Production Department also oversees and enforces rules and regulations for the performance halls.

## **Bookings**

The Bookings Office is responsible for scheduling use of all SFCM performance halls, classrooms, academic spaces, and practice rooms. The Bookings Office works to keep reservations up to date and to coordinate with the appropriate parties to ensure events are recorded and processed properly. See "Student Bookings of Classrooms and Performance Halls" and "Practice Room Policy" for more information.

## **Box Office and Directory**

(415) 503-6275 (Box Office line); (415) 864-7326 (Directory line) [boxoffice@sfc.edu](mailto:boxoffice@sfc.edu)

During the school year, SFCM Box Office is open Monday-Friday during the hours of 10 AM to 5 PM, as well as one hour before ticketed concerts and events. Tickets can be purchased or picked up during those hours only as well as reserved through the SFCM website at [sfc.edu](http://sfc.edu). Please see "Complimentary Ticket Policy" for more information.

## **Piano Maintenance**

*Version date: September 6, 2024*

Piano maintenance requests must be submitted via the Piano Maintenance Request Form (<https://bit.ly/3gW6awS>), a Google Form distributed by the Director of Piano Services or their assistant. An email with the link to this form is sent to all students at the beginning of each semester.

For all piano-related inquiries, please contact our Director of Piano Services:

Michael Disque  
Room C11, Ann Getty Center  
415-503-6305  
[mdisque@sfc.edu](mailto:mdisque@sfc.edu)

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## **FINANCE & ADMINISTRATION**

Suite 408

Regina Lee, *Vice President for Finance and Administration*

Michael Patterson, *Associate Vice President for Human Resources and Administration*,

Kristine Yee, *Controller*

Sam Hawkins, *Assistant Controller*

Jennifer Chang, *Accounting Operations Manager*

Jessica Chang, *Payroll Specialist*, [payroll@sfc.edu](mailto:payroll@sfc.edu)

Kareen Sabale, *Lead Sr. Accountant*, [studentaccounts@sfc.edu](mailto:studentaccounts@sfc.edu)

Paige Robinson, *Senior Accountant*

Sandy Tang, *Accounting Support Specialist*

Justin Chotikul, *Director of Campus Operations*

## **Facilities**

David Mitchell, *Chief Facilities Engineer*

Tony Vella, *Assistant Chief Facilities Engineer*

Lenard Quock, *Stationary Engineer*

Luis Vasquez, *Utility Engineer*

TBD, *Stationary Engineer*

(415) 503-6225, [facilities@sfc.edu](mailto:facilities@sfc.edu)

Facilities provides support related to the maintenance and operation of SFCM buildings and grounds. Please contact the Facilities Department for any questions or concerns regarding the facilities. Any security or facility-related issues that require immediate attention should be reported to Security.

## **Human Resources**

Human Resources is responsible for employee benefits, policy administration, Workers Compensation, staffing, recruiting, training, and employee concerns.

## **Payroll**

Pay dates are the 15th and last day of the month, but if either of these dates falls on a weekend or holiday, payday is the last working day before the 15th or 30th/31st.

## Security

As an institution located in San Francisco's urban arts and tech district, we take safety and security seriously. Our closed campus configuration allows access only to students, faculty, staff, and guests throughout normal operating hours. It's important we know who is coming and going so that we can provide the safest environment for learning. You may report any facilities or safety related matters to the Security desk at the Ann Getty Center or the Bowes Center.

Ann Getty Center Security Desk

(415) 503-6280

Bowes Center Security Desk

(415) 503-6206

[security@sfc.edu](mailto:security@sfc.edu)

## Student Accounts

Kareen Sabale, *Lead Sr. Accountant*

(415) 503-6236, [studentaccounts@sfc.edu](mailto:studentaccounts@sfc.edu)

SFCM Term Bill payments may be made with the Business Office. More information on this program is available at [www.sfc.edu/tuition-and-fees](http://www.sfc.edu/tuition-and-fees).

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## FINANCIAL AID

Suite 408

Kellie Gaines, EdD, *Financial Aid Director*

Vanessa Picton, *Financial Aid Counselor*

(415) 503-6235, [finaid@sfc.edu](mailto:finaid@sfc.edu)

Please see the Financial Aid website at <http://sfc.edu/admissions/cost-aid> for all policies relating to scholarship retention as well as the rights and responsibilities of receiving federal and state aid. The Financial Aid Office is here to help students and their families manage the cost of attending SFCM through a wide variety of sources. The office staff is available to assist students and parents with any questions regarding scholarships, loans, grants and Federal Work-Study. The Financial Aid Office also works closely with the Department of Education and the State of California verifying that all forms are completed in a timely manner and that aid is received for students that are eligible.

SFCM scholarships have been awarded to students for four years of undergraduate study, two years of graduate study, or one year of postgraduate study.

Students who are graduating, taking a leave of absence or withdrawing from SFCM and have received a Federal Direct Loan are required by law to complete an Exit Loan Counseling session. This should be done online at <https://studentaid.gov/exit-counseling/>

Please note that until an Exit Loan Counseling session is completed, graduating students will not be cleared by the Financial Aid Office.

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## **INFORMATION TECHNOLOGY SERVICES**

Lance Jabr, *AV and Music Technology Systems Administrator*  
Room 416, (415) 503-6405, [ljabr@sfc.edu](mailto:ljabr@sfc.edu)

Matthew Lee, *Systems Administrator*  
Room 420, (415) 503-6404, [mlee@sfc.edu](mailto:mlee@sfc.edu)

Walter Palacios, *IT Systems Analyst*  
Room 416, (415) 503-6444, [wpalacios@sfc.edu](mailto:wpalacios@sfc.edu)

Younie Park, *IT Systems Analyst*  
Room 416, (415) 503-6444, [ypark@sfc.edu](mailto:ypark@sfc.edu)

Joanna Shratter, *Senior Business Systems Analyst*  
Room 418, (415) 503-6328, [jshratter@sfc.edu](mailto:jshratter@sfc.edu)

Jason Thompson, *Associate Vice President of Information Technology*  
Room 421, (415) 503-6274, [jthompson@sfc.edu](mailto:jthompson@sfc.edu)

The Information Technology Services team is responsible for all technology support including all data systems used on campus including administrative, student information, and academic related systems. The IT Services team also collaborates with the Recording Services and TAC teams to ensure all technology is fully operational including the computer labs, studios, meeting rooms and classrooms on campus. All Technology issues and requests should be directed to our ITS Help Desk Portal <https://help.sfc.edu/> or email [it@sfc.edu](mailto:it@sfc.edu) or call (415) 503-6444.

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## **LIBRARY**

Room 620  
Jeong Lee, *Director of Library Services*  
Andrew Barnhart, *Library Supervisor*  
Lisa Braider, *Library Supervisor*  
Clayton Luckadoo, *Evening Weekend Supervisor*  
Nathan Crowe, *Evening Weekend Supervisor*

(415) 503-6213, [library@sfc.edu](mailto:library@sfc.edu)

## **Hours**

Monday-Thursday: 9:00 AM to 7:00 PM

*Version date: September 6, 2024*

Friday: 9:00 AM to 5:00 PM  
 Saturday: 9:00 AM to 5:00 PM  
 Sunday: Closed

The library door will be locked ten minutes before closing time. The library is closed on holidays, Thanksgiving weekend, and winter break. When school is not in session, the library is closed evenings and weekends. Hours are subject to change during exam weeks, and semester breaks. Please refer to the library website ([www.sfcm.edu/library](http://www.sfcm.edu/library)) for the latest update.

### Checking Out Library Materials

Students must present their SFCM ID to the circulation desk to borrow items. Materials must be checked out no later than five minutes before closing time.

### Loan Policies

Books and printed music	6 weeks; 1 renewal (3 weeks)
Media (CDs, DVDs, etc.)	1 week, NO renewal
Course Reserve items	2 hours/24 hours, NO renewals Select Reserve materials may be checked out before closing and kept overnight. These items are due back the following morning. Ask a desk worker about details.
Reference books	Library use only
In-house recordings (SFCM concerts & master classes)	Library use only, 4 hours

### Semester-long Check Outs

Students may check out music and books for the entire semester for works they are performing or research being completed. Please send an email request to [library@sfcm.edu](mailto:library@sfcm.edu).

### Overdue, Lost or Damaged Materials

- Students are responsible for returning and renewing all library materials by the due date.
- Students can renew items by login to “My Library Account” online (<https://sfcm.on.worldcat.org/myaccount>) or call the library (415-503-6213).

Materials	Overdue fines
Books and printed music	\$0.20/day; \$10 maximum



Media (CDs, DVDs, etc.)	\$1/day; \$10 maximum
Course Reserve items	\$1/hour
In-house recordings (SFCM concerts & master classes)	\$1/hour

**Please note:** After a certain overdue date, students will be charged for the replacement cost of the item and a \$15 billing/processing fee. If the item is returned, then there will only be the maximum overdue fine of \$10. Students with excessive overdue materials and outstanding balances may lose the borrowing privileges..

## Finding Library Items/Accessing Online Resources

To find any library holdings, students are required to utilize our online catalog called **Worldcat Discovery**, <https://sfcmon.worldcat.org/discovery>. The library catalog can also be accessed remotely and is compatible with mobile devices. To access online streaming resources and information, please refer to the library resources page (<https://sfcmedu/resources-and-form>). For further information, we encourage you to visit your library, where a team of friendly and dedicated staff members is ready to assist you with any inquiries or requests you may have.

## MARKETING AND COMMUNICATIONS

Tim Records, *Associate Vice President of Marketing and Digital*  
 Mark Taylor, *Associate Vice President of Communications*  
 Alex Heigl, *Editorial Content Manager*  
 Corbin Henderson, *Associate Director of Digital Content and Social*  
 Matthew Washburn, *Photographer/Videographer*  
 Catalina Kumiski, *Senior Marketing and Advertising Manager*  
 Carlo Dionisio, *Senior Graphic Designer*  
[marcom@sfcmedu](mailto:marcom@sfcmedu)

The Marketing and Communications Office guides strategic messaging across internal and external platforms to build awareness for the institution, cultivate trust in the organization and increase SFCM's ability to advance the cause of music. Students and faculty are encouraged to inform the team of compelling stories that can potentially be shared across SFCM's channels.

## PRE-COLLEGE AND CONTINUING EDUCATION

Suite 204  
 Justin Sun, *Associate Dean and Executive Director of Pre-College and Continuing Education*  
 Laura Reynolds, *Associate Director of Pre-College & Summer Programs*  
 (415)503-6254  
 Keelin Davis, *Associate Director of Pre-College and Early Childhood*  
 (415) 503-6262  
 Jenny Ma, *Program Coordinator, Pre-College and Continuing Education*  
 Carina Wu, *Pre-College & Continuing Education Program Associate*

*Version date: September 6, 2024*

The **Pre-College Division** provides music instruction to students between the ages of 0 and 18. The Division consists of three programs including our Early Childhood Program, which offers introductory private instruction and Smart Start training; Bridge to Arts and Music (BAM), an afterschool program that provides free instrumental music instruction, access to musical instruments, and academic support for low-income students of color between the ages 6 to 12 in partnership with the Third Baptist Church and Music Mission SF; and the Academy Program, which provides immersive and rigorous musical training for highly committed musicians. Most Pre-College classes and lessons take place on Saturdays from 8:00 AM to 5:00 PM, with select classes and lessons taking place on weekdays. Pre-College division students also perform in SFCM performance venues throughout the academic year.

The **Continuing Education Division** provides lifelong learning for adults seeking personal enrichment, professional development, and community in music. Classes, workshops, and lessons are available throughout the year on-campus and online. Classes and workshops are designed for adult learners and take place primarily during the weekday evenings.

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## **PROFESSIONAL DEVELOPMENT AND ENGAGEMENT CENTER (PDEC)**

Suite 204 (Bowes Center)

Kristen Klehr, *Assistant Dean, Professional Development and Engagement Center*

(415) 503-6258

Kevin Rogers, *Community Engagement Manager*

Bowes 208

(415) 503-6297

[pdec@sfc.edu](mailto:pdec@sfc.edu)

The Professional Development and Engagement Center empowers SFCM musicians to discover and achieve their unique career goals, and to become fully engaged citizens of the world. The PDEC provides individual career advising, training and review of student grant applications, biographies, cover letters, resumes, graduate school and fellowship applications, branding, marketing, web design, startup advising, internships, and much more. The PDEC also offers relevant programming throughout the academic year. The PDEC is the hub for community engagement initiatives, providing opportunities to teach and perform throughout the Bay Area. Advising is available by appointment (<https://calendly.com/sfcmpdec>), Monday-Friday.

The PDEC website ([www.sfc.edu/pdec](http://www.sfc.edu/pdec)) is an excellent resource for your professional needs. It includes PDF copies of all PDEC handouts as well as information on events, internships, and everything you need for the Professional Development Grant (see below). PDEC is also the central point for both on- and off-campus employment. The website ([sfc.edu/qigs](http://sfc.edu/qigs)) includes listings of all open on-campus positions, as well as local (i.e., Californian) opportunities for musicians, sorted by instrument, including “general opportunities,” most of which involve arts administration or teaching.

## **Professional Development Grant**

[The Professional Development Grant](#) (PDG) is a reimbursement-based grant providing financial assistance for projects that directly enhance a student's professional development. The PDG is split into three tiers, which are applied for separately. Tier 1 includes funding up to \$1,000 for large scale creative projects; Tier 2 funds up to \$500 for smaller expenses and is a less involved application process than Tier 1 (see PDEC site for complete details). The Sky Hi Award funds \$1,000 to support the collaborative creation of new music for performance works. Applications are accepted twice a year, in the Fall and Spring semesters, with deadlines being announced early in each semester. Awardees must wait one semester before applying again.

## **Conservatory Connect / Hire SFCM Program**

Hire SFCM gives Conservatory students a taste of the performing musician's life, providing the opportunities they need to succeed. Musicians are always in demand to perform at private functions throughout the year, running the gamut from weddings to corporate celebrations or graduations. Students accepted into the Hire SFCM program are automatically accepted into the Conservatory Connect class, which takes live music into schools, hospitals, retirement homes, children's facilities, and other places where people of limited means and mobility are seldom reached. Those accepted will be required to enroll in the Community Performances workshop, a pass/fail course which meets every Wednesday from 10:00am-11:50am. Accepted students will complete three Conservatory Connect visits each semester as part of the course and will also be eligible for paid Hire SFCM gigs.

Hire SFCM is an optional program. Returning students will receive an email from the program director to sign-up for an audition time during Orientation. New students eligible for the program will be able to sign-up for an audition time during Orientation. The audition is not open to freshmen, sophomores, classical-only double bass players, classical-only percussionists, or harpists/bassists/percussionists who lack access to a car.

Accepted students will receive more information regarding Conservatory Connect Program scheduling and Hire SFCM compensation.

## **Conservatory in the Schools**

The Conservatory in the Schools program provides SFCM students with invaluable classroom training while supporting music education in San Francisco's public-school system. Those accepted into the program are assigned to teach two to six hours a week at a San Francisco public school. This is a paid position, and new Student Mentors are hired each semester. Attendance at seminars featuring guest educators is required.

## **Conservatory Engage / Teach SFCM Program**

Beginning this fall, Teach SFCM will offer Conservatory students the opportunity to gain experience running their own private lesson studios, with access to resources and guidance within PDEC and PDV classes such as finance management, branding and marketing, and tools within pedagogy. Students must complete the prerequisite Conservatory Engage coursework prior to joining the Teach SFCM roster. Those accepted will be required to then enroll in the Spring 2024 Conservatory Engage class, a

pass/fail course. Students then will also be eligible to receive payment for teaching private lessons through Teach SFCM's portal.

Teach SFCM is an optional program. Students can complete the Conservatory Engage coursework and not join the roster of Teach SFCM. Returning students will receive an email from the program manager regarding an information session during Orientation. New students eligible for the program will be able to sign-up for prerequisite coursework during Orientation. This program is not open to freshmen and sophomore students at this time. In addition, Teach SFCM students who complete their degree in good standing will be eligible to continue teaching their private students personally, thus creating a runway to earn income post-graduation and launch their private lessons studio immediately.

Accepted students will receive more information regarding Conservatory Engage, portal scheduling and Teach SFCM compensation.

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## RECORDING SERVICES

Jason O'Connell, *Senior Director of Recording Services*, [jason.oconnell@sfc.edu](mailto:jason.oconnell@sfc.edu)

(415) 503-6266

Cory Todd, *Recording Studio Manager*, [ctodd@sfc.edu](mailto:ctodd@sfc.edu)

Emma Markowitz, *Recording Services Studio Coordinator*, [emarkowitz@sfc.edu](mailto:emarkowitz@sfc.edu)

SFCM offers video recordings of various events, including collegiate ensemble concerts, master classes, and required student recitals. Please note that non-required and off-campus recitals are not automatically recorded. If you would like to obtain an electronic copy of a recording, you can request it by submitting a copy request form on the SFCM Recording Studio website.

Please be aware that due to copyright restrictions, recordings of master classes, large ensemble concerts, and faculty recitals cannot be distributed. However, recording sessions and non-required student recitals can be recorded upon request. To schedule a recording session or request a recording of a non-required recital, please visit the SFCM Recording Studio's website at least two weeks prior to the performance date.

For recording request forms, general information, and pricing details, please visit the SFCM Recording Studio website at <http://www.sfc.edu/recording-services>

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## STUDENT AFFAIRS

Bowes Center, Suite 116

Timothy Dunn, *JD Associate Dean for Student Affairs*, [tdunn@sfc.edu](mailto:tdunn@sfc.edu)

Madison Roesler, *Director of Student Development and Belonging*, [mroesler@sfc.edu](mailto:mroesler@sfc.edu)

Takiyah Brown, *Coordinator for Residence Life*, [tbrown@sfc.edu](mailto:tbrown@sfc.edu)

Revi Airborne-Williams, *Director of Counseling Services*, [rawilliams@sfc.edu](mailto:rawilliams@sfc.edu)

Leslie J. Donohue, MPT, *Director of Physical Therapy*, [ldonohue@sfc.edu](mailto:ldonohue@sfc.edu)

General Office of Student Affairs inquiries: [osa@sfc.edu](mailto:osa@sfc.edu)

Dining Services inquiries: [dining@sfc.edu](mailto:dining@sfc.edu)

Residential Life inquiries: [reslife@sfc.edu](mailto:reslife@sfc.edu)

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International Student Services inquiries: [international@sfc.edu](mailto:international@sfc.edu)

The Office of Student Affairs oversees and facilitates the integration of students' artistic, academic, emotional, and physical well-being. Student Affairs manages residential life and housing, dining services, counseling services, physical therapy, international student services, and the student health insurance program, health and wellness programs, student conduct, disability support services, student safety on- and off-campus, and the MUNI class pass program.

## **Counseling Services**

At SFCM, short-term counseling services are available to help students achieve and maintain a sense of well-being. In counseling, the student and counselor work together to define goals and explore strategies for issues such as stress, relationship difficulties, managing stress, relationship difficulties, and gaining adaptive skills to overcome challenging moods such as depression or anxiety. Counseling can often lead to better interpersonal relationships, improved academic performance, solutions to specific problems, reductions in the student's feelings of distress, and an overall expansion of the student's potential. See "Healthcare, Psychological Counseling & Physical Therapy".

## **Dining Services**

A dining plan is required for all full-time collegiate students enrolled at SFCM. See the "Dining Plan Requirement Policy". The dining plan contract is for an academic year and is billed by semester. Students will be automatically enrolled in the minimum dining plan that is required based on their campus residency status and class year. Students may choose to enroll in a larger dining plan option. A dining plan selection from the fall will automatically be assigned in the spring and be billed accordingly. [sfc.edu/dining-services](http://sfc.edu/dining-services)

## **International Student Services**

The International Student Advisor is responsible for completing and submitting necessary forms for a student to obtain, and maintain, valid F-1 nonimmigrant status, and F-2 non-immigrant status for any dependents. For questions regarding international student status, please contact [international@sfc.edu](mailto:international@sfc.edu). See "International Student Services" at [sfc.edu/student-resources/international-students](http://sfc.edu/student-resources/international-students).

## **Physical Therapy**

Avoiding musculoskeletal overuse injuries is vital to the long-term success of all professional musicians. SFCM Physical Therapy offers injury screenings to any SFCM instrumental student who is currently playing with pain or who thinks they may have an injury. Each screening will last approximately 30 minutes and provide the student with an opportunity to consult with a physical therapist in a private and confidential manner. The physical therapist will provide recommendations that may include referral to a primary care physician, recommendation for a full physical therapy evaluation, or even no further treatment. These injury screening sessions are offered to students at no cost to the student. See "Healthcare, Psychological Counseling, & Physical Therapy".

## **Residential Life and Housing**

The Office of Student Affairs coordinates room assignments and the residential life program within the Bowes Center. First, second, and third-year undergraduates are required to live on-campus per the “Residency Requirement for Student Housing”. Students not required to live on-campus but wishing to do so may apply. See both [sfcmlife.com](http://sfcmlife.com) and [sfcmlife.edu/residential-life](http://sfcmlife.edu/residential-life) and contact [reslife@sfcmlife.edu](mailto:reslife@sfcmlife.edu).

## **Campus Activities**

The Office of Student Affairs arranges for activities throughout the school year. Students are encouraged to reach out to Madison Roesler ([mroesler@sfcmlife.edu](mailto:mroesler@sfcmlife.edu)), the Director of Campus Activities, with any event or activity ideas that they may have.

## **Student Council**

The Student Council serves as the voice of the student body and liaison to the faculty and the administration. Members are elected on an annual basis. The Student Council meets regularly with Academic Staff, including the Director of Campus Activities, and communicates student concerns to the administration, and responds to issues raised by the administration. The Council also meets occasionally with faculty committees. Students are encouraged to bring their concerns to their elected representatives. [sfcmlife.edu/student-resources/life-campus/student-council](http://sfcmlife.edu/student-resources/life-campus/student-council)

## **Student Health Insurance Plan**

All full time students are required to maintain health insurance that covers primary care, emergency care, and mental health. Students are required to enroll in the SFCM student health insurance program or waive the insurance by providing proof of adequate health insurance. See “Healthcare, Psychological Counseling, & Physical Therapy” as well as “Health Insurance Policy”.

## **Student Services Center**

The Office of Student Affairs oversees the Student Services Center (SSC), part of the Student and Patron Services Desk at Bowes Center. The SSC is your one-stop-shop to have your questions answered and referral to other offices as needed. The Student Service Center manages activity sign-ups and ticket sales, assists Residential Life with support services, and distributes free health and wellness items.

## **Disability Support Services**

See “Disability Services” and “Emotional Support Animal Policy”.

## **Academic Honor Code**

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All students will sign the following pledge upon enrollment at SFCM and such shall constitute the code of academic conduct at SFCM:

*As students who come together to form a community of performers, composers and scholars, we accept the obligation to uphold the integrity of this community by behaving truthfully and responsibly*

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*towards each other in every aspect of our endeavors at SFCM. We further recognize that honesty, and the trust which it engenders, lie at the core of a successful course of study.*

*Understanding that such honesty in the pursuit of knowledge is the only reliable context in which to measure learning, I hereby acknowledge that I am expected to honor and uphold the following academic standards:*

- *I will neither give nor receive aid on exams or other required in-class or take-home work, unless otherwise instructed.*
- *I will not plagiarize in any form. Plagiarism is taking over the ideas, methods, or written words of another, without acknowledgment and with the intention that they be credited as the work of the deceiver. Since plagiarism includes copying and pasting work from generative artificial intelligence (AI) tools, I will not use any generative AI applications, such as ChatGPT or Google's Bard, for any work I submit as my own unless otherwise specified by an instructor for a specific class or assignment.*
- *I will not refer to any material during an exam or during in-class or take-home work when reference to such material is not authorized.*
- *I will strictly adhere to SFCM's and the teacher's other examination policies.*
- *I will not, in any other manner, engage in dishonest actions in regard to my academic and performance activities and obligations while a student at SFCM.*

## **Policies and Procedures**

1. Students who are aware of infractions should report the infraction to the Office of Academic Affairs and the Registrar. The Office of Academic Affairs and the Registrar will investigate the report and notify any faculty members involved to assist.
2. A student accused of a violation of the Academic Honor Code is unable to drop the course in which the alleged infraction occurred until completion of all meetings, hearings, and appeals in regards to the allegation. A student accused of a violation should continue to attend the course in which the alleged infraction occurred.
3. When a faculty member finds evidence of a possible violation of the Academic Honor Code, the instructor must promptly contact the Office of Academic Affairs and the Registrar. The Office of Academic Affairs and the Registrar will review records to see whether the student has previously been sanctioned in any way for an alleged violation of the Academic Honor Code.
4. If the student has not been sanctioned in any way for an alleged violation of the Academic Honor Code:
  - a. The faculty member will promptly meet with the student and discuss the alleged violation. Penalties for the violation, listed below, should be discussed. If the student accepts responsibility for the violation and agrees to the penalty, then the faculty member may implement the penalty, unless the Dean or Associate Dean for Academic Affairs determines otherwise. The faculty member must complete an *Academic Honor Code Incident Report* and send the report, along with copies of the student's assignment in question, to the Office of Academic Affairs and the Registrar within five business days. Both the instructor and the student sign the *Academic Honor Code Incident Report*.
  - b. At any time during the discussions between instructor and student, whether in person or electronically, the faculty member and/or student can refer the alleged violation to an

Academic Integrity Hearing Board by contacting the Office of Academic Affairs and the Registrar.

5. All alleged infractions of the Academic Honor Code for students previously sanctioned for an alleged violation and for otherwise unresolved allegations are adjudicated by the Academic Integrity Hearing Board. Additionally, all contested cases of first-time violations are adjusted by the Academic Integrity Hearing Board.
  - a. When in session during the academic year, the faculty members of the Academic Affairs Committee (AAC) will serve as the Academic Integrity Hearing Board. When the AAC is not in session, or at the discretion of the Dean or Associate Dean for Academic Affairs, the Office of Academic Affairs and the Registrar may appoint an ad hoc Academic Integrity Hearing Board consisting of no less than three faculty members.
  - b. In all Hearing Board cases, the Executive Assistant to the Dean or designee will serve as Hearing Board Secretary and may utilize a recording device to assist in keeping a record. Notes and audio recordings are only kept during the statement and questioning stages of the hearing. Deliberations of the Academic Integrity Hearing Board are confidential; notes and audio recordings are not kept during the deliberation. Retention of notes and recordings is specified below.
  - c. The faculty member will submit all materials regarding the alleged infraction to the Office of Academic Affairs and the Registrar. These materials comprise the case documentation and include:
    - i. *Academic Honor Code Incident Report* form
    - ii. A copy of the assignment in question
    - iii. A copy of, lines to, or reference list to, any source materials
  - d. The Office of Academic Affairs and the Registrar will send the student written notification of the allegation including the hearing time and location.
  - e. The student has the option of appearing at the hearing in person, or submitting a written statement. Any statement, written or verbal, should explain the grounds on which the student contests the alleged violation.
  - f. After the statement, the Academic Integrity Hearing Board has the opportunity to question the student.
  - g. After questioning, the Academic Integrity Hearing Board will excuse the student and advisor to begin deliberations. During deliberations, the Academic Integrity Hearing Board will review all materials submitted by the faculty member, the student's statement, the student's answers to questions from the board members, and any previous cases in which the student was found guilty. A final determination of responsible or not responsible for the alleged violation will be made based on the evidence. Penalties will be selected from those listed below.

### **Fundamental Fairness**

The standards for fundamental fairness for non-academic disciplinary hearings at the San Francisco Conservatory of Music will also govern academic honor code hearings, as follows:

1. All charges must be in writing and presented to the respondent at the time of notification of the hearing. Respondents are expected to read and respond to email correspondence.
2. Charges shall be reasonably specific as to the nature, time, and place of the alleged misconduct.



3. The respondent shall be informed of their rights under this document at the time the respondent is charged.
4. The respondent shall be afforded at least a seven-day notice of the hearing in writing.
5. Hearings are normally scheduled within 14 business days after notification to the respondent.
6. The respondent may indicate a preference for an open or closed hearing. (Open hearings can be attended by members of the SFCM community, and information about the incident and hearing can be made available to members of the SFCM community). In the absence of an indicated preference, hearings are closed. Final determination of whether a hearing will be an open or closed hearing shall be made by the Dean.
7. The respondent shall have the right to be accompanied by an advisor who may confer with and assist the respondent but may not speak for the respondent as an advocate. The advisor must be a member of the SFCM community who is not an attorney.
8. Hearings are audio recorded. A recording of the hearing will be available in the event of an appeal but remains the property of SFCM.
9. The respondent shall have the opportunity to answer the charges and to submit the testimony of material witnesses on the respondent's behalf. Witnessed statements, reports, other statements under oath—scheduled with the Dean or Associate Dean for Academic Affairs and respondent—shall be acceptable as documentation submitted to a board. All other documentation is subject to review by the Dean or Associate Dean for Academic Affairs prior to the time of the hearing.
10. All evidence and testimony, including the relevant reports, the text of statements made by the respondent prior to the hearing and used at the hearing, and any physical evidence, shall be presented at the hearing in the presence of the respondent; however, legal rules of evidence shall not apply.
11. Upon request, relevant reports, documents and other evidence may be reviewed by the respondent in the Office of Academic Affairs and the Registrar prior to the hearing. Copies of any such material may not, however, leave the office.
12. The respondent shall have the opportunity to indirectly question (through the Board) all witnesses present during the hearing. This does not necessarily include the right to confront witnesses in the same room.
13. The respondent and all other participants are expected to cooperate during the hearing and be truthful in their testimony and responses to questions. A respondent may choose to refrain from providing testimony or answering questions; however, the respondent may not then provide a statement on their own behalf. Depending on all the evidence presented, a respondent who refuses to give testimony or answer questions may nonetheless be found responsible for the alleged violation, but such responsibility shall not be determined based upon evidence that is principally the fact of the failure of the respondent to testify.
14. The hearing board shall determine by a majority vote whether by a preponderance of the evidence that the respondent engaged in the alleged violation.
15. The findings and recommendations of any of the hearing will be forwarded to the Dean, copy to the respondent. The respondent may, within 7 days, request in writing to appeal to the Dean the recommendation of the Hearing Board. The Dean shall decide whether or not to grant the appeal and/or to accept the findings or recommendations of the hearing board. The Dean will notify the respondent in writing of the decision.
16. The Dean has discretion to interpret and apply these standards to the circumstances of a particular case.

## **Penalties**

Faculty members may choose one or more of the following penalties:

1. Failure on a specific portion or question within an assignment.
2. Failure in the assignment
3. Resubmission/completion of the assignment for educational benefit, but with a failing grade in the assignment
4. Failure in the course

The Academic Integrity Hearing Board and the Dean may choose from one or more of the following penalties:

1. Warning letter
2. Failure in the assignment
3. Resubmission/completion of the assignment for educational benefit, but with a failing grade in the assignment
4. Failure in the course
5. Reduction or elimination of SFCM scholarship
6. Suspension
7. Dismissal
8. Restriction or elimination of SFCM privileges

All penalties of suspension or dismissal are automatically reviewed by the Dean.

## **Records**

1. Case records of academic integrity proceedings are kept by the Office of Academic Affairs and the Registrar. Records are retained for a minimum of five years after which they may be destroyed. Case records do not become part of the student's general academic file.
  - a. If a student is found innocent, records, notes, and recordings are not retained. However, a summary of the case that redacts the name of the student may be maintained by the Dean's Office and Office of Academic Affairs and the Registrar.
  - b. If a student is found guilty, all case records, notes, and recordings are maintained by the Office of Academic Affairs and the Registrar as specified above.
2. Transcript notations for course failure are maintained per normal procedure.
3. Transcript notations for suspension are maintained per normal procedure.
4. Transcript notations for dismissal due to an academic integrity violation are permanently attached to the transcript.

# Code of Student Conduct

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## Definitions and Nomenclature

1. "Student" refers to any person or group who is or was enrolled during an academic period in which misconduct occurred, or between academic periods for continuing students.
2. "San Francisco Conservatory of Music," "SFCM," and "the Conservatory" are used interchangeably throughout this document.
3. "Jurisdiction of the Code" refers to conduct that allegedly occurred in one or more of the following:
  - 3.1. On the campus or premises of SFCM including the Ann Getty Center at 50 Oak Street, the Bowes Center at 200 Van Ness, the sidewalks immediately adjacent to these properties, and any additional properties controlled by SFCM;
  - 3.2. At SFCM-related settings such as SFCM-related performance, travel, and meetings;
  - 3.3. In the course of use SFCM telecommunication facilities such as phone, internet, and other electronic services of SFCM;
  - 3.4. At SFCM-related social functions or other activities directly related or arising from such activities;
  - 3.5. Any off-campus conduct that significantly impacts the on-campus learning environment.
4. "Respondent" refers to a student charged with a violation of the Code of Conduct.
5. Academic and Non-academic Conduct
  - 5.1. Academic Misconduct is that which occurs in the course of the respondent's curriculum-related activities and is of the kind that is regulated by the "Academic Honor Code."
  - 5.2. Non-Academic Misconduct is all misconduct other than academic misconduct. Non-academic misconduct is regulated by Code of Student Conduct.

## SFCM and Criminal Law

The San Francisco Conservatory of Music is not a sanctuary from criminal law and does not promote or condone criminally unlawful behavior. SFCM cooperates with law enforcement authorities in a manner consistent with its legal duties and the interests of the SFCM community.

Students under investigation or prosecution for alleged violation of criminal law are not thereby exempt from SFCM judicial proceedings. The fact, nature, or disposition of the criminal law matter shall have no bearing on SFCM judicial proceedings..

Students may be subject to SFCM judicial proceedings for allegations of criminally unlawful conduct that is within the jurisdiction of the Code of Conduct and for such conduct occurring beyond the jurisdiction if, in the judgment of SFCM, it gives rise to substantial danger to the SFCM community.

## **Division of Jurisdiction and Responsibility**

Authority to administer proceedings under the Code of Conduct as to non-academic misconduct is assigned to the Associate Dean for Student Affairs.

Authority to administer proceedings as to academic misconduct is assigned to the Associate Dean for Academic Affairs. Academic misconduct policies and procedures can be found in the “**Academic Honor Code.**”

Further delegation of authority to discipline students may be made to disciplinary hearing teams, Conservatory officials, and officers on the Community Judicial Board, as defined in Section 9.

Discretionary responsibility for handling extreme cases, where such action is essential for maintaining the orderly process of SFCM, is retained by the President and the Dean.

Other officers and agents of SFCM may promulgate rules and regulations applicable to students in particular situations independent of these procedures and guidelines. These officers and agencies shall report serious violations of such rules and regulations to the Associate Dean for Student Affairs.

## **Rights and Expectations**

Students who choose to attend the San Francisco Conservatory of Music have committed themselves to adhering to academic and social standards which are essential to the well-being of the community. Any student charged with misconduct will be entitled to the processes set forth in this document.

## **Fundamental Fairness**

A student may be subject to sanctions for non-academic misconduct if:

- The student has had a disciplinary hearing; or
- The student has waived the right to a hearing through the responsible plea option as defined in Section 8; or
- The Associate Dean for Student Affairs has taken interim disciplinary action (interim sanction pending a hearing); or
- Discretionary responsibility for resolving the matter has been retained by the President, Dean, or a delegate.

The criteria for fundamental fairness for disciplinary hearings at the San Francisco Conservatory of Music consist of the following standards:

1. All charges must be in writing and presented to the student at the time of notification of the hearing. Students are expected to read and respond to email correspondence.
2. Charges shall be reasonably specific as to the nature, time, and place of the alleged misconduct. Charges shall be signed by the Associate Dean for Student Affairs.
3. The student shall be informed of their rights under this document at the time the student is charged and in the preliminary meeting with the Associate Dean for Student Affairs.
4. The respondent shall be afforded at least a seven-day notice of the hearing in writing.
5. Hearings are normally scheduled within 14 business days after notification to respondent; however, the Associate Dean for Student Affairs may extend timelines to accommodate academic calendar or other extenuating circumstances.

6. The respondent may indicate a preference for an open or closed hearing. (Open hearings can be attended by members of the SFCM community, and information about the incident and hearing can be made available to members of the SFCM community). In the absence of an indicated preference, hearings are closed. Final determination of whether a hearing will be an open or closed hearing shall be made by the Associate Dean for Student Affairs.
7. The respondent shall have the right to be accompanied by an advisor who may confer with and assist the respondent but may not speak for the respondent as an advocate.
8. Hearings are audio recorded. A recording of the hearing will be available in the event of an appeal, but remains the property of SFCM.
9. The respondent shall have the opportunity to answer the charges and to submit the testimony of material witnesses on the respondent's behalf. Witnessed statements, security reports, residential life incident reports, and other statements under oath—scheduled with the Associate Dean for Student Affairs and respondent—shall be acceptable as documentation submitted to a board. All other documentation is subject to review by the Associate Dean for Student Affairs prior to the time of the hearing.
10. All evidence and testimony, including the relevant security reports, the text of statements made by the respondent prior to the hearing and used at the hearing, and any physical evidence, shall be presented at the hearing in the presence of the respondent; however, legal rules of evidence shall not apply.
11. Upon request, relevant reports, documents and other evidence may be reviewed by the respondent in the Associate Dean for Student Affairs' office prior to the hearing. Copies of any such material may not, however, leave the office.
12. The respondent shall have the opportunity to indirectly question (through the members of the Community Judicial Board) all witnesses present during the hearing. This does not necessarily include the right to confront witnesses in the same room.
13. The respondent and all other participants are expected to cooperate during the hearing and be truthful in their testimony and responses to questions. A respondent may choose to refrain from providing testimony or answering questions; however, the respondent may not then provide a statement on their own behalf. Depending on all the evidence presented, a respondent who refuses to give testimony or answer questions may nonetheless be found responsible for the alleged misconduct, but such responsibility shall not be determined based upon evidence that is principally the fact of the failure of the respondent to testify.
14. The hearing board shall determine by a majority vote whether by a preponderance of the evidence that the respondent engaged in the alleged misconduct.
15. The findings and recommendations of the hearing board will be forwarded to the Associate Dean for Student Affairs. The Associate Dean for Student Affairs shall decide whether or not to accept the findings or recommendations of the hearing board. The Associate Dean for Student Affairs will notify the respondent in writing of the hearing board's findings/recommendations and of the Associate Dean's decision. Within 15 days of receipt of the written notification from the Associate Dean for Student Affairs, the respondent may request in writing to appeal to the Dean the decision of the Associate Dean for Student Affairs. The decision of the Dean shall be in written form and shall be transmitted to the respondent and the Associate Dean for Student Affairs and shall be final and binding.

16. The Associate Dean for Student Affairs has discretion to interpret and apply these standards to the circumstances of a particular case.

### **Victim's Rights**

1. In all cases, charges are brought by SFCM against a student accused of an offense, and in many cases, SFCM is in fact the only identifiable victim of an alleged offense. When the judicial officer determines that a victim can be identified, the victim is entitled to request the hearing office/hearing team for the following:
  - 1.1. The victim may be present to hear all testimony, indirectly question witnesses (through the hearing team/officer), and may be accompanied by an advisor who may confer with and assist the victim but may not speak for the victim as an advocate. The advisor may be any member of the SFCM community who is not an attorney;
  - 1.2. That the victim be given an opportunity to make a victim impact statement which will become part of the case record to be reviewed by the Associate Dean for Student Affairs in any decision/sanction and by the Dean or designated appeal authority; and
  - 1.3. That the victim may request separate hearing rooms (connected electronically) in order to allow full participation of the parties while at the same time avoiding undue embarrassment or intimidation.
2. Victims should be aware of the fact that in all cases, the hearing office/team is responsible for the orderly conduct of the hearing and in all cases may grant or deny such a request for good cause. In addition, SFCM may direct that a victim may be administratively instructed by the Associate Dean for Student Affairs to limit the victim's statements about the matter while within the jurisdiction of the Code.

### **Records of the Code of Conduct Proceedings**

The records of Code of Conduct proceedings are considered by SFCM as not "educational records" as defined by its FERPA policy. This means that these records are not subject to inspection and copying pursuant to the FERPA policy.

### **Interim Actions**

SFCM retains the right to summarily suspend, ban, or otherwise constrain or restrict students, groups, and organizations if they pose a perceived or actual threat to themselves, to others, or to the orderly processes of the SFCM community. The range of actions includes, but is not limited to, the following:

- **Individual Interim Suspension** – If alleged violations of the Code of Conduct are such that a student's presence on campus, in the judgment of the Associate Dean for Student Affairs, poses a perceived or immediate threat to the student's own or another's physical or emotional safety and well-being, the preservation of SFCM or others' property, or safety and order on SFCM premises, SFCM may impose interim restrictions up to and including immediate suspension pending the issuance of charges within 14 days and the scheduling of a future disciplinary hearing. Any student subject to an individual interim suspension will have the opportunity to appeal the interim action. Individual interim suspension will be issued in writing, and will contain information on appealing the interim action.
- **Group/Organization Interim Suspension** – Groups and organizations allegedly violating the Standards of Conduct whose alleged misconduct, in the judgment of the Associate Dean for Student Affairs, constitute a perceived or immediate threat to the physical or emotional safety

and well-being of one or more individuals, impede the preservation of SFCM or others' property, or safety and order on SFCM premises, may be subject to interim sanctions pending judicial or other means for solution. Actions include, but are not limited to, cancellation of the privilege to hold any kind of function or gathering. Additional restrictions may be applied at the discretion of SFCM.

- **No Contact Directive** – If alleged violations of the Code of Conduct are such that a student's presence on campus, in the judgment of the Associate Dean for Student Affairs, poses a perceived or immediate threat to a SFCM community member's physical or emotional safety and well-being and/or sense of personal safety and security, SFCM can issue a No Contact Directive. The goal of this action is to diffuse difficult situations by imposing restrictions that require one person to actively avoid another in all situations. See the "No Contact Directive" policy for more information.

## Standards of Conduct

Students are expected to abide by the rules of the San Francisco Conservatory of Music and to conduct themselves in accordance with the accepted standards of good citizenship, honesty, and propriety, and with proper regard for the rights of others. Students must also obey federal, state, and local laws, as would any good citizen. Students must also note that personal responsibility as a performing artist, researcher, current or future teacher, and emerging professional often require the highest ethical standards.

The maintenance of harmonious community standards requires that behavior which interferes with, or threatens, the welfare of others or the SFCM community be prevented. Ignorance of these standards is not an excuse or valid defense.

This list is not intended to be exhaustive. Violations of this Code of Conduct include, but are not limited to:

1. Fraud, misrepresentation, forgery, falsifying of documents and records, including plagiarism given to or received by a SFCM official acting within the scope of the official's duties. This includes providing false, misleading, or incomplete information to SFCM officials.
2. Unlawful or other use, manufacture, sale, distribution, or possession of alcohol as defined by the "Alcohol and Drug Policy".
3. Unlawful or other use, manufacture, sale, distribution of drugs, narcotics, controlled substances, and/or paraphernalia associated with such as defined by the "Alcohol and Drug Policy."
4. Unlawful or other possession, distribution, or use of items presenting an imminent or potential threat to the safety and well-being of others, including but not limited to the following:
  - 4.1. Violations of the "Fire Safety Policy."
  - 4.2. Operation of, or tampering with, fire safety apparatus for any purpose other than the intended and proper use.
  - 4.3. Use of any SFCM resources, including network resources such as email or internet access, to harass, threaten, misrepresent, plagiarize, profit from, purchase or sell anything illegal, altering SFCM device settings without ITS permissions, and overloading bandwidth utilization.
5. Disorderly conduct including:

- 5.1. Fighting, threats, assault, attempted assault, physical harassment, or other actual or attempted physical conduct which threatens the health and safety of another person.
- 5.2. Noise violations or other auditory actions which compromise the unhindered pursuit of SFCM's educational mission, or unduly disrupt other students' peaceful and quiet enjoyment of applicable SFCM facilities.
6. Obstruction, disruption, or failing to cooperate with a disciplinary hearing or other SFCM process, including perjury, and failure to comply with an imposed sanction, interim sanction or active avoidance order.
7. Failure to comply with any request of a SFCM official acting within the scope of the official's duties.
8. Actual or attempted:
  - 8.1. Theft or misuse of the property of SFCM or others.
  - 8.2. Intentional damage to the property of SFCM or others.
9. Unauthorized use, misuse of, or entry into property or facilities including:
  - 9.1. Obstruction of, or dangerous interference with, the free flow of traffic on campus.
  - 9.2. Leading or inciting the disruption of activities of others on campus.
  - 9.3. Misuse of SFCM computers, computer and network systems, and copyright infringement violations.
10. Hazing, which may include actions taken or situations created which have the potential to produce mental or physical harm, discomfort, embarrassment, harassment, or ridicule to a reasonable person. (See the "Anti-hazing Policy").
11. Sexual misconduct as prohibited by SFCM's "Sexual, Gender, and Other Unlawful Harassment" policy. .
12. Unlawful discrimination, harassment, or retaliation as prohibited by SFCM's "Sexual, Gender, and Other Unlawful Harassment" policy.
13. Failure to consider community expectations and to demonstrate proper regard for the academic and personal rights of others. [This includes complicity. The absence of active participation in misconduct is often an insufficient response to violations of the code of conduct. Students are expected to take an active role in disengaging themselves from all acts of misconduct and are expected to report serious acts of misconduct to appropriate authorities. Failure to do so can be considered acts of complicity and may result in that student's facing the same charges as active participants.]
14. Any violation of other SFCM policies, rules, and regulations. (See sections "Other Regulations, Policies, and Procedures" and "Life at SFCM")

## **The Complaint and Referral Process**

Any member of the San Francisco Conservatory of Music or surrounding community (students, staff, faculty, Security, local law enforcement, local citizens/groups, others, etc.) may generate a report about conduct that may constitute an alleged nonacademic violation of the Code of Conduct by a student.



Individuals who wish to file a report should speak with Security, President's Office, Dean's Office, or Office of Student Affairs.

The Associate Dean for Student Affairs will review the report and relevant documentation in order to determine whether or not there is sufficient cause to file a charge or pursue alternative means for resolution. Possible resolution options are as follows:

- Decline to file a charge.
- Decide that the complaint can be processed through informal means of resolution, such as mediation or student conduct conference.
- Defer the matter. Deferment periods are generally not expected to last more than one semester.
- Decide that there are grounds to reasonably believe that the student engaged in a violation of the Code of Conduct and that a charge against the student, on behalf of SFCM, should be filed. If this action is taken, several procedures are possible, and explained below.

### **Responsible Plea Option**

A student who is charged with an alleged violation is designated the respondent, and may have the opportunity to waive a hearing by entering a plea of "acceptance of responsibility" to the charge(s) and authorizing the Associate Dean for Student Affairs or designee to issue a sanction. Based on the nature and circumstances of the case, the Associate Dean for Student Affairs, in their sole discretion, can either issue the sanction or refer the matter to the Community Judicial Board for hearing on the charge. The respondent is required to notify the Associate Dean for Student Affairs or designee of the respondent's plea within two business days of receiving notice of the charges. Failure to do so will result in a referral to the Community Judicial Board. In all matters, the Associate Dean for Student Affairs has full discretion to waive the Responsible Plea Option if in the Associate Dean's judgment, the nature and circumstances of the case warrant a hearing with the Community Judicial Board.

### **Community Judicial Board**

The Community Judicial Board is normally chaired by a designee of the Associate Dean for Student Affairs and consists of three faculty or staff members of the SFCM community. This hearing board is authorized to issue the full range of SFCM sanctions. Hearing board members are selected by the Associate Dean for Student Affairs based on the needs for fairness, objectivity and balance in the resolution process.

Community Judicial Board Disciplinary Hearing Process:

1. The Associate Dean for Student Affairs normally schedules an information session with each person involved in the complaint or named in the report to discuss the alleged violations, incident documentation and hearing process. Otherwise, students will be strongly encouraged, in their formal charge notification letter, to arrange this pre-hearing conference.
2. The Associate Dean for Student Affairs may take any reasonable steps to ensure an orderly hearing process, including asking other members of the SFCM community, not explicitly named or involved in the official report or complaint, to take part in the judicial process as the Associate Dean for Student Affairs deems appropriate for the proper and true adjudication of the matter. The Associate Dean for Student Affairs has full discretion to interpret and apply this Code to the circumstances of each case.
3. The purpose of a disciplinary hearing is to determine the true facts about a respondent's alleged misconduct. Through an objective and fair process, the Community Judicial Board: (a)

determines, based on the information gathered from all involved parties, whether or not a violation occurred and (b) recommends a sanction if the respondent is found responsible.

## **Sanctions**

Maintenance of community standards is an important component of the judicial process. A major goal of the disciplinary process is to help students understand why something is wrong as well as to prevent its recurrence.

This list is by no means inclusive of all options open to officers and boards in sanctioning for individual offenses.

1. Community Restitution, which may require individuals or groups to write a letter of apology, participate in a designated service project, or give an identified community (on- or off-campus) a number of service hours to be completed within a specified time period. When appropriate, the individual or group may be required to devise its own community restitution plan to be approved by the Associate Dean for Student Affairs or their designee.
2. Counseling Intervention which may be recommended and in some cases required when behavior indicates that the counseling may be beneficial to the student. Specific circumstances will determine an appropriate mental health service referral, which may include drug, alcohol, and other educational workshops. Such mandated interventions may be at the student's cost.
3. Financial Restitution, which may require individuals or groups to restore or replace within a specified time, property which has been damaged, defaced, lost, or stolen.
4. Revocation or Restriction of Privileges, for the use of designated SFCM facilities or programs.
5. Disciplinary Warning, including an official letter of reprimand to the student stating that the student's behavior is in violation of SFCM policy and may not recur.
6. Disciplinary Probation, which normally consists of an official notice that any further code violation may result in dismissal of the student or other serious penalty, or loss of privileges of the group. This is a serious warning which serves as a check on the student's or group's future behavior. Probation is given for a period of time and can limit the activities or privileges of a student or group.
7. Suspension from SFCM housing, which involves revocation of the privilege of living in SFCM housing for a certain period of time. Students or groups who have their housing contracts or leases terminated for disciplinary reasons are not entitled to a reimbursement.
8. Suspension, which generally involves the revocation of the privilege of attending SFCM and using its facilities for a certain period of time. Conditions for re-entry may be specified.
9. Dismissal, which means the student is permanently separated from SFCM. The student may not apply for readmission to any program.
10. Other common sanctions may include alteration of housing selection privileges; research assignments; project, program, and presentation requirements; revocation of other SFCM privileges (e.g., access to computer systems, practice rooms, etc.); mandated follow-up meetings with SFCM officials; mandated supervised study hours.

Once a sanction is issued, it is the responsibility of the respondent to ensure that the sanction is completed in a timely fashion. Failure to complete an assigned sanction will result in a supplemental

sanction and will be handled administratively by the Associate Dean for Student Affairs or their designee. Students failing to complete judicial sanctions normally have their student accounts placed on hold (making them unable to register for classes or receive transcripts) until such sanction is completed.

## **Other Student Conduct Policies**

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### **No CONTACT DIRECTIVE**

In situations involving allegations of misconduct against any member of the SFCM community or other circumstances warranting intervention for the health and safety of the community, it is appropriate for SFCM to invoke its No Contact Directive Policy in order to allow all parties to function within the environment.

In such situations, an authorized official of SFCM issues a no contact directive by which a student and/or other persons in the Community are instructed to refrain from contacting or attempting to contact another person or office and/or to physically remain distant from another. All individuals are also instructed to act reasonably and responsibly should incidental contact occur.

#### **Procedures**

When the No Contact Directive Policy is implemented or subsequently modified or changed, a letter is sent to each party instructing each individual, in accordance with this policy, to contact the SFCM official who issued the No Contact Directive when a situation occurs in which one party feels threatened by another party's presence or behavior. All parties are further instructed to contact the official if one party attempts to make contact with the other, or fails to abide by specific instructions in the No Contact Directive..

#### **Notification**

SFCM reserves the right to notify Security, Student Affairs, and Residential Life staff as well as appropriate faculty, department heads, and supervisors on a need-to-know basis.

#### **Guidelines**

In all instances, all parties are expected to avoid all contact with each other, while respecting each individual's right of access to the campus. Occasionally, an individual's access to certain optional activities or facilities may be restricted. There are three or more categories of activity to which the No Contact Directive Policy may apply:

1. Activities related to the performance of academic duties, e.g., attending classes, conducting research for a course, membership on committees or student groups, graduation exercises, etc.
2. Use of common SFCM facilities, e.g., dining facilities, libraries, computing facilities, etc.
3. Voluntary or optional use of SFCM facilities not related to academic performance, e.g., events such as (non-required) lectures, concerts, etc.

#### **Responsibility for Adherence to the Policy**

1. In all instances when the No Contact Directive Policy is implemented, it is SFCM's goal that all parties are allowed to continue to access their educational programs and activities.

2. SFCM will designate who bears primary responsibility to initiate leaving the area if both parties find themselves occupying the same space. This responsibility remains in effect unless leaving an area would constitute interference with the accused party's ability to fulfill the accused party's academic or work responsibilities.
3. The following guidelines may be used as examples of instances when contact may potentially occur and the accused would be responsible for initiating an appropriate response. This list is not exhaustive or intended to limit application of this policy to other situations not described here.
4. In all instances that involve an inadvertent one-to-one encounter (e.g., in the parking lots, in a hallway or stairwell, walking to or from one area to another), SFCM will designate whose primary responsibility it is to leave the area immediately.
5. In instances in which attendance at an event or function which involves a group of people is required by both parties (e.g., a required seminar, workshop, etc.), SFCM will designate whose primary responsibility it is to delay entry to that area for as long as possible or to take steps to avoid contact with the other party, such as positioning him or herself far away and not in the other party's direct line of vision. In instances in which attendance by the accused is not required (e.g., events such as lectures, concerts, etc.), the same rules will apply.
6. SFCM will particularize No Contact Directives to the parties and circumstances that are the subject of the No Contact Directive. Therefore, No Contact Directives may have different provisions as necessary based on circumstances.

### **Violations of the No Contact Directive Policy**

If either party violates the No Contact Directive Policy, the other party should contact the official who issued the No Contact Directive. If it is determined that the No Contact Directive Policy has been violated by any party, further sanctions, up to and including removal from SFCM, may be invoked.

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## **ALCOHOL AND DRUG POLICY**

On occasion, the Office of Student Affairs may approve the serving of alcohol at official, administrative, or social functions. For these approved events, all attendees are expected to observe SFCM's rules of conduct. Members of the SFCM community who wish to serve alcohol at an event must seek approval no fewer than 10 business days before the event. All approved events must use a SFCM-approved catering service to serve alcohol. All approved events are subject to local, state, and federal law governing the procurement, service, and consumption of alcohol.

- Alcoholic beverages may not be served (sold or provided) at off-campus student recitals.

The following activities are prohibited among all members and guests of the SFCM community:

### **Alcohol**

1. *Underage Purchase, Consumption, or Possession:* The purchase, consumption, or possession with the intent to consume by any individual under the age of 21.
2. *Procurement/Service of Alcohol:* The purchase of alcohol for a person who is under the legal drinking age (21 years of age in California) and/or apparently intoxicated; Serving or giving alcohol to a person who is under the legal drinking age and/or apparently intoxicated; The serving of alcohol to individuals who are known to become intoxicated habitually.

3. *Possession/Use of False Identification*: The possession or use of false, fraudulent, or altered identification or the use of another's identification for the purpose of obtaining alcohol.
4. *Open Containers* (i.e., any receptacle containing alcohol, which is open in such a way as to permit direct consumption of the contents): Possession of an open container of alcohol anywhere on-campus, except in a residence hall private living space, which includes common areas within suites or in an area designated, through the event/function approval process, as a place where alcohol consumption is permitted.
5. *Common Containers* (i.e., a receptacle for dispensing multiple servings of an alcoholic beverage.): Possession or use of kegs, beer balls, or other common containers, except for approved events in which specific criteria have been met or for approved events managed by a licensed caterer/third party vendor. Specifically, "common containers" are in violation of the code of conduct when any individual container exceeds the maximum amounts below: 40 ounce container of beer, 5 liter container of wine, 1 liter container of distilled spirits.
6. *Rapid Consumption*: Items/substances used to dispense alcohol in a rapid manner, such as beer bong, funnels, Jell-O shots, etc.; Drinking games or contests (e.g., "Quarters," "Beirut/Beer Pong," etc.). Please note that the presence of alcohol where the game is played is sufficient to classify the incident as a drinking game violation. Where interpretation is necessary, student(s) will be charged with the violation, and a hearing board will interpret this policy.
7. *Public Intoxication*: Public intoxication, which is defined as alcohol-related conduct that is disorderly, inconvenient, or annoying to others or a potential risk to one's own or another's health and well-being.
8. *Driving Under the Influence (DUI)*: Driving under the influence of alcohol as defined by California State law.
9. *Sale/Advertising of Alcohol*: The sale of alcohol to any person at all times, except by a licensed caterer/third party vendor at an approved event. Invitations, posters, and other forms of advertising for specific events (including publicity via email distribution lists) may include references to alcohol but may not be the focus of such publicity. Specifically, such publicity must include the phrase, "alcohol is only available to individuals 21 years of age and older." Shots may not be mentioned, nor may any reference to, or implication of, excessive consumption of alcohol or alcohol "specials" (e.g., "two-for-one night," "dollar drafts").

## **Drugs**

1. *Trafficking/Distributing*: Trafficking, manufacturing, distributing, or possessing with the intent to distribute any illegal drug, narcotic, or controlled substance.
2. *Use/Possession*: The unlawful use or possession of any drug, narcotic, or controlled substance.
3. *Paraphernalia*: The possession of drug paraphernalia, such as bong, pipes, or any other item or device used in conjunction with illegal drug activity.

## **Sanctions**

Violators of this policy will be subject to the full range of SFCM sanctions. The organizers of events/functions involving alcohol will be held accountable if their event/function is not in compliance with this policy. Students who violate the Alcohol and Drug Policy will be subject, based on the severity

and/or frequency of violation, to the SFCM-specific consequences and sanctions outlined in the Student Code of Conduct.

### **Including Parents in Conversations about Alcohol and Drugs**

SFCM supports the idea that students, parent(s) or legal guardian(s), and SFCM are partners with responsibilities for the promotion of a healthy and positive educational experience for students. SFCM disciplinary policies and procedures are designed to promote an environment conducive to student learning and growth while protecting the SFCM community. It is the belief of SFCM that students benefit from discussions with their parent(s) or legal guardian(s) about the effects of alcohol or use of controlled substances on their educational experience.

SFCM may notify parents/guardians of students, under the age of 21, who have been found in violation of the Alcohol and Drugs Policy. Notification of parents/guardians will occur when, in the opinion of the Associate Dean for Student Affairs, a violation is significant enough to indicate a greater level of care may be necessary to support the student.

It is our general practice to encourage a student to contact their parent(s) or legal guardian(s) prior to SFCM's notification, however, there may be circumstances when contact will be initiated more rapidly.

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## **ANTI-HAZING POLICY**

All groups and individuals at the San Francisco Conservatory of Music are expected to comply with the Conservatory's anti-hazing policy. SFCM defines hazing as follows:

Any action taken or situation created, whether on or off SFCM premises, which has the potential to produce mental or physical discomfort, embarrassment, harassment, or ridicule. Such activities may include, but are not limited to the following: use of alcohol; paddling in any form; creation of excessive fatigue; physical and psychological shocks; quests, treasure hunts/scavenger hunts (without the expressed and prior approval of Associate Dean for Student Affairs), road trips or any other such activities carried on outside or inside the confines of any living unit (without the expressed and prior approval of Associate Dean for Student Affairs); wearing public apparel which is conspicuous and not normally in good taste; engaging in public stunts and buffoonery; morally degrading or humiliating games and activities; and any other activities which are not consistent with fraternal law, ritual, or policy, or the regulations and policies of the educational institution.

Violations are reviewed by the Associate Dean for Student Affairs.

## **FIRE SAFETY POLICY**

All members of the SFCM community have a duty to observe policies designed to ensure fire safety in SFCM buildings.

### **Safety Drills**

All SFCM community members must comply with, and participate in, fire drills. Fire drills are conducted to test the life safety systems in SFCM facilities as well as for the SFCM community to practice building evacuation procedures.

### **Prohibited Appliances, Equipment, & Other Hazardous Items**

To ensure fire safety in SFCM buildings, you should be aware that items listed below are not permitted in SFCM offices and studios without prior approval. The **Bowes Center Resident Handbook**, available

*Version date: September 6, 2024*

from the Office of Student Affairs / Residential Life, has additional information on appliances that are permitted or prohibited within student housing.

### **Domestic Appliances**

- Toaster Ovens (Pop up toasters with an automatic shutoff are permitted in shared kitchen common areas)
- Induction-style hot plates, rice cookers, electric tea kettles, crock pots, electric slow cookers, electric pressure cookers (except in designated cooking areas; all must have auto-shutoff feature)
- Microwaves and convection microwaves (except in designated cooking areas; all must have auto-shutoff feature)
- Domestic coffee makers (except in designated cooking areas; all must have auto-shutoff feature)
- Hot plates, electric skillet, and toaster ovens
- Submersion coil water heaters
- Other small cooking appliances, such as a “George Foreman Grill,” electric waffle iron, and electric sandwich press
- Smokeless indoor grill
- Space heaters and other portable heating devices

### **Equipment**

- Any items and materials with open flames or that are combustible
- BBQ grills (charcoal, gas or other fuel)
- Portable gas ranges
- Tobacco, incense, or any item that burns or smolders when used
- Candles, oil lanterns, and lamps
- All items powered by combustible fuels (such as a motorcycle)
- All flammable materials (gas, lighter fluid, charcoal, propane, solvents, etc.)
- All fireworks, explosives, etc.

### **Other Hazardous Items**

- All corrosive (or poisonous) chemicals and hazardous materials
- All lightweight extension cords and/or multi plug outlet adapters
- Heavy weight power strips or extension cords without safety circuit breakers
- Multiple approved power strips or extension cords connected together (“chaining”)
- Non-UL safety approved electric powered appliances
- All portable heating devices (space heaters of any type)
- Combustible materials as door decorations covering more than 20% of doors total

### **Responding to Violations of the Fire Safety Policy**

Students found in violation of the Fire Safety Policy will be referred to the Office of Student Affairs for disciplinary action under the Code of Student Conduct. Employees found in violation of the Fire Safety Policy will be required to immediately comply with the Fire Safety Policy and be referred to the employee’s supervisor and/or the Associate Vice President for Human Resources and Administration.

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## **GROUP RESPONSIBILITY POLICY**

*Version date: September 6, 2024*

A student organization may be disciplined for a violation of SFCM policy committed by an individual, whether or not the individual is a member of the organized group, if the group, or a substantial segment of it, authorizes, directs, or encourages the violation, or with reckless indifference does not make reasonable use of the group's own influence and authority to prevent it. Violations occurring within a group's living space, during or because of a group's function, or utilizing a group's resources are all indications of risk for that group. As with any responsible organization, groups are expected to actively prevent violations if there is sufficient reason to believe they are about to be committed, to intervene in violations when they become aware of them, and to react responsibly to violations when the group has become aware of the fact that they have occurred. Additionally, failure to provide truthful and complete information about misconduct—including both violations of law and policy—can result in charges against the group itself for such violations.

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## **INVOLUNTARY LEAVE OF ABSENCE OR WITHDRAWAL**

The San Francisco Conservatory of Music provides a range of services to support and address the mental and physical needs of students including assessment and referrals. Our concern is for the health and welfare of each individual in our community. Our goal is to enable all of our students to participate fully in our academic community. However, when the Dean, in consultation with other officials, determines that a student is exhibiting behavior that poses a danger of health, safety or disruption of the activities of the SFCM community, the student may be requested to take a voluntary leave of absence from SFCM. If a student does not promptly agree, the Dean may place the student on involuntary leave. The following policy establishes the protocol under which an involuntary leave of absence may occur and the process for evaluating the student's request for return from such a leave.

### **Guidelines**

The Dean may place a student on an involuntary leave of absence or require conditions for continued attendance under the following circumstances when the student exhibits behavior that in the judgment of the Dean:

1. Presents a danger to the health or safety of the student or others;
2. Presents a danger of significant property damage; or
3. Presents a danger of disruption of the educational and other activities of the SFCM community.

### **Process**

1. When a student exhibits any of the behaviors described above, the matter may be brought to the attention of the Office of Student Affairs. The Associate Dean for Student Affairs, or designee, will review the situation and request the student to participate or provide information. SFCM may require a mandatory independent medical evaluation, paid for by SFCM. If independent medical evaluation is required, SFCM will first offer to consult with the student or the student's health adviser in order to obtain relevant information to determine if the independent medical evaluation is or is not needed.
2. The Associate Dean for Student Affairs, or designee, will inform of the Dean of the review of available information and the Dean will make a decision that may include the following:
  - a. The student may remain enrolled with no conditions;
  - b. The student may remain enrolled subject to conditions, including a description of those conditions; or



- c. The student may be placed on an involuntary leave of absence.
3. If the Dean decides to require an involuntary leave of absence, the decision will also indicate the length of the leave and describe the conditions, if any, under which the student may seek to return from the leave.
4. The student shall be informed in writing by the Associate Dean for Student Affairs, or designee, of the Dean's decision, the effective date of the leave, and conditions for return, if applicable.
5. If a student is permitted to remain enrolled subject to conditions, the student shall be informed in writing of the effective date and the duration of the conditions.

### **Process for Return from Leave**

A student seeking a return from leave must meet the conditions specified by the Dean. The student must apply in writing to the Associate Dean for Student Affairs. It is the responsibility of the Associate Dean for Student Affairs to review the student's compliance with specified conditions for the return from leave and to advise the Dean accordingly. During the leave of absence, your SFCM account is suspended, once the Associate Dean of Student Affairs approves the return then the account can be reactivated. If suspension is over a year, the account is deleted.

### **Confidentiality**

All records concerning involuntary leaves of absence will be kept in accordance with SFCM confidentiality policies. The student's transcript will indicate only "leave of absence."

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## **MEDICAL AMNESTY POLICY**

SFCM supports a safe learning environment that enhances academic achievement and student success. The Medical Amnesty Policy seeks to foster responsible decision making and encourage students to take active steps toward wellness and self-care. SFCM recognizes that there may be times when students face medical emergencies involving excessive drinking and/or drug use. Under this policy, students who seek medical attention related to consumption of alcohol or other drugs will not be charged with possession (unless with intent to distribute) or consumption of alcohol or other drugs in violation of the SFCM Alcohol and Drug Policy.

The Medical Amnesty Policy does not preclude disciplinary sanctions due to any other violation of the Code of Student Conduct. Other such violations include, but are not limited to, providing alcohol to underage individuals, assault, property damage, endangering the health or safety of others, or distribution of illicit substances (or possession with intent to distribute). If other violations occur, then a student and/or student organization may face disciplinary charges for those violations. The use or abuse of alcohol or drugs is never considered a mitigating circumstance for any other violations of the Code of Student Conduct. Additionally, the Medical Amnesty Policy does not grant amnesty for criminal, civil, or legal consequences for violations of Federal, State, or Local Law.

The Medical Amnesty Policy is applicable to:

- A student requesting emergency medical care for oneself;
- A student(s) requesting emergency medical care for another person;
- Student Organizations where members request emergency medical care for another person.

Medical amnesty is only granted to students and organizations who seek medical assistance. Medical amnesty does not apply to individuals experiencing an alcohol or drug-related medical emergency who are found by SFCM employees (i.e., security, faculty, staff, and Resident Advisors)

It is important that individual students and student organizations who are granted medical amnesty participate in educational training around substance use and/or bystander behavior. In the case of individual students, the student needing medical assistance will be required to meet with the Associate Dean for Student Affairs, or designee, and may be expected to complete the following:

- A mandatory meeting with the SFCM Counselor or other educational referrals;
- Responsibility for costs associated with hospital transportation, treatment, assessment, or damage;
- Parental notification.

In the case of Student Organizations, the organization will be required to meet with the Associate Dean for Student Affairs, or designee, and may be expected to complete the following:

- Mandatory leadership training related to the incident;
- Limitations to event registrations;
- Restricted access.

Medical amnesty is not intended to be used more than once. If a student has been involved in prior alcohol/drug incidents and/or utilized medical amnesty in the past, the request will be evaluated by the Associate Dean for Student Affairs to determine whether or not medical amnesty will be granted. Typically, repeated situations will be handled through meetings with the Associate Dean for Student Affairs and/or the student conduct process. Students whose substance use puts them at risk repeatedly may also be required to take a medical leave from the college to address the behavior and enable them to live safely in the community when they return.

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## **SEXUAL, GENDER, AND OTHER UNLAWFUL HARASSMENT**

The San Francisco Conservatory of Music is committed to a workplace and educational environment in which all individuals are treated with respect and dignity. Our students, faculty, staff, administrators, independent contractors, volunteers, applicants and all others engaged in Conservatory activities have a right to an environment that is free from Sexual, Gender and Other Unlawful Harassment and discrimination; therefore, SFCM strictly prohibits Sexual, Gender and Other Unlawful Harassment and discrimination of any kind.

Conduct that constitutes sexual and/or other unlawful harassment and discrimination is unacceptable anywhere under SFCM's control. This includes offices, classrooms, recital halls, dormitories, and all other spaces under SFCM's control at the Ann Getty Center for Education and the Bowes Center for the Performing Arts. This policy also applies at any outside venue or business and social event sponsored by SFCM and business activity outside of campus, such as business-related travel. This policy may also apply at social events and other situations between members of the SFCM community that are outside of SFCM's control. This policy applies to online communication and use of social media by and between members of the SFCM community, whether or not networks and digital platforms are under SFCM's control. This policy applies to conduct by, and protects, all applicants, students, faculty,

staff, official volunteers of SFCM, its administrators, independent contractors, and all others engaged in SFCM's business.

As an equal opportunity employer, SFCM is committed to providing a work environment free of unlawful harassment, discrimination, retaliation, and of disrespectful or other unprofessional conduct based on:

Race, color, religion, religious creed (including religious dress and grooming practices), national origin, ancestry, citizenship, physical or mental disability, medical condition (including cancer and genetic characteristics), genetic information, marital status, sex (including pregnancy, childbirth, breastfeeding, or related medical conditions), gender, gender identity, gender expression, age (40 years and over), sexual orientation, veteran and/or military status, protected medical leaves (requesting or approved for leave under the Family and Medical Leave Act or the California Family Rights Act), domestic violence victim status, political affiliation, and any other status protected by state or federal law.

SFCM also prohibits discrimination, harassment, disrespectful or unprofessional conduct based on the perception that anyone has any of those characteristics or is associated with a person who has or is perceived as having any of those characteristics.

**Unlawful Harassment:** As used in this policy, harassment is defined as unwelcome disrespectful or unprofessional conduct, including disrespectful or unprofessional conduct based on any of the protected characteristics listed above. Harassment can be verbal (such as slurs, jokes, insults, epithets, gestures, or teasing), visual (such as the posting or distribution of offensive posters, symbols, cartoons, drawings, computer displays, or emails), or physical conduct (such as physically threatening another person, blocking someone's way, or making physical contact in an unwelcome manner).

- Verbal conduct such as abusive or other epithets, derogatory comments, slurs, or unwelcome sexual advances, invitations, or comments;
- Visual conduct such as abusive or other derogatory posters, photography, cartoons, drawings, or gestures;
- Physical conduct such as unwanted abusive or other touching, blocking normal movement, or interfering with work;
- Threats and demands, such as those which seek submission to sexual requests, in order to retain employment or education benefits and/or offers of job or education benefits or conditions in return for sexual favors;
- Stereotyping behavior directed towards persons of the same or different sex including transgender individuals on the basis of gender, gender expression and/or gender identity; and
- Abusive conduct that may include repeated verbal abuse, such as derogatory remarks, insults, and epithets, verbal or physical conduct that a reasonable person would find threatening or intimidating.

**Sexual Harassment:** As used in this policy, sexual harassment is defined harassment based on sex (including pregnancy, childbirth, breastfeeding, or related medical conditions), gender, gender identity, gender expression or sexual orientation. It may include all of the actions described above as harassment, as well as other unwelcome sex-based conduct, such as unwelcome or unsolicited sexual advances, requests for sexual favors, conversations regarding sexual activities, or other verbal or physical conduct of a sexual nature. Sexually harassing conduct need not be of a sexual nature or be motivated by sexual desire. It may include situations that began as reciprocal relationships, but that later cease to be reciprocal.

Sexual harassment is generally categorized into two types:

1. Quid Pro Quo Sexual Harassment (“this for that”)
  - Submission to sexual conduct (or other harassing conduct) is made explicitly or implicitly a term or condition of an individual's employment.
  - Submission to or rejection of the conduct by an employee is used as the basis for employment decisions affecting the employee.
2. Hostile Work Environment Sexual Harassment
  - Unwelcome conduct on the basis of sex, gender, gender identity, gender expression, or sexual orientation by any person in the workplace that unreasonably interferes with an employee’s work performance and/or creates an intimidating, hostile or otherwise offensive working environment.
  - When unwelcome, examples include:
    - Sexual advances, flirtation, teasing, sexually suggestive or obscene letters, invitations, notes, emails, voicemails or gifts.
    - Sex, gender or sexual orientation-related comments, slurs, jokes, remarks, or epithets.
    - Leering, obscene, or vulgar gestures or making sexual gestures.
    - Displaying or distributing sexually suggestive or derogatory objects, pictures, cartoons, or posters.
    - Impeding or blocking movement, touching, or assaulting others.
    - Reprisals or threats after a negative response to sexual advances.
    - Conduct or comments consistently targeted at one gender, even if the content is not sexual.

**Unlawful Discrimination:** As used in this policy, discrimination is defined as the adverse treatment of an individual covered by this policy in any aspect of employment or SFCM’s education program, based solely or in part on the individual’s protected characteristic.

Discrimination may include but is not necessarily limited to: hostile or demeaning behavior towards an individual covered by this policy because of their protected characteristic; allowing the individual’s protected characteristic to be an adverse factor in hiring, promotion, compensation or other employment-related decisions unless otherwise permitted by applicable law, and withholding work-related assistance, cooperation, and/or information to individuals because of their protected characteristic.

**SFCM’s policy against discrimination applies to:**

- Decisions affecting student education, such as but not limited to admissions, financial aid, the student code of conduct and co-curricular activities
- Employment decisions such as but not limited to failure to interview, hire or promote; disciplinary activity including termination of employment; and salary evaluations.
- Access to SFCM facilities and services.

**Unlawful Retaliation:** SFCM prohibits retaliation. Retaliation is defined as an adverse employment action taken against an employee because the employee engaged in activity protected under the anti-harassment, discrimination, and retaliation policy. Protected activities may include, but are not limited to, reporting or assisting in reporting suspected violations of this policy and/or cooperating in investigations or proceedings arising out of a violation of this policy.

An adverse employment action is conduct or an action that materially affects the terms and conditions of the employee's employment status or is reasonably likely to deter the employee from engaging in protected activity.

Examples of retaliation under this policy include, but are not limited to, demotion; suspension; reduction in pay; denial of a merit salary increase; failure to hire or consider for hire; refusing to promote or consider for promotion because of reporting a violation of this policy; harassing another employee for filing a complaint; denying employment opportunities because of making a complaint or for cooperating in an investigation; changing someone's work assignments for identifying harassment or other forms of discrimination in the workplace; treating people differently such as denying an accommodation or excluding the employee from job-related activities because of engagement in activities protected under this policy.

This policy also applies to decisions affecting student education, such as but not limited to admissions, financial aid, the student code of conduct and co-curricular activities.

**Reporting a Violation of the Equal Employment Opportunity Policy:** SFCM strongly urges the reporting of all incidents of perceived discrimination, harassment or retaliation, regardless of the offender's identity or position. Individuals who have experienced conduct that they believe is contrary to SFCM's policy or who have concerns about such matters should file their complaints in writing wherever possible (including email).

Individuals should not feel obligated to file their complaints with their immediate supervisor first (but may do so) before bringing the matter to the attention of one of SFCM's Title IX Officers (see Title IX policy).

The complaint should be specific and should include the names of the individuals involved and the names of any witnesses. If you need assistance with your complaint, or if you prefer to make a complaint in person, please contact the *Associate Vice President of Human Resources and Administration*. You may also contact the *Dean*, the *Vice President for Finance and Administration*, or the *President*. Whenever needed to effect a proper resolution, SFCM will immediately undertake an effective, thorough, and objective investigation and attempt to resolve the situation.

Early reporting and intervention have proven to be the most effective methods of resolving actual or perceived incidents of harassment, discrimination and retaliation. Therefore, while no fixed reporting period has been established, SFCM strongly urges the prompt reporting of complaints or concerns so that rapid and constructive action can be taken.

The availability of this complaint procedure does not preclude individuals who believe they are being subjected to improper conduct from promptly advising the offender that his or her behavior is unwelcome and requesting that it be discontinued.

**Assessing the Complaint:** Individuals who experience or observe behavior that they believe violates this policy is encouraged to immediately report the alleged violation or decisions to his/her supervisor, manager or the Associate Vice President of Human Resources and Administration and Title IX Coordinator (See below regarding reporting obligation of supervisors and managers).

SFCM will promptly look into the facts and circumstances of any alleged violation, as appropriate. Even in the absence of a formal complaint, SFCM may initiate an investigation where it has reason to believe that conduct that violates this policy has occurred. Moreover, even where a complainant conveys a request to withdraw their initial formal complaint, SFCM may continue the investigation to ensure that

the workplace is free from discrimination, harassment and retaliation. Anonymous complaints may also be investigated. The method will depend on the details provided in the anonymous complaint. All investigations will be fair, impartial, timely, and completed by qualified personnel.

To the extent possible, SFCM will endeavor to keep the reporting of the applicant or employee's concerns confidential; however, complete confidentiality cannot be guaranteed when it interferes with SFCM's ability to fulfill its obligations under this policy or any applicable law or order. All employees are required to cooperate fully with any investigation.

Any reported allegations of harassment, discrimination or retaliation will be assessed promptly. The assessment may include individual interviews with the parties involved and, where necessary, with individuals who may have observed the alleged conduct or may have other relevant knowledge.

Conduct constituting harassment, discrimination or retaliation will be dealt with promptly and appropriately. If SFCM determines that a violation of this policy has occurred, SFCM will take timely and effective responsive action commensurate with the severity of the offense. Responsive action may include, for example, training, referral to counseling, monitoring of the offender and/or other disciplinary action, up to and including termination of employment or expulsion from the school. All SFCM persons must cooperate when SFCM is assessing a complaint, no exceptions.

No retaliatory or disciplinary action will be taken against any individual for reporting in good faith, a complaint or for participating in the assessment process. You also should be aware that the Federal Equal Employment Opportunity Commission and the California Department of Fair Employment and Housing investigate and prosecute complaints of prohibited harassment in employment. If you think you have been harassed or that you have been retaliated against for resisting or complaining, you may file a complaint with the appropriate agency. The nearest office is listed in the telephone book and online under these agencies' websites.

Supervisors or managers who learn of any potential violation of this policy are required to immediately report the matter to the Associate Vice President of Human Resources and Administration and Title IX Coordinator and must follow that Vice President's instructions as to how best to proceed.

**Training:** Every two years, all SFCM employees must take Sexual Harassment Prevention training aimed at increasing their understanding of and preventing workplace sexual harassment (including harassment on the basis of sexual orientation, gender identity, and gender expression) and their role in creating an underlying culture of mutual respect in our workplace. Specific components of the training include how to promptly and effectively respond to sexual harassment when it occurs, the effects of abusive conduct in the workplace, and ways to appropriately intervene if one witnesses behavior that is not in keeping with this policy.

**Prohibiting Sexual Misconduct; Title IX:** Title IX of the Federal Education Amendments of prohibits SEXUAL MISCONDUCT ON OR OFF CAMPUS IN THE COURSE OF CONSERVATORY-RELATED ACTIVITIES.

SFCM encourages all members of the community who believe they have been victims of sexual misconduct to report these incidents to SFCM's Title IX Coordinators, listed under the Title IX policy.

Members of the SFCM community are also encouraged to contact local law enforcement authorities and when necessary to seek medical attention.

- Emergencies: call 9-1-1

- SF Police Department: call 415-553-0123
- Rape Trauma Services 24-hour helpline: call 415-206-8256
- National Domestic Violence hotline: 1-800-799-SAFE (7233)
- National Sexual Assault hotline: 1-800-656-HOPE (4673).

**Enforcement and Complaint Resolution:** When a report of sexual misconduct is brought to a Title IX Coordinator and/or Designee for Students, SFCM will take prompt and effective corrective action, including, where appropriate, disciplinary action up to and including dismissal from school and/or termination of employment of those whom SFCM concludes to have engaged in sexual misconduct in violation of this policy.

For complaints of Sexual Misconduct that occurred on or before July 31, 2024, please see APPENDIX A at the end of this document.

For complaints that occurred on or after August, please see APPENDIX B at the end of this document.

### **Additional Applicable Definitions & Clarifications**

**Consent** means “affirmative consent,” which means affirmative, conscious, and voluntary agreement to engage in sexual activity. It is the responsibility of each person involved in the sexual activity to ensure that he or she has the affirmative consent of the other person(s) to engage in the sexual activity. Lack of protest or resistance does not mean consent, nor does silence mean consent.

Affirmative consent must be ongoing throughout a sexual activity and can be revoked at any time. The existence of a dating relationship between the persons involved, or the fact of past sexual relations between them, should never by itself be assumed to be an indicator of consent.

In the determination of whether consent was given to sexual activity, it shall not be a valid excuse to an alleged lack of affirmative consent that the person whose conduct is at issue (“Respondent”) believed that the person who experienced the Respondent’s conduct (“Complainant”) consented to the sexual activity under either of the following circumstances:

- Respondent’s belief in affirmative consent arose from the intoxication or recklessness of the Respondent.
- Respondent did not take reasonable steps, in the circumstances known to the respondent at the time, to ascertain whether the Complainant affirmatively consented.

In the evaluation of complaints under this Policy, it shall not be a valid excuse that the Respondent believed that the Complainant affirmatively consented to the sexual activity if the Respondent knew or reasonably should have known that the Complainant was unable to consent to the sexual activity under any of the following circumstances:

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

Consent is given by words or conduct, as long as those words or conduct create mutually understandable clear permission regarding willingness to engage in sexual activity of a given kind under given terms. Consent may also be obtained in writing via text message.

- Because consent is active, stopping only when a person says, “No,” rather than when the person says, “I’m not sure I want to,” or “I don’t think we should do this,” is not enough.
- Failure to resist is not consent.
- Consent to one form of sexual activity is not consent to other forms of sexual activity.
- Previous relationships or prior consent is not consent to future sexual acts.
- Consent is not possible by persons under age 18.
- Consent is not possible by persons who are incapacitated.
- Resistance is a demonstration of nonconsent.
- Resistance is at times not reasonable to expect of a person who does not wish to, or is not able to, consent.

**Coercion** in the context of this policy is the act of applying unreasonable pressure to another person to consent to sexual activity even when they do not wish to engage in such activity. It is important to note consent due to coercion is not the same as affirmative consent. Coercive behavior differs from seductive behavior based on the type of pressure a person uses to force a person to consent to an activity they would rather not engage. When an individual makes it clear that they do not want to have sex or that they do not wish to continue having sex, responding to that person by applying pressure so they consent to the activity, even though they would rather not continue the activity, is coercive.

**Force** is the use of physical violence and/or threats thereof and/or imposing on someone physically to gain sexual access. Force includes threats, intimidation (implied threats), and coercion that overcomes resistance or produces consent (“Have sex with me or I’ll hit you” “Okay, don’t hit me; I’ll do what you want”). Sexual activity that is forced is by definition nonconsensual, but sexual activity does not have to be forced to be nonconsensual.

**Incapacitation** is a state in which someone cannot make rational, reasonable decisions because the person lacks the capacity to give knowing consent (e.g., to understand the “who, what, when, where, why, or how” of their sexual interaction).

- Someone who is incapacitated cannot give consent.
- Sexual activity with someone who one knows to be -- or based on the circumstances should reasonably have known to be -- mentally or physically incapacitated (by alcohol or other drug use, unconsciousness, or blackout) constitutes a violation of this policy.

This policy also covers a person whose incapacity results from mental disability, sleep, involuntary physical restraint, or from the taking of “rape drugs.” Possession, use and/or distribution of any of these substances, including Rohypnol, Ketamine, GHB, Burundanga, etc. is prohibited, and administering one of these drugs to another student is a violation of this policy.

**Sexual Assault and Rape.** For information regarding sexual assault and rape, see “Nonconsensual Sexual Contact” and “Nonconsensual Sexual Intercourse” within this policy as well as additional information under the heading of “Additional Actions in the Case of Nonconsensual Sexual Intercourse” under [Reporting Sexual Misconduct, Discrimination, Harassment, and Retaliation](#).

**Voyeurism** refers to a non-contact sexual offense that usually consists of spying on and/or recording other individuals engaged in intimate and/or private behaviors, such as undressing, dressing, performing sexual acts, using the restroom, and other very private activities where individuals would not expect or welcome viewing by others.

**The following terms apply once a complaint of sexual and/or other unlawful harassment and sexual assault is filed.**



**Advisor** is an individual who is trained to support a Claimant or Respondent when a complaint has been filed, who is usually assigned by the Title IX Coordinator, and who helps their assigned party navigate the process. The Title IX Coordinator will assign a trained advisor from the campus community who does not have any conflict of interest related to either party.

**Complainant** refers to the individual who may identify as having experienced, or being a victim or survivor of sexual misconduct and who makes a report of sexual misconduct under this Policy. A complainant can also be a person who has knowledge of an incident of sexual misconduct but is not a victim.

**Respondent** refers to the individual whose conduct is at issue under this Policy. A Respondent may be a current or former SFCM student, staff member, faculty, teacher, administrator, visitor, alumni, contractor, or any other person.

**Witness** refers to any individual who either witnessed an incident or who has relevant information regarding a case that is being investigated under this Policy.

**Support Person** is a person who provides support to a Complainant or Respondent and who may be present in a non-participating role to provide moral support during an informal and/or formal resolution process. A complainant and respondent may choose a friend, teacher, parent, attorney or anyone else chosen to serve in this capacity.

**False complaint.** Knowingly furnishing false information to SFCM is a violation of the Student Code of Conduct. Since false allegations can have wide-ranging consequences, those who knowingly file false reports, pursue a false complaint under this policy, or otherwise knowingly report, complain, or assist with a false complaint of unlawful harassment violate this policy as well as the Student Code of Conduct and are subject to disciplinary action. **Note:** Failure to substantiate a good-faith claim of harassment is not the same as knowingly making a false accusation out of malicious intent.

**Intoxication as a defense.** Use of alcohol or other drugs will generally not function as a complete defense (“I was high, too, so I couldn’t tell they were incapacitated” “They were too drunk to talk, but they were conscious and not stopping it, so I assumed they were okay with it”).

## **Other Related Matters & Concerns**

**Education & Prevention.** The Office of Student Affairs and Counseling Services provide various sexual misconduct education and prevention efforts, including required online educational programs, informational brochures, confidential counseling, and referral to community resources. The SFCM Counselor is prepared to provide the community with educational presentations tailored to the concerns of the particular group requesting service. All new SFCM staff and faculty are required to review and acknowledge this policy, as well as the policy on *Sexual and Unlawful Harassment*.

**Free Speech & Controversial Art.** SFCM upholds the principles of academic and artistic freedom and acknowledges that controversial ideas and images may be introduced for legitimate academic and artistic purposes within educational and performance spaces. This policy is not intended to limit such freedoms. Controversial ideas and images do not constitute harassment simply because they offend others. However, community members are expected to understand that controversial images or words introduced for discussion in the classroom may have a different impact than similar images or words introduced without context to other settings, such as a residence hall hallway, bulletin board, or other shared space. In the case of the latter, such images or words may not serve a legitimate educational or artistic purpose and may instead contribute to the creation of a hostile environment and will be addressed accordingly.

**Consensual Relations between Employees and Students.** Consensual sexual and romantic relationships between employees of SFCM (faculty and staff) and students at SFCM are strictly prohibited. Please see *Prohibition of Consensual Relations between Employees and Students* policy for more information.

### **Reporting Sexual Misconduct, Discrimination, Harassment and Retaliation**

For related policies, please also refer to the *Sexual, Gender and other Unlawful Harassment, Prohibiting Sexual Misconduct and Addressing Title IX Complaints* Policies.

SFCM responds to all reports of unlawful discrimination, harassment, retaliation, and sexual misconduct. SFCM encourages students, faculty, administrators, and staff who experience, know of, or suspect such conduct to promptly report such occurrences to maximize SFCM's opportunity to investigate, stop, or remedy prohibited conduct and/or prevent its recurrence.

Those who seek advice about whether reporting is necessary can provide a "Person Doe" (nonidentifying) account to the Title IX Coordinator, who will advise about next steps. Our Current Title IX Coordinators are:

- **Molly O'Malley**, Molly O'Malley Title IX Coordinator, for Students (650-383-4753 x176, Bowes Center for the Performing Arts, 116C, momalley01@sfc.edu)
- **Michael Patterson**, Associate Vice President of Human Resources and Administration and Deputy Title IX Coordinator for faculty and staff. (415-503-6237, Ann Getty Center for Education, Room 407, mpatterson@sfc.edu)
- **Timothy Dunn**, Associate Dean for Student Affairs and Deputy Title IX Coordinator for Students (415-503-6281, Bowes Center for the Performing Arts, 116B, tdunn@sfc.edu)

A Title IX Coordinator receives reports, determines whether an allegation is covered by Title IX or other existing policies, speaks to confidentiality/privacy and what can/cannot be done if confidentiality is requested, identifies options including formal and informal complaint procedures, determines if a full investigation is warranted and makes referrals to other sources for support.

**Violations of SFCM's Sexual, Gender and Other Unlawful Harassment and Preventing Sexual Misconduct policies that are not covered by Title IX are equally serious and treated in a manner that may be similar to but not prescribed by procedures set forth for violations of these policies that fall under Title IX.**

There is no time limit to report sexual misconduct, discrimination, harassment, or retaliation. Students and employees are encouraged to seek support and make informed decisions about reporting possible violations. Delay can make investigation difficult, but reporting is encouraged even if late so that SFCM can take action. Students who experience nonconsensual sexual intercourse but opt not to report it are encouraged to retain evidence and document their experience as much as possible to aid in any future investigations should they change their minds.

SFCM encourages all individuals to consider whether to seek assistance from a medical provider and/or law enforcement as soon as possible after an incident of sexual misconduct. Prompt reporting is the best option to ensure preservation of evidence and for the identification and location of witnesses.

SFCM also encourages the reporting of student sexual misconduct to SFCM, to SFCM's designated officers as described in this policy. Persons should make reports of student sexual misconduct as soon as the person knows of the incident of sexual misconduct.

An individual who in good faith reports sexual harassment or misconduct, either as a complainant or a third-party witness, will not be subject to disciplinary action by SFCM for personal consumption of alcohol or drugs at or near the time of the incident, provided that any such violations did not and do not place the health or safety of any other person at risk. SFCM may, however, initiate an educational discussion or pursue other educational remedies regarding alcohol or other drugs.

SFCM will promptly review and consider all reports of sexual misconduct. SFCM will also take steps to prevent recurrence of sexual misconduct and correct its effects. Members of the SFCM community who learn of an incident of sexual misconduct, whether by witnessing an incident or by learning of it through another person, should report the incident.

The filing of a report of sexual misconduct under this Policy is independent of any criminal investigation or proceeding that may take place by the police or other law enforcement agencies, and both an investigation by SFCM and a criminal investigation by police or other law enforcement agencies may take place simultaneously.

Anonymous reports, or reporting without disclosing your name, can be made. However, depending on the information received, SFCM's ability to respond to an anonymous report may be limited. The Title IX Coordinator and/or a person designated by the Title IX Coordinator will review anonymous reports received by SFCM and determine whether any investigation and response is appropriate.

SFCM hopes that students feel confident in using the processes outlined in this Policy. Effort will be made to respect the reasonable expectation of privacy of all individuals involved in this process in a manner consistent with the need for a thorough review of the report and carrying out of the processes. This means that the information related to a report under this Policy will only be shared with a limited circle of individuals who, in SFCM's judgment, have a "need to know" basis or a level of responsibility at SFCM in order to assist SFCM in its investigation and response and to prevent the recurrence of any such conduct found to have been committed, or to oversee the processes.

If there is a request that names remain confidential, SFCM will take steps to respond to the report in a manner that is consistent with that request. However, SFCM's ability to fully respond to the report may be limited and SFCM thereby cannot guarantee complete confidentiality.

If you do not wish to pursue a Complaint, you may inform SFCM. However, in many circumstances, SFCM will still investigate the matter and take reasonable steps to protect the campus community and its members.

SFCM is required by law to report certain types of reported sexual misconduct in its annual crime statistics report. Neither names, nor other identifying details of the incident, will be made public in the annual crime report.

SFCM is also required by law to report any incident which might be classified as a sexual assault to the San Francisco Police Department. However, it is up to the Complainant on whether or not to separately file his or her own report with the Police and/or to contact Rape Trauma Services.

If a person would like to discuss the details of an incident of possible sexual misconduct, without making a report or record of the incident, or in an otherwise confidential manner, the person should speak with persons who hold a relationship with the person of which there is a legal duty of confidence, such as with their physicians, mental health therapists, priests, chaplains, etc. These persons generally

will maintain confidentiality if they are acting in their capacity as your physician, mental health therapist, priest, or chaplain, except in cases of immediacy of threat or danger, or abuse of a minor.

### **Emergency and External Reporting Options (non-SFCM):**

- Emergencies: call 9-1-1
- SF Police Department: call 415-553-0123
- Rape Trauma Services 24-hour helpline: call 415-206-8256
- National Domestic Violence hotline: 1-800-799-SAFE (7233)
- National Sexual Assault hotline: 1-800-656-HOPE (4673).

**Mass Notification System (SFCM).** SFCM has partnered with Everbridge to provide a mass notification system that allows for dissemination of critical information via voice, text, and email to students, faculty and staff. All collegiate students, faculty and staff are automatically enrolled with their email address assigned by SFCM, and Pre-College students and their parents are encouraged to opt-in and receive alerts.

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## **SOCIAL MEDIA POLICY**

Social media refers to an ever-expanding variety of online tools and mediums for communication. The rapid development and expansion of personal blogs and communication websites, such as Facebook, Twitter, LinkedIn, YouTube, and many others, has dramatically changed the way many students, faculty and staff correspond and share information with one another and members of the public. SFCM makes use of social media for defined business purposes, and all social media communications on behalf of the school are overseen by the school's Communications Department.

### **When Personal Communication Becomes a Business Concern**

Social media can provide individuals with the means to express themselves and share their lives and opinions in a wide variety of ways: with family, friends, and co-workers around the world. However, use of social media presents certain risks and carries with it certain responsibilities. It is important to remember that what you publish online may not go away, and even can be duplicated and forwarded to a far wider audience than initially intended. For example, even with all privacy settings in place, comments that a person makes on a personal blog or other webpage can be printed as a pdf document and forwarded to others. This fact alone should remind us to exercise caution and take care with what we express or share online.

SFCM is fully committed to ensuring the academic freedom of students and faculty, and the school has no desire to impede or interfere with the personal use of social media by members of the SFCM community. However, the distinction between personal use of social media and SFCM business interests can become blurred when students, faculty, staff and other members of the SFCM community engage in behavior such as but not limited to the following:

- Discussing or disclosing confidential student, personnel or business information through social media channels
- Intentionally or unintentionally violating copyright laws by sharing materials through Social Media, using SFCM resources
- Using the SFCM logo, seal, and branding materials for purposes not authorized by the school's Communications Department

- Intentionally or unintentionally representing oneself as a spokesperson on behalf of the school
- Using social media to threaten violence against SFCM or other members of the SFCM community
- Engaging in sexual or other unlawful harassment of a member of the SFCM community

Every member of the SFCM community should ensure that their use of Social Media does not conflict with policies articulated in the Employee Handbook, Student Handbook, and other applicable local, state and federal laws. In particular, students and employees should familiarize themselves with SFCM policies *on Sexual and other Unlawful Harassment, Electronic Communications, Terms of Use* for SFCM websites, *Media Communications, Intellectual Property Protocols, Media Release, Code of Conduct* and *Prohibited Conduct*.

With all of this in mind, students, staff and faculty are encouraged to adhere to the following specific guidelines when using social media.

### **Prohibited Conduct**

1. Do not use social media and blog sites to harass or bully particular SFCM students, volunteers, faculty members, staff, departments, trustees, job candidates, or any other school constituent.
2. Do not post, publish or share statements, photographs, videos, or audio recordings of another member of the SFCM community, that reasonably could be viewed as malicious, obscene, threatening, intimidating, intending to cause harm and/or contribute to a hostile work environment on the basis of race, color, religion, creed, national origin, citizenship status, age, marital status, sexual orientation, gender or gender identity, disability, medical condition status, or any other characteristic protected by federal, state or local laws or that of an individual's relatives, friends or colleagues.
3. Do not use social media to threaten violence against the institution or any member of SFCM.
4. Do not use social media as a tool to retaliate against any student or employee who has reported or supported claims and investigations pertaining to violations of this or other SFCM policies and local, state or federal laws.
5. Do not use social media to share copyrighted materials originating from SFCM without authorization.
6. Do not post information concerning SFCM business that is confidential in nature (*e.g.* facts pertaining to a specific investigation, auditions, grades, and/or disciplinary actions), or the private information of students, employees, or any other SFCM constituency (*e.g.* credit card information, social security numbers, addresses, health conditions, and other such information).

Actions taken in violation of the guidelines above will result in disciplinary action, up to and including dismissal from SFCM and/or termination of employment.

### **Speaking on Behalf of SFCM**

- Remember that all media inquiries should be directed to the Director of Communications, and only the President, Chair of the Board of Trustees, or their designee may serve as official spokespeople on behalf of SFCM.
- Remember that readers may view you as an official spokesperson for SFCM; therefore, with any personal posts regarding SFCM, on a blog or social media site, you should make every effort to clarify that views expressed reflect your personal opinions and do not represent the official position of SFCM.

- Abstain from using the SFCM logo, seal, or any other branding materials on any online forum unless you are promoting the school in coordination with the Communications Department.
- Make every effort to ensure the accuracy of information you post about SFCM or regarding your colleagues.

### **Posting Comments on SFCM Social Media Sites**

SFCM may permit and even encourage members of the community to post comments on social media sites overseen by the school's Communications Department. While the expression of diverse opinions is welcome, SFCM reserves the right to delete comments, postings or links deemed objectionable. SFCM also reserves the right to prohibit individuals who repeatedly post objectionable material from ever posting on social media sites produced and managed by the Communications Department. In cases where postings result in a violation of copyright and/or local, state and federal laws, SFCM may report individuals responsible for such posts to the companies that host the applicable social media site (*i.e.* Facebook or Twitter).

### **Posting Grievances with SFCM Online**

As stated in our *Open Door Policy* (see *Employment Manual*), SFCM is committed to providing a positive environment in which to work, and to addressing employee concerns through informal and open communication. In addition to the *Open Door* and *Student Grievance* policies, SFCM provides a variety of channels for addressing concerns and grievances and strongly encourages employees and students to pursue such available and accessible mechanisms for addressing and resolving concerns. However, if you decide to post or publish complaints or criticism concerning your own experience with or observations about SFCM, you must ensure that your statements do not violate the terms outlined in this policy or any other prohibited conduct described in the Employee or Student Handbooks.

### **Using Social Media at Work**

SFCM does not specifically prohibit use of Social Media on campus. However, in compliance with SFCM's *Electronic Communications* policy, employees should abstain from online activities that significantly interfere with work.

### **Monitoring of Social Media**

SFCM does not actively monitor the internet for content that violates this policy. When SFCM has knowledge of an allegation that the law or a SFCM policy may be violated, SFCM will investigate such allegations. Students and employees may be held accountable for violations of law or SFCM policies that are revealed during such an investigation.

### **Reporting Possible Violations**

Any complaints for copyright infringement, and/or misuse of the SFCM seal, logo, and other branding materials, should be submitted to the Director of Communications in accordance with the *Terms of Use* policy for all SFCM websites.

For all complaints pertaining to sexual or other unlawful harassment, bullying, threats of violence, retaliation, and/or the sharing of confidential information through Social Media, employees should contact the Director of Human Resources, and students should contact the Associate Dean for Student Affairs.

### **For More Information**

For any other question you may have, regarding use of Social Media, or any other policies of SFCM, please contact the Associate Vice President of Human Resources and Administration (for employees) or the Associate Dean for Student Affairs (for students).

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## **ADDITIONAL POLICIES AND REGULATIONS**

The regulations contained in this Code of Student Conduct are not all-inclusive. Additional rules and regulations are contained elsewhere in the Student Handbook, the Collegiate Catalog, Residential Life materials, and other regulations from SFCM offices.

When deemed necessary, SFCM reserves the right to modify the policies, procedures, and guidelines contained in this booklet.

## **Other Regulations, Policies, and Procedures**

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This section is a selection of commonly asked regulations and policies. The *Student Handbook* is not intended to be a complete resource of every regulation, policy, and procedure at SFCM. All students should also review the *Collegiate Catalog* for additional policies, especially policies regarding academics and curricula.

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## **COLLEGIATE CATALOG AND ACADEMIC REGULATIONS**

The *Collegiate Catalog* is provided online. A table of contents with all the policies, procedures, and is available at [www.sfcm.edu/collegiate-catalog](http://www.sfcm.edu/collegiate-catalog). An example of the various policies contained in the Collegiate Catalog and Academic Regulations are:

- Absence from Class Policy
  - Academic Dismissal and Probation Policy
  - Academic Petitions
  - Change of Major Teacher
  - Juries
  - Leaves of Absence
  - Personal Information Change Policy
  - Rights and Responsibilities for Students on Financial Aid
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## **COMPLIMENTARY TICKET POLICY**

### **SFCM Concerts & Events**

All SFCM concerts will be ticketed with the exception of individual student recitals. Students, Faculty, and Staff should reserve tickets for themselves and their guests through the performance calendar on SFCM.edu - this helps the production department track attendance & capacity in each venue.

Most SFCM concerts & events are offered at no cost, but in the case of a paid SFCM event, students, faculty, and staff are entitled to one (1) complimentary ticket, depending on availability. Student

performers are entitled to two (2) for each concert they are performing in and may purchase additional tickets for \$15 each.

### **Comp Tickets from Neighboring Organizations**

SFCM students, faculty, and staff may also have the opportunity for complimentary tickets from neighboring organizations including the San Francisco Symphony, San Francisco Opera, Philharmonia Baroque, SF Jazz and others. These tickets are offered on a case by case basis and will be distributed at the Ann Getty Center Box Office most of the time. SFCM community members are not entitled to any free tickets from the neighboring organizations, and any comp tickets given to our community will be offered on a first come, first served basis. Notification of Comp Ticket opportunities will come via email. Please see the Box Office for more information.

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## **CONSENSUAL RELATIONS BETWEEN EMPLOYEES AND STUDENTS**

Close personal/romantic relations among students and faculty and/or staff members (or volunteers) are fraught with the potential for exploitation, even if there is consent on both sides. Such relations may interfere with the ability of the teacher, mentor or supervisor to act fairly and without favoritism and may contribute to the perception among other persons of unfair actions or favoritism.

Even when both parties have consented, the development of a sexual relationship between a student and a faculty or staff member leaves the institution vulnerable to allegations of sexual harassment or retaliation and, equally important, impedes SFCM's ability to promote and protect the student's educational and professional development while at SFCM. SFCM is committed to maintaining a learning and work environment that is free from potentially adverse effects that can arise from consensual personal relationships among those who are participating in teaching, mentoring and supervisory functions.

No faculty and/or staff member (or volunteer) may participate in a consensual personal relationship with a student.

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## **CRIME AWARENESS AND PUBLIC SAFETY**

SFCM is in full compliance with all aspects of the Crime Awareness and Public Safety Act of 1990. SFCM public safety policies, incident reporting procedures, and the drug-free campus policy are described in full in this Student Handbook.

### **Sex Offenders**

In accordance with the Campus Sex Crimes Prevention Act of 2000, which amends the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act, the Jeanne Clery Act and the Family Educational Rights and Privacy Act of 1974, the San Francisco Conservatory of Music provides a link to the California State Sex Offender Registry, [www.meganslaw.ca.gov](http://www.meganslaw.ca.gov).



All sex offenders are required to register in the State of California and to provide notice of each institution of higher education in California at which the person is employed, carries a vocation, or is a student.

Under California Penal Code 290 (the Sex Offender Registration Act), all sex offenders are required to register with local law enforcement if they live, work, or attend school in California. Those enrolled in (part-time or full-time, degree-seeking or not), or employed (part-time or full-time, paid or unpaid) at any California college or university must also register and update information with the campus police.

Since SFCM does not operate a full-fledged law enforcement agency, sex offenders must register with the agencies that patrol the areas in which our campuses are located. Specifically, this means sex offenders must register with the San Francisco Police Department.

In addition, by SFCM policy, current or potential students must deliver written notice of their status as a sex offender to SFCM's Associate Dean for Student Affairs no later than three (3) business days prior to their enrollment in SFCM or within five (5) days if their status changes while a student at SFCM; they must provide regular updates of moves, name changes, etc., as they do to local law enforcement.

Current and potential employees, volunteers, and contractors must report this information to the Director of Human Resources. Such notification may be disseminated by SFCM to, and for the safety and well-being of, the SFCM community, and may be considered by SFCM for enrollment, employment, and discipline purposes.

Failure to register may result in criminal action by law enforcement and enrollment/employment change or disciplinary action at SFCM.

## **Crime Reports**

To view a year-by-year comparison of crime statistics for the SFCM campus (three years back up to the previous year), follow these instructions:

- Visit U.S. Dept. of Education: Campus Safety & Security at <http://ope.ed.gov/security/Index.aspx>
- Click the text in RED in the upper right-hand corner
- Type "San Francisco Conservatory of Music" in the institution field (Note: Only the college name is sufficient)
- Hit enter or "Search"

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## **DINING PLAN REQUIREMENT POLICY**

### **Requirement and Eligibility**

A dining plan is required for all full-time collegiate students enrolled at SFCM. The minimum plan required is based on-campus residency status and class year. The dining plan contract is for an academic year and is billed by semester. Students will be automatically enrolled in the minimum required dining plan based on their campus residency status and class year. Students may choose to enroll in a larger dining plan option than the minimum required plan for their residency status and class

year. A dining plan selection from the fall will automatically be assigned in the spring and be billed accordingly.

	On-Campus Residency	Off-Campus Residency
<b>1<sup>st</sup> &amp; 2<sup>nd</sup> Year Undergraduates</b>	Gold Dining Plan	Bronze Dining Plan
<b>3<sup>rd</sup> &amp; 4<sup>th</sup> Year Undergraduates</b>	Silver Dining Plan	Bronze Dining Plan
<b>Graduate &amp; Postgraduate Students</b>	Silver Dining Plan	Bronze Dining Plan

	Per Semester Charge	Meal Exchange Swipes	Per Semester Declining Points
<b>Platinum Dining Plan</b>	\$4,415.00	1 breakfast, 1 lunch & 1 dinner (7 days / wk)	100
<b>Gold Dining Plan</b>	\$3,150.00	1 lunch & 1 dinner (7 days / wk)	200
<b>Silver Dining Plan</b>	\$2,100.00	1 lunch OR 1 dinner (7 days / wk)	300
<b>Bronze Dining Plan</b>	\$500.00	None	500

A “meal exchange swipe” is an entree item, one side, and a drink.

As long as a student maintains an active spring dining plan, unused declining points will transfer from the fall semester to the spring semester, however unused declining points will not roll over from spring semester to fall semester. Declining point funds are non-refundable at the conclusion of the academic year. Unused meal exchange swipes will expire at the end of each day (Silver Plan) or meal period (Gold Plan).

Dining plans are intended for individual use only. The dining plan holder is the only person who will have access to the dining plan. All dining plans are billed and charged to individual accounts and placed on each student's ID card for their personal use.

Students can view the weekly menu posted on the website, <https://bit.ly/3PuTWwd>.

## **Exemption Petitions**

Dining Plan Exemption Petitions are considered by the Office of Student Affairs for well-documented, extraordinary circumstances. A student making a request to be released from the Meal Plan Contract is asking for an exception. An approval of the petition is not automatic and is generally given only for well-documented extraordinary circumstances. Meal plan refunds will be calculated based on the day the Dining Plan Exemption Petition is approved.

SFCM can accommodate students with allergies to gluten, wheat, soy, shellfish, dairy, eggs, peanuts, and tree nuts as well as vegetarian and vegan dietary restrictions, so citing these dietary restrictions are not typically approved as a reason to be released from the dining plan.

Requests for exemption for financial reasons will be reviewed with the SFCM Financial Aid Office and are not available to first-year students.

Students may contact the Office of Student Affairs Dining Services at [dining@sfc.edu](mailto:dining@sfc.edu) with inquiries.

## **Dining Plan Change Period**

All students may choose to increase their meal plan from the minimum required plan during the meal plan change period. Dining Plan Change Period for fall semester is from July 15 to August 15. Dining Plan Change Period for spring semester is from December 1 to December 15.

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## **DISABILITY SUPPORT SERVICES**

The San Francisco Conservatory of Music is committed to providing qualified students an equal opportunity to attain an education regardless of disability. SFCM affords reasonable accommodations and aids to students with disabilities in accordance with the Americans with Disabilities Act (ADA), the Rehabilitation Act of 1973, and California law.

### **Disability Accommodation Registration Process**

Each student bears the responsibility for initiating and documenting a disability-related request for accommodation. It is recommended that students begin the disability accommodation registration process at least two (2) weeks before the start of each semester, although SFCM will consider the merits of each request at the time the request is received. Students who request accommodation of a disability should contact the Associate Dean for Student Affairs, who will assist and advise them in their registration and accommodation request procedures.

Upon contacting the Associate Dean, the student will be required to submit reasonable medical documentation supporting the registration and accommodations request, in addition to completing internal forms related to disability registration and accommodation request. Recent diagnostic testing documentation from the appropriate health professional should reflect the nature of and present level of disability, how the disability affects the student's needs in a music conservatory, and how the requested accommodations will resolve the needs. SFCM has the discretion to determine what type of professional documentation is necessary, and this may vary depending on the nature of the disability

and/or accommodation and other circumstances. All records related to disability and accommodation registration are confidential and private.

Once appropriate documentation has been received, the Associate Dean and Dean's Office will work with the student and determine the appropriate accommodations or aids. The Associate Dean and Dean's Office make the final decision regarding the request for accommodation or aid. If the student agrees with the decision, the Associate Dean will discuss the accommodations and appropriate implementation of such with faculty members in whose courses the student has requested the accommodation or aid. It should be noted that the Associate Dean will not disclose legally confidential, health-related information, unless such information is appropriate in order to assist with implementing the accommodation or aid.

Written confirmation of the determined accommodations will be sent to faculty whose classes have been requested for accommodations and to the student. The Associate Dean and Dean's Office will, upon request, seek to continue to support, advise, and provide information to the student throughout the entirety of the registered semester.

If a student disagrees with the decision made by the Associate Dean and Dean's Office, the student may request review by the Academic Affairs Committee via written request within seven calendar days of the accommodation determination. Relevant information will be provided to the Academic Affairs Committee, which, after considering the appeal including a meeting with the student, will notify the student, the Associate Dean, and the Dean's Office in writing of the final determination. The decision of the Academic Affairs Committee is final and binding.

### **Definitions**

*Individual with a disability* is a person who: (a) as defined by law, has a physical or mental impairment which limits one or more life activities (such as walking, seeing, speaking, learning, or working); or (b) has a written record with SFCM by which SFCM has in fact recognized the student as having such impairment.

*Qualified student or applicant* is an individual with a disability who satisfies, and can continue to satisfy, all of the standards requisite to admission and participation in SFCM.

*Accommodations* are such learning aids (not personal equipment), assistance measures and limited modifications to the non-fundamental course, program, or educational services, as are necessary and effective for the individual, if reasonable to provide at SFCM. Accommodations do not include exemption from academic performance standards or from behavior standards including those of the code of student conduct. To be eligible to continue at SFCM, the student or applicant must meet the qualifications and requirements expected generally of its students and must also be able to perform the requirements of the individual program in which the student is enrolled or intends to enroll, either with or without reasonable accommodation.

*Fundamental aspects of the program* include (but is not limited to) timely satisfaction of all academic standards, compliance with the code of student conduct and with other SFCM policies.

*Note:* In the event that a request for reasonable accommodation is denied, in its discretion SFCM may occasionally choose to afford the student some temporary measure or flexibility, which is not based on the asserted disability issue, but which otherwise is considered appropriate, if it does not alter a fundamental aspect of the program. In such cases, such temporary measure or flexibility will not be a precedent nor will it be a reasonable accommodation, and the student thereby is not regarded as an individual with a disability.

### **Disability Services Resources**

Students seeking support in finding diagnostic testing for learning disabilities should contact the Associate Dean for Student Affairs. Students are responsible for all fees associated with diagnostic testing.

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## **EMOTIONAL SUPPORT ANIMAL POLICY**

### **General Information**

An Emotional Support Animal (ESA) is an animal selected to play an integral part of a student's treatment process, providing emotional support that alleviates one or more identified symptoms or effects of a student's disability. An ESA does not perform work or tasks that would qualify them as service animals, as defined by the Americans with Disabilities Act (ADA). Emotional support animals are not considered pets. To preserve student health and safety, pets are prohibited in all SFCM residences, with the sole exception of fish in bowls or tanks that do not exceed 10 gallons. Having an ESA is considered an exemption to the pet policy and is an approved animal. As such, SFCM requires that students with disabilities who require an ESA to affirmatively request an emotional support animal within established deadlines. In general, only one ESA per student is allowed.

An ESA must remain in the student's assigned residential living space (bedroom) at all times, except when being transported outside in an approved manner. ESAs are not permitted in shared residential spaces, such as bathrooms, kitchens, laundry rooms, hallways, terrace, and/or lounges. A student may not take an ESA to class, or into any other building at SFCM. When an ESA is outside a student's assigned residential living space, it must be in an animal carrier, or controlled by a leash or harness. The Office of Student Affairs will work with a student to identify appropriate spaces for that student's ESA to exercise and relieve itself, based on where the student resides. The student is responsible for cleaning up and properly disposing of all of the ESA's waste.

Each student is responsible for the control, care and supervision of their ESA at all times, as well as for ensuring that the animal does not unduly interfere with the routine activities of SFCM or any of the students. If that student leaves campus for a period of time, they must take the approved animal with them and may not leave the animal on campus overnight or longer, even if under the care of another person.

Students who receive approval for an ESA will select student housing through the regular room selection process. Students are advised, that in order to ensure that an ESA does not interfere with the equitable enjoyment of housing by other students who may have animal allergies or aversions, SFCM

will identify certain residential spaces across campus as animal-free spaces, and they will not be able to live in these spaces with their approved animal.

Accommodation requests for an ESA must be reasonable. An ESA should demonstrate a good temperament, reliable and predictable behavior, and be able to live with others in a reasonable manner. The ESA's behavior, noise, odor, and waste may also not exceed reasonable standards for a well-behaved animal. A specific animal may be prohibited from serving as an ESA in student housing if that animal's behavior or presence poses a direct threat to the health or safety of others; would cause substantial physical damage to the student housing and/or property of others; may force another student(s) from their student housing space(s); and/or creates unreasonable disruptions for other community members, including their right to peace and quiet enjoyment. Prohibited animals include venomous animals, exotic or non-domesticated animals, gerbils, hamsters, rats, mice, snakes, other reptiles or other animals in cages.

Students must comply with all City and State ordinances, laws, and/or regulations, as well as SFCM policies, pertaining to animals. These include, but are not limited to, California Animal Cruelty Laws. The animal must have all veterinarian recommended vaccinations to maintain its health and prevent contagious diseases. Proof of vaccination is required before moving the animal into any student housing. SFCM reserves the right to request an updated health record at any time during the animal's residency. In addition, dogs will need to be licensed in accordance with local ordinances. Dogs and cats must receive monthly preventative flea and tick treatments. ESA cats must use a high-sided or enclosed litter box.

**The student resident is financially responsible for the actions of the ESA, including damage to SFCM or personal property or harm to others. Any extra cleaning charges that result from the ESA's presence will be the student's responsibility.** All spaces must be returned to an allergen-free level and a third-party, SFCM-approved pest control/cleaning service may be used. The student will also be responsible for any costs incurred should the ESA need to be removed for any reason by SFCM personnel or animal control professionals.

## **Process for Requesting an ESA**

This does not include Service Animals, as defined by the ADA.

An ESA must be requested and approved for each academic year. SFCM will accept and consider all reasonable and necessary ESA requests at any time, however, completed requests must be received by the Office of Student Affairs by July 1 in order to ensure that approved requests can be accommodated for the upcoming academic year.

Should a need for an ESA occur during a current term and/or after July 1, students should complete the process below as soon as possible. While SFCM will make every reasonable effort to address all necessary and requested ESA requests, SFCM cannot guarantee that it will be reasonable or feasible for the current and/or upcoming term to grant an ESA request received after the stated deadlines.

Submitting a request for an ESA does not guarantee a specific accommodation. Students must complete the ESA request process and receive approval before engaging in any behaviors related to the requested ESA. Additional and more detailed information can be found in the SFCM ESA

Agreement, which must be signed before an ESA will be permitted in a student's residential living space.

## **Documentation**

Students are required to have a treating healthcare provider complete and submit an *Emotional Support Animal (ESA) Verification Form* to the Office of Student Affairs. The student or healthcare provider will email the *ESA Verification Form* to [reslife@sfc.edu](mailto:reslife@sfc.edu). This form provides the Office of Student Affairs with reliable documentation of disability. Documentation must also show that the requested ESA is necessary for the student to use their student housing space; in addition, there must be an identifiable relationship, or nexus, between the requested ESA and their disability. The treating health care provider completing the form must specialize in a field consistent with the diagnosis, as well as be familiar with the student's disability and the necessity for the requested ESA. To avoid any conflict of interest, documentation must be provided by a non-family healthcare provider. An ongoing relationship is defined as at least three counseling sessions in a three-month period, with the most recent session occurring within the past month of the requested accommodation.

Upon receipt of both the Emotional Support Animal (ESA) Verification Form, the Associate Dean for Student Affairs or designee will contact the student to set up a meeting to discuss the ESA request to ensure that the need and scope of the request is fully understood. Should additional information be needed, the student may be asked to sign a release of information so that SFCM may verify the disability and/or that the requested ESA is necessary for them to use and enjoy their student housing space, by alleviating one or more identified symptoms or effects of their disability.

If approved for an ESA, the student will then submit vaccination records for the ESA.

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## **EQUAL EDUCATIONAL OPPORTUNITY**

SFCM is an equal opportunity institution of higher education and employer and is firmly committed to non-discrimination in its delivery of educational services and employment practices. In compliance with all applicable federal and state laws, SFCM policy prohibits unlawful discrimination based on race, color, creed, gender, religion, marital status, registered domestic partner status, age, national origin or ancestry, physical or mental disability, medical condition (including cancer and genetic characteristics), sexual orientation, or any other consideration made unlawful by federal, state, or local laws. It also prohibits unlawful discrimination based on the perception that anyone has any of those characteristics, or is associated with a person who has or is perceived as having any of those characteristics.

When necessary, SFCM will reasonably accommodate individuals with disabilities if the individual is otherwise qualified to meet the fundamental requirements and aspects of the educational program and/or safely perform all essential functions, without undue hardship to SFCM and/or without altering fundamental aspects of SFCM's educational program. Any student requesting disability accommodation should contact the Associate Dean for Student Affairs and should review the "Disability Support Services" section in this Handbook.

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## **FAMILY EDUCATION RIGHTS & PRIVACY ACT**

The Family Education Rights and Privacy Act (FERPA) of 1974 and the rules and regulations of the Department of Education provide students with certain rights regarding privacy of, and access to, their educational records. SFCM affords each student the opportunity to:

1. Request to inspect and review the student's education records. Students should submit a written request to the Registrar that identifies the record(s) they wish to inspect. The Registrar will notify the student of the time and place where the records may be inspected.
2. Request the Registrar to amend the student's educational records to the extent that the student believes are inaccurate. A written request must be made to the Registrar. The request should include all information which identifies the part of the record the student wants amended and why the student believes the record to be inaccurate. In the event that SFCM decides not to amend the record, the student will be advised of their right to a hearing.
3. Consent to the disclosure of personally identifiable information contained in the student's education records, except to the extent that FERPA authorizes disclosure without consent. Exceptions which permit disclosure of student records without consent include: disclosure to SFCM officials with legitimate educational interests, to external entities per subpoena, to other institutions of higher education to which student may be an applicant, to parents under certain circumstances, and to protect the health and safety of the SFCM community.
4. "Directory Information" may be released at the discretion of SFCM. Under FERPA, students have the right to withhold the disclosure of the information listed below.

Name	E-mail address
Telephone numbers	Enrollment status
Date of graduation	Dates of attendance
Degree program	

If students wish to prevent disclosure of this information, please notify the Office of the Registrar in writing. To allow disclosure of non-directory information to an individual the Office of the Registrar provides a FERPA release form. This form will be in students' registration packets, but is always available online and in the Office of the Registrar.

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## HEALTH INSURANCE POLICY

All full-time students (12 credits and more) are required to have medical insurance. All domestic, full-time students who are not covered under a comparable U.S.-issued health insurance policy must purchase health insurance offered through SFCM before being allowed to register. All international, full-time students must purchase health insurance offered through SFCM before being allowed to register. Students enrolled for less than 12 credits (part-time status) are not eligible to buy insurance through SFCM. Students who take a leave of absence may also be ineligible to continue their health insurance policy through SFCM. Students enrolled in Optional Practical Training (OPT) are eligible, but not required, to enroll.

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## INFORMATION TECHNOLOGY TERMS & CONDITIONS

### What are IT resources?



"Information Technology (IT) resources" refers to an array of products and services that collect, transform, transmit, present, and otherwise make data into usable, meaningful and accessible information.

IT resources include but are not limited to: desktop, laptop, portable storage, mobile devices, on-premise and hosted applications, licenses and e-mail, voicemail, servers, central computers, and networks; network access systems including wireless systems; hard drives and databases; computer software; printers and projectors; telephone equipment and switches including local and long-distance services; camcorders, TVs, video players, and FAX machines; satellite equipment and any other current or future IT resource adopted by SFCM.

### **Purpose of Agreement**

The purpose of this agreement is to maximize the value of SFCM IT resources, permit maximum freedom of use consistent with state and federal law, and SFCM policies in order to support a productive work environment.

SFCM IT resources are intended for official SFCM related purposes, including support of SFCM teaching, research, and service missions, SFCM administrative functions, and SFCM student and campus life activities. Use of SFCM IT resources must comply with state and federal laws, and SFCM policies.

### **Scope**

This agreement applies to all users of SFCM IT resources, whether affiliated with SFCM or not, and to all uses of those resources, whether on campus, off campus, including in offices, classrooms, laboratories, hallways, public spaces, and residence halls.

### **Responsibility**

All users of SFCM IT resources are responsible for compliance with this agreement. Users of SFCM IT resources shall be held responsible for all account activities and for appropriate charges.

### **Personal Use is Limited**

The primary purpose of SFCM IT resources is to conduct official SFCM business. However, occasionally SFCM students may use the Internet and electronic mail for individual, non-political purposes on their personal time, if such use does not violate the terms and conditions of this agreement. Use of the Internet and electronic mail offers students an opportunity to develop research and communication skills valuable to the effectiveness and efficiency of our teaching, research, and service missions.

### **Privacy is Not Expected**

SFCM may have a business necessity or reason to access files and accounts of its employees or students, including the investigation of complaints or misuse. It is therefore unreasonable for any user of SFCM IT resources to have an expectation of privacy in the use of such resources.

### **Academic Freedom and Associated Responsibilities**

The First Amendment rights of academic freedom and freedom of expression apply to the use of SFCM IT resources, as do the responsibilities associated with those rights. The use of SFCM IT resources like the use of other SFCM resources (and like any other SFCM-related activity) is subject to the normal requirements of legal and ethical behavior. Therefore, in addition to this agreement, the use of SFCM IT resources is also governed by all SFCM policies.

## **Prohibited Actions**

SFCM IT resources shall not be used for:

- commercial or personal profit-making purposes, for conducting political advocacy, or for personal benefit where such use incurs a cost to the SFCM and is not academic or work related;
- accessing or attempting to access another person's directory, files, or mail, whether protected or not, without permission of the owner. Attempts to access unauthorized IT resources via the computer network, to decrypt materials, or to obtain privileges to which the user is not entitled are prohibited;
- visiting, viewing or distributing Internet sites or materials that contain obscene, pornographic, profane or sexually explicit information, pictures, or cartoons; and publishing, displaying, transmitting, retrieving or storing inappropriate or offensive material. Such is expressly prohibited unless identified and pre-approved in writing by the Dean as part of legitimate research, teaching, or academic pursuits. Contact the Office of the Dean to request written pre-approval;
- intentionally or negligently interfering with the proper operation of any system or its use by others;
- creating or distributing defamatory, false, inaccurate, abusive, threatening, racially offensive or otherwise biased, discriminatory or illegal material;
- downloading, disseminating, storing, using, or printing materials in violation of copyright laws including articles, music, videos, games, and software;
- causing congestion, overload or disruption of networks or systems, including the distribution of spam or other forms of over-utilization of network resources;
- illegal, threatening, or destructive purposes;
- creating or knowingly disseminating unwanted and unsolicited emails or materials (SPAM).

Users of SFCM IT resources shall not:

- remove, transfer, disable or dispose of computer software licensed to the SFCM;
- share a computer account or password(s) with other persons. Each user must have an individual account, passwords must be protected, and the user must not leave a machine logged on when not present;
- consume unreasonable amounts of resources. SFCM may impose restrictions or limits on use of such resources;
- falsify e-mail or newsgroup postings;
- try to circumvent login or security procedures.

## **Non-Compliance**

Report suspected violations of this agreement to the appropriate supervisor, department head, Dean, Associate Vice President for Information Technology, Associate Vice President for Human Resources and Administration, or Associate Dean for Student Affairs. Depending on the seriousness of an offense, violation of this agreement can result in penalties ranging from reprimand, to loss of use, to referral to SFCM authorities for disciplinary action, to criminal prosecution. Use of these resources is a privilege, not a right, and abuse may result in the immediate removal of privileges pending final resolution.

## **Inquiries**

*Version date: September 6, 2024*

Students, faculty, staff, visitors, system administrators, supervisors, or others who are unsure about how to deal with any aspect of these Terms and Conditions should contact the Associate Vice President for Information Technology prior to taking any action.

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## **MEDIA CONSENT AND PUBLICITY RELEASE POLICY FOR STUDENTS**

This Media Consent and Release Policy for Students provides the San Francisco Conservatory of Music (“SFCM”) with consent by its enrolled students to use photographs and recordings of concerts presented by SFCM performing groups/organizations as a part of SFCM’s academic concert calendar, as well as master classes, lessons and other activities and events photographed and/or recorded in connection with SFCM and its not-for-profit educational mission.

The term “Media” as used in this policy shall mean and include: Any and all recordings of concerts, master classes, lessons, lectures, other instructional content, and/or performances given by SFCM Artists, as well as related news releases, promotional materials, and other related content generated or created at, by, or through SFCM, in print, photograph, CD, DVD, tape, film, audio, video, computer chip, radio, television, cable or satellite broadcast, the World Wide Web or otherwise on the Internet, or in any other form now or later known or developed.

SFCM reserves all rights to Media consistent with SFCM’s Copyright Policy. Photographs of students, as well as their name, voice, or likeness, may be used by SFCM in Media consistent with SFCM policies. SFCM shall retain a perpetual, irrevocable, fully paid-up, royalty-free, non-exclusive, world-wide license to use the Media not owned by it under its Copyright Policy, for SFCM’s not-for-profit educational mission.

Students release SFCM, its assigns, licensees, and successors from any and all claims, losses, or liabilities arising from or relating to use of the Media and/or Artist’s name, voice, photograph, or likeness, consistent with SFCM policies.

By accepting an offer of admission to SFCM, students agree to be bound by the terms of this policy.

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## **MISSING STUDENT NOTIFICATION POLICY**

In compliance with Section 488 of the Higher Education Act of 2008, the following policy and procedures have been developed to assist in locating student(s) living within on-campus and SFCM-affiliated housing, who based on the facts and circumstances known to SFCM are determined to be missing.

Most missing person reports in the college environment result from a student changing their routine without informing roommates and/or friends of the change. Anyone who believes a student to be missing should report their concern to a Resident Assistant, Student Affairs staff, or the Associate Dean for Student Affairs. Every report made to SFCM will be followed up with an immediate investigation and once the student is determined to be missing, the steps outlined below will be followed, typically within 24 hours. Depending on the circumstances presented to SFCM officials, parents of missing students may be notified.

At the beginning of each academic year, residential students will be asked to provide, on a voluntary basis, the name and emergency contact information for the individual(s) they would like contacted in the event they are reported missing while enrolled at the San Francisco Conservatory of Music.

**General Procedure:**

1. A SFCM official receives a report and collects the following information at the time of the report:
  - a. The name and relationship of the person making the report.
  - b. The date, time and location the missing student was last seen.
  - c. The general routine or habits of the suspected missing student (e.g.-visiting friends who live off-campus, working a job away from campus) including any recent changes in behavior or demeanor.
  - d. The missing student's cell phone number (if known by the reporter).
2. The SFCM official receiving the report will contact the Associate Dean for Student Affairs. The Associate Dean for Student Affairs will ascertain if/when information must be communicated to the other SFCM staff and/or faculty.
3. Upon notification from any entity that a student may be missing, the San Francisco Conservatory of Music may use any or all of the following resources to assist in locating the student.
  - a. Go to the student's residence hall room.
  - b. Talk to the student's teacher, resident assistant, roommate, and floor mates and friends to see if anyone can confirm the missing student's whereabouts and/or confirm the date, time and location the student was last seen.
  - c. Secure a current student ID or other photo of the student.
  - d. Call and text the student's cell phone, and call any other numbers on record.
  - e. Send the student an email.
  - f. Check all possible campus locations mentioned by the parties above.
  - g. Contact or call any other on-campus or off-campus friends or contacts that are made known. This could include checking a student's social networking site(s).
  - h. SFCM's Information Technology Staff may be asked to obtain logs in order to determine the last log in and/or access of SFCM's network.
4. Once all information is collected and documented and the Dean is consulted, SFCM will contact the San Francisco Police Department to report the information.
5. If in the course of gathering information as described above, foul play is evident or strongly indicated, the San Francisco Police Department will be contacted immediately.

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**MUSIC TECHNOLOGY FACILITIES POLICY**

**C01 & C07 Clavinova Labs**

Each of these rooms doubles as both a keyboard lab and a classroom. C07 is equipped with thirteen Clavinovas, C01 has seven. All SFCM students may use these pianos on a first-come first-serve basis at times while classes are not in session. Clavinovas should be turned off when not in use, and headphones should be entirely stored in the bag at each workstation. No equipment or furniture is allowed to be moved outside of these rooms.

## **Technology and Applied Composition Studios**

The Technology and Applied Composition (TAC) Studios are designed to serve as state-of-the-art creative spaces for teaching, composition, recording, and music production. These studios are intended to be used for hands-on learning and development of creative works, not as regular practice rooms or computer labs. These facilities may not be used by students for commercial purposes - you may not charge for your services while using these resources. TAC Majors have access to all of the TAC studios and labs once they complete the required training or receive permission from the TAC Studio Manager. These spaces can be reserved by TAC majors via the internal departmental calendars. Non-TAC Majors can have access to the TAC computer lab in AGC S01 once they have completed training with the TAC Studio Manager. Non-TAC Majors may also receive studio access through a relevant and corresponding TAC course; for the duration of the course, and at their instructor's request. General training takes place at noon every Thursday in S01 or via an appointment made by contacting [tacstudios@sfc.edu](mailto:tacstudios@sfc.edu). *Gear in the TAC spaces may not leave the room or be unplugged unless with express permission given by the TAC Studio Manager.* Further, there is to be absolutely no food or drink in the TAC studios, and studios must always be left tidy. Repeated misuse of the studios or labs can, and will, result in getting access revoked.

### **S01: Technology and Applied Composition Lab A**

A state-of-the-art digital audio production lab and classroom with 14 workstations, each equipped with a dual display Apple iMac, Yamaha 88-key weighted action digital keyboard, Focusrite Scarlett Solo audio interface, Arturia BeatStep MIDI controller, and KORG nanoKONTROL2. For a complete list of additional software resources available, see the section below. The TAC Lab is available for use by all SFCM students, faculty, and staff upon the completion of a training session. Training sessions will be held regularly throughout the school year. Visit S01 for details or contact [tacstudios@sfc.edu](mailto:tacstudios@sfc.edu) to schedule a training session.

### **Bowes B109: Technology and Applied Composition Lab B**

A state-of-the-art digital audio production lab and classroom with 21 workstations, each equipped with a dual display Apple iMac, Nord Stage 33 keyboard and synthesizer, and Dante-equipped Focusrite Red4Pre audio interface. For a complete list of additional software resources available, see the section below. The TAC Lab is available for use by all TAC students, faculty, and staff upon the completion of a training session. Non-TAC students can obtain access to Lab B with enrollment in a relevant TAC course, at the request of the course instructor. Contact [tacstudios@sfc.edu](mailto:tacstudios@sfc.edu) for more information or to schedule a training session.

### **S04: Studio A - Mixing Studio**

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Studio A is a multipurpose, acoustically tempered recording and teaching space, as well as home to our 32-channel Neve 5088 Mixing Console. This room functions as a 5.1 surround sound recording and mixing studio that may be networked to any of the performance halls in the Ann Getty Center or S20. Studio A is geared towards large-scale and professional quality student and faculty recording projects. Access to Studio A is limited to TAC students who have completed a prerequisite recording class.

### **S19: Studio B - Project Studio**

This professional post-production studio features 5.1 surround sound playback, multimedia capabilities, and various electronic instruments and synthesizers. Intended as a room for advanced student projects, SFCM-sponsored professional projects, and technical ear training, Studio B provides a workspace for mastering audio to film and other multimedia. Access to Studio B is available to TAC students and training sessions are held regularly throughout the year.

### **S20: Studio C - Live Room**

A large, acoustically tempered room with a Steinway grand piano available for recording and rehearsal of electroacoustic music. This room is connected directly to Studio A via analog audio and HD video. This room is available to TAC students and training sessions are held regularly throughout the year.

### **S18: Studio D - Project Studio**

This cozy mid-sized room features a small collection of synthesizers, an electric guitar, and a set of VDrums for use in continuing work on student projects and hosting private lessons. This room is available to TAC students and training sessions are held regularly throughout the year.

### **Bowes 213: Studio E - Project Studio**

This mid-sized room features various synthesizers and an electric guitar and microphone for use in continuing work on student projects and hosting private lessons. This room is available to TAC students and training sessions are held regularly throughout the year. This room is open 24 hours to TAC students who reside in Bowes.

### **S03: Studio F - Faculty Studio**

This room is reserved for TAC faculty to prepare for classes and use for private lessons. It is not available for individual use by students.

### **Bowes B209: Studio G - Tech Hall**

This large live room features variable acoustics and advanced lighting control, and is used in tandem with Studio H for recording large projects. It can also be used as a small performance space and multichannel production facility. This studio is only bookable by 3rd and 4th year undergrad, PSC, and Masters TAC students who have undergone the prerequisite training, which is held regularly throughout the year - or with prior approval from the TAC studio manager. This studio is only available from 8am to 8pm.

### **Bowes B201: Studio H - Recording Room**

This is the flagship studio of the TAC department and can be used to record and mix large-scale projects. It features 7.1.4 surround monitoring and high-end Meyer Bluehorn speakers, as well as

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comprehensive analog and digital recording and mixing consoles. This studio is only bookable by 3rd and 4th year undergrad, PSC, and Masters TAC students who have undergone the prerequisite training, which is held regularly throughout the year. This studio is only available from 8am to 8pm.

### **Bowes 212A, B, C, and D: TAC Pods**

The TAC Pods are small project booths that students can use to work on projects with speakers. Some of the pods may also be used for individual recording or using synthesizers. These rooms are available to TAC students. This room is open 24 hours to students who reside in Bowes.

### **Software Resources**

The following software is available on all computers throughout the TAC Studios:

- Ableton Live Suite
- Adobe Creative Cloud
- Apple Logic Pro X
- Avid Pro Tools
- Cinesamples CineSymphony Complete Bundle
- Dolby Atmos Mastering Suite (Studio H)
- EastWest Complete Composers Collection
- Finale
- FMOD Studio
- GRM Tools (Select Studios Only)
- Izotope Music Production Suite
- Max/MSP/Jitter
- Melodyne
- Native Instruments Komplete
- Reaper
- Sibelius
- Soundtoys
- Spectrasonics Omnisphere and Keyscape (Select Studios Only)
- Fabfilter Total Bundle
- Unity
- Vienna String Library (Studio B Only)
- Waves Diamond Bundle (Select Studios Only)
- Wwise

### **Music Technology Equipment for Checkout**

A selection of music technology equipment including MIDI controllers and audio interfaces is available for loan to students and faculty. A full list of available equipment can be accessed and reserved by searching "TAC" in the SFCM library catalog. To request to check out this equipment, contact [tacstudios@sfc.edu](mailto:tacstudios@sfc.edu). For microphone rental, please check out the available equipment supplied by the Library.

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## **PIANO USAGE POLICIES**

### **GENERAL POLICIES**

The pianos at SFCM are shared resources. Please treat these instruments as carefully as if they were your own, with the next user in mind, so everyone in the SFCM community can enjoy them.

- Please do not remove piano benches from the halls, classrooms, or practice rooms. If a bench requires maintenance, please notify the Piano Technician.
- Piano lids should NEVER be removed by students, under any circumstances. Only SFCM Production staff are trained and authorized to do so.

- Piano Desks must be returned to the appropriate piano after use, if removed.
- Prepared piano / extended techniques (removing parts to the piano, attaching objects to the strings, or playing the interior of the instrument) must first be approved by a Piano Technician. See “Prepared Piano” below for more information.
- Items are not permitted on top of pianos, regardless of whether or not a piano is covered. This includes instruments, clothing, and food and drinks.

## PERFORMANCE HALL PIANO POLICY

Current performance spaces are:

**Ann Getty Center:** Caroline H. Hume Concert Hall, Sol Joseph Recital Hall

**Bowes Center:** Barbro Osher Recital Hall, Cha Chi Ming Recital Hall

### Usage and Booking

Hall piano usage is limited to rehearsals, classes, and performances authorized by the Production Department. Pianos in these spaces are typically locked and can only be unlocked by Production staff. *Unscheduled practicing on hall pianos is not permitted.* Students found using the hall pianos without a prior booking will be asked by SFCM administration or security staff to leave the space. Repeat offenders may have their Concert Hall reservation privileges revoked.

Requests for pianos in the performance halls should be made with Production at least two weeks in advance of the scheduled booking date. This includes rehearsals, classes, and performances. Piano requests can either be made at the time of the hall booking to [bookings@sfc.edu](mailto:bookings@sfc.edu) , or, if done after the hall is booked, by email to [production@sfc.edu](mailto:production@sfc.edu).

If you have any questions or concerns regarding performance hall pianos, please contact the Production Department, at [production@sfc.edu](mailto:production@sfc.edu).

### Moving Pianos

Students are not permitted to move pianos themselves, either in backstage areas or on the stage, as they are easily damaged if not properly moved. Only SFCM Production staff are trained and authorized to move concert pianos. If you need a piano relocated during a rehearsal, please contact Production for assistance.

### Protecting Pianos

Do not place items on top of pianos - even if the pianos are covered. This includes instruments, instrument cases or parts, clothing, binders and books, food and drinks, and flowers (e.g. those received during performances). Condensation from cold drinks can leave permanent stains on the exterior finish; water from flowers can leak into the interior and cause damage.

## CLASSROOM AND PRACTICE ROOM PIANO POLICY

Do not reposition pianos within these rooms. Having a piano too close to the wall can cause damage to the lid when it is raised. Practice room piano lids should NEVER be removed, under any circumstances. Doing so can lead to serious injury to you or the next user.

Do not remove benches from the practice rooms. If a bench requires maintenance, please contact [pianotech@sfc.edu](mailto:pianotech@sfc.edu).



## PREPARED PIANO POLICY

Prepared piano use is permitted only on designated pianos approved by the Director of Piano Services, on a case-by-case basis. A request must first be made with the Production Department, either at the time of hall booking, or by contacting [production@sfc.edu](mailto:production@sfc.edu). Students must then schedule a consultation with the Director of Piano Services to receive approval, before attempting unconventional techniques on ANY piano at SFCM. This includes removing piano parts, attaching objects to the strings, or playing the interior of the instrument. When marking string dampers, Post-its and removable dot labels are acceptable, but please do not use materials directly on the strings without a consultation.

## VIOLATIONS OF POLICY

Students found in violation of any of these policies will be referred to the Office of Student Affairs for disciplinary action under the Code of Student Conduct.

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## POSTING POLICY

The San Francisco Conservatory of Music's interest in maintaining its properties while promoting freedom of expression requires that reasonable regulations regarding size, time, place, and manner be placed upon the posting of information on Conservatory property.

Posting space is limited. Therefore, individuals and organizations are encouraged to use all available means of electronic communication before resorting to posting hard copies of information around the campus.

**Posting is only permitted on bulletin boards** Therefore, no poster, handbill or any other form of announcement may be placed on, attached to, or written on any structure or natural feature of the campus such as walls or doors of buildings/rooms, windows, building or directional signs, the surface of walkways or roads, fountains, posts, waste receptacles, or trees, classroom whiteboards, the backs of classroom seating, elevator walls or any other surface. **Postings not on bulletin boards will be taken down.** *Please see below for policy exceptions for recital flyers.*

Posted information must clearly indicate the name of the sponsoring person or organization and the date of the event. Materials that do not identify the sponsoring person or organization or the date of the event will be removed. When appropriate, all postings must adhere to the Conservatory's branding standards, especially as they relate to the use of the Conservatory's logo.

**The views expressed are those of the posting agent, not those of the Conservatory.**

The individual, organization, department or office responsible for postings shall be responsible for their removal no more than two weeks after posting; if it is advertising an event, twenty-four hours after the event is over. In order to ensure maintenance of an uncluttered, attractive and safe campus, the Conservatory reserves the right to remove signage if it is not in compliance with this posting policy, e.g., posted for more than two weeks or for an event that has taken place. Signage may also be removed when damaged, displaced or weathered so that it is no longer readable. Organizations or individuals violating any of these regulations may be fined for the cost of damages, cleanup and/or removal of postings.

The sponsoring person or organization may be held responsible for cleanup associated with postings in violation of these policies and procedures. Individual students or student organizations violating this policy may also be subject to disciplinary action found in the Collegiate Student Handbook.

Materials posted on campus bulletin boards are subject to the following conditions:

There is a limit of one notice per activity/event per bulletin board. Information must be affixed to the bulletin board in a manner which will not damage the surface to which it is affixed, i.e. push pins or tacks in cork boards, and magnets on white boards. Materials posted should generally be 8.5" x 11" in size and should not exceed 16" x 20".

Materials posted in the student residence halls are subject to the conditions outlined in this policy and are primarily for notices of interest to hall residents or staff. Exceptions may be made by Student Affairs if the posting regards health, safety, or residence hall operating procedures.

Posting of information is subject to the following additional location-specific guidelines:

**Department Bulletin Boards** -- the permission of the department supervisor (Dean, Department Head, or Office Manager) is required following review for compliance with Conservatory policy.

**Residence Hall Bulletin Boards** -- permission is granted by the Coordinator for Residence Life consistent with this policy and the Bowes Resident Student Handbook.

**Registrar Signage Holders located at classroom doors** -- permission must be obtained from the Dean or the Registrar.

**Individual Faculty Member Boards** -- generally located outside faculty offices are designated for the posting of teaching schedules and notices pertaining to course work and are administered and maintained by individual faculty members.

**Official Student Recitals** - posting regarding official recitals may be posted in AGC elevators. This exception *does not apply to Bowes Center elevators*. An official recital is any recital that has been approved and booked by the Concert Operations office.

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## PRACTICE ROOM POLICY

The San Francisco Conservatory of Music is committed to providing a quality educational experience for all students. The objective of this policy is to promote a fair and equitable use of practice rooms as an academic resource for the SFCM community. This policy is generally applicable to practice rooms in

both the Bowes Performance Center and the Ann Getty Center for Education. Note, however, the practice rooms in Bowes may have different hours.

## **Practice Room Privileges**

Collegiate students may use practice rooms throughout the week, with the following exceptions:

- On weekdays after 3:00 PM: some practice rooms may be reserved by teachers in the Pre-College Division for instruction of current Pre-College students.
- On Saturdays: SFCM rooms and performance spaces in both buildings are reserved for the Pre-College Division between 7:00 AM and 5:00 PM for instruction of current Pre-College students.
- Collegiate students are not permitted to teach privately anywhere within SFCM, unless they are enrolled in a pedagogy course.

SFCM alumni, students/alumni of the Pre-College Division and Adult Extension, guests, and non-students do not have regular practice room privileges. Practice room privileges for these groups may only be granted by the Production Office or the Dean's Office for a specific period of time on a SFCM-affiliated project. In this case, a start and end date will be indicated, and the privilege may be modified or withdrawn at any time.

SFCM staff members may not use practice rooms between 7:00 AM and 7:00 PM from Monday to Saturday.

## **Practice Room Rules**

Students may self-reserve up to three (3) one-hour bookings per day, for a total of 21 hours per week, of individual practice time through the online booking portal, [WebEMS](#). All practice rooms, except those on residential floors, are available for self-service reservations. When signing onto WebEMS, you will use your SFCM email address and your Self-Service password (SSO). There are QR codes outside each room at the Ann Getty Center and on the screens at Bowes which will take you to WebEMS for the most up-to-date room schedule. NOTE: select practice rooms on the 5th floor of the Ann Getty Center are reserved for Piano Majors only.

Remember the "Ten Minute Rule":

- In general, practice room lights turn off after ten minutes of inactivity.
- Students may leave a practice room unattended for a maximum of ten minutes. After that time, the practice room is surrendered and another student may use that practice room. Do not leave valuables unattended at any time.
- Students who do not arrive within the first ten minutes of their practice room sign-up/reservation forfeit the practice room for the entire sign-up/reservation time; the practice room becomes an open practice room and may be used by other students until the next sign-up/reservation time begins.

The following are considered misuse of practice rooms. Violations of these rules will be documented and referred to the Office of Student Affairs as violations of the Student Code of Conduct:

- Room Squatting: Leaving unattended instruments or belongings in rooms for extended periods (ten minutes or more) to secure use of a practice room. Do not leave valuables unattended at any time. SFCM strives to issue a verbal warning for a first offense but reserves the right to immediately remove abandoned belongings in violation of the “Ten Minute Rule” out of rooms and to storage.
- Food and Drinks: Food and drinks are prohibited from the practice rooms. The only exception is for bottles of water. Food and drink, including bottles of water, are not permitted on pianos.
- Socializing: Extended conversations (ten minutes or more) with other students.
- Covering windows in Practice Rooms.
- Abuse of room reservations; abuse of sign-up practice room policies.

**SFCM students are not permitted to teach lessons in SFCM facilities, including practice rooms.**

Lessons as part of SFCM pedagogy courses must be arranged by the instructors of those courses. Students using SFCM spaces to teach lessons will be asked to leave those spaces.

**Enforcement of Rules**

SFCM encourages students, staff, and faculty to assist in the enforcement of these rules while maintaining professionalism and respect for one another. Additionally, violations of these rules may be reported (you may request to remain anonymous) by email, in-person, or by phone during regular business hours to:

- Production Office (Café Level, Ann Getty Center) – ext. 6257; ext. 6241
- Office of Student Affairs (Bowes Center) – ext. 6281; ext. 6259
- Office of Academic Affairs (Suite 405, Ann Getty Center) – ext. 6217; ext. 6235
- Security (First Floor, Ann Getty Center and Bowes Center), ext. 6280
- Executive Office (Suite 208, Ann Getty Center), ext. 6304

**Concert Hall Rules**

**Food and Drink (other than sealable water bottles) are prohibited in the Performance Halls in Ann Getty and The Bowes Center.**

**Ann Getty Center**

In the Ann Getty Center, the Halls are open for practice or rehearsals when not reserved by students or faculty; students are welcome to use these spaces appropriately. However, the movement of concert pianos and the acoustic shell is strictly prohibited. If you would like to practice on a specific piano, have the acoustic shell moved, or have a specific set up, please reserve a time in the concert hall through [bookings@sfc.edu](mailto:bookings@sfc.edu), following the student performance hall booking policy. If a student is rehearsing in a hall without a reservation, a member of the staff can ask the student to leave the hall at any time. Additionally, those with reservations in the hall have top priority in the timeslot and have the right to ask any students without a reservation to leave the hall.

**Ann Getty Reserved Hall Late Arrival Policy**

Students may leave a Reserved Hall unattended for a maximum of ten minutes. After that time, The performance hall is surrendered, and another student may use the performance hall. Do not leave valuables unattended at any time.

Students who do not arrive within the first ten minutes of their Performance Hall reservation forfeit their reservation for their entire reserved time; the hall becomes an open space and may be used by other students until the next reserved activity begins.

### **Bowes Center**

The Bowes Center's concert Halls are to be used by reservation only. Students practicing or rehearsing in Bowes concert halls without a reservation will be asked to leave, and repeat offenders may have concert hall reservation privileges revoked.

## **STUDENT BOOKINGS OF CLASSROOMS AND PERFORMANCE HALLS**

SFCM understands the importance of having additional access to its classrooms and performance halls for practice, rehearsals and recordings. The Bookings office ([bookings@sfc.edu](mailto:bookings@sfc.edu)) requests that all students must submit all reservations for a hall or classroom through the [Student Request Booking Form](#). This will ensure that the Bookings office has all necessary information when trying to fulfill each request upon availability of these spaces.

Several classrooms in the Ann Getty Center and B1 ensemble rooms in Bowes have been added to the EMS self-reservation system for students, with B1 rooms available after 5pm. Students have the ability to self-reserve these spaces, as with practice rooms, and should see these rooms listed in the EMS self-reservation portal. Students are allowed to book ensemble rehearsals and coachings in these larger spaces.

Each currently enrolled student is permitted to reserve up to two (2) two-hour bookings in a performance hall per seven-day period. The weekly limit resets for every student on each Monday at 8am, and hall bookings must be reserved within 7 days of the email request. Although all performance halls are available for these bookings, available time in halls is limited and based upon availability. Recitals and recital dress rehearsals do not count towards the additional performance hall bookings. Students are permitted to request additional time, beyond the performance hall allotment, in B1 ensemble rooms and other classrooms for self-recordings. B1 and L2 spaces in the Bowes Center are equipped with technology and equipment for self-recording.

Walk-ins will still be permitted in the performance spaces of the Ann Getty Center (Hume Concert Hall, Osher Salon, Sol Joseph Recital Hall) during times in which those halls are not already booked for any activities. The concert pianos are not accessible during these times.

If performance hall bookings are used for self-recordings, students are responsible for providing any equipment needed for the recording. Staffing and recording equipment are not provided for self-recordings. For recording sessions with SFCM recording engineers and the associated fees, requests should be made directly with the Recording Services department at [Recording@sfc.edu](mailto:Recording@sfc.edu). This includes recording in halls using the equipment already built into the halls. Recording sessions do not count towards student bookings of spaces.

Please note that student bookings of performance halls are paused during the month of December and from spring break in March through Commencement in May, to accommodate the volume of semester-end recitals, concerts, classes and rehearsals. Hall bookings may also be paused during holiday periods.

The bookings office reserves the right to adjust all confirmed student booking reservations. Questions regarding performance hall and classroom bookings can be emailed to [Bookings@sfc.edu](mailto:Bookings@sfc.edu).

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## STUDENT RECITAL INFORMATION

Degree recital and jury requirements vary from major to major. It is extremely important that students refer to the [Core Curriculum](#) for information regarding degree recital requirements. The procedure for booking recitals will be distributed at the start of the academic year.

Students must book individual recitals, both required and non-required, through the Concert Operations Office. Students must obtain the confirmation of their major teacher and the Registrar to book any recital.

**Required recitals:** Required recitals must be given within the regular collegiate session, between fall registration and Commencement in the spring. In order for a student recital to count towards the student's degree requirements, the student must make sure they are or will be enrolled in a recital requirement when registering for classes and make sure to register for the credit during the semester their required recital will take place. Weekday recitals may be scheduled at 7:30 PM, Saturday recitals may be scheduled for 11:00 AM, 2:00 PM, 5:00 PM or 7:30 PM, Sunday recitals may be scheduled for 11:00 AM, 2:00 PM, 5:00 PM or 7:30 PM. Each performer is guaranteed a total of 2.5 hours, beginning 30 minutes before the concert starting time.

**Non-required recitals:** Non-required recitals may only be scheduled in September and October (fall semester), or in January, February, and early March (spring semester) and otherwise follow the same schedule as required recitals.

The Concert Operations Office reserves the right to amend and modify these procedures during the school year.

### Student Recital Booking Process:

1. The Concert Operations team will email students at the start of the school year with the instruction on how to schedule recital booking appointments based on the following priority schedule:

#### Fall Recitals

- Returning students that are scheduling a Required Recital due to a spring cancellation.
- Graduating Students performing Required Recitals
- Junior & 1st Year Master's Students performing Required Recitals
- Students interested in booking a Non-Required Recital

#### Spring Recitals

- Graduating Students performing Required Recitals
- Junior & 1st Year Master's Students performing Required Recitals.
- Students interested in booking a Non-Required Recital

2. Recital Booking Appointments: Students will be required to bring options of dates, times, and venues that work for themselves, their teacher, and any collaborators. In this appointment, one of the Concert Operations Staff will provide a tentative recital date that will need to be confirmed with the primary teacher and collaborator via email.
3. After the Recital is Scheduled: A copy of the completed [Required Recital Form](#) (includes production, program, and dress rehearsal information) will need to be turned in to the Concert Office (programs@sfc.edu) 4-6 weeks ahead of the performance along with any Supplemental Forms found in the [Student Recital Handbook](#) for any harpsichord (four weeks before), a/v (three weeks), prop needs, reception, or archival recording due two weeks prior to your recital. *Failure to meet the deadline will result in no printed program and no dress rehearsal.*

**Required Recital Form:** Found in the [Student Recital Packet](#), it includes the dress rehearsal request, technical requirements, program repertoire, & stage plots.

Program Policy:

- List all information in order of performance. Please note if and where you would like an intermission
- make sure to include complete titles (including movement titles and Op., BWV, Hob., K., D. numbers), composer names, performer names, and their instrument.
- Any program changes submitted *less than a week* prior to the recital date is not guaranteed to make it into the printed program.

Program Notes, Texts & Translations, bios:

- Please attach the program notes/translations/bios as a separate document when submitting your Required Recital Form and it will be submitted as-is.
- Check with your primary teacher or your program requirements on whether or not you need to submit Program Notes and/or Text Translations for your degree program.
- All translations must include sources, unless they are your own.
- Bios are optional.

Stage plots: Stage plots are required if you plan to have 2 or more collaborators on stage at once and/or 2+ stage changes.

**Dress Rehearsals:** Will be scheduled after submission of the Required Recital Form to the Concert Operations Office at [programs@sfc.edu](mailto:programs@sfc.edu). The Concert Office will respond to the submission email to schedule a dress rehearsal based on the availability given in your form. Dress rehearsals are 60-90 minutes, with junior recitals receiving a 60 minute dress rehearsal. However, time in the hall where the recital is scheduled is subject to availability. Additional rehearsal time may be scheduled in an alternate space such as a classroom, as necessary.

The production staff does not staff student dress rehearsals. If students want the hall set up in a certain way, please reach out to [production@sfc.edu](mailto:production@sfc.edu) for hall set up and/or fill out a supplemental form for any harpsichord, a/v, or prop needs.

**Supplemental Requests:**

**Harpsichord and Baroque Instrument Requests:**

Harpsichord use on your recital must be approved by both Historical Performance Professor, Corey Jamason and Manager of Production Services, Daven Tjaarda-Hernandez. This [Harpsichord Request Form](#) must be filled out at least *four weeks* prior to your recital and *two*

*weeks* prior to your dress rehearsal. *Requests received less than two weeks prior to a scheduled recital will be denied.*

**Audio and Visual Requests:**

Additional A/V services must be approved by the Recording Services Department. The [Recital A/V Request Form](#) must be filled out at least *three weeks* prior to your recital. This includes microphones and projectors.

**Props and Set Pieces Request:**

Use of props during your recital must be approved by the Opera Department via Sergey Khalikulov. Students who are approved for props will be responsible for checking out and returning all props to Opera Props Storage as instructed by the Opera Department. This [Props Request Form](#) should be completed and approved by the Opera Department no less than *two weeks* prior to the recital.

**Student Recital Reception Form:**

A reception will have to be approved by the Concert Operations team. Please read through and submit a signed hardcopy of the [Student Recital Reception Policy](#) Form at least *two weeks* before the recital date. Reach out to the Concert Operations Manager to schedule a time to pay the \$25 fee via cash or card and have the manager sign the form.

**Archival Recording and Livestream Request Form: (only for non-required recitals)**

Elective/non-required recitals are not automatically recorded or live streamed through a private link, but you can request a recording of your recital for a fee. If you would like your recital to be recorded, please fill out the [Recording Request Form](#) *two weeks* prior to your recital. This will also make your recital livestreamed as mentioned below.

**Student Recital Live Stream and Recording Policy:**

All *required* student recitals (and non-required recitals that fill out the form above) will automatically be archivally recorded and live streamed through a private link. You may privately share the link to the virtual hall you are performing in with friends and family. Students are responsible for acquiring the rights for their music if they wish to post it publicly. The virtual hall links are as follows and will go live just before your recital begins:

**Ann Getty Center**

Sol Joseph Recital Hall: <https://vimeo.com/event/1718466/69b4c7c63d>

Caroline H. Hume Concert Hall: <https://vimeo.com/event/1718470/8c981de8f2>

**Bowes Center**

Cha Chi Ming Recital Hall: <https://vimeo.com/event/2047382/fd7b959961>

Barbro Osher Recital Hall: <https://vimeo.com/event/2047379/3c5297069b>

After your recital has finished, you may request a copy or download privileges of your recital recording from SFCM Recording Services using [this form](#). Recording Services website:

<http://sfc.edu/recording-services>

**Rescheduling or Cancellation:** You may cancel your recital at any time. However, if you cancel your required recital within two months of the original date and wish to reschedule, you may be responsible for a rescheduling fee of \$75.00 to the Concert Operations Office. The Concert Operations Office will need written/email confirmation from your advisor and instrument teacher along with a notice for cancellation. Non-required recitals may not be rescheduled within two months of the original recital date and will be subject to a \$25 cancellation fee if canceled within two months of the recital date.



**Accompanists:** Students in each department are normally allotted a minimal number of hours to work with a SFCM accompanist and this time may be used for lessons, rehearsals, juries or performances. If you need help finding an accompanist, consult Timothy Bach (tlb@sfc.edu), chair of the collaborative piano, when scheduling your recital. Professor Bach will make every effort to match each student with an accompanist.

**Pianos:** Unless you have a piece that calls for two pianos, you will only be able to use one piano during your recital. Prepared works may be performed only on designated pianos approved by the Piano Technician, on a case-by-case basis.

### **Performance Hall Policies:**

- Student recitals will have standard preset lighting and staffing will be provided as needed.
- No glitter, confetti, bubbles, dry ice, fog machines or similar items are permitted in any halls.
- **No food or drink** will be allowed in the hall during performances. During rehearsals, drinks should be limited to water in closed containers only.
- **Do not stand** on the audience or musician chairs.
- You are expected to *clean* the green room/ backstage space *after yourselves*. Please throw out any garbage, and return the green room/backstage space to the state it was in when you arrived.

**Scores:** SFCM does not provide rental scores or parts.

## **RESIDENCY REQUIREMENT FOR STUDENT HOUSING**

All undergraduate students are guaranteed housing at Bowes Center during their time at SFCM. SFCM requires undergraduate students to reside on campus for the first 3 academic years (Freshman, Sophomore, and Junior years).

Seniors and graduate students at SFCM will be offered housing at Bowes based on availability, and are not required to live on campus. If a graduate student wants to be considered for on-campus housing, they should request space by applying for housing through the Office of Residential Life. Returning students will choose their rooms during the room selection process in March-April of the previous school year. For new students, the housing application opens in May, and new students will receive communication from the Office of Admissions and Office of Residential Life with more information. Current Students can find more details about their current housing by logging into their applicant portal at [sfc.erezlife.com](http://sfc.erezlife.com).

Students returning from a Leave of Absence (LOA) may be required to live on campus depending on their class level and will be offered on-campus housing depending on availability.

**Note:** Housing Contracts extend through the full academic year (Fall and Spring Semesters), and students living on campus for the Fall semester are obligated to remain in on-campus housing for Spring Semester. Students will not be released from the housing contract mid-year or mid-semester. If there are any questions about your specific circumstance, please be in touch with [reslife@sfc.edu](mailto:reslife@sfc.edu).

## **Exemptions to the Residency Requirement**

Exemptions to the Residency Requirement may be granted by the Office of Residential Life. Students seeking an exemption must submit a Residency Requirement Exemption Form, and will be required to provide documentation during the housing application process. Exemptions are granted for the following reasons:

- The student lives at home with a parent or legal guardian within 45 miles of SFCM. If the student changes residence, it is the student's responsibility to promptly notify the Office of Student Affairs.
- The student is married, in a registered domestic partnership that is recognized by the state of California, and/or is a parent with whom one or more dependent children reside.

Students must provide appropriate documentation in support of the exemption request.

A separate Residency Requirement Exemption Form is required for each year a student is seeking exemption. For consideration, this form must be received by the Office of Residential Life no later than July 15 for new and returning students scheduled start at the beginning of Fall Semester, and no later than January 1 for New students and students returning from Leaves of Absence scheduled to start at the beginning of Spring Semester. Students continuing from Fall to Spring are not granted exemptions between semesters, since the housing contract extends through the full academic year. Only exemption requests submitted to the Office of Residential Life will be considered.

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## **RIGHTS AND RESPONSIBILITIES FOR STUDENTS ON FINANCIAL AID**

Please see the *Academic Regulations* at [www.sfc.edu/collegiate-catalog](http://www.sfc.edu/collegiate-catalog) for a detailed policy of student rights and responsibilities for financial aid.

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## **STUDENT GRIEVANCE POLICY**

The San Francisco Conservatory of Music is committed to providing a quality educational experience for all students. The objective of the Student Grievance Policy is to ensure that the concerns and complaints of collegiate students are addressed fairly and are resolved promptly. A student may file a complaint if the student believes the problem is not governed by another SFCM complaint or appeal procedures. The following are other policies and procedures that are not included within this policy:

- Academic Honor Code
- Academic Petitions
  - Academic Regulations
  - Academic Dismissal and Probation Policy
  - Curriculum Requirements
- Financial Aid Appeals
- Sexual and Other Unlawful Harassment
- Student Code of Conduct
- Withdrawals and Refunds Policy

Many of the policies listed above are located in SFCM's Collegiate Catalog and/or the Student Handbook. If there is a question regarding which appeal or complaint procedure is the most appropriate, the student should contact the Office of Student Affairs. After consulting with the student,

the Associate Dean for Student Affairs or designee will direct the student to the most appropriate procedure.

### **Student Grievance Policy Procedure**

Whenever possible, the student is encouraged to seek an informal resolution of the matter directly with the faculty or individual(s) involved. Often a complaint can be resolved in this way. A student who has concerns of an academic nature is encouraged to discuss them with the specific instructor. If a student does not wish to discuss the concern with the instructor, the student may consult with the appropriate department chair, the student's advisor, the Associate Dean for Student Affairs, Associate Dean for Academic Affairs, and/or the Dean.

However, if an informal approach is neither successful nor advisable, the student may use the following procedure. Every effort will be made to resolve complaints within the deadlines specified below, but some complaints may require an extended time to resolve. Regardless of the complexity of the complaint, the student will receive regular and clear updates about the status of the complaint throughout the process.

1. A Student Grievance Form should be submitted to the Office of Student Affairs. It should contain the date and time of the alleged conflict or action, the reason(s) for the complaint, a summary of the complaint, a list of other persons who may provide information, and any appropriate documentation. The student must also include the resolution or outcome the student is seeking. The complaint must be submitted within ten (10) business days of the alleged conflict or action. For grievances involving grades, this means ten (10) business days from date the grade is issued for the assignment or semester.
2. Upon receipt of a completed form, a meeting will take place with the student and the Associate Dean for Student Affairs or designee.
3. The Associate Dean for Student Affairs or designee will notify appropriate persons and request any information or documentation needed to resolve the complaint.
4. The Associate Dean for Student Affairs or designee may attempt to resolve the complaint by encouraging discussion between the student(s) and the faculty member/administrator or by taking the appropriate action to resolve the complaint.
5. A review of the complaint with the Director of Human Resources and supervisor(s) may be used when deemed appropriate and beneficial to the process.
6. When possible, the final resolution or a finding of "unresolved" will be filed in the Office of Student Affairs within fifteen (15) business days of the date the complaint is filed. If there are circumstances requiring an extension of this deadline, the Associate Dean for Student Affairs or designee will notify the parties involved.
7. If the student is not satisfied with the outcome of the complaint, a committee will be appointed to review the information and render a final decision. The committee will consist of a total of five (5) members. Three (3) of the members will be from the Faculty Executive Committee (FEC) and two (2) of the members will be staff members from the Enrollment Management Committee (EMC). When the FEC and/or the EMC are not in session or at the discretion of the Dean, the Dean's Office may appoint an ad hoc committee consisting of no less than three (3) faculty members and (2) staff members. The decision of the committee will be final.

### **Documentation**

A record of all complaints and their resolution will be documented, and the records will be kept in the Office of Student Affairs.

## **Life at SFCM**

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### **BUILDING HOURS**

During the academic year, the Ann Getty Center and the Bowes Center open at 7:00 AM and close at 11:30 PM for all days of the week. Bowes residents have 24-hour access to the Bowes Center. Collegiate students will have limited access to Ann Getty Center on Saturdays from 7am-5pm as the building is reserved for Pre-College activities. The Ann Getty Center building hours are subject to change. The Ann Getty Center building hours may vary in the summer and during specific holidays.

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### **CAMPUS SAFETY COMMITTEE**

The Campus Safety Committee meets quarterly to discuss incidents which pose a threat to the security of SFCM and to plan educational drills and exercises. Members of this committee include the Associate Dean for Student Affairs, the Associate Vice President of Human Resources and Administration, the Director of Campus Operations, the Chief Facilities Engineer, a representative from the Faculty Executive Committee, and the Associate Dean and Executive Director of Pre-College and Continuing Education. Students should report any incidents, concerns, or accidents to the Security Desk.

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### **CARE OF SFCM BUILDINGS**

- Please take pride in SFCM and treat the buildings with respect.
  - Use the garbage, recycling, and compost bins that are placed throughout the buildings. Please break down cardboard boxes before putting in recycling. For oversized items (like furniture), appliances, or electronic-waste, please notify your Resident Assistants, who will need to coordinate disposal of those items through SFCM Operations. (Recology levies heavy fines for improper disposal of all the above.)
  - SFCM is a smoke-free facility meaning that smoking is not allowed anywhere on campus. Smoking is not permitted within 25 feet of any building entrance or opening.
  - The Ann Getty Center Salkind Terrace and the Bowes Center Casey Terrace are for your enjoyment. Please leave these areas clean and note that smoking—including the use of e-cigarettes—is not permitted.
  - Students are not permitted to bring pets into the buildings unless approved for disability accommodation reasons by the Office of Student Affairs.
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### **COMMUNICATION TO STUDENTS**

Email is the mechanism for official communication within SFCM. SFCM has the right to expect that such communications will be received and read in a timely fashion. Students are expected to read, understand, and appropriately respond to official administrative emails sent to SFCM email accounts.

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## **SFCM NETWORK AND INTERNET SERVICES**

All SFCM students will use their **SFCM Campus ID** to access SFCM network and on-campus resources.

### **SFCM Campus ID**

Your SFCM Campus ID provides access to the Student Lab computers and programs, located in the Library and near the Student Lounge on the fifth floor. The Student Lab computers provide access to pay-to-print printers, Finale, Sibelius as well as various other applications.

Your SFCM Campus ID will look something like this: joe.student@sfc.edu

Your SFCM Campus ID also provides access to the SFCM Student Self Service for registration, grades, and transcripts (accessible by clicking “Student Login” at the bottom of the SFCM website [www.sfc.edu](http://www.sfc.edu)).

Your SFCM Campus ID also lets you access the SFCM wireless network. While you are on-campus in either SFCM building, you will see two networks: “SFCM Campus” and “SFCM Guest”. The “SFCM Campus” network gives you access to internal SFCM resources, and is the one you should typically connect to.

To connect to the “SFCM Campus” wireless network, you will need to authenticate with your Campus ID. (To avoid having to authenticate every time you connect, save the credentials to your device.)

You can also connect to the SFCM Guest network for general internet use. The SFCM Guest network will ask you to accept terms of use, but you do not have to log in.

### **SFCM Email (Gmail) and Google Workspace Apps**

You are able to access your official SFCM email account by going to [www.gmail.com](http://www.gmail.com) on any internet-connected device and signing in with your SFCM Campus ID. You also have access to Google’s suite of online office applications, including Google Docs, Sheets, Slides, and a limited amount of storage space on Google Drive.

**You should check your SFCM email account frequently, as it is the only email address to which official administrative communication will be sent.**

Alumni - Your student email address and Google workspace access will expire 9 months (or 6 months after inactivity) after graduation to increase security. You can apply for a forwarding alumni email address. Please send the email address you would like us to forward your alumni.sfc.edu emails to by opening a support ticket at <https://help.sfc.edu/>.

Reminder: Internet usage is a privilege, not a right, subject to compliance with all SFCM policies and expectations. You will be held responsible for the information set forth in the SFCM’s “Information Technology Terms & Conditions”.

## Printing

You can print or copy using your SFCM badge. The price for b/w copies is \$0.10 and color copies are \$0.30 per side/page.

If you have any questions regarding technology or issues with your account, please send an email to our ITS at [it@sfc.edu](mailto:it@sfc.edu) requesting assistance. You can also find answers to frequently asked questions on our ITS Help Desk Portal at <https://help.sfc.edu/>.

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## DRUG ABUSE PREVENTION PROGRAM

The terms of our participation in federal student aid programs require that SFCM implement a drug abuse prevention program. The Office of Student Affairs distributes complete information about SFCM's drug abuse prevention program to all students. For assistance and support, please feel free to contact the Associate Dean for Student Affairs at (415) 503-6281.

The following agencies in San Francisco can provide information on drug related problems, and can assist those who wish to receive counseling in solving a drug abuse problem.

Haight Ashbury Free Clinics  
Substance Abuse Treatment Services  
Integrated Care Center at 1735 Mission Street  
(415) 746-1940  
[www.healthright360.org/agency/haight-ashbury-free-clinics](http://www.healthright360.org/agency/haight-ashbury-free-clinics)

Narcotics Anonymous Helpline  
San Francisco Area of Narcotics Anonymous  
(415) 621-8600  
[www.sfna.org](http://www.sfna.org)

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## HEALTHCARE, PSYCHOLOGICAL COUNSELING & PHYSICAL THERAPY

### Health Insurance

SFCM contracts with Student MediCover to provide health insurance and services to our students through UnitedHealthcare. Please contact the Office of Student Affairs with any questions or for more details.

In the event of a serious medical circumstance, SFCM may try to assist students in locating appropriate medical care, however, the cost of medical care will remain the student's responsibility. In addition, SFCM reserves the right to contact a student's parent or guardian in the event of a medical emergency.

Please see the "Health Insurance Policy" for more information on health insurance requirements.

### Psychological Counseling

Revi Airborne-Williams LMFT, *Director of Counseling Services*, [rawilliams@sfc.edu](mailto:rawilliams@sfc.edu)

At the San Francisco Conservatory of Music, short-term counseling services are available to help students achieve and maintain a sense of well-being. In counseling, the student and counselor work together to define goals and explore strategies for issues such as managing stress, relationship difficulties, and acquiring adaptive skills to overcome challenging moods such as depression or anxiety. Counseling services also collaborate with outside specialists to diagnose and treat other comorbid conditions such as ADD/ADHD, eating disorders, trauma and substance abuse. Counseling can often lead to better interpersonal relationships, improved academic performance, solutions to specific problems, reductions in the student's feelings of distress, and an overall expansion of the student's potential. Counseling services are sensitive to issues of ethnicity, religion, sexual orientation, gender identity, physical capacities, and learning differences. Counseling services are included in the health services fee that full-time students pay.

**Confidentiality:** A counseling relationship requires trust and confidence between student and counselor; therefore, all counseling sessions are kept confidential. No information about the student, including the student's participation in counseling, will be revealed to any person or agency (including parents and teachers) without the student's written consent. However, if a student is judged to be a danger to self and/or others, or if there is risk of harm to a minor, a dependent adult, or an elder, we reserve the right to inform family, emergency providers, law enforcement, or appropriate college personnel. A detailed notice of privacy practices and other limits to confidentiality is available in the counseling offices.

**Brief Individual Counseling:** Brief individual counseling allows students to meet one-on-one with the counselor to discuss any personal concerns. Students work with the counselor to determine the appropriate course of treatment. Students are given 6 counseling sessions per semester. In certain cases, a referral will be made to an off-campus counselor.

**Workshops:** The counseling service regularly presents workshops on various wellness topics, including stress reduction, time management, and healthy living. Workshop schedules will be posted as they become available.

## **Physical Therapy**

Leslie J. Donohue, MPT, *Director of Physical Therapy*, [ldonohue@sfc.edu](mailto:ldonohue@sfc.edu)

Avoiding musculoskeletal overuse injuries is vital to the long-term success of all professional musicians. The SFCM Physical Therapist offers injury screenings to any SFCM instrumental student who is currently playing with pain or who thinks they may have an injury. Each screening will last approximately 30 minutes and provide the student with an opportunity to consult with a physical therapist in a private and confidential manner. In each screening, the physical therapist will provide recommendations that may include referral to a primary care physician, recommendation for a full physical therapy evaluation, or even no further treatment. These injury screening sessions are offered to students at no cost to the student.

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## **INSTRUMENT LOANS**

*Version date: September 6, 2024*

## Strings & Bows

Students may loan string instruments and bows with the permission of the Institutional Performance Librarian and Manager of SFCM's Instrument Collection. This is subject to availability, and students will be asked to pay a \$75 non-refundable semester fee for each item on loan, as well as sign a loan agreement. Fees are to be paid in cash or check only. It is the student's responsibility to have the condition of the instrument inspected at the beginning and end of the loaning period by the Manager of SFCM's Instrument Collection. If the instrument incurs any type of damage during the loaning period, the student will be held monetarily responsible.

Instrument Loans are only an option while school is in session. Students wishing to travel outside of the SF Bay Area with a SFCM owned instrument must obtain prior approval before traveling. Violations may result in loan agreements being terminated, and future access to the collection may be revoked.

## Brass and Woodwinds

Students may borrow limited brass and woodwind instruments on a semester basis during the academic year only. Fees are only applied if damage occurs, or if instruments are returned after the due date.

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## LOCKERS

Students are permitted to sign-out a locker each academic year in order to secure their belongings. Lockers will be available for sign-out, depending on the instrument on which the student was admitted to SFCM. The use of lockers is permitted for the academic school year only and must be cleared out before the day of Commencement.

Students must sign-out a locker in order to use a locker. If a student takes a locker without signing it out, the student will be at risk for having the contents obtained by the Office of Student Affairs. Students that have their unauthorized belongings confiscated by the Office of Student Affairs will be charged a \$20 locker policy violation fee in order to repossess their belongings. If a student violates the locker policy a second time, the student will lose locker privileges for the remainder of the academic year. Contact [studentservices@sfc.edu](mailto:studentservices@sfc.edu) with questions or for more information.

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## LOST AND FOUND

Lost items, including lost valuables such as keys, wallets, cell phones, jewelry or eyewear, may be reclaimed at the Security Desk on the 1st floor of both AGC and Bowes, although SFCM is not responsible for them. Please label your books and belongings. SFCM is not responsible for instruments, money, books, or other belongings left unattended. Items in the Lost and Found not claimed within 14 days will be discarded or donated.

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## MAIL AND STUDENT MAILBOXES



Student mailboxes are located by the Student Lounge on the fifth floor of the Ann Getty Center. **Your name is to the Left side of your mailbox.** Please check your mailbox frequently, as this is one way the faculty and staff at SFCM communicate with you, and it is a way for you to communicate with other students. Confidential and/or valuable items should not be left in student mailboxes. **All mailboxes are cleaned out and the contents disposed of by June 15.**

**Do not have your regular postal mail sent to the Ann Getty Center.** Any postal mail delivered to students at the Ann Getty Center after October 1 will be returned to sender. If you do not have a permanent mailing address, we suggest renting a mailbox at the Post Office, or one of the mail service vendors in the area, such as The UPS Store.

Students that reside at the Bowes Center may have mail and packages sent to their attention at 200 Van Ness Avenue, San Francisco, CA 94102. Such mail will be delivered to the student at the Bowes Center through the package delivery system. Students will receive a notification to pick up the item from the Student Services Center and are expected to pick up their mail in a timely manner.

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## MUNI CLASS PASS

All full- and part-time collegiate students will be given access to one MUNI Class Pass for each semester they are enrolled. The MUNI Class Pass allows for unlimited access during the academic year to buses, street cars, and trains run by the San Francisco MUNI system. Students will receive an email to their SFCM email account about adding the Muni Class Pass to the Muni Mobile app on their mobile device.

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## PARKING

### Automobiles

Free parking is not available at the Ann Getty Center or the Bowes Center. Faculty, staff, and students are encouraged to utilize public transit to and from SFCM. All parking is at the individual's convenience and responsibility. Parking in the white zone (for passenger loading and unloading) in front of the entrances to the buildings may result in a ticket and a fine from the city. **Do not leave your car unattended in the white zone.** Only park in metered or other legal parking spaces.

### Bicycles

Only registered bicycles are allowed to enter the buildings. SFCM Bicycle Registration Forms are available at the Bowes Center or Ann Getty Center Security Desks. Bicycle parking for SFCM students is available only in the designated areas on the Salon Level of the Ann Getty Center and in the Basement Level 2 of the Bowes Center. Bowes residents have 24-hour access to the bicycle parking area in the Basement Level 2 of the Bowes Center. Non-Bowes residents must remove their bicycles from the Basement Level 2 bicycle parking before 11:30 PM. All students should remove their bikes before 11:30 PM from the Ann Getty Center bicycle parking area. **Any bicycle left in the Ann Getty Center bicycle parking area for longer than 24 hours will be removed and donated to charity. In addition, any unregistered bicycles in the building and/or any registered bicycles stored outside the designated bicycle parking area will be removed immediately and donated to charity.**

Additionally, Bowes residents have access to a bike repair station inside the Bowes Center.

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## **STUDENT ID BADGE**

All badges are SFCM property and must be returned when the student leaves or graduates. If asked by Security or any SFCM affiliate, you must be able to show your valid SFCM student badge when in the buildings.

Non-resident students and residents: Your badge will work on elevators and get you into practice rooms and public spaces during daytime building hours.

Bowes residents: Your badge will allow you to enter practice rooms on residential floors. You also have access to exit stairwells during building evacuation and when the elevators are out of order.

Your badge will also serve as your library card.

Do not lend your badge to anyone or leave it where it might be stolen – a misplaced card is a threat to everyone's security. If you lose a badge, please notify Security and the Office of Student Affairs immediately so your badge can be disabled until it is found or replaced.

- Anyone without an SFCM ID badge will be allowed access into the building by exchanging a photo ID for a temporary badge to use for one day.
- Anyone without an SFCM ID badge on the second consecutive day must pay a \$10 fee in order to be allowed access (if the badge is lost, a new badge will be made during normal badging hours)
- A \$25 fee will be charged for a lost badge. Any student who excessively exchanges for a temporary badge or excessively requires a replacement badge will be charged an additional fine.

Replacement badges will NOT be issued because of hairstyle changes, new photos, etc. SFCM will provide a new badge for you upon a legal or preferred name change.

Graduating collegiate students must return their badges at Commencement or register to keep their badge for a memento. Graduating students do not have practice privileges after they have completed their degree program. Graduating students that are returning in the fall for a new degree program and continuing students have access to practice rooms over the summer.

Returning collegiate students' tuition and fee account must be current in order for the returning collegiate student to keep their badge. If a student's account is not current, badges must be returned and will expire. If the student does not pay or does not arrange a payment plan, Student Accounts will notify the Office of Student Affairs and the badge will be deactivated. Temporary deactivation of the card does not necessitate its replacement – please do not discard your badge just because it has been deactivated. If your badge is wrongly or accidentally deactivated, please see the Office of Student Affairs.

# Emergency and Safety Procedures

## EARTHQUAKE

If you are inside:

- Do not evacuate unless there is a fire.
- Stay away from windows, glass, outside doors.
- Take cover under a desk.
- Do not use elevators.
- Do not use telephones.
- Follow fire procedures if a fire ensues.
- Do not light a cigarette or strike a match until gas lines are checked out.
- Tune to local Emergency Broadcast Stations, listed below.

If you are outside:

- Move away from buildings and utility wires.
- Watch for falling glass, wires, poles or debris.

## FIRE

- Go immediately to the nearest exit and follow evacuation procedures.
- Faculty are responsible for helping their own classes evacuate quickly.

## ACTIVE SHOOTER

SFCM recommends FBI protocol: Run/Hide/Fight

- Run- When there is an active threat, RUN, find the nearest building exit and get to safety. Once you are out of danger, call 911.
- Hide - if escape is not possible, HIDE; block the door, avoid windows and silence your phone to avoid detection. Call or text 911, if it is safe to do so.
- Fight - if escape is not possible and you cannot hide, FIGHT as a last resort

For more information about what to do in the case of an Active Shooter please visit:

<https://www.fbi.gov/about/partnerships/office-of-partner-engagement/active-shooter-resources>.

## EVACUATION PROCEDURES

Version date: September 6, 2024

If you hear the fire alarm or are otherwise notified to evacuate:

- REMAIN CALM; do not panic.
- Do not collect personal belongings before exiting.
- WALK, DO NOT RUN, directly to the exit designated for the area you are in.
- DO NOT TALK, so Emergency Coordinators can issue and receive instructions.
- Once outside the building, proceed directly to the relocation areas. The Ann Getty Center relocation area is the adjacent parking lot at Franklin and Oak. Bowes Center relocation is Davies Symphony Hall on the corner of Van Ness and Grove at the statue; evacuees should only cross Van Ness Avenue if aforementioned locations are inaccessible.
- DO NOT BLOCK THE EXIT DOORS.
- DO NOT BLOCK THE STREET.
- DO NOT RE-ENTER THE BUILDING until the Fire Department, SFCM Emergency Coordinators and/or Security give directions to do so.

## EMERGENCY ACTION PLAN

Please review [www.sfcm.edu/campus-safety](http://www.sfcm.edu/campus-safety) for a complete Emergency Action Plan document.

## EMERGENCY TELEPHONE NUMBERS

Remember to dial "9" first if you are calling from an office phone.

- AGC Security: (415) 503-6280
- Bowes Security: (415) 503-6206
- Fire Department, Police and Ambulance:
  - o EMERGENCY: Dial 9-1-1
  - o Non-Emergency – Police: (415) 553-0123
  - o Non-Emergency – Fire: (415) 553-3268

## EMERGENCY WEBSITE

[www.sfcm.edu](http://www.sfcm.edu) - During an emergency, updated information will be posted

## **EMERGENCY BROADCAST STATIONS**

KNBR	680 am
KCBS	740 am
KGO	810 am

## **EMERGENCY KITS/RADIOS**

Available in the following offices or locations:

- Security Post
- Library
- Faculty/Staff Lounge
- Administration Suite

Kits include: radio, gloves, caution tape, duct tape, glow tubes, flashlight, respirators, emergency gas shutoff hammer, and screwdrivers.

## **SFCM ALERTS: EVERBRIDGE MASS NOTIFICATION SYSTEM**

SFCM Alerts is a mass notification system that allows for dissemination of critical information via voice, text, and email to students, faculty, and staff. Primarily, this system alerts recipients about emergency events and supplements our already established emergency communication methods.

## **WHAT TO DO IN CASE OF ACCIDENT**

All injuries, no matter how minor, must be reported to Human Resources, Security, and/or the Office of Student Affairs.

## **FIRST AID KITS**

Located at:

- Security Desks, Ann Getty Center and Bowes Center
- Facilities Offices, Ann Getty Center and Bowes Center
- On every floor of Ann Getty Center adjacent to the elevators; on every non-residential floor at the Bowes Center adjacent to the elevators.
- Pre-College Office, Ann Getty Center
- Library, Ann Getty Center

- Student Lounge, Ann Getty Center
- Faculty/Staff Lounge, Ann Getty Center
- Outside of 2nd Floor Pantry, Ann Getty Center
- Executive Suite, Ann Getty Center
- Student Services, Bowes Center
- L2 Pantry Room, Bowes Center

## **EMERGENCY PHONES**

In the Ann Getty Center, two emergency phones are located on each floor: one near the main elevators and one near Stairwell B, the smaller stairwell in the rear of the building. These phones will have a RED Emergency button that connects directly to a dedicated phone at SFCM Security.

## Safety Precautions

- Protect your valuables! Don't leave them unattended in practice rooms, lounges or other parts of the building. Even if you only plan to leave a room for a moment, take your valuables with you.
- Be aware of your surroundings when leaving the school. It is always best to walk with someone else. If you must go alone, be alert, move quickly and look confident.
- Call 511 for public transportation arrival times to minimize wait times.
- If there is a life-threatening emergency situation, dial 911 for emergency assistance.

Coins are not needed to dial 911 on a pay phone.

- If you notice suspicious looking individuals in the building, please report them to SFCM Security immediately. In the Ann Getty Center, there are two in-house phones per floor with a RED EMERGENCY button that will connect you directly to a dedicated phone at the Security Desk.
- If you are in an emergency situation and there is no one nearby to assist you, dial 911 from any phone for emergency assistance.
- Safety concerns that do not pose an immediate threat should be addressed to SFCM Security, Facilities, Human Resources, Dean's Office, or Office of Student Affairs.

## APPENDIX A

### SFCM TITLE IX DISCRIMINATION, SEXUAL HARASSMENT, AND SEXUAL VIOLENCE POLICY

THESE PROCEDURES WILL BE USED TO INVESTIGATE AND RESOLVE COMPLAINTS OF SEX HARASSMENT BROUGHT BY SFCM STUDENTS AND EMPLOYEES. THESE INCLUDE TITLE IX GRIEVANCE PROCEDURES.	EFFECTIVE DATE: 7/26/2024 REVISED DATE: NA CATEGORY: NONDISCRIMINATION CONTACT: TITLE IX COORDINATOR
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### SEXUAL HARASSMENT, SEXUAL ASSAULT, SEXUAL MISCONDUCT, RELATIONSHIP (DATING) VIOLENCE AND STALKING POLICY

#### I. Nondiscrimination Statement

THE SAN FRANCISCO CONSERVATORY OF MUSIC ("SFCM") PROHIBITS DISCRIMINATION BASED ON SEX IN EMPLOYMENT AND EDUCATION PROGRAMS AND ACTIVITIES BOTH ON AND OFF CAMPUS. THIS POLICY APPLIES TO ALL STUDENTS, EMPLOYEES, AND VOLUNTEERS; TO CONDUCT ON SCHOOL GROUNDS, OFF-CAMPUS, AND AT SCHOOL-SPONSORED ACTIVITIES; TO CONDUCT OCCURRING AT SCHOOL-OWNED, LEASED, OR CONTROLLED FACILITIES; AND, THROUGH TECHNOLOGY RESOURCES PROVIDED BY OR USED AT SFCM.

TITLE IX OF THE EDUCATION AMENDMENTS OF 1972 AND OTHER LAWS<sup>[1]</sup> PROHIBIT DISCRIMINATION ON THE BASIS OF SEX IN EMPLOYMENT AND EDUCATION PROGRAMS AND ACTIVITIES. TITLE IX PROTECTS ALL PERSONS FROM SEX DISCRIMINATION, WHICH INCLUDES SEXUAL HARASSMENT AND SEXUAL VIOLENCE. SFCM WILL PROCESS ALL SEX DISCRIMINATION COMPLAINTS IT RECEIVES, INCLUDING COMPLAINTS OF SEXUAL HARASSMENT AND SEXUAL VIOLENCE, REGARDLESS OF WHERE THE CONDUCT OCCURRED, TO DETERMINE WHETHER THE CONDUCT OCCURRED IN THE CONTEXT OF

AN EMPLOYMENT OR EDUCATION PROGRAM OR ACTIVITY OR HAD CONTINUING EFFECTS ON CAMPUS. IF ALLEGED OFF-CAMPUS SEXUAL HARASSMENT OR SEXUAL VIOLENCE OCCURRED IN THE CONTEXT OF AN EDUCATION PROGRAM OR ACTIVITY OR HAD CONTINUING EFFECTS ON CAMPUS, THE COMPLAINT WILL BE TREATED THE SAME AS A COMPLAINT INVOLVING CAMPUS CONDUCT. THIS POLICY APPLIES TO COMPLAINTS OF SEXUAL HARASSMENT UNDER TITLE IX AS DEFINED BY 34 C.F.R. § 106.30(A).<sup>[2]</sup> THIS INCLUDES COMPLAINTS OF SEXUAL ASSAULT OR HARASSMENT INVOLVING STUDENTS, EMPLOYEES, VOLUNTEERS, VENDORS, CONTRACTORS, AND THIRD PARTIES.

## **II. Title IX Policy and Procedures**

**SFCM** IS COMMITTED TO PROMOTING A SAFE AND HEALTHY EDUCATIONAL AND WORK ENVIRONMENT AND MUST RESPOND WHEN NOTICE IS RECEIVED BY THE **TITLE IX COORDINATOR** OR THE FOLLOWING EXPRESSLY DESIGNATED OFFICIALS WITH AUTHORITY TO INSTITUTE CORRECTIVE MEASURES FOR PURPOSES OF **TITLE IX** SEXUAL HARASSMENT. **ALL** FACULTY AND STAFF WHO BECOME AWARE OF KNOWN OR SUSPECTED VIOLATIONS ARE REQUIRED TO REPORT THEM TO THE **TITLE IX COORDINATOR** OR A **DEPUTY COORDINATOR**.

### **A. TITLE IX COORDINATORS**

COMPLAINTS OF SEXUAL ASSAULT, SEXUAL HARASSMENT, OR OTHER CONDUCT PROHIBITED UNDER THIS POLICY, AND ANY QUESTIONS ABOUT FILING A COMPLAINT UNDER THIS POLICY, THE GRIEVANCE PROCESS, OR **TITLE IX** OR ITS REGULATIONS SHOULD BE DIRECTED TO THE **TITLE IX COORDINATOR** OR THE **DEPUTY COORDINATORS** LISTED BELOW:

#### **TITLE IX COORDINATOR**

**MOLLY O'MALLEY**  
**TITLE IX COORDINATOR**  
**EMAIL: [MOMALLEY1@SFCM.EDU](mailto:MOMALLEY1@SFCM.EDU)**  
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**BOWES CENTER FOR THE PERFORMING ARTS**

#### **DEPUTY TITLE IX COORDINATOR FOR STUDENTS**

**TIMOTHY DUNN**  
**ASSOCIATE DEAN FOR STUDENT AFFAIRS AND**  
**DEPUTY TITLE IX COORDINATOR**  
**PHONE: 415-503-6281**  
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**ROOM 116C**

#### **DEPUTY TITLE IX COORDINATOR FOR FACULTY AND STAFF**

**MICHAEL PATTERSON**  
**ASSOCIATE VICE PRESIDENT OF HUMAN RESOURCES AND ADMINISTRATION AND**  
**DEPUTY TITLE IX COORDINATOR**  
**PHONE: 415-503-6237**

EMAIL: [MPATTERSON@SFCM.EDU](mailto:MPATTERSON@SFCM.EDU)

ADDRESS: GETTY CENTER FOR EDUCATION  
ROOM 407

THE TITLE IX COORDINATORS' RESPONSIBILITIES INCLUDE INVESTIGATING OR OVERSEEING THE INVESTIGATION OF INCIDENTS OF ALLEGED SEXUAL ASSAULT OR HARASSMENT; ENSURING THAT CONSISTENT STANDARDS AND PRACTICES APPLY TO ALL INVESTIGATIONS; BEING AVAILABLE TO MEET WITH STUDENTS, EMPLOYEES, AND VOLUNTEERS WHO BELIEVE SEXUAL ASSAULT, SEX DISCRIMINATION OR SEXUAL HARASSMENT HAS OCCURRED; AND ASSISTING CAMPUS SECURITY OR LAW ENFORCEMENT AS NEEDED. STUDENTS MAY ALSO CONTACT THE U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS, (800) 421-3481 OR [OCR@ED.GOV](mailto:OCR@ED.GOV).

## B. POLICY DEFINITIONS

1. **SEX DISCRIMINATION** IS AN ADVERSE ACTION TAKEN AGAINST AN INDIVIDUAL BECAUSE OF SEX, INCLUDING SEXUAL HARASSMENT, SEXUAL VIOLENCE, DOMESTIC VIOLENCE, DATING VIOLENCE, AND STALKING AS PROHIBITED BY TITLE IX, TITLE IV, **VAWA/CAMPUS SAVE ACT**, AND OTHER LAWS AND REGULATIONS.

2. **SEXUAL HARASSMENT** IS ANY UNWELCOME CONDUCT OF A SEXUAL NATURE AS DEFINED IN FOOTNOTE 2 ABOVE. THIS INCLUDES UNWELCOME VERBAL, NONVERBAL OR PHYSICAL CONDUCT INCLUDING BUT NOT LIMITED TO UNWELCOME SEXUAL ADVANCES; REQUESTS FOR SEXUAL FAVORS; AND OTHER VERBAL, NONVERBAL, OR PHYSICAL CONDUCT OF A SEXUAL NATURE, SUCH AS SEXUAL VIOLENCE, SEXUAL ADVANCES, REQUESTS FOR SEXUAL FAVORS, AND INDECENT EXPOSURE, WHERE:

A. **SUBMISSION TO, OR REJECTION OF, THE CONDUCT** IS EXPLICITLY OR IMPLICITLY USED AS THE BASIS FOR ANY DECISION AFFECTING A STUDENT'S ACADEMIC STATUS OR PROGRESS, OR ACCESS TO BENEFITS AND SERVICES, HONORS, PROGRAMS, OR ACTIVITIES AVAILABLE AT OR THROUGH **SFCM**; OR

B. **SUCH CONDUCT IS UNWELCOME**; OR

C. **SUBMISSION TO, OR REJECTION OF, THE CONDUCT BY A SFCM EMPLOYEE** IS EXPLICITLY OR IMPLICITLY USED AS THE BASIS FOR ANY DECISION AFFECTING A TERM OR CONDITION OF EMPLOYMENT, OR AN EMPLOYMENT DECISION OR ACTION; OR

D. **SUCH CONDUCT IS SUFFICIENTLY SEVERE OR PERVASIVE TO CREATE A HOSTILE EDUCATIONAL OR EMPLOYMENT ENVIRONMENT.**

**SEXUAL HARASSMENT** INCLUDES ACTS OF VERBAL, NON-VERBAL, WRITTEN, AND PHYSICAL AGGRESSION, INTIMIDATION OR HOSTILITY BASED ON SEX OR GENDER STEREOTYPING, EVEN IF THESE ACTS ARE NOT SEXUAL IN NATURE. **SEXUAL HARASSMENT MUST BE UNWELCOME CONDUCT THAT IS SO "SEVERE, PERVASIVE AND OBJECTIVELY OFFENSIVE"** THAT IT EFFECTIVELY DENIES A PERSON ACCESS TO THE SCHOOL'S EDUCATION PROGRAMS OR ACTIVITIES.

**SEXUAL HARASSMENT CAN TAKE MANY FORMS INCLUDING THE FOLLOWING:**

3. **SEXUAL VIOLENCE** IS A FORM OF SEXUAL HARASSMENT AND MEANS PHYSICAL SEXUAL ACTS, SUCH AS UNWELCOME SEXUAL TOUCHING, SEXUAL ASSAULT, SEXUAL BATTERY, RAPE, DOMESTIC VIOLENCE, DATING VIOLENCE, AND STALKING (IF BASED ON SEX), TAKEN AGAINST AN INDIVIDUAL AGAINST HIS OR HER WILL AND

WITHOUT CONSENT OR AGAINST AN INDIVIDUAL WHO IS INCAPABLE OF GIVING CONSENT DUE TO THE USE OF DRUGS OR ALCOHOL, BEING A MINOR, OR AN INTELLECTUAL OR OTHER DISABILITY. **SEXUAL VIOLENCE** INCLUDES ACTS OF PHYSICAL FORCE, VIOLENCE, THREATS, AND INTIMIDATION, IGNORING THE OBJECTIONS OF THE OTHER PERSON, CAUSING THE OTHER PERSON'S INTOXICATION OR INCAPACITATION THROUGH DRUGS OR ALCOHOL, OR TAKING ADVANTAGE OF ANOTHER PERSON'S INCAPACITATION, INCLUDING VOLUNTARY DRUG OR ALCOHOL INTOXICATION. **SEXUAL VIOLENCE** CAN BE CARRIED OUT BY SCHOOL EMPLOYEES, VOLUNTEERS, OTHER STUDENTS, OR THIRD PARTIES. **ALL SUCH ACTS OF SEXUAL VIOLENCE ARE FORMS OF SEX DISCRIMINATION PROHIBITED BY TITLE IX.**

**4. INCAPACITATED** MEANS AN INDIVIDUAL IS TEMPORARILY INCAPABLE OF APPRAISING OR CONTROLLING THEIR CONDUCT DUE TO THE INFLUENCE OF A NARCOTIC, ANESTHETIC OR OTHER SUBSTANCE ADMINISTERED WITHOUT CONSENT OR DUE TO ANY OTHER ACT COMMITTED UPON THE VICTIM WITHOUT CONSENT.

**5. STATUTORY RAPE** IS UNLAWFUL SEXUAL INTERCOURSE WITH A MINOR UNDER **18** YEARS OLD, EVEN IF THE INTERCOURSE IS CONSENSUAL.

**6. SEXUAL ASSAULT** IS A FORM OF SEXUAL VIOLENCE AND MEANS **(1)** FORCING OR COERCING AN INDIVIDUAL TO ENGAGE IN ANY NON-CONSENSUAL SEXUAL CONTACT OR SEXUAL PENETRATION; OR **(2)** AN ATTEMPT TO COMMIT AN UNLAWFUL ACT THAT PLACES ANOTHER PERSON IN REASONABLE APPREHENSION OF IMMEDIATE, NON-CONSENSUAL PHYSICAL CONTACT FOR SEXUAL PURPOSES. **SEXUAL ASSAULT** DOES NOT NEED TO SATISFY THE SEVERE AND PERVASIVE STANDARD.

**7. SEXUAL BATTERY** IS A FORM OF SEXUAL VIOLENCE AND MEANS ORAL, ANAL, OR VAGINAL PENETRATION BY, OR UNION WITH, THE SEXUAL ORGAN OF ANOTHER OR THE ANAL OR VAGINAL PENETRATION OF ANOTHER BY ANY OTHER OBJECT.<sup>3</sup>

**8. RAPE** IS A FORM OF SEXUAL VIOLENCE THAT MAY OR MAY NOT INVOLVE FORCE OR A THREAT OF FORCE, COERCION, VIOLENCE, OR IMMEDIATE BODILY INJURY, THREATS OF FUTURE RETALIATION, OR DURESS. **RAPE** MEANS NONCONSENSUAL SEXUAL INTERCOURSE OR SEXUAL PENETRATION, WHICH, IN ADDITION TO INTERCOURSE, MEANS NONCONSENSUAL ORAL OR ANAL INTERCOURSE, OR ANY OTHER INTRUSION, HOWEVER SLIGHT, OF ANY PART OF A PERSON'S BODY OR OF ANY OBJECT INTO THE GENITAL OR ANAL OPENINGS OF ANOTHER PERSON'S BODY. **ANY** SEXUAL PENETRATION IS SUFFICIENT TO CONSTITUTE RAPE. **SEXUAL ACTS** ARE CONSIDERED NON-CONSENSUAL WHEN THEY INVOLVE A PERSON WHO IS PHYSICALLY INCAPACITATED,<sup>6</sup> PHYSICALLY HELPLESS,<sup>7</sup> INCAPABLE OF GIVING CONSENT BECAUSE S/HE IS INCAPACITATED FROM ALCOHOL AND/OR DRUGS, IS UNDER **18** YEARS OLD, OR DUE TO A MENTAL OR PHYSICAL DISABILITY IS INCAPABLE OF GIVING CONSENT.

**9. ACQUAINTANCE RAPE** IS A FORM OF SEXUAL VIOLENCE COMMITTED BY AN INDIVIDUAL KNOWN TO THE VICTIM. THIS INCLUDES A PERSON THE VICTIM MAY HAVE JUST MET, SUCH AS AT A PARTY, BEEN INTRODUCED TO THROUGH A FRIEND, OR MET ON A SOCIAL NETWORKING WEBSITE.

**10. CONSENT** MEANS INTELLIGENT, KNOWING, AND VOLUNTARY CONSENT AND DOES NOT INCLUDE COERCED SUBMISSION. **"CONSENT"** SHALL NOT BE DEEMED OR CONSTRUED TO MEAN THE FAILURE BY THE ALLEGED VICTIM TO OFFER PHYSICAL RESISTANCE. **ONCE** CONSENT IS WITHDRAWN OR REVOKED, ALL SEXUAL ACTIVITY MUST STOP IMMEDIATELY.



A. CONSENT MUST BE *AFFIRMATIVE*, MEANING AFFIRMATIVE, CONSCIOUS, AND VOLUNTARY AGREEMENT TO ENGAGE IN SEXUAL ACTIVITY AND MUST CONTINUE THROUGHOUT THE SEXUAL ACTIVITY.

B. CONSENT MUST BE *VOLUNTARY* AND GIVEN WITHOUT COERCION, FORCE, THREATS, OR INTIMIDATION.

C. CONSENT CAN BE *WITHDRAWN OR REVOKED*. CONSENT TO ONE FORM OF SEXUAL ACTIVITY (OR CONSENT TO SEXUAL ACTIVITY A PREVIOUS OCCASION) DOES NOT CONSTITUTE CURRENT OR ONGOING CONSENT. THE FACT THAT TWO PEOPLE ARE OR WERE PREVIOUSLY INVOLVED IN A DATING RELATIONSHIP, SEXUAL RELATIONSHIP, AND/OR CONSENSUAL SEXUAL ACTS DOES NOT CONSTITUTE CONSENT TO SUBSEQUENT OR OTHER SEXUAL ACTIVITY OR OTHER SEXUAL ACTS. PAST CONSENT OR CONSENT ON A PRIOR OCCASION IS NOT CURRENT CONSENT OR ONGOING CONSENT TO ENGAGE IN SEXUAL ACTIVITY.

D. CONSENT CANNOT BE GIVEN BY A PERSON WHO IS *INCAPACITATED*. A PERSON CANNOT GIVE CONSENT IF S/HE IS UNCONSCIOUS OR COMING IN AND OUT OF CONSCIOUSNESS. EXAMPLES OF INCAPACITATION INCLUDE UNCONSCIOUSNESS, SLEEP AND BLACKOUTS. WHETHER AN *INTOXICATED* PERSON (DUE TO USING ALCOHOL OR OTHER DRUGS) IS *INCAPACITATED* DEPENDS ON THE EXTENT TO WHICH THE PERSON'S DECISION-MAKING CAPACITY, AWARENESS OF CONSEQUENCES, AND ABILITY TO MAKE FULLY INFORMED JUDGMENTS IS IMPAIRED.

E. BEING INTOXICATED BY DRUGS OR ALCOHOL DOES NOT DIMINISH A PERSON'S RESPONSIBILITY TO OBTAIN CONSENT FROM THE OTHER PARTY BEFORE ENGAGING IN SEXUAL ACTIVITY. FACTORS TO BE CONSIDERED WHEN DETERMINING CULPABILITY INCLUDE WHETHER THE PERSON KNEW, OR WHETHER A REASONABLE PERSON IN THE ACCUSED'S POSITION SHOULD HAVE KNOWN, THAT THE VICTIM COULD NOT GIVE, DID NOT GIVE, OR REVOKED, CONSENT; WAS INCAPACITATED; OR WAS OTHERWISE INCAPABLE OF GIVING CONSENT.

**11. DOMESTIC VIOLENCE IS A FORM OF SEXUAL VIOLENCE AND MEANS ANY ASSAULT, AGGRAVATED ASSAULT, BATTERY, AGGRAVATED BATTERY, SEXUAL ASSAULT, SEXUAL BATTERY, STALKING, AGGRAVATED STALKING, KIDNAPPING, FALSE IMPRISONMENT, OR ANY CRIMINAL OFFENSE RESULTING IN PHYSICAL INJURY OR DEATH OF ONE FAMILY OR HOUSEHOLD MEMBER BY ANOTHER FAMILY OR HOUSEHOLD MEMBER. "FAMILY OR HOUSEHOLD MEMBER" MEANS SPOUSE, FORMER SPOUSE, PERSON RELATED BY BLOOD OR MARRIAGE, PERSONS WHO ARE PRESENTLY RESIDING TOGETHER AS IF A FAMILY OR WHO HAVE RESIDED TOGETHER IN THE PAST AS IF A FAMILY, AND PERSONS WHO ARE PARENTS OF A CHILD IN COMMON REGARDLESS OF WHETHER THEY HAVE BEEN MARRIED. EXCEPT PERSONS WHO HAVE A CHILD IN COMMON, THE FAMILY OR HOUSEHOLD MEMBERS MUST BE CURRENTLY RESIDING OR HAVE IN THE PAST RESIDED TOGETHER IN THE SAME SINGLE DWELLING UNIT.**

**12. DATING VIOLENCE IS A FORM OF SEXUAL VIOLENCE AND MEANS VIOLENCE BETWEEN INDIVIDUALS WHO HAVE OR HAVE HAD A CONTINUING AND SIGNIFICANT RELATIONSHIP OF A ROMANTIC OR INTIMATE NATURE. THE EXISTENCE OF SUCH A RELATIONSHIP SHALL BE DETERMINED BASED ON THE CONSIDERATION OF THE FOLLOWING FACTORS:**

A. A DATING RELATIONSHIP MUST HAVE EXISTED WITHIN THE PAST 6 MONTHS;

B. THE NATURE OF THE RELATIONSHIP MUST HAVE BEEN CHARACTERIZED BY THE EXPECTATION OF AFFECTION OR SEXUAL INVOLVEMENT BETWEEN THE PARTIES; AND

C. THE FREQUENCY AND TYPE OF INTERACTION BETWEEN THE PERSONS INVOLVED IN THE RELATIONSHIP MUST HAVE INCLUDED THAT THE PERSONS HAVE BEEN INVOLVED OVER TIME AND CONTINUOUSLY DURING THE RELATIONSHIP.

D. "DATING VIOLENCE" DOES NOT INCLUDE VIOLENCE IN A CASUAL ACQUAINTANCESHIP OR VIOLENCE BETWEEN INDIVIDUALS WHO ONLY HAVE ENGAGED IN ORDINARY FRATERNIZATION IN A BUSINESS OR SOCIAL CONTEXT.

**13. THE GRIEVANCE PROCESS INCLUDES: (1) FILING OF A FORMAL TITLE IX COMPLAINT BY THE COMPLAINANT OR THE TITLE IX COORDINATOR; (2) AN ASSESSMENT CONCERNING WHETHER THE TITLE IX POLICY APPLIES TO THE ALLEGED CONDUCT; (3) A DETERMINATION REGARDING WHETHER MANDATORY OR DISCRETIONARY DISMISSAL OF THE COMPLAINT UNDER TITLE IX APPLIES; (4) THE APPLICATION OF THE FORMAL COMPLAINT INVESTIGATION AND RESOLUTION PROCESS OR INFORMAL COMPLAINT RESOLUTION PROCESS; AND (5) THE APPEAL PROCESS**

**14. STALKING MEANS A COURSE OF CONDUCT DIRECTED AT A SPECIFIC PERSON THAT WOULD CAUSE A REASONABLE PERSON TO FEAR FOR THE PERSON'S SAFETY OR THE SAFETY OF OTHERS, OR SUFFER SUBSTANTIAL EMOTIONAL DISTRESS. FOR PURPOSES OF THIS DEFINITION,**

**A. "COURSE OF CONDUCT" MEANS A PATTERN OF CONDUCT COMPOSED OF A SERIES OF ACTS OVER A PERIOD OF TIME, HOWEVER SHORT, EVIDENCING A CONTINUITY OF PURPOSE.**

**B. "SUBSTANTIAL EMOTIONAL DISTRESS" MEANS SIGNIFICANT MENTAL SUFFERING OR ANGUISH THAT MAY, BUT DOES NOT NECESSARILY, REQUIRE MEDICAL OR OTHER PROFESSIONAL TREATMENT OR COUNSELING.**

**C. "REASONABLE PERSON" MEANS A REASONABLE PERSON UNDER SIMILAR CIRCUMSTANCES AND WITH SIMILAR IDENTITIES TO THE VICTIM.**

**15. CYBERSTALKING MEANS TO ENGAGE IN A COURSE OF CONDUCT TO COMMUNICATE, OR TO CAUSE TO BE COMMUNICATED, WORDS, IMAGES, OR LANGUAGE BY OR THROUGH THE USE OF ELECTRONIC MAIL OR ELECTRONIC COMMUNICATION, DIRECTED AT A SPECIFIC PERSON, CAUSING SUBSTANTIAL EMOTIONAL DISTRESS TO THAT PERSON AND SERVING NO LEGITIMATE PURPOSE.**

**16. HOSTILE EDUCATIONAL ENVIRONMENT. HARASSMENT CREATES A HOSTILE ENVIRONMENT WHEN THE CONDUCT IS SUFFICIENTLY SEVERE, AND PERVASIVE TO INTERFERE WITH OR LIMIT A STUDENT'S ABILITY TO PARTICIPATE IN OR BENEFIT FROM THE SERVICES, ACTIVITIES, OR OPPORTUNITIES OFFERED BY A SCHOOL.**

**17. SEXUAL EXPLOITATION. SEXUAL EXPLOITATION MEANS A PERSON TAKING SEXUAL ADVANTAGE OF ANOTHER PERSON FOR THE BENEFIT OF ANYONE OTHER THAN THAT PERSON WITHOUT THAT PERSON'S CONSENT, INCLUDING, BUT NOT LIMITED TO, ANY OF THE FOLLOWING ACTS:**

**A. THE PROSTITUTING OF ANOTHER PERSON.**

**B. THE TRAFFICKING OF ANOTHER PERSON, DEFINED AS THE INDUCEMENT OF A PERSON TO PERFORM A COMMERCIAL SEX ACT, OR LABOR OF SERVICES, THROUGH FORCE, FRAUD, OR COERCION.**

**C. THE RECORDING OF IMAGES, INCLUDING VIDEO OR PHOTOGRAPH, OR AUDIO OF ANOTHER PERSON'S SEXUAL ACTIVITY OR INTIMATE PARTS, WITHOUT THAT PERSON'S CONSENT.**

**D. THE DISTRIBUTION OF IMAGES, INCLUDING VIDEO OR PHOTOGRAPHS, OR AUDIO OF ANOTHER PERSON'S SEXUAL ACTIVITY OR INTIMATE PARTS, IF THE INDIVIDUAL DISTRIBUTING THE IMAGES OR AUDIO KNOWS OR SHOULD HAVE KNOWN THAT THE PERSON DEPICTED IN THE IMAGES OR AUDIO DID NOT CONSENT TO THE DISCLOSURE.**

**E. THE VIEWING OF ANOTHER PERSON'S SEXUAL ACTIVITY OR INTIMATE PARTS, IN A PLACE WHERE THAT OTHER PERSON WOULD HAVE A REASONABLE EXPECTATION OF PRIVACY, WITHOUT THAT PERSON'S CONSENT, FOR THE PURPOSE OF AROUSING OR GRATIFYING SEXUAL DESIRE.**

**18. SEXUAL MISCONDUCT.** ALL SEXUAL ACTIVITY BETWEEN MEMBERS OF THE **SFCM** COMMUNITY MUST BE BASED ON AFFIRMATIVE CONSENT. ENGAGING IN ANY SEXUAL ACTIVITY WITHOUT FIRST OBTAINING AFFIRMATIVE CONSENT TO THE SPECIFIC ACTIVITY IS SEXUAL MISCONDUCT, WHETHER OR NOT THE CONDUCT VIOLATES ANY CIVIL OR CRIMINAL LAW.

A. **SEXUAL ACTIVITY INCLUDES, BUT IS NOT LIMITED TO:**

- 1) KISSING,
- 2) TOUCHING INTIMATE BODY PARTS
- 3) FONDLING,
- 4) INTERCOURSE,
- 5) PENETRATION, NO MATTER HOW SLIGHT, OF THE VAGINA OR ANUS WITH ANY PART OR OBJECT,
- 6) ORAL COPULATION OF A SEX ORGAN BY ANOTHER PERSON.

B. **SEXUAL MISCONDUCT INCLUDES, BUT IS NOT LIMITED TO, THE FOLLOWING CONDUCT:**

- 1) AN ATTEMPT, COUPLED WITH THE ABILITY, TO COMMIT A VIOLENT INJURY ON THE PERSON OF ANOTHER BECAUSE OF THAT PERSON'S GENDER OR SEX,
- 2) THE INTENTIONAL TOUCHING OF ANOTHER PERSON'S INTIMATE BODY PARTS WITHOUT AFFIRMATIVE CONSENT,
- 3) INTENTIONALLY CAUSING A PERSON TO TOUCH THE INTIMATE BODY PARTS OF ANOTHER WITHOUT AFFIRMATIVE CONSENT,
- 4) USING A PERSON'S OWN INTIMATE BODY PART TO INTENTIONALLY TOUCH ANOTHER PERSON'S BODY WITHOUT **AFFIRMATIVE CONSENT**,
- 5) ANY UNWELCOME PHYSICAL SEXUAL ACTS, SUCH AS UNWELCOME SEXUAL TOUCHING,
- 6) USING PHYSICAL FORCE, VIOLENCE, THREAT, OR INTIMIDATION TO ENGAGE IN SEXUAL ACTIVITY,
- 7) IGNORING THE OBJECTIONS OF THE OTHER PERSON TO ENGAGE IN SEXUAL ACTIVITY,
- 8) CAUSING THE OTHER PERSON'S INCAPACITATION THROUGH THE USE OF DRUGS OR ALCOHOL TO ENGAGE IN SEXUAL ACTIVITY,
- 9) TAKING ADVANTAGE OF THE OTHER PERSON'S INCAPACITATION TO ENGAGE IN SEXUAL ACTIVITY.

C. **INTIMATE BODY PART MEANS THE SEXUAL ORGAN, ANUS, GROIN, BUTTOCKS, OR BREASTS OF ANY PERSON.**

D. **PERSONS OF ALL GENDERS, GENDER IDENTITIES, GENDER EXPRESSIONS, AND SEXUAL ORIENTATIONS CAN BE VICTIMS OF THESE FORMS OF SEXUAL MISCONDUCT. SEXUAL MISCONDUCT CAN BE COMMITTED BY AN INDIVIDUAL KNOWN TO THE COMPLAINANT, INCLUDING A PERSON THE COMPLAINANT MAY HAVE JUST MET, I.E., AT A PARTY, INTRODUCED THROUGH A FRIEND, OR ON A SOCIAL NETWORKING WEBSITE.**

**C. PROHIBITED CONDUCT**

**ANY CONDUCT BASED ON SEX BY AN EMPLOYEE, STUDENT, VOLUNTEER, VENDOR, CONTRACTOR, OR THIRD PARTY THAT MEETS THE DEFINITION OF SEXUAL HARASSMENT AS DESCRIBED IN FOOTNOTE 2 ABOVE IS PROHIBITED. THIS INCLUDES ANY CIRCUMSTANCE WHERE:**

- 1. AN EMPLOYMENT OR EDUCATIONAL DECISION OR BENEFIT IS CONDITIONED ON SUBMISSION TO UNWELCOME SEXUAL ADVANCES OR CONDUCT;**
- 2. SUBMISSION TO, OR REJECTION OF, UNWELCOME SEXUAL CONDUCT IS USED AS A BASIS FOR DENYING EMPLOYMENT OR AN OPPORTUNITY TO PARTICIPATE IN OR BENEFIT FROM ANY SCHOOL PROGRAM OR ACTIVITY;**
- 3. CONDUCT HAS THE PURPOSE OR EFFECT OF UNREASONABLY INTERFERING WITH, DENYING OR LIMITING A STUDENT'S OR EMPLOYEE'S ABILITY TO PARTICIPATE IN OR BENEFIT FROM ANY SCHOOL PROGRAM OR ACTIVITY OR A TERM, CONDITION OR BENEFIT OF EMPLOYMENT;**
- 4. CONDUCT ALTERS THE EDUCATIONAL OR EMPLOYMENT ENVIRONMENT TO THE DEGREE THAT IT ADVERSELY AFFECTS A STUDENT'S OR EMPLOYEE'S ABILITY TO PARTICIPATE IN OR BENEFIT FROM ANY CONSERVATORY PROGRAM OR ACTIVITY WHETHER OR NOT THAT STUDENT OR EMPLOYEE IS THE TARGET OF THE HARASSMENT;**
- 5. THERE IS A PATTERN AND PRACTICE OF SEXUAL HARASSMENT;**
- 6. A TEACHER, ADMINISTRATOR, VOLUNTEER, OR OTHER PERSON IN A POSITION OF AUTHORITY ENGAGES IN SEX DISCRIMINATION OR SEXUAL HARASSMENT OF A STUDENT OR EMPLOYEE; AND/OR**
- 7. A STUDENT, A GROUP OF STUDENTS, AN EMPLOYEE, OR GROUP OF EMPLOYEES ENGAGES IN SEXUAL HARASSMENT OF ANOTHER STUDENT OR OTHER STUDENTS, OR ANOTHER EMPLOYEE OR OTHER EMPLOYEES.**

**THE FOLLOWING ARE EXAMPLES OF BEHAVIORS THAT ARE PROHIBITED UNDER THIS POLICY. THIS IS NOT INTENDED TO BE AN EXHAUSTIVE LIST:**

- (A) UNWELCOME SEXUAL FLIRTATIONS, ADVANCES OR PROPOSITIONS;**
- (B) DEROGATORY, VULGAR OR GRAPHIC WRITTEN OR ORAL STATEMENTS REGARDING ONE'S SEXUALITY;**
- (C) UNWANTED TOUCHING, PATTING, PINCHING, OR OTHER ATTENTION TO AN INDIVIDUAL'S BODY;**
- (D) ATTEMPTED OR ACTUAL PHYSICAL ASSAULT;**
- (E) ANY NONCONSENSUAL SEXUAL ACT, INCLUDING BUT NOT LIMITED TO, RAPE, SEXUAL ASSAULT, SEXUAL BATTERY AND SEXUAL COERCION;**
- (F) UNWELCOME SEXUAL COMMENTS, INNUENDOES, SUGGESTIONS OR JOKES;**
- (G) DISPLAY OF SEXUALLY SUGGESTIVE PICTURES OR OBJECTS;**
- (H) DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL VIOLENCE, AND STALKING, INCLUDING CYBERSTALKING;**
- (I) SENDING TEXT MESSAGES, E-MAILS, OR OTHER ELECTRONIC COMMUNICATIONS WITH NUDE OR SEXUALLY SUGGESTIVE PHOTOS, VIDEOS, OR OTHER IMAGES; AND**
- (J) SHARING OR SENDING NUDE OR SEXUALLY SUGGESTIVE IMAGES OVER THE INTERNET.**

THIS POLICY SPECIFICALLY INCLUDES ELECTRONIC COMMUNICATIONS, INCLUDING BUT NOT LIMITED TO PHONE CALLS, TEXT MESSAGES, E-MAIL, AND COMMUNICATIONS USING SOCIAL MEDIA SUCH AS INSTAGRAM, SNAPCHAT, X, AND FACEBOOK.

**D. REPORTING SEXUAL MISCONDUCT OR FILING A COMPLAINT**

**WHERE TO REPORT. SEXUAL ASSAULT, SEXUAL HARASSMENT AND OTHER BEHAVIOR PROHIBITED BY THIS POLICY SHOULD BE REPORTED TO:**

**TITLE IX COORDINATOR**

**MOLLY O'MALLEY**  
**TITLE IX COORDINATOR**  
**EMAIL: [MOMALLEY1@SFCM.EDU](mailto:MOMALLEY1@SFCM.EDU)**  
**PHONE: 650-383-4753 x176**  
**BOWES CENTER FOR THE PERFORMING ARTS**  
**ROOM 116B**

**DEPUTY TITLE IX COORDINATORS**

**TIMOTHY DUNN**  
**ASSOCIATE DEAN FOR STUDENT AFFAIRS AND**  
**TITLE IX DESIGNEE FOR STUDENTS**  
**PHONE: 415-503-6281**  
**EMAIL: [TDUNN@SFCM.EDU](mailto:TDUNN@SFCM.EDU)**  
**BOWES CENTER FOR THE PERFORMING ARTS**

**MICHAEL PATTERSON**  
**ASSOCIATE VICE PRESIDENT OF HUMAN RESOURCES AND ADMINISTRATION AND**  
**TITLE IX DESIGNEE FOR EMPLOYEES**  
**PHONE: 415-503-6237**  
**EMAIL: [MPATTERSON@SFCM.EDU](mailto:MPATTERSON@SFCM.EDU)**  
**ADDRESS: GETTY CENTER FOR EDUCATION**  
**ROOM 407**

**E. TRAINING AND IMPARTIALITY**

- 1. ANY INDIVIDUAL DESIGNATED AS A TITLE IX COORDINATOR, INVESTIGATOR, OR DECISIONMAKER, OR TO FACILITATE AN INFORMAL RESOLUTION PROCESS, CANNOT HAVE A CONFLICT OF INTEREST OR BIAS FOR OR AGAINST COMPLAINANTS OR RESPONDENTS GENERALLY OR AN INDIVIDUAL COMPLAINANT OR RESPONDENT.**
- 2. TITLE IX COORDINATORS, INVESTIGATORS, DECISION-MAKERS, AND ANY PERSON WHO FACILITATES AN INFORMAL RESOLUTION PROCESS MUST RECEIVE TRAINING ON THE DEFINITION OF SEXUAL HARASSMENT, THE**

SCOPE OF **SFCM**'S EDUCATION PROGRAMS AND ACTIVITIES, AND HOW TO CONDUCT AN INVESTIGATION AND GRIEVANCE PROCESS INCLUDING HEARINGS, APPEALS, AND INFORMAL RESOLUTION PROCESSES.

3. **TITLE IX COORDINATORS, INVESTIGATORS, DECISION-MAKERS, AND ANY PERSON WHO FACILITATES AN INFORMAL RESOLUTION PROCESS MUST RECEIVE TRAINING ON HOW TO SERVE IMPARTIALLY, INCLUDING BY AVOIDING PREJUDGMENT OF THE FACTS AT ISSUE, CONFLICTS OF INTEREST, AND BIAS.**
  
4. **DECISION-MAKERS MUST RECEIVE TRAINING ON ANY TECHNOLOGY TO BE USED AT A LIVE HEARING AND 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.**
  
5. **INVESTIGATORS MUST RECEIVE TRAINING ON ISSUES OF RELEVANCE AND CREATE AN INVESTIGATIVE REPORT THAT FAIRLY SUMMARIZES RELEVANT EVIDENCE.**
  
6. **ANY MATERIALS USED TO TRAIN TITLE IX COORDINATORS, INVESTIGATORS, DECISION-MAKERS, AND ANY PERSON WHO FACILITATES AN INFORMAL RESOLUTION PROCESS, MUST NOT RELY ON SEX STEREOTYPES AND MUST PROMOTE IMPARTIAL INVESTIGATIONS AND ADJUDICATIONS OF FORMAL COMPLAINTS OF SEXUAL HARASSMENT.**

## **F. CONFIDENTIALITY**

**SFCM** WILL MAKE REASONABLE AND APPROPRIATE EFFORTS TO PRESERVE COMPLAINANTS' AND RESPONDENTS' PRIVACY AND TO PROTECT THE CONFIDENTIALITY OF INFORMATION. **SFCM** WILL ONLY DISCLOSE INFORMATION REGARDING COMPLAINTS UNDER THIS POLICY ON A NEED TO KNOW BASIS, PRIMARILY TO PERSONS WHO ARE RESPONSIBLE FOR ITS INVESTIGATION AND ANY REPORTING REQUIREMENTS.

**SFCM** CANNOT REQUIRE THE COMPLAINANT OR RESPONDENT TO MAINTAIN CONFIDENTIALITY, AS RESTRICTING THE ABILITY OF EITHER PARTY TO DISCUSS THE INVESTIGATION (E.G., THROUGH "GAG ORDERS") IS LIKELY TO DEPRIVE THEM OF THE ABILITY TO OBTAIN AND PRESENT EVIDENCE OR OTHERWISE TO DEFEND THEIR INTERESTS.

IN CASES INVOLVING SEXUAL VIOLENCE, EVEN IF A COMPLAINANT REQUESTS THAT **SFCM** NOT MOVE FORWARD, THERE MAY BE CIRCUMSTANCES THAT REQUIRE **SFCM** TO TAKE ACTION. IF A COMPLAINANT REQUESTS CONFIDENTIALITY, THE **TITLE IX COORDINATOR** WILL DETERMINE WHETHER **SFCM** CAN HONOR THIS REQUEST WHILE PROVIDING A SAFE AND NONDISCRIMINATORY ENVIRONMENT FOR ALL STUDENTS AND EMPLOYEES, INCLUDING THE INDIVIDUAL WHO REPORTED THE SEXUAL VIOLENCE. BECAUSE A REQUEST FOR CONFIDENTIALITY COULD PRECLUDE A MEANINGFUL INVESTIGATION, **SFCM** WILL CONSIDER WHETHER THERE ARE CIRCUMSTANCES PRESENT THAT DEMONSTRATE A RISK THAT THE RESPONDENT MAY COMMIT ADDITIONAL ACTS OF SEXUAL VIOLENCE OR OTHER VIOLENCE. THESE INCLUDE WHETHER OTHER SEXUAL VIOLENCE COMPLAINTS HAVE BEEN RECEIVED ABOUT THE SAME **RESPONDENT**; WHETHER THE **RESPONDENT** HAS A HISTORY OF ARRESTS; WHETHER THE **RESPONDENT** HAS RECORDS FROM A PRIOR SCHOOL

INDICATING A HISTORY OF VIOLENCE; WHETHER THE RESPONDENT THREATENED FURTHER SEXUAL VIOLENCE OR OTHER VIOLENCE AGAINST THE COMPLAINANT OR OTHERS; AND WHETHER THE SEXUAL VIOLENCE WAS COMMITTED BY MULTIPLE PERPETRATORS. OTHER FACTORS INCLUDE WHETHER THE SEXUAL VIOLENCE WAS PERPETRATED WITH A WEAPON, AND THE AGE OF THE INDIVIDUAL SUBJECTED TO THE SEXUAL VIOLENCE.

IF THE COMPLAINANT ASKS THAT THE COMPLAINT NOT BE PURSUED, SFCM MUST NONETHELESS PROMPTLY CONTACT THE COMPLAINANT TO DISCUSS THE AVAILABILITY OF SUPPORTIVE MEASURES AND CONSIDER THE COMPLAINANT'S WISHES WITH REGARD TO SUPPORTIVE MEASURES. ONCE A FORMAL COMPLAINT HAS ALREADY BEEN FILED, IF THE COMPLAINANT NOTIFIES THE TITLE IX COORDINATOR IN WRITING THAT THE COMPLAINANT WOULD LIKE TO WITHDRAW THE FORMAL COMPLAINT OR THE ALLEGATIONS THEREIN, SFCM MAY DISMISS THE FORMAL COMPLAINT OR ANY ALLEGATIONS THEREIN.

EVEN WHEN A COMPLAINANT ASKS THAT A COMPLAINT NOT BE PURSUED OR THAT INFORMATION BE KEPT CONFIDENTIAL, IF NECESSARY, SFCM WILL TAKE ACTION TO PROTECT THE COMPLAINANT. THIS INCLUDES PROVIDING SUPPORT SERVICES AND CHANGING LIVING ARRANGEMENTS OR COURSE SCHEDULES, ASSIGNMENTS, OR TESTS AS APPROPRIATE.

### **III. Grievance Procedures**

#### **A. COMPLAINT**

A FORMAL TITLE IX COMPLAINT MUST BE IN WRITING AND SIGNED. WHILE STUDENTS MAY REPORT ANY INCIDENT OF SEXUAL HARASSMENT TO ANY EMPLOYEE, IN ORDER TO TRIGGER THE TITLE IX COMPLAINT PROCESS, A FORMAL COMPLAINT MUST BE IN WRITING AND SIGNED AND PROVIDED TO THE TITLE IX COORDINATOR. ALL FACULTY AND STAFF WHO BECOME AWARE OF A KNOWN OR SUSPECTED VIOLATION OF TITLE IX, INCLUDING SEXUAL MISCONDUCT, ARE REQUIRED TO REPORT IT TO THE TITLE IX COORDINATOR OR A DEPUTY COORDINATOR.

COMPLAINANTS MAY FILE A FORMAL COMPLAINT WITH THE TITLE IX COORDINATOR IN PERSON, BY MAIL, OR BY ELECTRONIC MAIL, BY USING THE CONTACT INFORMATION LISTED FOR THE TITLE IX COORDINATOR AT: INSERT CONTACT INFORMATION. ANY INSTRUCTOR OR OTHER EMPLOYEE RECEIVING SUCH A REPORT MUST REPORT IT TO THE TITLE IX COORDINATOR OR A DEPUTY COORDINATOR. FAILURE TO COMPLY WITH THIS POLICY, INCLUDING FAILURE TO REPORT A COMPLAINT TO THE TITLE IX OFFICE, MAY BE GROUNDS FOR DISCIPLINARY ACTION, UP TO AND INCLUDING TERMINATION.

#### **B. WHAT TO EXPECT**

AFTER RECEIVING A REPORT OF SEXUAL HARASSMENT, , THE TITLE IX COORDINATOR OR DESIGNEE WILL PROMPTLY CONTACT THE COMPLAINANT TO DISCUSS THE AVAILABILITY OF SUPPORTIVE MEASURES, CONSIDER THE COMPLAINANT'S WISHES WITH RESPECT TO SUPPORTIVE MEASURES, INFORM THE COMPLAINANT OF THE AVAILABILITY OF SUPPORTIVE MEASURES WITH OR WITHOUT THE FILING OF A FORMAL COMPLAINT, AND EXPLAIN TO THE COMPLAINANT THE PROCESS FOR FILING A FORMAL COMPLAINT, PROVIDE A COPY OF THIS POLICY, AND EXPLAIN THE FOLLOWING:

1. THE TITLE IX GRIEVANCE PROCESS;
2. THE IMPORTANCE OF SEEKING IMMEDIATE MEDICAL ATTENTION FOR SEXUAL ASSAULTS;
3. THE IMPORTANCE OF PRESERVING EVIDENCE;
4. THE RIGHT TO REPORT A CRIME TO CAMPUS OR LOCAL LAW ENFORCEMENT;

5. THE RIGHT TO *NOT* REPORT A CRIME TO LAW ENFORCEMENT OR FILE CRIMINAL CHARGES;
6. THE RIGHT TO SIMULTANEOUSLY FILE BOTH A CRIMINAL COMPLAINT WITH CAMPUS SECURITY OR LOCAL LAW ENFORCEMENT AND AN INSTITUTIONAL **TITLE IX** COMPLAINT;
7. THE RIGHT TO ASSISTANCE FROM **SFCM** OFFICIALS WITH FILING A CRIMINAL COMPLAINT IF ASSISTANCE IS REQUESTED;
8. INFORMAL AND FORMAL RESOLUTION;
9. AVAILABLE HEALTH CARE, ADVOCACY, ACADEMIC SUPPORT, MENTAL HEALTH, LEGAL ASSISTANCE RESOURCES, AND/OR COUNSELING SERVICES AVAILABLE BOTH ON AND OFF CAMPUS;
10. EVEN IF A COMPLAINANT ASKS **SFCM** NOT TO TAKE ANY ACTION, **SFCM** MAY BE OBLIGATED TO INVESTIGATE THE COMPLAINT IN CIRCUMSTANCES IN WHICH **SFCM** HAS ACTUAL KNOWLEDGE OF A PATTERN OF ALLEGED SEXUAL HARASSMENT BY A RESPONDENT IN A POSITION OF AUTHORITY;
11. PROHIBITIONS AGAINST RETALIATION;
12. SUPPORTIVE MEASURES THAT MAY BE PUT IN PLACE, INCLUDING A NO-CONTACT ORDER PENDING THE OUTCOME OF THE INVESTIGATION, PROVIDING SUPPORT SERVICES, CHANGING LIVING ARRANGEMENTS OR COURSE SCHEDULES, ASSIGNMENTS, OR TESTS, AND TEMPORARY REMOVAL OF THE RESPONDENT FROM THE CAMPUS COMMUNITY PENDING THE OUTCOME OF AN INVESTIGATION; AND
13. OPTIONS FOR AVOIDING CONTACT WITH THE RESPONDENT(S), INCLUDING BEING ALLOWED TO CHANGE ACADEMIC AND EXTRACURRICULAR ACTIVITIES AND LIVING, TRANSPORTATION, DINING, AND WORKING SITUATIONS AS APPROPRIATE.

#### C. INITIAL ASSESSMENT

AFTER MEETING WITH THE COMPLAINANT, THE **TITLE IX** COORDINATOR OR A DESIGNEE WILL MAKE AN ASSESSMENT CONCERNING WHETHER THIS POLICY APPLIES TO THE ALLEGED CONDUCT. THEY WILL ALSO MAKE A DETERMINATION CONCERNING SUPPORTIVE MEASURES.

#### D. SUPPORTIVE MEASURES

1. "SUPPORTIVE MEASURES" ARE NON-DISCIPLINARY, NON-PUNITIVE INDIVIDUAL SERVICES OFFERED TO THE COMPLAINANT OR RESPONDENT AS APPROPRIATE, AS REASONABLY AVAILABLE, AND WITHOUT FEE OR CHARGE. 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 THE RECIPIENT'S EDUCATION PROGRAM OR ACTIVITY WITHOUT UNREASONABLY BURDENING THE OTHER PARTY, INCLUDING MEASURES DESIGNED TO PROTECT THE SAFETY OF ALL PARTIES OR THE RECIPIENT'S EDUCATIONAL ENVIRONMENT, OR DETER SEXUAL HARASSMENT.
2. SUPPORTIVE SERVICES INCLUDE SERVICES SUCH AS COUNSELING, 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. DETERMINING APPROPRIATE SERVICES IS THE RESPONSIBILITY OF THE **TITLE IX** COORDINATOR. THE **TITLE IX** COORDINATOR MUST CONSIDER THE COMPLAINANT'S WISHES, BUT **SFCM** RETAINS DISCRETION TO DETERMINE WHAT SUPPORTIVE MEASURES ARE APPROPRIATE BASED ON THE UNIQUE CIRCUMSTANCES OF EACH REQUEST. THE RECIPIENT MUST 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 RECIPIENT TO PROVIDE THE SUPPORTIVE MEASURES.



THE TITLE IX COORDINATOR IS RESPONSIBLE FOR COORDINATING THE EFFECTIVE IMPLEMENTATION OF SUPPORTIVE MEASURES.

3. THE FOLLOWING RESOURCES ARE AVAILABLE TO **SFCM** STUDENTS AND/OR EMPLOYEES:

**HEALTH & WELLNESS**

**ON CAMPUS COUNSELING**

[HTTPS://SFCM.EDU/DISCOVER/CAMPUS-LIFE/HEALTH-AND-WELLNESS/COUNSELING-SERVICES](https://sfc.edu/discover/campus-life/health-and-wellness/counseling-services)

[RAWILLIAMS@SFCM.EDU](mailto:RAWILLIAMS@SFCM.EDU)

**(415) 503-6325**

**CARBON HEALTH**

[HTTPS://CARBONHEALTH.COM/](https://carbonhealth.com/)

**(415) 918-5677**

ALL COLLEGIATE STUDENTS RECEIVE A MEMBERSHIP WITH **CARBON HEALTH**, WHICH PROVIDES HIGH-QUALITY, PATIENT-CENTERED PRIMARY AND URGENT CARE SERVICES WITH SAME-DAY/NEXT-DAY APPOINTMENTS. **CARBON** ALSO PROVIDES ACCESS TO **24/7/365** VIRTUAL CARE BY PHONE, EMAIL, AND VIDEO CONFERENCE. **CARBON HEALTH'S** SERVICES ALSO INCLUDE MENTAL HEALTH, WOMEN'S HEALTH, **LGBT HEALTH**, **COVID CARE** AND MORE.

**GoHEALTH URGENT CARE**

[HTTPS://WWW.GOHEALTHUC.COM/](https://www.gohealthuc.com/)

**415-746-1812**

**SFCM** HAS PARTNERED WITH **GoHEALTH URGENT CARE** TO PROVIDE EASY, CONVENIENT ACCESS TO HEALTH CARE FOR STUDENTS, FACULTY AND STAFF.

**SHIP BENEFITS**

**812-360-2313**

WITH ITS INCLUSIVE BENEFITS AND COMPREHENSIVE COVERAGE, THE **SFCM SHIP** PLAN ENSURES THAT STUDENTS HAVE ACCESS TO ESSENTIAL HEALTHCARE SERVICES, INCLUDING VISION CARE, EMERGENCY ASSISTANCE, PREVENTIVE VACCINES AND MENTAL HEALTH SUPPORT. **ADDITIONALLY**, THE **SFCM SHIP** PLAN INCLUDES BENEFITS SUCH AS TELEMEDICINE AND TELEHEALTH SERVICES PROVIDED BY **HEALTHIESTYU** FROM **TELADOC**. **ALL** MEMBERS HAVE ONLINE ACCESS TO LICENSED MEDICAL PROFESSIONALS **24/7** WITH NO FEES ASSOCIATED WITH THE SERVICES.

**OTHER SUPPORTIVE SERVICES**

**ACADEMIC ACCOMMODATIONS**

**RYAN BROWN**

**DEAN**

[RBROWN@SFCM.EDU](mailto:RBROWN@SFCM.EDU)

**(415) 503-6217**

**HOUSING ACCOMMODATIONS, ON AND OFF CAMPUS**

**TIMOTHY DUNN**  
**ASSOCIATE DEAN FOR STUDENT AFFAIRS**  
[TDUNN@SFCM.EDU](mailto:TDUNN@SFCM.EDU)  
**(415) 503-6281**

**OUTSIDE REPORTING & CRISIS SUPPORT**

**RAPE & TRAUMA SERVICES 24 HOUR HELPLINE**  
**(415) 206-8256**

**NATIONAL DOMESTIC VIOLENCE HOTLINE**  
**(800) 799-7233**

**NATIONAL SEXUAL ASSAULT HOTLINE**  
**(800) 656-4673**

**SAN FRANCISCO WOMEN AGAINST RAPE (LEGAL)**  
**(415) 861-2024**

4. **SUPPORTIVE SERVICES ARE NOT PROVIDED FOR WITNESSES. SFCM HAS DISCRETION TO CONTINUE PROVIDING SUPPORTIVE MEASURES TO A COMPLAINANT OR RESPONDENT AFTER A DETERMINATION OF NO RESPONSIBILITY.**
5. **SUPPORTIVE MEASURES MUST BE CONFIDENTIAL UNLESS MAINTAINING CONFIDENTIALITY WOULD IMPAIR SFCM'S ABILITY TO PROVIDE THEM.**
6. **THE TITLE IX COORDINATOR OR DESIGNEE WILL CONSIDER THE APPROPRIATENESS OF SUPPORTIVE MEASURES ON AN ONGOING BASIS TO ENSURE THE WELL-BEING OF THE PARTIES THROUGHOUT THE PROCESS. LONG-TERM MEASURES MAY INCLUDE EXTENDING OR MAKING PERMANENT ANY INTERIM SUPPORTIVE MEASURES OR IMPLEMENTING ADDITIONAL MEASURES TAILORED TO ACHIEVE THE GOALS OF THE TITLE IX POLICY. MANY OF THE REMEDIES A COMPLAINANT MIGHT NEED AFTER A FINDING OF RESPONSIBILITY WILL HAVE ALREADY BEEN PROVIDED AS SUPPORTIVE MEASURES, INCLUDING BUT NOT LIMITED TO ACADEMIC ACCOMMODATIONS, SHORT-TERM COUNSELING, AND HOUSING ARRANGEMENTS. THE TITLE IX COORDINATOR WILL, IN ALL CASES, CONSIDER WHETHER THERE IS A NEED FOR ADDITIONAL REMEDIES. ADDITIONAL REMEDIES OR SUPPORTS MAY BE INCLUDED IN THE SANCTIONS, SUCH AS REASSIGNMENT OR REMOVAL OF THE RESPONDENT FROM A CLASS.**

**E. INTERIM SUSPENSION OR EXPULSION OF A RESPONDENT**

**ALTHOUGH IT IS NOT A SUPPORTIVE MEASURE, INTERIM SUSPENSION OR EXPULSION OF A RESPONDENT IS AN OPTION WHERE A RESPONDENT POSES AN IMMEDIATE THREAT TO THE PHYSICAL HEALTH OR SAFETY OF THE COMPLAINANT OR ANYONE ELSE. IN THAT INSTANCE, THEY ARE SUBJECT TO TEMPORARY EMERGENCY REMOVAL<sup>[3]</sup> PRIOR TO THE CONCLUSION OF THE GRIEVANCE PROCESS OR WHERE NO GRIEVANCE PROCESS IS PENDING. AN EMPLOYEE RESPONDENT WHO POSES AN IMMEDIATE THREAT TO THE PHYSICAL HEALTH OR SAFETY OF THE COMPLAINANT OR ANYONE ELSE MAY BE PLACED ON ADMINISTRATIVE LEAVE WHILE A GRIEVANCE IS PENDING.<sup>[4]</sup>**

## F. INVESTIGATION

COMPLAINTS UNDER THIS POLICY WILL BE INVESTIGATED BY THE **TITLE IX COORDINATOR** OR A DESIGNEE (“**THE INVESTIGATOR**”). **AN INVESTIGATOR MAY BE APPOINTED FROM INSIDE OR OUTSIDE SFCM. OTHER SFCM OFFICIALS MAY ASSIST IN GATHERING FACTS DURING THE INVESTIGATION, AND INFORMATION FROM LAW ENFORCEMENT OFFICIALS MAY BE CONSIDERED. INDIVIDUALIZED SUPPORTIVE MEASURES MUST BE OFFERED TO THE RESPONDENT AND COMPLAINANT BEFORE AN INVESTIGATION AND WHILE AN INVESTIGATION IS PENDING.**

### 1. NOTICE OF INVESTIGATION

- A. **ONCE SFCM DECIDES TO OPEN AN INVESTIGATION THAT MAY LEAD TO DISCIPLINARY ACTION AGAINST A RESPONDING PARTY, A WRITTEN NOTICE OF INVESTIGATION MUST BE PROVIDED TO THE RESPONDENT AND COMPLAINANT. THE NOTICE OF INVESTIGATION WILL INCLUDE INFORMATION ABOUT THE GRIEVANCE POLICY AND INVESTIGATION PROCESS, THE ALLEGED POLICY VIOLATIONS, THE COMPLAINANT’S AND RESPONDENT’S RIGHTS, AND CONTACT INFORMATION FOR THE INVESTIGATOR.**
- B. **THE WRITTEN NOTICE OF INVESTIGATION MUST INCLUDE THE FOLLOWING:**
- 1) **NOTICE OF SFCM’S GRIEVANCE PROCESS, INCLUDING THE INFORMAL RESOLUTION PROCESS;**
  - 2) **A SUMMARY OF THE ALLEGATIONS OF PROHIBITED CONDUCT. THIS WILL GENERALLY INCLUDE THE PARTIES INVOLVED, THE SPECIFIC SECTION(S) OF THE TITLE IX POLICY ALLEGEDLY VIOLATED, AND IF AVAILABLE, THE DATE AND LOCATION OF THE INCIDENT.**
  - 3) **FOR SEXUAL HARASSMENT COMPLAINTS, A NOTICE OF THE ALLEGATIONS POTENTIALLY CONSTITUTING SEXUAL HARASSMENT, INCLUDING SUFFICIENT DETAILS KNOWN AT THE TIME AND WITH SUFFICIENT TIME TO PREPARE A RESPONSE BEFORE ANY INITIAL INTERVIEW. “SUFFICIENT DETAILS” INCLUDE THE IDENTITIES OF THE PARTIES INVOLVED IN THE INCIDENT, IF KNOWN, THE CONDUCT ALLEGEDLY CONSTITUTING SEXUAL HARASSMENT, AND THE DATE AND LOCATION OF THE ALLEGED INCIDENT, IF KNOWN.**
  - 4) **FOR SEXUAL HARASSMENT COMPLAINTS, NOTICE TO THE PARTIES THAT THEY MAY HAVE AN ADVISOR OF THEIR CHOICE, WHO MAY BE, BUT IS NOT REQUIRED TO BE AN ATTORNEY, AND THAT THEY MAY INSPECT AND REVIEW EVIDENCE AS DESCRIBED IN SECTION (B)(5)(vi) OF TITLE 34, § 106.45. THE WRITTEN NOTICE MUST INFORM THE PARTIES OF ANY PROVISION IN THE SFCM CODE OF CONDUCT THAT PROHIBITS KNOWINGLY MAKING FALSE STATEMENTS OR KNOWINGLY SUBMITTING FALSE INFORMATION DURING AN INVESTIGATION OR THE GRIEVANCE PROCESS.**
  - 5) **THE RANGE OF POTENTIAL VIOLATIONS UNDER THE TITLE IX POLICY;**
  - 6) **ON- AND OFF-CAMPUS SUPPORTIVE RESOURCES;**
  - 7) **RIGHTS OF THE RESPONDENT AND COMPLAINANT;**
  - 8) **POTENTIAL SANCTIONS;**

**9) POTENTIAL REMEDIES;**

**10) NOTICE THAT SUSPENSION OR EXPULSION IS A POTENTIAL SANCTION AND THAT EXPULSION PRECLUDES MATRICULATION (WHERE APPROPRIATE);**

**11) NOTICE THAT SEPARATION IS A POTENTIAL SANCTION (WHERE APPROPRIATE); AND**

**12) A STATEMENT THAT THE RESPONDENT IS PRESUMED NOT RESPONSIBLE FOR THE ALLEGED CONDUCT AND THAT A DETERMINATION REGARDING RESPONSIBILITY IS MADE AT THE CONCLUSION OF THE GRIEVANCE PROCESS.**

**13) THE INVESTIGATION DOES NOT BEGIN UNTIL THE PARTIES RECEIVE A NOTICE OF INVESTIGATION.**

**2. RELEVANT INFORMATION FOR THE INVESTIGATION. FOLLOWING AN ASSESSMENT OF WHETHER TITLE IX POLICY APPLIES TO THE ALLEGED CONDUCT, THE TITLE IX COORDINATOR OR INVESTIGATOR WILL PROVIDE WRITTEN NOTICE OF THE ALLEGATIONS AGAINST THE RESPONDENT TO THE RESPONDENT AND COMPLAINANT AND MAY REQUEST A WRITTEN RESPONSE. IN ADDITION, THE TITLE IX COORDINATOR OR INVESTIGATOR MAY COLLECT AND CONSIDER THE FOLLOWING TYPES OF INFORMATION:**

- A. STATEMENTS BY THE COMPLAINANT AND RESPONDENT ABOUT THE ALLEGED INCIDENT(S);**
- B. STATEMENTS BY WITNESSES TO THE ALLEGED INCIDENT(S);**
- C. STATEMENTS OR REPORTS FROM EXPERT WITNESSES**
- D. EVIDENCE ABOUT THE CREDIBILITY OF THE COMPLAINANT AND RESPONDENT;**
- E. EVIDENCE THAT THE ALLEGED HARASSER HAS BEEN FOUND TO HAVE HARASSED OTHER VICTIMS;**
- F. EVIDENCE THAT THE COMPLAINANT HAS MADE FALSE ALLEGATIONS AGAINST OTHER INDIVIDUALS;**
- G. EVIDENCE AS TO THE COMPLAINANT'S REACTION OR BEHAVIOR AFTER THE ALLEGED HARASSMENT OR OTHER MISCONDUCT;**
- H. EVIDENCE AS TO WHETHER THE COMPLAINANT FILED A COMPLAINT OR TOOK OTHER ACTION TO PROTEST THE CONDUCT SOON AFTER THE INCIDENT OCCURRED; AND**
- I. OTHER EVIDENCE OF THE HARASSMENT (E.G., REPORTING CONDUCT TO PARENTS, COUNSELORS, OR FRIENDS, OR MEDICAL RECORDS.**
- J. THE FACT OF A CURRENT OR PREVIOUS CONSENSUAL DATING OR SEXUAL RELATIONSHIP BETWEEN THE PARTIES WILL NOT IMPLY CONSENT OR PRECLUDE A FINDING OF SEXUAL VIOLENCE.**

**3. EVIDENTIARY/FACT RELEVANCE DETERMINATIONS. THE TITLE IX COORDINATOR OR INVESTIGATOR HAS BROAD DISCRETION IN DETERMINING WHETHER A PROFFERED WITNESS OR DOCUMENTARY INFORMATION WOULD BE RELEVANT OR HELPFUL TO A DETERMINATION.**

**4. EVIDENTIARY STANDARD. A "PREPONDERANCE OF THE EVIDENCE" STANDARD WILL BE USED TO DETERMINE WHETHER THERE WAS A POLICY VIOLATION.**

**5. PRESUMPTION THAT THE RESPONDENT IS NOT RESPONSIBLE. THE RESPONDENT IS PRESUMED TO BE NOT RESPONSIBLE FOR THE ALLEGED CONDUCT UNTIL A DETERMINATION REGARDING RESPONSIBILITY IS MADE AT THE CONCLUSION OF THE GRIEVANCE PROCESS.**

6. **TIME FRAME FOR INVESTIGATION AND COMPLETION OF REPORT.** THERE IS NO FIXED TIME FRAME UNDER WHICH A SCHOOL MUST COMPLETE A SEXUAL MISCONDUCT REPORT. WHILE THE REPORT AND INVESTIGATION SHOULD NORMALLY BE COMPLETED WITHIN **90** CALENDAR DAYS AFTER NOTICE OF A COMPLAINT, THE INABILITY TO MEET THIS TIME FRAME DOES NOT AFFECT THE LEGITIMACY, CREDIBILITY, OR RELIABILITY OF THE INVESTIGATION OR REPORT. A WRITTEN DECISION MUST BE COMPLETED AND PROVIDED TO THE PARTIES AT THE CONCLUSION OF THE INVESTIGATION.

7. **COOPERATION. WITNESSES,**<sup>[5]</sup> INCLUDING FACULTY, STAFF, VOLUNTEERS, VENDORS, CONTRACTORS, AND STUDENTS ARE REQUIRED TO COOPERATE IN THE INVESTIGATION PROCESS. REFUSAL ON THE PART OF A WITNESS TO COOPERATE MAY RESULT IN DISCIPLINARY ACTION.

8. **PENDING CRIMINAL MATTERS.** THE INTERNAL INVESTIGATION WILL PROCEED WHETHER A RELATED CRIMINAL MATTER IS PENDING OR NOT. IF THERE IS AN ONGOING CRIMINAL INVESTIGATION, **SFCM** WILL *NOT* WAIT FOR THE CONCLUSION OF THE CRIMINAL INVESTIGATION OR CRIMINAL PROCEEDING TO BEGIN ITS OWN **TITLE IX** INVESTIGATION. HOWEVER, **SFCM** MAY TEMPORARILY DELAY THE FACT-FINDING PORTION OF A **TITLE IX** INVESTIGATION WHILE THE POLICE OR OTHER LAW ENFORCEMENT OFFICIALS ARE GATHERING EVIDENCE.

## 9. CONDUCTING THE INVESTIGATION

A. THE INVESTIGATION IS DESIGNED TO PROVIDE A FAIR AND RELIABLE GATHERING OF THE FACTS BY A TRAINED AND IMPARTIAL INVESTIGATOR. ALL INDIVIDUALS, INCLUDING THE COMPLAINANT, THE RESPONDENT, AND ANY THIRD-PARTY WITNESSES, WILL BE TREATED WITH RESPECT THROUGHOUT THE INVESTIGATION. THE INVESTIGATION WILL SAFEGUARD THE PRIVACY OF THE INDIVIDUALS INVOLVED IN A MANNER CONSISTENT WITH FEDERAL LAW AND **SFCM** POLICY.

B. **SFCM** WILL PROVIDE AN EQUAL OPPORTUNITY FOR THE PARTIES TO IDENTIFY WITNESSES, INCLUDING FACT AND EXPERT WITNESSES, AND PROVIDE INculpATORY AND EXculpATORY EVIDENCE. **SFCM** WILL NOT RESTRICT THE ABILITY OF ANY PARTY TO GATHER AND PRESENT RELEVANT EVIDENCE.

C. DURING THE INVESTIGATION, THE COMPLAINANT AND THE RESPONDENT EACH HAVE THE RIGHT TO HAVE AN ADVISOR OF THEIR CHOICE PRESENT DURING INTERVIEWS AND OTHER MEETINGS. THE INVESTIGATOR WILL GATHER OR RECEIVE INFORMATION THAT IS RELEVANT TO THE DETERMINATION OF AN APPROPRIATE SANCTION OR REMEDY, INCLUDING INFORMATION ABOUT THE IMPACT OF THE ALLEGED CONDUCT ON THE PARTIES. THE INVESTIGATOR WILL ALSO GATHER EVIDENCE, INCLUDING SEEKING PRIOR STATEMENTS BY PARTIES OR WITNESSES, ANY COMMUNICATIONS BETWEEN THE PARTIES, EMAIL MESSAGES, SOCIAL MEDIA MATERIALS, TEXT MESSAGES, AUDIO OR VIDEO RECORDINGS, AND OTHER RECORDS AS AVAILABLE AND FEASIBLE.

D. THE INVESTIGATOR MUST PERFORM AN OBJECTIVE EVALUATION OF ALL RELEVANT EVIDENCE, INCLUDING BOTH INculpATORY AND EXculpATORY EVIDENCE, AND CANNOT BASE CREDIBILITY DETERMINATIONS ON A PERSON'S STATUS AS A COMPLAINANT, RESPONDENT, OR WITNESS.

E. THE INVESTIGATOR HAS DISCRETION TO DETERMINE THE RELEVANCE OF ANY WITNESS STATEMENT OR OTHER EVIDENCE TO THE FINDING OF RESPONSIBILITY AND MAY EXCLUDE INFORMATION IF THE INVESTIGATOR DETERMINES THAT THE INFORMATION IS IRRELEVANT. THE INVESTIGATOR MAY ALSO EXCLUDE STATEMENTS OF

PERSONAL OPINION BY WITNESSES AND STATEMENTS AS TO GENERAL REPUTATION FOR ANY CHARACTER TRAIT, INCLUDING HONESTY.

## **10. TIMING OF THE INVESTIGATION**

A. **SFCM** WILL SEEK TO CONCLUDE THE INVESTIGATION WITHIN NINETY (90) BUSINESS DAYS AFTER THE ISSUANCE OF THE NOTICE OF INVESTIGATION, EXCLUSIVE OF WEEKENDS, HOLIDAYS, BREAKS, AND OTHER INSTITUTIONAL CLOSURES. THE TIME FRAME FOR COMPLETION OF THE INVESTIGATION, OR ANY DESIGNATED TIME FRAMES OF STEPS IN THE INVESTIGATION, MAY BE EXTENDED FOR GOOD CAUSE.

B. **BEST EFFORTS** WILL BE MADE TO COMPLETE THE PROCESS IN A TIMELY MANNER BY BALANCING PRINCIPLES OF THOROUGHNESS AND FUNDAMENTAL FAIRNESS WITH PROMPTNESS.

C. **TEMPORARY DELAY** OF THE GRIEVANCE PROCESS OR LIMITED EXTENSION OF TIME FRAMES FOR GOOD CAUSE REQUIRES 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.

## **11. REVIEW, FEEDBACK, AND FINALIZATION OF THE INVESTIGATION REPORT**

A. **BEFORE COMPLETION** OF THE INVESTIGATIVE REPORT, THE RECIPIENT MUST SEND TO EACH PARTY AND THE PARTY'S ADVISOR, IF ANY, THE EVIDENCE SUBJECT TO INSPECTION AND REVIEW IN AN ELECTRONIC FORMAT OR A HARD COPY;

B. **ALL EVIDENCE** THAT IS SUBJECT TO THE PARTIES' INSPECTION AND REVIEW MUST BE AVAILABLE AT ANY HEARING TO GIVE EACH PARTY EQUAL OPPORTUNITY TO REFER TO SUCH EVIDENCE DURING THE HEARING, INCLUDING FOR CROSS-EXAMINATION;

C. **BEFORE A DECISION** CONCERNING RESPONSIBILITY IS MADE OR, FOR STUDENTS, BEFORE THERE IS A HEARING, THE INVESTIGATION REPORT SHOULD BE PROVIDED TO THE RESPONDENT AND THE COMPLAINANT AND BOTH PARTIES MUST HAVE AN OPPORTUNITY TO RESPOND TO THE FINDINGS, CONCLUSIONS, AND OTHER INFORMATION IN THE INVESTIGATION REPORT IN WRITING; AND

D. **THE PARTIES** MUST HAVE AT LEAST **10** DAYS TO SUBMIT A WRITTEN RESPONSE THAT THE INVESTIGATOR WILL CONSIDER BEFORE COMPLETION OF THE INVESTIGATIVE REPORT.

## **12. INFORMAL RESOLUTION**

A. **AT ANY TIME** AFTER A FORMAL COMPLAINT HAS BEEN FILED AND BEFORE A HEARING TO REACH A DETERMINATION REGARDING RESPONSIBILITY, UPON THE PARTIES' REQUEST AND VOLUNTARY AGREEMENT

THE INFORMAL RESOLUTION PROCESS, **SFCM** MAY FACILITATE AN INFORMAL RESOLUTION PROCESS, SUCH AS MEDIATION, THAT DOES NOT INVOLVE A FULL INVESTIGATION AND ADJUDICATION, PROVIDED THAT

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- 1) THE PARTIES RECEIVE WRITTEN NOTICE OF THE ALLEGATIONS, 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;
- 2) THE PARTIES RECEIVE A WRITTEN NOTICE OF THE REQUIREMENTS OF THE INFORMAL RESOLUTION PROCESS;
- 3) THE PARTIES RECEIVE WRITTEN NOTICE THAT AT ANY TIME BEFORE AGREEING TO A RESOLUTION, EACH HAS THE RIGHT TO WITHDRAW FROM THE INFORMAL RESOLUTION PROCESS AND RESUME THE GRIEVANCE PROCESS, AND ANY CONSEQUENCES RESULTING FROM PARTICIPATING IN THE INFORMAL RESOLUTION PROCESS, INCLUDING THE RECORDS THAT WILL BE MAINTAINED OR COULD BE SHARED; AND
- 4) THE PARTIES PROVIDE' VOLUNTARY, WRITTEN CONSENT TO THE INFORMAL RESOLUTION PROCESS.
- 5) INFORMAL RESOLUTION IS NOT AVAILABLE TO RESOLVE ALLEGATIONS THAT AN EMPLOYEE SEXUALLY HARASSED A STUDENT.
- 6) SUPPORTIVE MEASURES ARE AVAILABLE DURING THE INFORMAL RESOLUTION PROCESS.

**B. PROCEDURE**

- 1) DETERMINE ELIGIBILITY FOR INFORMAL RESOLUTION:
  - (A) A FORMAL COMPLAINT MUST HAVE BEEN FILED..
  - (B) BOTH PARTIES MUST VOLUNTARILY AGREE TO THE INFORMAL RESOLUTION PROCESS.
  - (C) INFORMAL RESOLUTION IS NOT PERMITTED FOR ALLEGATIONS OF AN EMPLOYEE SEXUALLY HARASSING A STUDENT
- 2) PROVIDE WRITTEN NOTICE TO THE PARTIES:
  - (A) DISCLOSE THE ALLEGATIONS
  - (B) EXPLAIN THE REQUIREMENTS OF THE INFORMAL RESOLUTION PROCESS
  - (C) DESCRIBE ANY CONSEQUENCES OF PARTICIPATING IN THE INFORMAL RESOLUTION PROCESS
  - (D) INFORM PARTIES OF THEIR RIGHT TO WITHDRAW FROM THE PROCESS AT ANY TIME PRIOR TO AGREEING TO A RESOLUTION
- 3) OBTAIN VOLUNTARY, WRITTEN CONSENT FROM BOTH PARTIES TO ENTER THE INFORMAL RESOLUTION PROCESS:
  - (A) ASSIGN A TRAINED FACILITATOR

- (B) THE FACILITATOR SHOULD BE FREE FROM CONFLICTS OF INTEREST AND BIAS
- (C) THEY SHOULD BE TRAINED IN CONDUCTING INFORMAL RESOLUTIONS FOR TITLE IX CASES

**4) CONDUCT THE INFORMAL RESOLUTION PROCESS:**

- (A) THIS MAY INVOLVE MEDIATION, RESTORATIVE JUSTICE PRACTICES, OR OTHER AGREED-UPON METHODS
- (B) ENSURE THE PROCESS IS FAIR, VOLUNTARY, AND CONDUCTED IN A REASONABLY PROMPT TIMEFRAME

**5) REACH A RESOLUTION OR TERMINATE THE PROCESS:**

- (A) IF A RESOLUTION IS REACHED, DOCUMENT THE AGREEMENT
- (B) IF NO RESOLUTION IS REACHED, OR IF A PARTY WITHDRAWS, RETURN TO THE FORMAL GRIEVANCE PROCESS

**6) IMPLEMENT THE RESOLUTION:**

- (A) ENSURE ALL PARTIES UNDERSTAND THE TERMS OF THE RESOLUTION AND THEIR OBLIGATION TO COMPLY.

**13. FINAL INVESTIGATION REPORT**

A. THE FINAL INVESTIGATION REPORT MUST STATE WHETHER, FOR EACH ALLEGATION, THERE IS SUFFICIENT EVIDENCE TO PROCEED TO A HEARING TO DETERMINE WHETHER THE RESPONDENT IS RESPONSIBLE FOR VIOLATING THE TITLE IX POLICY. IF THE INVESTIGATION INVOLVES SEXUAL HARASSMENT AS DEFINED IN FOOTNOTE 2 ABOVE, A LIVE HEARING IS REQUIRED.

B. THE TITLE IX COORDINATOR WILL PROVIDE A COPY OF THE *FINAL INVESTIGATION REPORT* TO BOTH PARTIES CONCURRENTLY, AS WELL AS NOTICE OF WHETHER THE ALLEGATIONS CONSTITUTE SEXUAL HARASSMENT AND WILL BE REFERRED FOR A HEARING. A LIVE HEARING WITH CROSS-EXAMINATION IS REQUIRED AS PART OF THE GRIEVANCE PROCESS. THE TITLE IX COORDINATOR OR INVESTIGATOR MAY REDACT PORTIONS OF THE FINAL INVESTIGATION REPORT THAT IS NOT DIRECTLY RELATED TO THE ALLEGATIONS (OR THAT IS OTHERWISE BARRED FROM USE UNDER § 106.45, SUCH AS INFORMATION PROTECTED BY A LEGALLY RECOGNIZED PRIVILEGE, OR A PARTY'S TREATMENT RECORDS IF THE PARTY HAS NOT GIVEN WRITTEN CONSENT) CONTAINED WITHIN DOCUMENTS OR OTHER EVIDENCE THAT ARE DIRECTLY RELATED TO THE ALLEGATIONS, BEFORE SENDING THE EVIDENCE TO THE PARTIES FOR INSPECTION AND REVIEW. AS A PRECONDITION TO RECEIVING A COPY OF THE FINAL INVESTIGATION REPORT, ALL PARTIES AND THEIR RESPECTIVE ADVISORS MUST SIGN AND AGREE TO COMPLY WITH A NON-DISCLOSURE AGREEMENT.

C. THE FINAL INVESTIGATION REPORT MUST BE COMPLETED AT LEAST TEN (10) DAYS BEFORE A HEARING IF A HEARING IS REQUIRED UNDER THIS SECTION OR OTHERWISE PROVIDED).



D. **COMPLAINTS THAT DO NOT MEET THE LEGAL STANDARD OF TITLE IX MAY BE PURSUED INDEPENDENTLY AS VIOLATIONS OF THE SFCM'S DISCIPLINARY POLICIES OR CONDUCT CODES.**

E. **ANY ALLEGATIONS THAT, EVEN IF TRUE, DO NOT COMPORT WITH THE DEFINITION OF SEXUAL HARASSMENT MUST BE DISMISSED.**

## **14. HEARING**

### **A. HEARING PROCEDURE**

**IF ALLEGATIONS ARE REFERRED FOR A HEARING, THEY MAY BE HEARD BY A HEARING OFFICER OR OTHER DECISIONMAKERS ("DECISIONMAKER(S)"). SFCM HAS SOLE DISCRETION TO APPOINT OR UTILIZE INTERNAL OR EXTERNAL DECISIONMAKERS. THE DECISIONMAKER(S)' ROLE(S) IS/ARE: (i) TO DETERMINE WHETHER THE PREPONDERANCE OF THE EVIDENCE ESTABLISHES THAT A VIOLATION OF SFCM'S TITLE IX POLICY OCCURRED, AND IF SO, (ii) TO DETERMINE WHAT SANCTION IS WARRANTED.**

#### **1. DECISIONMAKER(S)**

**AFTER ISSUING A NOTICE OF HEARING, THE TITLE IX COORDINATOR OR DESIGNEE WILL DESIGNATE ONE OR MORE DECISIONMAKERS. THE DECISION-MAKER(S), CANNOT BE THE SAME PERSON(S) AS THE TITLE IX COORDINATOR OR THE INVESTIGATOR(S). ANY INDIVIDUAL WHO SERVES AS A DECISIONMAKER MUST HAVE ALL TRAINING REQUIRED TO SERVE IN THIS CAPACITY, INCLUDING TRAINING ON RELEVANCE. A DECISIONMAKER SHALL NOT PARTICIPATE IF THEY HAVE A CONFLICT OF INTEREST OR BIAS FOR OR AGAINST COMPLAINANTS OR RESPONDENTS GENERALLY OR AN INDIVIDUAL COMPLAINANT OR RESPONDENT. THE DECISIONMAKER(S) WILL CONSIDER THE FACTS PRESENTED, APPLICABLE TITLE IX POLICIES AND PROCEDURES, AND THE RANGE OF AVAILABLE SANCTIONS, USE A PREPONDERANCE OF THE EVIDENCE STANDARD, AND DRAFT A DETERMINATION THAT SEPARATELY ADDRESSES EACH ALLEGATION AND STATES WHETHER THE RESPONDENT IS OR IS NOT RESPONSIBLE FOR A POLICY VIOLATION.**

#### **2. PRE-HEARING MEETING**

**A. THE FIRST STEP IN THE HEARING PROCESS WILL BE SEPARATE MEETINGS WITH THE TITLE IX COORDINATOR OR A DESIGNEE AND EACH PARTY TO RESOLVE ANY PRE-HEARING CONCERNS. AT THIS PRE-HEARING MEETING, THE PARTIES WILL EACH HAVE THE OPPORTUNITY TO IDENTIFY THE WITNESSES (WHO HAVE ALREADY BEEN IDENTIFIED AND INTERVIEWED BY THE INVESTIGATOR) THEY WISH TO CALL AT THE HEARING; PRESENT IN WRITING ANY CHALLENGE BASED ON BIAS, CONFLICT OF INTEREST, OR LACK OF IMPARTIALITY; AND IDENTIFY ANY NEW INFORMATION THAT WAS NOT PROVIDED DURING THE INVESTIGATION DUE TO NOT BEING AVAILABLE THROUGH THE EXERCISE OF DUE DILIGENCE. THE PARTIES WILL ALSO HAVE THE OPPORTUNITY TO ADDRESS QUESTIONS ABOUT THE PROCESS. IF THE COMPLAINANT IS NOT PARTICIPATING IN THE HEARING, HE/SHE IS NOT REQUIRED TO ATTEND THIS MEETING. THE TITLE IX COORDINATOR OR A DESIGNEE WILL ALSO NOTIFY THE COMPLAINANT THAT THEY MAY MAKE AN IMPACT STATEMENT FOLLOWING A DETERMINATION OF RESPONSIBILITY.**

**B. BOTH PARTIES MUST HAVE AN OPPORTUNITY TO INSPECT AND REVIEW ANY EVIDENCE OBTAINED AS PART OF THE INVESTIGATION THAT IS DIRECTLY RELATED TO THE ALLEGATIONS RAISED IN A**

FORMAL COMPLAINT, INCLUDING THE EVIDENCE UPON WHICH THE RECIPIENT DOES NOT INTEND TO RELY IN REACHING A DETERMINATION REGARDING RESPONSIBILITY AND INCULPATORY OR EXCULPATORY EVIDENCE WHETHER OBTAINED FROM A PARTY OR OTHER SOURCE.

C. **ANY PARTY NEEDING A DISABILITY ACCOMMODATION SHALL REQUEST IT AT THIS MEETING. . IF A COMPLAINANT HAS A DISABILITY ACCOMMODATION IN PLACE, THEY SHOULD REQUEST THAT THE ASSOCIATE DEAN FOR STUDENT AFFAIRS AND SECTION 504 COORDINATOR BE INVOLVED.**

D. **BOTH PARTIES CAN OBJECT BASED ON AN ACTUAL CONFLICT OF INTEREST, BIAS, OR LACK OF IMPARTIALITY. THE REQUEST MUST BE SUBMITTED IN WRITING, RAISED NO LATER THAN THE DATE OF THE PRE-HEARING MEETING, AND CLEARLY STATE THE GROUNDS TO SUPPORT A CLAIM OF BIAS, CONFLICT OF INTEREST, OR AN INABILITY TO BE FAIR AND IMPARTIAL. FAILURE TO OBJECT BEFORE THE DATE OF THE PRE-HEARING MEETING ELIMINATES THE POSSIBILITY OF APPEALING THE OUTCOME OF THE HEARING BASED ON THE ASSERTION THAT A MEMBER OF THE HEARING PANEL HAD A CONFLICT OF INTEREST, WAS BIASED, OR LACKED IMPARTIALITY.**

## **15. HEARING PROCESS**

**THE HEARING WILL BE CONDUCTED IN ACCORDANCE WITH THE PROCEDURES OUTLINED BELOW.**

A. **CLOSED SESSION. THE HEARING SHALL TAKE PLACE IN A CLOSED SESSION. THE DECISIONMAKER(S) WILL DETERMINE WHETHER THE PREPONDERANCE OF THE EVIDENCE ESTABLISHES A TITLE IX POLICY VIOLATION OCCURRED. IN REACHING A DETERMINATION, THE DECISIONMAKER(S) MAY SOLICIT INFORMATION FROM THE INVESTIGATOR, THE COMPLAINANT, THE RESPONDENT, AND ANY WITNESS(ES). THIS INFORMATION SHALL BE PROVIDED IN THE PRESENCE OF THE PARTIES UNLESS A PARTY WAIVES THEIR RIGHT TO PARTICIPATE. ABSENT GOOD CAUSE, FAILURE TO APPEAR AT THE HEARING WILL BE DEEMED A WAIVER OF ATTENDANCE.**

B. **ADVISOR. THE COMPLAINANT AND THE RESPONDENT HAVE THE RIGHT TO HAVE AN ADVISOR OF THEIR CHOICE PRESENT DURING THE HEARING, AT THEIR OWN EXPENSE. THE ADVISOR, WHO MAY BE AN ATTORNEY, MAY PRIVATELY CONSULT WITH AND ADVISE THE PARTY AND CROSS-EXAMINE THE OTHER PARTY WITNESSES. AN ADVISOR WHO BECOMES DISRUPTIVE OR DOES NOT ABIDE BY THE LIMITATIONS ON THEIR PARTICIPATION MAY BE REMOVED.**

C. **PROVIDING AN ADVISOR TO STUDENTS WHO DO NOT HAVE ONE. AT THE HEARING, A PARTY MUST HAVE AN ADVISOR TO CONDUCT CROSS-EXAMINATION. STUDENTS CAN SELECT THEIR OWN ADVISOR, WHO CAN BE A LAWYER. IF A STUDENT DOES NOT HAVE AN ADVISOR, THE INSTITUTION MUST PROVIDE ONE. IN SELECTING AN ADVISOR, THE INSTITUTION DOES NOT HAVE TO FIND SOMEONE WHO IS ALIGNED WITH THE INTERESTS OF THE STUDENT, BUT THE ADVISOR CANNOT BE BIASED, MUST BE TRAINED, AND MUST BE PROVIDED AT NO COST TO THE STUDENT.**

D. **WITNESSES. THE COMPLAINANT AND THE RESPONDENT HAVE THE RIGHT TO REQUEST THE ATTENDANCE OF WITNESSES. EACH PARTY MUST PROVIDE A LIST OF POTENTIAL HEARING WITNESSES TO THE TITLE IX COORDINATOR OR A DESIGNEE AT LEAST TEN (10) BUSINESS DAYS BEFORE THE HEARING TO ALLOW THE REQUESTED WITNESSES TO BE CONTACTED, AND NOTIFIED, AND TO MAKE ANY SCHEDULE OR OTHER CHANGES NECESSARY TO ATTEND THE HEARING. THE**

**TITLE IX COORDINATOR OR A DESIGNEE WILL PROVIDE THE WITNESS LIST(S) TO THE DECISIONMAKERS. SFCM CANNOT COMPEL THE ATTENDANCE OF ANY WITNESS. IF A WITNESS OR PARTY DOES NOT ATTEND, THE HEARING MAY PROCEED WITHOUT THEM.**

**E. (1) EVIDENCE. ALL EVIDENCE EACH PARTY WISHES TO BE CONSIDERED SHOULD HAVE BEEN**

**PRESENTED TO THE INVESTIGATOR DURING THE INVESTIGATION PROCESS. IF EVIDENCE WAS NOT PROVIDED TO THE INVESTIGATOR DURING THE INVESTIGATION PROCESS, THE PRESENTATION OF SUCH EVIDENCE DURING THE HEARING GENERALLY WILL ONLY BE ALLOWED BASED ON NEW INFORMATION NOT KNOWN DURING THE INVESTIGATION PROCESS. ALL MATERIALS THE COMPLAINANT OR RESPONDENT WANTS TO BE CONSIDERED AT THE HEARING MUST BE SUBMITTED TO THE TITLE IX COORDINATOR OR A DESIGNEE AT LEAST FOUR (4) BUSINESS DAYS BEFORE THE HEARING. THE PRESENTATION OF EDUCATION RECORDS SHALL BE CONSISTENT WITH FERPA OR ANY OTHER PRIVILEGE, LEGAL REQUIREMENT, OR REGULATION GOVERNING DISCLOSURE OF EDUCATION RECORDS. ANY MATERIALS SUBMITTED FEWER THAN FOUR (4) BUSINESS DAYS BEFORE THE HEARING WILL NOT BE CONSIDERED.**

**(2) THE COMPLAINANT AND RESPONDENT MAY APPEAR BEFORE THE DECISIONMAKER(S) IF THEY WISH AND MAKE AN ORAL STATEMENT REGARDING THE FACTS. THE COMPLAINANT MAY ALSO MAKE AN IMPACT STATEMENT FOLLOWING A DETERMINATION OF RESPONSIBILITY. EACH PARTY'S ADVISOR CAN CROSS-EXAMINE THE OTHER PARTY AND EXAMINE AND CROSS-EXAMINE ANY WITNESSES DIRECTLY, ORALLY, AND IN REAL TIME. CROSS-EXAMINATION IS LIMITED TO RELEVANT QUESTIONS, INCLUDING QUESTIONS RELATED TO CREDIBILITY. THE DECISIONMAKER(S) MUST DECIDE WHETHER A QUESTION IS RELEVANT BEFORE IT IS ANSWERED AND MUST EXPLAIN ANY DECISION TO BAR A QUESTION AS IRRELEVANT.**

**(3) QUESTIONING OF PARTIES AND WITNESSES WILL BE CONDUCTED THROUGH THE PARTIES' ADVISORS, AND BOTH THE COMPLAINANT AND RESPONDENT WILL BE PERMITTED TO ASK ANY RELEVANT QUESTIONS OF THE OTHER PARTY AND HIS OR HER WITNESSES. A PARTY SHALL NOT QUESTION OR CROSS-EXAMINE ANOTHER PARTY DIRECTLY.**

**(4) THE DECISIONMAKER(S) WILL DETERMINE THE RELEVANCY OF ALL QUESTIONS PRESENTED, AND, IF THEY ARE DEEMED RELEVANT, WILL POSE THOSE QUESTIONS TO THE OTHER PARTY. THE DECISIONMAKER(S) HAS/HAVE DISCRETION TO MODIFY THE WORDING OF ANY PROPOSED QUESTION. THE DECISIONMAKERS MAY ALSO INDEPENDENTLY QUESTION THE PARTIES, WITNESSES, AND/OR INVESTIGATOR TO ELICIT RELEVANT INFORMATION.**

**F. SEPARATION OF THE PARTIES/REMOTE ATTENDANCE. AT EITHER PARTY'S REQUEST, THE INSTITUTION MUST PROVIDE FOR THE ENTIRE HEARING TO BE CONDUCTED WITH THE PARTIES IN SEPARATE ROOMS, WITH THE PARTIES ABLE TO SEE AND HEAR EACH OTHER IN REAL TIME. ANY PARTY OR WITNESS MAY BE ALLOWED TO PARTICIPATE IN THE HEARING REMOTELY. A REQUEST FOR REMOTE PARTICIPATION SHALL BE SUBMITTED TO THE TITLE IX COORDINATOR IN WRITING AT LEAST THREE (3) DAYS PRIOR TO THE HEARING.**

**G. RECORDING. SFCM MUST RECORD ALL HEARINGS, EVEN IF THE HEARING IS IN PERSON. EXCEPT FOR AN APPROVED REASONABLE DISABILITY ACCOMMODATION, A RESPONDENT,**

COMPLAINANT, ADVISOR, AND/OR WITNESS MAY NOT BRING ELECTRONIC DEVICES THAT CAPTURE OR FACILITATE COMMUNICATION (E.G., COMPUTER, CELL PHONE, AUDIO/VIDEO RECORDER, ETC.) INTO A HEARING ROOM. THE **TITLE IX** COORDINATOR WILL MAKE AN AUDIO RECORDING OF THE HEARING TO BE KEPT ON FILE PER **SFCM**'S DOCUMENT RETENTION POLICY. REASONABLE CARE WILL BE TAKEN TO CREATE A QUALITY AUDIO RECORDING AND MINIMIZE TECHNICAL PROBLEMS; HOWEVER, TECHNICAL PROBLEMS THAT RESULT IN NO RECORDING OR AN INAUDIBLE ONE WILL NOT BE A VALID ARGUMENT FOR APPEAL.

**16. DETERMINATION REGARDING RESPONSIBILITY (NOTICE OF HEARING OUTCOME).**

A. THE DECISIONMAKER(S) MUST ISSUE A WRITTEN DETERMINATION (NOTICE OF HEARING OUTCOME) REGARDING RESPONSIBILITY.

B. THE NOTICE OF HEARING OUTCOME MUST INCLUDE—

- 1) IDENTIFICATION OF THE ALLEGATIONS POTENTIALLY CONSTITUTING SEXUAL HARASSMENT;<sup>[6]</sup>
- 2) 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;
- 3) FOR EACH ALLEGATION, FINDINGS OF FACT SUPPORTING THE DETERMINATION;
- 4) CONCLUSIONS REGARDING APPLICATION OF ANY APPLICABLE **TITLE IX** POLICY PROVISION TO THE FACTS;
- 5) FOR EACH ALLEGATION, A STATEMENT OF, AND RATIONALE FOR, THE RESULT, INCLUDING A DETERMINATION REGARDING RESPONSIBILITY, ANY DISCIPLINARY SANCTIONS THE RECIPIENT IMPOSES ON THE RESPONDENT, AND WHETHER REMEDIES DESIGNED TO RESTORE OR PRESERVE EQUAL ACCESS TO THE RECIPIENT'S EDUCATION PROGRAM OR ACTIVITY WILL BE PROVIDED BY THE RECIPIENT TO THE COMPLAINANT; AND
- 6) THE PROCEDURES AND PERMISSIBLE BASES FOR THE COMPLAINANT AND RESPONDENT TO APPEAL.

C. THE NOTICE OF HEARING OUTCOME WILL BE PROVIDED TO THE COMPLAINANT AND THE RESPONDENT CONCURRENTLY.

D. THE COMPLAINANT AND RESPONDENT ARE RESPONSIBLE FOR PROVIDING AN EMAIL ADDRESS THAT **STUDENT AFFAIRS** WILL USE TO NOTIFY THEM THAT A DECISION HAS BEEN REACHED AND THAT THEY SHOULD REPORT TO **STUDENT AFFAIRS** TO RECEIVE WRITTEN NOTICE AND THE SPECIFICS OF THE DECISION.

**17. IMPACT STATEMENT.** THE DECISIONMAKER(S) WILL NOT RECEIVE AN IMPACT STATEMENT OR IMPACT INFORMATION UNTIL AFTER A DETERMINATION OF A **TITLE IX** POLICY VIOLATION IS MADE. AFTER CONSIDERATION OF ALL OF THE RELEVANT INFORMATION, THE DECISIONMAKER(S) WILL DECIDE WHETHER

THE PREPONDERANCE OF THE EVIDENCE ESTABLISHES A **TITLE IX** POLICY VIOLATION. IF THERE IS MORE THAN ONE DECISIONMAKER, THE DETERMINATION REQUIRES A MAJORITY VOTE. IF DECISIONMAKER(S) DETERMINE THAT A VIOLATION OCCURRED, SANCTION(S) WILL BE IMPOSED.

## **B. SANCTIONS**

1. IN DETERMINING APPROPRIATE SANCTIONS, THE DECISIONMAKER(S) MAY SOLICIT INFORMATION FROM THE COMPLAINANT, THE RESPONDENT, AND ANY OTHER INDIVIDUAL WHO CAN PROVIDE INFORMATION RELEVANT TO A DETERMINATION REGARDING POTENTIAL SANCTIONS. SANCTIONS ARE DESIGNED TO ELIMINATE PROHIBITED CONDUCT UNDER THE **TITLE IX** POLICY, PREVENT ITS RECURRENCE, AND REMEDY ITS EFFECTS. SANCTIONS MAY INCLUDE EDUCATIONAL, RESTORATIVE, REHABILITATIVE, AND PUNITIVE COMPONENTS. SOME BEHAVIOR IS SO EGREGIOUS, HARMFUL TO THE INDIVIDUALS INVOLVED, OR SO DELETERIOUS TO THE EDUCATIONAL PROCESS THAT IT REQUIRES SEVERE SANCTIONS, INCLUDING SUSPENSION OR EXPULSION FROM **SFCM**.

2. WHEN DETERMINING SANCTIONS, THE DECISIONMAKER(S) SHALL CONSIDER THE FOLLOWING FACTORS:

- A. THE NATURE OF THE CONDUCT AT ISSUE;
- B. THE IMPACT OF THE CONDUCT ON THE COMPLAINANT;
- C. THE IMPACT OR IMPLICATIONS OF THE CONDUCT ON THE COMMUNITY OR **SFCM**;
- D. PRIOR MISCONDUCT BY THE RESPONDENT, INCLUDING THE RESPONDENT'S RELEVANT PRIOR DISCIPLINE HISTORY;
- E. MAINTENANCE OF A SAFE AND RESPECTFUL ENVIRONMENT CONDUCIVE TO LEARNING; AND
- F. ANY OTHER MITIGATING, AGGRAVATING, OR COMPELLING CIRCUMSTANCES TO REACH A JUST AND APPROPRIATE RESOLUTION IN EACH CASE.

3. THE DECISIONMAKER(S) MAY ALSO CONSIDER RESTORATIVE OUTCOMES THAT ALLOW A RESPONDENT TO DEVELOP INSIGHT INTO THEIR RESPONSIBILITY FOR THE BEHAVIOR, LEARN ABOUT THE IMPACT OF THE BEHAVIOR ON THE COMPLAINANT, AND IDENTIFY HOW TO PREVENT OR CHANGE THE BEHAVIOR.

4. SANCTIONS MAY BE IMPOSED INDIVIDUALLY OR IN COMBINATION AND INCLUDE THE FOLLOWING:

- A. **EXPULSION**. THIS MEANS THE STUDENT IS REMOVED FROM **SFCM** PERMANENTLY AND MAY NOT SEEK READMISSION.
- B. **SUSPENSION FOR A DEFINITE OR INDEFINITE PERIOD**. THIS MEANS THE STUDENT MUST LEAVE **SFCM** FOR A DEFINITE OR INDEFINITE PERIOD. THIS FORM OF SUSPENSION ANTICIPATES THAT THE STUDENT MAY EVENTUALLY RETURN IF APPLICABLE CONDITIONS ARE SATISFIED.
- C. **PROBATION FOR A DEFINITE OR INDEFINITE PERIOD**. THIS MEANS THE STUDENT IS NOT IN GOOD STANDING AND MAY REMAIN AT **SFCM** BUT MAY BE REQUIRED TO SATISFY SPECIFIED CONDITIONS OR REQUIREMENTS.
- D. **CHANGE OF STUDIO**.

- E. **MUSIC PROBATION.**
- F. **REMOVAL FROM ENSEMBLES AND PROGRAMS.**
- G. **EDUCATIONAL REQUIREMENTS (STUDENTS ONLY). COMPLETION OF PROJECTS, PROGRAMS, OR REQUIREMENTS DESIGNED TO HELP A STUDENT RESPONDENT MANAGE BEHAVIOR AND UNDERSTAND WHY IT WAS INAPPROPRIATE.**
- H. **MUTUAL “NO CONTACT” ORDERS. THIS MEANS ORDERS THAT LIMIT ACCESS TO SPECIFIC SFCM AREAS OR FORMS OF CONTACT WITH PARTICULAR PERSONS.**
- I. **HOUSING RESTRICTIONS. EXCLUSION FROM SFCM HOUSING OR CHANGE IN HOUSING ARRANGEMENTS.**
- J. **COMMUNITY SERVICE. COMPLETION OF UP TO SIXTY (60) HOURS OF COMMUNITY SERVICE OVER A PERIOD NOT TO EXCEED TWELVE (12) WEEKS UNDER GUIDELINES ESTABLISHED AND MONITORED BY THE TITLE IX COORDINATOR AND/OR ASSOCIATE DEAN FOR STUDENT AFFAIRS.**
- K. **WRITTEN WARNING. AN OFFICIAL REPRIMAND THAT IS COMMUNICATED BY LETTER TO A STUDENT, NOTIFYING THEM THAT ANY SUBSEQUENT TITLE IX POLICY VIOLATION WILL CARRY MORE SERIOUS SANCTIONS.**
- L. **SEPARATION FROM EMPLOYMENT.**

### C. REMEDIES

1. **REMEDIES MUST BE DESIGNED TO RESTORE OR PRESERVE EQUAL ACCESS TO SFCM’S EDUCATION PROGRAM OR ACTIVITY.**
2. **REMEDIES MAY INCLUDE PERMANENT NO-CONTACT ORDERS, COUNSELING, 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, REVIEWING ANY DISCIPLINARY ACTIONS TAKEN AGAINST THE COMPLAINANT TO SEE WHETHER THERE IS A CAUSAL CONNECTION BETWEEN THE SEXUAL VIOLENCE AND THE MISCONDUCT THAT MAY HAVE RESULTED IN THE COMPLAINANT BEING DISCIPLINED, AND OTHER SIMILAR MEASURES.**
3. **SUPPORTIVE MEASURES PROVIDED TO THE COMPLAINANT OR RESPONDENT WILL BE CONFIDENTIAL TO THE EXTENT THAT MAINTAINING SUCH CONFIDENTIALITY WILL NOT IMPAIR THE ABILITY OF THE RECIPIENT TO PROVIDE THE SUPPORTIVE MEASURES.**
4. **THE TITLE IX COORDINATOR IS RESPONSIBLE FOR EFFECTIVE IMPLEMENTATION OF ANY REMEDIES.**

## IV. Appeal

### A. GROUND FOR APPEAL

FOLLOWING A HEARING, BOTH THE COMPLAINANT AND THE RESPONDENT HAVE A RIGHT TO APPEAL A FINDING OF RESPONSIBILITY OR NO RESPONSIBILITY, REMEDIES, AND/OR RECOMMENDED SANCTIONS. AN APPEAL OF A FINDING OF RESPONSIBILITY OR NO RESPONSIBILITY IS LIMITED TO THREE GROUNDS: (1) PROCEDURAL IRREGULARITIES, (2) NEWLY-DISCOVERED EVIDENCE, AND (3) ALLEGED BIAS OR CONFLICTED INTEREST OF ANY PERSONNEL INVOLVED IN THE TITLE IX PROCESS, PROVIDED THE ERRORS AFFECTED THE OUTCOME. A SANCTION MAY BE APPEALED BASED ON IT BEING TOO SEVERE OR TOO LENIENT.

**B. PROCESS FOR APPEAL OF FINDING(S) OF RESPONSIBILITY, REMEDIES OR SANCTION(S)**

1. BOTH PARTIES MAY APPEAL THE HEARING OUTCOME BY NOTIFYING THE TITLE IX COORDINATOR IN WRITING WITHIN THREE (3) BUSINESS DAYS OF BEING PROVIDED NOTICE OF THE HEARING OUTCOME, EXCLUDING OFFICIAL VACATIONS AND BREAKS. THE APPEAL CAN ADDRESS FINDINGS OF RESPONSIBILITY OR NON-RESPONSIBILITY, REMEDIES, AND/OR SANCTIONS. IF THREE (3) BUSINESS DAYS PASS WITHOUT AN APPEAL, THE GRIEVANCE WILL BE CLOSED AND DOCUMENTED PER APPLICABLE SFCM POLICIES.

2. IF A PARTY TIMELY APPEALS, THEY MUST SUBMIT A WRITTEN STATEMENT TO THE TITLE IX COORDINATOR EXPLAINING THE REASON(S) FOR THE APPEAL. THE TITLE IX COORDINATOR MUST ALLOW THE OTHER PARTY TO REVIEW SUCH STATEMENT AND RESPOND IN WRITING WITHIN FIVE (5) BUSINESS DAYS.

3. WHERE BOTH THE COMPLAINANT AND THE RESPONDENT AGREE WITH THE DETERMINATION AND ANY RECOMMENDED SANCTION DETAILED IN THE FINAL INVESTIGATION REPORT, OR WHERE NEITHER PARTY REQUESTS FURTHER REVIEW WITHIN THE TIMELINES DISCUSSED BELOW, THE DETERMINATION AND SANCTION(S) BECOME FINAL. THE TITLE IX COORDINATOR WILL NOTIFY BOTH PARTIES CONCURRENTLY IN WRITING THAT THE DETERMINATION IS FINAL AND NOT SUBJECT TO FURTHER APPEAL OR REVIEW.

**C. ACCEPTANCE OF RESPONSIBILITY**

IF THE COMPLAINANT AND RESPONDENT VOLUNTARILY CONSENT TO AN INFORMAL RESOLUTION PROCESS, THE RESPONDENT MAY REQUEST TO RESOLVE THE SPECIFIC ALLEGATION(S) BY ACCEPTING RESPONSIBILITY FOR THE ALLEGED SEX DISCRIMINATION. THE INFORMAL RESOLUTION PROCEDURE IS CONTAINED IN PARAGRAPH (F)(12).

**D. APPEAL OF A RESPONSIBILITY DETERMINATION, REMEDIES, OR SANCTIONS**

**1. BASES FOR APPEAL**

THE APPEAL OF THE HEARING OUTCOME(S) SHALL CONSIST OF A PLAIN, CONCISE WRITTEN STATEMENT OUTLINING THE GROUNDS FOR APPEAL AND ALL INFORMATION RELIED ON TO SUBSTANTIATE THE BASIS FOR THE APPEAL. EITHER PARTY CAN APPEAL. SFCM WILL DESIGNATE AN APPEALS OFFICER TO HEAR ANY APPEAL, INCLUDING A DESIGNEE FROM OUTSIDE OF SFCM. DISSATISFACTION WITH THE HEARING OUTCOME IS NOT A VALID BASIS FOR APPEAL. THE RIGHT TO APPEAL THE NOTICE OF FINAL OUTCOME REGARDING A FINAL DETERMINATION OF RESPONSIBILITY AND/OR RESULTING SANCTION(S) IS LIMITED TO:

- A. A PROCEDURAL IRREGULARITY THAT MATERIALLY AFFECTED THE HEARING PANEL'S DECISION AND/OR RECOMMENDED SANCTIONS;

- B. **NEW EVIDENCE THAT WAS NOT REASONABLY AVAILABLE AT THE TIME THE DETERMINATION REGARDING RESPONSIBILITY OR SANCTIONS WAS MADE THAT COULD AFFECT THE OUTCOME; AND/OR**
- C. **THE RECOMMENDED SANCTIONS ARE TOO SEVERE OR TOO LENIENT.**

## **2. APPEAL PROCEDURE**

A. **EACH PARTY WILL BE ALLOWED TO REVIEW ANY WRITTEN APPEAL AND RESPOND IN WRITING. THE RESPONSE MUST BE SUBMITTED TO THE APPEALS OFFICER WITHIN THREE (3) BUSINESS DAYS AFTER BEING PROVIDED THE APPEAL. IF BOTH PARTIES FILE AN APPEAL, THE APPEAL DOCUMENTS FROM EACH PARTY WILL BE CONSIDERED TOGETHER IN ONE APPEAL REVIEW PROCESS.**

B. **THE APPEALS OFFICER HAS DISCRETION TO MEET SEPARATELY WITH THE RESPONDENT AND THE COMPLAINANT. THE APPEALS OFFICER MAY AGREE WITH THE DETERMINATION, DISAGREE WITH THE DETERMINATION, OR REQUEST ADDITIONAL INFORMATION. IF THE APPEALS OFFICER DETERMINES ADDITIONAL INFORMATION IS NEEDED BEFORE THEY CAN MAKE A DECISION, THE TITLE IX COORDINATOR WILL ASSIST ON OBTAINING ANY NECESSARY ADDITIONAL INFORMATION.**

C. **THE APPEALS OFFICER WILL ISSUE A WRITTEN DECISION TO BOTH PARTIES CONCURRENTLY WITHIN TEN (10) BUSINESS DAYS OF RECEIPT OF THE REQUEST FOR REVIEW. THIS TIMEFRAME MAY BE EXTENDED FOR GOOD CAUSE. IN THIS INSTANCE THE DELAY AND THE REASON FOR THE DELAY SHOULD BE COMMUNICATED TO THE PARTIES IN WRITING. THE DECISION OF THE APPEALS OFFICER WILL BE FINAL AND NOT SUBJECT TO FURTHER APPEAL.**

D. **THE IMPOSITION OF SANCTIONS PURSUANT TO A NOTICE OF FINAL OUTCOME SHALL BE STAYED DURING AN APPEAL UNLESS A RESPONDENT POSES AN IMMEDIATE THREAT TO THE PHYSICAL HEALTH OR SAFETY OF THE COMPLAINANT OR ANYONE ELSE. IN THIS INSTANCE, THE RESPONDENT IS SUBJECT TO TEMPORARY EMERGENCY REMOVAL OR PLACEMENT ON ADMINISTRATIVE LEAVE PRIOR TO THE CONCLUSION OF A GRIEVANCE PROCESS.**

E. **A PARTY CAN ONLY APPEAL A REMEDY IF IT DIRECTLY IMPACTS THE PARTY, E.G., REMOVAL FROM A CLASS, A CHANGE IN WORKING HOURS, OR A CHANGE IN HOUSING. COUNSELING AND SIMILAR REMEDIES ARE NOT APPEALABLE.**

## **V. Non-retaliation**

RETALIATION AGAINST A STUDENT, EMPLOYEE, OR OTHER INDIVIDUAL WHO REPORTS OR COMPLAINS ABOUT SEX DISCRIMINATION TO AN APPROPRIATE SCHOOL OFFICIAL OR PARTICIPATES IN A REPORT, INVESTIGATION OR PROCEEDING INVOLVING A CLAIM OR ALLEGATION UNDER THIS POLICY BECAUSE HE OR SHE MADE A COMPLAINT, TESTIFIED, OR PARTICIPATED IN AN INVESTIGATION OR PROCEEDINGS IS PROHIBITED.

## **VI. Resignation, Withdrawal and Readmission**

**SFCM RESERVES THE RIGHT TO DECIDE WHETHER TO TERMINATE OR CONTINUE WITH AN INVESTIGATION OF A VIOLATION OF THE TITLE IX POLICY WHERE A RESPONDENT HAS WITHDRAWN, TRANSFERRED OR RESIGNED FROM SFCM. IF A RESPONDENT RESIGNS DURING AN INVESTIGATION, THE PROCESS MAY CONTINUE IN THEIR ABSENCE. IF A STUDENT WITHDRAWS FROM SFCM WHILE CHARGES AGAINST ARE PENDING, READMISSION WILL BE CONSIDERED ONLY AFTER THE**



CHARGES HAVE BEEN RESOLVED AND TO THE EXTENT THAT IT IS CONSISTENT WITH THE HEARING DECISION, INCLUDING ANY SANCTIONS

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[1] TITLE IX OF THE EDUCATION AMENDMENTS OF 1972, AS AMENDED, AND ITS IMPLEMENTING REGULATIONS, 34 C.F.R. PART 106 (“TITLE IX”); THE VIOLENCE AGAINST WOMEN REAUTHORIZATION ACT OF 2013 (20 U.S.C. 1092(F)) (VAWA), ALSO KNOWN AS THE CAMPUS SEXUAL VIOLENCE ELIMINATION ACT (CAMPUS SAVE ACT); AND TITLE VII OF THE CIVIL RIGHTS ACT OF 1964, AS AMENDED.

[2] “SEXUAL HARASSMENT” MEANS CONDUCT ON THE BASIS OF SEX THAT SATISFIES ONE OR MORE OF THE FOLLOWING:

- (1) AN EMPLOYEE OF THE RECIPIENT CONDITIONING THE PROVISION OF AN AID, BENEFIT, OR SERVICE OF THE RECIPIENT ON AN INDIVIDUAL'S PARTICIPATION IN UNWELCOME SEXUAL CONDUCT;
- (2) UNWELCOME CONDUCT DETERMINED BY A REASONABLE PERSON TO BE SO SEVERE, PERVASIVE, AND OBJECTIVELY OFFENSIVE THAT IT EFFECTIVELY DENIES A PERSON EQUAL ACCESS TO THE RECIPIENT'S EDUCATION PROGRAM OR ACTIVITY; OR
- (3) “SEXUAL ASSAULT” AS DEFINED IN [20 U.S.C. 1092\(F\)\(6\)\(A\)\(v\)](#), “DATING VIOLENCE” AS DEFINED IN [34 U.S.C. 12291\(A\)\(10\)](#), “DOMESTIC VIOLENCE” AS DEFINED IN [34 U.S.C. 12291\(A\)\(8\)](#), OR “STALKING” AS DEFINED IN [34 U.S.C. 12291\(A\)\(30\)](#).

[3] SECTIONS 106.44(c), *EMERGENCY REMOVAL*, AND (d), *EMPLOYEE ADMINISTRATIVE LEAVE*, IMPOSE A HIGH THRESHOLD TO JUSTIFY THE EMERGENCY REMOVAL OF A STUDENT OR EMPLOYEE RESPONDENT FROM AN EDUCATION PROGRAM OR ACTIVITY. HOWEVER, THEY RECOGNIZE THAT REMOVAL MAY BE APPROPRIATE FOR THE INSTITUTION TO AVOID A DELIBERATELY INDIFFERENT RESPONSE.

[4] SECTION 106.44(d), *EMPLOYEE ADMINISTRATIVE LEAVE*, ADDRESSING NON-STUDENT EMPLOYEE-RESPONDENTS.

[5] THIS DOES NOT APPLY TO A COMPLAINANT OR RESPONDENT.

[6] AS DEFINED IN § 106.30.

## APPENDIX B

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### PROHIBITING DISCRIMINATION BASED ON SEX UNDER TITLE IX

- I. INTRODUCTION
- II. SCOPE AND JURISDICTION

- III. PROHIBITED CONDUCT
- IV. THE INSTITUTION’S DUTY TO RESPOND AND DELEGATION OF DUTIES
- V. CONFLICTS OF INTEREST OR BIAS
- VI. CRIME AND INDECENT DISCLOSURE OBLIGATIONS
- VII. REPORTING SEX DISCRIMINATION, INCLUDING SEX-BASED HARASSMENT
- VIII. RESPONSE TO A REPORT
- IX. REFERRALS FOR OTHER MISCONDUCT
- X. CONSOLIDATION OF COMPLAINTS
- XI. OPTIONS FOR RESOLUTION
- XII. INVESTIGATION & DECISION-MAKING RESOLUTION
- XIII. INVESTIGATION & DECISION-MAKING PROCEDURES FOR ALL PROHIBITED CONDUCT UNDER THIS POLICY EXCEPT SEX-BASED HARASSMENT INVOLVING A STUDENT PARTY (106.45 PROCEDURES)
- XIV. INVESTIGATION & DECISION-MAKING PROCEDURES IN CASES OF SEX-BASED HARASSMENT INVOLVING A STUDENT (106.46 PROCEDURES)
- XV. REMEDIES & SANCTIONS FOR ALL PROHIBITED CONDUCT
- XVI. APPEALS
- XVII. PROHIBITION AGAINST RETALIATION
- XVIII. RECORD RETENTION
- XIX. ADDITIONAL ENFORCEMENT INFORMATION
- XX. POLICY REVIEW & REVISION
- XXI. KEY DEFINITIONS
- XXII. RESOURCES

## I. Introduction

THIS POLICY SETS FORTH THE OBLIGATIONS OF THE **SAN FRANCISCO CONSERVATORY OF MUSIC (SFCM)** UNDER THE **2024 TITLE IX REGULATIONS** AND INCORPORATES THE DEFINITIONS AND PROCEDURAL REQUIREMENTS FROM THE **2013 CLERY AMENDMENTS** PERTAINING TO SEXUAL ASSAULT, DATING VIOLENCE, DOMESTIC VIOLENCE, AND STALKING. THIS POLICY ALSO SETS FORTH **SFCM’S** OBLIGATIONS PERTAINING TO SEX-BASED DISCRIMINATION (INCLUDING SEX-BASED HARASSMENT) AND RELATED RETALIATION UNDER THE **CALIFORNIA FAIR EMPLOYMENT & HOUSING ACT** AND THE **CALIFORNIA EDUCATION CODE**.

PURSUANT TO THIS POLICY, **SFCM** WILL:

- **RESPOND TO ALL REPORTS OF SEX-BASED DISCRIMINATION AND/OR RETALIATION.**
- **IT WILL TAKE NECESSARY MEASURES TO END CONDUCT THAT IS IN VIOLATION OF THIS POLICY, PREVENT ITS RECURRENCE, AND REMEDY ITS EFFECT ON INDIVIDUALS AND THE COMMUNITY.**

**WITHIN ANY PROCESS RELATED TO THIS POLICY, SFCM PROVIDES REASONABLE ACCOMMODATIONS TO PERSONS WITH DISABILITIES AND REASONABLE RELIGIOUS ACCOMMODATIONS, CONSISTENT WITH CALIFORNIA AND FEDERAL LAW.**

**SITUATIONS INVOLVING OTHER CONDUCT THAT MAY BE IN VIOLATION OF SFCM STUDENT OR EMPLOYEE CONDUCT POLICIES SHOULD BE REPORTED TO TIMOTHY DUNN, ASSOCIATE DEAN FOR STUDENT AFFAIRS FOR MATTERS INVOLVING STUDENTS, OR MICHAEL PATTERSON, ASSOCIATE VICE PRESIDENT FOR HUMAN RESOURCES AND ADMINISTRATION OR THE FOR MATTERS INVOLVING FACULTY OR STAFF. SITUATIONS INVOLVING OTHER CONDUCT RELATING TO NONAFFILIATES SHOULD BE REPORTED TO MICHAEL PATTERSON, ASSOCIATE VICE PRESIDENT OF HUMAN RESOURCES AND ADMINISTRATION.**

**COMPLAINTS OF SEXUAL ASSAULT, SEXUAL HARASSMENT, OR OTHER CONDUCT PROHIBITED UNDER THIS POLICY, AND ANY QUESTIONS ABOUT FILING A COMPLAINT UNDER THIS POLICY, THE GRIEVANCE PROCESS, OR TITLE IX OR ITS REGULATIONS SHOULD BE DIRECTED TO THE TITLE IX COORDINATOR OR THE DEPUTY COORDINATORS LISTED BELOW:**

**TITLE IX COORDINATOR**

**MOLLY O'MALLEY**

**TITLE IX COORDINATOR**

**EMAIL: [MOMALLEY1@SFCM.EDU](mailto:MOMALLEY1@SFCM.EDU)**

**PHONE: 650-383-4753 x176**

**BOWES CENTER FOR THE PERFORMING ARTS**

**ROOM 116C**

**DEPUTY TITLE IX COORDINATOR FOR STUDENTS**

**TIMOTHY DUNN**

**ASSOCIATE DEAN FOR STUDENT AFFAIRS AND**

**DEPUTY TITLE IX COORDINATOR**

**PHONE: 415-503-6281**

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**BOWES CENTER FOR THE PERFORMING ARTS**

**ROOM 116C**

**DEPUTY TITLE IX COORDINATOR FOR FACULTY AND STAFF**

**MICHAEL PATTERSON**

**ASSOCIATE VICE PRESIDENT OF HUMAN RESOURCES AND ADMINISTRATION AND**

**DEPUTY TITLE IX COORDINATOR**

**PHONE: 415-503-6237**

**EMAIL: [MPATTERSON@SFCM.EDU](mailto:MPATTERSON@SFCM.EDU)**

**ADDRESS: GETTY CENTER FOR EDUCATION**

**ROOM 407**

## STATEMENT OF NONDISCRIMINATION AND APPLICABILITY OF THIS POLICY

AS SET FORTH IN THIS POLICY, **SFCM** PROHIBITS DISCRIMINATION ON THE BASIS OF SEX IN ITS PROGRAMS AND ACTIVITIES. AS DEFINED BY **TITLE IX** AND **CALIFORNIA LAW**, DISCRIMINATION ON THE BASIS OF SEX INCLUDES DISCRIMINATION ON THE BASIS OF SEX STEREOTYPES, SEX CHARACTERISTICS, PREGNANCY OR RELATED CONDITIONS, SEXUAL ORIENTATION, AND GENDER IDENTITY.

EXCEPT AS PERMITTED BY LAW, **SFCM** DOES NOT DISCRIMINATE IN ITS ADMISSIONS PRACTICES, IN ITS EMPLOYMENT PRACTICES, OR IN ITS EDUCATIONAL PROGRAMS OR ACTIVITIES ON THE BASIS OF SEX. **SFCM** ALSO PROHIBITS RETALIATION AGAINST ANY PERSON OPPOSING SEX DISCRIMINATION OR PARTICIPATING IN ANY SEX DISCRIMINATION INVESTIGATION OR COMPLAINT PROCESS, WHETHER INTERNAL OR EXTERNAL TO **SFCM**. **SEX-BASED HARASSMENT, SEXUAL ASSAULT, DATING AND DOMESTIC VIOLENCE, AND STALKING ARE FORMS OF SEX DISCRIMINATION, WHICH ARE PROHIBITED UNDER TITLE IX, CALIFORNIA LAW, AND BY THIS POLICY.**

**CALIFORNIA LAW PROHIBITS COWORKERS, THIRD PARTIES (INCLUDING STUDENTS), AS WELL AS SUPERVISORS AND MANAGERS WITH WHOM AN EMPLOYEE (INCLUDING A STUDENT-EMPLOYEE, APPLICANT FOR EMPLOYMENT, CONTRACTOR, VOLUNTEER OR INTERN) COMES INTO CONTACT, FROM ENGAGING IN CONDUCT PROHIBITED BY THE CALIFORNIA FAIR EMPLOYMENT AND HOUSING ACT.**

WHEN BROUGHT TO THE ATTENTION OF **SFCM**, CONDUCT PROHIBITED BY THIS POLICY WILL BE ADDRESSED BY **SFCM** ACCORDING TO THE PROCEDURES SET FORTH IN THIS POLICY. DISCRIMINATION ON THE BASIS OF ANY OTHER PROTECTED CATEGORY WILL BE ADDRESSED IN ACCORDANCE WITH **SFCM'S SEXUAL AND OTHER UNLAWFUL HARASSMENT POLICY IN THE EMPLOYEE AND COLLEGIATE STUDENT HANDBOOKS, EQUAL EMPLOYMENT OPPORTUNITY POLICY IN THE EMPLOYEE HANDBOOK AND EQUAL EDUCATIONAL POLICY IN THE STUDENT HANDBOOK.**

## STATEMENT OF EQUAL ACCESS

THE **SAN FRANCISCO CONSERVATORY OF MUSIC** SHALL PROVIDE CERTAIN SUPPORT AND MODIFICATIONS TO PEOPLE EXPERIENCING PREGNANCY OR RELATED CONDITIONS TO ENSURE THEIR EQUAL ACCESS TO **SFCM'S** PROGRAM OR ACTIVITY. **PREGNANCY OR RELATED CONDITIONS INCLUDE PREGNANCY, CHILDBIRTH, TERMINATION OF PREGNANCY, LACTATION; MEDICAL CONDITIONS RELATED TO PREGNANCY, CHILDBIRTH, TERMINATION OF PREGNANCY, OR LACTATION; AND RECOVERY FROM PREGNANCY, CHILDBIRTH, TERMINATION OF PREGNANCY, LACTATION, OR RELATED MEDICAL CONDITIONS.**

**SFCM** TREATS PREGNANCY OR RELATED CONDITIONS IN THE SAME MANNER AND UNDER THE SAME POLICIES AS ANY OTHER TEMPORARY MEDICAL CONDITIONS AND MUST ALLOW VOLUNTARY LEAVES OF ABSENCE. **STUDENTS, EMPLOYEES, OR APPLICANTS SHOULD CONTACT THE TITLE IX COORDINATOR FOR MORE INFORMATION. EMPLOYEES OR APPLICANTS FOR EMPLOYMENT MAY ALSO CONTACT HUMAN RESOURCES FOR MORE INFORMATION, BECAUSE ADDITIONAL WORKPLACE LAWS AND POLICIES APPLY. COLLEGIATE STUDENTS SHOULD REFER TO SFCM'S POLICY ON ACCOMMODATIONS FOR PREGNANT GRADUATE STUDENTS PURSUANT TO EDUCATION CODE 66281.7.**

## **APPLICATION OF SECTION 504/AMERICANS WITH DISABILITIES ACT TO THIS POLICY**

**THE SAN FRANCISCO CONSERVATORY OF MUSIC COMPLIES WITH THE REQUIREMENTS OF THE AMERICANS WITH DISABILITIES ACT OF 1990, AS AMENDED 2008 (“ADAAA”); SECTIONS 504 AND 508 OF THE REHABILITATION ACT OF 1973, AS AMENDED; AND ALL OTHER FEDERAL AND CALIFORNIA LAWS AND REGULATIONS PROHIBITING DISCRIMINATION ON THE BASIS OF DISABILITY. SFCM IS COMMITTED TO PROVIDING INDIVIDUALS WITH DISABILITIES EQUAL ACCESS TO SFCM’S PROGRAMS AND ACTIVITIES.**

**PARTIES MAY REQUEST REASONABLE ACCOMMODATIONS FOR DISABILITIES TO THE TITLE IX COORDINATOR AT ANY POINT RELATING TO THE IMPLEMENTATION OF THIS POLICY, INCLUDING MAKING A DISCLOSURE OR REPORT, AND INITIATING A GRIEVANCE PROCEDURE. ACCOMMODATIONS WILL BE GRANTED IF THEY ARE REASONABLE AND DO NOT FUNDAMENTALLY ALTER THE PROCEDURES ESTABLISHED BY THIS POLICY. PLEASE NOTE THAT THE TITLE IX COORDINATOR WILL NOT AFFIRMATIVELY PROVIDE DISABILITY ACCOMMODATIONS THAT HAVE NOT BEEN SPECIFICALLY REQUESTED BY THE PARTIES, EVEN WHERE THE PARTIES MAY BE RECEIVING ACCOMMODATIONS IN OTHER SFCM PROGRAMS AND ACTIVITIES.**

**WITH THE CONSENT OF THE IMPACTED STUDENT OR EMPLOYEE, THE TITLE IX COORDINATOR WILL WORK COLLABORATIVELY WITH THE ASSOCIATE DEAN FOR STUDENT AFFAIRS OR THE ASSOCIATE VICE PRESIDENT OF HUMAN RESOURCES AND ADMINISTRATION TO ENSURE THAT APPROVED REASONABLE ACCOMMODATIONS (DISABILITY-RELATED) ARE IMPLEMENTED.**

## **II. Scope and Jurisdiction**

**ALL MEMBERS OF SFCM’S COMMUNITY, INCLUDING, BUT NOT LIMITED TO, STUDENTS, STUDENT ORGANIZATIONS, FACULTY, ADMINISTRATORS, AND STAFF, WHETHER ON OR OFF CAMPUS, AND THIRD PARTIES SUCH AS CONTRACTORS, INTERNS, GUESTS, VISITORS, VOLUNTEERS, INVITEES, AND ALUMNI WHEN THEY ARE ON CAMPUS OR PARTICIPATING IN SFCM SPONSORED ACTIVITIES, ARE SUBJECT TO THIS POLICY, THOUGH THE PROCEDURES FOR RESOLVING CONDUCT PROHIBITED BY THIS POLICY WILL VARY BASED ON ONE’S STATUS. THIS POLICY APPLIES TO ALL STUDENTS AND EMPLOYEES AND ALL OTHER INDIVIDUALS PARTICIPATING IN (OR ATTEMPTING TO PARTICIPATE IN) SFCM PROGRAMS OR ACTIVITIES, INCLUDING SFCM SPONSORED EVENTS THAT TAKE PLACE OFF-CAMPUS.**

**THIS POLICY MAY ALSO PERTAIN TO INSTANCES IN WHICH THE CONDUCT OCCURRED OUTSIDE OF THE CAMPUS OR SFCM SPONSORED ACTIVITY IF SFCM DETERMINES THAT THE OFF-CAMPUS CONDUCT IS WITHIN THE JURISDICTION OF ITS DISCIPLINARY AUTHORITY OR AFFECTS A SUBSTANTIAL SFCM INTEREST, INCLUDING ACCESS TO THE EDUCATIONAL PROGRAM OR ACTIVITY, SAFETY AND SECURITY, COMPLIANCE WITH APPLICABLE LAW, AND MEETING ITS EDUCATIONAL MISSION.**

**SFCM SHALL TAKE REASONABLE STEPS TO RESPOND TO EACH INCIDENT OF PROHIBITED CONDUCT INVOLVING INDIVIDUALS SUBJECT TO SFCM’S POLICIES THAT OCCUR IN CONNECTION WITH ANY EDUCATIONAL ACTIVITY OR OTHER PROGRAM OF SFCM, AS WELL AS INCIDENTS THAT OCCURRED OUTSIDE OF THOSE EDUCATIONAL**

PROGRAMS OR ACTIVITIES, WHETHER THEY OCCURRED ON OR OFF CAMPUS TO A STUDENT, IF, BASED ON THE ALLEGATIONS, THERE IS ANY REASON TO BELIEVE THAT THE INCIDENT COULD CONTRIBUTE TO A HOSTILE EDUCATIONAL ENVIRONMENT OR OTHERWISE INTERFERE WITH A STUDENT'S ACCESS TO EDUCATION.

ANY INDIVIDUAL COVERED BY THIS POLICY IS EXPECTED TO PROVIDE TRUTHFUL INFORMATION IN ANY REPORT, MEETING, OR PROCEEDING UNDER THIS POLICY.

UNLESS OTHERWISE SPECIFIED IN THIS POLICY, ANY INDIVIDUAL WHO IS ACCUSED OF ENGAGING IN CONDUCT PROHIBITED BY THIS POLICY WHO IS NOT A STUDENT, FACULTY MEMBER, OR STAFF MEMBER IS GENERALLY CONSIDERED A THIRD PARTY. SFCM'S ABILITY TO TAKE CORRECTIVE ACTION AGAINST A THIRD PARTY MAY BE LIMITED AND WILL DEPEND ON THE NATURE OF THE THIRD PARTY'S RELATIONSHIP, IF ANY, TO SFCM. WHEN APPROPRIATE, THE TITLE IX COORDINATOR WILL REFER SUCH ALLEGATIONS AGAINST A THIRD PARTY TO THE APPROPRIATE OFFICE.

THE STATUS OF A PARTY MAY IMPACT WHICH RESOURCES AND REMEDIES ARE AVAILABLE TO THEM UNDER THIS POLICY.

IF THERE IS A CONFLICT BETWEEN THE PROVISIONS OF THIS POLICY AND OTHER SFCM POLICIES, PROCEDURES, RULES, REGULATIONS, OR TERMS OR CONDITIONS OF EMPLOYMENT, THE PROVISIONS OF THIS POLICY WILL GOVERN UNLESS OTHERWISE STATED. ANY CAPITALIZED TERMS IN THIS POLICY ARE DEFINED AS STATED OR IN SECTION XXI.

### III. Prohibited Conduct

THIS POLICY PROHIBITS SEX DISCRIMINATION, INCLUDING SEX-BASED HARASSMENT, AND RETALIATION AS DEFINED BELOW. THESE ACTS SHALL ALSO BE REFERRED TO AS PROHIBITED CONDUCT UNDER THIS POLICY:

#### DISCRIMINATION ON THE BASIS OF SEX

EXCEPT AS PERMITTED BY TITLE IX, PROHIBITED DISCRIMINATION ON THE BASIS OF SEX (WHERE SEX INCLUDES SEX STEREOTYPES, SEX CHARACTERISTICS, PREGNANCY OR RELATED CONDITIONS, SEXUAL ORIENTATION, AND GENDER IDENTITY) IS DEFINED AS ACTIONS THAT CAUSE AN INDIVIDUAL TO BE EXCLUDED FROM PARTICIPATION IN, BE DENIED THE BENEFITS OF, OR BE SUBJECTED TO DISCRIMINATION UNDER ANY ACADEMIC, EXTRACURRICULAR, RESEARCH, OCCUPATIONAL TRAINING, OR OTHER EDUCATION PROGRAM OR ACTIVITY OPERATED BY SFCM.

EXCEPT AS PERMITTED BY TITLE IX, SFCM, INCLUDING EMPLOYEES, STUDENTS, PARTICIPANTS AND AGENTS OF SFCM, SHALL NOT, ENGAGE IN ANY OF THE FOLLOWING PROHIBITED DISCRIMINATORY ACTIONS ON THE BASIS OF SEX IF IT WOULD CAUSE MORE THAN *DE MINIMIS* HARM:

1. TREAT ONE PERSON DIFFERENTLY FROM ANOTHER IN DETERMINING WHETHER SUCH PERSON SATISFIES ANY REQUIREMENT OR CONDITION FOR THE PROVISION OF SUCH AID, BENEFIT, OR SERVICE;

2. **PROVIDE DIFFERENT AID, BENEFITS, OR SERVICES OR PROVIDE AID, BENEFITS, OR SERVICES IN A DIFFERENT MANNER;**
3. **DENY ANY PERSON ANY SUCH AID, BENEFIT, OR SERVICE;**
4. **SUBJECT ANY PERSON TO SEPARATE OR DIFFERENT RULES OF BEHAVIOR, SANCTIONS, OR OTHER TREATMENT;**
5. **APPLY ANY RULE CONCERNING THE DOMICILE OR RESIDENCE OF A STUDENT OR APPLICANT, INCLUDING ELIGIBILITY FOR IN-STATE FEES AND TUITION;**
6. **AID OR PERPETUATE DISCRIMINATION AGAINST ANY PERSON BY PROVIDING SIGNIFICANT ASSISTANCE TO ANY AGENCY, ORGANIZATION, OR PERSON WHICH DISCRIMINATES ON THE BASIS OF SEX IN PROVIDING ANY AID, BENEFIT OR SERVICE TO STUDENTS OR EMPLOYEES;**
7. **OTHERWISE LIMIT ANY PERSON IN THE ENJOYMENT OF ANY RIGHT, PRIVILEGE, ADVANTAGE, OR OPPORTUNITY.**

**FOR THE PURPOSES OF THIS DEFINITION, UNLESS PERMITTED BY TITLE IX, ADOPTING A POLICY OR ENGAGING IN A PRACTICE THAT PREVENTS A PERSON FROM PARTICIPATING IN AN EDUCATION PROGRAM OR ACTIVITY CONSISTENT WITH THE PERSON'S GENDER IDENTITY SUBJECTS A PERSON TO MORE THAN DE MINIMIS HARM ON THE BASIS OF SEX AND WILL BE CONSIDERED PROHIBITED DISCRIMINATION.**

### **SEX-BASED HARASSMENT**

**SEX-BASED HARASSMENT IS A FORM OF SEX DISCRIMINATION AND MEANS SEXUAL HARASSMENT AND OTHER HARASSMENT ON THE BASIS OF SEX, AS DEFINED BY TITLE IX, INCLUDING HARASSMENT ON THE BASIS OF SEX STEREOTYPES, SEX CHARACTERISTICS, PREGNANCY OR RELATED CONDITIONS, SEXUAL ORIENTATION, AND GENDER IDENTITY.**

**UNDER THIS POLICY, PROHIBITED SEX-BASED HARASSMENT INCLUDES THE FOLLOWING CONDUCT:**

#### **QUID PRO QUO HARASSMENT**

**QUID PRO QUO HARASSMENT OCCURS WHEN SOMEONE FROM OR IN THE WORK OR EDUCATIONAL SETTING, INCLUDING AN EMPLOYEE, AGENT, OR OTHER PERSON AUTHORIZED BY THE RECIPIENT TO PROVIDE AN AID, BENEFIT, OR SERVICE UNDER THE RECIPIENT'S EDUCATION PROGRAM OR ACTIVITY EXPLICITLY OR IMPLICITLY ACTUALLY, ATTEMPTS TO OR PURPORTS TO PROVIDE AND CONDITION AN AID, BENEFIT, OR SERVICE UNDER THE RECIPIENT'S EDUCATION PROGRAM OR ACTIVITY OF SFCM ON AN INDIVIDUAL'S PARTICIPATION IN UNWELCOME SEXUAL CONDUCT, WHICH INCLUDES BUT IS NOT LIMITED TO, UNWELCOME SEXUAL ADVANCES, REQUESTS FOR SEXUAL FAVORS, AND OTHER VERBAL, VISUAL, OR PHYSICAL CONDUCT OF A SEXUAL NATURE, INCLUDING UNDER ANY OF THE FOLLOWING CONDITIONS:**

- **SUBMISSION TO THE CONDUCT IS EXPLICITLY OR IMPLICITLY MADE A TERM OR A CONDITION OF AN INDIVIDUAL'S EMPLOYMENT, ACADEMIC STATUS, OR PROGRESS;**
- **SUBMISSION TO, OR REJECTION OF, THE CONDUCT BY THE INDIVIDUAL IS USED AS THE BASIS OF EMPLOYMENT OR ACADEMIC DECISIONS AFFECTING THE INDIVIDUAL; OR**

- **SUBMISSION TO, OR REJECTION OF, THE CONDUCT BY THE INDIVIDUAL IS USED AS THE BASIS FOR ANY DECISION AFFECTING THE INDIVIDUAL REGARDING BENEFITS AND SERVICES, HONORS, PROGRAMS, OR ACTIVITIES AVAILABLE AT OR THROUGH THE EDUCATIONAL INSTITUTION.**

## **SEX-BASED HOSTILE ENVIRONMENT HARASSMENT IN PROGRAMS AND ACTIVITIES**

**SEX-BASED HOSTILE ENVIRONMENT HARASSMENT IN PROGRAMS AND ACTIVITIES IS DEFINED AS:**

- 1. UNWELCOME SEX-BASED CONDUCT (WHERE SEX INCLUDES SEX STEREOTYPES, SEX CHARACTERISTICS, PREGNANCY OR RELATED CONDITIONS, SEXUAL ORIENTATION, AND GENDER IDENTITY) THAT, BASED ON THE TOTALITY OF THE CIRCUMSTANCES, IS SUBJECTIVELY AND OBJECTIVELY OFFENSIVE AND IS SO SEVERE OR PERVASIVE THAT IT LIMITS OR DENIES A PERSON'S ABILITY TO PARTICIPATE IN OR BENEFIT FROM SFCM'S EDUCATION PROGRAM OR ACTIVITY (I.E. CREATES A HOSTILE ENVIRONMENT; OR**
- 2. UNWELCOME SEXUAL ADVANCES, REQUESTS FOR SEXUAL FAVORS, AND OTHER VERBAL, VISUAL, OR PHYSICAL CONDUCT OF A SEXUAL NATURE, MADE BY SOMEONE FROM OR IN THE WORK OR EDUCATIONAL SETTING WHERE THE CONDUCT HAS THE PURPOSE OR EFFECT OF HAVING A NEGATIVE IMPACT UPON THE INDIVIDUAL'S WORK OR ACADEMIC PERFORMANCE, OR OF CREATING AN INTIMIDATING, HOSTILE, OR OFFENSIVE WORK OR EDUCATIONAL ENVIRONMENT.**

**WHETHER A HOSTILE ENVIRONMENT HAS BEEN CREATED IS A FACT-SPECIFIC INQUIRY THAT INCLUDES CONSIDERATION OF THE FOLLOWING:**

- 1. THE DEGREE TO WHICH THE CONDUCT AFFECTED THE INDIVIDUAL'S ABILITY TO ACCESS SFCM'S EDUCATION PROGRAM OR ACTIVITY;**
- 2. THE TYPE, FREQUENCY, AND DURATION OF THE CONDUCT;**
- 3. THE PARTIES' AGES, ROLES WITHIN SFCM'S EDUCATION PROGRAM OR ACTIVITY, PREVIOUS INTERACTIONS, AND OTHER FACTORS ABOUT A PARTY THAT MAY BE RELEVANT TO EVALUATING THE EFFECTS OF THE CONDUCT;**
- 4. THE LOCATION OF THE CONDUCT AND THE CONTEXT IN WHICH THE CONDUCT OCCURRED; AND**
- 5. OTHER SEX-BASED HARASSMENT IN SFCM'S EDUCATION PROGRAM OR ACTIVITY.**

## **CALIFORNIA SEX-BASED HARASSMENT IN EMPLOYMENT**

**PROHIBITED CONDUCT IS DEFINED AS ANY UNWELCOME BEHAVIOR TOWARDS AN EMPLOYEE (WHICH FOR THIS DEFINITION INCLUDES A STUDENT-EMPLOYEE IN THEIR CAPACITY AS AN EMPLOYEE), APPLICANT FOR EMPLOYMENT, UNPAID INTERN, CONTRACTOR OR VOLUNTEER, THAT IS REASONABLY REGARDED AS OFFENSIVE THAT IS BASED ON SEX THAT:**



- **SUFFICIENTLY OFFENDS, HUMILIATES, DISTRESSES, OR INTRUDES UPON ITS VICTIM, SO AS TO DISRUPT THE VICTIM'S EMOTIONAL TRANQUILITY IN THE WORKPLACE, OR**
- **AFFECTS THE VICTIM'S ABILITY TO PERFORM THE JOB AS USUAL, OR**
- **OTHERWISE INTERFERES WITH AND UNDERMINES THE VICTIM'S PERSONAL SENSE OF WELL-BEING.**

**FOR CALIFORNIA SEX-BASED HARASSMENT IN EMPLOYMENT, A SINGLE INCIDENT OF HARASSING CONDUCT BASED ON SEX MAY CREATE A HOSTILE WORK ENVIRONMENT IF THE HARASSING CONDUCT HAS UNREASONABLY INTERFERED WITH THE VICTIM'S WORK PERFORMANCE OR CREATED AN INTIMIDATING, HOSTILE, OR OFFENSIVE WORK ENVIRONMENT. WHETHER OR NOT THE PERSON MEANT TO GIVE OFFENSE OR BELIEVED THEIR COMMENTS OR CONDUCT WERE WELCOME IS NOT SIGNIFICANT. RATHER, THE POLICY IS VIOLATED WHEN OTHER INDIVIDUALS, WHETHER RECIPIENTS OR MERE OBSERVERS, ARE ACTUALLY OFFENDED BY COMMENTS OR CONDUCT BASED ON SEX AND THE CONDUCT IS CONSIDERED OFFENSIVE BY A REASONABLE PERSON.**

## **SEXUAL ASSAULT & INTERPERSONAL VIOLENCE**

- 1. SEXUAL ASSAULT. SEXUAL ASSAULT IS DEFINED AS ANY SEXUAL ACT DIRECTED AGAINST ANOTHER PERSON, WITHOUT THE CONSENT OF THE VICTIM, INCLUDING INSTANCES WHERE THE VICTIM IS INCAPABLE OF GIVING AFFIRMATIVE CONSENT.**

### **SEXUAL ASSAULT INCLUDES:**

- I. RAPE—THE PENETRATION, NO MATTER HOW SLIGHT, OF THE VAGINA OR ANUS WITH ANY BODY PART OR OBJECT, OR ORAL PENETRATION BY A SEX ORGAN OF ANOTHER PERSON, WITHOUT THE AFFIRMATIVE CONSENT OF THE VICTIM. ATTEMPTED RAPE FALLS UNDER THIS PROHIBITION.**
- II. FONDLING—THE TOUCHING OF THE PRIVATE BODY PARTS OF ANOTHER FOR THE PURPOSE OF SEXUAL GRATIFICATION, WITHOUT THE AFFIRMATIVE CONSENT OF THE VICTIM, INCLUDING INSTANCES WHERE THE VICTIM IS INCAPABLE OF GIVING AFFIRMATIVE CONSENT BECAUSE OF THEIR AGE OR BECAUSE OF THEIR TEMPORARY OR PERMANENT MENTAL INCAPACITY.**
- III. INCEST—SEXUAL INTERCOURSE BETWEEN PERSONS WHO ARE RELATED TO EACH OTHER WITHIN THE DEGREES WHEREIN MARRIAGE IS PROHIBITED BY LAW.**
- IV. STATUTORY RAPE—SEXUAL INTERCOURSE WITH A PERSON WHO IS UNDER THE STATUTORY AGE OF CONSENT. THE STATUTORY AGE OF CONSENT IN CALIFORNIA IS EIGHTEEN.**

## **2. CALIFORNIA SEXUAL VIOLENCE (AGAINST STUDENTS)**

**THE SAN FRANCISCO CONSERVATORY OF MUSIC ALSO PROHIBITS SEXUAL VIOLENCE AS DEFINED BY THE CALIFORNIA EDUCATION CODE. CONDUCT DEFINED AS CALIFORNIA SEXUAL VIOLENCE MAY BE ELIGIBLE FOR ALTERNATIVE RESOLUTION EXCEPT FOR MEDIATION (A FORM OF ALTERNATIVE RESOLUTION), WHICH IS NEVER PERMITTED FOR CALIFORNIA SEXUAL VIOLENCE.**

**CALIFORNIA SEXUAL VIOLENCE MEANS PHYSICAL SEXUAL ACTS PERPETRATED AGAINST A PERSON WITHOUT THE PERSON'S AFFIRMATIVE CONSENT. PHYSICAL SEXUAL ACTS INCLUDE BOTH OF THE FOLLOWING:**

**(A) RAPE, DEFINED AS PENETRATION, NO MATTER HOW SLIGHT, OF THE VAGINA OR ANUS WITH ANY PART OR OBJECT, OR ORAL COPULATION OF A SEX ORGAN BY ANOTHER PERSON, WITHOUT THE CONSENT OF THE VICTIM.**

**(B) SEXUAL BATTERY, DEFINED AS THE INTENTIONAL TOUCHING OF ANOTHER PERSON'S INTIMATE PARTS WITHOUT THEIR AFFIRMATIVE CONSENT, INTENTIONALLY CAUSING A PERSON TO TOUCH THE INTIMATE PARTS OF ANOTHER WITHOUT AFFIRMATIVE CONSENT, OR USING A PERSON'S OWN INTIMATE PART TO INTENTIONALLY TOUCH ANOTHER PERSON'S BODY WITHOUT AFFIRMATIVE CONSENT.**

**FOR THE PURPOSES OF THESE DEFINITIONS, A SEXUAL ACT IS DEFINED AS CONDUCT BETWEEN PERSONS CONSISTING OF:**

- CONTACT BETWEEN THE PENIS AND THE VULVA OR BETWEEN PENISES AND VULVAS**
- CONTACT BETWEEN THE PENIS AND THE ANUS.**
- CONTACT BETWEEN THE MOUTH AND THE PENIS.**
- CONTACT BETWEEN THE MOUTH AND THE VULVA.**
- CONTACT INVOLVING ANY OF THE ABOVE OR THE BUTTOCKS OR BREASTS**

**PRIVATE BODY PARTS INCLUDE ALL OF THE BODY PARTS SPECIFIED ABOVE.**

### **3. DATING VIOLENCE**

**THIS INCLUDES VIOLENCE COMMITTED BY A PERSON:**

- I. WHO IS OR HAS BEEN IN A SOCIAL RELATIONSHIP OF A ROMANTIC OR INTIMATE NATURE WITH THE VICTIM; AND**
- II. WHERE THE EXISTENCE OF SUCH A RELATIONSHIP SHALL BE DETERMINED BASED ON A CONSIDERATION OF THE FOLLOWING FACTORS:**

- 1. THE LENGTH OF THE RELATIONSHIP;**
- 2. THE TYPE OF RELATIONSHIP; AND**
- 3. THE FREQUENCY OF INTERACTION BETWEEN THE PERSONS INVOLVED IN THE RELATIONSHIP.**

**EMOTIONAL AND PSYCHOLOGICAL ABUSE DO NOT CONSTITUTE VIOLENCE FOR THE PURPOSES OF THIS DEFINITION.**

#### **4. DOMESTIC VIOLENCE**

**THIS INCLUDES FELONY OR MISDEMEANOR CRIMES OF VIOLENCE COMMITTED BY A PERSON WHO:**

- I. IS A CURRENT OR FORMER SPOUSE OR INTIMATE PARTNER OF THE VICTIM UNDER THE FAMILY OR DOMESTIC VIOLENCE LAWS OF THE JURISDICTION OF SFCM, OR A PERSON SIMILARLY SITUATED TO A SPOUSE OF THE VICTIM;**
- II. IS COHABITATING, OR HAS COHABITATED, WITH THE VICTIM AS A SPOUSE OR INTIMATE PARTNER;**
- III. SHARES A CHILD IN COMMON WITH THE VICTIM; OR**
- IV. COMMITS ACTS AGAINST A YOUTH OR ADULT VICTIM WHO IS PROTECTED FROM THOSE ACTS UNDER THE FAMILY OR DOMESTIC VIOLENCE LAWS OF CALIFORNIA.**

**EMOTIONAL AND PSYCHOLOGICAL ABUSE DO NOT CONSTITUTE VIOLENCE FOR THE PURPOSES OF THIS DEFINITION.**

#### **5. STALKING**

**STALKING IS DEFINED AS ENGAGING IN A COURSE OF CONDUCT, ON THE BASIS OF SEX, DIRECTED AT A SPECIFIC PERSON THAT WOULD CAUSE A REASONABLE PERSON TO FEAR FOR THE PERSON'S SAFETY OR THE SAFETY OF OTHERS; OR SUFFER SUBSTANTIAL EMOTIONAL DISTRESS.**

#### **6. CALIFORNIA SEXUAL EXPLOITATION**

**SEXUAL EXPLOITATION MEANS A PERSON TAKING SEXUAL ADVANTAGE OF ANOTHER PERSON FOR THE BENEFIT OF ANYONE OTHER THAN THAT PERSON WITHOUT THAT PERSON'S CONSENT, INCLUDING, BUT NOT LIMITED TO, ANY OF THE FOLLOWING ACTS:**

- I. THE PROSTITUTING OF ANOTHER PERSON;**
- II. THE TRAFFICKING OF ANOTHER PERSON, DEFINED AS THE INDUCEMENT OF A PERSON TO PERFORM A COMMERCIAL SEX ACT, OR LABOR OR SERVICES, THROUGH FORCE, FRAUD, OR COERCION;**
- III. THE RECORDING OF IMAGES, INCLUDING VIDEO OR PHOTOGRAPH, OR AUDIO OF ANOTHER PERSON'S SEXUAL ACTIVITY OR INTIMATE PARTS, WITHOUT THAT PERSON'S CONSENT;**
- IV. THE DISTRIBUTION OF IMAGES, INCLUDING VIDEO OR PHOTOGRAPH, OR AUDIO OF ANOTHER PERSON'S SEXUAL ACTIVITY OR INTIMATE PARTS, IF THE INDIVIDUAL DISTRIBUTING THE IMAGES OR AUDIO KNOWS OR SHOULD HAVE KNOWN THAT THE PERSON DEPICTED IN THE IMAGES OR AUDIO DID NOT CONSENT TO THE DISCLOSURE.**
- V. THE VIEWING OF ANOTHER PERSON'S SEXUAL ACTIVITY OR INTIMATE PARTS, IN A PLACE WHERE THAT OTHER PERSON WOULD HAVE A REASONABLE EXPECTATION**

OF PRIVACY, WITHOUT THAT PERSON'S CONSENT, FOR THE PURPOSE OF AROUSING OR GRATIFYING SEXUAL DESIRE.

## **RETALIATION**

**RETALIATION IS ANY MATERIALLY ADVERSE ACTION TAKEN AGAINST AN INDIVIDUAL BECAUSE THEY WERE INVOLVED IN THE DISCLOSURE, REPORTING, INVESTIGATION, OR RESOLUTION OF A REPORT OF PROHIBITED CONDUCT UNDER THIS POLICY. RETALIATION INCLUDES THREATS, INTIMIDATION, HARASSMENT, COERCION, DISCRIMINATION, VIOLENCE, OR ANY OTHER CONDUCT BY SFCM, A STUDENT, OR AN EMPLOYEE OR OTHER PERSON AUTHORIZED BY SFCM TO PROVIDE AID, BENEFIT, OR SERVICE UNDER SFCM'S EDUCATION PROGRAM OR ACTIVITY, FOR THE PURPOSE OF INTERFERING WITH ANY RIGHT OR PRIVILEGE SECURED BY THIS POLICY OR BY LAW, INCLUDING TITLE IX OR ITS REGULATIONS. ADVERSE ACTION DOES NOT INCLUDE PERCEIVED OR PETTY SLIGHTS, OR TRIVIAL ANNOYANCES.**

**THE PROHIBITION AGAINST RETALIATION APPLIES TO ANY INDIVIDUALS WHO PARTICIPATE (OR REFUSE TO PARTICIPATE) IN ANY MANNER IN AN INVESTIGATION AND TO ANY STUDENT WHO REFUSES TO PARTICIPATE IN AN INVESTIGATION OR PROCEEDING.**

**RETALIATION MAY OCCUR EVEN WHERE THERE IS A FINDING OF "NOT RESPONSIBLE" UNDER THIS POLICY. GOOD FAITH ACTIONS LAWFULLY PURSUED IN RESPONSE TO A REPORT OF PROHIBITED CONDUCT ARE NOT RETALIATION.**

## **IV. The Institution's Duty to Respond and Delegation of Duties**

**THE SAN FRANCISCO CONSERVATORY OF MUSIC SHALL RESPOND TO ALL ALLEGATIONS OF PROHIBITED CONDUCT, AS DEFINED ABOVE.**

**OBLIGATIONS CREATED BY THIS POLICY, INCLUDING WHEN RESPONDING TO REPORTS OF PROHIBITED CONDUCT MAY BE DELEGATED BY SFCM, INCLUDING TO EXTERNAL PROFESSIONALS.**

## **V. Conflicts of Interest or Bias**

**ANY INDIVIDUAL CARRYING OUT ANY PART OF THIS POLICY SHALL BE FREE FROM ANY ACTUAL CONFLICT OF INTEREST OR DEMONSTRATED BIAS THAT WOULD IMPACT THE HANDLING OF A MATTER. SHOULD THE TITLE IX COORDINATOR HAVE A CONFLICT OF INTEREST, THE TITLE IX COORDINATOR SHALL IMMEDIATELY NOTIFY THE DEPUTY TITLE IX COORDINATORS WHO WILL EITHER TAKE, OR REASSIGN, THE ROLE OF TITLE IX COORDINATOR FOR PURPOSES OF CARRYING OUT THE HANDLING AND FINALIZATION OF THE MATTER AT ISSUE.**

**SHOULD ANY INVESTIGATOR, DECISIONMAKER, OR APPEALS OFFICER HAVE A CONFLICT OF INTEREST, THE INVESTIGATOR, DECISIONMAKER, OR APPEALS OFFICER SHALL NOTIFY THE TITLE IX COORDINATOR UPON DISCOVERY OF THE CONFLICT SO THAT THE TITLE IX COORDINATOR MAY REASSIGN THE ROLE AS APPROPRIATE. THIS POLICY WILL NOTE WHERE PARTIES HAVE THE OPPORTUNITY TO CHALLENGE THE**

PARTICIPATION OF ANY INDIVIDUAL IMPLEMENTING THIS POLICY BASED ON ACTUAL CONFLICT OF INTEREST OR DEMONSTRATED BIAS.

## **VI. Crime and Indecent Disclosure Obligations**

THE CLERY ACT IS A FEDERAL CRIME AND INCIDENT DISCLOSURE LAW. (SECTION 67380 OF THE CALIFORNIA EDUCATION CODE HAS SIMILAR REQUIREMENTS.) THE CLERY ACT REQUIRES, AMONG OTHER THINGS, SFCM TO REPORT THE NUMBER OF INCIDENTS OF CERTAIN CRIMES, INCLUDING SOME OF THE PROHIBITED CONDUCT IN THIS POLICY, THAT OCCUR IN PARTICULAR CAMPUS-RELATED LOCATIONS. THE CLERY ACT ALSO REQUIRES SFCM TO ISSUE A WARNING TO THE COMMUNITY IN CERTAIN CIRCUMSTANCES.

IN THE STATISTICAL DISCLOSURES AND WARNINGS TO THE COMMUNITY, SFCM WILL ENSURE THAT A COMPLAINANT'S NAME AND OTHER IDENTIFYING INFORMATION IS NOT DISCLOSED. WHEN REPORTING TO LAW ENFORCEMENT UNDER THE EDUCATION CODE, SFCM WILL NOT DISCLOSE THE PERSONALLY IDENTIFIABLE INFORMATION WITHOUT A COMPLAINANT'S CONSENT. THE TITLE IX COORDINATOR WILL REFER INFORMATION TO THE CLERY OFFICER WHEN APPROPRIATE FOR A DETERMINATION ABOUT CLERY-RELATED ACTIONS, SUCH AS DISCLOSING CRIME STATISTICS OR SENDING CAMPUS NOTIFICATIONS.

## **VII. Reporting Sex Discrimination, Including Sex-Based Harassment**

### **A. EMPLOYEE REPORTING OBLIGATIONS**

ALL EMPLOYEES, WITH LIMITED EXCEPTIONS FOR CONFIDENTIAL EMPLOYEES DESIGNATED BY SFCM BELOW, ARE REQUIRED TO PROMPTLY PROVIDE TO THE TITLE IX COORDINATOR ALL COMPLAINTS AND/OR REPORTS OF PROHIBITED CONDUCT AND SHARE ALL INFORMATION REPORTED OR MADE AVAILABLE TO THE EMPLOYEE. AS REQUIRED BY CALIFORNIA LAW, IF AN EMPLOYEE IN A SUPERVISORY CAPACITY HAS KNOWLEDGE OF AN INCIDENT OF PROHIBITED CONDUCT DIRECTED TOWARD ANY EMPLOYEE, THAT SUPERVISOR IS REQUIRED TO BRING THE MATTER TO THE ATTENTION OF THE TITLE IX COORDINATOR UNLESS THEY ARE SERVING AS A CONFIDENTIAL EMPLOYEE WHEN THE DISCLOSURE IS MADE.

WHEN PROVIDING THIS INFORMATION TO THE TITLE IX COORDINATOR, THE EMPLOYEE MUST INCLUDE THEIR OWN NAME AND CONTACT INFORMATION, AND ALL KNOWN DETAILS ABOUT AN INCIDENT, WHICH MAY INCLUDE, IF KNOWN, THE DATES, TIMES, LOCATIONS, NAMES OF INVOLVED INDIVIDUALS AND THE NATURE OF THE INCIDENT.

ASIDE FROM THIS REPORTING OBLIGATION, EMPLOYEES WILL, TO THE FULLEST EXTENT POSSIBLE, MAINTAIN THE PRIVACY OF AN INDIVIDUAL'S INFORMATION, CONSISTENT WITH FERPA.

### **B. PUBLIC AWARENESS EVENTS**

EMPLOYEES ARE REQUIRED TO REPORT TO THE TITLE IX COORDINATOR INFORMATION ABOUT SEX DISCRIMINATION THEY LEARN ABOUT AT PUBLIC AWARENESS EVENTS SUCH AS TAKE BACK THE

**NIGHT, VOICES UNITED IN POWER, OR OTHER GROUP SPEAK OUT PROGRAMS CONNECTED TO SEXUAL VIOLENCE AWARENESS AND PREVENTION.**

**THE TITLE IX COORDINATOR IS NOT OBLIGATED TO RESPOND DIRECTLY TO ANY IDENTIFIED COMPLAINANT IN A REPORT OF SEX-BASED HARASSMENT DISCLOSED AT A PUBLIC AWARENESS EVENT THAT TAKES PLACE ON-CAMPUS OR IN A SCHOOL-SPONSORED ONLINE PLATFORM UNLESS THERE IS AN IMMINENT AND SERIOUS THREAT TO SOMEONE'S HEALTH OR SAFETY.**

**THE TITLE IX COORDINATOR MUST RESPOND TO REPORTS OF CONDUCT THAT COULD CONSTITUTE SEX DISCRIMINATION OTHER THAN SEX-BASED HARASSMENT IF DISCLOSED AT PUBLIC AWARENESS EVENTS, WHEREVER THEY OCCUR. IN ALL CASES, SFCM MUST USE THE INFORMATION TO INFORM ITS EFFORTS TO PREVENT SEX-BASED HARASSMENT, INCLUDING BY PROVIDING TAILORED TRAINING TO ADDRESS ALLEGED SEX-BASED HARASSMENT IN A PARTICULAR PART OF ITS EDUCATION PROGRAM OR ACTIVITY OR AT A SPECIFIC LOCATION WHEN INFORMATION INDICATES THERE MAY BE MULTIPLE INCIDENTS OF SEX-BASED HARASSMENT.**

### **C. HOW TO MAKE A REPORT TO SAN FRANCISCO CONSERVATORY OF MUSIC**

**ALL COMPLAINTS OF VIOLATIONS OF THIS POLICY WILL BE TAKEN SERIOUSLY AND IN GOOD FAITH. THE TITLE IX COORDINATOR WILL PROVIDE INFORMATION AND GUIDANCE REGARDING HOW TO FILE A COMPLAINT WITH SFCM AND/OR LOCAL LAW ENFORCEMENT, AS WELL AS INFORMATION AND ASSISTANCE ABOUT WHAT COURSE OF ACTION MAY BEST SUPPORT THE INDIVIDUAL(S) INVOLVED AND HOW BEST TO ADDRESS THE COMPLAINT.**

**EVERY REASONABLE EFFORT WILL BE MADE TO MAINTAIN THE PRIVACY OF THOSE MAKING A REPORT TO THE EXTENT POSSIBLE. IN ALL CASES, SFCM WILL GIVE CONSIDERATION TO THE PARTY BRINGING FORWARD A REPORT WITH RESPECT TO HOW THE MATTER IS PURSUED. SFCM MAY, WHEN NECESSARY TO PROTECT THE COMMUNITY, INITIATE AN INVESTIGATION OR TAKE OTHER RESPONSIVE ACTIONS TO A REPORT, EVEN WHEN THE PERSON IDENTIFYING A CONCERN CHOOSES NOT TO PARTICIPATE IN A RESOLUTION PROCESS AND/OR REQUESTS THAT SFCM NOT INITIATE AN INVESTIGATION.**

**EMPLOYEES, STUDENTS, GUESTS, OR VISITORS WHO BELIEVE THAT THIS POLICY HAS BEEN VIOLATED SHOULD PROMPTLY CONTACT THE TITLE IX COORDINATOR OR ANOTHER MEMBER OF THE TITLE IX OFFICE AS FOLLOWS:**

**THE REPORTING PARTY MAY EMAIL THE TITLE IX COORDINATOR OR DEPUTY COORDINATOR. THE REPORTING PARTY MAY ALSO FILE A REPORT AT:**

**[HTTPS://SFCM.EDU/DISCOVER/CAMPUS-LIFE/CAMPUS-SAFETY/FORMS.](https://sfc.edu/discover/campus-life/campus-safety/forms)**

**REPORTS CAN BE FILED ANONYMOUSLY.**

**THERE IS NO TIMELINE FOR MAKING A REPORT OF PROHIBITED CONDUCT, HOWEVER, SFCM ENCOURAGES THE PROMPT REPORTING OF A COMPLAINT AS THE ABILITY OF SFCM TO PURSUE THE COMPLAINT TO CONCLUSION MAY BE HINDERED BY THE PASSAGE OF TIME.**

**INDIVIDUALS MAY ALSO REFER TO SECTION XIX OF THIS POLICY FOR OTHER REPORTING OPTIONS.**

**D. AMNESTY FOR STUDENT CONDUCT CHARGES WHEN REPORTING PROHIBITED CONDUCT**

**AN INDIVIDUAL WHO PARTICIPATES AS A COMPLAINANT OR WITNESS IN AN INVESTIGATION OF PROHIBITED CONDUCT WILL NOT BE SUBJECT TO DISCIPLINARY SANCTIONS FOR A VIOLATION OF SFCM'S STUDENT CONDUCT POLICY AT OR NEAR THE TIME OF THE INCIDENT, UNLESS SFCM 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. PRIVACY AND CONFIDENTIALITY IN THE PROCESS**

**REFERENCES MADE TO PRIVACY MEAN SAN FRANCISCO CONSERVATORY OF MUSIC OFFICES AND EMPLOYEES WHO CANNOT GUARANTEE CONFIDENTIALITY, BUT WILL MAINTAIN PRIVACY TO THE GREATEST EXTENT POSSIBLE, RELAYING INFORMATION AS NECESSARY TO INVESTIGATE OR SEEK A RESOLUTION AND TO NOTIFY THE TITLE IX COORDINATOR OR DESIGNEE, WHO IS RESPONSIBLE FOR TRACKING PATTERNS AND SPOTTING SYSTEMIC ISSUES. SFCM WILL LIMIT THE DISCLOSURE AS MUCH AS PRACTICABLE. ALL ACTIVITIES UNDER THESE PROCEDURES SHALL BE CONDUCTED WITH THE PRIVACY INTERESTS OF THOSE INVOLVED. WHILE SFCM WILL TAKE ALL REASONABLE STEPS TO PROTECT THE PRIVACY OF INDIVIDUALS INVOLVED IN A COMPLAINT, IT MAY BE NECESSARY TO DISCLOSE SOME INFORMATION TO INDIVIDUALS OR OFFICES ON CAMPUS IN ORDER TO ADDRESS A COMPLAINT OR PROVIDE FOR THE PHYSICAL SAFETY OF AN INDIVIDUAL OR THE CAMPUS. THUS SFCM CANNOT, AND DOES NOT, GUARANTEE THAT ALL INFORMATION RELATED TO COMPLAINTS WILL BE KEPT CONFIDENTIAL.**

**TO MAINTAIN THE PRIVACY OF EVIDENCE GATHERED AS PART OF ANY RESOLUTION PROCESS, ACCESS TO MATERIALS UNDER THE PROCEDURES IN THIS POLICY WILL BE PROVIDED ONLY BY A SECURE METHOD AND PARTIES AND ADVISORS ARE NOT PERMITTED TO MAKE COPIES OF ANY DOCUMENTS SHARED OR MAKE USE OF THE DOCUMENTS OUTSIDE OF THE PROCESSES DESCRIBED IN THIS POLICY. PARTIES MAY REQUEST TO REVIEW A HARD COPY OF MATERIALS, AND SFCM WILL MAKE THAT AVAILABLE IN A SUPERVISED OR MONITORED SETTING. INAPPROPRIATELY SHARING MATERIALS PROVIDED DURING THIS PROCESS MAY CONSTITUTE RETALIATION UNDER THIS POLICY.**

**F. OPTIONS FOR CONFIDENTIAL REPORTING AT SAN FRANCISCO CONSERVATORY OF MUSIC**

**INDIVIDUALS MAY SPEAK CONFIDENTIALLY WITH A CONFIDENTIAL RESOURCE. CONFIDENTIAL RESOURCES (E.G., LICENSED MENTAL HEALTH CARE PROVIDERS, PHYSICIANS AND CLERGY) MAY NOT REPORT TO TITLE IX COORDINATOR ANY IDENTIFYING INFORMATION ABOUT CONDUCT THAT MAY VIOLATE THIS POLICY**

WITHOUT THE WRITTEN CONSENT OF THE INDIVIDUAL WHO SUPPLIED THE INFORMATION, UNLESS REQUIRED BY LAW. SUCH DISCLOSURES WILL NOT BE REPORTED TO THE TITLE IX COORDINATOR OR INITIATE ANY PROCESS UNDER THIS POLICY.

#### **PRIVILEGED AND CONFIDENTIAL EMPLOYEES.**

COMMUNICATIONS WITH THE DIRECTOR OF COUNSELING SERVICES ARE PRIVILEGED OR CONFIDENTIAL UNDER FEDERAL OR STATE LAW. THE EMPLOYEE MUST BE HIRED FOR AND FUNCTIONING WITHIN THE SCOPE OF THEIR DUTIES TO WHICH THE PRIVILEGE OR CONFIDENTIALITY APPLIES. FOR EXAMPLE, PHYSICIANS, CLERGY, AND MENTAL HEALTH COUNSELORS ARE ALL CONFIDENTIAL EMPLOYEES.

DISCLOSURES MADE TO THESE EMPLOYEES MEANS THAT INFORMATION CANNOT BE DISCLOSED TO ANYONE INTERNAL OR EXTERNAL TO SFCM WITHOUT THE EXPRESS PERMISSION FROM THE INDIVIDUAL DISCLOSING THE INFORMATION EXCEPT WHERE A HEALTH CARE PROVIDER OBSERVES AN INJURY RELATED TO SEXUAL VIOLENCE. INDIVIDUALS SHOULD CLARIFY A CONFIDENTIAL EMPLOYEE'S ABILITY TO KEEP INFORMATION CONFIDENTIAL BEFORE DISCLOSING INFORMATION.

STATE LAW REQUIRES PROFESSIONAL COUNSELORS TO REPORT: (i) WHEN A PATIENT IS LIKELY TO ENGAGE IN CONDUCT THAT WOULD RESULT IN SERIOUS HARM TO THE PATIENT OR OTHERS; (ii) IF THERE IS REASONABLE CAUSE TO SUSPECT THAT CALIFORNIA'S MANDATORY REPORTING OBLIGATIONS HAVE BEEN TRIGGERED. MANDATORY REPORTS PERTAINING TO ABUSE AND NEGLECT SHOULD BE MADE PURSUANT TO SFCM'S MANDATORY REPORTING POLICY IN THE EMPLOYEE HANDBOOK.

A LIST OF RESOURCES MAY BE FOUND IN SECTION XXII - RESOURCES.

#### **G. REPORTING TO EXTERNAL LAW ENFORCEMENT**

SOME PROHIBITED CONDUCT MAY CONSTITUTE A VIOLATION OF BOTH THE LAW AND SFCM POLICY. SFCM ENCOURAGES STUDENTS TO REPORT ALLEGED CRIMES PROMPTLY TO LOCAL LAW ENFORCEMENT AGENCIES. ALL PERSONS HAVE THE RIGHT TO FILE WITH LAW ENFORCEMENT, AS WELL AS THE RIGHT TO DECLINE TO FILE WITH LAW ENFORCEMENT. THE DECISION NOT TO FILE SHALL NOT BE CONSIDERED AS EVIDENCE THAT THERE WAS NOT A VIOLATION OF SFCM POLICY.

AS A CONDITION OF PARTICIPATION IN CALGRANTS, SFCM STATES THE FOLLOWING PURSUANT TO SECTION 67380 OF THE CALIFORNIA EDUCATION CODE:

*SFCM REQUIRE ANY REPORT MADE BY A VICTIM OR AN EMPLOYEE PURSUANT TO SECTION 67383 OF A PART 1 VIOLENT CRIME, SEXUAL ASSAULT, OR HATE CRIME, AS DESCRIBED IN SECTION 422.55 OF THE PENAL CODE, RECEIVED BY A CAMPUS SECURITY AUTHORITY AND MADE BY THE VICTIM FOR PURPOSES OF NOTIFYING THE INSTITUTION OR LAW ENFORCEMENT, TO BE IMMEDIATELY, OR AS SOON AS PRACTICABLY POSSIBLE, DISCLOSED TO THE LOCAL LAW ENFORCEMENT AGENCY WITH WHICH THE INSTITUTION HAS A WRITTEN AGREEMENT PURSUANT TO SECTION 67381 WITHOUT IDENTIFYING THE VICTIM, UNLESS THE VICTIM CONSENTS TO BEING IDENTIFIED AFTER THE VICTIM HAS BEEN INFORMED OF THE VICTIM'S RIGHT TO HAVE THE VICTIM'S PERSONALLY IDENTIFYING INFORMATION WITHHELD. IF THE VICTIM DOES NOT CONSENT TO BEING IDENTIFIED, THE ALLEGED ASSAILANT SHALL NOT BE IDENTIFIED IN THE INFORMATION DISCLOSED TO THE LOCAL LAW ENFORCEMENT AGENCY, UNLESS THE INSTITUTION DETERMINES BOTH OF THE*



*FOLLOWING, IN WHICH CASE THE INSTITUTION SHALL DISCLOSE THE IDENTITY OF THE ALLEGED ASSAILANT TO THE LOCAL LAW ENFORCEMENT AGENCY AND SHALL IMMEDIATELY INFORM THE VICTIM OF THAT DISCLOSURE:*

- (i) THE ALLEGED ASSAILANT REPRESENTS A SERIOUS OR ONGOING THREAT TO THE SAFETY OF STUDENTS, EMPLOYEES, OR THE INSTITUTION.*
- (ii) THE IMMEDIATE ASSISTANCE OF THE LOCAL LAW ENFORCEMENT AGENCY IS NECESSARY TO CONTACT OR DETAIN THE ASSAILANT.*

**CRIMINAL INVESTIGATIONS** MAY BE USEFUL IN THE GATHERING OF RELEVANT EVIDENCE, PARTICULARLY FORENSIC EVIDENCE. **THE STANDARDS FOR FINDING A VIOLATION OF CRIMINAL LAW ARE DIFFERENT FROM THE STANDARDS FOR FINDING A VIOLATION OF THIS POLICY. CONDUCT MAY CONSTITUTE PROHIBITED CONDUCT UNDER THIS POLICY EVEN IF LAW ENFORCEMENT AGENCIES LACK SUFFICIENT EVIDENCE OF A CRIME AND DECLINE TO PROSECUTE.**

**PROCEEDINGS UNDER THIS POLICY** MAY BE CARRIED OUT PRIOR TO, SIMULTANEOUSLY WITH, OR FOLLOWING CIVIL OR CRIMINAL PROCEEDINGS OFF CAMPUS. **HOWEVER, WHEN A COMPLAINT IS MADE TO SFCM AS WELL AS TO LAW ENFORCEMENT, SFCM MAY DELAY ITS PROCESS IF A LAW ENFORCEMENT AGENCY REQUESTS THAT SFCM DELAY ITS PROCESS FOR A REASONABLE AMOUNT OF TIME TO ALLOW LAW ENFORCEMENT TO GATHER EVIDENCE OF CRIMINAL MISCONDUCT. CRIMINAL OR LEGAL PROCEEDINGS ARE SEPARATE FROM THE PROCESSES IN THIS POLICY AND DO NOT DETERMINE WHETHER THIS POLICY HAS BEEN VIOLATED.**

**ALL INVESTIGATIONS AND DETERMINATIONS UNDER THIS POLICY** WILL BE THOROUGH, RELIABLE AND IMPARTIAL, AND WILL SEEK TO COLLECT EVIDENCE AND NAMES OF WITNESSES TO GATHER INFORMATION THAT IS DIRECTLY OR SUBSTANTIALLY RELEVANT TO WHETHER THE ALLEGED POLICY VIOLATION OCCURRED AND WILL NOT BE BASED ON THE GROUNDS THAT CIVIL OR CRIMINAL CHARGES INVOLVING THE SAME INCIDENT HAVE BEEN FILED OR THAT CHARGES HAVE BEEN DISMISSED OR REDUCED.

**IN THE CASE OF AN EMERGENCY, WHERE THE PHYSICAL WELL-BEING OF A MEMBER OF THE SFCM COMMUNITY OR THE SAFETY OF SFCM AS AN INSTITUTION IS THREATENED, ANY INDIVIDUAL WITH SUCH KNOWLEDGE SHOULD PROMPTLY INFORM THE DIRECTOR OF CAMPUS SAFETY. SFCM MAY TAKE ANY IMMEDIATE STEPS AS MAY BE NECESSARY AND APPROPRIATE UNDER THE CIRCUMSTANCES TO ENSURE THE WELL-BEING OF THE SFCM COMMUNITY AND SFCM AS AN INSTITUTION.**

**SFCM'S BOARD OF TRUSTEES, BY THIS POLICY, REQUIRES SFCM TO ENTER INTO WRITTEN AGREEMENTS WITH LOCAL LAW ENFORCEMENT AGENCIES THAT CLARIFY OPERATIONAL RESPONSIBILITIES FOR INVESTIGATIONS OF PART 1 VIOLENT CRIMES, SEXUAL ASSAULTS, AND HATE CRIMES OCCURRING ON EACH CAMPUS.**

## **VIII. Response to a Report**

**SFCM'S RESPONSE TO A REPORT OF PROHIBITED CONDUCT SHALL GENERALLY INCLUDE THE FOLLOWING:**

## **A. INITIAL CONTACT**

**FOLLOWING RECEIPT OF A REPORT ALLEGING A POTENTIAL VIOLATION OF THIS POLICY, THE TITLE IX COORDINATOR WILL CONTACT THE COMPLAINANT TO MEET WITH THE TITLE IX COORDINATOR FOR AN INITIAL INTAKE AND ASSESSMENT MEETING, AND WILL PROVIDE THE FOLLOWING:**

- 1. AN INVITATION TO MEET TO OFFER ASSISTANCE AND EXPLAIN THEIR RIGHTS, RESOURCES, AND OPTIONS UNDER THIS POLICY;**
- 2. ACCESS TO THIS POLICY;**
- 3. INFORMATION REGARDING AVAILABLE CAMPUS AND COMMUNITY RESOURCES FOR COUNSELING, HEALTH CARE, MENTAL HEALTH, OR VICTIM ADVOCACY. UPON REQUEST, INFORMATION REGARDING LEGAL ASSISTANCE, VISA AND IMMIGRATION ASSISTANCE, STUDENT FINANCIAL AID AND OTHER AVAILABLE SERVICES MAY BE PROVIDED;**
- 4. THE AVAILABILITY OF SUPPORTIVE MEASURES REGARDLESS OF WHETHER A COMPLAINT IS FILED AND/OR ANY RESOLUTION PROCESS IS INITIATED;**
- 5. THE OPTIONS FOR RESOLUTION (NO ACTION, PREVENTION, AGREEMENT, INVESTIGATION) AND HOW TO INITIATE SUCH RESOLUTION PROCESSES;**
- 6. THE RIGHT TO NOTIFY LAW ENFORCEMENT AS WELL AS THE RIGHT NOT TO NOTIFY LAW ENFORCEMENT;**
- 7. THE IMPORTANCE OF PRESERVING EVIDENCE AND, IN THE CASE OF POTENTIAL CRIMINAL MISCONDUCT, HOW TO GET ASSISTANCE FROM CAMPUS SAFETY OR LOCAL LAW ENFORCEMENT IN PRESERVING EVIDENCE;**
- 8. FOR CASES OF CALIFORNIA SEXUAL VIOLENCE, THE ROLE OF VICTIM ADVOCATES AND A STUDENT'S RIGHT TO CONSULT WITH AN ATTORNEY, AT THEIR OWN EXPENSE, AT ANY STAGE OF THE PROCESS IF THEY WISH TO DO SO. AN ATTORNEY MAY SERVE AS A SUPPORT PERSON OR ADVISOR.**
- 9. THE IDENTIFICATION AND LOCATION OF WITNESSES;**
- 10. THE RIGHT TO AN ADVISOR OF CHOICE, IF APPLICABLE, DURING SFCM PROCEEDINGS UNDER THIS POLICY INCLUDING THE INITIAL MEETING WITH THE TITLE IX COORDINATOR;**
- 11. A STATEMENT THAT RETALIATION FOR FILING A COMPLAINT, OR PARTICIPATING IN THE COMPLAINT PROCESS, IS PROHIBITED; AND**
- 12. INFORMATION ON HOW TO INITIATE THE INVESTIGATION OR RESOLUTION-BASED AGREEMENT PROCESS AND HOW THOSE PROCEDURES WORK, INCLUDING CONTACTING AND INTERVIEWING THE RESPONDENT AND SEEKING IDENTIFICATION AND LOCATION OF WITNESSES.**

## **B. INITIAL INTAKE & ASSESSMENT**

**THE INITIAL ASSESSMENT PROCESS SEEKS TO GATHER INFORMATION ABOUT THE NATURE AND CIRCUMSTANCES OF THE REPORT TO DETERMINE WHETHER THIS POLICY APPLIES TO THE REPORT AND, IF SO, WHICH RESOLUTION PROCESS MAY BE APPROPRIATE, AS WELL AS WHICH SECTION OF THE GRIEVANCE PROCEDURES APPLY BASED ON THE CONDUCT AND THE STATUS OF THE PARTIES. THE**

PRIMARY CONCERN SHALL BE SAFETY. FOR CASES OF CALIFORNIA SEXUAL VIOLENCE, A VICTIM-CENTERED INTERVIEW PROTOCOL SHALL BE USED.

THE TITLE IX COORDINATOR MAY ALSO DETERMINE THAT THE PROVISION OF SUPPORTIVE MEASURES ONLY IS THE APPROPRIATE RESPONSE UNDER THE POLICY. IF THE INITIAL COMPLAINT WAS NOT REPORTED BY THE ACTUAL COMPLAINANT, THE TITLE IX COORDINATOR WILL LIMIT COMMUNICATION TO GENERAL INFORMATION ON POLICIES AND PROCESSES.

SHOULD THE COMPLAINANT WISH TO INITIATE A RESOLUTION PROCESS, THE TITLE IX COORDINATOR WILL DETERMINE WHETHER THIS POLICY APPLIES AND, IF SO, THE APPROPRIATE PROCESS UNDER THIS POLICY. THE TITLE IX COORDINATOR WILL COMMUNICATE TO THE COMPLAINANT THIS DETERMINATION. IF THE COMPLAINANT DOES NOT WISH TO INITIATE A RESOLUTION PROCESS, THE TITLE IX COORDINATOR WILL ASSESS WHETHER TO PROCEED AS SET FORTH BELOW.

IF THE INFORMATION PROVIDED DOES NOT SUGGEST A POTENTIAL VIOLATION OF THIS POLICY, THE TITLE IX COORDINATOR WILL PROVIDE THE COMPLAINANT WRITTEN NOTICE THAT THE MATTER IS BEING REFERRED FOR HANDLING UNDER A DIFFERENT POLICY, AND/OR TO ANOTHER APPROPRIATE OFFICE FOR HANDLING.

### C. REQUESTS FOR CONFIDENTIALITY OR NO FURTHER ACTION

WHEN A COMPLAINANT REQUESTS THAT THE SFCM NOT USE THEIR NAME AS PART OF ANY RESOLUTION PROCESS, OR THAT SFCM NOT TAKE ANY FURTHER ACTION, SFCM WILL GENERALLY TRY TO HONOR THOSE REQUESTS. HOWEVER, THERE ARE CERTAIN INSTANCES IN WHICH SFCM HAS A BROADER OBLIGATION TO THE COMMUNITY AND MAY NEED TO ACT AGAINST THE WISHES OF THE COMPLAINANT. IN SUCH CIRCUMSTANCES, THE TITLE IX COORDINATOR WILL NOTIFY THE COMPLAINANT IN WRITING OF THE NEED TO TAKE ACTION. THE FACTORS THE TITLE IX COORDINATOR WILL CONSIDER WHEN DETERMINING WHETHER TO ACT AGAINST THE WISHES OF A COMPLAINANT INCLUDE:

1. THE COMPLAINANT'S REQUEST NOT TO PROCEED WITH INITIATION OF A COMPLAINT;
2. THE COMPLAINANT'S REASONABLE SAFETY CONCERNS REGARDING INITIATION OF A COMPLAINT;
3. THE RISK THAT ADDITIONAL ACTS OF PROHIBITED CONDUCT WOULD OCCUR IF A COMPLAINT IS NOT INITIATED;
4. THE SEVERITY OF THE ALLEGED PROHIBITED CONDUCT, INCLUDING WHETHER THE DISCRIMINATION, IF ESTABLISHED, WOULD REQUIRE THE REMOVAL OF A RESPONDENT FROM CAMPUS OR IMPOSITION OF ANOTHER DISCIPLINARY SANCTION TO END THE DISCRIMINATION AND PREVENT ITS RECURRENCE;
5. THE AGE AND RELATIONSHIP OF THE PARTIES, INCLUDING WHETHER THE RESPONDENT IS AN EMPLOYEE OF SFCM;

6. THE SCOPE OF THE ALLEGED DISCRIMINATION, INCLUDING INFORMATION SUGGESTING A PATTERN, ONGOING SEX DISCRIMINATION, OR SEX DISCRIMINATION ALLEGED TO HAVE IMPACTED MULTIPLE INDIVIDUALS;
  7. THE AVAILABILITY OF EVIDENCE TO ASSIST A DECISIONMAKER IN DETERMINING WHETHER SEX DISCRIMINATION OCCURRED;
  8. WHETHER **SFCM** COULD END THE ALLEGED SEX DISCRIMINATION AND PREVENT ITS RECURRENCE WITHOUT INITIATING ITS GRIEVANCE PROCEDURES UNDER THIS **POLICY**;  
AND
  9. WHETHER THE CONDUCT AS ALLEGED PRESENTS AN IMMINENT AND SERIOUS THREAT TO THE HEALTH OR SAFETY OF THE **COMPLAINANT** OR OTHER PERSONS, OR THAT THE CONDUCT AS ALLEGED PREVENTS **SFCM** FROM ENSURING EQUAL ACCESS ON THE BASIS OF SEX TO ITS EDUCATION PROGRAM OR ACTIVITY.
- D. **REQUESTS FOR CONFIDENTIALITY OR NO FURTHER ACTION FOR CALIFORNIA SEX-BASED HARASSMENT IN PROGRAMS AND ACTIVITIES AND CALIFORNIA SEXUAL VIOLENCE**

CALIFORNIA HAS SPECIFIC REQUIREMENTS FOR **SFCM**'S DUTY TO RESPOND TO REPORTS OF CALIFORNIA **SEX-BASED HARASSMENT IN PROGRAMS AND ACTIVITIES** AND/OR CALIFORNIA **SEXUAL VIOLENCE AND SEXUAL EXPLOITATION** WHERE THE CONDUCT IS NOT GOVERNED BY **TITLE IX ("CALIFORNIA MISCONDUCT")**, REGARDLESS OF WHETHER OR NOT A COMPLAINT HAS BEEN FILED UNDER **SFCM**'S GRIEVANCE PROCEDURES, IF **SFCM** KNOWS, OR REASONABLY SHOULD KNOW, ABOUT POSSIBLE CALIFORNIA **MISCONDUCT** AGAINST A STUDENT, INVOLVING INDIVIDUALS SUBJECT TO **SFCM**'S POLICIES AT THE TIME, **SFCM** SHALL PROMPTLY INVESTIGATE (AS SET FORTH IN THIS **POLICY**) TO DETERMINE WHETHER THE ALLEGED CONDUCT MORE LIKELY THAN NOT OCCURRED, OR OTHERWISE RESPOND IF **SFCM** DETERMINES THAT AN INVESTIGATION IS NOT REQUIRED. IF **SFCM** DETERMINES THAT THE ALLEGED CONDUCT MORE LIKELY THAN NOT OCCURRED, IT SHALL IMMEDIATELY TAKE REASONABLE STEPS TO END THE HARASSMENT, ADDRESS THE HOSTILE ENVIRONMENT, IF ONE HAS BEEN CREATED, PREVENT ITS RECURRENCE, AND ADDRESS ITS EFFECTS.

FOR CALIFORNIA **MISCONDUCT**, IF **COMPLAINANT** REQUESTS CONFIDENTIALITY, WHICH COULD PRECLUDE A MEANINGFUL INVESTIGATION OR POTENTIAL DISCIPLINE OF THE POTENTIAL **RESPONDENT**, OR THAT NO INVESTIGATION OR DISCIPLINARY ACTION BE PURSUED TO ADDRESS ALLEGED CALIFORNIA **MISCONDUCT**, **SFCM** SHALL TAKE THE REQUEST SERIOUSLY, WHILE AT THE SAME TIME CONSIDERING ITS RESPONSIBILITY TO PROVIDE A SAFE AND NONDISCRIMINATORY ENVIRONMENT FOR ALL STUDENTS, INCLUDING FOR **COMPLAINANT**. **SFCM** SHALL GENERALLY GRANT THE REQUEST. IN DETERMINING WHETHER TO DISCLOSE **COMPLAINANT**'S IDENTITY OR PROCEED TO AN INVESTIGATION OVER THE OBJECTION OF **COMPLAINANT**, **SFCM** MAY CONSIDER WHETHER ANY OF THE FOLLOWING APPLY:

- (I) THERE ARE MULTIPLE OR PRIOR REPORTS OF SEXUAL MISCONDUCT AGAINST **RESPONDENT**.
- (II) **RESPONDENT** REPORTEDLY USED A WEAPON, PHYSICAL RESTRAINTS, OR ENGAGED IN BATTERY.
- (III) **RESPONDENT** IS A FACULTY OR STAFF MEMBER WITH OVERSIGHT OF STUDENTS.
- (IV) THERE IS A POWER IMBALANCE BETWEEN **COMPLAINANT** AND **RESPONDENT**.

- (V) **COMPLAINANT BELIEVES THAT THE COMPLAINANT WILL BE LESS SAFE IF COMPLAINANT'S NAME IS DISCLOSED OR AN INVESTIGATION IS CONDUCTED.**
- (VI) **SFCM IS ABLE TO CONDUCT A THOROUGH INVESTIGATION AND OBTAIN RELEVANT EVIDENCE IN THE ABSENCE OF COMPLAINANT'S COOPERATION.**

**IF SFCM DETERMINES THAT IT CAN HONOR THE STUDENT'S REQUEST FOR CONFIDENTIALITY, IT SHALL STILL TAKE REASONABLE STEPS TO RESPOND TO THE COMPLAINT, CONSISTENT WITH THE REQUEST, TO LIMIT THE EFFECTS OF THE ALLEGED CALIFORNIA MISCONDUCT AND PREVENT ITS RECURRENCE WITHOUT INITIATING FORMAL ACTION AGAINST THE ALLEGED RESPONDENT OR REVEALING THE IDENTITY OF COMPLAINANT. THESE STEPS MAY INCLUDE INCREASED MONITORING, SUPERVISION, OR SECURITY AT LOCATIONS OR ACTIVITIES WHERE THE ALLEGED MISCONDUCT OCCURRED; PROVIDING ADDITIONAL TRAINING AND EDUCATION MATERIALS FOR STUDENTS AND EMPLOYEES; OR CONDUCTING CLIMATE SURVEYS REGARDING SEXUAL VIOLENCE. SFCM SHALL ALSO TAKE IMMEDIATE STEPS TO PROVIDE FOR THE SAFETY OF COMPLAINANT WHILE KEEPING COMPLAINANT'S IDENTITY CONFIDENTIAL AS APPROPRIATE. THESE STEPS MAY INCLUDE CHANGING LIVING ARRANGEMENTS OR COURSE SCHEDULES, ASSIGNMENTS, OR TESTS. COMPLAINANT SHALL BE NOTIFIED THAT THE STEPS SFCM WILL TAKE TO RESPOND TO THE COMPLAINT WILL BE LIMITED BY THE REQUEST FOR CONFIDENTIALITY.**

**IF SFCM DETERMINES THAT IT MUST DISCLOSE COMPLAINANT'S IDENTITY TO THE RESPONDENT OR PROCEED WITH AN INVESTIGATION, IT SHALL INFORM COMPLAINANT PRIOR TO MAKING THIS DISCLOSURE OR INITIATING THE INVESTIGATION. SFCM SHALL ALSO TAKE IMMEDIATE STEPS TO PROVIDE FOR THE SAFETY OF COMPLAINANT WHERE APPROPRIATE. IN THE EVENT COMPLAINANT REQUESTS THAT SFCM INFORM RESPONDENT THAT THE STUDENT ASKED SFCM NOT TO INVESTIGATE OR SEEK DISCIPLINE, SFCM SHALL HONOR THIS REQUEST.**

#### **E. EMERGENCY REMOVAL**

**FOR SEX DISCRIMINATION AND SEX-BASED HARASSMENT, SFCM RETAINS THE AUTHORITY TO REMOVE A RESPONDENT FROM SFCM'S EDUCATION PROGRAM OR ACTIVITY ON AN EMERGENCY BASIS, WHERE SFCM:**

- 1. UNDERTAKES AN INDIVIDUALIZED SAFETY AND RISK ANALYSIS;**
- 2. DETERMINES THAT AN IMMEDIATE AND SERIOUS THREAT TO THE HEALTH OR SAFETY OF A COMPLAINANT OR ANY STUDENT, EMPLOYEE, OR OTHER INDIVIDUAL ARISING FROM THE ALLEGATIONS OF SEX DISCRIMINATION JUSTIFIES A REMOVAL; AND**
- 3. PROVIDES THE RESPONDENT WITH NOTICE OF AND AN OPPORTUNITY TO CHALLENGE THE DECISION IMMEDIATELY FOLLOWING THE REMOVAL.**

**THE RESPONDENT MAY CHALLENGE THE DECISION IMMEDIATELY FOLLOWING THE REMOVAL, BY NOTIFYING THE TITLE IX COORDINATOR IN WRITING. SFCM WILL DESIGNATE AN IMPARTIAL INDIVIDUAL, NOT OTHERWISE INVOLVED IN THE CASE, TO CONSIDER THE CHALLENGE TO THE REMOVAL AND DETERMINE IF THE EMERGENCY REMOVAL WAS REASONABLE. FOR ALL OTHER PROHIBITED CONDUCT, SFCM MAY DEFER TO ITS INTERIM SUSPENSION POLICIES FOR STUDENTS AND ADMINISTRATIVE LEAVE FOR EMPLOYEES.**

## **F. ADMINISTRATIVE LEAVE**

THE **SAN FRANCISCO CONSERVATORY OF MUSIC** RETAINS THE AUTHORITY TO PLACE AN EMPLOYEE RESPONDENT ON ADMINISTRATIVE LEAVE DURING A PENDING COMPLAINT PROCESS UNDER THIS POLICY, WITH OR WITHOUT PAY, AS APPROPRIATE. ADMINISTRATIVE LEAVE IMPLEMENTED AS A SUPPORTIVE MEASURE OR AS EMERGENCY REMOVAL IS SUBJECT TO THE PROCEDURAL PROVISIONS ABOVE, INCLUDING THE RIGHT TO CHALLENGE THE DECISION TO IMPLEMENT THAT MEASURE.

## **G. STUDENT WITHDRAWAL OR EMPLOYEE RESIGNATION WHILE MATTERS ARE PENDING**

IF A STUDENT OR EMPLOYEE RESPONDENT PERMANENTLY WITHDRAWS OR RESIGNS FROM **SFCM** WITH UNRESOLVED ALLEGATIONS PENDING, **SFCM** WILL CONSIDER WHETHER AND HOW TO PROCEED WITH THE RESOLUTION PROCESS. **SFCM** WILL CONTINUE TO ADDRESS AND REMEDY ANY SYSTEMIC ISSUES OR CONCERNS THAT MAY HAVE CONTRIBUTED TO THE ALLEGED VIOLATION(S) AND ANY ONGOING EFFECTS OF THE ALLEGED PROHIBITED CONDUCT.

A STUDENT RESPONDENT WHO WITHDRAWS OR LEAVES WHILE THE PROCESS IS PENDING MAY NOT RETURN TO **SFCM** WITHOUT FIRST RESOLVING ANY PENDING MATTERS. SUCH EXCLUSION APPLIES TO ALL **SFCM** CAMPUSES AND PROGRAMS.

AN EMPLOYEE RESPONDENT WHO RESIGNS WITH UNRESOLVED ALLEGATIONS PENDING IS NOT ELIGIBLE FOR REHIRE WITH **SFCM** AND THE RECORDS RETAINED BY THE **TITLE IX COORDINATOR** WILL REFLECT THAT STATUS. ALL **SFCM** RESPONSES TO FUTURE INQUIRIES REGARDING EMPLOYMENT REFERENCES FOR THAT INDIVIDUAL MAY INCLUDE THAT THE FORMER EMPLOYEE RESIGNED DURING A PENDING DISCIPLINARY MATTER.

## **H. DISMISSAL OF A COMPLAINT**

BEFORE DISMISSING A COMPLAINT, **SFCM** WILL MAKE REASONABLE EFFORTS TO CLARIFY THE ALLEGATIONS WITH THE COMPLAINANT.

EXCEPT FOR CASES OF **CALIFORNIA MISCONDUCT** OR **CALIFORNIA SEX-BASED HARASSMENT** IN EMPLOYMENT, **SFCM** MAY DISMISS A COMPLAINT IF:

1. **SFCM** IS UNABLE TO IDENTIFY THE RESPONDENT AFTER TAKING REASONABLE STEPS TO DO SO;
2. THE RESPONDENT IS NOT PARTICIPATING IN **SFCM**'S EDUCATION PROGRAMS OR ACTIVITIES AND/OR IS NOT EMPLOYED BY **SFCM**;
3. THE COMPLAINANT VOLUNTARILY WITHDRAWS THEIR COMPLAINT IN WRITING AND THE **TITLE IX COORDINATOR** DECLINES TO INITIATE A COMPLAINT;
4. THE COMPLAINANT VOLUNTARILY WITHDRAWS SOME BUT NOT ALL ALLEGATIONS IN A COMPLAINT IN WRITING, AND **SFCM** DETERMINES THAT; THE CONDUCT THAT REMAINS

ALLEGED IN THE COMPLAINT WOULD NOT CONSTITUTE **PROHIBITED CONDUCT** UNDER THIS **POLICY**; OR

5. **SFCM** DETERMINES THE CONDUCT ALLEGED IN THE COMPLAINT, EVEN IF PROVEN, WOULD NOT CONSTITUTE **PROHIBITED CONDUCT** UNDER THIS **POLICY**.

**UPON DISMISSAL, SFCM** WILL PROMPTLY NOTIFY THE **COMPLAINANT** IN WRITING OF THE BASIS FOR THE DISMISSAL. IF THE DISMISSAL OCCURS AFTER THE **RESPONDENT** HAS BEEN NOTIFIED OF THE ALLEGATIONS, THEN **SFCM** WILL NOTIFY THE PARTIES SIMULTANEOUSLY, IN WRITING. IF A DISMISSAL OF ONE OR MORE ALLEGATIONS CHANGES THE APPROPRIATE DECISION-MAKING PROCESS UNDER THESE PROCEDURES, THE **TITLE IX COORDINATOR** WILL INCLUDE THAT INFORMATION IN THE NOTIFICATION.

**SFCM** WILL NOTIFY THE **COMPLAINANT** THAT A DISMISSAL MAY BE APPEALED ON THE BASIS OUTLINED IN THE **APPEALS SECTION**. IF DISMISSAL OCCURS AFTER THE **RESPONDENT** HAS BEEN NOTIFIED OF THE ALLEGATIONS, THEN **SFCM** WILL ALSO NOTIFY THE **RESPONDENT** THAT THE DISMISSAL MAY BE APPEALED ON THE SAME BASES. IF A DISMISSAL IS APPEALED, **SFCM** WILL FOLLOW THE PROCEDURES OUTLINED IN THE **APPEALS SECTION** OF THESE PROCEDURES.

**WHEN A COMPLAINT IS DISMISSED, SFCM** WILL, AT A MINIMUM:

1. **OFFER SUPPORTIVE MEASURES TO THE COMPLAINANT, AS APPROPRIATE;**
2. **IF THE RESPONDENT HAS BEEN NOTIFIED OF THE ALLEGATIONS, OFFER SUPPORTIVE MEASURES TO THE RESPONDENT AS APPROPRIATE; AND**
3. **TAKE OTHER PROMPT AND EFFECTIVE STEPS, AS APPROPRIATE, THROUGH THE TITLE IX COORDINATOR TO ENSURE THAT SEX DISCRIMINATION DOES NOT CONTINUE OR RECUR WITHIN SFCM EDUCATION PROGRAM OR ACTIVITY.**

**A COMPLAINANT WHO DECIDES TO WITHDRAW A COMPLAINT OR ANY PORTION OF IT MAY LATER REQUEST TO REINSTATE IT OR REFILE IT.**

**COMPLAINTS OF CALIFORNIA MISCONDUCT AND CALIFORNIA SEX-BASED HARASSMENT IN EMPLOYMENT MUST BE PROCESSED UNLESS A COMPLAINANT'S REQUEST FOR CONFIDENTIALITY PERTAINING TO CALIFORNIA MISCONDUCT CAN BE HONORED, AS SET FORTH ABOVE IN SECTION D.**

## **IX. Referrals for Other Misconduct**

**THE SAN FRANCISCO CONSERVATORY OF MUSIC HAS THE DISCRETION TO REFER COMPLAINTS OF MISCONDUCT NOT COVERED BY THIS POLICY FOR HANDLING UNDER ANY OTHER APPLICABLE SFCM POLICY OR CODE. AS PART OF ANY SUCH REFERRAL FOR FURTHER HANDLING, SFCM MAY USE EVIDENCE ALREADY GATHERED THROUGH ANY PROCESS COVERED BY THIS POLICY.**

## **X. Consolidation of Complaints**

**SFCM MAY CONSOLIDATE COMPLAINTS AS TO ALLEGATIONS OF SEXUAL HARASSMENT AGAINST MORE THAN ONE RESPONDENT, OR BY MORE THAN ONE COMPLAINANT AGAINST ONE OR MORE RESPONDENTS, OR BY**

ONE PARTY AGAINST THE OTHER PARTY, WHERE THE ALLEGATIONS OF SEXUAL HARASSMENT ARISE OUT OF THE SAME FACTS OR CIRCUMSTANCES. WHERE A GRIEVANCE PROCESS INVOLVES MORE THAN ONE COMPLAINANT OR MORE THAN ONE RESPONDENT, REFERENCES IN THIS SECTION TO THE SINGULAR "PARTY," "COMPLAINANT," OR "RESPONDENT" INCLUDE THE PLURAL, AS APPLICABLE. WHERE MULTIPLE POLICIES MAY BE IMPLICATED BY THE SAME SET OF FACTS OR CIRCUMSTANCES, SFCM MAY BIFURCATE THE PROCEEDINGS IN ACCORDANCE WITH THE REQUIREMENTS OF THE INDIVIDUAL POLICIES.

SFCM ALSO RESERVES THE RIGHT TO USE THIS POLICY TO ADJUDICATE OTHER ALLEGATIONS AND CONDUCT CHARGES AS DEFINED BY POLICIES OUTSIDE OF THE SCOPE OF THIS POLICY IN INSTANCES WHEN THE CONDUCT IS ASSOCIATED WITH AN ALLEGED ISSUE OF PROHIBITED CONDUCT UNDER THIS POLICY. THE TITLE IX COORDINATOR WILL ADDRESS THESE CONSOLIDATED COMPLAINTS IN COLLABORATION AND COORDINATION WITH OTHER APPROPRIATE OFFICES, SUCH AS STUDENT SERVICES AND HUMAN RESOURCES. ALLEGATIONS OF A VIOLATION OF A SEPARATE POLICY ARE NOT REQUIRED TO BE HANDLED USING THE PROCEDURAL REQUIREMENTS SET FORTH IN THIS POLICY.

## **XI. Options for Resolution**

THERE ARE MULTIPLE WAYS TO RESOLVE A COMPLAINT OR REPORT OF SEX DISCRIMINATION. DURING THE RESOLUTION OF A COMPLAINT, THE TITLE IX COORDINATOR WILL DETERMINE WHETHER TO IMPLEMENT REASONABLE SUPPORTIVE MEASURES DESIGNED TO ASSIST ALL PARTIES (COMPLAINANTS AND RESPONDENTS) AND COMMUNITY MEMBERS IN MAINTAINING ACCESS TO AND PARTICIPATION IN SFCM'S EDUCATIONAL PROGRAMS, SERVICES AND ACTIVITIES DURING THE RESOLUTION OF THE COMPLAINT.

### **A. SUPPORT-BASED RESOLUTION**

A SUPPORT-BASED RESOLUTION IS AN OPTION FOR A COMPLAINANT WHO DOES NOT WISH SFCM TO TAKE ANY FURTHER STEPS TO ADDRESS THEIR CONCERN, AND WHEN THE TITLE IX COORDINATOR DETERMINES THAT ANOTHER FORM OF RESOLUTION, OR FURTHER ACTION, IS NOT REQUIRED. SOME TYPES OF SUPPORT THAT MAY BE APPROPRIATE INCLUDE BUT ARE NOT LIMITED TO: ADJUSTMENTS OR CHANGES TO CLASS SCHEDULES; MOVING FROM ONE RESIDENCE HALL ROOM TO ANOTHER; ADJUSTED DEADLINES FOR PROJECTS OR ASSIGNMENTS; ADJUSTMENTS TO WORK SCHEDULE OR ARRANGEMENTS; ESCORTS TO AND AROUND CAMPUS; AND/OR COUNSELING.

A SUPPORT-BASED RESOLUTION DOES NOT PRECLUDE LATER USE OF ANOTHER FORM OF RESOLUTION, FOR EXAMPLE IF NEW INFORMATION BECOMES AVAILABLE TO SFCM AND THE TITLE IX COORDINATOR DETERMINES THERE IS NEED FOR ADDITIONAL STEPS TO BE TAKEN, OR THE COMPLAINANT LATER DECIDES TO PURSUE A RESOLUTION AGREEMENT OR INVESTIGATION AND DECISION MAKING.

### **B. AGREEMENT-BASED RESOLUTION**



**AGREEMENT-BASED RESOLUTION IS AN ALTERNATIVE WHERE THE PARTIES EACH VOLUNTARILY AGREE TO RESOLVE THE COMPLAINT IN A WAY THAT DOES NOT INCLUDE AN INVESTIGATION AND DOES NOT INCLUDE ANY FINDING OF RESPONSIBILITY. AGREEMENT-BASED RESOLUTION IS A VOLUNTARY, STRUCTURED INTERACTION BETWEEN OR AMONG AFFECTED PARTIES THAT BALANCES SUPPORT AND ACCOUNTABILITY. IF SFCM OFFERS AGREEMENT-BASED RESOLUTION TO THE PARTIES, AND THEY VOLUNTARILY CONSENT TO ENGAGE IN THAT PROCESS, THE TITLE IX COORDINATOR MUST STILL TAKE OTHER PROMPT AND EFFECTIVE STEPS AS NEEDED TO ENSURE THAT SEX DISCRIMINATION DOES NOT CONTINUE OR RECUR WITHIN THE EDUCATION PROGRAM OR ACTIVITY.**

**ANY PARTY MAY DESIGN THE PROPOSED AGREEMENT BETWEEN THE PARTIES. THE TITLE IX COORDINATOR MUST APPROVE OF THE USE OF THE AGREEMENT-BASED RESOLUTION PROCESS AND APPROVE THE FINAL AGREEMENT BETWEEN THE PARTIES. ALTHOUGH NOT GENERALLY A PART OF AGREEMENT-BASED RESOLUTION, UNDER CALIFORNIA LAW MEDIATION IS NOT PERMITTED FOR CALIFORNIA MISCONDUCT. THE TITLE IX COORDINATOR MUST SPECIFICALLY DETERMINE THAT IT IS PERMISSIBLE FOR RESOLVING CALIFORNIA SEX-BASED HARASSMENT IN EMPLOYMENT. AGREEMENT-BASED RESOLUTION MAY BE INITIATED AT ANY TIME PRIOR TO THE RELEASE OF THE FINAL DETERMINATION. BECAUSE AGREEMENT-BASED RESOLUTION DOES NOT INVOLVE AN INVESTIGATION, THERE IS NOT ANY DETERMINATION MADE AS TO WHETHER A RESPONDENT VIOLATED THIS POLICY.**

**THE TITLE IX COORDINATOR HAS THE DISCRETION TO DETERMINE THAT AGREEMENT-BASED RESOLUTION IS NOT AN APPROPRIATE WAY TO ADDRESS THE REPORTED CONDUCT, AND THAT THE MATTER MUST INSTEAD BE RESOLVED THROUGH AN ALTERNATE PROCESS.**

#### **INITIATING THE AGREEMENT-BASED RESOLUTION PROCESS**

**PRIOR TO THE INITIATION OF AGREEMENT-BASED RESOLUTION, THE TITLE IX COORDINATOR WILL PROVIDE THE PARTIES WRITTEN NOTICE THAT INCLUDES:**

- 1. THE SPECIFIC ALLEGATION AND THE SPECIFIC CONDUCT THAT IS ALLEGED TO HAVE OCCURRED;**
- 2. THE REQUIREMENTS OF THE AGREEMENT-BASED RESOLUTION PROCESS;**
- 3. ANY CONSEQUENCES RESULTING FROM PARTICIPATING IN THE AGREEMENT-BASED RESOLUTION PROCESS, INCLUDING THE RECORDS THAT WILL BE MAINTAINED OR COULD BE SHARED, AND WHETHER SFCM COULD DISCLOSE SUCH INFORMATION FOR USE IN A FUTURE SFCM GRIEVANCE PROCESS, INCLUDING AN INVESTIGATION AND RESOLUTION PROCESS ARISING FROM THE SAME OR DIFFERENT ALLEGATIONS, AS MAY BE APPROPRIATE;**
- 4. NOTICE THAT AN AGREEMENT RESULTING FROM THE AGREEMENT-BASED RESOLUTION PROCESS IS BINDING ONLY ON THE PARTIES AND IS NOT SUBJECT TO APPEAL;**
- 5. NOTICE THAT ONCE THE AGREEMENT IS FINALIZED AND SIGNED BY THE PARTIES, THEY CANNOT INITIATE OR CONTINUE AN INVESTIGATION PROCEDURE ARISING FROM THE SAME ALLEGATIONS;**

6. **A STATEMENT INDICATING THAT THE DECISION TO PARTICIPATE IN THE AGREEMENT-BASED RESOLUTION PROCESS DOES NOT PRESUME THAT THE CONDUCT AT ISSUE HAS OCCURRED;**
7. **A STATEMENT THAT THE RESPONDENT IS PRESUMED NOT RESPONSIBLE FOR VIOLATING THIS POLICY, UNLESS RESPONDENT ADMITS TO VIOLATIONS OF THIS POLICY;**
8. **AN EXPLANATION THAT ALL PARTIES MAY BE ACCOMPANIED BY AN ADVISOR OF THEIR CHOICE, WHO MAY BE A PARENT, COLLEAGUE, FRIEND, OR ATTORNEY;**
9. **A STATEMENT THAT ANY PARTY HAS THE RIGHT TO WITHDRAW FROM THE AGREEMENT-BASED RESOLUTION PROCESS AND INITIATE OR RESUME GRIEVANCE PROCEDURES AT ANY TIME BEFORE AGREEING TO A RESOLUTION;**
10. **THE DATE AND TIME OF THE INITIAL MEETING WITH STAFF OR THE TITLE IX COORDINATOR, WITH A MINIMUM OF 3 DAYS' NOTICE;**
11. **INFORMATION REGARDING SUPPORTIVE MEASURES, WHICH ARE AVAILABLE EQUALLY TO THE PARTIES; AND**
12. **THE POTENTIAL TERMS THAT MAY BE REQUESTED OR OFFERED IN AN AGREEMENT-BASED RESOLUTION AGREEMENT.**

### FACILITATING AN AGREEMENT

IF ALL PARTIES ARE WILLING TO EXPLORE AGREEMENT-BASED RESOLUTION, THE TITLE IX COORDINATOR WILL THEN MEET SEPARATELY WITH EACH PARTY TO DISCUSS THE AGREEMENT-BASED RESOLUTION PROCESS AND FACILITATE AN AGREEMENT. IF AN AGREEMENT CANNOT BE REACHED, EITHER BECAUSE THE PARTIES DO NOT AGREE, DETERMINE THEY NO LONGER WISH TO PARTICIPATE IN THE AGREEMENT-BASED RESOLUTION PROCESS, OR THE TITLE IX COORDINATOR DOES NOT BELIEVE THAT THE TERMS OF THE AGREEMENT OR CONTINUING THE AGREEMENT-BASED RESOLUTION PROCESS IS APPROPRIATE, THE TITLE IX COORDINATOR MAY DECIDE THAT THE REPORTED CONDUCT WILL INSTEAD BE ADDRESSED THROUGH THE INVESTIGATION AND DECISION-MAKING PROCESS. THE TITLE IX COORDINATOR WILL INFORM THE PARTIES OF SUCH DECISION, IN WRITING.

AGREEMENT-BASED RESOLUTION PROCESSES ARE MANAGED BY FACILITATORS WHO DO NOT HAVE A CONFLICT OF INTEREST OR BIAS IN FAVOR OF OR AGAINST COMPLAINANTS OR RESPONDENTS GENERALLY OR REGARDING THE SPECIFIC PARTIES IN THE MATTER. THE TITLE IX COORDINATOR MAY SERVE AS THE FACILITATOR, SUBJECT TO THESE RESTRICTIONS. THE INVESTIGATOR OR DECISIONMAKER FOR THE MATTER MAY NOT FACILITATE AN AGREEMENT-BASED RESOLUTION IN THAT SAME MATTER.

ANY PARTY MAY CRAFT OR CREATE THE TERMS OF THEIR AGREEMENT AND WILL BE ASKED FOR THEIR SUGGESTIONS OR IDEAS. EXAMPLES OF AGREEMENTS MAY INCLUDE BUT ARE NOT LIMITED TO:

1. **AN AGREEMENT THAT THE RESPONDENT WILL CHANGE CLASSES OR HOUSING ASSIGNMENTS;**
2. **AN AGREEMENT THAT THE PARTIES WILL NOT COMMUNICATE OR OTHERWISE ENGAGE WITH ONE ANOTHER;**
3. **AN AGREEMENT THAT THE PARTIES WILL NOT CONTACT ONE ANOTHER;**
4. **COMPLETION OF A TRAINING OR EDUCATIONAL PROJECT BY THE RESPONDENT;**

5. **COMPLETION OF A COMMUNITY SERVICE PROJECT BY THE RESPONDENT;**
6. **AN AGREEMENT TO ENGAGE IN A RESTORATIVE JUSTICE PROCESS OR FACILITATED DIALOGUE; AND/OR**
7. **DISCIPLINE AGREED UPON BY ALL PARTIES.**

**TO FACILITATE AGREEMENT-BASED RESOLUTION, INFORMATION SHARED BY ANY PARTY WILL NOT BE USED IN ANY RELATED RESOLUTION PROCESS OF THE SAME COMPLAINT UNDER THIS POLICY. NO EVIDENCE CONCERNING THE ALLEGATIONS OBTAINED WITHIN THE AGREEMENT-BASED RESOLUTION PROCESS MAY BE DISSEMINATED TO ANY OUTSIDE PERSON, PROVIDED THAT ANY PARTY TO THE AGREEMENT-BASED RESOLUTION PROCESS MAY GENERALLY DISCUSS THE ALLEGATIONS UNDER INVESTIGATION WITH A PARENT, ADVISOR, OR OTHER SOURCE OF EMOTIONAL SUPPORT, OR WITH AN ADVOCACY ORGANIZATION. AN ADMISSION OF RESPONSIBILITY MADE DURING AN AGREEMENT-BASED RESOLUTION PROCESS, HOWEVER, MAY NOT BE INCORPORATED INTO THE INVESTIGATION AND ADJUDICATION PROCEEDING.**

### **FINALIZING THE RESOLUTION AGREEMENT**

**ONCE THE FINAL TERMS OF THE RESOLUTION AGREEMENT HAVE BEEN AGREED UPON BY ALL PARTIES, IN WRITING, AND APPROVED BY THE TITLE IX COORDINATOR, THE MATTER WILL BE CONSIDERED CLOSED, AND NO FURTHER ACTION WILL BE TAKEN. ONCE SIGNED, NO APPEAL IS PERMITTED. THE AGREEMENT-BASED RESOLUTION PROCESS IS GENERALLY EXPECTED TO BE COMPLETED WITHIN THIRTY (30) DAYS AND MAY BE EXTENDED BY THE TITLE IX COORDINATOR AS APPROPRIATE. ALL PARTIES WILL BE NOTIFIED, IN WRITING, OF ANY EXTENSION AND THE REASON FOR THE EXTENSION.**

**RECORDS OF AN AGREEMENT-BASED RESOLUTION PROCESS CAN BE SHARED WITH OTHER OFFICES AS APPROPRIATE.**

**ANY VIOLATIONS OF THE TERMS OF THE RESOLUTION AGREEMENT MAY RESULT IN DISCIPLINARY ACTION.**

## **XII. Investigation & Decision-Making Resolution**

**THIS POLICY INCLUDES TWO TYPES OF INVESTIGATION AND DECISION-MAKING PROCEDURES.**

1. **PROCEDURES COVERING ALL PROHIBITED CONDUCT MATTERS EXCEPT FOR SEX-BASED HARASSMENT INVOLVING A STUDENT AS A PARTY (106.45 PROCEDURES); AND**
2. **PROCEDURES COVERING SEX-BASED HARASSMENT INVOLVING A STUDENT AS A PARTY (106.46 PROCEDURES).**

**THE FOLLOWING INFORMATION APPLIES TO BOTH TYPES OF THE INVESTIGATION AND DECISION-MAKING PROCEDURES:**

### **ACCEPTANCE OF RESPONSIBILITY**

IF A **RESPONDENT** ACCEPTS RESPONSIBILITY FOR ALL OR PART OF THE **PROHIBITED CONDUCT** ALLEGED, THE **TITLE IX COORDINATOR** OR DESIGNATED SANCTIONING OFFICER WILL ISSUE AN APPROPRIATE SANCTION OR RESPONSIVE ACTION AS TO THOSE VIOLATION(S) AND CONTINUE PROCESSING REMAINING ALLEGATIONS OF **PROHIBITED CONDUCT**, IF ANY.

#### ASSIGNMENT OF THE INVESTIGATOR AND/OR DECISIONMAKER

**SFCM** WILL ASSIGN A TRAINED INVESTIGATOR AND/OR DECISIONMAKER TO CONDUCT AN ADEQUATE, RELIABLE, AND IMPARTIAL INVESTIGATION AND DETERMINATION, AS APPLICABLE, IN A REASONABLY PROMPT TIMEFRAME. **SFCM** RESERVES THE RIGHT TO UTILIZE INTERNAL OR EXTERNAL INVESTIGATORS AND DECISIONMAKERS. AS REQUIRED BY CALIFORNIA LAW, THOSE INVOLVED IN THE PROCESS SHALL HAVE UNDERGONE A COMPREHENSIVE, TRAUMA-INFORMED TRAINING PROGRAM FOR CAMPUS OFFICIALS INVOLVED IN INVESTIGATING AND ADJUDICATING SEXUAL ASSAULT, DOMESTIC VIOLENCE, DATING VIOLENCE, AND STALKING CASES.

ALL PARTIES HAVE THE OPTION TO PARTICIPATE IN THE INVESTIGATION, AND EACH HAVE THE SAME RIGHTS DURING THE RESOLUTION PROCESS INCLUDING THE RIGHT TO AN ADVISOR, TO SUBMIT RELEVANT WITNESS NAMES AND EVIDENCE, AND TO REVIEW THE EVIDENCE GATHERED BY THE INVESTIGATOR PRIOR TO THE INVESTIGATOR PROVIDING THE FINAL REPORT TO THE DECISIONMAKER.

THE INVESTIGATOR WILL ESTABLISH DEADLINES FOR SUBMISSION OF NAMES OF RELEVANT WITNESSES AND SUBMISSION OF EVIDENCE AND COMMUNICATE THOSE DEADLINES TO THE PARTIES IN WRITING.

#### CONFLICT OF INTEREST OR BIAS

AFTER A NOTICE OF INVESTIGATION, AS DESCRIBED BELOW, IS ISSUED TO ALL PARTIES, ANY PARTY MAY OBJECT TO THE PARTICIPATION OF THE **TITLE IX COORDINATOR** OR DESIGNATED INVESTIGATOR ON THE GROUNDS OF A DEMONSTRATED BIAS OR ACTUAL CONFLICT OF INTEREST. ALL PARTIES WILL HAVE THREE (3) DAYS FROM THE DATE OF THE NOTICE OF INVESTIGATION TO OBJECT TO THE SELECTION OF THE INVESTIGATOR OR THE **TITLE IX COORDINATOR**. OBJECTIONS TO THE **TITLE IX COORDINATOR** ARE TO BE MADE, IN WRITING, TO THE **ASSOCIATE VICE PRESIDENT OF HUMAN RESOURCES AND ADMINISTRATION** OR THE **ASSOCIATE DEAN FOR STUDENT AFFAIRS**. OBJECTIONS TO THE APPOINTMENT OF THE INVESTIGATOR ARE TO BE MADE IN WRITING, TO THE **TITLE IX COORDINATOR**. ALL OBJECTIONS WILL BE CONSIDERED, AND CHANGES MADE AS APPROPRIATE. IF THE OBJECTION IS SUBSTANTIATED AS TO EITHER THE **TITLE IX COORDINATOR** OR THE INVESTIGATOR, THAT INDIVIDUAL SHALL BE REPLACED. ANY CHANGE WILL BE COMMUNICATED IN WRITING.

#### NATURE OF PROCESS

THE INVESTIGATION AND ADJUDICATION OF ALLEGED **PROHIBITED CONDUCT** UNDER THIS **POLICY** IS NOT AN ADVERSARIAL PROCESS BETWEEN A **COMPLAINANT**, A **RESPONDENT**, AND THE WITNESSES, BUT RATHER A PROCESS FOR **SFCM** TO COMPLY WITH ITS OBLIGATIONS UNDER EXISTING LAW. THE INVESTIGATION AND ADJUDICATION SHALL PROVIDE ALL PARTIES WITH APPROPRIATE DUE PROCESS AND REACH REASONABLE CONCLUSIONS BASED ON THE EVIDENCE COLLECTED.

## TIMELINE

**SFCM** STRIVES TO COMPLETE THE INVESTIGATION PROCESS WITHIN NINETY (90) DAYS FROM THE DATE OF THE NOTICE OF INVESTIGATION AND SHALL COMMUNICATED WITH THE PARTIES REGARDING THE ANTICIPATED TIMELINE. THE COMMUNICATED TIMELINE INFORMATION SHALL INCLUDE:

- (I) THE PERIOD DURING WHICH THE INSTITUTION SHALL CONDUCT ANY INVESTIGATION.
- (II) THE DATE BY WHICH THE PARTIES SHALL BE NOTIFIED OF THE OUTCOME OF ANY INVESTIGATION.
- (III) THE DEADLINES AND PROCESS FOR PARTIES TO APPEAL, IF THE INSTITUTION'S GRIEVANCE PROCEDURES INCLUDE AN APPEALS PROCESS.

THE INVESTIGATOR AND/OR TITLE IX COORDINATOR SHALL PROVIDE THE PARTIES WITH PERIODIC STATUS UPDATES, IN WRITING.

## TIMELINE EXTENSIONS

THE TIMELINE FOR ANY PART OF THE RESOLUTION PROCESS MAY BE EXTENDED FOR GOOD CAUSE BY THE TITLE IX COORDINATOR, WHO SHALL PROVIDE FOR THE PROMPT COMMUNICATION OF THAT INFORMATION TO THE PARTIES. ALL PARTIES SHALL BE NOTIFIED, IN WRITING, OF ANY EXTENSION TO THE TIMELINE THAT IS GRANTED, THE REASON FOR THE EXTENSION, AND THE NEW ANTICIPATED TIMEFRAMES FOR THE MAJOR STAGES OF THE COMPLAINT PROCESS, INCLUDING THE ANTICIPATED DATE(S) OF CONCLUSION OF THE INVESTIGATION AND/OR HEARING. GOOD CAUSE REASONS FOR EXTENSION MAY INCLUDE ENSURING AVAILABILITY OF WITNESSES AND OTHER PARTICIPANTS AND ENSURING PARTICIPANTS HAVE SUFFICIENT TIME TO REVIEW MATERIALS.

**SFCM** SHALL NOT UNREASONABLY DENY A STUDENT PARTY'S REQUEST FOR AN EXTENSION OF A DEADLINE RELATED TO A COMPLAINT DURING PERIODS OF EXAMINATIONS OR SCHOOL CLOSURES.

## BURDEN OF EVIDENCE

**SFCM** HAS THE BURDEN OF CONDUCTING AN INVESTIGATION THAT GATHERS SUFFICIENT EVIDENCE TO DETERMINE WHETHER PROHIBITED CONDUCT OCCURRED. COMPLAINANT DOES NOT HAVE THE BURDEN TO PROVE, NOR DOES RESPONDENT HAVE THE BURDEN TO DISPROVE, THE UNDERLYING ALLEGATION OR ALLEGATIONS OF PROHIBITED CONDUCT. ANY PARTY MAY DECIDE TO LIMIT THEIR PARTICIPATION IN PART OR ALL OF THE PROCESS, OR TO DECLINE TO PARTICIPATE. THIS DOES NOT SHIFT THE BURDEN OF PROOF AWAY FROM **SFCM** AND DOES NOT INDICATE RESPONSIBILITY.

## STANDARD OF PROOF

THE STANDARD OF PROOF USED IN ANY INVESTIGATION AND DECISION-MAKING PROCESS IS THE PREPONDERANCE OF THE EVIDENCE STANDARD, WHICH MEANS THAT THE ALLEGATION(S) ARE MORE LIKELY THAN NOT TO HAVE OCCURRED.

## WRITTEN NOTICE OF MEETINGS

**SFCM** WILL PROVIDE TO A PARTY OR WITNESS WHOSE PARTICIPATION IS INVITED OR EXPECTED, WRITTEN NOTICE OF THE DATE, TIME, LOCATION, PARTICIPANTS, AND PURPOSE OF ALL MEETINGS OR PROCEEDINGS WITH SUFFICIENT TIME TO PREPARE TO PARTICIPATE.

## EVIDENCE GATHERING

### **A. INTERVIEWS**

THE INVESTIGATOR WILL INTERVIEW ALL PARTIES AND RELEVANT WITNESSES AND GATHER RELEVANT DOCUMENTARY EVIDENCE PROVIDED BY THE PARTIES AND ANY IDENTIFIED WITNESSES. INTERVIEWS MAY BE CONDUCTED IN PERSON, OR VIA VIDEO CONFERENCE. WHEN A PARTY MEETS WITH AN INVESTIGATOR, THE INVESTIGATOR WILL ASK QUESTIONS RELATED TO THE ALLEGATIONS IN THE COMPLAINT AND A PARTY IS GIVEN THE OPPORTUNITY SPEAK TO THE ALLEGATIONS AND RELATED EVENTS. PARTIES MAY IDENTIFY FACT WITNESSES AND PROVIDE EVIDENCE THAT IS RELEVANT TO THE ALLEGATIONS AND NOT OTHERWISE IMPERMISSIBLE. THIS WILL INCLUDE INCULPATORY EVIDENCE (THAT TENDS TO SHOW IT MORE LIKELY THAT SOMEONE COMMITTED A VIOLATION) AND EXCULPATORY EVIDENCE (THAT TENDS TO SHOW IT LESS LIKELY THAT SOMEONE COMMITTED A VIOLATION). THE INVESTIGATOR ULTIMATELY DETERMINES WHOM TO INTERVIEW TO DETERMINE THE FACTS RELEVANT TO THE COMPLAINT.

### **B. IMPERMISSIBLE EVIDENCE**

THE FOLLOWING TYPES OF EVIDENCE, AND QUESTIONS SEEKING THAT EVIDENCE, ARE IMPERMISSIBLE. THIS MEANS THIS INFORMATION WILL NOT BE ACCESSED OR CONSIDERED, EXCEPT BY **SFCM** TO DETERMINE WHETHER ONE OF THE EXCEPTIONS LISTED BELOW APPLIES. THIS INFORMATION WILL NOT BE DISCLOSED OR OTHERWISE USED, REGARDLESS OF RELEVANCE:

1. EVIDENCE THAT IS PROTECTED UNDER A PRIVILEGE RECOGNIZED BY FEDERAL OR STATE LAW, UNLESS THE PERSON TO WHOM THE PRIVILEGE OR CONFIDENTIALITY IS OWED HAS VOLUNTARILY WAIVED THE PRIVILEGE OR CONFIDENTIALITY;
2. EVIDENCE PROVIDED TO AN EMPLOYEE DESIGNATED BY **SFCM** AS EXEMPT FROM INTERNAL REPORTING UNDER THIS POLICY, UNLESS THE PERSON WHO MADE THE DISCLOSURE OR OTHERWISE PROVIDED EVIDENCE TO THAT EMPLOYEE HAS VOLUNTARILY CONSENTED TO RE-DISCLOSURE;
3. A PARTY'S OR WITNESS'S RECORDS THAT ARE MADE OR MAINTAINED BY A PHYSICIAN, PSYCHOLOGIST, OR OTHER RECOGNIZED PROFESSIONAL OR PARAPROFESSIONAL IN CONNECTION WITH THE PROVISION OF TREATMENT TO THE PARTY OR WITNESS, UNLESS **SFCM** OBTAINS THAT PARTY'S OR WITNESS'S VOLUNTARY, WRITTEN CONSENT FOR USE IN ITS GRIEVANCE PROCEDURES; AND
4. EVIDENCE THAT RELATES TO THE COMPLAINANT'S SEXUAL INTERESTS OR PRIOR SEXUAL CONDUCT, UNLESS EVIDENCE ABOUT THE COMPLAINANT'S PRIOR SEXUAL CONDUCT IS OFFERED TO PROVE THAT SOMEONE OTHER THAN THE RESPONDENT COMMITTED THE

ALLEGED CONDUCT OR IS EVIDENCE ABOUT SPECIFIC INCIDENTS OF THE **COMPLAINANT'S** PRIOR SEXUAL CONDUCT WITH THE **RESPONDENT** THAT IS OFFERED TO PROVE CONSENT TO ALLEGED SEX-BASED HARASSMENT. THE FACT OF PRIOR CONSENSUAL SEXUAL CONDUCT BETWEEN THE PARTIES DOES NOT BY ITSELF DEMONSTRATE OR IMPLY THE **COMPLAINANT'S** CONSENT TO OTHER SEXUAL ACTIVITY OR PRECLUDE A DETERMINATION THAT **PROHIBITED CONDUCT** OCCURRED.

**5. FOR CASES OF CALIFORNIA MISCONDUCT AND CALIFORNIA SEX-BASED HARASSMENT IN EMPLOYMENT, AN INVESTIGATOR OR DECISIONMAKER SHALL NOT CONSIDER THE PAST SEXUAL HISTORY OF COMPLAINANT OR RESPONDENT EXCEPT IN THE LIMITED CIRCUMSTANCES. SPECIFICALLY, THEY SHALL NOT CONSIDER:**

**I. PRIOR OR SUBSEQUENT SEXUAL HISTORY BETWEEN COMPLAINANT AND ANYONE OTHER THAN RESPONDENT FOR ANY REASON UNLESS DIRECTLY RELEVANT TO PROVE THAT PHYSICAL INJURIES ALLEGED TO HAVE BEEN INFLICTED BY RESPONDENT WERE INFLICTED BY ANOTHER INDIVIDUAL.**

**II. THE EXISTENCE OF A DATING RELATIONSHIP OR PRIOR OR SUBSEQUENT CONSENSUAL SEXUAL RELATIONS BETWEEN COMPLAINANT AND RESPONDENT UNLESS THE EVIDENCE IS RELEVANT TO HOW THE PARTIES COMMUNICATED CONSENT IN PRIOR OR SUBSEQUENT CONSENSUAL SEXUAL RELATIONS. WHERE THE INVESTIGATOR OR DECISIONMAKER ALLOWS CONSIDERATION OF EVIDENCE ABOUT A DATING RELATIONSHIP OR PRIOR OR SUBSEQUENT CONSENSUAL SEXUAL RELATIONS BETWEEN COMPLAINANT AND RESPONDENT PURSUANT TO THIS PARAGRAPH, THE MERE FACT THAT COMPLAINANT AND RESPONDENT ENGAGED IN OTHER CONSENSUAL SEXUAL RELATIONS WITH ONE ANOTHER IS NEVER SUFFICIENT, BY ITSELF, TO ESTABLISH THAT THE CONDUCT IN QUESTION WAS CONSENSUAL.**

**BEFORE ALLOWING THE CONSIDERATION OF ANY EVIDENCE PROFFERED PURSUANT TO THIS SECTION, THE INVESTIGATOR OR DECISIONMAKER SHALL PROVIDE A WRITTEN EXPLANATION TO THE PARTIES AS TO WHY CONSIDERATION OF THE EVIDENCE IS CONSISTENT WITH THIS PARAGRAPH.**

### **XIII. Investigation & Decision-Making Procedures for All Prohibited Conduct Under this Policy Except Sex-Based Harassment Involving a Student Party (106.45 Procedures)**

**THIS PROCEDURE IS FOR ALL ALLEGATIONS OF PROHIBITED CONDUCT BEING INVESTIGATED AND DETERMINED UNDER THIS POLICY, EXCEPT FOR SEX-BASED HARASSMENT INVOLVING A STUDENT AS A PARTY.**

#### **A. NOTICE OF ALLEGATIONS AND INVESTIGATION**

**PRIOR TO THE START OF AN INVESTIGATION, THE PARTIES WILL BE PROVIDED A WRITTEN NOTICE OF INVESTIGATION COMMUNICATING THE INITIATION OF AN INVESTIGATION. SHOULD ADDITIONAL ALLEGATIONS BE BROUGHT FORWARD, OR INFORMATION REGARDING LOCATION OR DATE OF THE INCIDENT(S), A REVISED WRITTEN NOTICE OF INVESTIGATION SHALL BE PROVIDED TO ALL PARTIES. THE NOTICE SHALL INCLUDE, AT A MINIMUM:**

- 1. SFCM's RESOLUTION PROCEDURES, INCLUDING THE APPLICABLE DETERMINATION PROCEDURE, AND ANY ALTERNATIVE RESOLUTION PROCESS, WITH A LINK TO THE FULL PROCEDURES;**
- 2. THE SPECIFIC ALLEGATIONS, INCLUDING THE IDENTITY OF THE PARTIES, AND DATES AND LOCATION IF KNOWN;**
  - 3. SUFFICIENT INFORMATION AVAILABLE AT THE TIME TO ALLOW THE PARTIES TO RESPOND TO THE ALLEGATIONS, INCLUDING THE IDENTITIES OF THE PARTIES INVOLVED IN THE INCIDENT(S), A DESCRIPTION OF THE FACTS ALLEGED TO CONSTITUTE PROHIBITED CONDUCT, THE TYPE OF PROHIBITED CONDUCT, AND THE DATE(S) AND LOCATION(S) OF THE ALLEGED INCIDENT(S);**
  - 4. A STATEMENT THAT RETALIATION IS PROHIBITED;**
  - 5. CONTACT INFORMATION FOR THE ASSIGNED INVESTIGATOR AND DECISIONMAKER, AS WELL AS THE PROCESS FOR RAISING A CHALLENGE TO THE APPOINTED INVESTIGATOR, DECISIONMAKER, OR TITLE IX COORDINATOR, AND THE DEADLINE FOR DOING SO;**
  - 6. A STATEMENT INDICATING THE EXPECTED LENGTH OF THE MAJOR STAGES OF THE RESOLUTION PROCESS, AS WELL AS ANY APPLICABLE DEADLINES;**
  - 7. WHETHER THE INVESTIGATOR, OR ANOTHER INDIVIDUAL, SHALL SERVE AS THE DECISIONMAKER;**
  - 8. A STATEMENT THAT THE RESPONDENT IS PRESUMED NOT RESPONSIBLE FOR PROHIBITED CONDUCT UNTIL A DETERMINATION IS MADE AT THE CONCLUSION OF THE INVESTIGATION AND DECISION-MAKING PROCEDURES. PRIOR TO SUCH A DETERMINATION, THE PARTIES WILL HAVE AN OPPORTUNITY TO PRESENT RELEVANT AND NOT OTHERWISE IMPERMISSIBLE EVIDENCE TO A TRAINED, IMPARTIAL DECISIONMAKER;**
  - 9. A STATEMENT INDICATING THAT THE PARTIES MAY HAVE AN ADVISOR OF THEIR CHOICE WHO MAY BE A FRIEND, COLLEAGUE, THERAPIST, OR ATTORNEY;**
  - 10. A STATEMENT THAT THE PARTIES ARE ENTITLED TO AN EQUAL OPPORTUNITY TO ACCESS THE RELEVANT AND NOT OTHERWISE IMPERMISSIBLE EVIDENCE, AND TO PROVIDE A RESPONSE;**
  - 11. A STATEMENT THAT SFCM PROHIBITS KNOWINGLY MAKING FALSE STATEMENTS OR KNOWINGLY SUBMITTING FALSE INFORMATION DURING GRIEVANCE PROCEDURES, WITH A LINK TO THE RELEVANT POLICY(IES); AND**
- 12. THE DATE AND TIME OF THE INITIAL INTERVIEW WITH THE INVESTIGATOR, WITH A MINIMUM OF FIVE (5) DAYS' NOTICE.**

## **B. INDIVIDUAL INTERVIEWS**

**THE INVESTIGATOR WILL HOLD INDIVIDUAL INTERVIEWS WITH PARTIES AND WITNESSES TO ASK RELEVANT AND NOT OTHERWISE IMPERMISSIBLE QUESTIONS AND FOLLOW-UP QUESTIONS, INCLUDING QUESTIONS EXPLORING CREDIBILITY. ONLY THE INVESTIGATOR AND THE PARTY OR WITNESS MAY ATTEND EACH INDIVIDUAL INTERVIEW. A PARTY'S ADVISOR MAY ATTEND THESE MEETINGS, SUBJECT TO THE RULES**



DESCRIBED ABOVE IN THIS **POLICY**. **ADDITIONAL ATTENDEES** MAY BE PERMITTED AT THE DISCRETION OF THE **TITLE IX COORDINATOR** IN CONNECTION WITH AN APPROVED DISABILITY-RELATED ACCOMMODATION. **ALL PERSONS PRESENT AT ANY TIME DURING ANY PART OF THE INVESTIGATION OR RESOLUTION PROCESS ARE EXPECTED TO MAINTAIN THE PRIVACY OF THE PROCEEDINGS AND NOT DISCUSS OR OTHERWISE SHARE ANY INFORMATION LEARNED AS PART OF THOSE PROCEEDINGS, AND MAY BE SUBJECT TO FURTHER SFCM DISCIPLINE FOR FAILURE TO DO SO.**

**THE INDIVIDUAL INTERVIEWS** MAY BE CONDUCTED WITH ALL PARTICIPANTS PHYSICALLY PRESENT IN THE SAME GEOGRAPHIC LOCATION, OR, AT **SFCM'S** DISCRETION, WITH ALL PARTICIPANTS JOINING VIRTUALLY THROUGH A VIDEO CONFERENCING OPTION.

**THE SFCM** MAY ALSO ADOPT AND APPLY OTHER REASONABLE RULES REGARDING DECORUM, PROVIDED THEY APPLY EQUALLY TO THE PARTIES. **SFCM** WILL SHARE EXPECTATIONS OF DECORUM TO BE OBSERVED AT ALL TIMES IN ANY MEETING OR PROCEEDING UNDER THIS **POLICY**. THESE EXPECTATIONS ARE APPLIED EQUALLY TO ALL PARTIES AND ADVISORS. **SFCM** HAS THE DISCRETION TO REMOVE, WITH OR WITHOUT PRIOR WARNING, FROM ANY MEETING OR PROCEEDING AN INVOLVED PARTY, WITNESS, OR ADVISOR WHO DOES NOT COMPLY WITH THESE EXPECTATIONS AND ANY OTHER APPLICABLE **SFCM** RULES.

### **C. EVIDENCE REVIEW**

**AT THE CONCLUSION OF ALL FACT-GATHERING, THE INVESTIGATOR WILL PROVIDE EACH PARTY AND THEIR ADVISOR, IF ANY, THE OPPORTUNITY TO REVIEW ALL RELEVANT AND NOT OTHERWISE IMPERMISSIBLE EVIDENCE GATHERED.**

**THE PURPOSE OF THE INSPECTION AND REVIEW PROCESS IS TO ALLOW EACH PARTY THE EQUAL OPPORTUNITY TO MEANINGFULLY RESPOND TO THE EVIDENCE PRIOR TO CONCLUSION OF THE INVESTIGATION, TO SUBMIT ANY ADDITIONAL RELEVANT EVIDENCE, AND THE NAMES OF ANY ADDITIONAL WITNESSES WITH RELEVANT INFORMATION. THIS IS THE FINAL OPPORTUNITY TO OFFER EVIDENCE, OR NAMES OF WITNESSES. GIVEN THE SENSITIVE NATURE OF THE INFORMATION PROVIDED, SFCM WILL FACILITATE THIS REVIEW IN A SECURE MANNER. NONE OF THE PARTIES NOR THEIR ADVISORS MAY COPY, REMOVE, PHOTOGRAPH, PRINT, IMAGE, VIDEOTAPE, RECORD, OR IN ANY MANNER OTHERWISE DUPLICATE OR REMOVE THE INFORMATION PROVIDED. ANY STUDENT OR EMPLOYEE WHO FAILS TO ABIDE BY THIS MAY BE SUBJECT TO DISCIPLINE. ANY ADVISOR WHO FAILS TO ABIDE BY THIS MAY BE SUBJECT TO DISCIPLINE AND/OR MAY BE EXCLUDED FROM FURTHER PARTICIPATION IN THE PROCESS.**

**THE PARTIES WILL HAVE A MINIMUM OF 5 DAYS TO INSPECT AND REVIEW THE EVIDENCE AND SUBMIT A WRITTEN RESPONSE IN WRITING TO THE INVESTIGATOR. SFCM WILL PROVIDE ACCESS TO COPIES OF THE PARTIES' WRITTEN RESPONSES TO THE INVESTIGATOR TO ALL PARTIES AND THEIR ADVISORS, IF ANY. THE TITLE IX COORDINATOR SHALL HAVE THE DISCRETION TO EXTEND THE EVIDENCE REVIEW PERIOD BASED ON THE VOLUME AND NATURE OF THE EVIDENCE. AT THE CONCLUSION OF THE EVIDENCE REVIEW, WHEN DEEMED APPROPRIATE BY THE INVESTIGATOR, THE INVESTIGATOR SHALL THEN CONDUCT ANY ADDITIONAL FACT-GATHERING AS MAY BE NECESSARY. IF NEW, RELEVANT EVIDENCE IS GATHERED DURING THIS SECOND FACT-GATHERING PERIOD, THE NEW EVIDENCE WILL BE MADE AVAILABLE FOR REVIEW BY THE PARTIES AND**

THEIR ADVISORS. THE PARTIES SHALL HAVE **5** DAYS TO PROVIDE A RESPONSE TO THE NEWLY-GATHERED EVIDENCE. NO NEW EVIDENCE WILL BE ACCEPTED AS PART OF ANY RESPONSE, EXCEPT THAT THE INVESTIGATOR SHALL HAVE THE DISCRETION TO ACCEPT RELEVANT EVIDENCE THAT WAS NOT PREVIOUSLY AVAILABLE OR KNOWN TO EXIST, AND THAT WAS NOT PREVIOUSLY DISCOVERABLE WITH THE EXERCISE OF REASONABLE DILIGENCE.

THE INVESTIGATOR WILL CONSIDER THE PARTIES' WRITTEN RESPONSES BEFORE FINALIZING THE INVESTIGATION REPORT.

THE PARTIES MAY EACH SUBMIT A WRITTEN IMPACT STATEMENT PRIOR TO THE CONCLUSION OF THE RESOLUTION PROCESS. THE IMPACT STATEMENT IS NOT EVIDENCE AND WILL BE REVIEWED ONLY AFTER A DETERMINATION OF RESPONSIBILITY IS REACHED.

#### **D. INVESTIGATION REPORT**

THE INVESTIGATOR, WHO MAY ALSO SERVE AS THE DECISIONMAKER, SHALL EVALUATE THE RELEVANT AND NOT IMPERMISSIBLE EVIDENCE AND MAKE A FACTUAL DETERMINATIONS REGARDING EACH ALLEGATION, AND ALSO DETERMINE WHETHER A VIOLATION OF THE POLICY OCCURRED. THE INVESTIGATOR MAY CHOOSE TO PLACE LESS OR NO WEIGHT UPON STATEMENTS BY A PARTY OR WITNESS WHO REFUSED TO RESPOND TO QUESTIONS DEEMED RELEVANT AND NOT IMPERMISSIBLE, OR DECLINED TO PARTICIPATE. THE INVESTIGATOR WILL NOT DRAW AN INFERENCE ABOUT WHETHER SEX-BASED HARASSMENT OCCURRED BASED SOLELY ON A PARTY'S OR WITNESS'S REFUSAL TO RESPOND TO QUESTIONS. THE INVESTIGATOR SHALL PREPARE A REPORT WHICH SHALL INCLUDE:

1. A DESCRIPTION OF THE ALLEGATIONS OF PROHIBITED CONDUCT;
2. INFORMATION ABOUT THE POLICIES AND PROCEDURES USED TO EVALUATE THE ALLEGATIONS;
3. A DESCRIPTION OF THE PROCEDURAL STEPS TAKEN FROM THE RECEIPT OF THE COMPLAINT THROUGH THE DETERMINATION, INCLUDING ANY NOTIFICATIONS TO THE PARTIES, INTERVIEWS WITH PARTIES AND WITNESSES, AND METHODS USED TO GATHER OTHER EVIDENCE;
4. AN EVALUATION OF THE RELEVANT AND NOT OTHERWISE IMPERMISSIBLE EVIDENCE AND THE RATIONALE FOR THAT EVALUATION;
5. FINDINGS OF FACT FOR EACH ALLEGATION, WITH RATIONALE; AND
6. CONCLUSIONS REGARDING WHICH SECTION OF THIS POLICY OR OTHER SFCM POLICY, IF ANY, THE RESPONDENT HAS OR HAS NOT VIOLATED, WITH RATIONALE.

THIS REPORT SHALL BE PROVIDED TO THE TITLE IX COORDINATOR. IN THE EVENT THAT THE DECISIONMAKER HAS DETERMINED THAT A VIOLATION OF SFCM POLICY HAS OCCURRED, THE TITLE IX COORDINATOR SHALL THEN PROVIDE THE REPORT TO THE APPROPRIATE SANCTIONING OFFICER TO DETERMINE THE SANCTION, AND THE TITLE IX COORDINATOR SHALL THEN DETERMINE THE APPROPRIATE REMEDY(IES) FOR THE COMPLAINANT AND ANY IMPACTED PARTIES.

**THE TITLE IX COORDINATOR SHALL THEN PROVIDE THE PARTIES AND THEIR ADVISORS, IF ANY, WITH A WRITTEN NOTICE OF OUTCOME AND A COPY OF THE INVESTIGATION REPORT. THE NOTICE OF OUTCOME SHALL INCLUDE:**

- 1. A STATEMENT OF, AND RATIONALE FOR, ANY DISCIPLINARY SANCTIONS SFCM IMPOSED ON THE RESPONDENT;**
- 2. A STATEMENT AS TO WHETHER REMEDIES WILL BE PROVIDED TO THE COMPLAINANT;**
- 3. FOR THE COMPLAINANT, A DESCRIPTION OF ANY REMEDIES THAT APPLY TO THE COMPLAINANT;**
- 4. SFCM 'S PROCEDURES AND THE PERMITTED REASONS FOR THE PARTIES TO APPEAL, INCLUDING IDENTIFYING THE APPEALS OFFICER; AND**
- 5. HOW TO CHALLENGE PARTICIPATION BY THE APPEALS OFFICER FOR BIAS OR CONFLICT OF INTEREST, WHICH THE TITLE IX COORDINATOR WILL RESOLVE IN THEIR SOLE DISCRETION.**

**THE DETERMINATION REGARDING RESPONSIBILITY BECOMES FINAL EITHER ON THE DATE THAT SFCM PROVIDES THE PARTIES WITH THE WRITTEN DETERMINATION OF THE RESULT OF ANY APPEAL, OR, IF NO PARTY APPEALS, THE DATE ON WHICH AN APPEAL WOULD NO LONGER BE CONSIDERED TIMELY.**

#### **XIV. Investigation & Decision-Making Procedures in Cases of Sex-Based Harassment Involving a Student (106.46 Procedures)**

**THIS PROCEDURE IS FOR ALL ALLEGATIONS OF SEX-BASED HARASSMENT INVOLVING A STUDENT AS A PARTY INCLUDING QUID PRO QUO, HOSTILE ENVIRONMENT, CALIFORNIA SEX-BASED HARASSMENT IN EMPLOYMENT (IF A STUDENT IS A PARTY), SEXUAL ASSAULT, DATING VIOLENCE, DOMESTIC VIOLENCE, STALKING, CALIFORNIA SEXUAL VIOLENCE, CALIFORNIA SEXUAL EXPLOITATION, REGARDLESS OF THE STATUS OF THE OTHER PARTY. THIS SECTION SHALL REFER TO THIS COLLECTIVELY AS "SEX-BASED HARASSMENT INVOLVING A STUDENT."**

##### **A. NOTICE OF INVESTIGATION**

**PRIOR TO THE START OF AN INVESTIGATION, THE PARTIES WILL BE PROVIDED A WRITTEN NOTICE OF INVESTIGATION COMMUNICATING THE INITIATION OF AN INVESTIGATION. SHOULD ADDITIONAL ALLEGATIONS BE BROUGHT FORWARD, OR INFORMATION REGARDING LOCATION OR DATE OF THE INCIDENT(S), A REVISED WRITTEN NOTICE OF INVESTIGATION SHALL BE PROVIDED TO ALL PARTIES.**

**THE NOTICE SHALL INCLUDE, AT A MINIMUM:**

- 1. SFCM'S INVESTIGATION PROCEDURES, INCLUDING THE APPLICABLE DETERMINATION PROCEDURE THAT WILL BE USED IN THIS INVESTIGATION AND RESOLUTION, AND A LINK TO THE RELEVANT POLICIES;**
- 2. INFORMATION ABOUT THE AGREEMENT-BASED RESOLUTION PROCEDURES, WITH A LINK TO THE FULL PROCEDURES;**

3. SUFFICIENT INFORMATION AVAILABLE AT THE TIME TO ALLOW THE PARTIES TO RESPOND TO THE ALLEGATIONS, INCLUDING THE IDENTITIES OF THE PARTIES INVOLVED IN THE INCIDENT(S), A DESCRIPTION OF THE FACTS ALLEGED TO CONSTITUTE PROHIBITED CONDUCT, THE TYPE OF PROHIBITED CONDUCT, AND THE DATE(S) AND LOCATION(S) OF THE ALLEGED INCIDENT(S);
4. A STATEMENT THAT RETALIATION IS PROHIBITED;
5. A STATEMENT INDICATING WHETHER THE INVESTIGATOR, OR ANOTHER INDIVIDUAL, SHALL SERVE AS THE DECISIONMAKER;
6. AT THE DISCRETION OF SFCM, THE INVESTIGATOR MAY SERVE AS THE DECISIONMAKER;
7. A STATEMENT INDICATING THE EXPECTED LENGTH OF THE MAJOR STAGES OF THE RESOLUTION PROCESS, AS WELL AS ANY APPLICABLE DEADLINES;
8. A STATEMENT INFORMING THE PARTIES THAT THE INVESTIGATOR WILL ESTABLISH AND COMMUNICATE, IN WRITING, ALL INVESTIGATION DEADLINES, INCLUDING THE FINAL DEADLINES FOR SUBMITTING NAMES OF WITNESSES, EVIDENCE, AND RELEVANT QUESTIONS TO ASK A PARTY OR WITNESS. THESE DEADLINES MAY BE EXTENDED BY THE TITLE IX COORDINATOR FOR GOOD CAUSE, AND ANY CHANGES WILL BE PROVIDED, IN WRITING, TO THE PARTIES, ALONG WITH THE RATIONALE FOR THE REVISED DEADLINE(S);
9. A STATEMENT EXPLAINING THE PROCESS FOR RAISING A CHALLENGE TO THE APPOINTED RESOLUTION OFFICER OR TITLE IX COORDINATOR, AND THE DEADLINE FOR DOING SO;
10. A STATEMENT THAT THE RESPONDENT IS PRESUMED NOT RESPONSIBLE FOR PROHIBITED CONDUCT UNTIL A DETERMINATION IS MADE AT THE CONCLUSION OF THE RESOLUTION PROCESS. PRIOR TO SUCH A DETERMINATION, THE PARTIES WILL HAVE AN OPPORTUNITY TO PRESENT RELEVANT AND NOT OTHERWISE IMPERMISSIBLE EVIDENCE TO A TRAINED, IMPARTIAL DECISIONMAKER;
11. A WARNING THAT THE DECISIONMAKER MAY EXCLUDE EVIDENCE AT THE HEARING IF IT WAS NOT PRESENTED DURING THE INVESTIGATION.
12. A STATEMENT THAT THE PARTIES MAY HAVE AN ADVISOR OF THEIR CHOICE WHO MAY BE A FRIEND, PARENT, THERAPIST, COLLEAGUE, OR ATTORNEY;
13. A STATEMENT THAT THE PARTIES ARE ENTITLED TO AN EQUAL OPPORTUNITY TO ACCESS THE RELEVANT AND NOT OTHERWISE IMPERMISSIBLE EVIDENCE OR AN INVESTIGATION REPORT THAT ACCURATELY SUMMARIZES THIS EVIDENCE. THE IDENTIFICATION OF THE DECISIONMAKER; AND
14. THE DATE AND TIME OF THE INITIAL INTERVIEW WITH THE INVESTIGATOR, WITH A MINIMUM OF FIVE (5) DAYS' NOTICE.

THE DECISIONMAKER SHALL THEN DETERMINE, BASED UPON THE FACTUAL FINDINGS, WHETHER A VIOLATION OF THIS POLICY OCCURRED. THE DECISIONMAKER SHALL PREPARE A REPORT WHICH SHALL INCLUDE:

## B. INDIVIDUAL INTERVIEWS

**THE INVESTIGATOR WILL HOLD INDIVIDUAL INTERVIEWS WITH PARTIES AND WITNESSES TO ASK RELEVANT AND NOT OTHERWISE IMPERMISSIBLE QUESTIONS AND FOLLOW-UP QUESTIONS, INCLUDING QUESTIONS EXPLORING CREDIBILITY, AND TO REQUEST OF THE PARTIES THE NAMES OF RELEVANT WITNESSES AND RELEVANT EVIDENCE. ONLY THE INVESTIGATOR AND THE PARTY OR WITNESS MAY ATTEND EACH INDIVIDUAL INTERVIEW. A PARTY'S ADVISOR MAY ATTEND THESE MEETINGS, SUBJECT TO THE RULES DESCRIBED ABOVE. ADDITIONAL ATTENDEES MAY BE PERMITTED AT THE DISCRETION OF THE TITLE IX COORDINATOR IN CONNECTION WITH AN APPROVED DISABILITY-RELATED ACCOMMODATION. ALL PERSONS PRESENT AT ANY TIME DURING ANY PART OF THE INVESTIGATION OR RESOLUTION PROCESS ARE EXPECTED TO MAINTAIN THE PRIVACY OF THE PROCEEDINGS AND NOT DISCUSS OR OTHERWISE SHARE ANY INFORMATION LEARNED AS PART OF THE GRIEVANCE PROCESS AND MAY BE SUBJECT TO FURTHER DISCIPLINE FOR FAILURE TO DO SO.**

**THE INVESTIGATOR WILL THEN GATHER FROM PARTIES, WITNESSES, AND OTHER SOURCES, ALL RELEVANT EVIDENCE.**

**AT THE INITIAL INTERVIEW WITH EACH PARTY, THE INVESTIGATOR WILL INVITE THE PARTIES TO PROVIDE, IN WRITING AND IN ADVANCE OF THE INDIVIDUAL INTERVIEWS, QUESTIONS TO ASK OF THE PARTIES AND WITNESSES THAT ARE RELEVANT AND NOT OTHERWISE PERMISSIBLE, INCLUDING QUESTIONS EXPLORING CREDIBILITY. UPON RECEIVING THE QUESTION LIST, THE INVESTIGATOR WILL DETERMINE WHETHER A PROPOSED QUESTION IS RELEVANT AND NOT OTHERWISE IMPERMISSIBLE AND WILL EXPLAIN, IN WRITING IN ADVANCE OF THE INDIVIDUAL INTERVIEW, ANY DECISION TO EXCLUDE A QUESTION AS NOT RELEVANT OR OTHERWISE IMPERMISSIBLE. QUESTIONS THAT ARE UNCLEAR OR HARASSING OF THE PARTY OR WITNESS BEING QUESTIONED WILL NOT BE PERMITTED. THE INVESTIGATOR MUST GIVE A PARTY AN OPPORTUNITY TO CLARIFY OR REVISE ANY QUESTION THAT THE INVESTIGATOR HAS DETERMINED IS UNCLEAR OR HARASSING AND, IF THE PARTY SUFFICIENTLY CLARIFIES OR REVISES A QUESTION, THE QUESTION WILL BE ASKED.**

**AN INVESTIGATOR WILL NOT PERMIT QUESTIONS THAT ARE UNCLEAR OR HARASSING OF ANY PARTY OR WITNESS BEING QUESTIONED.**

**SFCM WILL SHARE EXPECTATIONS OF DECORUM TO BE OBSERVED AT ALL TIMES IN ANY MEETING OR PROCEEDING UNDER THIS POLICY. THESE EXPECTATIONS ARE APPLIED EQUALLY TO ALL PARTIES AND ADVISORS. SFCM HAS THE DISCRETION TO REMOVE, WITH OR WITHOUT PRIOR WARNING, FROM ANY MEETING OR PROCEEDING AN INVOLVED PARTY, WITNESS, OR ADVISOR WHO DOES NOT COMPLY WITH THESE EXPECTATIONS AND ANY OTHER APPLICABLE SFCM RULES.**

**THE INDIVIDUAL INTERVIEWS MAY BE CONDUCTED WITH ALL PARTICIPANTS PHYSICALLY PRESENT IN THE SAME GEOGRAPHIC LOCATION, OR, AT SFCM'S DISCRETION, WITH ALL PARTICIPANTS JOINING VIRTUALLY THROUGH A VIDEO CONFERENCING OPTION. ALL INTERVIEWS WILL BE RECORDED.**

**THE INVESTIGATOR WILL DETERMINE, IN THEIR SOLE DISCRETION, WHETHER PARTIES AND WITNESSES ARE LIKELY TO PROVIDE RELEVANT INFORMATION ABOUT THE ALLEGATIONS AND HAS THE SOLE DISCRETION TO**

**DETERMINE WHICH PARTIES AND WITNESSES TO CALL TO AN INTERVIEW. THE INVESTIGATOR MAY CONDUCT FOLLOW-UP INTERVIEWS AS THEY DEEM APPROPRIATE.**

### **C. INVESTIGATOR DETERMINATION OF RELEVANCE**

**THE INVESTIGATOR WILL DETERMINE WHETHER PARTIES AND WITNESSES ARE LIKELY TO PROVIDE RELEVANT INFORMATION ABOUT THE ALLEGATIONS AND HAS THE SOLE DISCRETION TO DETERMINE WHICH PARTIES AND WITNESSES TO CALL TO INDIVIDUAL FOLLOW-UP MEETINGS.**

**THE INVESTIGATOR WILL REVIEW ALL EVIDENCE GATHERED THROUGH THE INVESTIGATION AND DETERMINE WHAT EVIDENCE IS RELEVANT AND WHAT EVIDENCE IS IMPERMISSIBLE REGARDLESS OF RELEVANCE. CHARACTER EVIDENCE IS NOT RELEVANT EVIDENCE, AND THEREFORE WILL NOT BE CONSIDERED. IF THE DECISIONMAKER IS NOT THE INVESTIGATOR, THE DECISIONMAKER IS NOT BOUND BY THE INVESTIGATOR'S DETERMINATIONS ABOUT RELEVANCE.**

### **D. EVIDENCE REVIEW**

**AT THE CONCLUSION OF ALL FACT-GATHERING, THE INVESTIGATOR WILL PROVIDE EACH PARTY AND THEIR ADVISOR THE OPPORTUNITY TO REVIEW ALL RELEVANT AND NOT OTHERWISE IMPERMISSIBLE EVIDENCE GATHERED. IN THE EVENT THAT AN AUDIO OR AUDIOVISUAL RECORDING IS SHARED, THE RECORDING WILL ONLY BE MADE AVAILABLE AT AN IN-PERSON AND MONITORED MEETING ON CAMPUS, AND WILL NOT OTHERWISE BE TRANSMITTED FOR REVIEW, SO AS TO MAINTAIN THE PRIVACY OF THOSE PARTICIPATING IN THE PROCESS.**

**THE PURPOSE OF THE INSPECTION AND REVIEW PROCESS IS TO ALLOW EACH PARTY THE EQUAL OPPORTUNITY TO MEANINGFULLY RESPOND TO THE EVIDENCE PRIOR TO CONCLUSION OF THE INVESTIGATION, TO SUBMIT ANY ADDITIONAL RELEVANT EVIDENCE, AND THE NAMES OF ANY ADDITIONAL WITNESSES WITH RELEVANT INFORMATION. THIS IS THE FINAL OPPORTUNITY TO OFFER EVIDENCE OR NAMES OF WITNESSES. EVIDENCE NOT PROVIDED DURING THE INVESTIGATION PROCESS WILL NOT BE CONSIDERED BY THE DECISIONMAKER. GIVEN THE SENSITIVE NATURE OF THE INFORMATION PROVIDED, SFCM WILL FACILITATE THIS REVIEW IN A SECURE MANNER. NONE OF THE PARTIES NOR THEIR ADVISORS MAY COPY, REMOVE, PHOTOGRAPH, PRINT, IMAGE, VIDEOTAPE, RECORD, OR IN ANY MANNER OTHERWISE DUPLICATE OR REMOVE THE INFORMATION PROVIDED. ANY STUDENT OR EMPLOYEE WHO FAILS TO ABIDE BY THIS MAY BE SUBJECT TO DISCIPLINE. ANY ADVISOR WHO FAILS TO ABIDE BY THIS MAY BE SUBJECT TO DISCIPLINE AND/OR MAY BE EXCLUDED FROM FURTHER PARTICIPATION IN THE PROCESS.**

**THE PARTIES WILL HAVE A MINIMUM OF 5 DAYS TO INSPECT AND REVIEW THE EVIDENCE AND SUBMIT A WRITTEN RESPONSE IN WRITING TO THE INVESTIGATOR. THE TITLE IX COORDINATOR SHALL HAVE THE DISCRETION TO EXTEND THE EVIDENCE REVIEW PERIOD BASED ON THE VOLUME AND NATURE OF THE EVIDENCE.**

**WHEN DEEMED APPROPRIATE BY THE INVESTIGATOR, THE INVESTIGATOR SHALL THEN CONDUCT ANY ADDITIONAL FACT-GATHERING AS MAY BE NECESSARY. IF NEW, RELEVANT EVIDENCE WAS SUBMITTED AS**

PART OF EVIDENCE REVIEW, OR IS GATHERED DURING THIS SECOND FACT-GATHERING PERIOD, THE NEW RELEVANT EVIDENCE WILL BE MADE AVAILABLE FOR REVIEW BY THE PARTIES AND THEIR ADVISORS. THE PARTIES SHALL HAVE **5** DAYS TO PROVIDE A RESPONSE TO THE NEWLY-GATHERED EVIDENCE. **NO** NEW EVIDENCE WILL BE ACCEPTED AS PART OF ANY RESPONSE, EXCEPT THAT THE INVESTIGATOR SHALL HAVE THE DISCRETION TO ACCEPT RELEVANT EVIDENCE THAT WAS NOT PREVIOUSLY AVAILABLE OR KNOWN TO EXIST, AND THAT WAS NOT PREVIOUSLY DISCOVERABLE WITH THE EXERCISE OF REASONABLE DILIGENCE.

THE INVESTIGATOR WILL CONSIDER THE PARTIES' WRITTEN RESPONSES BEFORE FINALIZING THE INVESTIGATION REPORT. THE INVESTIGATOR SHALL PREPARE A REPORT WHICH SHALL INCLUDE:

1. **A DESCRIPTION OF THE ALLEGATIONS OF PROHIBITED CONDUCT;**
2. **INFORMATION ABOUT THE POLICIES AND PROCEDURES USED TO EVALUATE THE ALLEGATIONS;**
3. **A DESCRIPTION OF THE PROCEDURAL STEPS TAKEN FROM THE RECEIPT OF THE COMPLAINT THROUGH THE DETERMINATION, INCLUDING ANY NOTIFICATIONS TO THE PARTIES, INTERVIEWS WITH PARTIES AND WITNESSES, AND METHODS USED TO GATHER OTHER EVIDENCE;**
4. **AN EVALUATION OF THE RELEVANT AND NOT OTHERWISE IMPERMISSIBLE EVIDENCE AND THE RATIONALE FOR THAT EVALUATION; AND**
5. **SUMMARIES OF FACTS GATHERED FOR EACH ALLEGATION.**

#### **F. HEARING PROCEDURES**

THE PURPOSE OF A HEARING IS FOR A **HEARING OFFICER** TO DETERMINE WHETHER THE CONDUCT OCCURRED AS ALLEGED, AND IF SO, WHETHER THAT CONDUCT VIOLATES THIS POLICY. **SFCM** EXPECTS THAT ALL INDIVIDUALS WHO PARTICIPATE IN THE HEARING PROCESS DO SO TRUTHFULLY AND THAT ALL WHO HAVE A RESPONSIBILITY FOR CARRYING OUT ONE OR MORE ASPECTS OF THE HEARING PROCESS DO SO FAIRLY AND WITHOUT PREJUDICE OR BIAS. **HEARINGS** MAY BE CONDUCTED IN PERSON OR VIA VIDEOCONFERENCING. THE **TITLE IX COORDINATOR** MAY DETERMINE THAT THE HEARING WILL CONTINUE IN THE ABSENCE OF ANY PARTY OR ANY WITNESS.

**SFCM** WILL APPOINT A **HEARING OFFICER**, WHO MAY BE THE SAME PERSON AS THE **TITLE IX COORDINATOR** OR **INVESTIGATOR**, WHO WILL DETERMINE WHETHER A VIOLATION OF **SFCM** POLICY HAS OCCURRED. THE **HEARING OFFICER** SHALL HAVE THE AUTHORITY TO DETERMINE THE RELEVANCE OF EVIDENCE SUBMITTED, AND OF QUESTIONS ASKED, TO LIMIT THE TIME ALLOTTED TO ANY PHASE OF THE HEARING, AND/OR TO LIMIT THE TIME ALLOTTED TO THE FULL HEARING. THE **HEARING OFFICER** SHALL NOT DRAW AN INFERENCE ABOUT THE DETERMINATION REGARDING RESPONSIBILITY BASED SOLELY ON A PARTY'S ABSENCE FROM THE HEARING OR REFUSAL TO ANSWER QUESTIONS POSED.

EACH HEARING SHALL BE RECORDED BY **SFCM** AND THIS RECORDING WILL BE CONSIDERED THE ONLY OFFICIAL RECORDING OF THE HEARING. **NO** OTHER INDIVIDUAL IS PERMITTED TO RECORD WHILE THE HEARING IS TAKING PLACE. THE RECORDING IS THE PROPERTY OF **SFCM** BUT SHALL BE AVAILABLE FOR LISTENING UNTIL THE CONCLUSION OF THE APPEALS PROCESS TO **COMPLAINANT**,

**RESPONDENT, THEIR RESPECTIVE ADVISORS, HEARING OFFICER, AND APPEAL OFFICER BY CONTACTING THE TITLE IX COORDINATOR.**

#### **PRIOR TO THE HEARING**

**THE PARTIES AND THE HEARING OFFICER ALL HAVE THE RIGHT TO CALL WITNESSES. WITNESSES PARTICIPATING IN THE HEARING MUST HAVE INFORMATION RELEVANT TO THE ALLEGATIONS. PARTIES WHO WISH TO CALL WITNESSES MUST SUBMIT THE NAME OF THE WITNESS AT LEAST FIVE (5) DAYS IN ADVANCE OF THE HEARING.**

**ONLY WITNESSES WHO PARTICIPATED IN THE INVESTIGATION WILL BE PERMITTED TO PARTICIPATE IN THE HEARING, UNLESS THE WITNESS WAS OTHERWISE UNKNOWN OR NOT KNOWN TO HAVE RELEVANT INFORMATION DURING THE COURSE OF THE INVESTIGATION. IF THE WITNESS DID NOT PARTICIPATE IN THE INVESTIGATION, THE PARTY MUST ALSO PROVIDE THE REASON THE WITNESS WAS NOT INTERVIEWED BY THE INVESTIGATOR, AND WHAT INFORMATION THE WITNESS HAS THAT IS RELEVANT TO THE ALLEGATIONS. THE HEARING OFFICER WILL THEN DETERMINE WHETHER THE WITNESS HAS RELEVANT INFORMATION AND IF THERE IS SUFFICIENT JUSTIFICATION FOR PERMITTING THE WITNESS TO PARTICIPATE. THE HEARING OFFICER MAY INSTEAD SEND THE CASE BACK TO THE INVESTIGATOR TO INTERVIEW THE NEWLY PROFFERED WITNESS PRIOR TO THE HEARING TAKING PLACE.**

**A LIST OF WITNESSES APPROVED BY THE HEARING OFFICER WILL BE PROVIDED TO THE PARTIES AT LEAST THREE (3) DAYS PRIOR TO THE HEARING.**

**THREE (3) DAYS PRIOR TO THE HEARING, EACH PARTY SHALL SUBMIT TO THE HEARING OFFICER A PRELIMINARY LIST OF QUESTIONS THEY WISH TO POSE TO THE OTHER PARTY, OR TO A WITNESS. IF THE HEARING OFFICER DETERMINES THAT ANY QUESTIONS ARE NOT RELEVANT OR SEEK OTHERWISE IMPERMISSIBLE EVIDENCE, THE HEARING OFFICER SHALL EXCLUDE THE QUESTION AND EXPLAIN THE REASON FOR THE EXCLUSION OF THE QUESTION AT THE HEARING. QUESTIONS THAT ARE UNCLEAR OR HARASSING OF THE PARTY OR WITNESS BEING QUESTIONED WILL NOT BE PERMITTED. THE HEARING OFFICER MUST GIVE A PARTY AN OPPORTUNITY TO CLARIFY OR REVISE ANY QUESTION THAT THE HEARING OFFICER HAS DETERMINED IS UNCLEAR OR HARASSING AND, IF THE PARTY SUFFICIENTLY CLARIFIES OR REVISES A QUESTION, AND THE QUESTION IS RELEVANT, THE QUESTION WILL BE ASKED.**

#### **ADVISOR**

**EACH PARTY IS ENTITLED TO BE ACCOMPANIED BY ONE ADVISOR AT THE HEARING. THE ROLE OF THE ADVISOR IS TO ASSIST THE PARTY WITH UNDERSTANDING AND NAVIGATING THE PROCEEDINGS. THE ADVISOR MAY NOT ADVOCATE FOR, RESPOND FOR, OR OTHERWISE SPEAK ON BEHALF OF, A PARTY DURING THE HEARING. IN THE EVENT THAT A PARTY DOES NOT APPEAR FOR THE HEARING, THE ADVISOR FOR THAT PARTY MAY NOT PARTICIPATE IN THE HEARING OR SUBMIT QUESTIONS TO BE ASKED ON BEHALF OF THE PARTY.**

#### **HEARING PARTICIPATION GUIDELINES**

**THE HEARING OFFICER SHALL HAVE THE AUTHORITY TO MAINTAIN ORDER AND DECORUM AT THE HEARING, INCLUDING RESPONDING TO DISRUPTIVE OR HARASSING CONDUCT, AND WHEN NECESSARY**



TO ADJOURN THE HEARING OR EXCLUDE THE DISRUPTIVE PERSON. IN THE EVENT THE HEARING OFFICER REMOVES AN ADVISOR, THE HEARING OFFICER WILL HAVE THE DISCRETION TO APPOINT ANOTHER ADVISOR FOR THE REMAINDER OF THE HEARING. THE HEARING OFFICER ALSO HAS THE AUTHORITY TO DETERMINE WHETHER ANY QUESTIONS ARE NOT RELEVANT, ABUSIVE, INTIMIDATING, OR DISRESPECTFUL, AND WILL NOT PERMIT SUCH QUESTIONS. THE HEARING OFFICER CANNOT DRAW AN INFERENCE ABOUT THE DETERMINATION REGARDING RESPONSIBILITY BASED SOLELY ON A PARTY'S ABSENCE FROM THE LIVE HEARING.

### **STATEMENTS, QUESTIONING AND PRESENTATION OF EVIDENCE**

DURING THE HEARING, EACH PARTY WILL BE PERMITTED TO PROVIDE AN INTRODUCTORY STATEMENT. FOLLOWING INTRODUCTORY STATEMENTS, THE HEARING OFFICER WILL CALL PARTIES AND WITNESSES FOR QUESTIONING. THE ORDER OF QUESTIONING SHALL BE DETERMINED BY THE HEARING OFFICER. THE HEARING OFFICER WILL POSE QUESTIONS TO THE PARTIES AND WITNESSES INCLUDING THE QUESTIONS THE HEARING OFFICER APPROVED TO BE ASKED THAT WERE SUBMITTED BY EACH PARTY PRIOR TO THE HEARING. EACH PARTY WILL THEN BE PROVIDED AN OPPORTUNITY TO SUBMIT FOLLOW-UP WRITTEN QUESTIONS TO THE HEARING OFFICER FOR THE HEARING OFFICER TO POSE TO THE OTHER PARTY OR WITNESSES. IF THE HEARING OFFICER DETERMINES THAT ANY QUESTIONS ARE NOT RELEVANT TO THE ALLEGATIONS, OR SEEK OTHERWISE IMPERMISSIBLE EVIDENCE, THE HEARING OFFICER SHALL EXCLUDE THE QUESTION AND EXPLAIN THE REASON FOR THE EXCLUSION OF THE QUESTION AT THE HEARING AND OFFER AN OPPORTUNITY TO THE PARTY TO REFRAME OR RESUBMIT THE QUESTION. QUESTIONS THAT ARE UNCLEAR OR HARASSING OF THE PARTY OR WITNESS BEING QUESTIONED WILL NOT BE PERMITTED.

ONLY THE HEARING OFFICER IS PERMITTED TO ASK QUESTIONS OF PARTIES AND WITNESSES. NEITHER PARTY MAY DIRECTLY QUESTION THE OTHER PARTY OR WITNESS. ADVISORS ARE NOT PERMITTED TO DIRECTLY OR INDIRECTLY QUESTION THE OTHER PARTY OR WITNESS.

FOLLOWING THE QUESTIONING OF PARTIES AND WITNESSES, EACH PARTY WILL BE PERMITTED TO PROVIDE A CLOSING STATEMENT. AN ADVISOR IS NOT PERMITTED TO PROVIDE A CLOSING STATEMENT ON BEHALF OF THEIR PARTY.

#### **G. HEARING OFFICER'S REPORT**

FOLLOWING THE HEARING, THE HEARING OFFICER SHALL PREPARE A DETERMINATION REPORT. ALL FINDINGS SHALL BE MADE BY A PREPONDERANCE OF THE EVIDENCE, MEANING MORE LIKELY THAN NOT. TO THE EXTENT CREDIBILITY DETERMINATIONS NEED TO BE MADE, SUCH DETERMINATIONS SHALL NOT BE BASED ON A PERSON'S STATUS AS COMPLAINANT, RESPONDENT, OR WITNESS.

THE DETERMINATION REPORT WILL INCLUDE:

1. A DESCRIPTION OF THE SEX-BASED HARASSMENT AND OTHER ALLEGATIONS IF APPLICABLE;
2. A REFERENCE TO THE POLICIES AND PROCEDURES USED TO EVALUATE THE ALLEGATIONS;

3. **DESCRIPTION OF ALL PROCEDURAL STEPS TAKEN TO DATE;**
4. **THE HEARING OFFICER'S EVALUATION OF THE RELEVANT AND NOT OTHERWISE IMPERMISSIBLE EVIDENCE ALONG WITH THE FINDING OF FACTS;**
5. **DETERMINATIONS FOR EACH ALLEGATION OF ANY POLICY VIOLATION(S), WITH THE RATIONALE;**
6. **SANCTION DETERMINATION (IF APPLICABLE);**
7. **WHETHER REMEDIES WILL BE PROVIDED; AND**
8. **THE PROCEDURES FOR AN APPEAL.**

**THE HEARING OFFICER'S REPORT SHALL BE PROVIDED TO THE TITLE IX COORDINATOR. IF THE HEARING OFFICER DETERMINES THAT THERE IS NO FINDING OF RESPONSIBILITY, THE TITLE IX COORDINATOR SHALL COMMUNICATE THE FINDINGS TO EACH PARTY, AND THEIR ADVISOR SHOULD THE PARTY WISH THE ADVISOR TO RECEIVE IT, A WRITTEN NOTICE OF OUTCOME ALONG WITH A COPY OF THE HEARING OFFICER'S REPORT, TO THE PARTIES, TOGETHER WITH PROCEDURES FOR APPEAL.**

**IF THERE IS A FINDING OF RESPONSIBILITY, THE TITLE IX COORDINATOR SHALL CONTACT THE APPROPRIATE SANCTIONING OFFICER WHO WILL DETERMINE THE SANCTION AND NOTIFY THE TITLE IX COORDINATOR OF THE SANCTIONING DETERMINATION. THE TITLE IX COORDINATOR WILL THEN PROVIDE EACH PARTY, AND THEIR ADVISOR SHOULD THE PARTY WISH THE ADVISOR TO RECEIVE IT, A WRITTEN NOTICE OF OUTCOME REGARDING THE HEARING OFFICER'S DECISION, INCLUDING THE HEARING OFFICER'S REPORT. THE TITLE IX COORDINATOR WILL ALSO PROVIDE WRITTEN COMMUNICATION TO THE COMPLAINANT REGARDING ANY APPROPRIATE REMEDIES.**

**IN THE EVENT THAT THE DECISIONMAKER HAS DETERMINED THAT A VIOLATION OF SFCM POLICY HAS OCCURRED, THE TITLE IX COORDINATOR SHALL THEN PROVIDE THE REPORT TO THE APPROPRIATE SANCTIONING OFFICER TO DETERMINE THE SANCTION, AND THE TITLE IX COORDINATOR SHALL THEN DETERMINE THE APPROPRIATE REMEDY(IES) FOR THE COMPLAINANT AND ANY IMPACTED PARTIES.**

1. **SANCTIONING OFFICER OR DESIGNEE FOR STUDENT RESPONDENTS: ASSOCIATE DEAN OF STUDENT AFFAIRS; [TD1] [TD2] [TD3]**
2. **SANCTIONING OFFICER OR DESIGNEE FOR STAFF RESPONDENTS: ASSOCIATE VP OF HUMAN RESOURCES & ADMINISTRATION; OR**
3. **SANCTIONING OFFICER OR DESIGNEE FOR FACULTY: DEAN.**

**THE TITLE IX COORDINATOR SHALL THEN PROVIDE THE PARTIES AND THEIR ADVISORS, IF ANY, WITH A WRITTEN NOTICE OF OUTCOME AND A COPY OF THE DECISIONMAKER'S REPORT.**

**THE NOTICE OF OUTCOME SHALL INCLUDE:**

1. **ANY DISCIPLINARY SANCTIONS FOR THE RESPONDENT;**
2. **WHETHER REMEDIES WILL BE PROVIDED;**
3. **AND THE PROCEDURES FOR APPEAL.**

IN ADDITION, THE **COMPLAINANT** SHALL BE INFORMED OF ANY REMEDIES THAT APPLY TO THE **COMPLAINANT**.

THE **TITLE IX COORDINATOR** WILL PROVIDE EACH PARTY, AND THEIR ADVISOR, WRITTEN COMMUNICATION REGARDING THE DECISION, THE SANCTION DETERMINATION, AND THE PROCEDURES FOR APPEAL, ALONG WITH A COPY OF THE **INVESTIGATION REPORT**. THE **TITLE IX COORDINATOR** WILL ALSO PROVIDE WRITTEN COMMUNICATION TO THE **COMPLAINANT** REGARDING ANY APPROPRIATE REMEDIES.

## **XV. Remedies & Sanctions for All Prohibited Conduct**

**REMEDIES** MUST BE DESIGNED TO RESTORE OR PRESERVE EQUAL ACCESS TO **SFCM**'S EDUCATION PROGRAM OR ACTIVITY. *LIST THE POSSIBLE DISCIPLINARY SANCTIONS AND REMEDIES THAT **SFCM** MAY IMPLEMENT FOLLOWING ANY DETERMINATION OF RESPONSIBILITY.*

A **RESPONDENT** 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.

**POSSIBLE SANCTIONS AND REMEDIES THAT **SFCM** MAY IMPLEMENT** FOLLOWING ANY DETERMINATION OF RESPONSIBILITY INCLUDE: EXPULSION, WITHDRAWAL OF AN AWARDED DEGREE, A NO CONTACT ORDER, WRITTEN WARNING, SUSPENSION, A FINE, RESTITUTION, COMMUNITY SERVICE, PROBATION, REFERENCE TO COUNSELING, TERMINATION OF EMPLOYMENT, AND NOTATION IN THE **RESPONDENT'S** OFFICIAL STUDENT OR PERSONNEL FILE OF THE FACT OF A VIOLATION AND THE SANCTION.

THE **TITLE IX COORDINATOR** IS RESPONSIBLE FOR EFFECTIVE IMPLEMENTATION OF ANY REMEDIES.

### **FAILURE TO COMPLETE SANCTIONS/COMPLY WITH RESPONSIVE ACTIONS**

**ALL RESPONDING PARTIES** ARE EXPECTED TO COMPLY WITH CONDUCT SANCTIONS/RESPONSIVE ACTIONS/CORRECTIVE ACTIONS WITHIN THE TIMEFRAME SPECIFIED BY **SFCM**. **RESPONDING PARTIES** NEEDING AN EXTENSION TO COMPLY WITH THEIR SANCTIONS MUST SUBMIT A WRITTEN REQUEST TO THE **TITLE IX COORDINATOR** STATING THE REASONS FOR NEEDING ADDITIONAL TIME.

**FAILURE TO FOLLOW THROUGH ON CONDUCT SANCTIONS/RESPONSIVE ACTIONS/CORRECTIVE ACTIONS** BY THE DATE SPECIFIED, WHETHER BY REFUSAL, NEGLECT OR ANY OTHER REASON, MAY RESULT IN ADDITIONAL SANCTIONS/RESPONSIVE ACTIONS/CORRECTIVE ACTIONS, SUCH AS SUSPENSION, EXPULSION, TERMINATION, OR A TRANSCRIPT NOTATION. **STUDENTS** WHO FAIL TO COMPLY WILL BE REFERRED TO THE **OFFICE OF STUDENT AFFAIRS** IN ACCORDANCE WITH THE POLICIES CONTAINED IN THE **SFCM'S COLLEGIATE STUDENT HANDBOOK**. **EMPLOYEES** WHO FAIL TO COMPLY WILL BE REFERRED TO **HUMAN RESOURCES** IN ACCORDANCE WITH POLICIES CONTAINED IN THE **EMPLOYEE HANDBOOK**.

## **XVI. Appeals**

**DETERMINATIONS** MAY BE APPEALED IN WRITING BY EITHER PARTY. **APPEALS** WILL BE SENT TO THE **TITLE IX COORDINATOR**, WHO WILL THEN SEND THE APPEAL TO THE DESIGNATED **APPEALS OFFICER** ASSIGNED TO

CONDUCT A WRITTEN REVIEW OF THE APPEAL(S) AND TO MAKE A FINAL DETERMINATION. APPEALS MUST BE IN WRITING AND FILED WITHIN TEN (10) DAYS FOLLOWING THE ISSUANCE OF THE NOTICE OF OUTCOME.

WHEN AN APPEAL IS FILED, THE OTHER PARTY SHALL BE NOTIFIED AND PROVIDED WITH A COPY OF THE FILED APPEAL WITHIN ONE (1) DAY AND HAVE FIVE (5) DAYS TO RESPOND TO THE APPEAL IN WRITING. ANY PARTY'S DECISION NOT TO SUBMIT A REPLY TO AN APPEAL IS NOT EVIDENCE THAT THE NON-APPEALING PARTY AGREED WITH THE APPEAL.

WITHIN THREE (3) DAYS OF AN APPEAL OFFICER BEING ASSIGNED, EITHER PARTY MAY PROVIDE WRITTEN OBJECTION TO THE APPEAL OFFICER ON THE BASIS OF AN ACTUAL BIAS OR CONFLICT OF INTEREST. ANY OBJECTION IS TO BE SENT TO THE TITLE IX COORDINATOR. SHOULD THE TITLE IX COORDINATOR DETERMINE THAT THERE IS AN ACTUAL BIAS OR CONFLICT OF INTEREST, THE TITLE IX COORDINATOR WILL APPOINT ANOTHER APPEAL OFFICER.

APPEALS MAY BE FILED ONLY ON THE FOLLOWING THREE GROUNDS:

1. **PROCEDURAL ERROR:** A PROCEDURAL ERROR OCCURRED WOULD CHANGE THE OUTCOME. A DESCRIPTION OF THE ERROR AND ITS IMPACT ON THE OUTCOME OF THE CASE MUST BE INCLUDED IN THE WRITTEN APPEAL; OR
2. **NEW EVIDENCE:** NEW EVIDENCE OR INFORMATION HAS ARISEN THAT WAS NOT AVAILABLE OR KNOWN TO THE PARTY DURING THE INVESTIGATION, THAT WOULD CHANGE THE OUTCOME. INFORMATION THAT WAS KNOWN TO THE PARTY DURING THE RESOLUTION PROCESS BUT WHICH THEY CHOSE NOT TO PRESENT IS NOT CONSIDERED NEW INFORMATION. THE NEW EVIDENCE, AN EXPLANATION AS TO WHY THE EVIDENCE WAS NOT PREVIOUSLY AVAILABLE OR KNOWN, AND AN EXPLANATION OF ITS POTENTIAL IMPACT ON THE INVESTIGATION FINDINGS MUST BE INCLUDED IN THE WRITTEN APPEAL; OR
3. **ACTUAL CONFLICT OF INTEREST OR DEMONSTRATED BIAS:** THE TITLE IX COORDINATOR, INVESTIGATOR, OR OTHERS WITH A ROLE IN THE PROCESS WITH AN ACTUAL CONFLICT OF INTEREST OR DEMONSTRATED BIAS FOR OR AGAINST COMPLAINANTS OR RESPONDENTS GENERALLY, OR THE INDIVIDUAL COMPLAINANT OR RESPONDENT, THAT WOULD CHANGE THE OUTCOME. ANY EVIDENCE SUPPORTING THE ALLEGED CONFLICT OF INTEREST OR DEMONSTRATED BIAS MUST BE INCLUDED IN THE WRITTEN APPEAL.

THE APPEAL OFFICER WILL MAKE A DETERMINATION REGARDING THE APPEAL AND COMMUNICATE THAT DECISION, ALONG WITH A RATIONALE FOR THE DECISION TO THE TITLE IX COORDINATOR WHO WILL COMMUNICATE THE APPEAL OFFICER'S DECISION TO THE PARTIES. THE DECISION OF THE APPEALS OFFICER IS FINAL.

## **XVII. Prohibition Against Retaliation**

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.

**INTIMIDATION, THREATS, COERCION, OR DISCRIMINATION, INCLUDING CHARGES AGAINST AN INDIVIDUAL FOR CODE OF CONDUCT VIOLATIONS THAT DO NOT INVOLVE SEX DISCRIMINATION OR SEXUAL HARASSMENT, BUT ARISE OUT OF THE SAME FACTS OR CIRCUMSTANCES AS A REPORT OR COMPLAINT OF SEX DISCRIMINATION, OR A REPORT OR COMPLAINT OF SEXUAL HARASSMENT, FOR THE PURPOSE OF INTERFERING WITH ANY RIGHT UNDER THIS POLICY CONSTITUTES RETALIATION.**

**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 FOR SEX DISCRIMINATION ABOVE (106.45 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.**

## **XVIII. Record Retention**

**IN IMPLEMENTING THIS POLICY, RECORDS OF ALL REPORTS AND RESOLUTIONS WILL BE KEPT BY THE TITLE IX COORDINATOR IN ACCORDANCE WITH THE APPLICABLE SFCM RECORDS RETENTION SCHEDULE. ALL RECORDS WILL BE AFFORDED THE CONFIDENTIALITY PROTECTIONS REQUIRED BY LAW, INCLUDING BUT NOT LIMITED TO THE FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT GOVERNING CONFIDENTIALITY OF STUDENT INFORMATION. THIS MEANS THAT SFCM WILL PROTECT THE 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.**

## **XIX. Additional Enforcement Information**

**ANY PERSON MAY REPORT CONDUCT PROHIBITED BY THIS POLICY TO THE TITLE IX COORDINATOR OR TO THE DEPUTY TITLE IX COORDINATOR FOR EMPLOYEES OR THE DEPUTY TITLE IX COORDINATOR FOR STUDENTS. A COMPLAINT ABOUT THE TITLE IX COORDINATOR MAY BE MADE TO:**

**JONAS WRIGHT  
DEAN AND VP OF ACADEMIC AFFAIRS  
(415) 503-6212  
ANN GETTY CENTER  
50 OAK STREET,  
SAN FRANCISCO, CA 94102  
SUITE 208**

**EMPLOYEES ARE NOT REQUIRED TO REPORT CONCERNS DIRECTLY TO THEIR IMMEDIATE SUPERVISORS. CONCERNS ABOUT VIOLATIONS OF THIS POLICY MAY BE REPORTED TO:**

**THE U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS (OCR) INVESTIGATES COMPLAINTS OF UNLAWFUL DISCRIMINATION AND HARASSMENT OF STUDENTS AND EMPLOYEES IN EDUCATION PROGRAMS OR ACTIVITIES.**

**QUESTIONS ABOUT TITLE IX MAY BE REFERRED TO THE TITLE IX COORDINATOR OR TO THE ASSISTANT SECRETARY FOR CIVIL RIGHTS:**

**OFFICE OF CIVIL RIGHTS**

[HTTPS://WWW2.ED.GOV/ABOUT/OFFICES/LIST/OCR/INDEX.HTML](https://www2.ed.gov/about/offices/list/ocr/index.html)

**SAN FRANCISCO OFFICE**

**U.S. DEPARTMENT OF EDUCATION**

**50 UNITED NATIONS PLAZA**

**MAIL BOX 1200, ROOM 1545**

**SAN FRANCISCO, CA 94102**

**THE U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION (EEOC) INVESTIGATES REPORTS OF UNLAWFUL HARASSMENT, DISCRIMINATION, AND RETALIATION, INCLUDING SEX-BASED HARASSMENT, IN EMPLOYMENT.**

**U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION (EEOC)**

[HTTPS://WWW.EEOC.GOV/CONTACT-EEOC](https://www.eeoc.gov/contact-eeoc)

**PHILLIP BURTON FEDERAL BUILDING & U.S. COURTHOUSE**

**450 GOLDEN GATE AVENUE**

**SAN FRANCISCO, CA 94102**

**(800) 669-4000**

**CALIFORNIA CIVIL RIGHTS DIVISION (FORMERLY DFEH)**

[HTTPS://CALCIVILRIGHTS.CA.GOV/](https://calcivilrights.ca.gov/)

**555 12<sup>TH</sup> STREET, SUITE 2050**

**OAKLAND, CA 94607**

**(800) 884-1684**

## **XX. Policy Review & Revision**

**THESE POLICIES AND PROCEDURES WILL BE REVIEWED AND UPDATED REGULARLY BY THE TITLE IX COORDINATOR. THE TITLE IX COORDINATOR WILL SUBMIT MODIFICATIONS TO THIS POLICY IN A MANNER CONSISTENT WITH INSTITUTIONAL POLICY UPON DETERMINING THAT CHANGES TO LAW, REGULATION OR BEST PRACTICES REQUIRE POLICY OR PROCEDURAL ALTERATIONS NOT REFLECTED IN THIS POLICY AND PROCEDURE. PROCEDURES IN EFFECT AT THE TIME OF ITS IMPLEMENTATION WILL APPLY. THE POLICY DEFINITIONS IN EFFECT AT THE TIME OF THE CONDUCT WILL APPLY EVEN IF THE POLICY IS CHANGED SUBSEQUENTLY, UNLESS THE PARTIES CONSENT TO BE BOUND BY THE CURRENT POLICY.**

**THIS POLICY MAY BE REVISED AT ANY TIME WITHOUT NOTICE. ALL REVISIONS SUPERSEDE PRIOR POLICY AND ARE EFFECTIVE IMMEDIATELY UPON POSTING TO SFCM WEBSITE.**

## **XXI. Key Definitions**

**ADVISOR: EACH PARTY HAS THE RIGHT TO CHOOSE AND CONSULT WITH AN ADVISOR OF THEIR CHOICE AT THEIR OWN EXPENSE. THE ADVISOR MAY BE ANY PERSON, INCLUDING A FRIEND, FAMILY MEMBER, THERAPIST, UNION REPRESENTATIVE, OR AN ATTORNEY. SFCM WILL NOT LIMIT THEIR CHOICE OF ADVISOR. PARTIES IN THIS PROCESS MAY BE ACCOMPANIED BY AN ADVISOR OF CHOICE TO ANY MEETING OR PROCEEDING TO WHICH THEY ARE REQUIRED OR ARE ELIGIBLE TO ATTEND. EXCEPT WHERE EXPLICITLY STATED BY THIS POLICY, ADVISORS SHALL NOT PARTICIPATE DIRECTLY IN THE PROCESS. SFCM WILL PROVIDE THE PARTIES EQUAL ACCESS TO ADVISORS; ANY RESTRICTIONS ON ADVISOR PARTICIPATION WILL BE APPLIED EQUALLY.**

**AN ADVISOR MAY NOT REPRESENT, ADVOCATE, OR SPEAK ON BEHALF OF A COMPLAINANT OR RESPONDENT. AN ADVISOR MAY NOT DISRUPT OR IMPEDE ANY RESOLUTION PROCEEDING.**

**AFFIRMATIVE CONSENT: MEANS AFFIRMATIVE, CONSCIOUS, AND VOLUNTARY AGREEMENT TO ENGAGE IN SEXUAL ACTIVITY. IT IS THE RESPONSIBILITY OF EACH PERSON INVOLVED IN THE SEXUAL ACTIVITY TO ENSURE THAT THEY HAVE THE AFFIRMATIVE CONSENT OF THE OTHER OR OTHERS TO ENGAGE IN THE SEXUAL ACTIVITY. AFFIRMATIVE CONSENT MUST BE ONGOING THROUGHOUT A SEXUAL ACTIVITY AND CAN BE REVOKED AT ANY TIME.**

- 1. LACK OF PROTEST OR RESISTANCE DOES NOT MEAN CONSENT;**
- 2. SILENCE DOES NOT MEAN CONSENT;**
- 3. THE EXISTENCE OF A DATING RELATIONSHIP BETWEEN THE PERSONS INVOLVED, OR THE FACT OF PAST SEXUAL RELATIONS BETWEEN THEM, SHOULD NEVER BY ITSELF BE ASSUMED TO BE AN INDICATOR OF CONSENT;**

**IT SHALL NOT BE A VALID EXCUSE THAT THE ALLEGED LACK OF AFFIRMATIVE CONSENT THAT RESPONDENT BELIEVED THAT COMPLAINANT CONSENTED TO THE SEXUAL ACTIVITY UNDER EITHER OF THE FOLLOWING CIRCUMSTANCES:**

**(A) RESPONDENT'S BELIEF IN AFFIRMATIVE CONSENT AROSE FROM THE INTOXICATION OR RECKLESSNESS OF RESPONDENT;**

**(B) RESPONDENT DID NOT TAKE REASONABLE STEPS, IN THE CIRCUMSTANCES KNOWN TO RESPONDENT AT THE TIME, TO ASCERTAIN WHETHER COMPLAINANT AFFIRMATIVELY CONSENTED.**

**IT SHALL NOT BE A VALID EXCUSE THAT RESPONDENT BELIEVED THAT COMPLAINANT AFFIRMATIVELY CONSENTED TO THE SEXUAL ACTIVITY IF RESPONDENT KNEW OR REASONABLY SHOULD HAVE KNOWN THAT COMPLAINANT WAS UNABLE TO CONSENT TO THE SEXUAL ACTIVITY UNDER ANY OF THE FOLLOWING CIRCUMSTANCES:**

**(A) COMPLAINANT WAS ASLEEP OR UNCONSCIOUS.**

**(B) COMPLAINANT WAS INCAPACITATED DUE TO THE INFLUENCE OF DRUGS, ALCOHOL, OR MEDICATION, SO THAT THE COMPLAINANT COULD NOT UNDERSTAND THE FACT, NATURE, OR EXTENT OF THE SEXUAL ACTIVITY.**

**(C) COMPLAINANT WAS UNABLE TO COMMUNICATE DUE TO A MENTAL OR PHYSICAL CONDITION.**

**OPTIONAL: AFFIRMATIVE CONSENT CANNOT BE GIVEN IF ANY OF THE FOLLOWING ARE PRESENT: INCAPACITATION, FORCE, OR COERCION.**

**COERCION/FORCE: CONSENT CANNOT BE PROCURED BY THE USE OF PHYSICAL FORCE, COMPULSION, THREATS, INTIMIDATING BEHAVIOR, OR COERCION. SEXUAL ACTIVITY ACCOMPANIED BY COERCION OR FORCE IS NOT CONSENSUAL.**

- 1. COERCION REFERS TO UNREASONABLE PRESSURE FOR SEXUAL ACTIVITY. WHEN SOMEONE MAKES IT CLEAR THAT THEY DO NOT WANT TO ENGAGE IN SEXUAL ACTIVITY OR DO NOT WANT TO GO BEYOND A CERTAIN POINT OF SEXUAL INTERACTION, CONTINUED PRESSURE BEYOND THAT POINT CAN BE CONSIDERED COERCIVE. THE USE OF COERCION CAN INVOLVE THE USE OF PRESSURE, MANIPULATION, SUBSTANCES, OR FORCE. IGNORING OBJECTIONS OF ANOTHER PERSON IS A FORM OF COERCION.**
- 2. FORCE REFERS TO THE USE OF PHYSICAL VIOLENCE OR IMPOSING ON SOMEONE PHYSICALLY TO ENGAGE IN SEXUAL CONTACT OR INTERCOURSE. FORCE CAN ALSO INCLUDE THREATS, INTIMIDATION (IMPLIED THREATS), OR COERCION USED TO OVERCOME RESISTANCE.**

**COMPLAINT: A COMPLAINT MEANS AN ORAL OR WRITTEN REQUEST TO TITLE IX COORDINATOR THAT OBJECTIVELY CAN BE UNDERSTOOD AS A REQUEST FOR SFCM TO INVESTIGATE AND MAKE A DETERMINATION ABOUT ALLEGED SEX DISCRIMINATION UNDER THIS POLICY. A COMPLAINT MAY BE FILED WITH THE TITLE IX COORDINATOR IN PERSON, BY MAIL, OR BY ELECTRONIC MAIL (EMAIL), BY USING THE CONTACT INFORMATION LISTED ON THE TITLE IX/EQUAL OPPORTUNITY WEBSITE (LINK), OR AS DESCRIBED IN THIS POLICY. INDIVIDUALS WHO WOULD LIKE MORE INFORMATION ABOUT FILING A COMPLAINT ARE INVITED TO CONTACT THE TITLE IX COORDINATOR FOR ADDITIONAL INFORMATION.**

**COMPLAINANT: ANY INDIVIDUAL WHO HAS REPORTED BEING OR IS ALLEGED TO BE IMPACTED BY PROHIBITED CONDUCT AS DEFINED BY THIS POLICY, AND WHO WAS PARTICIPATING IN A SFCM PROGRAM OR ACTIVITY (OR ATTEMPTING TO PARTICIPATE) AT THE TIME OF THE ALLEGED MISCONDUCT.**

**CONFIDENTIAL RESOURCES: ANY INDIVIDUAL IDENTIFIED BY SFCM WHO RECEIVES INFORMATION ABOUT CONDUCT PROHIBITED UNDER THIS POLICY IN THEIR CONFIDENTIAL CAPACITY AND WHO ARE PRIVILEGED UNDER STATE LAW WILL NOT REPORT PROHIBITED CONDUCT DISCLOSED TO THEM WITHOUT WRITTEN CONSENT. DESIGNATION AS A CONFIDENTIAL RESOURCE UNDER THIS POLICY ONLY EXEMPTS SUCH**



INDIVIDUALS FROM DISCLOSURE TO THE **TITLE IX COORDINATOR**. IT DOES NOT AFFECT OTHER MANDATORY REPORTING OBLIGATIONS UNDER STATE CHILD ABUSE REPORTING LAWS, THE **CLERY ACT** AS A CAMPUS SECURITY AUTHORITY, OR OTHER LAWS THAT REQUIRE REPORTING TO CAMPUS OR LOCAL LAW ENFORCEMENT.

**DECISIONMAKER:** TRAINED PROFESSIONAL DESIGNATED BY **SFCM** TO DECIDE RESPONSIBILITY, SANCTION, OR APPEALS. **A DECISIONMAKER** MAY BE ONE PERSON OR A PANEL OF MULTIPLE PEOPLE AS DETERMINED BY **SFCM**. **WHEN THERE IS NO HEARING, THE INVESTIGATOR MAY BE APPOINTED AS THE DECISIONMAKER.**

**DISCLOSURE OR REPORT:** **A DISCLOSURE OR REPORT** MAY BE MADE BY ANYONE, WHETHER THEY LEARNED ABOUT CONDUCT POTENTIALLY CONSTITUTING SEX DISCRIMINATION UNDER THIS **POLICY**, OR WHETHER THEY PERSONALLY EXPERIENCED SUCH CONDUCT. **A PERSON MAKING A DISCLOSURE OR REPORT** MAY OR MAY NOT BE SEEKING TO INITIATE AN INVESTIGATION.

**EDUCATION PROGRAM OR ACTIVITY:** **SFCM'S "EDUCATION PROGRAM OR ACTIVITY"** INCLUDES ALL CAMPUS OPERATIONS, INCLUDING OFF-CAMPUS SETTINGS THAT ARE OPERATED OR OVERSEEN BY **SFCM**: INCLUDING, FOR EXAMPLE, FIELD TRIPS, ONLINE CLASSES, AND ATHLETIC PROGRAMS; CONDUCT SUBJECT TO **SFCM'S** DISCIPLINARY AUTHORITY THAT OCCURS OFF-CAMPUS; CONDUCT THAT TAKES PLACE VIA **SFCM-SPONSORED** ELECTRONIC DEVICES, COMPUTER AND INTERNET NETWORKS AND DIGITAL PLATFORMS OPERATED BY, OR USED IN THE OPERATIONS OF, **SFCM**. **CONDUCT THAT OCCURS OUTSIDE OF THE EDUCATION PROGRAM OR ACTIVITY** MAY CONTRIBUTE TO A HOSTILE ENVIRONMENT WITHIN THE PROGRAM OR ACTIVITY.

**FINDING:** A WRITTEN CONCLUSION BY A PREPONDERANCE OF THE EVIDENCE, ISSUED BY AN **INVESTIGATOR**, THAT THE CONDUCT DID OR DID NOT OCCUR AS ALLEGED.

**INCAPACITATION** OCCURS WHEN SOMEONE CANNOT MAKE RATIONAL, REASONABLE DECISIONS BECAUSE THEY LACK THE CAPACITY TO GIVE KNOWING AND INFORMED CONSENT (E.G., TO UNDERSTAND THE "WHO, WHAT, WHEN, WHERE, WHY, AND HOW" OF THEIR SEXUAL INTERACTION). **INCAPACITATION** IS DETERMINED THROUGH CONSIDERATION OF ALL RELEVANT INDICATORS OF A PERSON'S STATE AND IS NOT SYNONYMOUS WITH INTOXICATION, IMPAIRMENT, OR BEING UNDER THE INFLUENCE OF DRUGS OR ALCOHOL. **THIS POLICY** ALSO COVERS A PERSON WHOSE INCAPACITY RESULTS FROM TEMPORARY OR PERMANENT PHYSICAL OR MENTAL HEALTH CONDITION, INVOLUNTARY PHYSICAL RESTRAINT, AND/OR THE CONSUMPTION OF INCAPACITATING DRUGS, OR WHO ARE SLEEPING.

**NO-CONTACT DIRECTIVE:** **A NO CONTACT DIRECTIVE** IS A DOCUMENT ISSUED BY AN **SFCM** ADMINISTRATOR THAT IS DESIGNED TO LIMIT OR PROHIBIT CONTACT OR COMMUNICATIONS BETWEEN THE PARTIES. **A NO-CONTACT DIRECTIVE** MAY BE MUTUAL OR UNILATERAL, WITH THE EXCEPTION THAT A **NO-CONTACT DIRECTIVE** ISSUED AS EITHER A SANCTION OR REMEDY SHALL BE UNILATERAL, DIRECTING THAT THE RESPONDENT NOT CONTACT THE **COMPLAINANT**.

**FOR CASES OF SEX-BASED HARASSMENT INVOLVING A STUDENT:**

- (i) WHEN REQUESTED BY A **C**OMPLAINANT OR OTHERWISE DETERMINED TO BE APPROPRIATE, **SFCM** SHALL ISSUE AN INTERIM, UNILATERAL NO-CONTACT DIRECTIVE PROHIBITING THE **R**ESPONDENT FROM CONTACTING THE COMPLAINT DURING THE PENDENCY OF THE DECISION-MAKING PROCESS UNDER THIS **P**OLICY, INCLUDING ANY APPEAL.
- (ii) **SFCM** SHALL NOT ISSUE AN INTERIM MUTUAL NO-CONTACT DIRECTIVE AUTOMATICALLY, BUT INSTEAD SHALL CONSIDER THE SPECIFIC CIRCUMSTANCES OF EACH CASE TO DETERMINE WHETHER A MUTUAL NO-CONTACT DIRECTIVE IS NECESSARY OR JUSTIFIABLE TO PROTECT THE NONCOMPLAINING PARTY'S SAFETY OR WELL-BEING, OR TO RESPOND TO INTERFERENCE WITH AN INVESTIGATION. UPON ISSUANCE OF AN INTERIM MUTUAL NO-CONTACT DIRECTIVE, **SFCM** SHALL PROVIDE THE **P**ARTIES WITH A WRITTEN JUSTIFICATION FOR THE DIRECTIVE AND AN EXPLANATION OF THE TERMS OF THE DIRECTIVE, INCLUDING THE CIRCUMSTANCES, IF ANY, UNDER WHICH A VIOLATION COULD BE SUBJECT TO DISCIPLINARY ACTION.

**NOTICE:** ALL NOTICES UNDER THIS **P**OLICY ARE WRITTEN AND SENT TO THE STUDENT OR EMPLOYEE'S ASSIGNED **SFCM** EMAIL ADDRESS OR DELIVERED VIA **C**ERTIFIED **M**AIL TO THE LOCAL OR PERMANENT ADDRESS(ES) OF THE PARTIES AS INDICATED IN OFFICIAL **SFCM** RECORDS, OR PERSONALLY DELIVERED TO THE INTENDED RECIPIENT.

**REMEDIES:** **R**EMEDIES MEANS MEASURES PROVIDED, AS APPROPRIATE, TO A **C**OMPLAINANT OR ANY OTHER PERSON **SFCM** IDENTIFIES AS HAVING HAD THEIR EQUAL ACCESS TO **SFCM** 'S EDUCATION PROGRAM OR ACTIVITY LIMITED OR DENIED BY SEX DISCRIMINATION OR OTHER PROHIBITED CONDUCT COVERED BY THIS **P**OLICY. THESE MEASURES ARE PROVIDED TO RESTORE OR PRESERVE THAT PERSON'S ACCESS TO THE EDUCATION PROGRAM OR ACTIVITY AFTER A **SFCM** DETERMINES THAT SEX DISCRIMINATION OCCURRED. ONLY THE **C**OMPLAINANT WILL BE INFORMED OF ANY REMEDIES PERTAINING TO THEM. SOME EXAMPLES ARE ACADEMIC SUPPORT AND/OR OPPORTUNITY TO RETAKE A CLASS OR RESUBMIT WORK OR TIME EXTENSIONS ON COURSE OR DEGREE COMPLETION, OR NON-ACADEMIC SUPPORT SUCH AS COUNSELING, OR CHANGES TO WORK ASSIGNMENTS OR LOCATIONS. THE **T**ITLE **I**X **C**OORDINATOR IS RESPONSIBLE FOR IMPLEMENTATION OF REMEDIES.

**R**ESPONDENT: AN INDIVIDUAL, OR GROUP OF INDIVIDUALS SUCH AS A STUDENT ORGANIZATION, WHO HAS BEEN REPORTED TO BE THE PERPETRATOR OF CONDUCT THAT COULD CONSTITUTE **P**ROHIBITED **C**ONDUCT UNDER THIS POLICY; OR RETALIATION FOR ENGAGING IN A PROTECTED ACTIVITY.

**S**ANCTIONS: **O**NE OR MORE OF THE SANCTIONS OR DISCIPLINARY STEPS LISTED HERE MAY BE IMPOSED ON A **R**ESPONDENT WHO IS FOUND RESPONSIBLE FOR A VIOLATION OF **SFCM**'S POLICIES. **S**ANCTIONS OR DISCIPLINARY STEPS NOT LISTED HERE MAY BE IMPOSED IN CONSULTATION WITH THE **T**ITLE **I**X **C**OORDINATOR.

**T**HE FORM OF SANCTION OR DISCIPLINE USED WILL DEPEND ON THE NATURE OF THE OFFENSE, AS WELL AS ANY PRIOR DISCIPLINARY HISTORY. **S**UCH DISCIPLINE OR SANCTION WILL BE IMPOSED PURSUANT TO AND IN

ACCORDANCE WITH ANY AND ALL APPLICABLE **SFCM** RULES, POLICIES, AND PROCEDURES. **FACTORS** CONSIDERED WHEN DETERMINING A SANCTION/RESPONSIVE ACTION MAY INCLUDE:

1. **THE NATURE, SEVERITY OF, AND CIRCUMSTANCES SURROUNDING THE VIOLATION;**
2. **AN INDIVIDUAL'S DISCIPLINARY HISTORY;**
  3. **PREVIOUS GRIEVANCES OR ALLEGATIONS INVOLVING SIMILAR CONDUCT;**
  4. **THE NEED FOR SANCTIONS/RESPONSIVE ACTIONS TO BRING AN END TO THE SEX DISCRIMINATION OR RETALIATION;**
  5. **THE NEED FOR SANCTIONS/RESPONSIVE ACTIONS TO PREVENT THE FUTURE RECURRENCE OF SEX DISCRIMINATION OR RETALIATION;**
  6. **THE NEED TO REMEDY THE EFFECTS OF THE SEX DISCRIMINATION OR RETALIATION ON THE VICTIM AND THE CAMPUS COMMUNITY.**

**STUDENT SANCTIONS IMPOSED ARE IMPLEMENTED WHEN THE DECISION IS FINAL (AFTER AN APPEAL, OR, IF THERE WAS NO APPEAL, AFTER THE APPEALS PERIOD EXPIRES).**

**FACULTY FOUND RESPONSIBLE FOR VIOLATING THIS POLICY MAY BE REFERRED TO THE APPROPRIATE ACADEMIC OFFICIAL FOR ANY OTHER APPLICABLE PROCESSES.**

**POSSIBLE SANCTIONS AND DISCIPLINARY STEPS FOR STUDENT RESPONDENTS INCLUDE, BUT ARE NOT LIMITED TO THE FOLLOWING:**

1. **COMMUNITY RESTITUTION, WHICH MAY REQUIRE INDIVIDUALS OR GROUPS TO WRITE A LETTER OF APOLOGY, PARTICIPATE IN A DESIGNATED SERVICE PROJECT, OR GIVE AN IDENTIFIED COMMUNITY (ON- OR OFF-CAMPUS) A NUMBER OF SERVICE HOURS TO BE COMPLETED WITHIN A SPECIFIED TIME PERIOD. WHEN APPROPRIATE, THE INDIVIDUAL OR GROUP MAY BE REQUIRED TO DEVISE ITS OWN COMMUNITY RESTITUTION PLAN TO BE APPROVED BY THE ASSOCIATE DEAN FOR STUDENT AFFAIRS OR THEIR DESIGNEE.**
2. **COUNSELING INTERVENTION WHICH MAY BE RECOMMENDED AND IN SOME CASES REQUIRED WHEN BEHAVIOR INDICATES THAT THE COUNSELING MAY BE BENEFICIAL TO THE STUDENT. SPECIFIC CIRCUMSTANCES WILL DETERMINE AN APPROPRIATE MENTAL HEALTH SERVICE REFERRAL, WHICH MAY INCLUDE DRUG, ALCOHOL, AND OTHER EDUCATIONAL WORKSHOPS. SUCH MANDATED INTERVENTIONS MAY BE AT THE STUDENT'S COST.**
3. **FINANCIAL RESTITUTION, WHICH MAY REQUIRE INDIVIDUALS OR GROUPS TO RESTORE OR REPLACE WITHIN A SPECIFIED TIME, PROPERTY WHICH HAS BEEN DAMAGED, DEFACED, LOST, OR STOLEN.**
4. **REVOCATION OR RESTRICTION OF PRIVILEGES, FOR THE USE OF DESIGNATED **SFCM** FACILITIES OR PROGRAMS.**
5. **DISCIPLINARY WARNING, INCLUDING AN OFFICIAL LETTER OF REPRIMAND TO THE STUDENT STATING THAT THE STUDENT'S BEHAVIOR IS IN VIOLATION OF **SFCM** POLICY AND MAY NOT RECUR.**
6. **DISCIPLINARY PROBATION, WHICH NORMALLY CONSISTS OF AN OFFICIAL NOTICE THAT ANY FURTHER CODE VIOLATION MAY RESULT IN DISMISSAL OF THE STUDENT OR OTHER SERIOUS PENALTY, OR LOSS OF PRIVILEGES OF THE GROUP. THIS IS A SERIOUS WARNING WHICH SERVES AS A CHECK ON THE STUDENT'S**

OR GROUP'S FUTURE BEHAVIOR. **PROBATION** IS GIVEN FOR A PERIOD OF TIME AND CAN LIMIT THE ACTIVITIES OR PRIVILEGES OF A STUDENT OR GROUP.

7. **SUSPENSION FROM SFCM HOUSING**, WHICH INVOLVES REVOCATION OF THE PRIVILEGE OF LIVING IN **SFCM** HOUSING FOR A CERTAIN PERIOD OF TIME. **STUDENTS** OR GROUPS WHO HAVE THEIR HOUSING CONTRACTS OR LEASES TERMINATED FOR DISCIPLINARY REASONS ARE NOT ENTITLED TO A REIMBURSEMENT.
8. **SUSPENSION**, WHICH GENERALLY INVOLVES THE REVOCATION OF THE PRIVILEGE OF ATTENDING **SFCM** AND USING ITS FACILITIES FOR A CERTAIN PERIOD OF TIME. **CONDITIONS** FOR RE-ENTRY MAY BE SPECIFIED.
9. **DISMISSAL**, WHICH MEANS THE STUDENT IS PERMANENTLY SEPARATED FROM **SFCM**. THE STUDENT MAY NOT APPLY FOR READMISSION TO ANY PROGRAM.
10. **OTHER COMMON SANCTIONS** MAY INCLUDE ALTERATION OF HOUSING SELECTION PRIVILEGES; RESEARCH ASSIGNMENTS; PROJECT, PROGRAM, AND PRESENTATION REQUIREMENTS; REVOCATION OF OTHER **SFCM** PRIVILEGES (E.G., ACCESS TO COMPUTER SYSTEMS, PRACTICE ROOMS, ETC.); MANDATED FOLLOW-UP MEETINGS WITH **SFCM** OFFICIALS; MANDATED SUPERVISED STUDY HOURS.

**ONCE** A SANCTION IS ISSUED, IT IS THE RESPONSIBILITY OF THE RESPONDENT TO ENSURE THAT THE SANCTION IS COMPLETED IN A TIMELY FASHION. **FAILURE** TO COMPLETE AN ASSIGNED SANCTION WILL RESULT IN A SUPPLEMENTAL SANCTION AND WILL BE HANDLED ADMINISTRATIVELY BY THE **ASSOCIATE DEAN FOR STUDENT AFFAIRS** OR THEIR DESIGNEE. **STUDENTS** FAILING TO COMPLETE JUDICIAL SANCTIONS NORMALLY HAVE THEIR STUDENT ACCOUNTS PLACED ON HOLD (MAKING THEM UNABLE TO REGISTER FOR CLASSES OR RECEIVE TRANSCRIPTS) UNTIL SUCH SANCTION IS COMPLETED.

**POSSIBLE SANCTIONS AND DISCIPLINARY STEPS FOR STAFF AND FACULTY RESPONDENTS** INCLUDE, BUT ARE NOT LIMITED TO:

- **A WRITTEN WARNING** IN THE **EMPLOYEE FILE**
- **DEMOTION AND/OR REMOVAL** OF SUPERVISORY RESPONSIBILITIES
- **SUSPENSION** OF WORK WITHOUT PAY
- **TERMINATION** OF EMPLOYMENT

**STUDENT: ANY PERSON WHO HAS (OR WILL HAVE) ATTAINED STUDENT STATUS BY WAY OF:**

1. **ADMISSION**, HOUSING OR OTHER SERVICE THAT REQUIRES STUDENT STATUS.
2. **REGISTRATION** FOR ONE OR MORE CREDIT HOURS.
3. **ENROLLMENT** IN ANY NON-CREDIT, CERTIFICATE OR OTHER PROGRAM OFFERED BY **SFCM**.

**SUPPORTIVE MEASURES: INDIVIDUALIZED MEASURES** OFFERED AS APPROPRIATE, AS REASONABLY AVAILABLE, WITHOUT UNREASONABLY BURDENING A **COMPLAINANT** OR **RESPONDENT**, NOT FOR PUNITIVE OR DISCIPLINARY REASONS, AND WITHOUT FEE OR CHARGE TO THE **COMPLAINANT** OR **RESPONDENT** TO:

1. **RESTORE** OR PRESERVE THAT PARTY'S ACCESS TO **SFCM**'S EDUCATION PROGRAM OR ACTIVITY, INCLUDING MEASURES THAT ARE DESIGNED TO PROTECT THE SAFETY OF THE PARTIES OR **SFCM**'S EDUCATIONAL ENVIRONMENT; OR

**2. PROVIDE SUPPORT DURING SFCM'S GRIEVANCE PROCEDURES OR DURING AN ALTERNATIVE RESOLUTION PROCESS.**

**SUPPORTIVE MEASURES MAY INCLUDE BUT ARE NOT LIMITED TO: COUNSELING; EXTENSIONS OF DEADLINES AND OTHER COURSE-RELATED ADJUSTMENTS; CAMPUS ESCORT SERVICES; INCREASED SECURITY AND MONITORING OF CERTAIN AREAS OF THE CAMPUS; RESTRICTIONS ON CONTACT APPLIED TO ONE OR MORE PARTIES; LEAVES OF ABSENCE; CHANGES IN CLASS, WORK, HOUSING, OR EXTRACURRICULAR OR ANY OTHER ACTIVITY, REGARDLESS OF WHETHER THERE IS OR IS NOT A COMPARABLE ALTERNATIVE; NO-CONTACT DIRECTIVES (WHICH MAY BE MUTUAL OR UNILATERAL AT THE DISCRETION OF THE TITLE IX COORDINATOR); AND TRAINING AND EDUCATION PROGRAMS RELATED TO SEX-BASED HARASSMENT. SUPPORTIVE MEASURES ARE NON-DISCIPLINARY AND NON-PUNITIVE. SUPPORTIVE MEASURES WILL ALSO BE OFFERED TO RESPONDENTS WHEN THEY ARE NOTIFIED OF THE ALLEGATIONS.**

**ANY SUPPORTIVE MEASURES PUT IN PLACE WILL BE KEPT CONFIDENTIAL, EXCEPT WHEN DOING SO IMPAIRS THE ABILITY OF SFCM TO PROVIDE THE SUPPORTIVE MEASURES.**

**SFCM WILL OFFER AND COORDINATE SUPPORTIVE MEASURES AS APPROPRIATE FOR THE PARTIES AS APPLICABLE TO RESTORE OR PRESERVE THEIR ACCESS TO SFCM'S PROGRAM OR ACTIVITY OR PROVIDE SUPPORT DURING SFCM'S ALTERNATIVE RESOLUTION PROCESS OR GRIEVANCE PROCEDURES. PROHIBITED CONDUCT UNDER THIS POLICY HAVE THE RIGHT TO REQUEST SUPPORTIVE MEASURES FROM SFCM REGARDLESS OF WHETHER THEY DESIRE TO MAKE A COMPLAINT OR SEEK ALTERNATIVE RESOLUTION.**

**A PARTY MAY CHALLENGE SFCM 'S DECISION TO PROVIDE, DENY, MODIFY, OR TERMINATE SUPPORTIVE MEASURES WHEN SUCH MEASURES ARE APPLICABLE TO THEM. AN IMPARTIAL EMPLOYEE WILL BE DESIGNATED TO CONSIDER MODIFICATION OR REVERSAL OF SFCM 'S DECISION TO PROVIDE, DENY, MODIFY, OR TERMINATE SUPPORTIVE MEASURES. WHEN THE INDIVIDUAL PROVIDING SUPPORTIVE MEASURES IS A DEPUTY TITLE IX COORDINATOR OR OTHER INDIVIDUAL IDENTIFIED BY THE TITLE IX COORDINATOR TO PROVIDE SUPPORTIVE MEASURES, THE TITLE IX COORDINATOR WILL BE DESIGNATED TO CONSIDER THE CHALLENGE REGARDING SUPPORTIVE MEASURES. THE IMPARTIAL EMPLOYEE WILL TYPICALLY RESPOND TO THE CHALLENGE WITHIN FIVE (5) DAYS.**

**THE TITLE IX COORDINATOR HAS THE DISCRETION TO IMPLEMENT OR MODIFY SUPPORTIVE MEASURES. VIOLATION OF THE PARAMETERS OF SUPPORTIVE MEASURES MAY VIOLATE EXISTING CODES OR HANDBOOKS.**

## **XXII. Resources**

### **PRIVILEGED & CONFIDENTIAL RESOURCES FOR STUDENTS**

#### **HEALTH & WELLNESS**

##### **ON CAMPUS COUNSELING**

**[HTTPS://SFCM.EDU/DISCOVER/CAMPUS-LIFE/HEALTH-AND-WELLNESS/COUNSELING-SERVICES](https://sfc.edu/discover/campus-life/health-and-wellness/counseling-services)**

##### **REVI AIRBORNE-WILLIAMS**

**DIRECTOR OF COUNSELING SERVICES**

**BOWES CENTER FOR PERFORMING ARTS**

**200 VAN NESS, STE. 302  
SAN FRANCISCO, CA 94102**  
[RAWILLIAMS@SFCM.EDU](mailto:RAWILLIAMS@SFCM.EDU)  
**(415) 503-6325**

**GoHEALTH URGENT CARE**  
[HTTPS://WWW.GOHEALTHUC.COM/](https://www.gohealthuc.com/)  
**415-746-1812**

**SFCM HAS PARTNERED WITH GoHEALTH URGENT CARE TO PROVIDE EASY, CONVENIENT ACCESS TO HEALTH CARE FOR STUDENTS, FACULTY AND STAFF.**

**SHIP BENEFITS**  
**812-360-2313**

**WITH ITS INCLUSIVE BENEFITS AND COMPREHENSIVE COVERAGE, THE SFCM SHIP PLAN ENSURES THAT STUDENTS HAVE ACCESS TO ESSENTIAL HEALTHCARE SERVICES, INCLUDING VISION CARE, EMERGENCY ASSISTANCE, PREVENTIVE VACCINES AND MENTAL HEALTH SUPPORT. ADDITIONALLY, THE SFCM SHIP PLAN INCLUDES BENEFITS SUCH AS TELEMEDICINE AND TELEHEALTH SERVICES PROVIDED BY HEALTHIESTYU FROM TELADOC. ALL MEMBERS HAVE ONLINE ACCESS TO LICENSED MEDICAL PROFESSIONALS 24/7 WITH NO FEES ASSOCIATED WITH THE SERVICES.**

**ACADEMIC SUPPORTIVE MEASURES**

**RYAN BROWN**  
**DEAN**  
[RBROWN@SFCM.EDU](mailto:RBROWN@SFCM.EDU)  
**(415) 503-6217**[TD1]

**HOUSING ARRANGEMENTS, ON AND OFF CAMPUS**  
**TIMOTHY DUNN**  
**ASSOCIATE DEAN FOR STUDENT AFFAIRS**  
[TDUNN@SFCM.EDU](mailto:TDUNN@SFCM.EDU)  
**(415) 503-6281**

**OUTSIDE REPORTING & CRISIS SUPPORT**  
**RAPE & TRAUMA SERVICES 24 HOUR HELPLINE**  
**(415) 206-8256**

**NATIONAL DOMESTIC VIOLENCE HOTLINE**  
**(800) 799-7233**

**NATIONAL SEXUAL ASSAULT HOTLINE**  
**(800) 656-4673**

**SAN FRANCISCO WOMEN AGAINST RAPE (LEGAL)**  
**(415) 861-2024**

**EMPLOYEES EXEMPT FROM REPORTING, FOR STUDENTS**  
**REVI AIRBORNE-WILLIAMS, LMFT**  
**DIRECTOR OF COUNSELING SERVICES**

**BOWES CENTER FOR PERFORMING ARTS  
200 VAN NESS, STE. 302  
SAN FRANCISCO, CA 94102  
(415) 503-6325**

**PRIVILEGED & CONFIDENTIAL RESOURCES FOR EMPLOYEES  
EMPLOYEE ASSISTANCE PROGRAM  
(800) 316-2796  
MUTUALOFOMAHA.COM/EAP**

**XXIII. POLICY DISSEMINATION**

**SHALL DISSEMINATE THIS POLICY TO:**

- (A) EACH EMPLOYEE OF THE POSTSECONDARY INSTITUTION.**
- (B) EACH VOLUNTEER WHO WILL REGULARLY INTERACT WITH STUDENTS.**
- (C) EACH INDIVIDUAL OR ENTITY UNDER CONTRACT WITH THE POSTSECONDARY INSTITUTION TO PERFORM ANY SERVICE INVOLVING REGULAR INTERACTION WITH STUDENTS AT THE INSTITUTION.**