

# 2017 Annual Security & Fire Safety Report

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Whittier College

**Department of Campus Safety**

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The “Annual Security and Fire Safety Report” is published every year, in compliance with the “Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act of 1998,” by the Department of Campus Safety at Whittier College. The purpose of this report is to provide current and prospective students, faculty, and staff with safety and security information about Whittier College.

This report is also available online at: [www.whittier.edu/campussafety/securityact](http://www.whittier.edu/campussafety/securityact). It is presented in a Portable Document Format (PDF) and can be viewed by using Adobe Acrobat Reader.

## About Whittier College

Whittier College is a residential four-year liberal arts institution that prepares students from diverse backgrounds to excel in a complex global society. Through challenging, interactive courses, taught by accomplished professors, students learn to make connections across disciplines, understand cultural perspectives, and integrate learning with practical application. Inspired by a Quaker heritage, the Whittier education equips students to be active citizens and effective communicators who embrace diversity and act with integrity.

## Preparation of the Annual Security and Fire Safety Report

In compliance with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act [20 USC, Section 1092(f)], Whittier College publishes this Annual Security and Fire Safety Report to inform the College community about campus security policies, initiatives and programs aimed at preventing and responding to crimes and emergencies, and to disclose crime and fire statistics. The Clery Act requires colleges and universities to have emergency notification and evacuation procedures, issue timely warnings, maintain a crime and fire log, collect crime reports from Campus Security Authorities, request crime statistics from local law enforcement, submit crime and fire statistics to the Department of Education, have a missing student notification procedure, and publish an annual security and fire safety report. This report contains three years' worth of crime statistics, as well as certain policy statements including sexual assault and misconduct policies. More information about the Clery Act and its regulations can be found on the Center for Security on Campus, Inc. website at [www.clerycenter.org](http://www.clerycenter.org).

Like the Clery Act, the Higher Education Opportunity Act (HEOA) of 2008 requires colleges and universities that have on-campus housing to report and submit fire safety information and statistics, annually. This information includes the disclosure of fire safety policy and procedures, as well as fire statistics for on-campus housing facilities, from the previous three years.

The information in this report is compiled by the Safety and Compliance Coordinator, with assistance from the Department of Campus Safety, the Office of Residential Life, Human Resources, and the Dean of Students' Office. Statistical information is gathered from the Whittier Police Department, the Department of Campus Safety, the Dean of Students' Office, and those individuals identified as Campus Security Authorities (CSAs). The policies and statements provided in this report are updated annually and include the most current information. The Annual Security and Fire Safety Report is published by October 1<sup>st</sup> of each year and can be found at: [www.whittier.edu/campussafety/securityact](http://www.whittier.edu/campussafety/securityact). The report can also be found on the Admission website and Human Resources Department website.

Each member of the Whittier College community receives an email that describes the report and provides its web address. For a paper copy, contact the Department of Campus Safety at 7022 Haverhill Park Rd., Whittier, CA 90608 or 562.907.4211.

## Daily Crime Log

The Whittier College Department of Campus Safety updates the Daily Crime Log within two business days and includes all crimes reported to Campus Safety. It is available 24 hours a day, 7 days a week at 7022 Haverhill Park Rd., Whittier, CA 90608.

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# Department of Campus Safety

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The Department of Campus Safety is authorized by the College to protect the campus community and campus property and strives to make the campus safe for Whittier students and employees. Campus Safety patrols the campus 24 hours a day, seven days a week. Officers perform many safety and security functions on property owned and operated by the College, such as:

- Answering calls for service and emergencies
- Enforcing traffic and parking regulations
- Securing buildings
- Providing educational programs
- Registering bicycles and vehicles
- Issuing Whittier College Identification Cards
- Performing campus safety inspections
- Coordination of Electronic Door Access (card access)
- Providing an escort service
- Coordination of key access (key control)
- Instituting campus watch programs and operation identification
- Monitoring station for fire and intrusion alarms
- Controlling crowds at major events
- Monitoring station for CCTV

Campus Safety is responsible for a variety of safety and security programs including emergency management, organizing and chairing the Safety Committee, Emergency Response Team, physical security, and security technology. The Department also conducts threat assessments and special event management. The Whittier College Department of Campus Safety consists of 23 full-time staff members and student employees comprising the Patrol Division, Communications, and department administrative staff. Campus Safety uses a variety of crime suppression and prevention methods including foot patrol, bike patrol, and vehicular patrol to monitor college activities 24 hours a day. Training for department personnel covers a variety of topics, ranging from emergency response to criminal law and patrol techniques to report writing.

The officers at Whittier College Campus Safety are required to be certified in the following:

- California Penal Code Section 832, Peace Officer Standards and Training (P.O.S.T.)
- California Department of Consumer Affairs' Bureau of Security and Investigative Services (B.S.I.S.) training and license
- First Aid, CPR, & AED Training
- While our officers are unarmed, they are baton/oleoresin capicum (OC spray) certified.
- Specialty officers receive 100hrs to 200hrs of in-service training each year.

Student employees, as well as office staff, are trained to assist officers in the field during non-emergency calls. In addition to personnel, the department employs a broad array of electronic devices including video recording, fire alarms, intrusion alarms, card access systems, and blue-light emergency phones, which are located throughout the campus, to provide services. Additionally, Campus Safety monitors a private 9-1-1 CISCO system to handle emergency calls on campus.

## Authority and Jurisdiction

The authority of the Department of Campus Safety to enforce Whittier College Policy is established by the Board of Trustees. When and if the need arises, Campus Safety officers are authorized to make a citizen's arrest of any and all persons creating disturbances against the general peace, interfering with the security of campus facilities or grounds, or interfering with, or disturbing, the safety and general welfare of the College community. When such a citizen's arrest is necessary, the Department of Campus Safety shall, as promptly as possible, notify the Whittier Police Department to come and render assistance as needed and necessary.

The Patrol Division of the Department of Campus Safety is primarily responsible for handling all emergency calls and crimes in progress. Ultimately, the main jurisdiction for investigating crimes on campus lies with the Whittier Police Department; however, the Department of Campus Safety assists in investigating non-violent property crimes that occur at the College.

## Authorized Driver Program

The purpose of the *Authorized Driver and Vehicle Fleet Safety Policy* is to establish guidelines for safe operation of vehicles, both motor and electric, used for College business. This policy establishes the methods by which the Whittier College Vehicle Fleet Safety program will be implemented and maintained. It is the intent of these guidelines to prevent injury to students, employees, and guests, to protect on-campus pedestrians, to reduce damage to College property, and to provide safe driving standards for all College vehicle operators, and their passengers.

## Scope

This policy applies to all employees, faculty, staff, and students driving, or supervising the operation of College owned, rented, or leased vehicles.

1. College employees who contract services, and/or utilize drivers or sub-contract services (utilizing drivers), for College events (such as Commencement, Conference Services, Student Services, Alumni Functions, etc.) are expected to ensure compliance with this policy for events under their supervision/planning direction.
  - a. Contracted service providers must be able to provide evidence/certificate of safe driving standards.
2. This program provides for initial and annual review training for all individuals who operate and/or oversee the operation and use of vehicles.

Under the Authorized Driver policy, all students, faculty, and staff must submit an "American Driving Record (ADR)" form to Human Resources, annually, for a driver's record check. Once this is approved, a "behind-the-wheel" electric vehicle test must be scheduled through the Department of Campus Safety.

An "Authorized Driver Identification Card" is issued upon completion of this process, and is valid for the duration of the school year.



## Bicycle Registration

Registering your bicycle with the Department of Campus Safety is required and serves several purposes including deterrent to theft; aids in the identification of lost or stolen bicycles; enables Campus Safety to plan more accurately for improved bicycle parking and safety on the Whittier College campus.

All bicycles operated on the Whittier College campus shall be registered annually with the Whittier College Department of Campus Safety through the bicycle registration program. A bicycle is registered free of charge, and if a bicycle is lost or stolen, the owner can easily be identified when it is recovered by law enforcement. The registration requirement applies regardless of whether the owner is a student, faculty, or staff member. Bicycle operators may contact Campus Safety to register their bicycle. It is a very simple process which entails obtaining your name, address, phone number, make of bicycle, color, and serial number.

Operators are encouraged to park bicycles in designated racks placed on campus. **When parking your bike, please do not obstruct walkways, railings, doorways or ramps intended for use by pedestrians or people with disabilities. Improperly parked bikes will be removed and impounded by the Department of Campus Safety.** The Department of Campus Safety shall not be responsible or liable in any way for lost, stolen, or damaged bicycles. Bicycles shall also be kept in good working order and shall not be allowed to deteriorate or become otherwise derelict.

If left unattended or parked in inappropriate areas (as stated above), a bicycle may be impounded by the Department of Campus Safety. The Department of Campus Safety has the sole authority to determine whether a bicycle is abandoned or parked where it may be obstructing others. A bicycle is determined to be abandoned when it is found in the same location over an extended period of time (generally two weeks or more) with any combination of missing parts, is dust/cobweb covered, has flat tires, and a rusted chain. If an impounded abandoned bicycle is registered under this policy, the Department of Campus Safety shall make a good faith effort to contact the registered owner so that the bicycle may be reclaimed. If an abandoned bicycle is not registered under this policy, the Department of Campus Safety will dispose of the bicycle after holding it for thirty (30) days. The Department of Campus Safety is not responsible for the cost of locks, chains, other security devices, or any other item that may be damaged or destroyed as a result of removing any bicycle. The Department of Campus Safety has no responsibility or liability to replace or make compensation for such items. If the bicycle is impounded there will be a \$35.00 fee assessment for the impounding.

The College has the authority to sell, surplus, destroy, or otherwise dispose of any removed bicycle. Students who think that their bicycle was impounded for being abandoned within the past thirty days, please contact the Department of Campus Safety to arrange an appointment to review the impounded bicycles inventory. Be prepared to show proof of ownership and ID in order to have the bicycle released. The Department of Campus Safety has sole authority to determine the sufficiency of such evidence, and the determination shall not be subject to protest, appeal, or review. Prior to the Department of Campus Safety releasing the bicycle to its owner, if the bicycle is not already licensed, the owner will be required to license the bicycle in accordance with Campus Policy.

## **Crime Awareness and Security**

Whittier College students, staff, and faculty each play a significant role in combating campus crime. Sharing campus policies, trends, and crime statistics is one important way to increase awareness and fight crime within our community.

## **Security Awareness & Crime Prevention Programs**

Security awareness and crime prevention programs offered each academic year include date rape and sexual assault programs, Operation Identification (engraving valuables), and personal safety discussions in residence halls led by Campus Safety personnel. In addition, alcohol and drug education programs are offered throughout the year, including a Resident Advisor in-service presented by the Campus Safety Department.

## **Residence Hall Safety & Security**

Whittier College residence halls are considered private property. Detailed information regarding residence hall security and safety procedure is discussed at floor and hall-wide meetings held at the beginning of each academic semester and periodically throughout the year. Specifically, staff members are not permitted to unlock a door for anyone other than the resident of the room. Illegal entry into a student's room may result in loss of housing privileges. Propping open exterior residence hall doors is forbidden.

Students are encouraged to lock their doors and invest in personal property insurance. The College will make reasonable efforts to protect students' property. However, the College is not liable for loss, theft or damage of any property belonging to residents.

## **Health and Safety Inspection**

Each residence hall is inspected thoroughly for health and safety reasons each semester by Area Directors and Residential Life staff. Maintenance personnel follow up with safety concerns in and around residence halls on a daily basis. Lighting is inspected monthly by campus patrols and whenever a Maintenance Department request for inspection and replacement is received.

## **Campus Safety Department's Interagency Relationships**

As of July 2011, the Whittier Police Department (WPD) and Whittier College Department of Campus Safety agreed to a Memorandum of Understanding (MOU). The Department of Campus Safety communicates regularly with WPD patrol, investigation, and crime prevention officers. While Whittier College is a private college, WPD will often conduct parking enforcement and patrols on College property.

Campus Safety Officers are authorized by California Penal Code Section 830.7(b), the MOU, and Whittier College to make private citizen arrests.

## **First Aid, C.P.R, & AED Training**

First Aid, C.P.R. /A.E.D certification courses are held annually for our Department of Campus Safety personnel. These classes are also available to the College community.

The certification course is normally completed in an eight hour time frame, depending on the class size. The classes begin with an introduction and course overview. All students are encouraged to take notes during the video segments, as well as participate in the hands-on exercises. Each student is also required to perform proper rescue breathing, C.P.R. chest compressions and the “Heimlich” maneuver. Each segment has a step by step training video that helps students utilize and learn fundamental steps for learning each lifesaving technique.

The First Aid segment allows the student to gain familiarity with first aid techniques and learn how to apply basic care. It also teaches students how to recognize common injuries and illnesses, such as heart attacks, strokes, and seizures. Each student is then given verbal instructions, as well as video guidance, for basic first aid. Students will learn how to care for a simple wound by utilizing basic first aid supplies such as a square bandages and gauze wraps, as well as how to make an arm sling out of a triangular bandage.

The A.E.D. (Automated External Defibrillator) segment allows the student to learn when and how to operate an A.E.D. component. Each student is introduced to the device and verbally instructed on the proper use of the machine. A brief video segment demonstrates step-by-step instructions. Each student is then given a scenario and allowed to use a training A.E.D. on a C.P.R. mannequin.

Each training segment ends with a multiple choice test, as well as a personalized training scenario with a step by step break down of the C.P.R. fundamentals in front of your instructor. Upon completion of the course, students will receive their certification.

For more information on the First Aid and CPR program, please contact Lt. Fabian Perez at [fperez1@whittier.edu](mailto:fperez1@whittier.edu).

## **Memorandum of Understanding (M.O.U.) with Whittier Police Department**

The Department of Campus Safety maintains an established working relationship with the Whittier Police Department. As of July 2011, both parties entered into a memorandum of understanding, which authorizes Whittier College Campus Safety Officers to exercise the powers of arrest of those of a peace officer while they are on duty; working authorized assignment(s); wearing the authorized uniform of the Whittier College Department of Campus Safety office; and operating within, and upon, the property of Whittier College. If minor offenses involving College rules and regulations are committed by a Whittier College student, the Department of Campus Safety may also refer the individual to the disciplinary division of Student Affairs. The Whittier Police Department will immediately be notified and will handle the initial reports and follow up investigations for the following crimes (as defined in the Uniform Crime reporting Handbook of the Federal Bureau of Investigation and Section 67381 of the Education Code):

- Homicide
- Forcible Rape
- Robbery
- Aggravated Assault
- Other cases, as requested by the Whittier Police Department

Per agreement with the Whittier Police Department, the Department of Campus Safety's jurisdiction includes the following:

- Geographic boundaries are bordered by
  - Philadelphia Street between Painter Ave. and Bryn Mawr Ave,
  - Painter Ave between Philadelphia Street and Earlham Dr., and
  - Earlham Dr. between Painter Ave and Canyon Drive.
- This also includes the areas below, between Canyon Drive and Worsham Drive
  - Soccer Field
  - Football/track and field stadium
  - Athletic Center
  - Tennis Courts

Any College owned or leased property in outlying areas is patrolled jointly by both Campus Safety and the Whittier Police Department.

Through coordination with local law enforcement agencies, any criminal activity engaged in by members of recognized student organizations at off-campus locations is shared with Whittier College. This information is provided to the Dean of Students for any action or follow-up that may be required.

## Monitoring and Recording of Criminal Activity

Whittier College does not have any recognized off-campus student organizations; therefore, Campus Safety does not monitor and/or record criminal activity at non-campus locations.

## Motor Vehicle Policies

Driving or parking any type of motor vehicle on the campus is a privilege granted by the College to members of the faculty, staff, and student body. This privilege is subject to the condition that the operator must abide by the regulations set forth in the California Vehicle Code and the College Vehicle Code.

## General provisions

1. Every motor vehicle (including motorcycles and mopeds) driven or parked on the campus must be registered with Campus Safety and display a parking permit. There is no cost for registration or for the permit. To register vehicle, students must provide their vehicle registration and driver's license.

2. Visitors: Temporary permits are available to visitors at the Campus Safety Office 24 hours a day.
3. Enforcement: Reserved parking is enforced as dictated on signs at each space. All other regulations are enforced on a 24-hour basis.
4. Licenses and Insurance: Vehicle operators and the vehicles operated must be legally licensed. Vehicles must have liability insurance, which protects persons and property other than the owner or operator.
5. The registered operator of a motor vehicle is responsible for its operation on campus at all times.
6. Bicycles should be registered with the Campus Safety Office. They must be ridden safely so as not to endanger others.
7. Repairing or washing vehicles is restricted to areas approved by the Director of Facilities.

## Removal of Vehicles

In accordance with the laws of the State of California, the following vehicles may be towed away at the operator's expense:

1. Abandoned, inoperative, or unregistered vehicles.
2. Vehicles parked:
  - a. in fire lanes
  - b. in red zones
  - c. blocking gates or driveways
  - d. anywhere on the "inner campus"
  - e. handicapped parking space

## Vehicle Operation

1. The campus speed limit is 15 miles per hour.
2. Motor vehicles are restricted to use on streets and parking lots.
3. No motor vehicle operation is permitted on sidewalks, walkways, lawns, or service roads of the "inner campus."
4. Any unsafe movement of a vehicle is prohibited (this includes driving the wrong way on a one-way street).

## Responsibility

1. The student in whose name the vehicle is registered shall be responsible for any liability or damage claims (including parking penalties) arising in connection with the possession or operation of the motor vehicle.
2. Accidents involving personal injury or property damage shall be reported to Campus Safety immediately.
3. The College assumes no responsibility for the care or protection of any vehicle or its contents at any time, including the time it is in any parking area.

## Penalties

1. Fines range from \$50 to \$200. Repeat offenders are subject to immobilization of their vehicle.

2. Suspension of vehicle use on campus or appearance before a hearing officer or the College Conduct Board may also result from serious offenses.
3. Fines and penalties will be billed to the student's account in the Business Office.
4. Upon receiving a 3rd citation to the same vehicle, the vehicle will be booted and an additional fee of \$75 will be charged.

## Appeals

The rules and procedures for appeals are set forth in the College Vehicle Code, which is available in the office of Campus Safety.

## Rape Awareness Defense (R.A.D.) Course

Certified Campus Safety personnel instruct a one unit course, available to registered students, in Women's Self Defense every semester. The self-defense course follows the guidelines of the R.A.D. (Rape Aggression Defense) Systems of Self Defense, which is an official self-defense training program of the National Academy of Defense Education.

The course instructors attempt to provide students with information, tactics, and considerations that may be useful for various types of abductive encounters perpetrated against women. During the course, students will participate in classroom discussions that are designed to increase awareness and education. Students will also participate in the learning of defensive tactics and techniques designed to provide options for women during an abductive encounter. A course final is conducted at the end of the semester, and each student is expected to demonstrate the many different options they were introduced to throughout the course. By the end of final, students will display an increase in confidence and awareness.

R.A.D. is offered to Whittier College students or as an educational program for the College community. To schedule a RAD training seminar for your group please contact Lt. Fabian Perez at [fperez1@whittier.edu](mailto:fperez1@whittier.edu).

## Reporting of Criminal Offenses to Campus Safety

Whittier College encourages accurate and prompt reporting of crimes to the Department of Campus Safety. Campus Safety officers can be reached 24 hours a day/seven days a week by calling 562.907.4211, or by visiting the office located on Haverhill Park Road (next to the Counseling Center).

Criminal offenses should be reported promptly to the Department of Campus Safety, or the Whittier Police Department at (562) 945-8250. Residential Life staff, including Community Advisors, has also been trained to report all crimes and other emergencies in and adjacent to the residence halls on a daily basis. For Title IX related sexual misconduct incidents, contact the Title IX Coordinator (562.907.4233), Director of Student Rights and Responsibilities/Lead Title IX Investigator (562.907.5122), or Campus Safety (562.907.4211).

## Emergency Call Box System

Whittier College currently has 10 emergency call box systems, also known as “blue-light emergency phones”, deployed across various locations on campus. These locations include:

- Stadium lot
- Athletic Center lot
- Mendenhall Lot
- College Lot
- Amphitheater Lot
- Upper Quad
- Lower Quad
- Haverhill Lot
- Harris/Turner Lot
- North Music Lot

These emergency boxes provide direct communication to a Campus Safety dispatcher, simply by pressing the button on the box. In addition to these blue-light emergency systems, there are “yellow call boxes” located in the following areas:

- Shannon Center
- Hoover Hall (north side)
- Campus Safety
- Library (main entrance)
- Turner Hall (main entrance/rear entrance)
- Stauffer Hall (main entrance)
- Ball Hall (main entrance)

These call boxes can be used to report criminal activity and any other types of emergencies requiring Campus Safety assistance.

## Student Transportation Policy

Students who need to go off campus appointments such as doctor’s visits or need non-life threatening transport to Presbyterian Intercommunity Hospital are encouraged to ask friends or family to assistance in arranging transportation. Whittier College does not directly provide transportation services, but does offer the option for students to arrange for taxi cab service. Those students wishing to arrange a taxi cab can call the Mid-City Cabs cab company directly at 562-272-8000 or 1 (800) 200-0101 to arrange service. Be sure to give your location. Taxi cab drivers will respond within (5) five to (15) fifteen minutes.

Students are expected to pay for taxi cab service. Students who are unable to pay for the taxi cab service should obtain a voucher from the Department of Campus Safety or the Student Health and Wellness Center prior to calling the taxi cab company. The student will be expected to present the voucher to the driver along with his or her Whittier College I.D. number. The driver will fill in the pertinent information on the voucher and the student will be billed on his or her College account.

If the student will use taxi cab service for a round-trip, please be sure to get 2 vouchers. For additional clarification, please contact the Campus Safety Office at 562- 907-4211.

## Safety Tours

The Department of Campus Safety conducts these tours in conjunction with Facilities Services, the Chemical Hygiene Officers, and Residence Life staff. The tours take place during a range of shift/hours to

better gauge the day to day operations, and to identify potential hazards to the safety of students, faculty, staff, and visitors on the college campus as well as student residential areas.

Immediate follow up and recommendations are made through the use of Angus AnyWhere, maintained by Facilities Services. Angus AnyWhere is a preventative maintenance management system and is utilized to fill work orders, also known as a "maintenance request." This management system helps prioritize the college needs and to better service the operations.





# Crime Reporting

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## Confidentiality, Privacy, and Reporting

College officials, depending on their roles at Whittier College, have varying reporting responsibilities and abilities to maintain confidentiality. In order to make informed choices, one should be aware of confidentiality and mandatory reporting requirements when consulting campus resources. On campus, some resources may maintain confidentiality, offering options and advice without any obligation to inform outside agency or individual unless you have requested that information be shared. Other resources exist for you to report crimes and Policy violations and these resources will take action when victimization is reported to them.

Making a report means telling someone in authority what happened. At the time a report is made, the alleged victim does not have to decide whether or not to pursue a particular course of action. Choosing to make a report and deciding how to proceed can be a process that unfolds over time. The College provides support that can assist each individual in making these important decisions and to the extent legally possible will respect the individual's autonomy in deciding how to proceed. **If you are unsure of someone's duty and ability to maintain privacy, ask them before talking to them.** They will be able to explain and help a reporting party make decisions about who is in the best position to help.

The following describes confidential, private, and mandated reporting at Whittier College:

### 1. Confidential Reporting

If a reporting party would like the details of an incident to be kept confidential, the reporting party may speak with on-campus counselors, off-campus counselors including local rape crisis counselors, domestic violence resources, local or state assistance agencies, or clergy who will maintain confidentiality except in extreme cases of immediacy of threat of danger or abuse of a minor. Campus counselors may be seen free of charge. The on-campus confidential resources include:

- Whittier College Counseling Center, open from 9:00 a.m. to 5:00 p.m., 562.907.4239
  - 24-hour Counselor-on-Call provides crisis counseling and can advise students about reporting and resources for sexual misconduct, including 24-hour advocacy services: 562.907.4911
- Whittier College Student Health & Wellness Center: 562.464.4548

### 2. Private Reporters

Whittier College faculty, administrators, staff, and student employees that do not serve in leadership positions or supervise the reporting person are *Private Reporters*. Private reporters can honor requests to keep identifying information confidential, but they are required to call or email a Title IX Coordinator and provide the following information:

- The approximate date of the incident,
- The approximate location of the incident, and

- The type of crime committed, but do not have to report any identifying information.

Private reporters include, but are not limited to:

- Professors, administrators, and staff that are not Deans, Directors, or Head Coaches
- Faculty and staff serving as Support People (i.e., in the Support Person Program)
- Graduate Fellows

### **3. Mandated Reporters**

Whittier College faculty, staff, and student employees that serve in leadership positions, supervise the reporting person, or hold roles that require them to report other Code of Conduct Violations are Mandated Reporters (also called “**responsible employees**” under Title IX). These individuals are required to report “the who, what, when, and where” for sexual assault, domestic and dating violence, and stalking to a Title IX Coordinator. Mandated reporters cannot honor requests to maintain confidentiality and must report information to a Title IX Coordinator; however, when personally identifiable information is shared, it will be shared only with those that have a need to know and with as few people as possible. All efforts will be made to protect privacy to the greatest extent possible, including the storage of the case file and notes in a locked filing cabinet and protected database, separate from that student’s educational record. Mandated Reporters include, but are not limited to:

- Deans, Directors, and Head Coaches
- Assistant Directors of Residential Life
- Campus Safety Officers and Dispatchers
- Resident Assistants (RAs)
- Peer Mentors

### **4. Campus Security Authority (CSA)**

The Clery Act requires colleges and universities to promptly and accurately report any crimes and emergencies to the College. Similar to mandated reporters and Title IX, the U.S. Department of Education defines a *campus security authority* as a campus police/security official or other official with significant responsibility for campus and student activities. The College requires that any CSA who becomes aware of a crime involving Whittier College, or a member of the Whittier College community, must immediately report the incident to the Department of Campus Safety. It shall be the responsibility of the Department of Campus Safety to investigate reports of criminal activity on campus. A list of current CSAs is kept in the Human Resources and Campus Safety offices.

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# Campus Policies and Statements

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## Access to Campus Facilities

Whittier College, while a private college, is in many respects a public resource. Our facilities are used not only by full-time community members, but also by many persons drawn to the campus for a variety of reasons. There is mutual benefit from such use; however, there are also those who come to Whittier College for unacceptable reasons. On the main campus those persons with legitimate business are welcome. Specific buildings, however, are not open to the general public. Entrance may be denied and the trespass laws invoked for persons found in or around our buildings without legitimate reasons.

After 11 p.m. the campus is closed to all but faculty, staff, students, and their invitees. Residential buildings are governed by specific access and occupancy rules. These rules are specifically described in the “Whittier College Student Handbook” and the “Whittier College: Guide to Residential Living”. The exterior doors to all facilities are kept locked. Each residence unit is individually keyed. Trespassing laws are strictly enforced within the residence life areas of campus.

Vendors requiring access to buildings throughout campus must check in with the Campus Safety and receive a visitor’s badge with access to the specific buildings. All vendors will be verified by their company before they are authorized to conduct their services.

## Contractor, Vendor, & Visitor Policy

The purpose of this *Contractor, Vendor, & Visitor Policy* is to establish guidelines for monitoring guest, vendor, and contractor activity on campus. This policy allows the Department of Campus Safety to retain a record of guest’s visiting the campus and includes who is on campus, what type of business is being conducted, and what areas of the Campus are visited. This policy establishes the methods by which the Whittier College Visitor Policy will be implemented and maintained. It is the intent of these guidelines to protect the College community by providing a safe environment, reducing suspicious activity on campus, and protecting the privacy of the students, faculty, and staff.

### Scope of Policy

This policy applies to all contractors, vendors, or visitors who are performing work at Whittier College.

1. College employees who contract services, and/or sub-contract services, are expected to ensure compliance with this policy for any work performed on behalf of the College under their supervision/direction.

### Review

This policy will be reviewed in August of even-numbered years by the Office of the Vice President for Finance and Administration and the Safety Committee (EHSC), or assigned designees, of Whittier College.

## Definitions

- A. *Contractor*-A person or entity who, as part of an independent business, provides services to Whittier College.
- B. *Job Supervisor*-The Whittier College employee, or designee, responsible for supervising the project.
- C. *Vendor*-A person or entity who provides recurring contract services to Whittier College.
- D. *General Visitor*-A person or entity visiting Whittier College for miscellaneous business, not including vending or contracted work.

## Procedures

All outside contractors, vendors, and visitors conducting business on the Whittier College campus must physically report to the Department of Campus Safety office when they arrive on campus to begin a job. Guests must indicate the purpose of their visit, identify a Job Supervisor (or the person authorizing the visit), and the duration of their visit. Other requirements include a photo identification card, vehicle information (if parking on campus), and contact information. Upon completion of the day's work, Guests must physically check out with the Department of Campus Safety. All Job Supervisors are responsible for ensuring that their guests comply with the *Contractor, Vendor, & Visitor Policy*.

## Identification and Access Cards

All Contractors, Vendors, and Visitors shall wear their Work Badge and/or Access Card in a conspicuous location at all times while on campus. Guests who do not comply with this policy will be removed from the campus and not be allowed to continue work at Whittier College.

Access Cards are property of Whittier College and must be returned at the conclusion of a job. Guests will be responsible for the cost of replacement should an Access Card be lost or damaged.

## Alcohol and Other Drug Policy

Free, confidential counseling for alcohol and other drug abuse issues is available to students through the Counseling Center and Student Health Services (Health Center). Other referral resources may include assessment, individual counseling, educational programs, materials, referral, and case management through community agencies, all of which might include a fee. Students exhibiting signs of excessive alcohol consumption will, at the College official's discretion, be transported via Emergency Medical Services (EMS) for medical attention or be observed by a Poet Monitor (see the Poet Monitor Program) at the student's expense in order to ensure the student's health and safety. Failure to comply with the request of EMS or the Poet Monitor may result in disciplinary action.

- A. Violation of the Student Code of Conduct
  - a. Failure to act appropriately, responsibly, and aligned with College policies regarding alcohol
    - i. Possession, purchase, or consumption of any alcoholic beverage (including beer and wine) by any person under the age of 21.

- ii. Selling, either directly or indirectly, any alcoholic beverage (including beer and wine), except under the authority of a California Alcoholic Beverage Control Board license. This includes the sale of glasses, mixes, ice, or tickets for admission.
  - iii. Providing alcohol for anyone under the age of 21.
  - iv. Serving alcohol to an intoxicated person and/or serving alcohol to someone to the point of intoxication or incapacitation.
  - v. Being drunk/intoxicated and disorderly in public view.
  - vi. Consumption of alcoholic beverages in a public place (unless licensed for consumption of alcohol on premises) such as academic facilities, recreation fields, and College housing common areas including lounges and hallways.
  - vii. Driving a motor vehicle or a bicycle while under the influence of alcohol.
  - viii. Possession of an alcoholic beverage in an open container in a motor vehicle or on a bicycle, regardless of who is driving or whether one is intoxicated.
  - ix. Failure to take a portable breathalyzer test (PBT) at the request of Campus Safety or any other law enforcement entity.
  - x. Possession or use of kegs, punch bowls, or other bulk dispensing devices.
  - xi. Participating in or organizing drinking games or other activities designed for rapid consumption of alcohol.
  - xii. Possession or use of devices designed for rapid consumption of alcohol (beer bongs, funnels, vaporizers, etc).
  - xiii. Violation of the College policy on student-sponsored social events.
- b. Failure to act appropriately, responsibly, and aligned with College policies regarding other drugs except as expressly permitted by law (note that the possession or use of marijuana for medical purposes is not permitted on College premises or at College-sponsored events)
- i. Possession or use of marijuana, heroin, narcotics, or other controlled substances, paraphernalia, or instruments (bongs, pipes, etc.).
  - ii. Furnishing, manufacturing, or otherwise distributing marijuana, heroin, narcotics, or other controlled substances, paraphernalia, or instruments.
  - iii. Use of prescription or over the counter medication other than as directed by a medical professional.
- B. Violation of the following residence hall policies regarding alcohol:
1. Students and their guests who are 21 years of age or older are permitted to drink alcoholic beverages in the privacy of their residence hall rooms with the door closed. Guests under the age of 21 are not permitted to consume alcohol at such gatherings. Alcoholic beverages are not permitted in community areas of residence halls, including hallways, lounges, lobbies, kitchens, and recreation areas.
  2. Social gatherings are permitted. However, only the assigned number of students, plus two guests, may occupy a residence hall room at one time. Progressive drinking parties are prohibited.

3. Possession of empty alcohol containers (cans, bottles, etc) is indicative of possession of alcohol, and as such, the owners of the empty containers and/or the residents of the room may be subject to being charged with possession/consumption of alcohol under the Student Code of Conduct.
- C. Violation of the following guidelines regarding alcohol at student-sponsored social events:
1. Whittier College wishes to encourage the thoughtful planning of thematic events, parties, and dances where alcohol is used in a responsible manner, and where students who choose not to drink can feel welcome and participate fully.

The availability of alcohol must not be the prime focus of any event. Organizations and individuals are expected to take affirmative steps to address issues of liability and safety. Substance-free events and those with a caterer or third party vendor help limit an organization's and individual's exposure to risk. More detailed guidelines for party planning are available in the Leadership Experience and Programs Office.

- a. The College and/or host organizations reserve the right to deny entry to any event by individuals deemed intoxicated or under the influence.
  - b. Individuals may be asked to leave an event if they are overly intoxicated or disorderly.
  - c. If under 21 and if determined an individual has consumed alcohol, the individual may not be allowed to attend a college sponsored event.
2. Students deemed intoxicated will be transported to Campus Safety for a recovery period.
  3. Whittier College personnel can ask a disruptive guest to leave an event and/or campus.
  4. The Club and The Spot will serve as the only venue for service of beer or wine for student-sponsored functions. No alcohol may be served or made available at student-sponsored events in any other facility on campus. Alcohol service at student sponsored events off-campus will be approved on an individual basis by the Director of Student Activities.
  5. Responsibilities of organizations and individuals who sponsor events on or off campus include:
    - a. Arranging for security personnel or professional staff to check identification of those who wish to consume alcohol at the event.
    - b. Not directly or indirectly selling alcoholic beverages (this includes charges or donations for such things as glasses, mixes, ice, and admission).
    - c. Not serving minors.
    - d. Not serving individuals who appear to be intoxicated.
    - e. Maintaining absolute control of all alcohol present.
    - f. Prohibiting shots, drinking games, or other activities that encourage inappropriate drinking behaviors at the event.
    - g. Providing inviting non-alcoholic beverages throughout the duration of the event.
    - h. Providing substantial food items for the duration of the event.

- i. Ending alcohol service a minimum of one hour before the scheduled end of the event.
- j. Assigning of non-drinking and sober members to monitor and regulate the event.
- k. Insuring that advertisements, announcements, and other publicity do not directly or indirectly advertise the availability of alcohol.
- l. Arranging for security personnel to provide crowd control at the event. The LEAP Office must approve the number of security personnel hired to work the event.
- m. Providing wristbands for use by those over the age of 21 who wish to consume alcohol at the event.
- n. Utilizing cups for beer or wine service that are up to ten ounces each and can be easily distinguished from cups used for alcohol-free beverages.

## Drug-Free Schools and Communities Act

It is the policy of Whittier College to promote a safe, healthy, and productive environment for all students and employees, including faculty and staff.

The Drug Free Schools and Communities Act Amendments of 1989 require that as a condition of receiving funds or any other form of financial assistance under any federal program, Whittier College must certify that it has adopted and implemented a program to prevent the unlawful possession, use, or distribution of illicit drugs and alcohol by students and employees.

Whittier College presents the following information for students' knowledge and in promotion of healthy lifestyles:

### **A. Student and Employee Policies and Conduct**

- Students: Policies prohibiting the unlawful possession, use, and distribution of drugs and alcohol and penalties for violation of these policies by undergraduate students are outlined in the Code of Students' Rights and Responsibilities.
- Employees: Policies preventing the unlawful possession, use, and distribution of drugs and alcohol by employees are outlined in the College Employee Handbook and administered by the Director of Human Resources.

### **B. Drug or Alcohol Counseling and Treatment**

The College offers numerous health education seminars, workshops, and events annually in which students are encouraged to participate. Additionally, personal counseling is available through Counseling Services, located in Haverhill A. Medical services are available through Student Health and Wellness Center. Students are strongly encouraged to seek resource help for drug and alcohol problems, through Counseling Services, Student Health and Wellness Center, the Alhambra Behavioral Health Services, or by calling the Los Angeles County Alcohol and Drug Program Administrators numbers listed here.

- Counseling Service, Ext. 4239

- Student Health and Wellness Center Ext. 4400
- Alhambra Behavioral Health Center, (626) 286-1191 Ext. 268
- L.A. County Drug & Alcohol Program, (213) 626-6411

### **C. Controlled Substances - Uses & Effects**

Narcotics: Such as opium, morphine, codeine, heroin, and methadone;

Possible effects: Euphoria, drowsiness, respiratory depression, constricted pupils, nausea

Effects of overdose: Slow and shallow breathing, clammy skin, convulsions, coma, possible death

Withdrawal syndrome: Watery eyes, runny nose, yawning, loss of appetite, irritability, tremors, panic, cramps, nausea, chills, and sweating

Depressants: Such as barbiturates, benzodiazepines, chloral hydrate, and Rohypnol;

Possible effects: Slurred speech, disorientation, drunken behavior without odor of alcohol

Effects of overdose: Shallow respiration, clammy skin, dilated pupils, weak and rapid pulse, coma, possible death

Withdrawal syndrome: Anxiety, insomnia, tremors, delirium, convulsions, possible death

Stimulants: Such as amphetamines, cocaine, gamma hydroxybutyrate (GHB);

Possible effects: Increased alertness, excitation, euphoria, increased pulse rate and blood pressure, insomnia, loss of appetite

Effects of overdose: Agitation, increase in body temperature, hallucinations, convulsions, possible death

Withdrawal syndrome: Apathy, long periods of sleep, irritability, depression, disorientation

Hallucinogens: Such as amphetamine variants, LSD, mescaline and peyote, MDMA (Ecstasy), Ketamine);

Possible effects: Illusions and hallucinations, poor perception of time and distance

Effects of overdose: Longer, more intense "trip" episodes, psychosis, possible death

Withdrawal syndrome: Not reported

Cannabis: Such as hashish and marijuana;

Possible effects: Euphoria, relaxed inhibitions, increased appetite, disoriented behavior

Effects of overdose: Fatigue, paranoia, possible psychosis

Withdrawal syndrome: Insomnia, hyperactivity, and decreased appetite occasionally reported

### **D. Federal Penalties and Sanctions for Illegal Possession of a Controlled Substance**

- 1st conviction: Up to 1-year imprisonment and fine of at least \$1000 but not more than \$100,000 or both.
- After first drug conviction: At least 15 days in prison, not to exceed 3 conviction years and fine of at least \$2500 but not more than \$250,000 or both.



- After second drug conviction: At least 90 days in prison, not to exceed 3 years and fine of at least \$5000 but not more than \$250,000 or both.
- Special sentencing: At least 5 years in prison, not to exceed 20 years and fine of provisions up to \$250,000 or both for possession of crack cocaine.

Other penalties:

- Forfeiture of personal and real property used to possess or to facilitate possession of a controlled substance if that offense is punishable by more than 1-year imprisonment.
- Forfeiture of vehicles, boats, aircraft, or any other conveyance used to transport or conceal a controlled substance.
- Civil fine of up to \$10,000.
- Denial of federal benefits, such as student loans, grants, contracts, and professional and commercial licenses, for up to 1 year for the first offense, and up to 5 years for second and subsequent offenses.
- Ineligibility to receive or purchase a firearm.
- Revocation of certain federal licenses and benefits, e.g. pilot licenses, public housing tenancy, etc. are vested within the authorities of individual federal agencies.

#### **E. State Laws, Regulations, and Sanctions**

California state laws and regulations regarding alcoholic beverages are found in the California State Constitution, the California State Business and Professional Code, and the California State Penal Code. Violations of these laws and regulations are punishable by fines and imprisonment. Where vehicles are involved, violations may be additionally punishable by loss of driving privileges.

California state laws on drug abuse provide for stringent penalties for illegal possession, sale, transportation, or administration of any narcotic drug, more stringent penalties for those convicted of previous narcotics offenses than for first-time offenders, and extremely stringent penalties for those who in any way involve minors in the use of narcotics. A person is subject to prosecution also if he or she illegally uses or is under the influence of narcotics, or if he or she knowingly visits a place where illegal narcotic use is occurring. Marijuana is covered by similar laws and there is an additional prohibition against the cultivation or processing of this drug in the state.

Barbiturates and amphetamines, called “restricted dangerous drugs” in the California Narcotic Act, are similarly covered; penalties for those convicted of illegal possession, sale, transportation, or administration of these drugs are severe. LSD and related hallucinogenic drugs are also on the list of dangerous restricted drugs and their use for other than authorized research is prohibited by California law.

A criminal record as a drug user, or even an arrest record for narcotics law violation, may cause serious, long-range harm to the user of drugs by barring employment or educational opportunities where both the criminal record and the label of “drug user” may preclude his or her consideration.

The same act or series of acts, under appropriate circumstances, can subject the offender to separate prosecution under federal, state, and local laws.

In addition to the penalties mentioned above, upon conviction the court may require payment of restitution, performance of community service work, participation in counseling or other treatment programs, and/or the imposition of appropriate restrictive conditions.

Conviction of a second or subsequent DUI, or for trafficking in controlled substances, may result in forfeiture of motor vehicle, aircraft, or watercraft used in the commission of the offense.

Criminal conviction does not relieve the offender of any civil liability for damages, which resulted from the same act, or series of acts.

## Amnesty Policy

Through its Amnesty Policy, Whittier College encourages its students to seek and/or call for assistance for themselves or others when someone is in need of help.

## Medical Amnesty

Students are encouraged to call for assistance for individuals who are overly intoxicated and are in need of medical assistance. Amnesty is available to the student calling as well as the student needing assistance. A call for assistance should be made promptly because the health, safety and well-being of the student that is potentially in danger is paramount. A call for assistance may be directed to Whittier Campus Safety, a local police officer or agency (such as Whittier Police Department or by calling 911), the Area Director On-Call (ADOC) or in the residence halls, the CA. Whittier’s goal through this amnesty policy is to reduce barriers and alleviate potential consequences to ensure that our students seek the appropriate and necessary assistance. A student for whom a call for assistance is made will not be subject to official sanctions and conduct record under the student conduct process, nor will the individual who made the call. Likewise, when leadership of a recognized student organization makes a call for assistance for a student or a guest attending the organization’s function, the organization will not be subject to university code of conduct sanctions, nor will the student who made the call.

While not resulting in official sanctions, a call for assistance under this policy may result in educational outcomes including, but are not limited to:

- Referral for alcohol assessment to be completed within 35 days.
- Parental, guardian or emergency contact notification.
- Educational opportunities to assist in avoiding future high risk situations.
- A summary report of the incident to be included in the student’s or student organization’s file.

### **Important Information Regarding Amnesty**

If a student is repeatedly the subject of calls for assistance, there may be additional consequences as a result of the College's increased concern for that student, including additional counseling sessions, educational follow up with university administrators and/or a full behavioral assessment which may lead to a university mandated leave of absence. Failure to complete appointments or follow-up as prescribed by a College official could result in the revocation of amnesty for the student or organization in question and standard College sanctions could apply. Amnesty does not prevent the filing of criminal charges. Amnesty may not apply to students who persistently refuse to cooperate with medical, law enforcement or College personnel at the time of initial contact. A student organization that fails to seek assistance for a member or guest in need at its function or on its controlled property may be charged with violations of the Student Code of Conduct. It is paramount that organizations seek assistance in any emergency situation. This policy applies only to those students or organizations seeking emergency medical assistance in connection with an alcohol-related medical emergency and does not apply to individuals experiencing an alcohol-related medical emergency who are found by College employees (i.e. Campus Safety Officers, faculty, administrative staff, and residence hall staff including CA's).

### **Sexual Misconduct Amnesty**

The College encourages the reporting of all Student Code of Conduct violations, especially sexual misconduct. Sometimes, victims/survivors are hesitant to report to college officials because they fear that they themselves may be charged with policy violations, such as underage drinking at the time of the incident. It is in the best interest of this community that as many victims as possible choose to report to College officials.

1. For Victims/Survivors: To encourage reporting, the college pursues a policy of offering victims, especially victims of sexual misconduct limited immunity from being charged for policy violations related to the incident.
2. For Those Who Offer Assistance (Good Samaritans): At the discretion of the conduct officer, amnesty may also be extended on a case-by-case basis to the person providing assistance.
3. For Those Who Report Serious Violations: Students who are engaged in minor violations but who choose to bring related serious violations by others to the attention of the College may also be extended on a case-by-case basis amnesty for providing assistance.
4. Safe Harbor: The College has a Safe Harbor rule for students. Fundamentally, the College believes that students who have a drug and/or addiction problem deserve help. If any student brings their own use, addiction or dependency to the attention of a College official outside the threat of disciplinary action and seeks assistance, a conduct complaint will not be pursued. A written action plan may be used to track cooperation with the Safe Harbor program by the student. Failure to follow the action plan will nullify the Safe Harbor protection and campus conduct processes will be initiated.

## Emergency Response and Evacuation Procedures

Emergencies such as power outages, earthquakes, and random crimes happen everywhere. The Department of Campus Safety is committed to ensuring that all Whittier students, faculty, and staff live, learn, and work in a secure environment. For general information about emergency preparation and response, visit <https://www.whittier.edu/campussafety/emergencyprocedures>.

Emergency incident response demands a specific protocol for the initial emergency call, first responders, and College management. The College's *Critical Incident Management Plan* describes the preferred initial response for several different types of incidents, including active shooter, fire, bomb threat, infectious disease, violence, or injury. Most importantly, Campus Safety must be notified immediately when a critical event occurs. The Whittier Police Department requires a representative from the College, usually the Director of Campus Safety, to be the primary contact at the scene for city authorities. Management at the scene is termed *Unified Command*. Oftentimes, a *Critical Incident Response Team* (CIRT) will be mobilized to manage the incident on behalf of the college. Appropriate leadership from affected departments will be included in the response team, as necessary. If the incident is anticipated to cause a major disruption of college activities, an *Emergency Operations Center* (EOC) will be activated. Public comments about the incident will be coordinated through the college's Communications department.

## Safety Committee

Campus Safety continually reviews its emergency management procedures, which involves refining processes designed to deal with various types of emergencies and monitoring developing events and issues in a rapidly changing environment. To assist with this task, the Director of Campus Safety and Safety & Compliance Coordinator co-chair an environmental health and safety committee. This committee consists of representatives from the following departments/areas:

- Athletics
- Bon Appetit (dining)
- Broadoaks School
- Campus Safety
- Chemical Hygiene Officer
- Communications
- Counseling
- Disability Services
- Facilities
- Faculty Representative
- Finance and Administration
- Health
- Human Resources
- IT Services
- Library
- Performing Arts Center
- Student Life
- Student Representative

The Safety Committee meets monthly to review policy, discuss safety programs, review emergency preparedness plans.

## Blackboard Connect Emergency Alert Notification System

Upon confirmation of a significant emergency or dangerous threat involving an immediate threat to the health or safety of students or employees occurring on or near the campus, Campus Safety will take into account the safety of the campus community, determine what information to release about the

situation, and begin the notification process using the “Blackboard Connect Emergency Alert Notification System.”

The only reason we would not immediately issue a notification for a confirmed emergency or dangerous situation is if doing so would compromise efforts to: assist a victim, contain the emergency, or otherwise mitigate the emergency. This could include a request from the local police or fire department to delay the message for these purposes. Confirmation of threats is made by a dispatched Campus Safety Officer or by information received from local police/fire authorities. If it is determined that notifications are to be made, the Director or their designee shall notify the dispatcher and initiate the notification.

The “Emergency Notification System and Blackboard Connect Emergency Alert Notification System” is tested at least once per academic year. All community members are automatically in the system to be contacted via Whittier email. It is the responsibility of students, staff, and faculty to register their mobile devices and phone numbers in the “Blackboard Connect Emergency Alert Notification System” in order to receive text messaging, phone calls or voicemail messages.

Blackboard sends emergency messages to your mobile or fixed device of choice, allowing you to receive emergency messages quickly wherever you are. The “Blackboard Connect Emergency Alert Notification System” allows campus leaders and security professionals the ability to reach all students, faculty, and staff with time-sensitive information during unforeseen events or emergencies using voice, email and text messaging. To find out more and register to receive emergency notifications visit [www.whittier.edu/campussafety/emergencyprocedures](http://www.whittier.edu/campussafety/emergencyprocedures).

### **Critical Incident Management Plan**

The Critical Incident Management Plan (CIMP) details the processes and functions for Whittier College to prevent, plan for, and respond to events that become critical incidents. *Critical incidents* are defined as events that may impact the life-safety, financial condition, property, and reputation of the college. The plan was developed by leadership from the Department of Campus Safety and the Safety Committee.

The plan contains two related, but distinct processes: (1) incident prevention and planning, and (2) incident response. In the planning process, the Safety Committee members work closely with College departments to identify potential hazards and maintain safety standards. The creation of appropriate systems, such as the emergency notification systems, is coordinated by the responsible departments. Finance and Administration Offices will work closely with the departments to see that work-around procedures are prepared in the event of a disruption. These documented procedures would be known as Business Continuity Plans (BCPs).

It is important to note that incidents occur in varying degrees, and seldom is there a standardized response to an incident. With a unified response from city authorities and the college, the strategies outlined in the plan will be adapted to facilitate the appropriate and timely response to any type of event. The college community will be best served by a well-managed program that emphasizes prevention, risk assessment, and pre-incident planning. A well maintained program designates the

appropriate authority to make prompt and informed decisions in times of crisis that will minimize not only the potential for loss of life, property and financial assets, but of reputation and integrity

Whittier College's CIMP is defined as "a documented institutional plan designed to maintain life, safety, and essential business services during times of disruptions due to incidents or events including, but not limited to: workplace violence, severe weather, utility interruptions, telecommunications failure, or other unforeseen events." It is the responsibility of designated faculty and staff to ensure that their departments respond to the policy and plan under the guidance of the senior staff. Responsibilities include preparing a departmental plan, maintaining and updating the plan on an annual basis, and responding to plan in the event of an incident.

There are five stages to a CIMP: 1) pre-incident planning, 2) incident response, 3) resumption/recovery, 4) restoration, and 5) evaluation and review of the incident in order to provide improved processes for future recoveries. Pre-incident planning includes preparation of a Business Continuity Plan (BCP) by individual departments.

Resumption and recovery activities consist of implementing BCPs and workaround procedures to resume basic operations. Restoration activities are those activities that enable the institution to return to its original state prior to the incident(s), including rebuilding damaged property. Activities may include prolonged workaround procedures until the restoration is complete. Evaluation of incidents is important in identifying procedures that may need to be changed or altered based on prior events.

The strategies outlined in this policy are for reference only; they are not intended to dictate response protocol due to the many unknowns associated with incidents.

## **Emergency Preparedness Training and Exercises**

The Department of Campus Safety conducts annual emergency preparedness training and exercises covering a variety of scenarios, including earthquakes, fires, and active shooters. These exercises change from year to year, and involve several departments across campus including Residential Life, Summer Conferences, and the Library.

### **Great California Shakeout Drill**

Whittier College participates in the "Great California ShakeOut" earthquake annually. As part of this drill, the entire campus participates by practicing their "drop, cover, and hold" exercise. Throughout this exercise, Campus Safety and Communications conduct a test of the Emergency Notification System. This test includes notifications sent via email, phone call, and text message, as well as a broadcast delivered through the inter-office CISCO phone system. At the conclusion of this exercise, the entire campus is evacuated to their designated evacuation zone (evacuation procedures are described below). Campus Safety officers then conduct a campus-wide patrol of the area, before giving the "all-clear" signal to return to business as usual.

### **Residence Hall Fire Drills**

Due to the changing nature of residence halls, fire drills are conducted at least twice a year (once a semester) for all students residing on campus. The Department of Campus Safety works closely with the

Office of Residential Life to execute these drills. Students are evacuated to their designated evacuation zones in order to help them become familiar with the emergency preparedness plan. Documentation of the fire drills is maintained by the Department of Campus Safety, as well as the Office of Residential Life.

Agendas for these drills include:

- Introduction of Community Advisor (CA) and/or Campus Safety Officers
- Explain it is a fire drill – required (occurs only once each semester)
- Explain policy for failing to evacuate during fire alarm
- Highlight evacuation zone for that building
- Remind Campus Safety’s number
- Remind they do not re-enter building after alarm without staff approval

### **Active Shooter Training (H.E.R.O.)**

The Department of Campus Safety has partnered with Safe Kids Inc. to provide the College community with active shooter/violent intruder training. The H.E.R.O. (Hide. Escape. Run. Overcome.) program is simple, research-based, and comprehensive. This program provides the community with the tools needed to be as safe as possible, even in the event of an active shooting.

Safe Kids Inc. was founded in 2016 by a team of experienced law enforcement officers and educators. It is the desire of this team that the H.E.R.O. program will save lives through safe thinking and safe action.

For more information about the H.E.R.O. program, contact Lt. Perez in the Department of Campus Safety at [fperez1@whittier.edu](mailto:fperez1@whittier.edu).

### **Evacuation Procedures**

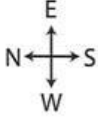
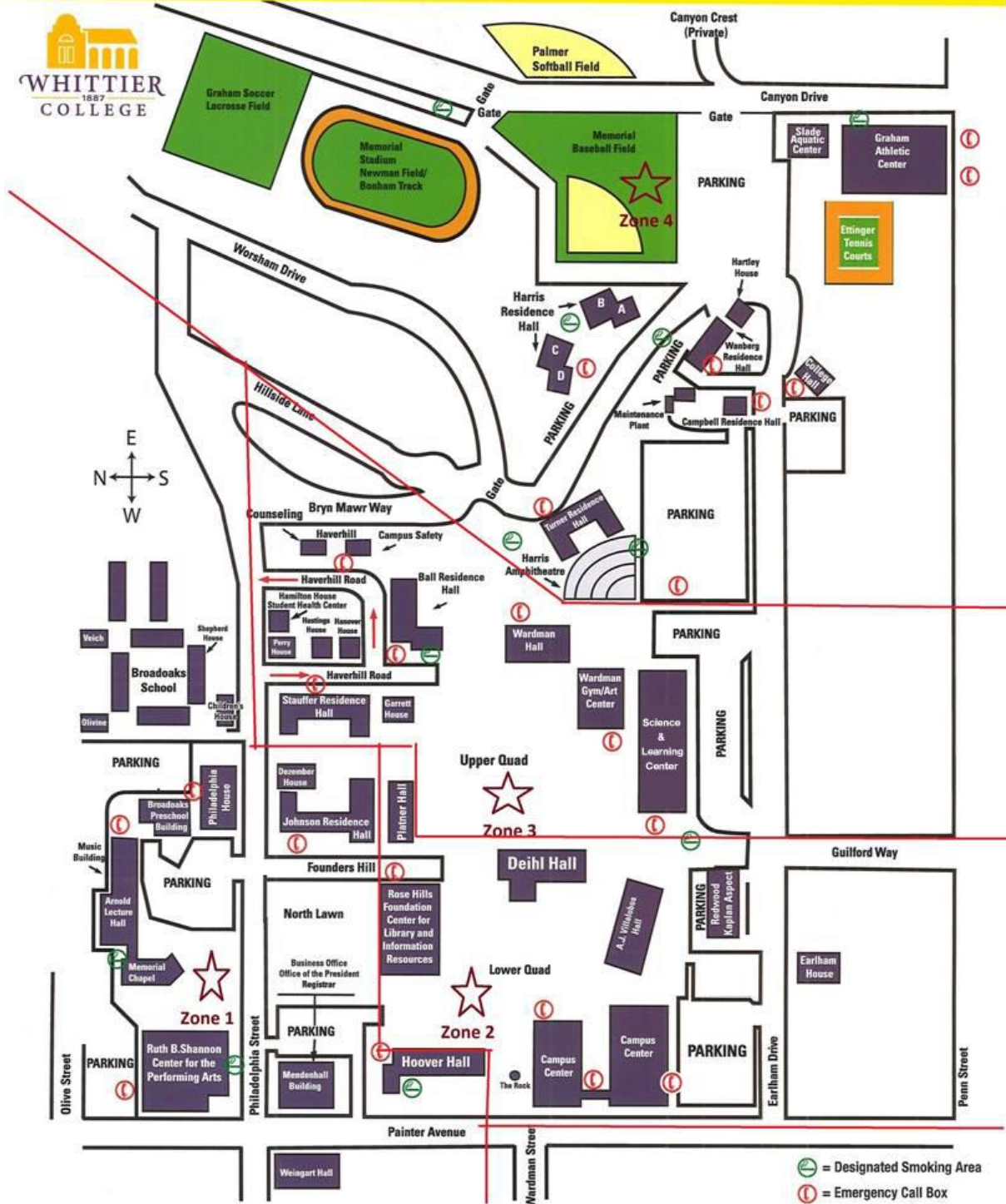
In the event of an emergency you will receive direction from your CA, Area Director, Residential Life staff, or academic zone captain. If you are asked to leave the building, you should go to the designated meeting place as shown on the map below. In the case of an emergency, the campus is divided into four zones that will serve as meeting places. In the event you are in a different part of the campus, you should return to your zone meeting place.

Once you arrive at the designated meeting area, please check in with your zone captain. Some students will want to leave the campus and return to their homes and families. Please do not leave the campus until you have checked in with your Building Captain. Remember to leave contact information with the Building Captain.

Each student is encouraged to have a “Go Kit” that contains a flashlight, emergency phone numbers, a copy of your driver’s license or identification, a 5-day supply of any prescription medications you take, a change of clothes, and personal care items.

Evacuation Zone locations are outlined in the map below.

# Whittier College Campus Map



= Designated Smoking Area  
 = Emergency Call Box

= Evacuation Locations



## Firearms and Weapons Policy

Whittier College enforces a strict policy prohibiting weapons on College property, including legal and authorized weapons. The use of any firearm, explosive, weapon, dangerous chemicals, (excluding classroom chemicals), or biological agent on College property or at any College function is prohibited. Other prohibited items include, but are not limited to, swords, pellet or BB guns, knives, paintball guns, bows and arrows, or toy guns. (Students wishing to use any form of firearm or weapon for class purposes such as filming must first obtain permission from the instructor of the course and the Department of Campus Safety before use).

Students, faculty, and staff are not allowed to carry and/or possess weapons at any time while in College buildings or property, whether or not licensed to do so. Non-employees include, but are not limited to, vendors, visitors, customers, conference attendees, and potential customers of the College, excluding law enforcement officers. This includes parking and/or driving College vehicles or privately owned vehicles on campus or at College sponsored activities away from campus.

The College also prohibits visitors from carrying and/or possessing weapons on college property or attending College or College-related activities. Whittier College students, faculty, and staff are responsible for the behavior of any visitor they have on campus or at off-campus, college-sponsored activities or events.

Reports of any suspected violation of this policy should be made to the Department of Campus Safety (562-907-4211 or the campus emergency telephone number 562-907-4911) immediately. Violation of this policy is unacceptable and shall be grounds for disciplinary action up to and including expulsion from Whittier College or termination of employment. The College will not tolerate retaliation against any student, faculty, or staff member who reports a suspected violation of this policy.

In cases of suspected possession of firearms or weapons of any kind, the College reserves the right to search personal belongings on College property, including but not limited to articles of clothing, purses, brief cases, residence hall rooms, bags, and vehicles. All such searches must be approved in advance by the Vice President for Finance and Administration or Director of Human Resources for staff, the Vice President for Academic Affairs (or designee) for faculty, or the Dean of Students (or designee) for students. Reasonable attempt will be made to notify person with the suspected firearm or weapon prior to the search. Persons may be asked to leave campus or remain in the presence of Campus Safety until a search is conducted or the situation is resolved. The search will normally be conducted in private by Campus Safety, an appropriate supervisor (for faculty and staff) with a third person normally present. In the case of students, the search will be conducted in private by Campus Safety and the Dean of Students or designee.

Sanctions will be imposed in accordance with the procedures in the Code of Student Rights and Responsibilities, the Employee Handbook, or Faculty Handbook, as appropriate. Visitors found in violation of this policy are subject to expulsion from campus by the Department of Campus Safety.

## **“Megan’s Law” and Sex Offender Registrant Information**

The Campus Sex Crimes Prevention Act (CSCPA) of 2000, a federal law, requires institutions of higher education to provide the campus community with information on where they may obtain information on registered sex offenders in the state of California. It also requires sex offender registrants who are already required to register in the state to provide notice, as required under state law, to each institution of higher education for which the person is currently enrolled as a student, full- or part-time employee (with or without compensation), or those participating in a vocation (California Penal Code Section 290.009). As the Department of Campus Safety is not a law enforcement agency, the registration process must be conducted at the City of Whittier Police Department.

In the state of California, convicted sex offenders must register with their local law enforcement agencies. Megan's Law allows the public to access the registry. It also authorizes local law enforcement to notify the public about high-risk and serious sex offenders who reside in, are employed in, or frequent the community. Public information regarding sex offenders in California may be obtained by viewing\* the Megan's Law website at [www.meganslaw.ca.gov](http://www.meganslaw.ca.gov).

*\*Requirements for viewing: Upon entering the website, you must read the disclaimer and agree to the terms and conditions.*

## **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 housing, who, based on the facts and circumstances known to the College, are determined to be missing.

Most missing person reports in the college environment result from a student changing his or her routine without informing roommates and/or friends of the change. Anyone who believes a student to be missing should report their concern to Campus Safety or the Dean of Students Office. Every report made to the College will be followed up with an immediate investigation and once the student is determined to be missing, the steps outline below will be followed, typically within 24 hours. Depending on the circumstances presented to College officials, parents of missing students will 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 Whittier College.

### **General Procedure:**

A College official receives a report and collects the following information at the time of the report:

1. The name and relationship of the person making the report.
2. The date, time, and location the missing student was last seen.
3. 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.

4. The missing student's cell phone number (if known by the reporter).

The College official receiving the report will contact Campus Safety and the Dean of Students Office. The Dean of Students and Director of Campus Safety will ascertain if/when information must be communicated to the other College officials.

Upon notification from any entity that a student may be missing, Whittier College may use any or all of the following resources to assist in locating the student:

1. Go to the student's residence hall room
2. Talk to the student's CA, roommate, and floor mates and friends (if possible) to see if anyone can confirm the missing student's whereabouts and/or confirm the date, time and location the student was last seen.
3. Secure a current student ID or other photo of the student.
4. Call and text the student's cell phone and call any other numbers on record
5. Send the student an email.
6. Check all possible locations mentioned by the parties above including but not limited to, library, residence hall lounges, student common lounges, fitness center, etc. Campus Safety will also check the College's parking lots for the presence of the student's vehicle, if one is so registered.
7. 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 such as Facebook and Twitter.

The College's Information Technology (IT) staff may be asked to obtain email logs in order to determine the last log in and/or access of the College's network.

Once all information is collected and documented and the Dean of Students (or a designee) is consulted, the College will contact the local police to report the information. (Note: If in the course of gathering information as described above, foul play is evident or strongly indicated, the police will be contacted immediately.) If it is necessary to contact the local or state authorities, police procedures and protocol will be followed by the College.

## **Nondiscrimination Statement**

Whittier College (the College) is a community of students, faculty, staff and administrators dedicated to teaching, learning, service and scholarship. To accomplish this goal, Whittier College is committed to providing an educational and employment setting that is respectful and will not tolerate discrimination and harassment. To actualize this commitment, the College provides an environment which encourages intellectual exploration in the context of a supportive community. The work and academic environments must be ones in which employees and students can pursue their work free from coercion, intimidation, and exploitation. Discrimination undermines the community that the College seeks to maintain and, therefore, it is dedicated to an environment free of discrimination and harassment.

Whittier College admits students of any race, color, national or ethnic origin, sex, disability or age to all the rights, privileges, and activities generally accorded or made available to students at the school. It prohibits discrimination and harassment on the basis of race, color, creed or religion, national/ethnic origin, marital status, age, sex, sexual orientation, gender identity/gender expression, military status, and disability in the school environment, including all academic, extra-curricular, school-sponsored activities, administration of its educational policies, admissions policies, scholarship and loan programs, or athletic and other school-administered programs.

### Poet Early Alert Program (P.E.A.P.)

The wellbeing and safety of every member of our campus community is a priority we share. Whittier College's Poet Early Alert Program (PEAP) provides timely and appropriate intervention to students who may demonstrate academic, physical, or emotional behaviors that may impede personal and academic success. Members of Whittier's PEAP team meet weekly to discuss student issues and develop individualized outreach plans to help students. Team members adhere to legal, ethical, and professional standards and guidelines.

### Identifying & Reporting Concerning Behaviors

Faculty, staff, students, and other members of the Whittier College community are encouraged to alert the PEAP Team about concerning behaviors or incidents by submitting an online PEAP form. The online form can be found at [https://cm.maxient.com/reportingform.php?WhittierCollege&layout\\_id=2](https://cm.maxient.com/reportingform.php?WhittierCollege&layout_id=2)

Submissions to this form may not be reviewed outside of normal business hours, but all submissions will be reviewed and responded to by a member of the PEAP Team. Concerning behaviors can include but are not limited to:

High rate of absenteeism (more than 3)	Sleeping class	Alcohol or substance abuse
Habitual Tardiness	Inadequate preparation	Illness
Failures to turn in assignments	Missing homework	Poor social skills and/or lack of integrations into campus community.
Submission of poor quality assignments/papers or projects	Poor time management	Excessive work
Missed tests, quizzes, or major examinations	Poor writing skills	Traumatic event
Low test/quiz performance	Struggling with course materials	Unresolved financial issues
Classroom disruption, disrespect, etc...	Patterns of significant interpersonal conflict	Family concerns or issues

If you believe that an individual on campus has committed or may commit an act of violence, or is engaging in behavior that raises the level of concern about your safety or the safety of others, call

Campus Safety at 562.907.4211 (off campus) or x4211 (on campus). If you believe that the threat is imminent or is happening now, dial 911 immediately.

When an alert is received, it is reviewed by the PEAP team. Multiple attempts are made to reach the student using email, voicemail, text message, and personal contact. Most students respond to the overture. Some students do not and after multiple attempts, the case is closed. In either scenario, a summary email is sent to the reporting person.

## Sexual Misconduct Policy

Whittier College (the “College”) is a community of students, faculty, staff, and administrators dedicated to teaching, learning, service, and scholarship. The College encourages intellectual exploration in the context of a supportive community in which students, faculty, staff, and administrators can pursue their education and work free from harassment, coercion, intimidation, and exploitation. To accomplish this goal, the College is committed to providing an educational and employment setting that is respectful and will not tolerate sexual misconduct (as defined below).

### Scope of Policy

The College’s policy against Sexual Misconduct Policy (the “Policy”) applies to all faculty, staff, administrators, students, volunteers, vendors, independent contractors, visitors, and individuals employed, studying, living, or working at Whittier College. Regarding procedures for handling complaints of Sexual Misconduct:

For incidents involving a student as the accused person or responding party, please refer to the Procedures for Handling Reports of Sexual Misconduct.

- For incidents involving staff or administrators who are the accused person or responding party, refer to the Employee Handbook.
- For incidents involving faculty who are the accused person or responding party, refer to the Faculty Handbook.

This Policy is designed to guide the College in providing a fair and equitable process for investigating and resolving allegations of Sexual Misconduct for all concerned. The College encourages reports of all Sexual Misconduct, regardless of who engaged in the conduct. Even if the College does not have jurisdiction over the Complainant or Respondent, the College will use its best efforts to provide for the safety of the Complainant and campus community.

This Policy applies to conduct on Campus Premises, while attending an academic program abroad, and at College-sponsored events that take place off campus, and to any that involves electronic communication. If both the Complainant and the Respondent are members of the College community, this Policy applies regardless of the location of the alleged incident and immigration status.

## Definitions

**Alleged Victim:** A person who perceives that they have been the victim or survivor of Sexual Misconduct. An alleged victim may also be a Complainant.

**Accused:** A person who has been accused of Sexual Misconduct. An accused may also be a Respondent.

**Appellate Officer:** The person designated to decide appeals submitted by a Complainant or Respondent following an adjudication of alleged Sexual Misconduct under this Policy. In the case of students, that person is the Associate Dean of Students. Depending on the circumstances of each case, the College reserves its right to select a different Appellate Officer to decide an appeal.

**Clery Act:** The Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act (20 USC § 1092(f)), also known as “Clery” or “the Clery Act,” requires U.S. colleges and universities that receive federal financial assistance to disclose information about crime on and around their campuses. The Clery Act is enforced by the United States Department of Education. At Whittier College, Campus Safety maintains compliance with the Clery Act by collecting data and reporting it in the Annual Security Report and on the Whittier College website.

**Complainant:** One who submits an informal or formal complaint of Sexual Misconduct to a Title IX Coordinator, or to any Mandated Reporters. A Complainant may or may not be an Alleged Victim.

**Consent:** An 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(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. It is not an excuse that the person accused of sexual misconduct was reckless or intoxicated and, therefore, did not realize the incapacity of the other. The following are essential components of Consent:

1. *Informed and reciprocal:* All persons must demonstrate a clear and mutual understanding of the nature and scope of the act to which they are consenting and a willingness to do the same thing and at the same time.
2. *Freely and actively given:* Consent cannot be obtained through the use of force, coercion, threats, intimidation or pressuring, or by taking advantage of the incapacitation of another individual.
3. *Mutually understandable:* Communication regarding consent consists of mutually understandable words and/or actions that indicate a mutually unambiguous willingness to engage in sexual activity. Consent may not be inferred from silence, passivity, lack of resistance, or lack of active response. An individual who does not physically resist or verbally refuse sexual activity is not necessarily giving consent. Relying solely upon non-verbal communication can lead to a false conclusion as to whether consent was sought or given.

4. *Capacity to Consent:* A person under the age of 18 does not have the legal capacity to consent. The state of California considers sexual intercourse with a minor (under age 18) to be unlawful. (Cal. Penal Code §261.5) A person who engages in sexual intercourse with a person under age 18 does so without effective consent as defined by this Policy. Also, in order to give consent, a person must not be mentally or physically incapacitated (see definition of Incapacitation below).

Affirmative consent is not indefinite and must be ongoing throughout the activity. Consent may be withdrawn by any party at any time. Recognizing the dynamic nature of sexual activity, individuals choosing to engage in sexual activity must evaluate consent in an ongoing manner and communicate clearly throughout all stages of sexual activity. Withdrawal of consent can be an expressed “no” or can be based on an outward demonstration that conveys that an individual is hesitant, confused, uncertain, or is no longer a mutual participant. Once consent is withdrawn, the sexual activity must cease immediately and not resumed until the requirements above are met again.

Consent is not unlimited. Consent to one form of sexual contact does not constitute consent to all forms of sexual contact, nor does consent to sexual activity with one person constitute consent to activity with any other person. Each participant in a sexual encounter must consent to each form of sexual contact with each participant.

**Force:** The use or threat of physical violence and/or imposing on someone physically to gain sexual access. Consent obtained by force is not valid. For the use of force to be demonstrated, there is no requirement that a Complainant resist the sexual advance or request. However, evidence of resistance by the Complainant will be viewed as a clear demonstration of a lack of consent.

**Coercion:** Coercion is unreasonable pressure used to compel another individual to participate in sexual activity, and includes threats and Intimidation to overcome resistance or obtain consent. Coercion can include a wide range of behaviors, including intimidation, manipulation, threats, and blackmail. A person’s words or conduct are sufficient to constitute coercion if they wrongfully impair another individual’s freedom of will and ability to choose whether or not to engage in sexual activity. Examples of coercion include threatening to “out” someone based on sexual orientation, gender identity, or gender expression and threatening to harm oneself if the other party does not engage in the sexual activity. When someone indicates, verbally or physically, that they do not want to engage in a particular sexual activity, that they want to stop a particular activity, or that they do not want to go past a certain point of sexual interaction, continued activity or pressure to continue beyond that point can be coercive. The College will evaluate the following in determining whether coercion was used: (a) the frequency of the application of pressure, (b) the intensity of the pressure, (c) the degree of isolation of the person being pressured, and (4) the duration of the pressure.

**Intimidation:** The use of implied threats, whether physical, mental, or emotional, to gain sexual access. Consent obtained by intimidation is not valid.

**Incapacitation:** A state where an individual cannot make an informed and rational decision to engage in sexual activity because of a lack of conscious understanding of the fact, nature, or extent of the act (e.g., who, what, when, where, why, or how relating to the sexual interaction) and/or is physically helpless.

For example, an individual is incapacitated, and therefore unable to give consent, if the individual is asleep, unconscious, or otherwise unaware that sexual activity is occurring. An individual will also be considered incapacitated if the person cannot understand the nature of the activity or communicate due to a mental or physical condition.

Incapacitation may result from the use of alcohol, drugs, or other medication. Consumption of alcohol or other drugs alone is insufficient to establish incapacitation. The impact of alcohol and drugs varies from person to person, and evaluating incapacitation requires an assessment of how the consumption of alcohol and/or drugs impacts an individual's (1) decision-making ability, (2) awareness of consequences, (3) ability to make informed judgments and (4) capacity to appreciate the nature and the quality of the act.

It shall not be a valid excuse that the Respondent believed that the Alleged Victim affirmatively consented to the sexual activity if the Respondent knew or reasonably should have known that the Complainant could not consent. Whether the Respondent reasonably should have known that the Alleged Victim was incapacitated will be evaluated using an objective reasonable person standard. Whether the Respondent was actually unaware of the Alleged Victim's incapacity is irrelevant to determining if consent was given, particularly where the Respondent's failure to appreciate the Alleged Victim's incapacitation resulted from the Respondent's failure to take reasonable steps to determine the Alleged Victim's incapacitation or where the Respondent's own incapacitation (from alcohol or drugs) caused the Respondent to misjudge the Alleged Victim's incapacity. Being intoxicated by drugs or alcohol is no defense to any violation of this Policy and does not diminish one's responsibility to obtain consent.

It is the responsibility of each party to be aware of the intoxication level of the other party before engaging in sexual activity. In general, sexual activity while under the influence of alcohol or other drugs poses a risk to all parties. If there is any doubt as to the level or extent of the other individual's intoxication, it is safest to forgo or cease any sexual contact or activity.

**Respondent:** Anyone accused of Sexual Misconduct defined in this Policy and against whom an informal or formal complaint has been submitted to the Title IX Coordinator or Title IX Investigators.

**Sexual Misconduct:** Sexual misconduct as used in this Policy is an umbrella term intended to include harmful behavior when done because of a person's sex/gender or sexual/gender identity, and includes but is not limited to the prohibited conduct set forth in the next section of this Policy. Acts of Sexual Misconduct may be committed by any person upon another person regardless of the sex, gender, sexual orientation and/or gender identity of those involved.

**Title IX:** " Title IX is a federal statute that provides, *"No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance..."* 20 U.S.C. § 1681. Sexual harassment and sexual misconduct of students is a form of sex discrimination prohibited by Title IX and includes acts of sexual violence. Students of all gender identities are protected from sexual harassment and/or violence in all educational programs and activities operated by Whittier College.



**Title IX Investigator:** A member of the College staff or faculty charged with the responsibility of investigating claims of Sexual Misconduct under this Policy. Title IX Investigators receive annual training regarding conducting and documenting adequate, reliable, and impartial investigations and, when students are Respondents, determining whether, based on the preponderance of the evidence, a student has violated this Policy. While the College conducts most of its investigations and adjudicates complaints through its own Title IX investigators, it has the right to hire non-College employees to conduct investigations and adjudicate such complaints when it deems appropriate.

## Prohibited Conduct

The following examples of Sexual Misconduct are intended to guide students with regard to what types of behavior may result in disciplinary action under this Policy. The list below is not exhaustive and the College reserves its right to institute disciplinary procedures for Sexual Misconduct that does not necessarily fall within the specific definitions below.

**Bullying (sex or gender-based):** Non-constitutionally protected speech or conduct that involves repeated sex- or gender-based severe, aggressive behavior likely to intimidate or intentionally hurt, control or diminish another person, physically or mentally.

**Dating Violence:** Abuse committed against an adult or a minor with whom the suspect is having or has had a dating or engagement relationship. It is the same as Domestic Violence (Cal. Penal Code § 13700), but involves violence that occurs within a “dating relationship” which means frequent, intimate associations primarily characterized by the expectation of affection or sexual involvement independent of financial considerations (Cal. Family Code § 6210). When used in this Policy, Dating Violence will be included within the term Domestic Violence.

**Domestic Violence:** Abuse committed against an adult or a minor who is a spouse, former spouse, cohabitant, former cohabitant, or person with whom the suspect has had a child, or is having or has had a dating or engagement relationship. For purposes of this subdivision, “cohabitant” means two unrelated adult persons living together for a substantial period of time, resulting in some permanency of relationship (Cal. Penal Code §13700).

**False Reports:** Because the College takes each report seriously, it will not tolerate the filing of false reports. It is a violation of College policy and the Code of Student Rights and Responsibilities to file a false report with malicious intent. It may also violate criminal statutes and constitute civil defamation.

**Harm to Others (sex or gender-based):** Words or conduct made on the basis of sex or gender that threaten or endanger the health and safety of any person, including physical or verbal abuse, threats, intimidation, and/or harassment.

**Hazing (sex or gender-based):** An act committed on the basis of sex or gender that is likely to endanger the mental or physical health or safety of a student or cause social ostracism to any person within the College community for the purpose of initiation, admission into, affiliation with, or as a condition for continued membership in a group or organization. The express or implied consent of the Alleged Victim will not be a defense. Apathy or acquiescence in the presence of Hazing are not neutral acts; if the mere

presence of a person during an act of Hazing is determined to be encouraging or a contributing factor to the conduct that constitutes Hazing, the person may still be found responsible for Hazing.

**Non-Consensual Sexual Contact (or attempts to commit same):** Having sexual contact with another individual without receiving Consent to do so. Sexual contact includes any intentional contact with the intimate parts of another, including but not limited to the breasts, groin, genitals, buttocks, mouth, or any other body part touched in a sexual manner, disrobing or exposure of another's body, causing an individual to touch their own intimate body parts, or any other bodily contact in a sexual manner.

**Sexual Assault (or attempts to commit same):** Having or attempting to have sexual intercourse with another individual without receiving Consent to do so. Non-consensual sexual intercourse includes forced oral copulation (mouth-genital contact), vaginal or anal penetration, however slight, with a body part or object. California law defines rape as nonconsensual sexual intercourse that involves the use or threat of force, violence, or immediate and unlawful bodily injury or threats of future retaliation and duress (California Penal Code: Sections 261, 261.5, 262, 286, 288a, 289, and 243.4).

**Sexual Exploitation:** Taking non-consensual or abusive sexual advantage of another individual for their own advantage or benefit, or to benefit or advantage anyone other than the one being exploited without receiving Consent to do so. Examples of sexual exploitation include, but are not limited to:

- Invasion of sexual privacy;
- Prostituting another student;
- Non-consensual photography or recording by video or audio of sexual activity;
- Non-consensual sharing or streaming of intimate images or sounds of sexual activity or nudity of the person being exploited;
- Engaging in voyeurism or allowing another to observe consensual sexual activity without the knowledge of all people involved;
- Knowingly transmitting a sexually transmitted disease or infection, including HIV to another person;
- Disrobing or exposing one's genitals or inducing another to expose their genitals in non-consensual circumstances;
- Sexually-based stalking and/or bullying may also be forms of Sexual Exploitation.

**Sexual Harassment:** Unwelcomed, gender-based verbal or physical conduct that is sufficiently severe, pervasive and objectively offensive that unreasonably interferes with, limits, or deprives someone of the ability to participate in or benefit from the College's educational programs. The harassment can be based on power differentials (quid pro quo), the creation of a hostile environment, or retaliation. Examples include but are not limited to:

- an attempt to coerce an unwilling person into a sexual relationship
- repeatedly subjecting a person to egregious, unwanted sexual attention
- punish a refusal to comply
- condition a benefit on submitting to sexual advances

- Sexual Assault; Domestic or Dating Violence, Stalking; Gender-based Bullying.

There are three types of sexual harassment:

1. **Hostile Environment Sexual Harassment** includes any situation in which there is harassing conduct that is sufficiently severe, pervasive and objectively offensive that it alters the conditions of education or employment, from both a subjective (the Alleged Victim's) and an objective (reasonable person's) viewpoint. The determination of whether an environment is "hostile" is based on a combination of any of these circumstances:
  - Frequency of the conduct
  - Nature and severity of the conduct
  - Whether the conduct was physically threatening
  - Whether the conduct was humiliating
  - Effect of the conduct on the Alleged Victim's mental or emotional state
  - Whether the conduct was directed at more than one person
  - Whether the conduct arose in the context of other discriminatory conduct
  - Whether the conduct unreasonably interfered with the Alleged Victim's educational or work performance
  - Whether the statement is a mere utterance of an epithet which engenders offense on the listener, or offends by mere discourtesy or rudeness
  - Whether the speech or conduct deserves the protections of academic freedom or First Amendment protection
2. **Quid Pro Quo Sexual Harassment** exists when there are unwelcomed sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature, the submission to or rejection of which could result in an adverse educational or employment action.
3. **Retaliatory Sexual Harassment** is any adverse employment or educational action taken against a person because of the person's participation in a complaint or investigation of unlawful or prohibited discrimination or Sexual Misconduct.

**Stalking:** A course of behavior or conduct directed at a specific person that would cause a reasonable person under similar circumstances to fear for their safety or for the safety of loved ones. A course of conduct consists of two or more acts wherein on person directly, indirectly, or through a third party follows, monitors, observes, surveils, threatens, or communicates to or about another person through behaviors. This may include but is not limited to unwanted telephone calls, letters or emails, unwanted or threatening gifts, threats, damage to property, physical assault, or appearing without invitation at a place of residence, school, or work. Cyber stalking includes use of electronic media, such as the internet, social networking sites, blogs, cell phones, apps, texts, or other electronic media to stalk an individual. California Law defines Stalking as willful, malicious, and repeated following or willful and malicious harassment of another person or making a credible threat with the intent to place that person in reasonable fear for their safety, or the safety of their immediate family (Cal. Penal Code §646.9).

## Role of the Title IX Coordinator

Pursuant to Title IX of the Education Amendments of 1972 and the U.S. Department of Education's implementing regulations at 34 C.F.R. Part 106, the College's Title IX Coordinator has primary responsibility for coordinating the College's efforts to comply with and carry out its responsibilities under Title IX, which prohibits sex discrimination in all the operations of this College, as well as retaliation for the purpose of interfering with any right or privilege secured by Title IX. Acts of Sexual Misconduct, as defined in this Policy, have been interpreted by the U.S. Department of Education to be in violation of Title IX.

A student should contact the Title IX Coordinator or Deputy Title IX Coordinator(s) in order to:

- Seek information or training about students' rights and courses of action available to resolve reports or complaints that involve potential sex or gender-based discrimination;
- File a complaint or make a report of sex discrimination;
- Notify the College of an incident or policy or procedure that may raise potential Title IX concerns;
- Get information about available resources and support services relating to sex or gender-based discrimination; and
- Ask questions about the College's policies and procedures related to sex or gender-based discrimination.

The College Title IX Coordinators are:

### **Title IX Coordinator (All complaints and those relating to Students)**

**Joel Pérez, Ph.D.**, Vice President and Dean of Students, Room 142, Campus Center

[jperez@whittier.edu](mailto:jperez@whittier.edu)

562.907.4233

### **Deputy Title IX Coordinator (Complaints against staff)**

**Cynthia Joseph**, Director of Human Resources, Mendenhall, Lower Level

[cjoseph@whittier.edu](mailto:cjoseph@whittier.edu)

562.907.4830

### **Deputy Title IX Coordinator (Complaints against faculty)**

**Darrin Good, Ph.D.**, Vice President and Dean of Faculty, Mendenhall, First Floor

[dgood@whittier.edu](mailto:dgood@whittier.edu)

562.907.4204

Additionally, **Siobhan Skerritt**, Director of Student Rights & Responsibilities, is also the **Lead Title IX Investigator** to whom reports or complaints of discrimination may be reported. She may be reached at 562.907.5122 or [sskerrit@whittier.edu](mailto:sskerrit@whittier.edu).

## Reporting Incidents of Sexual Misconduct

### Confidentiality and Privacy

College officials, depending on their roles at Whittier College, have varying reporting responsibilities and abilities to maintain confidentiality. In order to make informed choices, students, faculty, administrators, and staff should be aware of confidentiality and mandatory reporting requirements when consulting campus resources. On campus, some resources may maintain confidentiality, offering options and advice without any obligation to inform an outside agency or individual requested. Other resources exist to report crimes and Policy violations and these resources will take action when victimization is reported to them.

Making a report means telling someone in authority what happened, whether formally or informally. At the time a report is made, the Alleged Victim does not have to decide whether or not to pursue a particular course of action. Choosing to make a report and deciding how to proceed can be a process that unfolds over time. The College provides support that can assist each individual in making these important decisions and to the extent legally possible, will respect the individual's autonomy in deciding how to proceed. To ensure that the correct course of action is taken, it is important to understand someone's duty and ability to maintain privacy by asking them before talking to them. They will be able to explain and help a reporting party make decisions about who is in the best position to help.

The following describes confidential, private, and mandated reporting at Whittier College:

### *Confidential Reporting*

If a reporting party would like the details of an incident to be kept confidential, the reporting party may speak with on-campus counselors, off-campus counselors including local rape crisis counselors, domestic violence resources, local or state assistance agencies, or clergy who will maintain confidentiality except in extreme cases of immediacy of threat of danger or abuse of a minor. Campus counselors may be seen free of charge.

### *Private Reporters*

Whittier College faculty, administrators, staff, and student employees that do not serve in leadership positions or supervise staff are Private Reporters. Private Reporters can honor requests to keep identifying information confidential, but they are required to call or email a Title IX Coordinator and provide the following information: 1) the approximate date of the incident, 2) the approximate location of the incident, and 3) the type of misconduct allegedly committed. Private Reporters include, but are not limited to administrators, faculty and staff who are not deans, directors, or coaches, as well as those persons serving as a support person as part of the Support Person Program (see below).

### *Mandated Reporters*

Whittier College faculty, staff, and student employees who serve in leadership positions, supervise staff, or hold roles that require them to report other Code of Conduct violations are Mandated Reporters (also known as "responsible employees"). These individuals are required to report the who, what, when, and where for Sexual Assault, Domestic and Dating Violence, and Stalking to a Title IX Coordinator. Mandated Reporters cannot honor requests to maintain confidentiality but when personally identifiable

information is shared, it will be shared only with those who have a legitimate need to know and with as few people as possible. All efforts will be made to protect privacy to the greatest extent possible. Mandated Reporters include but are not limited to Title IX Investigators and Coordinators, Deans and Directors of programs and departments, all Athletics coaches, Residential Life Staff, Campus Safety Officers and Dispatchers, Community Advisors (CAs), and Peer Mentors.

### **Anonymous Reports/Federal Timely Warning Obligations**

Individuals may file an anonymous report regarding an act of Sexual Misconduct without disclosing one's name, identifying the person who allegedly engaged in the misconduct, or requesting any action. An online form is provided on Moodle (for faculty and staff) and for all faculty, staff, and students on the My Whittier homepage under the Campus Life tab in the Student Services section. In this case, depending on the information provided, the College may have limited options in addressing the conduct. Also, in such a situation, the Title IX Coordinator, in consultation with the Director of Campus Safety, will determine appropriate steps, including notification and documentation under the Clery Act.

Alleged Victims and other third parties who report incidents under this Policy should be aware that the College must issue a timely warning for incidents reported to them that pose a substantial threat of bodily harm or danger to members of the College community. The College will make every effort to ensure that an Alleged Victim's name and other identifying information is not disclosed, while still providing enough information for community members to make safety decisions in light of the potential danger.

### **Internal Formal Reporting**

A student wishing to officially report an act of Sexual Misconduct under this Policy, either in addition to or instead of local law enforcement, may do so by contacting a Title IX Coordinator, Siobhan Skerritt (Director, Student Rights & Responsibilities/Lead Title IX Investigator), or Campus Safety Officer. Campus Safety is also available to respond to and take reports of sexual violence 24 hours a day, 7 days a week. Campus Safety will provide transportation and will notify the administrator or dean on-call. The number for Campus Safety is 562.907.4211.

Alleged Victims are encouraged to speak with a Title IX Coordinator or the Lead Title IX Investigator to make formal reports of incidents of Sexual Misconduct. Complainants have the right and can expect to have complaints taken seriously by the College when formally reported, and to have those incidents investigated and properly resolved through the established procedures. Formal reporting still affords privacy to the reporter, and only a small group of officials who have a legitimate need to know will be told. Information will, however, be shared as necessary with investigators, witnesses, and the Accused.

### **External Formal Reporting**

The College encourages all individuals to seek assistance from a medical provider and/or law enforcement personnel immediately after an incident of Sexual Assault to ensure preservation of evidence and a timely investigation and response. The College encourages all individuals to make a report to the College simultaneously with law enforcement or as soon as possible. Reporting options are not mutually exclusive.

The College's Policy, definitions and burden of proof differ from California law. An Alleged Victim has a choice to seek recourse under this Policy and/or pursue criminal action. Neither law enforcement's determination whether or not to prosecute an Accused, Respondent nor the outcome of criminal prosecution determine whether a violation of the Policy occurred. Campus proceedings may be carried out prior to, simultaneously with, or following civil or criminal proceedings.

Alleged Victims are not required to report an incident to law enforcement authorities, but the College encourages reporting of incidents of Sexual Assault or Dating or Domestic Violence that may also be crimes under California law. An advisor from the Whittier College Support Person Program may assist an Alleged Victim in making a criminal report and cooperate with law enforcement agencies if the person decides to pursue criminal action.

The contact information for the Whittier Police Department is:

Whittier Police Department  
13200 Penn St.  
Whittier, CA 90602  
562.567.9200; Emergencies: 911

### **Timeliness and Location of Incident Considerations for Reporting to the College**

Incidents of Sexual Misconduct can be reported at any time, but should be reported as soon as possible in order to maximize the College's ability to respond promptly and effectively. The College does not limit the time frame for reporting but the longer one waits, the greater the possibility that a less effective or desired resolution may be reached. If the Respondent is not a member of the Whittier College community, the College will seek to meet its Title IX obligation by taking steps to end the misconduct, prevent its reoccurrence, and address its effects, although the ability to take disciplinary action against the Respondent may be limited.

The incident does not have to occur on campus to be reported to the College. Off-campus conduct that is likely to have a substantial effect on the Complainant's campus life, work, and activities or which poses a threat to other members of the community may be able to be addressed under this Policy.

### **Reports Involving Minors or Suspected Child Abuse**

Under California law, a person must make a mandatory report of suspected child abuse or neglect, including Sexual Assault, when that individual, in a professional capacity, has knowledge or observes a minor under 18 who the individual knows or reasonably suspects has been the victim of child abuse or neglect. All College employees are required to immediately report any suspected child abuse to the Title IX Coordinator and the Director of Campus Safety. The College will report all suspected child abuse and neglect to law enforcement and/or the Los Angeles County Department of Child and Family Services.

## Sexual Misconduct Education and Risk Reduction

### Programming

Whittier College prohibits sexual misconduct and institutes prevention programming to prevent its occurrence and reduce individual students' risk. It is the policy of the College to offer ongoing programming each year to reduce the risk of all forms of sexual misconduct. Throughout the year, ongoing campaigns are directed to students, faculty, staff, and administrators that include strong messages regarding awareness and prevention and which discuss, among other things, California definitions of domestic violence, dating violence, sexual assault, stalking, and consent in reference to sexual activity. These programs also offer information on how to recognize warning signals and avoid potential attacks without applying victim-blaming approaches. Educational programs are offered to raise awareness for all incoming students and employees and are conducted as part of new student and employee orientation.

### Bystander Intervention

Whittier College encourages bystander intervention, as long as the bystander first evaluates whether intervention can be accomplished safely. Bystanders may witness emergencies, crimes, or risky situations that could lead to violence. In such a situation, bystanders have the opportunity to do one of three things: 1) nothing, 2) contribute to the negative behavior, or 3) provide assistance. Proactive bystanders are people who choose to provide assistance.

Sexual violence is supported by cultural norms that let harmful attitudes, aggression, and coercion go unchecked. Proactive bystanders make a difference by preventing acts of violence, changing our community norms from inaction to action and encouraging others to provide assistance in the future.

To be a proactive bystander, students should:

1. NOTICE an incident as one that needs their assistance. Situations that could benefit from proactive bystander intervention are everywhere, including language that indicates harmful attitudes towards people and in situations where someone is too intoxicated to give consent.
2. Take RESPONSIBILITY for intervening. Students are encouraged to be the leader that steps up and takes on the responsibility for doing something or who engages others in intervening as a group.
3. Be READY to intervene by having the skills and practicing. Students are encouraged to learn to delay a situation, distract either person, delegate the intervention to their friends, or be direct in their intervention to stop violence from happening.

Whittier College encourages all students to commit to the following tenants of the Bystander Pledge:

- I pledge to do my very best to help prevent sexual violence. I will do this by having the focus and the self-control necessary to remain aware of my surroundings, the wisdom to identify dangerous situations, and the courage to take action in confronting situations.
- I will not commit rape or acts of sexual violence.



- I recognize that dangerous situations may arise at times even when people feel safe and comfortable, especially if alcohol/drugs are influencing the situation.
- I realize that it may not always be easy to help people from harm in these situations, but by remaining watchful and showing care and concern, I may help to prevent sexual violence from occurring.
- I understand that the ONLY person responsible for sexual violence is the person who engages in sexual contact without the consent of the other person.
- I will respect other people's rights to say no or to change their minds at any time.
- I understand that consent is verbal and active and that it cannot be given if the other person is incapacitated or under the influence of alcohol and/or drugs.
- Through my own positive words, actions, and beliefs, I am taking the responsibility of helping to end sexual violence. I am only one person, but I cannot and will not be a bystander who does nothing.
- I will treat all survivors of sexual violence with respect and consideration regardless of that person's participation/role in the conduct.

### Tips for Risk Reduction

Risk reduction tips can often take a victim-blaming tone, even unintentionally. With no intention to victim-blame, and with recognition that only those who commit sexual violence are responsible for those actions, the suggestions below may nevertheless help you to reduce your risk of experiencing a non-consensual sexual act:

- If you have limits, make them known as early as possible.
- Tell a sexual aggressor "NO" clearly and firmly.
- Try to remove yourself from the physical presence of a sexual aggressor.
- Find someone nearby and ask for help.
- Take affirmative responsibility for your alcohol intake/drug use and acknowledge that alcohol/drugs lower your sexual inhibitions and may make you vulnerable to someone who views a drunk or high person as a sexual opportunity.
- Take care of your friends and ask that they take care of you. A real friend will challenge you if you are about to make a mistake; respect them when they do.

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

- Clearly communicate your intentions to your sexual partner and give them a chance to clearly relate their intentions to you.
- Understand and respect personal boundaries.
- DON'T MAKE ASSUMPTIONS ABOUT: consent, someone's sexual availability, whether there is an attraction to you, how far you can go, or whether the person is physically and/or mentally able to consent. If there are any questions or ambiguity, ASSUME YOU DO NOT HAVE CONSENT.

- Mixed messages from your partner are a clear indication that you should stop and diffuse any sexual tension and communicate better. You may be misreading the situation. The person may not have figured out how far they want to go with you yet. You must respect the timeline for sexual behaviors of the other person.
- Don't take advantage of someone's drunkenness or drugged state, even if they did it to themselves.
- Realize that your potential partner could be intimidated by you or fearful. You may have a power advantage simply because of your gender, size or some other factor. Don't abuse that power.
- Understand that consent to some form of sexual behavior does not automatically imply consent to any other forms of sexual behavior.
- Silence and passivity cannot be interpreted as an indication of consent. Read your potential partner carefully, paying attention to verbal and non-verbal communication and body language.

## Recommended Steps to Take After Experiencing Sexual Misconduct

### 1. Go to a Safe Place

If you do NOT feel safe, call 911 or Campus Safety immediately at 562.907.4211. Secure the room you are in by locking or blocking doors and windows while you call for help.

If you do not feel safe in your room, Whittier College has safe rooms available on campus; call the Dean of Students at 562.907.4233 during business hours or Campus Safety 24 hours a day, 7 days a week.

You can also create a safety plan to plan for future scenarios where you may not feel safe and listing the contact information and locations of safe people and places.

### 2. Get Medical Attention and Preserve Evidence

Sexual Assault Response Team (SART) nurses are trained to work with victims of sexual misconduct, and are available at multiple hospitals (provided in the Resources section of this policy) provide free medical services and evidence collection to sexual assault survivors 24 hours a day, 7 days a week. If you are thinking about reporting an incident of sexual assault, you can preserve evidence by keeping any clothes worn, sheets, or other evidence at the scene in a paper bag. If possible, do not shower, cleanse, douche, urinate, defecate, eat, drink, or brush teeth. It is important to preserve evidence as it may be necessary to the proof of criminal domestic violence, dating violence, sexual assault or stalking, or in obtaining a protection order. Evidence can be collected up to 5 days after an incident and medical attention is important at any time.

In instances of stalking, a stalking log can be helpful when going to the College or police for assistance, including filing a report or obtaining a protection order.

### 3. Get Support and Resources

You do not have to go through this alone. The Counseling Center can provide emotional support 24 hours a day, and the Support Person Program can provide you with information about resources and accompany you to whatever resources you need to access. Off campus, Project Sister (our local rape crisis center) can provide medical and legal advocacy, as well as support and information on reporting.

Additionally, if you need medical attention, safe rooms on campus, a shelter, or to report to Whittier College or the police, there are resources available to you 24 hours a day, 7 days a week.

#### **4. Report the incident**

Whittier College encourages students to report all incidents of Sexual Misconduct to the College and to the Whittier Police Department. Staff from Whittier College, including the Support Person Program, can assist you with making an off-campus report.

### **Support Resources/Student Support Person Program**

Whittier College encourages prompt reporting of sexual harassment, sexual violence, stalking, or domestic/dating violence to the College or local law enforcement. The College recognizes that individuals may not be ready to report or may not be sure what has happened. This resource section is designed to provide information and support resources, including confidential resources who will not share information without the person's permission.

#### **On-Campus Confidential Resources**

##### **Student Counseling Center**

Rebecca Romberger, PsyD, Director

Haverhill A (next to Campus Safety Office); 562.907.4239; [rromberger@whittier.edu](mailto:rromberger@whittier.edu)

24-hour On-Call Counselor 562.907.4211

##### **Employee Assistance Program (EAP)**

Please contact Human Resources to obtain information about the confidential Employee Assistance Program at 562.907.4208.

#### **Off-Campus Confidential Resources**

##### **Project Sister**

Provides a 24-hour hotline, accompaniment program, Information and referral services, professional counseling series, support groups, and a walk-in clinic.

P.O. Box 1369

Pomona, CA 91769-1369

24-Hour Hotline: 909.626.4357

Phone: 909.623.1619

[info@projectsister.org](mailto:info@projectsister.org)

##### **East Los Angeles Women's Center**

Provides free, confidential, bilingual (in Spanish) crisis response and advocacy for survivors of sexual assault, dating/domestic violence, stalking, and human trafficking.

1255 South Atlantic Boulevard

Los Angeles, CA 90022

800.585.6231

**Peace over Violence**

Provides comprehensive, free treatment for sexual assault survivors, including 24-hour emergency medical care and forensic service, counseling and psychotherapy, advocacy, and accompaniment services.

West San Gabriel Valley Center

892 N. Fair Oaks Ave., Suite D

Pasadena, CA 91103-3046

310.392.8381

213.626.3393

626.793.3385

[info@peaceoverviolence.org](mailto:info@peaceoverviolence.org)

**Rape Abuse and Incest National Network (RAINN)**

A confidential, anonymous national sexual assault hotline

1.800.656.4673

**Rape Treatment Center at Santa Monica-UCLA Medical Center**

Provides comprehensive, free treatment for sexual assault victims, including 24-hour emergency medical care and forensic services, counseling and psychotherapy, advocacy and accompaniment services.

310.319.4000, Ext. 3

**Los Angeles LGBT Center**

Provides support and advocacy services for LGBT community members.

1625 N. Schrader Blvd.

Los Angeles 90028

323.993.7400

**Student Support Person Program (SPP)**

The College's Student Support Person Program is intended to provide students that are Alleged Victims, as well as Accused Persons with a trained staff or faculty member to assist them with accommodations, resources, support, advising, and accompaniment while navigating the College's Sexual Misconduct process. Any student who has a concern regarding Sexual Misconduct may contact a support person.

While serving as a part of the Support Person Program, support people are designated as Private Reporters. They are not required to report any identifying information to the College, but are required to report 1) the approximate date of the incident, 2) the approximate location of the incident, and 3) the type of crime committed for Clery. Privacy for students utilizing the Support Person Program is of the utmost importance, and support people are not to release any information relayed to them about a case (other than that needed for Clery), specifically to anyone charged with investigating or hearing violations of the Sexual Misconduct Policy.

Support people are not Sexual Assault Counselors as defined in California Evidence Code § 1035. They do not hold legal privilege. If a student chooses to make a Title IX report to Whittier College, Title IX Investigators will not ask any information of support people. If, however, information is requested of support people by outside sources, including police or prosecutors, support persons may have to disclose information provided to them by the student. A support person will notify the student of any requests and before disclosing any identifying information. If a student wishes to have a support person disclose any information shared with them, the support person will get their written consent detailing what and with whom the information will be shared prior to sharing it.

To contact a member of the Support Person Program, you may either contact a member directly using their contact information below or contact the Dean of Students Office at 562.907.4233.

### *2017-16 Members of the Support Person Program*

**George McKernan**

Director of Conference  
Services

562.907.4226

[gmckernan@whittier.edu](mailto:gmckernan@whittier.edu)

**Ann Kakaliouras**

Associate Professor,  
Department of Anthropology

562.907.4341

[akakalio@whittier.edu](mailto:akakalio@whittier.edu)

**Bianca Vinci**

Accommodations  
Coordinator

562.907.4825

[bvinci1@whittier.edu](mailto:bvinci1@whittier.edu)

**Stephanie Lopez**

Student Placement and  
Human Resources Office  
Manager

562.907.4615

[shernan4@whittier.edu](mailto:shernan4@whittier.edu)

**Anne Cong-Huyen**

Co-Coordinator of DigLibArts  
and Digital Scholar  
(562) 907-4247

[aconghuy@whittier.edu](mailto:aconghuy@whittier.edu)

**Jessica Aparicio**

Campus Safety  
562.907.4211

[japarici@whittier.edu](mailto:japarici@whittier.edu)

**Jaimis Ulrich**

Business Office

562.907.4929

[julrich@whittier.edu](mailto:julrich@whittier.edu)

**Paul Kjellberg**

Professor, Department of  
Philosophy

562.907.4404

[pkjellberg@whittier.edu](mailto:pkjellberg@whittier.edu)

When not acting as a Title IX Investigator:

**Jenny Guerra**

Director,  
Office of Equity and Inclusion

562.907.4962

[jguerra1@whittier.edu](mailto:jguerra1@whittier.edu)

**Tea Bogue**

Assistant Director of  
Residential Life & Conduct

562.907.5385

[tbogue@whittier.edu](mailto:tbogue@whittier.edu)

**Magaly Perez**

Safety & Compliance  
Coordinator

562.907.4295

[mperez4@whittier.edu](mailto:mperez4@whittier.edu)

### **Medical Considerations and Resources**

Sexual Assault Response Team (SART) nurses are trained to work with victims of sexual misconduct, and are available at multiple hospitals (provided below) to provide free medical services and evidence collection to sexual assault survivors 24 hours a day, 7 days a week. If a student, staff, administrator, or faculty member is thinking about reporting an incident of sexual assault, you can preserve evidence by

keeping any clothes worn, sheets, or other evidence at the scene in a paper bag. If possible, do not shower, cleanse, douche, urinate, defecate, eat, drink, or brush teeth. It is important to preserve evidence as it may be necessary to the proof of criminal domestic violence, dating violence, sexual assault or stalking, or in obtaining a protection order. Evidence can be collected up to 5 days after an incident and medical attention is important at any time.

Under California law, medical providers (but not psychological counselors) are required to notify law enforcement if a patient communicates a sexual assault has occurred. The patient has the right to request that a survivor advocate be present when speaking to law enforcement and to request that criminal charges not be pursued. Any additional information is covered under HIPPA.

Taxi vouchers are available from the Health and Wellness Center and Campus Safety to provide free transportation to local medical resources. A member of the Support Person Program is also available to accompany a survivor to off-campus resources, as are victim advocates from Project Sister.

**Presbyterian Intercommunity Hospital**

12401 Washington Blvd.  
Whittier, CA

Call Project Sister 24 hours a day and they will coordinate this service: 909.626.4357.  
For the hospital emergency room, call 562.698.0811.

**San Gabriel Valley Medical Center**

435 W. Las Tunas Dr.  
San Gabriel, CA 91776

Call the SART Hotline 24 hours a day and they will coordinate this service: 877.209.3049

**LA County/USC Medical Center**

1200 N. State Street  
Los Angeles, CA 90033  
323.226.3961

**Rape Treatment Center at Santa Monica-UCLA Medical Center**

1250 16th St.  
Santa Monica, CA 90404  
310.319.4000, Ext. 3

**Assistance for Alleged Victims**

Various on-campus adjustments can be made for those who have experienced sexual misconduct, including room changes, changes of locks, extra security rounds, no contact orders, and academic relief. These can be arranged through the Dean of Students Office 562.907.4233 during business hours or immediately through the administrator on call (contact through Campus Safety at 562.907.4911).

Additionally, the Support Person Program or staff in the Dean of Students Office can assist Alleged Victims with extensions, absences, and other academic accommodations, providing only generic information to professors for the accommodation (with no information about Title IX or sexual misconduct).

Lastly, students should receive no financial aid penalty as a result of experiencing sexual misconduct. The Dean of Students Office or Support Person Program can assist students in working with the Office of Financial Aid to assist with this process:

**Office of Financial Aid**  
Weingart Hall, 2<sup>nd</sup> Floor  
562.907.4285

## External Complaints Regarding Title IX Issues

All students, staff, and faculty have the right to submit inquiries or complaints concerning the application of Title IX to the U.S. Department of Education's Office for Civil Rights:

**Office for Civil Rights (OCR)**  
50 Beale Street, Suite 7200  
San Francisco, CA 94105  
Customer Service Hotline #: 415.486.5555  
Facsimile: 415.486.5570 TDD#: 877.521.2172  
Email: [OCR.SanFrancisco@ed.gov](mailto:OCR.SanFrancisco@ed.gov)  
Web: <http://www.ed.gov/ocr>

## Legal Assistance

Students, staff, and faculty have the right to legal assistance and representation. Provision of these resources is not an endorsement of their services and the College is not responsible or liable for poor or negligent legal advice.

### **Legal Aid Foundation of Los Angeles**

*For more than 85 years, the Legal Aid Foundation of Los Angeles (LAFLA) has provided civil legal services to poor and low-income people in Los Angeles County. LAFLA has five offices in the Los Angeles area, including three Domestic Violence Clinics located at the Superior Courthouse in downtown Los Angeles, the Santa Monica Courthouse and the Long Beach Courthouse.*

800.399.4529

<http://www.lafla.org/SurvJustice>

Legal assistance for survivors in campus, criminal and civil legal systems.

**SurvJustice** provides direct assistance for campus cases and partners with local, regional and national law firms to assist in civil and criminal cases.

1629 K Street NW, Suite 300  
Washington D.C. 20006-1631

<http://survjustice.org/>

Other legal resources may be found online (<http://statelaws.findlaw.com/california-law/free-legal-aid-in-losangeles.html>).

## Procedures for Handling Reports of Sexual Misconduct Committed by a Student

### General Information

Whittier College encourages reporting of Sexual Misconduct. All complaints of alleged Sexual Misconduct will be investigated and adjudicated by trained Title IX Investigator(s). The investigation procedures described below will apply to all complaints involving students as the Alleged Victim and the Accused/Respondent.

When the Accused/Respondent is faculty, administrator or staff, procedures described in the Faculty (in the case of a faculty-Respondent) and Employee (in the case of a staff or administrator-Respondent) Handbooks shall take precedence over this Policy.

As necessary, the College reserves the right to initiate a complaint, to serve as Complainant, and to initiate conduct proceedings without a formal complaint by the Alleged Victim of Sexual Misconduct. The College shall investigate alleged incidents of Sexual Misconduct that it knew or reasonably should have known of.

Upon receipt of a complaint of conduct that could be considered Sexual Misconduct under this Policy, or the initiation of such a complaint by the College, the Title IX Coordinator shall open a formal case file and assign Title IX Investigators who will conduct the investigation and confer with the Title IX Coordinator on any interim action or other matters as needed.

The College aims to complete the complaint process within 60 days, unless multiple Complainants, incidents, or an appeal are involved. At the discretion of the Title IX Coordinator, the process may be extended when necessary.

### Interim Actions

When a complaint of alleged Sexual Misconduct is reported to a Title IX Coordinator or the Lead Title IX Investigator, interim actions may be provided to meet the needs of all involved. The Title IX Coordinator or Lead Title IX Investigator (or designee) may provide interim remedies intended to address the short-term or long-term effects of the conduct on the Alleged Victim and the community, and to prevent future victimization. Interim remedies may be used, when in the judgment of the Title IX Coordinator (or designee), the safety or well-being of any member(s) or the College community may be jeopardized by the presence on campus of the Respondent or of the ongoing activity of a student organization whose behavior is in question.

Interim actions may include, but are not limited to, referral to counseling and health services or the Employee Assistance Program, education to the community, altering housing or work arrangements, providing campus escorts, implementing contact limitations between parties, offering adjustments to academic deadlines, course schedules, etc.

The College may impose an interim suspension on a student, employee or organization pending the completion of the investigation, issuance of findings or appeal. In all cases in which an interim



suspension is imposed, the student, employee, or student organization will be given the opportunity to meet with the Title IX Coordinator (or designee) prior to the suspension being imposed, or as soon thereafter as reasonably possible, to show cause why the suspension should not be implemented. The Title IX Coordinator (or designee) has sole discretion to implement or stay an interim suspension under this Policy. Violation of an interim suspension may result in expulsion or termination.

During an interim suspension, a student or employee may be denied access to College housing and/or campus facilities, privileges and events, and a student may be denied the ability to attend classes. The Title IX Coordinator (or designee) will use their best efforts to determine if alternative coursework options are available for a student not allowed to attend classes.

## **Title IX Investigation and Adjudication**

### **Informal Resolution**

Informal resolution is not appropriate for sexual assault, but may be used for less serious, yet inappropriate, behaviors and is allowed as an alternative to the formal resolution process when requested by the Alleged Victim. The Title IX Coordinator (or designee) will determine if informal resolution is appropriate, based on the willingness of the parties, the nature of the conduct at issue and the susceptibility of the conduct to resolution. An informal resolution will involve a dialogue with the parties to determine if a mutual agreement can be reached. Sanctions may be imposed and records will be kept of any resolution that is reached, and failure to abide by the accord can result in appropriate responsive actions. It is not necessary to pursue informal resolution first in order to pursue a complaint and anyone participating in an informal resolution can stop that process at any time and request that the formal process proceed.

### **Formal Investigation/Adjudication Process**

If the case is not appropriate for informal resolution or if that process fails, upon receipt of a complaint that involves alleged Sexual Misconduct, the following steps will be taken:

1. Two trained Title IX Investigators will be assigned to handle the matter. They will have an initial meeting with the Alleged Victim to informally discuss the facts relating to the incident, interim actions and the desired remedy. At this meeting, the Complainant will be given a list of rights (see below) which includes the right to have 48 hours to review those rights before being formally interviewed. The 48 hour period may be waived by the Complainant.
2. The Investigators will conduct a formal interview of the Alleged Victim/Complainant (with a support person present if desired). Following this interview and after consultation with the Title IX Coordinator responsible for the matter, if the determination is made that there is insufficient evidence to support a finding that the Policy has been violated, the complaint should be closed with no further action other than to notify the Complainant that there was insufficient evidence to proceed.
3. If there is sufficient evidence to proceed with further investigation of the Complainant's report, the Respondent will be interviewed no sooner than 48 hours after they have been provided notice of the potential Policy violation(s), a summary of the facts supporting the potential violation(s), as well as a list of rights (see below). The Respondent has the right to have an approved advisor or support person present at the interview. The approved advisor or support person may be someone of the Respondent's choice, but may not speak to the Investigator (s) on their behalf. The Respondent may waive the right to wait at least 48 hours before being

interviewed. They may also request additional time before being interviewed which will not be unreasonably or arbitrarily denied.

4. Interview any witnesses and gather any other information or documentation the Investigators determine is necessary to conduct an adequate, reliable and impartial investigation.
5. Following the completion of the investigation, the Investigators will prepare an initial written report that contains the pertinent information obtained from the investigation. This report will then be made available to the Complainant/Alleged Victim and the Respondent for review with one or both of the Investigators. Within 24 hours of this review, any additional information or information needed to correct or clarify information in the report may be submitted orally or in writing by the Complainant/Alleged Victim and Respondent. The report will not be released to the students but an adviser or support person may be present during the review.
6. Once there has been an opportunity to review the report and any additional/correcting/clarifying information has been submitted within the time frame allotted, within 72 hours a final report will be prepared by the Investigators and a determination as to whether there has been a violation of the Sexual Misconduct Policy, based on a preponderance of the evidence (i.e., more likely than not), will be included in the report. After the Title IX Coordinator assigned to the matter has reviewed the report, if it was determined that there has been a violation of the Policy, the matter will be submitted to the Lead Title IX Investigator to determine the appropriate sanctions. Regardless of the decision, the Complainant/Alleged Victim and Respondent shall be notified in writing (including electronic transmission) simultaneously of the decision. This notification should occur no more than five (5) calendar days after the initial report was reviewed by the Complainant/Alleged Victim and Respondent. In the case where the decision is that there has been a Policy violation, this notification shall also include information regarding the timing of the sanctioning process.
7. As part of the process of determining sanctions, the Lead Title IX Investigator will review the final report and hold separate meetings with the Victim and Respondent and review any additional evidence the Lead Title IX Investigator deems necessary. The Victim and Respondent can waive their right to meet with the Lead Title IX Investigator. Within five (5) calendar days of having received the final report and decision from the Investigators or two (2) calendar days after the meeting with the Victim and Respondent, whichever occurs later, the Lead Title IX Investigator shall simultaneously notify the Victim and Respondent of the sanctions imposed (see Notification of Outcome below).
8. A Notification of Outcome that there has been no Policy violation or a Notification of Outcome that there has been a Policy violation and the sanctions imposed, shall contain information regarding the right to and the timing for filing an appeal. The Alleged Victim may appeal a decision finding no Policy violation, a Respondent may appeal the decision finding there was a Policy violation, and the Victim and Respondent may appeal based on the nature and severity of the sanctions imposed. **Should a Respondent wish to have any sanctions stayed (postponed) pending an appeal, the Respondent must make such request to the Appellate Officer within 48 hours of receipt of the Notification of Outcome.** In the event one of the parties decides to file an appeal, the final Investigation Report may be reviewed with the Investigator(s) in order to prepare the appeal. If one party desires to review the final report, the other party shall be immediately notified and be given the same right of review. The final Investigation Report shall not be released to either party or their adviser.

The investigation and adjudication as outlined above shall be completed as promptly as possible given the circumstances. Should the complaint be made within 20 business days of the end of the academic year and the complaint involves students or other College constituents that are

not available during the summer break, either as Complainant, Respondent or as witnesses, every effort will be made to complete the investigation before the end of the academic year, but if not possible, it will be completed within 30 days after the start of the next academic year unless the Title IX Coordinator determines additional time is needed.

If the imposition of sanctions on the Respondent is not sufficient to end the Sexual Misconduct, the Title IX Coordinator, in consultation with the Lead Title IX Investigator, will determine and implement any additional actions needed to prevent its recurrence and remedy its effects on the Victim and the College community.

## Sanctions

The College considers Non-Consensual Sexual Intercourse involving the use of force or threats of intimidation to be serious violations, and therefore could choose to impose the most severe sanctions, including but not limited to suspension or expulsion. However, the College reserves the right to impose any level of sanction, ranging from a reprimand up to and including suspension or expulsion/termination, for any act of Sexual Misconduct based on the totality of the facts and circumstances of the particular incident(s).

The following are sanctions that may be imposed upon students or organizations for violation of this Policy. The determination of the nature and severity of the sanctions, both initially and also on appeal, will be based on the totality of the circumstances, including but not limited to how egregious the behavior, prior disciplinary record, and any mitigating circumstances.

1. **Warning:** A formal statement that the behavior was unacceptable and a warning that further infractions of any College Policy, procedure or directive will result in more severe sanctions/responsive actions.
2. **Censure:** Notice that violation of any institutional regulation within a stated period of time may result in a referral to Title IX Lead Investigator for disciplinary action and is likely to result in severe sanctions such as suspension or expulsion. Students on censure may not be able to hold any positions in student leadership, such as Student Senate, Clubs, Organizations, Societies or Resident Advisor. Additional restrictions on involvement in campus activities may also be applied as part of the sanctioning process.
3. **Probation:** A written reprimand for violation of this Policy, providing for more severe disciplinary sanctions in the event that the student or organization is found in violation of any College policy, procedure or directive within a specified period of time. Terms of the probation will be specified and may include denial of specified social privileges, exclusion from co-curricular activities, No-Contact orders, and/or other measures deemed appropriate.
4. **No Contact Order:** An order that one student refrain from direct or indirect contact, or a certain distance from another student or students when on campus, on property leased or controlled by the College, or at off-campus College-sponsored activities or events. This may also be an interim measure taken before there is any finding of responsibility for a Policy violation.
5. **Residence Hall Relocation:** The student is reassigned to another residence hall room or building. Residence Life Personnel, in consultation with the Title IX Coordinator handling the matter, will decide on the reassignment details. This may also be an interim measure taken before there is any finding of responsibility for a Policy violation.
6. **Residence Hall Suspension:** Separation of the student from the residence halls for a definite period of time, after which the student is eligible to return. Conditions for readmission may be

specified. Students removed from the residence halls will not be eligible for a refund of proration of housing and/or meal fees.

7. **Suspension:** Termination of student status for a definite period of time not to exceed two years, and/or until specific criteria is met. Students who return from suspension are automatically placed on probation through the remainder of their tenure at the College. Students suspended from the College are not eligible for a refund of tuition, housing, board, or other fees.
8. **Expulsion:** Permanent termination of student status, revocation of rights to be on campus for any reason and may not attend College-sponsored events. This sanction will be noted as a Conduct Expulsion on the student's official transcript. Students expelled from the College are not eligible for a refund of tuition, housing, board, or other fees.
9. **Withholding Diploma:** The College may withhold a student's diploma for a specified period of time and/or deny a student the right to participate in commencement activities if the student has a complaint pending, or as a sanction if the student is found responsible for an alleged violation.
10. **Revocation of Degree:** The College reserves the right to revoke a degree awarded from the College for fraud, misrepresentation or other violation of College policies, procedures or directives in obtaining the degree, or for other serious violations committed by a student prior to graduation.
11. **Student Organizational Sanctions:** Deactivation, de-recognition, loss of all privileges (including registration), for a specified period of time
12. **Other Actions:** In addition to or in place of the above sanctions, the College may assign any other sanctions as deemed appropriate.

### Withdrawal by a Student While Charges Pending

The College does not permit a student to formally withdraw if that student has a complaint pending for violation of this Policy, the Policy on Nondiscrimination, or for charges under the Code of Student Rights and Responsibilities. Should a student decide to leave the College and not participate in the investigation and findings phase of this process, the process will nonetheless proceed in the student's absence to a reasonable resolution and that student will not be permitted to return to the College unless all sanctions have been satisfied.

### Notification of Outcome

As set forth above, the parties will be notified in writing of the decision reached. The outcome of a campus investigation, however, is part of the educational record of the accused student, and is protected from release under the Family Educational Rights and Privacy Act (FERPA). If there is a direct conflict, however, between the requirements of FERPA and the requirements of Title IX, such that enforcement of FERPA would interfere with the primary purpose of Title IX to eliminate sex-based discrimination in schools, the requirements of Title IX override any conflicting FERPA provisions. For example, if a sanction (final or interim) is imposed on the Respondent and the sanction directly relates to the Victim such as the accused student being required to stay away from the alleged victim or the accused student is transferred to other classes or another residence hall, limited information may be provided to the Victim. Additionally, the College observes the following legal exceptions:

- Persons complaining of sexual assault, sexual harassment, stalking, and domestic/dating violence incidents have an absolute right to be informed of the outcome of the investigation and sanctions, in writing, without condition or limitation;
- The College may release publicly the name, nature of the violation and the sanction for any student who is found in violation of a College policy that is a "crime of violence," including:

arson, burglary, robbery, criminal homicide, sex offenses, assault, destruction/damage/vandalism of property and kidnapping/abduction. The College will release this information to the Victim of any of these offenses regardless of the outcome.

## Appeals

Both the Complainant/Victim and the Respondent may appeal the decisions reached by the Title IX Investigators and the Lead Title IX Investigator with regard to the sanctions imposed. The Complainant/Alleged Victim may appeal a finding that there has been no Policy violation, which appeal must be filed within seven (7) calendar days after receipt of the Notice of Outcome regarding the decision finding no Policy violation. The Respondent may appeal a finding that there has been a Policy violation, which appeal must be filed within seven (7) calendar days after receipt of the Notice of Outcome regarding the sanctions being imposed. Both the Victim and the Respondent may also appeal the nature and extent of the sanctions imposed, which appeal must be filed within seven (7) calendar days of receipt of the Notice of Outcome regarding the sanctions being imposed.

A request for additional time to appeal may be submitted to the Appellate Officer so long as it is requested within 72 hours of receipt of the applicable Notice of Outcome letter. The Appellate Officer will determine if reasonable cause exists for granting additional time and will simultaneously notify the parties of their decision. If an extension is granted for one party, it should be granted for the other(s).

At the close of the period of time in which to file an appeal, the Appellate Officer will notify the other party that an appeal has been filed. If there has been a request by the Respondent and decision made to stay any sanctions pending appeal, the Appellate Officer will notify the Victim of that decision.

**General dissatisfaction with the outcome of the decision made is not grounds for appeal.** Appeals are limited to the following four reasons:

1. A procedural error, omission or irregularity that undermined the Complainant's or Respondent's ability to present their allegations or defense to the Title IX Investigators or Lead Title IX Investigator relating to determination of sanctions.
2. New information sufficient to alter the decision or sanction that was unknown or unavailable during the time of the investigation and determination. A summary of this new evidence and its potential impact must be included. Information that could have become known with the exercise of reasonable care during the investigation and determination phase, is not considered "new information" for purposes of appeal.
3. Bias or conflict of interest that inappropriately affected the decisions made by any of the following persons involved in the matter: Title IX Investigator(s), Lead Title IX Investigator and Title IX Coordinator.
4. The sanctions imposed are substantially disproportionate to the severity of the violation.

The Appellate Officer may request a meeting with the parties involved and will consider requests for such a meeting by the parties. Any such requests should be made within 48 hours of receiving notice that an appeal has been filed. The Appellate Officer is not required to meet with either party. A non-appealing party may submit a written statement for consideration by the Appellate Officer so long as it is submitted within 72 hours of being notified of the fact that an appeal has been filed and which of the four bases for appeal are being pursued.

The Appellate Officer will use their best efforts to decide the appeal within seven (7) calendar days of its submission or meeting with the parties, if any. This timeframe may be longer depending on the totality of the circumstances.

Where the Appellate Officer finds that at least one of the four grounds for appeal have been met, they have the following options:

1. Where the appeal is granted based on ground 1 above, the matter should normally be remanded to the original Title IX investigators or Lead Title IX Investigator (if the irregularity was in the sanctioning phase) to conduct a new complete, or partial (depending on the circumstances) investigation/determination to insure proper procedure was followed. If, however, the Appellate Officer determines fairness can be achieved by not conducting a new investigation, they have the discretion to implement other solutions dictated by the circumstances of the case.
2. In the event the Appellate Officer determines there was bias or prejudice that inappropriately affected the decisions made (ground 3 above), the Appellate Officer shall ask the Title IX Coordinator to select one or more new investigators to conduct a new investigation to be conducted in accordance with the procedures above, or to select a different sanctioning officer in the event the bias or prejudice was on the part of the sanctioning officer.
3. Where the Appellate Officer determines that the sanctions imposed were substantially disproportionate to the severity of the violation, the Appellate Officer may impose more, less or different sanctions.
4. Where the Appellate Officer grants the appeal on the basis of ground 2 above, the Appellate Officer may remand the matter to the original Investigators for them to consider the new information and reconsider the ultimate decision regarding whether there was or was not a Policy violation or, depending on the circumstances and the nature of the new information, may reverse the decision of the Investigators and impose sanctions if the original decision was that there was no Policy violation.

Deference shall be given to the original decision, making changes to the finding only where there is clear error, and to the sanction only if there is a compelling justification to do so. Once an appeal is decided, the outcome is final; further appeals are not permitted.

### **Failure to Complete Sanctions/Comply with Responsive Actions**

All Respondents are expected to comply with sanctions within the time frame specified. Failure to do so by the date specified, whether by refusal, neglect or any other reason, may result in additional sanctions including, but not limited to suspension, expulsion and/or termination from the College and may be noted on a student's official transcript. A suspension can only be lifted when compliance is achieved to the satisfaction of the Title IX Coordinator or their designee.

### **Records**

If the investigation following any complaint does not result in a finding of a violation of this Policy, the records relating to the complaint and the investigation will not become a part of any individual's student record.

If the Respondent is found to have violated this Policy, those records of the case will become part of the permanent student or personnel file of the Respondent. Written documentation generated as a result of a complaint, as well as the resolutions, will be kept by the Title IX Coordinator for seven years. Student records will be kept for seven years in a locked, confidential location in the Dean of Students Office. Access to personnel and student files and the records maintained by the Title IX Coordinator is limited

by Title IX, FERPA and various state statutes and common law. These restrictions on the disclosure are designed to protect students, employees, and the College. Questions regarding access to records may be directed to the Title IX Coordinator. In implementing this Policy, a record of all complaints and the final resolution, will be kept by the Title IX Coordinator indefinitely in the Title IX Coordinator database.

### **Student Rights: Complainant/Alleged Victim**

Subject to other provisions in this Policy, alleged victims of Sexual Misconduct have the following rights:

- The right to an impartial, prompt investigation and appropriate resolution of all credible complaints of Sexual Misconduct made in good faith to College officials;
- The right to be treated with respect and dignity by College officials;
- The right to be informed of and have access to on and off campus resources for medical, counseling, mental health, advocacy, and advisory services, including the Whittier College Counseling Center, Student Health and Wellness Center, and Support Person Program;
- The right to one advisor or support person present during all interviews conducted as part of the investigation process although that person cannot not speak for the alleged victim. This advisor can be anyone of their choosing;
- The right to notification of and options for, and available assistance in, changing academic and living situations after an alleged harassment, discrimination or sexual assault incident, if so requested by the alleged victim and if such changes are reasonably available (no formal complaint or investigation, campus or criminal, need occur before this option is available).  
Resolution may include:
  - Change of an on-campus student's housing to a different campus location;
  - Assistance from the College support staff in completing the relocation;
  - Arranging to dissolve a housing contract and pro-rating a refund;
  - Exam (paper, assignment) rescheduling;
  - Taking an incomplete in a class;
  - Transferring class sections;
  - Temporary withdrawal;
  - Assistance with financial or financial aid issues that occur as a result of the alleged policy violation or complaint;
  - Alternative course completion options.
- The right to request a campus restraining order against another person who has engaged in or threatens to engage in stalking, threatening, harassing or other improper behavior that presents a danger to the welfare of the complaining individual or others;
- The right to be informed by College officials of options to notify proper law enforcement authorities, including on-campus and local police, and not discouraged from doing so, and the option to be assisted by campus authorities in notifying such authorities, if the student so chooses. This also includes the right not to report, if this is the alleged victim's desire;
- The right to be fully informed of the nature, rules and procedures of the campus investigative process, including the nature of the violation and possible sanctions;
- The right to have complaints involving sexual misconduct investigated and heard by Sexual Misconduct Adjudication Board Officers who have received annual sexual misconduct adjudication training, including the impact of trauma;
- The right to present relevant witnesses to be interviewed by Title IX Investigators, including expert witnesses;

- The right to have the College compel the presence of student, faculty and staff witnesses and the right to challenge documentary evidence in writing;
- The right to have College policies and procedures followed without material deviation;
- The right to review all documentary evidence available regarding the complaint including witness statements except in cases where a witness has requested anonymity and providing the statement would necessarily identify the witness, or in cases where the reviewing of the statement may present safety concerns for the witness or other involved in the process. In those cases, a summary of the information provided by the witness will be conveyed to the alleged victim. The statement or summary will be available to be reviewed with the alleged victim at least 48 hours prior to the meeting/proceeding at which the decision is made;
- The right not to have unrelated prior sexual history considered as part of the decision making process
- The right not to have any complaint of sexual assault mediated (as opposed to adjudicated);
- The right to write a victim-impact statement to be provided to the Sexual Misconduct Adjudication Board when sanctions are being determined;
- The right to be informed in writing of the outcome and sanctions following adjudication by the Sexual Misconduct Adjudication Board, usually within 24 hours of the decision;
- The right to appeal the decision by the Sexual Misconduct Adjudication Board Officers, in accordance with the standards for appeal established by the College;
- The right to protection under the Family Education Rights and Privacy Act (FERPA);
- The right to the preservation of privacy, restricting access to information to those with a legitimate need to know;
- The right to petition that the Sexual Misconduct Adjudication Board Officers or Title IX Investigator(s) be removed on the basis of demonstrated bias;
- The right to a fundamentally fair process, as defined in these procedures;
- The right to be informed in advance of any public release of information regarding the complaint;
- The right not to have released to the public (those persons other than those with a need to know) any personal information about the alleged victim, without their consent.

### Student's Rights: Respondent

Subject to other provisions in this Policy, persons accused of Sexual Misconduct have the following rights:

- The right to an impartial, prompt investigation and appropriate resolution of all credible complaints of Sexual Misconduct made in good faith to College officials;
- The right to be treated with respect and dignity by College officials;
- The right to be informed of and have access to on and off campus resources for medical, counseling, mental health, advocacy, and advisory services, including the Whittier College Counseling Center, Student Health and Wellness Center, and Support Person Program;
- The right to one approved advisor or support person present during all interviews conducted as part of the investigation process although that person may not speak for the accused/Respondent.
- The right to be fully informed of the nature, rules and procedures of the campus investigative process, including the nature of the violation and possible sanctions;



- The right to have complaints involving sexual misconduct investigated and heard by Sexual Misconduct Adjudication Board Officers who have received annual sexual misconduct adjudication training;
- The right to present relevant witnesses to be interviewed by Title IX Investigators, including expert witnesses;
- The right to have the College compel the presence of student, faculty and staff witnesses and the right to challenge documentary evidence in writing;
- The right to have College policies and procedures followed without material deviation;
- The right to review all documentary evidence available regarding the complaint including witness statements except in cases where a witness has requested anonymity and providing the statement would necessarily identify the witness, or in cases where the reviewing of the statement may present safety concerns for the witness or other involved in the process. In those cases, a summary of the information provided by the witness will be conveyed to the accused/Respondent. The statement or summary will be available to be reviewed with the accused/Respondent at least 48 hours prior to the meeting/proceeding at which the decision is made;
- The right not to have irrelevant prior sexual history considered as part of the decision making process;
- The right not to have any complaint of sexual assault mediated (as opposed to adjudicated);
- The right to write an impact statement to be provided to the Sexual Misconduct Adjudication Board when sanctions are being determined;
- The right to be informed in writing of the outcome and sanctions following adjudication by the Sexual Misconduct Adjudication Board, usually within 24 hours of the decision;
- The right to appeal the decision by the Sexual Misconduct Adjudication Board Officers, in accordance with the standards for appeal established by the College;
- The right to protection under the Family Education Rights and Privacy Act (FERPA);
- The right to the preservation of privacy, restricting access to information to those with a legitimate need to know;
- The right to petition that the Sexual Misconduct Adjudication Board Officers or Title IX Investigator(s) be removed on the basis of demonstrated bias;
- The right to a fundamentally fair process, as defined in these procedures;
- The right to be informed in advance of any public release of information regarding the Complaint;
- The right not to have released to the public (those persons other than those with a need to know) any personal information about the accused/Respondent, without their consent.

### **Revisions/Applicable to Allegations of Misconduct**

This Policy will be reviewed on an annual basis and updated or modified as needed. The provisions of this Policy pertaining to what constitutes sexual misconduct in effect at the time of any alleged misconduct shall apply. The investigation and adjudication of any complaint of sexual misconduct shall be handled in accordance with those procedures in effect at the time a person is notified of their alleged misconduct. All updates or edits to this Policy shall be published on the College's website with a date of the last revision.

*This policy was edited on August 30, 2017.*

## Student Code of Conduct and Guide to Rights & Responsibilities

Whittier College is a residential four-year liberal arts institution that prepares students from diverse backgrounds to excel in a complex global society. Inspired by a Quaker heritage, the Whittier education equips students to be active citizens and effective communicators who embrace diversity and act with integrity. Through challenging and interactive courses taught by accomplished professors, students learn to make connections across disciplines, understand cultural perspectives, and integrate learning with practical application.

With this mission in mind, the Whittier community is founded on the principles of respect, inclusion, integrity, concern for the individual, and social responsibility. It is a privilege to live and study as part of this community committed to the founding values of the Quakers and it is a responsibility to abide by the Student Code of Conduct. The effectiveness of the Student Code of Conduct depends on individual acceptance of personal responsibility and cooperation among all members of the campus community. In operation, this results in mutual respect for and commitment to the values and mission of the College.

As members of this community, Whittier College students and student organizations will

- act in a manner that reflects maturity and social responsibility with regards to health, wellness, and safety.
- act in a manner that reflects honesty and personal responsibility.
- act responsibly and respectfully towards the person and property of others.
- conduct themselves in accordance with all College, local, state, and federal laws, policies, and procedures while on or off campus.

By agreeing to be a member of the Whittier community, students and student organizations are expected to adhere to the behavioral and community standards outlined in this document and to all other policies and procedures of the College.

### Definitions and Terms

- **College official:** Includes any person employed by the College who is acting in the capacity of performing their assigned administrative or professional responsibilities.
- **College premises:** Includes all land, buildings, facilities, and other property, real or personal, in the possession of or owned, used, or controlled by the College (including adjacent streets and sidewalks).
- **College:** Whittier College.
- **Complainant:** Any person who submits a charge alleging that a student violated the Student Code of Conduct. When a student believes that he or she has been a victim of another student's misconduct, that potential victim will have the same rights under the Student Conduct Code as are provided to the Complainant, regardless of who initially submitted the charge.
- **Faculty member:** Any person hired by the College to conduct classroom or teaching activities or who is otherwise considered by the College to be a member of its faculty.
- **Guest:** Person(s) to whom a student is extending or has extended hospitality or invitation to come onto the College Premises or to attend College events.

- **Hearing officer:** The Student Conduct Administrator or their designee. The hearing officer is responsible for administering the Student Code of Conduct through the Administrative Hearing process and is responsible for issuing formal charges, engaging with the alleged violator, and rendering a decision.
- **Member of the College community:** Includes any person who is a student, faculty member, College official, or any other person employed by the College. A person's status in a particular situation, if ambiguous given the definitions contained in this section, shall be determined by the Dean of Students or designee.
- **Organization:** Refers to any number of persons who have complied with the formal requirements for College recognition and/or registration.
- **Policy:** Refers to the written regulations of the College as found in, but not limited to, the Student Handbook, Residential Guide to Living, the College website, course syllabi, and Graduate and Undergraduate Catalogs.
- **Respondent:** Any student accused of violating the Student Conduct Code.
- **Student:** Includes all individuals enrolled in courses at the College, either full-time or part-time, pursuing undergraduate or graduate studies. Persons who withdraw after allegedly violating the Student Code of Conduct, who are not officially enrolled for a particular term but who have a continuing relationship with the College or who have been notified of their acceptance for admission are considered "students," as are persons who are living in College residence halls, although not enrolled at the College. Although the College may not be responsible or liable for off-campus events or student behavior, the Student Code of Conduct applies at all locations where the College conducts the business of education whether on the main campus in Whittier, California, in another state or in a foreign country and specifically includes students studying abroad.
- **Student Conduct Administrator:** A College official who determines responsibility for alleged policy violations and imposes sanctions, if any, as the result of an Administrative Hearing. The Student Conduct Administrator is also a member of the Student Conduct Review Board convened to handle a more serious disciplinary matter. Except in cases of bias or some other appropriate reason, the Student Conduct Administrator at Whittier College is the Associate Dean of Students. The Student Conduct Administrator may also be, at the discretion of the Dean of Students, members of the Student Life professional staff or the Peer Review Board. The term "Peer Review Board" (PRB) refers to a group of trained students who may, at the discretion of the Student Conduct Administrator, have been selected to hear less serious conduct code violations which are also first time offenses. The PRB is comprised of at least three students and is advised by a designee of the Dean of Students.
- **Student Code of Conduct:** The Code of Student Rights and Responsibilities.
- **Student Conduct Review Board:** Refers to the body of individuals trained to investigate/adjudicate student disciplinary matters. Each hearing board will generally consist of at least one faculty member, at least one student, and at least one staff member, along with a designated board chair. The members of the Student Conduct Review Board assigned to a given case are determined by the Student Conduct Administrator.

- **Student organization:** The term “student organization” refers to any group of Whittier students who operate as a registered student club, sports team, affinity group, or any similar affiliation.

## Prohibited Conduct

- 1. Failure to act in a manner that reflects maturity and social responsibility with regards to health, wellness, and safety**
  - a. Failure to act appropriately, responsibly, and aligned with College policies regarding alcohol
    - i. Possession, purchase, or consumption of any alcoholic beverage (including beer and wine) by any person under the age of 21.
    - ii. Selling, either directly or indirectly, any alcoholic beverage (including beer and wine), except under the authority of a California Alcoholic Beverage Control Board license. This includes the sale of glasses, mixes, ice, or tickets for admission.
    - iii. Providing alcohol for anyone under the age of 21.
    - iv. Serving alcohol to an intoxicated person and/or serving alcohol to someone to the point of intoxication or incapacitation.
    - v. Being drunk/intoxicated and disorderly in public view.
    - vi. Consumption of alcoholic beverages in a public place (unless licensed for consumption of alcohol on premises) such as academic facilities, recreation fields, and College housing common areas including lounges and hallways.
    - vii. Driving a motor vehicle or a bicycle while under the influence of alcohol.
    - viii. Possession of an alcoholic beverage in an open container in a motor vehicle or on a bicycle, regardless of who is driving or whether one is intoxicated.
    - ix. Failure to take a portable breathalyzer test (PBT) at the request of Campus Safety or any other law enforcement entity.
    - x. Violation of the College policy on student-sponsored social events.
  - b. Failure to act appropriately, responsibly, and aligned with College policies regarding other drugs except as expressly permitted by law (note that the possession or use of marijuana for medical purposes is not permitted on College premises or at College-sponsored events)
    - i. Possession or use of marijuana, heroin, narcotics, or other controlled substances, paraphernalia, or instruments (bongs, pipes, etc.).
    - ii. Furnishing, manufacturing, or otherwise distributing marijuana, heroin, narcotics, or other controlled substances, paraphernalia, or instruments.
    - iii. Use of prescription or over the counter medication other than as directed by a medical professional.
  - c. Social host liability: Students and student organizations hosting non-registered gatherings, particularly with alcohol, assume all social host liability, including unintended consequences, for the gathering.
  - d. Unauthorized possession, duplication, or use of keys to any College premises or unauthorized entry to or use of College premises.

- e. General hazing, defined as an act that endangers (puts at risk), the mental or physical health or safety of a student, or causes physical or psychological harm or social ostracism to any person within the College community, or destroys or removes public or private property, for the purpose of initiation, admission into, affiliation with, or as a condition for continued membership in a group or organization. The express or implied consent of the alleged victim will not be a defense. Apathy or acquiescence in the presence of hazing are not neutral acts; they are violations of this rule.
- f. Illegal or unauthorized possession or use of firearms, explosives, toy guns or weapons, dangerous chemicals, or other weapons on College premises, even if legally possessed, in a manner that harms, threatens, or reasonably causes fear to others.
- g. Throwing, dropping, or pouring of any substance or items including keys from windows, balconies, ledges, and landings.

**2. Failure to act in a manner that reflects honesty and personal responsibility**

- a. Acts of dishonesty, including but not limited to the following:
  - i. Cheating, plagiarism, or other forms of academic dishonesty
  - ii. Furnishing false information to any College official, faculty member, or office.
  - iii. Forgery, alteration, or misuse of any College document, record or any other instrument of identification.
  - iv. Failure to comply with directions of College officials or law enforcement officers acting in the performance of their duties and/or failure to identify oneself to these persons when requested to do so.
- b. Theft or other abuse of computer facilities and resources, including but not limited to:
  - i. Unauthorized entry into a file, to use, read, or change the contents, or for any other purpose.
  - ii. Unauthorized transfer of a file.
  - iii. Use of another individual's identification and/or password.
  - iv. Use of computing facilities and resources to interfere with the work of another student, faculty member or College official.
  - v. Use of computing facilities and resources to send obscene or abusive messages.
  - vi. Use of computing facilities and resources to interfere with normal operation of the College computing system.
  - vii. Use of computing facilities and resources in violation of copyright laws.
  - viii. Any violation of the College Computer Use Policy.
- c. Gambling for monetary, property, or personal gain on College premises.
- d. Littering, including but not limited to the placement of debris such as cigarette butts, food wrappers, paper, cans, bottles, or other trash except in receptacles provided for that purpose.

**3. Failure to act responsibly and respectfully towards the person and property of others**

- a. Disorderly conduct, including but not limited to:
  - i. Breach of peace or aiding, abetting, or procuring another person to breach the peace on College Premises or at functions sponsored by, or participated in by, the College or members of the College community.

- ii. Participating in an on-campus or off-campus demonstration, riot, or activity that disrupts the normal operations of the College and/or infringes on the rights of other members of the College community; leading or inciting others to disrupt scheduled and/or normal activities within any campus building area.
    - iii. Obstruction of the free flow of pedestrian or vehicular traffic on College Premises or at College-sponsored functions.
    - iv. Disorderly or disruptive behavior that obstructs teaching, research, administration, disciplinary proceedings, other College activities, including its public service functions on or off campus, or of other authorized non-College activities when the conduct occurs on College Premises.
  - b. Physical violence, actual or threatened, directed at any individual(s) or group(s).
  - c. Destruction of the property or belongings of another person, group, or the College including defacement and vandalism
  - d. General physical abuse, verbal abuse, threats, intimidation, harassment, coercion, bullying, cyber-bullying, and/or other conduct which threatens or endangers (puts at risk) the health or safety of any person.
  - e. Attempted or actual theft of and/or damage to property of the College or property of a member of the College community or other personal or public property, on or off campus.
  - f. Sexual misconduct as described in the College's Sexual Misconduct Policy.
  - g. Lewd or indecent conduct including, but not limited to:
    - i. Any unauthorized use of electronic or other devices to make an audio or video recording of any person while on College premises without his/her prior knowledge, or without his/her effective consent when such a recording is likely to cause injury or distress. Example: Surreptitiously taking pictures of another person in a residence hall room, gym, locker room, or restroom.
    - ii. Exposing intimate body parts to another without that person's consent;
    - iii. Showing pornographic materials from any medium to another without that person's consent.
  - h. Bias incident: Violations of the student code of conduct which are committed on the basis of actual or perceived race, color, creed or religion, national/ethnic origin, marital status, age, military status, disability, sex/gender, gender identity/gender expression, or sexual orientation (See Whittier College Nondiscrimination Statement).
- 4. Failure to conduct oneself in accordance with all College, local, state, and federal laws, policies, and procedures while on or off campus**
- a. Violation of any College policy, rule, or regulation published in hard copy or available electronically on the College website.
  - b. Violation of federal, state, or local law.
  - c. Any behavior that unreasonably disrupts or interferes with the rights of community members, including, but not limited to, noise complaints, breaches of the peace, social disorder, damage to property, domestic calls/complaints, or any other circumstances which would prompt non-College enforcement agencies or Campus Safety to make

contact with a student off campus, whether or not the student is charged with violation of the law by non-College enforcement agencies.

- d. Assenting to a policy violation. This applies to student(s) who knowingly are present, condone or assent to a violation of the Student Code of Conduct by another member of the College community or third party. This includes, but is not limited to, being in the presence of an alcohol or drug violation, vandalism or theft, physical or verbal abuse, etc.
- e. Abuse of the Student Code of Conduct system, including but not limited to:
  - i. Failure to obey a notice from a Student Conduct Administrator or College official to appear for a meeting or hearing as part of the student disciplinary process contained in the Student Code of Conduct or any other College policy.
  - ii. Falsification, distortion, or misrepresentation of information in the context of the student conduct process.
  - iii. Disruption or interference with the orderly conduct of an Administrative Hearing or Student Conduct Review Board Meeting.
  - iv. Filing charges of a Student Code of Conduct violation in bad faith.
  - v. Attempting to discourage an individual's proper participation in, or use of, the Student Code of Conduct system.
  - vi. Harassment (verbal or physical), intimidation, or attempting to influence the impartiality of the Student Conduct Administrator or a member of a Student Conduct Review Board prior to, and/or during the course of, the Student Conduct Code process.
  - vii. Failure to comply with the sanction(s) imposed under the Student Code of Conduct or any other College policy.
  - viii. Influencing or attempting to influence another person to commit an abuse of the Student Code of Conduct system.
- f. Failure to abide by Housing and Residential Life administrative policies

## Housing & Residential Life Policies

As a residential college committed to the tenets of our Quaker heritage and to the values of a liberal arts education, Whittier College places a strong emphasis on the development of a deep sense of community within our residential housing areas. The Office of Housing & Residence Life has established the following policies to promote and maintain an atmosphere conducive to community living, based in integrity, and grounded in a sense of shared accountability to oneself and one's peers. All residents are responsible for knowing and adhering to these policies and regulations. Failure to do so may result in disciplinary action. In addition to the expectations outlined in the Code, the following are considered to be prohibited conduct within Whittier College residence halls and in proximity to residential facilities:

### 1. Health and Safety Violations

- a. Possessing items within a residence hall room, common space, or in proximity to residential buildings that pose a risk to fire and life safety

- i. Possession or use of toasters, toaster ovens, electric skillets, ovens, tabletop grills, and hot plates
- ii. Possession or use of candles and incense
- iii. Possession or use of halogen lamps
- iv. Smoking inside a residence hall room, within 20 feet of residential buildings, or in common spaces
- v. Tampering with, disabling, or otherwise damaging fire and life safety equipment (including door closures, smoke detectors, pulling stations, fire extinguishers, sprinklers heads, etc.), pulling false fire alarms, or stopping existing fire alarms
- vi. Failing to immediately evacuate during a fire alarm are violations of the state fire code. Immediate evacuation when an alarm sounds is mandatory, and re-entry into a building before the alarm
- vii. Use of unauthorized and/or improperly sized refrigerators, air conditioning units, extension cords, appliances, or other electrical devices within individual residence hall rooms or common spaces
- viii. Storage of personal items or assigned residence hall room furniture in any common space, hallway, balcony, outdoor area, or stairway
- b. Smoking of any device (cigarette, cigar, hookah, vape, e-cigarette, etc.) within residence hall rooms, common spaces, or in close proximity to residential buildings
- c. Any personal or commercial solicitation (including door-to-door and distribution of advertising circulars) within residence hall living or public areas without express written consent from the Dean of Students office
- d. Operating a business or other similar enterprise from a residence hall room, common area, or lounge
- e. Failing to lock doors and/or properly secure one's belongings within individual residence hall rooms, and/or failing to carry one's key to their residence hall room
- f. Tampering with, disabling, or otherwise damaging lock mechanisms on residence hall room door, restroom facilities, common spaces, or other secure access points to the residential community
- g. Unauthorized access to roofs, ledges, balconies, equipment rooms, or other areas
- h. Possession of a pet or animal within the residence halls other than a fish or turtle in a tank not exceeding ten gallons
- i. Use of cinderblocks or other unauthorized bed elevation tool, instrument, or object

## **2. Guest Policy Violations**

- a. Violation of any College policy or regulation committed by a guest
- b. Allowing or inviting a guest to visit a room or stay overnight without receiving permission from one's roommate(s)
- c. Violating the time restrictions for guests set forth in the Whittier College Guest and Visitor Policy

## **3. Common Space Violations**



- a. Failure to maintain an appropriate level of cleanliness in residential common spaces including, but not limited to, lounges, restrooms, hallways, outdoor spaces, and laundry rooms
- b. Theft, vandalism, unauthorized moving and/or other damage or destruction of College or personal property located in residential common spaces including, but not limited to, lounges, restrooms, hallways, outdoor spaces, and laundry rooms
- c. Use of a common area in a manner that precludes or obstructs the use of the space by other residents
- d. Throwing items in the hallways, bouncing balls on the floor or in corridors, pranks, or other behavior which obstructs the common spaces from use by other students.
- e. Storage of personal items (including, but not limited to, clothing, bicycles, furniture) in common spaces or in unauthorized areas of the residence halls
- f. Riding skateboards, roller skates, bicycles, scooters, hoverboards, in-line skates, and any other means of conveyance within the residence halls including in corridors, hallways, common spaces, or resident rooms

**4. Administrative Policy Violations**

- a. Failure to return keys, check in, or check out of the residence halls properly and in accordance with stated procedures
- b. Addition of wireless internet routers, splicing into existing television or telephone cables or outlets, wrapping TV cable, or otherwise adding to or tampering with telephone/networking hardware
- c. Allowing another individual or group unauthorized access to a residence hall, common area, or individual room
- d. Occupying a residential space other than that which is specifically assigned, or changing/switching room assignments with another individual without express written approval from the Office of Housing & Residence Life.
- e. Painting, altering, or otherwise damaging the walls, ceilings, or floors within residence hall rooms and/or common spaces
- f. Tampering with, disabling, or otherwise damaging window screens, glass panes, and/or frames
- g. Posting, disbursing, or otherwise distributing information within the residential community without prior written approval from the Office of Housing & Residential Life
- h. Tampering with, unhinging, or removing closet doors within individual resident rooms or in common spaces
- i. Excessive noise, including any noise after official quiet hours or at any other time when negatively impacting another individual within the community

**Residence hall room inspections and entry**

Health and safety within the residential community are a top priority at Whittier College. As such, common spaces and individual resident rooms may be accessed by College officials in the performance of their duties. The College shall have the right of access to all rooms for the purpose of making routine or emergency repairs as necessary without prior notice to or consent from the student. A search of a

student's residence hall room by Campus Safety or College official may be conducted with the student's permission or with authorization by the Dean of Students or designee. Whenever possible, searches of residence hall rooms and personal property shall be conducted in the presence of the student. However, the College reserves the right to inspect all rooms for the purpose of emergency, inventory, maintenance, health and safety checks, and policy enforcement.

For reasonable cause, as determined by an appropriate member of the Dean of Students' Office or other officials as designated by the Dean of Students, a formal search of a residence hall room may be conducted if appropriate personnel believe one or more of the following conditions exist:

1. there is a suspected violation of College policy or illegal activity
2. there is a serious threat to persons within the residence hall
3. there is possible stolen property in the room
4. there are possible illegal substances in the room
5. there is a sick or injured individual in the room

The College cannot prevent or prohibit the search of a students' room or the College premises by law enforcement officers acting in the performance of their duty. In those cases, it is expected that the ordinary requirements for lawful search will be followed.

## **Student Conduct Procedures**

Any member of the College community may file charges against a student for violations of the Student Code of Conduct. A charge should be prepared in writing and directed to the Student Conduct Administrator or designee. Any charge should be submitted as soon as possible after the event takes place, preferably within two weeks. The College reserves the right to institute misconduct procedures against an individual regardless of the amount of time that has passed and even if the charge is not in writing.

Upon receiving a report of alleged violation of the Student Code of Conduct, the Student Conduct Administrator or designee may initiate proceedings as outlined below.

All complaints against a student for sexual misconduct as described in the College's Sexual Misconduct Policy will be dealt with in accordance with the procedures set forth in that policy. The procedures in that policy will also be followed when a student is charged with multiple violations during a single incident, at least one of which would fall within the definition of sexual misconduct, and when a student fails to comply with a sanction given as a result of a violation of the Sexual Misconduct Policy, or violates a no-contact order put in place as a result of any form of sexual misconduct.

## **Adjudication Options for Conduct Code Violations**

The Student Conduct Administrator or designee will review the facts of the case to make a preliminary determination of whether there is sufficient information to proceed with a Student Code of Conduct proceeding. If it is determined that a disciplinary proceeding is necessary, the Student Conduct Administrator or designee has three options:

1. **Administrative Hearing.** In cases where the potential violation is of a less serious nature and the misconduct, including a consideration of the frequency, attitude of the student and circumstances, would not result in suspension or expulsion, the Student Conduct Administrator or designee will hold an administrative hearing with the student to discuss the incident, the student's involvement in it, and any steps that must be taken or sanction imposed to resolve the matter. If the Student Conduct Administrator or designee determines that the student is not responsible for any Student Code of Conduct violation, no sanctions shall be given, the case will be dismissed and a record of the incident, a copy of which shall be provided to the student, shall remain on file. If the Student Conduct Administrator or designee determines that the student is responsible for a Student Conduct Code violation, that person will determine what sanctions to impose and a record of the incident shall remain on file. Normal appeal procedures shall be available to the respondent.
2. **Student Conduct Code Review Board.** In cases involving more serious misconduct, including a consideration of the frequency, attitude of the student and circumstances, or which misconduct could result in suspension or expulsion, the Student Conduct Administrator or designee will refer the case for determination by a Student Conduct Review Board. The following procedures shall be followed in connection with such a proceeding:
  - a. The facts and circumstances surrounding the alleged conduct shall be promptly investigated by person(s) designated by the Student Conduct Administrator who have been properly trained. The College will endeavor to complete its investigation within 20 days.
  - b. All charges, if any, shall be presented to the respondent in written form and delivered via e-mail and/or in person. This written notification of charges shall include a summary of the behavior that allegedly violates the Student Code of Conduct and shall be provided no less than five days and no more than 15 days prior to the date the Student Conduct Review Board meets to adjudicate the matter. This notification shall also state the date, time and location of the Student Conduct Review Board Meeting. Maximum time limits for scheduling of the Student Conduct Review Board Meeting may be extended at the discretion of the Student Conduct Administrator or designee, but only in instances with just cause. The respondent may request a Student Conduct Review Board Meeting earlier than five days if they do so in writing and the College will use its best efforts to accommodate such a request.
  - c. Not less than 72 hours prior to the Student Conduct Review Board Meeting, a copy of the investigator's report shall be made available for the investigator(s) to review it with the respondent, but the respondent is not entitled to receive copy of the report, nor should any changes be made to the report at that time other unless the Investigator determines, at their sole discretion, that a change is needed. Rather, the respondent may address points raised in the report at the time of the Student Conduct Review Board Meeting.
  - d. The Student Conduct Review Board members shall be provided with a copy of the Investigator's report before the Student Conduct Review Board Meeting.

- e. Not less than 24 hours before the Student Conduct Review Board meets to adjudicate the matter, the respondent may submit any additional relevant documentation, statements or reports for review. The respondent may also bring witnesses to the Student Conduct Review Board Meeting so long as the Student Conduct Administrator is given at least 24 hours' notice of the intent to bring witnesses, their identities and the purpose of the witness(es). The College may also bring witnesses as long as the respondent is given 24 hours' notice of that intent and the identity of the witness(es). Individuals who wish to serve as a witness to share information about the respondent's character without having specific firsthand knowledge of the incident/behavior in question are generally not permitted. Questions of whether potential information or witnesses will be allowed shall be at the sole discretion of the Student Conduct Administrator presiding over the Student Conduct Review Board Meeting.
- f. Student Conduct Review Board Meetings shall normally be conducted in private, with only the respondent, and their adviser, if desired, being present with the board members. Should witnesses also be allowed to present information at the meeting, they will be permitted at the meeting only long enough to present the information relevant to the charges.
- g. The Student Conduct Review Board Meeting will consist of a reading of the charges, the respondent's acceptance or denial of responsibility for the charges, presentation of information or witnesses supporting the charges, presentation of information or witnesses by the respondent, and a closing statement by the respondent. Questions may be asked of the witnesses or respondent by the Student Conduct Review Board members during the Meeting.
- h. The respondent has the right to be advised by an adviser of their choosing, at their own expense, but the adviser is not permitted to speak or participate directly in any Student Conduct Review Board Meeting. A student should select as an adviser a person whose schedule allows attendance at the scheduled date and time for the Student Conduct Review Board Meeting because delays will not normally be allowed due to the scheduling conflicts of an adviser. In cases involving more than one respondent, the Student Conduct Administrator handling the case may permit the Student Conduct Review Board Meeting concerning each student to be conducted either separately or jointly.
- i. If, during the course of the meeting, additional potential violations are discovered, the respondent will be notified of the new charges and will be granted additional time, if needed, to prepare a defense of the new charges. The respondent may waive the additional time and the meeting can proceed with the new charges taken under consideration by the Student Conduct Review Board. A record should be made in the meeting notes of additional charges and whether or not the student desires additional preparation time.
- j. Upon considering all information submitted to the Student Conduct Review Board, in private deliberations, based on a preponderance of the evidence standard (more likely than not), the Student Conduct Review Board will determine whether the respondent is

responsible for violation of the Student Code of Conduct. The board will then determine what, if any, sanctions should be issued. The decision of the Student Conduct Review Board is final, subject only to the appeal procedures contained in this Student Code of Conduct.

- k. All procedural questions are subject to the final decision of the Student Conduct Administrator residing over the Student Conduct Review Board Meeting. Formal rules of process, procedure, and/or technical rules of evidence, such as are applied in criminal or civil court, are not used in Student Code of Conduct proceedings.
- l. If a respondent, with notice, does not participate in or attend their Student Conduct Review Board Meeting, the information in support of the charges shall be presented and considered in their absence.
- m. The Student Conduct Administrator responsible for the Student Conduct Review Board Meeting may accommodate concerns for the personal safety, well-being, and/or fears of confrontation of the complainant, respondent, and/or other witnesses during the meeting by providing separate facilities, by using a visual screen, and/or by permitting participation by telephone, videophone, closed circuit television, video conferencing, videotape, audio tape, written statement, or other means, as determined in the sole judgment of the Student Conduct Administrator to be appropriate.
- n. The decision and sanctions imposed by the Student Conduct Review Board may be appealed according to the procedures outlined below.

## Sanctions

The student conduct process at Whittier College is grounded in reflective growth and restorative practices. The purpose of sanctioning is to provide educational opportunities that will result in positive behavior change for the betterment of self and community.

As a result of a responsible finding, a formal sanction must be issued. The options for formal sanctions are below:

1. **Warning:** A notice in writing to the student that the student or student organization is violating or has violated the Code of Conduct. This sanction is typically for low level violations, and a student/student organization will generally only receive one warning during their time at the College.
2. **Censure:** A written reprimand for violation of the Student Code of Conduct. Notice that additional violation of any institutional regulation may result in a referral to the Student Conduct Administrator for disciplinary action and is likely to result in severe sanctions.
3. **Probation:** Probation is for a designated period of time and includes the probability of more severe disciplinary sanctions if the student or student organization is found to violate the Student Code of Conduct during the probationary period.
4. **Deferred college suspension:** Though the sanction of College Suspension is assigned, the student is permitted to remain on campus and enrolled in courses for credit. However, any violation of College policy or the Student Code of Conduct will result in the initial sanction of College Suspension being enacted immediately. Students on Deferred College Suspension may

not be able to hold any positions in student leadership, such as Student Senate, Clubs, Organizations, Societies or Resident Adviser. Additional restrictions on involvement in campus activities, such as participation in College athletic teams, may also be applied as part of the sanctioning process. Student organizations sanctioned with deferred suspension will be restricted in their activities in a manner determined by the hearing officer in conjunction with the LEAP office.

5. **College suspension:** Separation of the student from the College for a definite period of time, after which the student is eligible to return. Conditions for readmission may be specified. Students suspended from the College are not eligible for a refund on tuition and/or other fees. This may also be an interim measure taken before there is any finding of responsibility. (see Interim Suspension below). Student organizations sanctioned with suspension will be restricted in their activities for a time period determined by the hearing officer in conjunction with the LEAP office.
6. **College expulsion:** Permanent separation of the student from the College. Students expelled from the College are not eligible for a refund on tuition and/or other fees. Student organizations sanctioned with expulsion (permanent derecognition) will be immediately suspended from participation in all organizational activities in a manner determined by the hearing officer in conjunction with the LEAP office.

In addition to the formal sanctions listed above, the hearing officer can assign a variety of other sanctions to create an accountability plan for the student. This list is not exhaustive but does cover a wide array of sanction possibilities. Note that more than one of the sanctions listed below may be imposed for any single violation.

**Reflective sanctions:** A variety of reflection essay assignments are available for use by the hearing officer. The purpose of these assignments is to encourage the student to reflect on the incident(s) involved and their potential impact on themselves, their peers, and the community.

**Restorative sanction:** These sanctions are intended to restore the relationship between the responsible party and the aggrieved entities (peers, staff, faculty, community members, etc.) Restorative sanctions may include letters of apology, repairing a torn down poster/item, or helping to clean a mess that one made.

**Action-based sanctions:** These sanctions all involve a specific action item and most involve direct attention from the responsible party. Action-based sanctions include, but are not limited to:

1. **Parent/guardian notification:** Notification of the violation to legal parent/guardian. This sanction is typically issued for alcohol and drug violations, as well as for incidents that may impact the student's ability to remain on campus or as an enrolled student at Whittier College (i.e. when a student is placed on deferred college suspension or for other severe cases.)
2. **Loss of privileges:** Denial of specified privileges for a designated period of time

3. **Fines:** Previously established and published fines may be imposed.
4. **Restitution:** Compensation for loss, damage, or injury. This may take the form of appropriate service and/or monetary or material replacement.
5. **Confiscation of prohibited property:** Items whose presence is in violation of College policy will be confiscated and will become the property of the College. Prohibited items may be returned to the owner at the discretion of the Dean of Students and/or Campus Safety
6. **Drug testing:** In response to violations of the Code relating to use or possession of illegal drugs, controlled substances, or drug paraphernalia, the sanctions may include drug testing for a defined period of time at the student's expense.
7. **Limited access to campus:** The parameters of the restriction will be specified.
8. **No contact order:** An order that one student refrain from direct or indirect contact with another student(s) or member of the College community when on College Premises or at off-campus College-sponsored activities or events. This may also be an interim measure taken before there is any finding of responsibility.
9. **Residence hall relocation:** The student is reassigned to another residence hall room or building. Residence Life personnel will decide on the reassignment details. This may also be an interim measure taken before there is any finding of responsibility.
10. **Residence hall suspension:** Separation of the student from the residence halls for a definite period of time, after which the student is eligible to return. Conditions for readmission may be specified. Students removed from the residence halls will not be eligible for a refund or proration of housing and/or meal fees.
11. **Residence hall expulsion:** Permanent separation of the student from the residence halls. Students expelled from the residence halls will not be eligible for a refund or proration of housing and/or meal fees.
12. **Revocation of admission and/or degree:** Admission to or degree awarded from the College may be revoked for fraud, misrepresentation, or other violation of the College standards in obtaining the degree, or for other serious violations committed by a student prior to graduation.
13. **Withholding degree/transcript:** The College may withhold awarding a degree otherwise earned or a student's academic transcript until the completion of all sanctions imposed, if any.

### Interim Suspension

In certain circumstances, the Dean of Students, Student Conduct Administrator or a designee, may impose a College or residence hall suspension prior to a Student Conduct Review Board Meeting.

Interim suspension may be imposed only:

1. to ensure the safety and well-being of members of the College community or preservation of College property;
2. to ensure the student's own physical or emotional safety and well-being; or

3. if the student poses an ongoing threat of disruption of, or interference with, the normal operations of the College.

During the interim suspension, a student shall be denied access to the residence halls and/or to the campus, including classes and/or all other College activities or privileges for which the student might otherwise be eligible, as the Dean of Students or the Student Conduct Administrator or designee may determine to be appropriate. The interim suspension does not replace the regular process, which shall proceed on the normal schedule, up to and through a Student Conduct Review Board Meeting, if required. A student who receives an interim suspension may request a meeting with the Dean of Students or designee to demonstrate why an interim suspension is not merited. Regardless of the outcome of this meeting, the College may still proceed with the scheduling of a Student Conduct Review Board Meeting.

## Appeals

Decisions reached following an Administrative Hearing or Student Conduct Review Board Meeting are subject to a **written** request by the Respondent for an appeal to the Dean of Students or designee (“appellate officer”) within five (5) business days of receiving the written decision from the Student Conduct Administrator. As this written request may be the only direct contact with the appellate officer, the request should include a detailed explanation of the bases for appeal and all supporting documents, and should be signed by the student. The appellate officer will hear all appeals relating to Student Code of Conduct violations handled under the procedures above.

When a student requests an appeal, whether a sanction remains in effect is at the discretion of the appellate officer with input from College officials as he/she deems necessary. An appeal is not intended to serve as a second review meeting and may be decided based solely on written materials. The sole bases for an appeal are:

1. A procedural error, omission or irregularity that undermined the complainant’s or Respondent’s ability to present their allegations or defense, including demonstrated bias of involved hearing officer or Student Conduct Review Board member
2. New information sufficient to alter the decision or sanction, unknown or unavailable during the time of the original investigation and adjudication. A summary of this new evidence and its potential impact must be included
3. The sanctions imposed are substantially disproportionate to the severity of the violation

## Conduct Records

Disciplinary sanctions shall not be made part of the respondent’s permanent academic record, but shall become part of the student’s disciplinary record. Disciplinary records are the education records of the respondent. In situations involving an alleged victim and the conduct is not subject to the College’s Sexual Misconduct Policy, the alleged victim is only entitled to know when the matter has been resolved and of any sanctions that directly affect the alleged victim, e.g., no contact order, residence hall relocation, etc.



## Interpretation and Revision

Any question of interpretation or application of the Student Code of Conduct shall be referred to the Dean of Students for final determination.

## Timely Warning Policy

The purpose of this policy is to establish a process by which Whittier College (hereinafter the “College”) will issue timely warnings in compliance with the *Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act* (20 U.S.C. § 1092(f)) (the “Clery Act”).

## Policy

The College will issue a Timely Warning Notice, sometimes referred to as “Crime Alerts”, in all instances in which (1) a crime is committed; (2) the perpetrator has not been apprehended; and (3) there is a substantial risk to the physical safety of other members of the campus community because of this crime. Such crimes include, but are not limited to: (1) Clery Crimes that are reported to any Campus Security Authority, Campus Safety, or the local police; or (2) the College determines that the incident represents an ongoing threat to the campus community. The College may, in some circumstances, issue a Timely Warning Notice when there is a pattern of crimes against persons or property. The College may issue a Timely Warning Notice for an off-campus crime if the crime occurred in a non-College-owned property used and frequented by the College community members.

## Definitions

- **Campus Security Authority (CSA)** is an individual at the College who, because of their function for the College, has an obligation under the Clery Act to notify the College of alleged Clery Crimes that are reported to them in good faith, or alleged Clery Crimes that they may personally witness.
- **Clery Criminal Offenses** are defined by the Clery Act as any of the following:
  - Criminal Homicide; Aggravated Assault; Sex Offense, Forcible; Sex Offense, Non-forcible; Burglary; Robbery; Motor Vehicle Theft; Arson; Hate Crimes, including Larceny-Theft, Simple Assault, Intimidation, or Destruction/Damage/Vandalism of Property that are motivated by bias; Dating Violence; Domestic Violence; and Stalking.
- **Clery Arrests/Referrals** include arrests and referrals for disciplinary action for:
  - Weapons violations; Drug law violations; and Liquor law violations.
- **Clery Crimes** include both Clery Criminal Offenses and Clery Arrests/Referrals.
- **Timely Warning Designee** is defined as the person or group of persons at each campus responsible for the determination and issuance of Timely Warning Notices for that campus.
  - Timely Warning Notices may also be referred to as “Crime Alerts.”

## Timeliness of Notice

A Notice is considered “timely” if it issued as soon as pertinent information is available and as soon as reasonably practicable after an incident has been reported to any CSA, Campus Safety and/or local law

enforcement, or to the Timely Warning Designee. The timeliness of a notice shall be determined and evaluated on a case-by-case basis.

### **Responsibility for Determination to Issue Timely Warning Notice**

The Timely Warning Designee is designated on a case-by-case basis; however, the designee is typically a representative from the Department of Campus Safety or the Office of Communications. During incidents of sexual misconduct, a representative from the Dean of Student's office might be assigned as the Timely Warning Designee.

The Timely Warning Designee shall be responsible for determining whether a Timely Warning Notice should be issued.

### **Timely Warning Decision Matrix**

The Timely Warning Designee shall use and complete a *Timely Warning Decision Matrix* when determining whether to issue a Timely Warning Notice as a result of an alleged Clery Crime. The decision to issue or not issue a Timely Warning Notice shall be determined on a case-by-case basis for each alleged Clery Crime reported.

When determining whether to issue a Timely Warning Notice, the Timely Warning Designee shall consider whether the alleged Clery Crime represents a serious or continuing threat to the campus community, and in doing so, shall consider: (1) the nature of the incident and/or crime; (2) the time and location of the alleged incident; (3) whether the alleged perpetrator was apprehended or in custody; (4) the likelihood of reoccurrence; (5) the continuing danger to the campus community; (6) the possible risk of compromising law enforcement efforts; and (7) all other facts and circumstances of which the College Police are aware concerning the incident.

The Timely Warning Designee must review and approve the completed Timely Warning Decision Matrix for each alleged Clery Crime reported. If the Timely Warning Designee is an entity, then a supervisor, director, or appropriate manager of the entity must review and approve the completed Timely Warning Decision Matrix for each alleged crime reported.

### **Timely Warning Notice**

Once the decision has been made to issue a Timely Warning Notice, the Timely Warning Designee shall prepare a draft Timely Warning Notice. Preparation of a notice may be in consultation with the Office of Communications.

The Timely Warning Notice shall contain all information that would promote safety and that would aid in the prevention of similar crimes including, but not limited to:

1. A statement of the incident or crime alleged, and when and where it occurred;
2. Any possible connection to previous incidents, if applicable;
3. A physical description of the suspect, if possible;
4. The date and time of the Timely Warning Notice;
5. Contact information for the appropriate campus security and local law enforcement; and

6. Other relevant and important information including recommendations and tips for prevention of similar crimes.

## **Dissemination of the Timely Warning and the Timely Warning Dissemination Checklist**

The Timely Warning Designee shall disseminate the final Timely Warning Notice on behalf of the College. When disseminating the final Timely Warning Notice, the College will use one or more of the following means of dissemination, depending upon the technology and resources available:

### **Electronic Mail (E-mail)**

The final Timely Warning Notice may be distributed to students and employees by e-mail to all whittier.edu email addresses. The Timely Warning Designee may issue a mass e-mail that contains a copy of the final Timely Warning Notice to all whittier.edu email addresses.

### **Text Message**

The final Timely Warning Notice may be distributed by text message to all individuals who are enrolled in the College's emergency notification alert service. The Timely Warning Designee may also e-mail the final Timely Warning Notice to the Office of Communications, which may issue a mass text message that contains the Timely Warning Notice to all students and employees enrolled in the College's alert system.

### **Web Publication**

Upon receipt of the final Timely Warning Notice from the Timely Warning Designee, the Office of Communications may post the contents of the Timely Warning Notice on the Department of Campus Safety's Emergency Alert webpage and the College's news website.

### **Twitter**

In some instances, the Department of Campus Safety and/or the Office of Communications may post the contents of the Timely Warning Notice on the Campus Safety Twitter page, @WCcampussafety, and/or the College's Twitter page, @WhittierCollege.

### **Media**

Upon receipt of the final Timely Warning Notice from the Timely Warning Designee, the Office of Communications may prepare a press release that contains the contents of the Timely Warning Notice and may transmit the press release to all appropriate media outlets, crime prevention organizations, governmental and state agencies, and news stations for further dissemination.

### **Additional Means of Dissemination**

The College may adopt additional measures and may take additional steps as may be appropriate and necessary under the circumstances in order to further disseminate the Timely Warning Notice.

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# Annual Disclosure of Crime Statistics

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Originally known as the Campus Security Act, the *Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act* (20 USC § 1092(f)), also known as the Clery Act, is the landmark federal law that requires colleges and universities across the United States to disclose information about crime on and around their campuses. To comply with the disclosure requirement regarding crime statistics, the Department of Campus Safety annually publishes crime statistics for the past three years of crimes mandated by the Act.

## Definitions

To better understand what the statistics represent, a definition of terms follows. Definitions were taken from the *Handbook for Campus Safety and Security Reporting* (Department of Education, 2011).

## Criminal Offenses

- **Criminal Homicide**
  - **Murder and Non-Negligent Manslaughter:** the willful (non-negligent) killing of one human being by another.
  - **Manslaughter by Negligence:** the killing of another person through gross negligence.
- **Sexual Assault (Sex Offenses)**-Any sexual act directed against another person, without consent of the victim, including instances where the victim is incapable of giving consent.
  - *Rape*-the penetration, no matter how slight, of the vagina or anus, with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim. This offense includes the rape of both males and females.
  - *Fondling*- the touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.
  - *Incest*- sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
  - *Statutory Rape*- sexual intercourse with a person who is under the statutory age of consent.
- **Robbery:** the taking or attempting to take anything from value of the care, custody or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.
- **Aggravated Assault:** an unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm.
- **Burglary:** the unlawful entry of a structure to commit a felony or a theft. An incident must meet three conditions to be classified as a Burglary:
  - There must be evidence of unlawful entry (trespass). This means that the person did not have the right to be in the structure at the time the incident occurred.

- The unlawful entry must occur within a *structure*, which is defined as having four walls, a roof, and a door.
- The structure was unlawfully entered to commit a felony or a theft.
- **Motor Vehicle Theft:** the theft or attempted theft of a motor vehicle.
- **Arson:** any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property of another, etc.

## Hate Crimes

A *hate crime* is a criminal offense that manifests evidence that the victim was intentionally selected because of the perpetrator's bias against the victim. *Bias* is a preformed negative opinion or attitude toward a group of persons based on their race, gender/gender identity, religion, disability, sexual orientation or ethnicity/national origin.

- **Race:** A preformed negative attitude toward a group of persons who possess common physical characteristics, e.g., color of skin, eyes, and/or hair; facial features, etc., genetically transmitted by descent and heredity which distinguish them as a distinct division of humankind.
- **Religion:** A preformed negative opinion or attitude toward a group of persons who share the same religious beliefs regarding the origin and purpose of the universe and the existence or nonexistence of a supreme being.
- **Sexual Orientation:** A preformed negative opinion or attitude toward a group of persons based on their actual or perceived sexual orientation.
- **Gender:** A preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender, e.g., male or female.
- **Gender Identity:** A preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender identity, e.g., bias against transgender or gender non-conforming individuals.
- **Ethnicity:** A preformed negative opinion or attitude toward a group of people whose members identify with each other, through a common heritage, often consisting of a common language, common culture (often including a shared religion) and/or ideology that stresses common ancestry.
- **National Origin:** A preformed negative opinion or attitude toward a group of people based on their actual or perceived country of birth.
- **Disability:** A preformed negative opinion or attitude toward a group of persons based on their physical or mental impairments/challenges, whether such disability is temporary or permanent, congenital or acquired by heredity, accident, injury, advanced age or illness.

Hate crimes include all the crimes listed above if there is evidence that a victim was chosen based on a category of bias. The following crimes are also included:

- **Larceny-Theft:** the unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another. (Larceny and theft mean the same thing in the Uniform Crime Reporting)

- *Constructive possession* is the condition in which a person does not have physical custody or possession, but is in a position to exercise dominion or control over a thing.
- **Simple Assault:** an unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration, or loss of consciousness.
- **Intimidation:** to unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack.
- **Destruction/Damage/Vandalism of Property:** to willfully or maliciously destroy, damage, deface, or otherwise injure real or personal property without the consent of the owner or the person having custody or control of it.

### Violence Against Women Act (VAWA) Categories

In 2014, the United States Department of Education amended the Clery Act to include regulations for the Violence Against Women Act (VAWA). These regulations expand rights afforded to campus survivors of sexual assault, domestic violence, dating violence, and stalking. In addition to reporting statements of policy and crime statistics regarding these categories, colleges and universities are required to provide description of prevention programs, procedures for response to reports, and procedures for disciplinary cases regarding these categories. The VAWA categories are defined below:

- **Dating Violence:** violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. Dating violence includes, but is not limited to:
  - Sexual or physical abuse or the threat of such abuse.
  - Dating violence does not include acts covered under the definition of domestic violence.
- **Domestic Violence:** a felony or misdemeanor crime of violence committed by
  - A current or former spouse or intimate partner of the victim;
  - A person with whom the victim shares a child in common;
  - A person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
  - A person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred;
  - Any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.
- **Stalking:** engaging in 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 the purpose of this definition, *course of conduct* means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.

## Clery Geography

The Clery Act requires colleges and universities to disclose the aforementioned crime statistics based on specific geographic parameters. Statistics must be disclosed for the following areas:

- On campus
- On public property, within or immediately adjacent to the College
- In or on non-campus buildings or property owned/controlled by the College

In order to better understand these parameters, definitions are provided below (Department of Education, 2011):

- **On-campus** 34 CFR 668.46(a)
  - Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution's educational purposes, including residence halls; and
  - Any building or property that is within or reasonably contiguous to paragraph (1) of this definition, that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes (such as a food or other retail vendor).
- **On-campus Student Housing** 34 CFR 668.41(a)
  - Any student housing facility that is owned or controlled by the institution, or is located on property that is owned or controlled by the institution, and is within the reasonably contiguous geographic area that makes up the campus is considered an on-campus student housing facility.
- **Public Property** 34 CFR 668.46(a)
  - All public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus, or immediately adjacent to and accessible from the campus.
- **Non-campus** 34 CFR 668.46(a)
  - Any building or property owned or controlled by a student organization that is officially recognized by the institution; or Any building or property owned or controlled by an institution that is used in direct support of, or in relation to, the institution's educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution.

The table below describes the buildings within the described Clery Geographic Areas:

<b>Clery Defined Geography</b>			
<b>On-Campus</b>	<b>On-Campus Housing</b>	<b>Public Property</b>	<b>Non-Campus</b>
All Parking Lots/Roads (Canyon Dr. Included)	Ball Hall	Bailey St.	Broadoaks School (Friends Campus)
Arnold Hall	Campbell Hall	Bryn Mawr Way	Courthouse Parking Structure (exp. 6/1/16)
Athletic Center	Harris Hall (A & B)	College Ave.	Wardman House
Broadoaks School (Main Campus)	Harris Hall (C & D)	Earlham Dr.	Methodist Church (Parking Lot)
Campus Center	Johnson Hall	Friends Ave.	
Campus Safety	Stauffer Hall	Guilford Way	
Carousel Courts	Turner Hall	Mar Vista St.	
Chapel	Wanberg Hall	Olive Dr.	
Children's House	Arbor Ridge	Painter Ave.	
College Hall		Philadelphia St.	
Counseling Center		Stanford Way	
Deihl Hall		Summit Dr.	
Garrett House		Via del Palma	
Hamilton House		Washington Ave.	
Hastings House		Worsham Dr.	
Hanover House			
Hartley House			
Hoover Hall			
Dezember House			
Library			
Maintenance/Facilities			
Mendenhall			
Music Hall			
Observatory			
Olivine House			
Open Areas/Walkways (Upper/Lower Quad, North Lawn, Chapel Lawn, etc...)			
Performing Arts Center			
Perry House			
Philadelphia House			
Platner Hall			
Redwood Building			
Science Building			
Shepard House			
Veich House			
Wardman Gym			
Wardman Hall (1 <sup>st</sup> Floor)			
Weingart Hall			



## Crime Statistics

	2016 Statistics			
	OC	RF	NC	PP
<b>Criminal Homicide</b>				
Murder & Non-Negligent Manslaughter	0	0	0	0
Manslaughter by Negligence	0	0	0	0
<b>Sex Offenses</b>				
Rape	2	5	0	0
Fondling	1	0	0	0
Incest	0	0	0	0
Statutory Rape	0	0	0	0
<b>Robbery</b>	0	0	0	1
<b>Aggravated Assault</b>	0	1	0	0
<b>Burglary</b>	0	2	0	0
<b>Motor Vehicle Theft</b>	5	0	0	3
<b>Arson</b>	0	0	0	0
<b>Weapons Law Violations</b>				
Arrest	0	0	0	0
Disciplinary Referral	1	2	0	0
<b>Drug Law Violations</b>				
Arrest	0	1	0	2
Disciplinary Referral	3	42	0	0
<b>Liquor Law Violations</b>				
Arrest	0	0	0	0
Disciplinary Referral	2	28	0	0
<b>VAWA Amendment Offenses</b>				
Dating Violence	0	1	0	0
Domestic Violence	0	0	0	0
Stalking	1	1	0	0
<b>Unfounded Crimes</b>	0	0	0	0

OC=On Campus (Non-Residential)  
 NC=Non-Campus Building or Property

RF=Residential Facility  
 PP=Adjacent Public Property

- **Hate Crime Reporting**
  - 1 on-campus student housing vandalism incident characterized by religion-based bias.

2015 Statistics				
	OC	RF	NC	PP
<b>Criminal Homicide</b>				
Murder & Non-Negligent Manslaughter	0	0	0	0
Manslaughter by Negligence	0	0	0	0
<b>Sex Offenses</b>				
Rape	1	3	0	0
Fondling	0	1	0	0
Incest	0	0	0	0
Statutory Rape	0	0	0	0
<b>Robbery</b>	0	0	0	0
<b>Aggravated Assault</b>	0	0	0	0
<b>Burglary</b>	3	2	1	0
<b>Motor Vehicle Theft</b>	2	0	0	0
<b>Arson</b>	0	0	0	0
<b>Weapons Law Violations</b>				
Arrest	0	0	0	0
Disciplinary Referral	0	2	0	0
<b>Drug Law Violations</b>				
Arrest	1	0	2	2
Disciplinary Referral	6	46	5	12
<b>Liquor Law Violations</b>				
Arrest	0	0	0	0
Disciplinary Referral	12	84	1	3
<b>VAWA Amendment Offenses</b>				
Dating Violence	0	0	0	0
Domestic Violence	0	1	0	0
Stalking	5	0	0	0
<b>Unfounded Crimes</b>	0	0	0	0

OC=On Campus (Non-Residential)  
 NC=Non-Campus Building or Property

RF=Residential Facility  
 PP=Adjacent Public Property

- **Hate Crime Reporting**

- 1 on-campus student housing intimidation incident characterized by ethnic and religion-based bias.

	2014 Statistics			
	OC	RF	NC	PP
<b>Criminal Homicide</b>				
Murder & Non-Negligent Manslaughter	0	0	0	0
Negligent Manslaughter	0	0	0	0
<b>Sex Offenses-Forcible</b>				
Rape	0	1	0	1
Fondling	1	0	0	0
<b>Sex Offenses-Non-Forcible</b>				
Incest	0	0	0	0
Statutory Rape	0	1	0	0
<b>Robbery</b>	0	0	0	0
<b>Aggravated Assault</b>	0	0	0	2
<b>Burglary</b>	2	1	0	4
<b>Motor Vehicle Theft</b>	2	0	0	1
<b>Arson</b>	0	0	0	0
<b>Weapons Law Violations</b>				
Arrest	0	0	0	0
Disciplinary Referral	0	7	0	0
<b>Drug Law Violations</b>				
Arrest	2	2	0	1
Disciplinary Referral	15	47	9	5
<b>Liquor Law Violations</b>				
Arrest	1	0	1	0
Disciplinary Referral	43	88	10	0
<b>VAWA Amendment Offenses</b>				
Dating Violence	1	0	0	0
Domestic Violence	0	0	0	0
Stalking	1	0	1	0
<b>Unfounded Crimes</b>	0	0	0	0

OC=On Campus (Non-Residential)  
NC=Non-Campus Building or Property

RF=Residential Facility  
PP=Adjacent Public Property

- **Hate Crime Reporting**

- 1 on-campus intimidation incident characterized by gender-based bias.
- 1 on-campus intimidation incident characterized by religion-based bias.

# Whittier College Fire Safety Report

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The Higher Education Opportunity Act (Public Law 110-315) became law in August 2008. It requires all United States academic institutions to produce an annual fire safety report outlining fire safety practices, standards, and all fire related on-campus statistics. The following public disclosure report details all information required by this law as it relates to Whittier College.

## Residence Halls

### Arbor Ridge Apartment Complex

**13708 Via Del Palma Ave, Whittier, CA 90602**

Located in the foothills of Friendly Hills, on a quiet cul-de-sac setting, Arbor Ridge offers newly remodeled, truly spacious homes for off-campus students.

### Ball Hall

**7026 Haverhill Park Road, Whittier, CA 90608**

With a mid-century design and central location, this co-educational hall houses around 90 students.

### Campbell Hall

**13729 Earlham Drive, Whittier, CA 90608**

Built in 1929, Campbell Hall serves as the Kaplan International home for 24 students.

### Harris (A-D) Hall

(A/B) **13801 Earlham Drive, Whittier, CA 90608**; (C/D) **13807 Earlham Drive, Whittier, CA 90608**

Near the Athletic Center, Harris is home to 150 students, and has wide panoramic views of LA. Harris Hall also has air conditioning and a full kitchen. Harris Hall hosts Special Interest Housing groups, which are selected the year prior to move in.

### Johnson Hall

**7002 Foundershill Road, Whittier, CA 90608**

The closest hall to the Wardman Library and near other academic buildings, Johnson houses 90 students, and is directly attached to a Faculty Master's house. Johnson houses first-year students in living learning communities.

## Stauffer Hall

**7019 Haverhill Park Road, Whittier, CA 90608**

Stauffer houses approximately 210 students. Stauffer houses first-year students in living learning communities.

## Turner Hall

**13811 Earlham Drive, Whittier, CA 90608**

The newest residence hall at Whittier, Turner is located atop the upper campus and rooms have panoramic views of Los Angeles. Near the Athletic Center, Turner Hall houses about 180 upperclassmen.

## Wanberg Hall

**13737 Earlham Drive, Whittier, CA 90608**

Close to the Athletic Center and a Faculty Master's house, Wanberg houses 90 students and is co-educational by floor. If you're interested in gardening & sustainable living, this is the hall for you.

## Fire Drills

Due to the changing nature of residence halls, fire drills are conducted at least twice a year (once a semester) for all students residing on campus. The Department of Campus Safety works closely with the Office of Residential Life to execute these drills. Students are evacuated to their designated evacuation zones in order to help them become familiar with the emergency preparedness plan. Documentation of the fire drills is maintained by the Department of Campus Safety, as well as the Office of Residential Life.

Agendas for these drills include:

- Introduction of Community Advisor (CA) and/or Campus Safety Officers
- Explain it is a fire drill – required (occurs only once each semester)
- Explain policy for failing to evacuate during fire alarm
- Highlight evacuation zone for that building
- Remind Campus Safety's number
- Remind they do not re-enter building after alarm without staff approval

## In the Event of a Fire

Immediately pull the nearest fire alarm as you exit the building. When evacuating the building, remember to feel doors before opening them to be sure that there is no fire danger on the other side. If you notice smoke, use an alternate escape route. If you must enter a smoke-filled room or hallway, stay low, keeping one hand on the wall to avoid disorientation and crawl to the nearest exit, keeping your head near the floor.

Always proceed to the emergency exit stairs and do not use the elevators. A fire can disrupt the operation of elevators and trap occupants inside. Once you are safely away from danger, call Campus Safety at (562) 907-4911 and communicate the details of the fire. If you are off campus, dial 911. If you

become trapped in a fire emergency, close all doors between you and the fire and stuff towels around the door cracks to keep out smoke. Wait at a safe window and signal for help by hanging a white sheet from the window.

## Building Evacuation Procedures

In the event of a campus-wide emergency, residents will receive direction from the RA, Assistant Director, or residential life staff. If asked to evacuate a building, you should go to your hall's designated meeting place in one of the four campus zones. In the event you are in a different part of the campus at the time an emergency occurs, you should return to your residence hall zone meeting place.

After arriving at the designated meeting area, please check in with your Building Captain. Please do not leave the campus until you have checked in with your Building Captain. Remember to leave contact information with the Building Captain should you choose to leave campus during or immediately following a campus emergency.

**ALWAYS** treat every alarm as an emergency and exit the building immediately if an alarm sounds. Evacuate the building using the shortest and safest route, proceeding to the pre-designated emergency evacuation site. NEVER RETURN TO A BUILDING UNTIL TOLD TO DO SO BY A WHITTIER COLLEGE CAMPUS SAFETY OFFICER OR OTHER COLLEGE OFFICIAL.

## Reporting of Fires

All fires on campus, even if already extinguished and regardless of size, should be reported by contacting the Department of Campus Safety at 562.907.4211. Federal law requires the college to report on an annual basis all fires which occur in student housing.

## Fire Protection Systems

The table below lists the fire safety systems in place at each residence hall and apartment complex at Whittier College (information provided by Brennan Fire & Security, Inc.):

On Campus Housing	Fire Alarm System	Fire Sprinkler System	Smoke Detectors Monitored by Alarm System	Pull Stations	Fire Drills Conducted (2/year)
Ball Hall	Intelligent Silent Knight	Basement Level Only	Yes	Yes	Yes
Campbell Hall	Intelligent Interlogix	No	Yes	Yes	Yes
Harris Hall A/B	Conventional Silent Knight	Yes	Yes	Yes	Yes
Harris Hall C/D	Conventional Silent Knight	Yes	Yes	Yes	Yes
Johnson Hall	Intelligent System	No	Yes	Yes	Yes
Stauffer Hall	Vista 250FBF System	Basement Level Only	Yes	Yes	Yes
Turner Hall	Intelligent Potter Fire System		Yes	Yes	Yes
Wanberg Hall	Intelligent Silent Knight	Basement Level Only	Yes	Yes	Yes
Arbor Ridge Apartment Complex		No	Yes	Yes	No

## Fire Safety Policy

1. Arson or the setting of fires, tampering with safety equipment (including door closures, smoke detectors, pulling stations, fire extinguishers, sprinklers heads, etc.), pulling false fire alarms, stopping existing fire alarms, or failing to immediately evacuate during a fire alarm are violations of the state fire code. Immediate evacuation when an alarm sounds is mandatory, and re-entry into a building before the alarm is silenced is prohibited. Failure to follow the policy will result in being placed through the disciplinary process. Tampering with safety equipment will result in a \$200 fine and any additional repair costs. Pulling a fire alarm will result in a \$750 fine and any additional emergency service organization costs. Failure to evacuate the residence hall during a fire alarm will result in a \$100 fine. All fines are part of any assigned sanctions through the disciplinary process.
2. Leaving items unattended on a residence hall stove at any time is prohibited.

3. Toasters, toaster ovens, electric skillets, ovens, tabletop grills, and hot plates are prohibited in residence rooms.
4. Candles and incense are prohibited in residence halls.
5. For the protection of the residential community, students may use extension cords with the following restrictions:
  - a. Only UL approved three-pronged extension cords that are 14 gauge or heavier are permitted. Note: The lower the gauge number, the heavier and thicker the cord is. Cords cannot exceed 10 feet in length. Only one appliance may be plugged not the extension cord.
  - b. Only UL approved multi-plug adapters with circuit breakers are permitted. Up to three items may be plugged into a multi plug adapter.
6. Installation of air conditioners or ceiling fans in residence hall rooms is prohibited.
7. Live-cut Christmas trees and wreaths are prohibited in student rooms.
8. Refrigerators are permitted in student rooms provided the following guidelines are met:
  - a. Only one unit per room if the refrigerator is larger than 4.6 cubic ft.
  - b. Unit size must not exceed 6 cubic ft. and must be UL approved.
  - c. Door gaskets must be in good condition.
  - d. Must be equipped with a three-prong grounded outlet.
  - e. Units larger than 4.6 cubic ft. must be frost-free.
  - f. Unit amperage must not exceed 33.5 amps.
  - g. Must be maintained in a safe and sanitary condition.
9. Residents are permitted to use barbecue grills outside at a safe distance (15 feet or more) from all residence hall buildings. The use of grills is not permitted under any landings, on or near balconies. Propane tanks are also prohibited.
10. Halogen lamps are strictly prohibited in residence hall rooms.
11. No smoking is permitted in any residence hall. Please smoke outside, in a designated smoking area, and put your extinguished cigarettes in an ashtray.

## Fire Safety Training

Each summer, prior to the return of students, the Fire & Life Safety Division conducts annual training for the Resident Advisors and Residential Life professional staff. Training covers:

- Fire prevention
- Current trends and national statistics of fires and causes on college campuses
- Building evacuations and emergency preparedness
- Life safety systems
- Hands-on fire extinguisher training

Fire Safety training is available to all students, staff, and faculty and can be customized for particular departments.



## Health & Safety Inspections

At least twice a year, the Residential Life staff will conduct Health and Safety inspections. During inspections, if a room is found to have violations, action will be taken to address those violations. Residents who are found to be in violation of college policies during these inspections will be subject to fines, conduct review and/or loss of current or future housing assignments. Fines for violations range from \$25-\$350 per violation, and violators may also be subjected to conduct review. Residents may be fined if found with prohibited appliances listed under the fire safety policy. Potentially dangerous items found during Health and Safety inspections may be confiscated without the option of being returned.

In addition to fines and confiscation, some items may be destroyed, including but not limited to: drugs, drug paraphernalia, directional signs, weapons, alcoholic beverages, or containers and candles.

## Hookah Policy

Hookahs, single or multi-stemmed water pipes that are used for smoking are permitted in designated smoking areas only. In accordance with state and federal drug laws, hookahs cannot be used to smoke marijuana or other illegal drugs. In accordance with the Code of Student Rights and Responsibilities and the Federal Drug Free Schools and Communities Act, any owner of a hookah or student user who violates this policy is subject to sanctions under the Alcohol and Drug Sanction Matrix. All hookahs must be disassembled for storage in the residence halls and any other non-designated smoking area. Hookahs used in non-designated areas are subject to confiscation on the third violation by Campus Safety and may be returned at the end of the academic year. Any hookahs used to smoke illegal substances will be confiscated and will not be returned.

Sanctions for improper or illegal use of hookahs are as follows:

- First Incident. Verbal warning;
- Second Incident. On-line smoking cessation education program & \$25 fee;
- Third Incident. Participation in the decision making workshop at the Intercommunity Counseling Center and a \$100 fee plus confiscation of hookah by Campus safety;
- Fourth Incident. Implementation of a behavioral contract, possibly including special conditions and up to 20 hours of community service and a \$150 fine; and
- Fifth Incident. Referral to the Conduct Hearing Board for disciplinary action up to and including suspension.

## Smoking Policy

The health and safety of students, faculty, staff, visitors, and contractors are vitally important to Whittier College. The U.S. Surgeon General classified tobacco smoke as a Class-A carcinogen and warned that no level of environmental tobacco smoke is safe. Smoking is a critical health issue not only for those who smoke, but also for those exposed to it secondhand.

This policy provides definitions and procedures related to a smoke and tobacco free campus, except in designated areas, including enforcement. Every member of the Whittier College community shares responsibility for adhering to and respectfully communicating the smoke-free and tobacco-free policy since clean air and a reduction in cigarette butt pollution is important to all of us.

## Policy

Whittier College is dedicated to providing and promoting a healthy, productive, and sustainable environment for faculty, staff, students, visitors, contractors, vendors, and guests. Therefore, smoking and the use of tobacco products is limited to designated areas only. Smoking and the use of tobacco products except in designated areas is prohibited on all college owned, leased, and controlled properties including parking lots, and at all college-sponsored activities. Smoking is prohibited in vehicles. Faculty, staff, and students are expected to observe smoking and tobacco policies of adjacent neighborhoods.

## Designated Smoking Areas

Twelve outdoor areas have been designated for permitted tobacco use and will be easily identifiable with signage and smoking receptacles. Signage will be placed in key public areas, and they will be reflective of the policy. These particular spots were chosen to encourage tobacco users to adhere to the designated area policy and to not alienate them; also, these designated areas meet California Law so that tobacco usage would be less problematic for those who do not smoke.

Smoking and the use of tobacco products (including cigarettes, cigars, pipes, smokeless tobacco, and all tobacco products) as well as the use of electronic cigarettes, herbal cigarettes, or any other kind of smoking product, would be restricted to designated outdoor areas on the campus. All faculty, staff, students, visitors, vendors, contractors, and any person coming onto campus and/or entering the buildings will be required to comply with this policy. Smoking materials must be extinguished prior to entering College property without exception. All tobacco products in use must be disposed of appropriately prior to entering any Whittier College property.

The designated smoking areas are:

1. Between Memorial Chapel and Arnold Hall
2. Hoover Hall patio-Painter Avenue
3. Between Redwood Kaplan Aspect and Stauffer Science Center
4. Haverhill Road and Ball Hall patio
5. Wanberg parking lot
6. Harris B & C (in between halls)
7. Between Slade Aquatic Center and Graham Athletic Center (on Canyon Drive sidewalk)
8. Turner Hall (west side)
9. Shannon Center (west side)
10. Amphitheatre Parking lot (west side)
11. Memorial Stadium Entrance
12. North Lawn

Anyone who is observed violating the “Designated Smoking Area” restriction shall receive a written warning/citation by Campus Safety. Anyone who refuses to move to a “Designated Smoking Area” or repeatedly violates the “Designated Smoking Area” requirement will be subject to disciplinary action, as follows:

### **Sanctions for Students:**

1. First Incident: written warning;
2. Second Incident: \$50 fine or participation in on-line smoking education program
3. Third Incident: Participation in the decision making workshop at the Intercommunity Counseling Center and a \$100 fee;
4. Fourth Incident: Implementation of a behavioral contract, possibly including special conditions, and up to 20 hours of community service and a \$150 fine;
5. Fifth Incident: Referral to the Student Conduct Hearing Board for disciplinary action up to and including suspension.

### **Sanctions for Faculty and Staff:**

If a staff or faculty member refuses to comply with the policy, the immediate supervisor shall be notified. The immediate supervisor will follow up with the faculty or staff member to remind him/her about the policy and available resources. Continuing violations may also result in appropriate disciplinary action up to and including dismissal in conjunction with the College’s disciplinary process.

### **Visitors:**

All visitors are held to the same standards as all students, faculty, and staff while on College property and must abide by the Smoking and Tobacco Policy. Visitors (including vendors, contractors, and consultants) will receive notification and direction to comply with the policy. Any visitor or guest who does not abide by College policy may be told to leave campus and be prohibited from returning.

### **Appeals:**

Individuals who feel they have received a smoking and tobacco use citation unjustly may appeal in writing within 5 business days of the date of the citation to the following individuals:

- Students: Dean of Students
- Employees: Director of Human Resources
- Faculty: Dean of the Faculty

Any money collected as a result of smoking fines will be used to support educational programming.

## Fire Statistics

- 2016 Residential Facilities
  - Unintentional Fires: 0
  - Intentional fires: 0
  - Undetermined fires: 0
- 2016 Non-Residential Facilities
  - Unintentional Fires: 0
  - Intentional fires: 0
  - Undetermined fires: 0

### 2016 Statistics and Related Information Regarding Fires in Residential Facilities

Residential Facilities	Total Fires in Each Building	Fire Number	Cause of Fire	# of Injuries that Required Treatment at a Medical Facility	# of Deaths Related to a Fire	Value of Property Caused by Fire
Arbor Ridge Apartment Complex	0	0	N/A	N/A	N/A	N/A
Ball Hall	0	0	N/A	N/A	N/A	N/A
Campbell Hall	0	0	N/A	N/A	N/A	N/A
Harris Hall (A-B)	0	0	N/A	N/A	N/A	N/A
Harris Hall (C/D)						
Johnson Hall	0	0	N/A	N/A	N/A	N/A
Stauffer Hall	0	0	N/A	N/A	N/A	N/A
Turner Hall	0	0	N/A	N/A	N/A	N/A
Wanberg Hall	0	0	N/A	N/A	N/A	N/A

- 2015 Residential Facilities

- Unintentional Fires: 0
- Intentional fires: 0
- Undetermined fires: 0

- 2015 Non-Residential Facilities

- Unintentional Fires: 0
- Intentional fires: 0
- Undetermined fires: 0

**2015 Statistics and Related Information Regarding Fires in Residential Facilities**

<b>Residential Facilities</b>	<b>Total Fires in Each Building</b>	<b>Fire Number</b>	<b>Cause of Fire</b>	<b># of Injuries that Required Treatment at a Medical Facility</b>	<b># of Deaths Related to a Fire</b>	<b>Value of Property Caused by Fire</b>
<b>Arbor Ridge Apartment Complex</b>	0	0	N/A	N/A	N/A	N/A
<b>Ball Hall</b>	0	0	N/A	N/A	N/A	N/A
<b>Campbell Hall</b>	0	0	N/A	N/A	N/A	N/A
<b>Harris Hall (A-D)</b>	0	0	N/A	N/A	N/A	N/A
<b>Johnson Hall</b>	0	0	N/A	N/A	N/A	N/A
<b>Stauffer Hall</b>	0	0	N/A	N/A	N/A	N/A
<b>Turner Hall</b>	0	0	N/A	N/A	N/A	N/A
<b>Wanberg Hall</b>	0	0	N/A	N/A	N/A	N/A
<b>Wardman Hall</b>	0	0	N/A	N/A	N/A	N/A

- 2014 Residential Facilities

- Unintentional Fires: 0
- Intentional fires: 0
- Undetermined fires: 0

- 2014 Non-Residential Facilities

- Unintentional Fires: 0
- Intentional fires: 0
- Undetermined fires: 0

**2014 Statistics and Related Information Regarding Fires in Residential Facilities**

<b>Residential Facilities</b>	<b>Total Fires in Each Building</b>	<b>Fire Number</b>	<b>Cause of Fire</b>	<b># of Injuries that Required Treatment at a Medical Facility</b>	<b># of Deaths Related to a Fire</b>	<b>Value of Property Caused by Fire</b>
<b>Arbor Ridge Apartment Complex</b>	0	0	N/A	N/A	N/A	N/A
<b>Ball Hall</b>	0	0	N/A	N/A	N/A	N/A
<b>Campbell Hall</b>	0	0	N/A	N/A	N/A	N/A
<b>Harris Hall (A-D)</b>	0	0	N/A	N/A	N/A	N/A
<b>Johnson Hall</b>	0	0	N/A	N/A	N/A	N/A
<b>Stauffer Hall</b>	0	0	N/A	N/A	N/A	N/A
<b>Turner Hall</b>	0	0	N/A	N/A	N/A	N/A
<b>Wanberg Hall</b>	0	0	N/A	N/A	N/A	N/A
<b>Wardman Hall</b>	0	0	N/A	N/A	N/A	N/A