

FASHION INSTITUTE OF DESIGN & MERCHANDISING
POLICY REGARDING SEXUAL MISCONDUCT (TITLE IX)

FIDM is committed to providing a work and school environment free of unlawful harassment, sexual violence or discrimination. FIDM policy prohibits harassment or discrimination based on race, religion, creed, color, national origin, ancestry, sex, military or veteran status, physical or mental disability, medical condition, age, sexual orientation, gender, gender identity or expression, genetic information or any other basis protected by the federal, state or local law. In accordance with Title IX of the Education Amendments of 1972, FIDM prohibits discrimination based on sex, which includes gender-based discrimination, sexual harassment and sexual violence (collectively referred to as “sexual misconduct”) and FIDM has jurisdiction over Title IX complaints. In furtherance of this commitment, all students and employees are required to undergo mandatory Title IX training. Upon starting with FIDM, students are provided Title IX training during new student orientation. New employees are provided with Title IX training upon hire and generally every year thereafter.

This policy applies to all persons involved in the operation of FIDM, and prohibits sexual misconduct by any employee, as well as students, customers, vendors or anyone who does business with FIDM. It prohibits sexual misconduct against all students and employees. Any employee, student or contract worker who violates this policy will be subject to disciplinary action. To the extent a customer, vendor or other person with whom FIDM does business engages in sexual misconduct, FIDM will take appropriate corrective action.

This policy shall be disseminated to the FIDM community through publication(s), the FIDM website, new employee orientations, new student orientations, and other appropriate channels of communication. FIDM will respond quickly to reported violations and will take appropriate action to prevent, to correct, and if necessary, to discipline individuals who violate this policy.

If you believe that you have experienced or witnessed harassment or discrimination on the basis of a protected category other than sex, please follow the procedure outlined in the Non-Discrimination and Harassment policies located in the Student Catalog.

Key Definitions

Sexual Harassment is defined as unwelcome conduct of a sexual nature. It includes unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature. Sexual harassment is conduct that explicitly or implicitly affects a person’s education or employment or interferes with a person’s educational or work performance or creates an environment such that a reasonable person would find the conduct intimidating, hostile or offensive. A hostile environment is created when the alleged conduct is sufficiently serious to deny or limit a student or employee’s ability to participate in or benefit from the recipient’s education program, activities, or employment.

Sexual harassment is conduct based on sex, whether directed towards a person of the opposite or same sex, and may include explicit sexual propositions, sexual innuendo, suggestive comments, sexually oriented “kidding” or “teasing”, practical jokes, jokes about or displays of obscene printed or visual material, questions about sexual fantasies, preferences or history, and physical contact such as patting, pinching, or intentionally brushing against another person’s body. Gender-based harassment, including acts of verbal, nonverbal or physical aggression,

intimidation, or hostility based on sex or sex-stereotyping are strictly prohibited, even if those acts do not involve conduct of a sexual nature.

A hostile environment can be created by persistent or pervasive conduct or by a single severe episode. The more severe the conduct, the less need there is to show a repetitive series of incidents to prove a hostile environment. Sexual violence, including rape, sexual assault, and domestic and dating violence, is a form of sexual harassment.

Quid pro quo sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, or other verbal, nonverbal, or physical conduct of a sexual nature when submission to such conduct is made either explicitly or implicitly, a term or condition of an individual's employment or educational benefits or services, or submission to or rejection of such conduct by an individual is used as the basis for employment or academic decisions affecting the individual.

Sexual Violence is defined as physical sexual acts engaged in without the consent of the other person or when the other person is unable to consent to the activity. Sexual violence includes sexual assault, rape, battery, and sexual coercion; domestic violence; dating violence; and stalking.

Sexual Assault occurs when a physical sexual activity is engaged in without the consent of the other person or when the other person is unable to consent to the activity. The activity or conduct may include physical force, violence, threat, or intimidation, ignoring the objections of the other person, causing the other person's intoxication or incapacitation through the use of drugs or alcohol, and taking advantage of the other person's incapacitation (including voluntary intoxication).

Domestic Violence is defined as a felony or misdemeanor crime of violence committed against an adult or a minor who is a spouse or former spouse, cohabitant or former cohabitant, or someone with whom the abuser has a child, has an existing dating or engagement relationship, or has had a former dating or engagement relationship.

Dating Violence is defined as violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. For the purposes of this definition, dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.

Stalking is defined as engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others; or suffer substantial emotional distress.

Consent is informed, voluntary and revocable. Consent is an affirmative, unambiguous, and conscious decision by each participant to engage in mutually agreed-upon sexual activity. It must be given without coercion, force, threats or intimidation. Consent must be ongoing throughout a sexual encounter and can be revoked at any time. Once consent is withdrawn, the sexual activity must stop immediately.

Reporting Party is the individual making a report of sexual misconduct.

Responding Party is the person who the report of sexual misconduct has been made against.

Retaliation is acts or attempts to retaliate or seek retribution. Retaliation can take many forms, including threats, intimidation, pressuring, continued abuse, violence,

reprisal and/or an adverse action related to employment or education. Retaliation may be committed by or against an individual or a group, and that a Reporting Party, Responding Party or third party may commit or be the subject of retaliation. Retaliation against a person who properly reports or participates in the investigation of violations is strictly prohibited. If FIDM determines that retaliation has occurred, appropriate corrective action will be taken, up to and including termination.

Procedure for Reporting Sexual Misconduct

If you believe that you have experienced or witnessed sexual misconduct, notify the Title IX Coordinator as soon as possible after the incident. Do not allow an inappropriate situation to continue by not reporting it, regardless of who is creating the situation. There is no specific time frame for individuals who have experienced sexual misconduct to file a complaint pursuant to this Policy. Individuals are, however, encouraged to make a report soon after the incident to order to maximize FIDM’s ability to investigate and reach a finding.

An individual may also notify the Campus Director or any other FIDM employee. All complaints involving a student will be referred to the Title IX Coordinator. All complaints involving an employee will be referred to both the Title IX Coordinator and to the Office of Human Resources. In order to facilitate the investigation, your complaint should include details of the incident or incidents, names of the individuals involved and names of any witnesses. Individuals may make an anonymous report concerning an instance of sexual misconduct. Depending on the extent of information available about the incident or the individuals involved; FIDM’s ability to respond to an anonymous report may be limited.

FIDM ensures that its employee designated to serve as Title IX Coordinator have adequate training on what constitutes sexual misconduct, they understand how this policy operates, and understand how to conduct an investigation that protects the safety of victims and promotes accountability. Because reports can also be filed with an employee’s supervisor or Human Resources, these employees also receive training on FIDM’s procedures and any other procedures used for investigating reports of sexual misconduct.

A report may be made to either or both the police and the Title IX Coordinator. In order to ensure availability of witnesses and fresh memories of the alleged sexual misconduct, all reports should be made as promptly as possible after the alleged conduct. Where there is any question about whether an incident of sexual misconduct occurred, a report should be made to the Title IX Coordinator for assistance in determining the nature of the incident.

The Title IX Coordinator is listed below. She oversees all Title IX complaints and is also responsible for identifying and addressing any patterns or systemic problems that arise during the review of such complaints.

Name	Title	Email	Extension
Los Angeles, 919 South Grand Avenue, Los Angeles, CA 90015 213.624.1200			
Julie Ann Otteson	<i>Title IX Coordinator Executive Director, Human Resources</i>	jotteson@fidm.edu	x3530
Lisa Davis	<i>Executive Assistant to the Vice President, Education</i>	ldavis@fidm.edu	x3017

San Francisco, 55 Stockton Street, San Francisco, CA 94108 415.675.5200			
Julie Ann Otteson	<i>Title IX Coordinator Executive Director, Human Resources</i>	jotteson@fidm.edu	x3530
Kim Wetzel	<i>Campus Director, ADA 504 Compliance Coordinator</i>	kwetzel@fidm.edu	x1530
Orange County, 17590 Gillette Avenue, Irvine, CA 92614 949.851.6200			
Julie Ann Otteson	<i>Title IX Coordinator Executive Director, Human Resources</i>	jotteson@fidm.edu	x3530
Lynne Stroner	<i>Campus Manager, Education & Career Center</i>	lstroner@fidm.edu	X1764
San Diego, 350 Tenth Avenue, 3rd Floor, San Diego, CA 92101 619.235.2049			
Julie Ann Otteson	<i>Title IX Coordinator Executive Director, Human Resources</i>	jotteson@fidm.edu	X3530
Denise Baca	<i>Campus Director, Director of Admissions</i>	dbaca@fidm.edu	x1830

The Title IX Coordinator has primary responsibility for receiving, evaluating, and investigating sexual misconduct reports and for maintaining accurate Clery Act crime statistics.

The Title IX Coordinator will evaluate the report and determine whether further action is warranted. If the Title IX Coordinator determines that the report does involve an instance of sexual misconduct, he/she will initiate an investigation in accordance with the investigation procedure described below.

Requests for Confidentiality

Reports about sexual misconduct do not have to be formal signed complaints. FIDM is committed to protecting the confidentiality of victims and will work closely with individuals who wish to obtain confidential assistance regarding an incident of sexual misconduct and will maintain the privacy of information to the extent permitted, even if the victim does not specifically request confidentiality. A victim's personally identifying information will not be included in any publicly available recordkeeping, including Clery Act reporting and disclosures such as this Annual Security Report. Memoranda describing any formal reprimand or disciplinary action for violating this policy will be placed in a student's permanent academic file and an employee's permanent personnel file. These documents are maintained in a locked filing cabinet that only applicable administrative staff has access to.

Reporting party(s) should be aware that in an investigation, due process generally requires that the identity of the charging party and the substance of the complaint be revealed to the person charged with the alleged sexual misconduct. Generally, once FIDM decides to open an investigation that may lead to disciplinary action against the responding party, FIDM will provide written notice to the responding party of the allegations constituting the potential violation, and the date and location of the alleged incident.

In some cases, FIDM may need to disclose some information about a victim to a third party to provide necessary accommodations or protective measures. The Title IX Coordinator and/or Office of Human Resources will meet with the Campus Director or on-campus Personal Counselor to weigh the victim's confidentiality against the impact on FIDM being able to provide these necessary accommodations or protective measures. Should it be deemed necessary, they will determine what information about the victim needs to be disclosed and to whom it needs to be disclosed to. The victim will be notified regarding which information will be shared, with whom it will be shared and why prior to FIDM sharing

the information. FIDM will strive to share as limited information as possible in an effort to protect the victim's identity.

An individual who would like the details of an incident to be kept confidential may speak with FIDM on-campus Personal Counseling staff. FIDM Personal Counselors provide mental-health counseling to members of FIDM community are not required to report any information about an incident to the Title IX Coordinator without a victim's permission. This confidentiality is maintained except in cases of immediate threat or danger to the reporting party, FIDM and general community, or abuse of a minor. FIDM Personal Counselors are categorized as "voluntary reporters" and are able to maintain reporting party's confidentiality. To perform their duty to accomplish and satisfy mandated reporting for Clery Act and Title IX regulations without starting the domino effect of actual or constructive notice without the consent of the alleged victim, Personal Counselors withhold personally identifiable information from all reports made to FIDM and other necessary resources.

Off-campus confidential reporting options are available through local rape crisis counselors, victim advocacy centers, domestic violence resources, local or state agencies, and emergency care facilities. Information about these and other resources may be obtained from the Personal Counseling department, the Title IX Coordinator, and online on the student and faculty/employee portal, and at fidm.com.

False Reports

FIDM will not condone intentional false reporting of incidents. FIDM takes the accuracy of information very seriously as a report of sexual misconduct may have severe consequences. A good-faith complaint that results in a finding of not responsible is not considered a false or fabricated accusation of sexual misconduct. However, when a reporting party or third-party witness is found to have fabricated allegations or given false information with malicious intent or in bad faith, that individual may be subject to disciplinary action.

Investigation of Complaints

In response to all complaints, FIDM will reach prompt and equitable resolution through a reliable and impartial investigation of complaints. The Title IX Coordinator will communicate with both the reporting party and responding party. Both parties will receive equal opportunity to provide information, witness statements, evidence, and other information that may be necessary for the Title IX Coordinator to fully evaluate the alleged offense. Both the reporting party and the responding party will be afforded equitable rights and access during the investigative process. FIDM may not require a reporting party to participate in a formal investigation that he or she has initiated.

Generally, this investigation will consist of interviewing the reporting party, the responding party, and any witnesses. The Title IX Coordinator will, barring extenuating circumstance, complete the investigation and make a determination regarding any necessary discipline of the responding party and remedies to reporting party within sixty (60) days of the date that the report is first received by the Title IX Coordinator and/or Office of Human Resources. Each party will be presented with the results of the investigation before any disciplinary action is finalized—giving the parties the opportunity to respond to the investigative report in writing in advance of a decision. In the event of a delay, the Title IX Coordinator will provide written notice to the reporting party and the responding party explaining the reason for the delay. If there is a conflict of interest between the Title IX Coordinator (or Office of Human Resources employee) and the reporting party/responding party, an alternative trained individual will conduct the investigation and determination (including disciplinary sanctions).

No party may have legal counsel present at any stage of the investigation but may be accompanied in the process by a support person of their choice. The “preponderance of the evidence” standard will apply to investigations, meaning FIDM will evaluate whether it is more likely than not that the alleged conduct occurred.

Both parties will receive simultaneous written notification of any disciplinary proceeding, if necessary, and the outcome of the complaint, including notification that the investigation results are final. Determination notices will be placed into the files of any student or employee. The Title IX Coordinator will determine if the incident is indicative of a systemic issue and, if so, work with FIDM staff to recommend changes to college policies, procedures or training to prevent re-occurrence.

To initiate a criminal investigation, reports of sexual violence should be made to “911” or local law enforcement. The criminal process is separate from FIDM’s investigation and disciplinary process.

Interim Measures: Prior to or during an investigation, FIDM will provide interim measures, as necessary. Interim measures are individualized services offered, as appropriate, to either or both the reporting and responding parties involved in an alleged incident of sexual misconduct and may include: counseling, extensions of time or other course-related adjustments, modifications to work or class schedules, campus escort services, change in housing, restrictions on contact between the parties, leave of absence, increased security and monitoring of certain areas on campus, and other similar accommodation.

Interim measures should be individualized and appropriate based on the information gathered by the Title IX Coordinator/Office of Human Resources, making every effort to avoid depriving any student of her or his education and providing a positive working environment. The measures needed by each reporting party may change over time, and the Title IX Coordinator/Office of Human Resources should communicate with each reporting party throughout the investigation to ensure that any interim measures are necessary and effective based on the individual’s evolving needs.

Disciplinary Actions: Through the investigation process, if FIDM determines that unlawful sexual misconduct has occurred, appropriate corrective action will be taken, and FIDM will take steps to prevent recurrence. Any employee determined by FIDM to be responsible for an act of sexual misconduct will be subject to appropriate disciplinary action, up to and including termination. Remedies for student-related claims may include, but are not limited to, written warning, removal from college housing, additional training, a restriction on contact, suspension, or termination. In addition, reporting parties who make accusations in bad faith may be subject to equivalent disciplinary action.

Disciplinary actions taken will be determined on a case-by-case basis.

Retaliation Prohibited

Retaliation against an individual for raising an allegation of sexual misconduct, for cooperating in an investigation of such a complaint, or for opposing discriminatory practices is prohibited.

If you believe you have been retaliated against, you should promptly notify the Title IX Coordinator/Office of Human Resources.

Reporting Requirements

Victims of sexual misconduct should be aware that college administrators must issue timely warnings for incidents reported to them that pose a substantial threat of bodily harm or danger to other members of the campus community. FIDM will make every effort to ensure that a 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 danger. FIDM reserves the right to notify parents/guardians of dependent students regarding any health or safety risk, or a change in student status.

Additional Information

Students and employees may contact the Title IX Coordinator or Office of Human Resources, as applicable, with any questions related to this policy. In addition, the U.S. Department of Education Office for Civil Rights (“OCR”) investigates complaints of unlawful harassment of students in educational programs or activities. This agency may serve as a neutral fact finder and will attempt to facilitate the voluntary resolution of disputes with the parties. For more information, visit the OCR website at: <http://www.hhs.gov/ocr/>. To the extent that an employee or contract worker is not satisfied with FIDM’s handling of a complaint, he or she may also contact the appropriate state or federal enforcement agency for legal relief.