

## FASHION INSTITUTE OF DESIGN & MERCHANDISING

### TITLE IX POLICY

Fashion Institute of Design and Merchandising (“FIDM”) is committed to providing a work and educational environment free of unlawful harassment, discrimination, and retaliation. In accordance with Title IX of the Education Amendments of 1972, FIDM does not discriminate on the basis of sex in its education programs or activities, which extends to admission and employment. FIDM also prohibits Sexual Harassment (as defined below) committed against persons in the United States as part of its education programs or activities.

If a student believes that they have experienced or witnessed other incidents of sexual misconduct or discrimination, please follow FIDM procedures outlined in the student Non-Discrimination and Code of Conduct policies (located in the Student Catalog). If an employee believes that they have experienced or witnessed other incidents of sexual misconduct or discrimination, please refer to the employee Non-Discrimination and Sexual Harassment policies (located on Eportal.fidm.com) or contact the Director of Human Resources.

FIDM reserves the right to make changes to this policy as necessary, and once those changes are posted online, they are in effect. If government laws, regulations or court decisions change requirements in a way that affects this policy, the policy will be construed to comply with the most recent government regulations or holdings.

#### Title IX Coordinator

The Title IX Coordinator coordinates FIDM’s efforts to comply with its Title IX responsibilities. The Title IX Coordinator is responsible for implementing FIDM’s Title IX policy, taking reports and Formal Complaints of Sexual Harassment, providing Supportive Measures, and maintaining accurate Clery Act crime statistics.

**Title IX Coordinator: Lisa Davis, Executive Assistant to the Vice President, Education**  
919 S. Grand Ave. Los Angeles, CA 90015  
(213) 624-1200 x3017 / ldavis@fidm.edu

**Deputy Title IX Coordinator: Kim Wetzel, Executive Director, Human Resources**  
919 S. Grand Ave. Los Angeles, CA 90015  
(213) 624-1200 x3035 / kwetzel@fidm.edu

Any person can report sex discrimination, including Sexual Harassment (whether or not the person reporting is the alleged victim) in person, by mail, telephone, or email, using the contact information listed above for the Title IX Coordinator. A report can be made at any time, including during non-business hours. However, responses to reports made outside of business hours, including during weekends and holidays, may be delayed.

## Key Definitions

**Sexual Harassment<sup>1</sup>:** Conduct on the basis of sex that satisfies one or more of the following:

1. An employee of FIDM conditioning educational benefits or participation on an individual's participation in unwelcome sexual conduct (i.e. quid pro quo);
2. Unwelcome conduct that a reasonable person would determine means to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to FIDM's Education Program or Activity; or
3. Sexual Assault (as defined in the Clery Act), or Dating Violence, Domestic Violence or Stalking as defined in the Violence Against Women Act (VAWA) (collectively referred to as "Sexual Violence")\*:
  - **Sexual Assault:** As defined in 20 U.S.C. 1092(f)(6)(A)(v), an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation<sup>2</sup>. As defined in 20 U.S.C. 12291(a)(11), sexual assault includes any nonconsensual sexual act proscribed by Federal, tribal, or State law, including when the victim lacks the capacity to consent.
  - **Dating Violence:** As defined in 34 U.S.C. 12291(a)(11), dating violence includes violence committed by a person (A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (B) where the existence of such a relationship shall be determined based on a consideration of the following factors: the length of the relationship; the type of relationship; and, the frequency of interaction between the persons involved in the relationship.
  - **Domestic Violence:** As defined in 34 U.S.C. 12291(a)(12), domestic violence includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim under the family or domestic violence laws of the jurisdiction receiving grant funding and, in the case of victim services, includes the use or attempted use of physical abuse or sexual abuse, or a pattern of any other coercive behavior committed, enabled or solicited to gain or maintain power and control over a victim, including verbal, psychological, economic or technological abuse that may or may not constitute criminal behavior, by a person who: (a) is a current or former

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<sup>1</sup> California Education Code Section 66262.5 states that "Sexual Harassment" has the same meaning as defined in Section 212.5 and includes sexual battery, sexual violence and sexual exploitation. California Education Code Section 212.5 defines sexual harassment as unwelcome sexual advances, requests for sexual favors, and other verbal, visual, or physical conduct of a sexual nature, made by someone from or in the work or educational setting, under any of the following conditions: (a) submission to the conduct is explicitly or implicitly made a term or a condition of an individual's employment, academic status, or progress; (b) submission to, or rejection of, the conduct by the individual is used as the basis of employment or academic decisions affecting the individual; (c) the conduct has the purpose or effect of having a negative impact upon the individual's work or academic performance, or of creating an intimidating, hostile, or offensive work or educational environment; and (d) submission to, or rejection of, the conduct by the individual is used as the basis for any decision affecting the individual regarding benefits and services, honors, programs, or activities available at or through the institution.

<sup>2</sup> The FBI's Uniform Crime Reporting Program (FBI UCR) includes forcible and nonforcible sex offenses such as rape, fondling, and statutory rape, which contain elements of "without the consent of the victim."

spouse or intimate partner of the victim, or person similarly situated to a spouse of the victim; (b) is cohabitating with or has cohabitated with the victim as a spouse or intimate partner; (c) shares a child in common with the victim; or (d) commits acts against a youth or adult victim who is protected from those acts under the family or domestic violence laws of the jurisdiction.

- **Stalking:** As defined in 34 U.S.C. 12291(a)(3) stalking includes engaging in a course of conduct directed at a specific person that would cause a reasonable person to: (A) fear for his or her safety or the safety of others; or (B) suffer substantial emotional distress<sup>3</sup>.

\* Please note: In accordance with the Violence Against Women Reauthorization Act of 2013 (“VAWA”), state definitions for Sexual Assault, Dating Violence, Domestic Violence, Stalking and Consent are contained in FIDM’s Annual Safety and Security Report (“ASSR”). VAWA crimes are reported in the ASSR based on the definitions above.

**Affirmative Consent:** In accordance with California Education Code Section 67386, includes 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 the person has the affirmative consent of others to engage in the sexual activity. Lack of protest or resistance does not mean consent, nor does silence mean consent. Affirmative consent must be ongoing throughout a sexual activity and can be revoked at any time. The existence of a dating relationship between the persons involved, or the fact of past sexual relations between them, should never by itself be assumed to be an indicator of consent.

**Complainant:** An individual who is alleged to be the victim of conduct that could constitute Sexual Harassment, regardless of whether a Formal Complaint has been filed. A Complainant must be the alleged victim unless a parent or legal guardian has a legal right to act on the alleged victim’s behalf.

**Respondent:** An individual who has been reported to be the perpetrator of conduct that could constitute Sexual Harassment.

**Parties:** include the Complainant(s) and Respondents(s) collectively.

**Advisor:** An individual chosen by a party to accompany the party to meetings related to the resolution process, to advise the party on that process, and to conduct cross-examination for the party at any hearing, if any. If a party does not have an Advisor at the hearing portion of the Grievance Process, FIDM will appoint an advisor.

**Formal Complaint:** A document (hardcopy or electronic) filed by a Complainant or signed by the Title IX Coordinator alleging Sexual Harassment against a Respondent and requesting that FIDM investigate. A Formal Complaint must be signed (physical or digital) by the Complainant, the Title IX Coordinator, or otherwise indicate that the Complainant is the person filing the Formal Complaint. At the time of filing a Formal Complaint, the Complainant must be participating in or attempting to participate in FIDM’s Education Program or Activity with which the Formal Complaint is filed.

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<sup>3</sup> This includes stalking that occurs online or through messaging platforms, commonly known as cyber-stalking, when it occurs in the school’s education program or activity.

**Program or Activity:** On or off-campus locations, events, or circumstances over which FIDM exercises substantial control over both the Respondent and the context in which the Sexual Harassment occurred and also includes FIDM Housing.

**Mandatory Reporter:** Designated FIDM employees who must share knowledge, notice, and/or reports of Sexual Harassment, discrimination, and/or retaliation with the Title IX Coordinator.

**Discretionary Reporter:** Designated FIDM employees who may, with the Complainant's consent, report instances to the Title IX Coordinator.

**Clery Act:** Meaning the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act (20 U.S.C. Section 1092(f); 34 C.F.R. Part 668.46). In accordance with the Clery Act, FIDM publishes required crime statistics and policy statements in its Annual Safety and Security Report (ASSR) on or before October 1<sup>st</sup> of each year.

**Clery Geography:** As defined in the Clery Act, includes (A) buildings and property that are part of FIDM's campus; (B) FIDM's non-campus buildings and property; and (C) public property within or immediately adjacent to and accessible from the campus.

**VAWA:** Meaning the Violence Against Women Reauthorization Act of 2013 (34 CFR Part 668).

### Procedure for Reporting

If a student believes they have experienced or witnessed Sexual Harassment, discrimination, or retaliation, FIDM encourages them to notify the Title IX Coordinator as soon as possible after the incident.

A report may be made to either or both the police and the Title IX Coordinator<sup>4</sup>. The criminal process is separate from FIDM's Grievance Process. It is FIDM's policy not to notify local law enforcement when Sexual Violence occurs unless a Complainant wishes or there is an emergency threat to health or safety. Complainants have the option to notify law enforcement directly or be assisted in doing so. If requested, FIDM will assist a victim of Sexual Violence in contacting the police. A Complainant is not required to contact the police in order to pursue FIDM's grievance process.

FIDM does not issue orders of protection. Orders of protection, restraining orders, injunctions, or similar lawful orders may be obtained through the court system and can be enforced by FIDM. Individuals who have obtained an order of protection are encouraged to provide a copy to the Title IX Coordinator as soon as possible. Although FIDM does not issue orders of protection, information on how to obtain a protective order is located in this Report.

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<sup>4</sup> In accordance with the California Education Code, FIDM grants victims and witnesses amnesty, when appropriate, for potential FIDM policy violations unless FIDM determines the violation was egregious, including but not limited to, an action that places the health or safety of any other person at risk or involves plagiarism, cheating or academic dishonesty.

## Reporting Considerations

In order to make informed choices, it is important to be aware of confidentiality and reporting requirements when consulting FIDM resources. Campus Directors/Managers, Dean of Education, Department Chairpersons, and Staff Supervisors are Mandatory Reporters who will share knowledge, notice, and/or reports of Sexual Harassment, discrimination, and/or retaliation with the Title IX Coordinator. FIDM's Housing Director is also a designated Mandatory Reporter. FIDM faculty members/staff members and FIDM Housing Resident Advisors (RAs) are Discretionary Reporters who will only report instances of Sexual Harassment, discrimination, or retaliation to the Title IX Coordinator with the Complainant's consent.

FIDM will keep confidential the identity of the Complainant, Respondent, and witnesses, except as may be permitted by FERPA, as required by law, or as necessary to carry out the Grievance Process.

There is no time limitation on providing notice/complaints to the Title IX Coordinator. However, if the Respondent is no longer subject to FIDM's jurisdiction and/or significant time has passed, the ability to investigate, respond, and provide Remedies may be more limited or impossible. Acting on notice/complaints significantly impacted by the passage of time (including, but not limited to, the rescission or revision of policy) is at the discretion of the Title IX Coordinator, who may document allegations for future reference, offer supportive measures and/or remedies, and/or engage in informal or formal action, as appropriate.

## Confidential Resources

If students wish to speak to someone confidentially, students may contact a FIDM Personal Counselor. A Personal Counselor permits discussion of an incident without beginning the investigation process. State or professional-specific mandatory reporting laws related to certain types of concerns (i.e., child sexual abuse) may still trigger requirements for a confidential resource to report an incident to identified enforcement agencies.

### **FIDM Personal Counselor:**

Name	Address	Phone Number/Email
Katie Besignano, MS, MCC	919 S. Grand Ave. Los Angeles, CA 90015	(213) 624-1200 x4556  kbesignano@fidm.edu

Off-campus confidential resources are available through local rape crisis counselors, victim advocacy centers, domestic violence resources, local or state agencies, and emergency care facilities. Information about these resources and other resources may be obtained from the Personal Counselor and on the "Title IX and Equity" tab of FIDM's website (fidm.edu).

An individual who seeks completely confidential assistance may do so by speaking with professionals who have legally protected confidentiality. FIDM does not have confidential reporting resources, such as pastoral or professional counselors on campus available to employees. Crisis, mental health, and victim resource hotline information are available on the "Title IX and Equity" tab of FIDM's website (fidm.edu).

Information shared with confidential resources will not be shared with FIDM (including the Title IX Coordinator) or anyone else without express, written permission of the individual seeking services unless required by law or court order.

### Supportive Measures

The Title IX Coordinator will provide Supportive Measures as necessary. Supportive Measures are individualized services reasonably available to ensure equal educational access, protect the safety or deter prohibited conduct. Supportive Measures are available, as appropriate, to either or both the Complainant and Respondent and are non-punitive, non-disciplinary, and not unreasonably burdensome to the other party. Examples include counseling, extensions of time or other course-related adjustments, modifications to work or class schedules, campus escort services, restrictions on contact between the Parties, leave of absence, increased security and monitoring of certain areas on campus, and other similar accommodations.

Supportive Measures are individualized and appropriate based on the information gathered by the Title IX Coordinator. The Supportive Measures needed by the Complainant and/or Respondent may change over time, and the Title IX Coordinator will communicate with each party to ensure that any Supportive Measures are necessary and effective based on evolving needs.

Victims of Sexual Violence will also be provided with written notification about existing counseling, health and/or mental health services, victim advocacy, legal assistance, visa and immigration assistance, safety planning, timely warnings, student financial aid, and other services available to victims within the FIDM and in the community.

Once the Title IX Coordinator receives a report, the Title IX Coordinator will promptly contact the Complainant confidentially to discuss the availability of Supportive Measures (available with or without filing a Formal Complaint) and explain the process for filing a Formal Complaint and provide a copy of this policy. The Title IX Coordinator will consider the Complainant's wishes with respect to Supportive Measures.

FIDM will keep confidential the identity of the victim of Sexual Violence and any accommodations or Supportive Measures provided, to the extent that maintaining such confidentiality will not impair FIDM's ability to provide the accommodations or Supportive Measures.

### Dismissal of a Formal Complaint

Dismissal of a Formal Complaint may occur under several circumstances. FIDM must dismiss a Formal Complaint if the allegations do not meet the definition of Sexual Harassment, did not occur in FIDM's Education Program or Activity, or did not occur against a person in the United States.

FIDM may dismiss a Formal Complaint if the Complainant informs the Title IX Coordinator, in writing, that he, she, or they withdraw the Formal Complaint or allegations therein; the Respondent is no longer enrolled or employed by FIDM; or if specific circumstances prevent FIDM from gathering sufficient evidence to reach a determination.

If a Formal Complaint is dismissed, the Parties will be provided written notice of the dismissal outlining the reason(s) for dismissal. A dismissal does not preclude action by FIDM under the student Code of

Conduct policy (located in the College Catalog) or employee Sexual Harassment policies (located on Eportal.fidm.com).

### Grievance Process

Investigation and adjudication of alleged misconduct is not an adversarial process between the Complainant, the Respondent and the witnesses, but rather a process for postsecondary institutions to comply with their obligations under existing law. The Complainant does not have the burden to prove, nor does the Respondent have the burden to disprove, the underlying allegation or allegations of misconduct.

FIDM utilizes a prompt, equitable, and impartial Grievance Process to evaluate Formal Complaints. Title IX personnel (Title IX Coordinator/Deputy, Investigators, Decision-Makers, and individuals who facilitate the Informal Resolution process) will be free from conflicts of interest or bias for or against Complainants or Respondents. Title IX personnel will objectively evaluate all relevant evidence and avoid credibility determinations based on a person's status as a Complainant, Respondent, or witness.

Both Parties will receive an equal opportunity to provide information, witness statements, evidence, and other information that may be necessary to fully evaluate the alleged offense. Both Parties will be afforded equitable rights and access during the Grievance Process. The Respondent is presumed not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the Grievance Process.

Generally, the Grievance Process consists of a Formal Complaint, investigation, Live Hearing, determination, Disciplinary Actions, Remedies, and appeal (if applicable). The Grievance Process, barring extenuating circumstances, will conclude within ninety (90) days from the date a Formal Complaint is filed.

### *Advisor*

A party may be accompanied by an Advisor of their choice during the Grievance Process. The Parties may choose Advisors from inside or outside the FIDM community. If the Complainant or Respondent does not have an Advisor present at the Live Hearing, FIDM will select and provide an Advisor, without fee or charge, to conduct a cross-examination of witnesses on behalf of that party. A party may reject a FIDM-appointed Advisor and choose their own Advisor, but they may not proceed without an Advisor. The Complainant and Respondent may not conduct cross-examination.

Choosing an Advisor who is a witness in the Grievance Process creates the potential for bias and conflict of interest. A party that chooses an Advisor who is also a witness can anticipate that issues of potential bias will be explored by the Decision-Maker.

The Parties are expected to ask and respond to questions on their own behalf throughout the investigation phase of the Grievance Process. Advisors are expected to advise without disrupting proceedings. For example, advisors should not address FIDM officials in a meeting or interview unless invited to. An Advisor may not make a presentation during any meeting or proceeding and may not speak on behalf of the party to the investigation or other Decision-Maker except during a Live Hearing, during cross-examination. If an Advisor is disruptive or otherwise fails to respect the limits of the Advisor role, the meeting or interview may be ended.

Advisors are expected to maintain the privacy of the records shared with them. These records may not be shared with third parties, disclosed publicly, or used for purposes not explicitly authorized by FIDM. FIDM may seek to restrict the role of any Advisor who does not respect the sensitive nature of the process or who fails to abide by FIDM's privacy expectations.

### *Investigation of Formal Complaints*

FIDM will investigate Sexual Harassment (including Sexual Violence) allegations in a Formal Complaint filed by a Complainant or signed by the Title IX Coordinator. The Title IX Coordinator will respect the Complainant's wishes as to whether FIDM investigates an allegation of Sexual Harassment unless the Title IX Coordinator determines that not investigating would be deliberately indifferent or harmful to the FIDM community. FIDM may consolidate Formal Complaints where the allegations arise out of the same facts.

Upon receipt of a Formal Complaint, a written notice will be sent to the Parties. The Notice of Investigation will include details of the allegations (including identities of the Parties involved, specific section of the policy alleged to have been violated, the conduct that would be considered Sexual Harassment, the date of the incident(s), and the location of the incident(s)); a statement that the Respondent is presumed to be not responsible for the alleged conduct until a determination is made according to FIDM's Grievance Process; a statement that the Parties may have an Advisor of their choice; and a reminder of the expectation of truthfulness including consequences for submitting false information. The Parties will also be provided with separate written notice of any investigative interview, meeting, or hearing. Interview/meeting notices will include the date, time, location, participants, and purpose of the investigative interview or meeting.

Formal Complaints involving employees will also be referred to Human Resources and simultaneously evaluated under employee conduct policies and procedures.

During the investigation, the Title IX Coordinator or his/her designee ("Investigator") will conduct interviews and gather evidence. No unauthorized audio or video recording of any kind is permitted during investigation interviews/meetings. The Parties will be provided an equal opportunity to present facts and expert witnesses or other evidence. The Parties (and their Advisors) will be provided with evidence directly related to the allegations, in electronic format or hardcopy, with at least 10 days for the Parties to inspect, review, and respond to the evidence. The Investigator will consider the responses received from the Parties before issuing the investigative report.

Once the investigation has concluded, the Investigator will draft an investigative report (hardcopy or electronic) that fairly summarizes relevant evidence. The investigative report will be sent to the Parties (and their Advisors) at least ten (10) days prior to a Live Hearing. The Parties may provide a written response to the investigative report.

### *Informal Resolution*

If the Complainant and Respondent voluntarily consent in writing, Formal Complaints can be resolved through Informal Resolution, such as mediation. The Title IX Coordinator will facilitate an appropriate Informal Resolution process depending on the nature of the allegations, the Parties involved, and the overall circumstances. Informal Resolution will be conducted by a facilitator, who may or may not be the Title IX Coordinator. It is not necessary to pursue Informal Resolution first in order to pursue FIDM's Grievance Process. At any time prior to agreeing to a resolution, any party has the right to withdraw



from the Informal Resolution process and resume the Grievance Process. Informal Resolution is unavailable to resolve allegations that an employee sexually harassed a student.

### *Live Hearing*

If a Formal Complaint is not or cannot be resolved through Informal Resolution, FIDM will conduct a Live Hearing. Live Hearings are facilitated by a designated Decision-Maker, separate from the Title IX Coordinator or Investigator. The Decision-Maker will be selected by the Title IX Coordinator.

Cross-examination during a Live Hearing will be conducted directly, orally, and in real-time by the party's Advisor and not by a party personally. The Decision-Maker will permit each party's Advisor to ask the other party and any witnesses all relevant questions and follow-up questions, including those challenging credibility. Only relevant cross-examination and other questions may be asked of a party or witness. Before a Complainant, Respondent, or witness answers a cross-examination or other question, the Decision-Maker must first determine whether the question is relevant and explain to the party's Advisor asking cross-examination questions any decision to exclude a question as not relevant.

Rape shield protections are applied to Complainants, deeming irrelevant questions and evidence about a Complainant's prior sexual behavior unless offered to prove that someone other than the Respondent committed the alleged Sexual Harassment or offered to prove consent.

The Decision-Maker may consider statements made by a party or witness even if the party or witness does not submit to cross-examination at the Live Hearing. A Decision-Maker may consider emails or text exchanges between the parties leading up to the alleged sexual harassment, police reports, Sexual Assault Nurse Examiner documents, medical reports, and other documents. All statements must be relevant to be considered.

The Decision-Maker will not draw an inference about the determination regarding responsibility based solely on a party's or witness's absence from the Live Hearing or refusal to answer cross-examination or other questions.

At the request of either party, FIDM will provide for the entire Live Hearing (including cross-examination) to occur with the Parties located in separate rooms with technology enabling the Parties to see and hear each other. Live Hearings may be conducted with all Parties physically present in the same geographic location or, at FIDM's discretion, any or all Parties, witnesses, and other participants may appear at the Live Hearing virtually. An audio or audiovisual recording, or transcript, of any Live Hearing, will be created and maintained for seven (7) years.

During the Grievance Process, FIDM will not use, rely on or seek disclosure of information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege. FIDM will not access or use a party's medical, psychological, and similar treatment records unless the party provides voluntary, written consent.

### *Standard of Evidence*

For all Formal Complaints of Sexual Harassment (including where employees are Respondents), FIDM utilizes the preponderance of the evidence standard, which means "more likely than not."

### *Disciplinary Actions and Remedies*

Disciplinary Actions against the Respondent will not be imposed before completion of FIDM's Grievance Process. Following a determination of responsibility, appropriate corrective action will be taken, and FIDM will take steps to prevent recurrence. Disciplinary Actions taken will be determined on a case-by-case basis. Factors considered when determining Disciplinary Action may include but are not limited to Nature, the severity of, and circumstances surrounding the violation(s); Respondent's disciplinary history; Previous allegations or allegations involving similar conduct; Need for disciplinary action to bring an end/prevent future reoccurrence of the violation; Need for disciplinary action to remedy the effects on the Complainant and FIDM community; Impact on the parties; Any other information deemed relevant by the Decision-Maker.

Disciplinary Action for student-related claims may include but are not limited to, additional training, a restriction on contact, warning, suspension, or termination. Disciplinary Action will be placed in a student's permanent academic file. Any employee determined by FIDM to be responsible for an act of Sexual Harassment will be subject to appropriate Disciplinary Action, up to and including termination. Disciplinary Action will be placed in an employee's permanent personnel file. Employees are also subject to processes and discipline determined by the Human Resources Department. The HR process is separate and apart from the Title IX process and not constrained by the outcome of the Title IX process.

Failure to abide by imposed Disciplinary Actions (whether by refusal, neglect, or any other reason), may result in additional Disciplinary Action, including suspension or termination.

Remedies are provided to a Complainant whenever a Respondent is found responsible. Remedies are implemented by the Title IX Coordinator and may be disciplinary and punitive. Student Remedies are designed to maintain the Complainant's equal access to education. Remedies will be determined on a case-by-case basis and may include supportive measures.

### *False Allegations and Evidence*

Deliberately false and/or malicious accusations under this policy, as opposed to allegations made in good faith (even if erroneous), are a serious offense and will be subject to appropriate disciplinary action.

Additionally, witnesses and Parties knowingly providing false evidence, tampering with or destroying evidence after being directed to preserve such evidence, or deliberately misleading an official conducting an investigation can be subject to discipline under FIDM's Code of Conduct policies.

### *Written Determination*

The Decision-Maker will issue a Written Determination regarding responsibility with findings of fact, conclusions about whether the alleged conduct occurred, the rationale for the result as to each allegation, a description of the procedure from Formal Complaint through the Live Hearing, Disciplinary Actions imposed on the Respondent and whether Remedies will be provided to the Complainant. The determination will be sent simultaneously to the Parties along with information on how to file an appeal.

### *Appeal*

Both Parties have the right to appeal a determination regarding responsibility, FIDM's dismissal of a Formal Complaint, or any allegations therein if: (1) procedural irregularity affected the outcome of the matter; (2) there is newly discovered evidence that could affect the outcome of the matter; and/or (3) Title IX personnel had a conflict of interest or bias, that affected the outcome of the matter.

An appeal must be submitted in writing to the Title IX Coordinator within ten (10) days of the delivery of the Written Determination.

### Retaliation Prohibited

Retaliation (including intimidation, threats, coercion, or discrimination) against an individual for raising an allegation of Sexual Harassment, for cooperating in the Grievance Process is prohibited.

Complaints alleging retaliation may be filed according to the school's prompt and equitable grievance procedures. If a student believes they have been retaliated against, they should notify the Title IX Coordinator. FIDM employees can also follow the process outlined in the Retaliation policy located in on Eportal.fidm.com.

### Training

FIDM ensures that its Title IX personnel have adequate training. The Title IX Coordinator and Investigators are trained on the definition of Sexual Harassment, the scope of FIDM's Education Program or Activity, how to conduct an investigation, FIDM's Grievance Process (including Live Hearings, appeals, and Informal Resolution processes, as applicable) and how to serve impartially by avoiding prejudgment of the facts at issue, conflicts of interest, and bias. Decision-Makers are trained on the definition of Sexual Harassment, the Live Hearing process, technology to be used in Live Hearings, and issues of relevance (including how to apply the rape shield protections provided for Complainants). Informal Resolution facilitators are trained in the Informal Resolution process.

Materials used to train Title IX personnel are posted on the "Title IX and Equity" tab of FIDM's website (fidm.edu).

In accordance with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act ("Clery Act") and the Violence Against Women Reauthorization Act of 2013 ("VAWA"), FIDM will provide primary prevention and awareness programs to prevent Sexual Assault, Dating Violence, Domestic Violence, and Stalking to incoming students (online interactive training completed prior to Orientation Day) and new employees (upon hire) and generally every year thereafter.

### Bias/Conflict of Interest

To raise any concern involving bias or conflict of interest by the Title IX Coordinator/Deputy, contact the Vice President of Education, Barbara Bundy, at [bbundy@fidm.edu](mailto:bbundy@fidm.edu); 213-624-1200 x3000. Concerns of bias or potential conflict of interest by any other Title IX personnel should be raised with the Title IX Coordinator.

### Clery Act Reporting

FIDM administrators will issue timely warnings for incidents reported 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.

Personally identifiable information for victims of Sexual Assault, Dating Violence, Domestic Violence, and Stalking will not be included in any publicly available recordkeeping, including Clery Act Reporting and disclosures such as the ASSR.

### Emergency Removal

FIDM can remove a Respondent entirely or partially from the Education Program or Activities on an emergency basis when an individualized safety and risk analysis has determined that an immediate threat to the physical safety of any student or other individual justifies removal. The risk analysis is performed by the Title IX Coordinator in conjunction with the Director of Security.

In cases in which an emergency removal is imposed, the Respondent will be given notice of the action and the option to request to meet with the Title IX Coordinator prior to such action/removal being imposed, or as soon thereafter as reasonably possible, to show cause why the action/removal should not be implemented or should be modified. This meeting is not a hearing on the merits of the allegation(s) but rather is an administrative process intended to determine solely whether the emergency removal is appropriate. When this meeting is not requested in a timely manner, objections to the emergency removal will be deemed waived.

The Title IX Coordinator has sole discretion under this policy to implement or stay an emergency removal and to determine the conditions and duration. Violation of an emergency removal under this policy will be grounds for discipline, which may include expulsion or termination.

FIDM will implement the least restrictive emergency actions possible in light of the circumstances and safety concerns. As determined by the Title IX Coordinator, these actions could include but are not limited to temporarily re-assigning an employee, restricting a student's or employee's access to the campus, allowing a student to withdraw or take grades of incomplete without financial penalty, and authorizing an administrative leave.

### Disability Accommodations

FIDM is committed to providing reasonable accommodations and support to qualified students, employees, or others with disabilities to ensure equal access to FIDM's Grievance Process. Anyone needing an accommodation should contact the ADA/504 Compliance Coordinator to request an accommodation.

**ADA/504 Compliance Coordinator: Kim Wetzel, Executive Director of Human Resources  
919 S. Grand Ave. Los Angeles, CA 90015  
(213) 624-1200 x3530 / kwetzel@fidm.edu**

### Additional Information

Students and employees may contact the Title IX Coordinator 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.

### Recordkeeping and Privacy

FIDM's records of investigations and resolutions are maintained for seven (7) years. FIDM will maintain records of Title IX procedures as required by law, including records of:

- Sexual Harassment investigations, including any determination regarding responsibility and any audio or audiovisual recording or transcript, any Disciplinary Actions imposed on the Respondent, and any Remedies provided to the Complainant designed to restore or preserve equal access to the education Program or Activity;
- Any appeal and the result therefrom;
- Any informal resolution; and
- All materials used to train Title IX Coordinators, Investigators, Decision-Makers, and any person who facilitates an informal resolution process.

FIDM will create, and maintain records of any actions (including any Supportive Measures) taken in response to a report or Formal Complaint of Sexual Harassment. In each instance, FIDM will document the basis for its conclusion that its response was not deliberately indifferent, and document that it has taken measures designed to restore or preserve equal access to the education Program or Activity. If FIDM does not provide a Complainant with Supportive Measures, FIDM will document the reasons why such a response was not clearly unreasonable in light of the known circumstances.

Information is shared internally between administrators who need to know in order to complete their job duties. When information must be shared to permit the investigation to move forward, the Parties will be informed. Privacy of the records specific to the investigation is maintained in accordance with state law and the federal FERPA statute. Irrespective of state law or public records access provisions, information about Complainants is maintained privately in accordance with Title IX and FERPA.

### Sexual Violence- Immediate Care and Preservation of Evidence

If a student experiences Sexual Violence, some or all of these safety suggestions may guide them after an incident has occurred:

1. Go to a safe place. If there is any immediate danger, contact the Director of Security if on campus or call 911 if off campus.
2. Consider securing immediate professional support (e.g., counseling, victim advocacy, medical services, etc.) Students can contact Personal Counselors for support who can also refer victims to other resources available outside of FIDM. FIDM does not have Personal Counselors available to employees, however, community resources are available on the "Title IX and Equity" tab of FIDM's website (fidm.edu).
3. For safety and well-being, immediate medical attention is encouraged. Further, being examined (through a forensic examination) as soon as possible, ideally within 120 hours, is important in the case of rape or Sexual Violence. Completing a forensic examination does not require someone to file a police report. To find a location near you that performs free forensic examinations, call the National Sexual Assault Hotline at (800) 656-4673. Resources are also available through the Rape Abuse & Incest National Network (RAINN); www.RAINN.org.

- To preserve evidence, it is recommended not to bathe, shower, douche, eat, drink, smoke, brush teeth, urinate, defecate, or change clothes before receiving medical attention. Even if any of these actions were taken, students are still encouraged to have prompt medical care, and evidence may still be recoverable.
- Typically, if police are involved or will be involved, they will obtain evidence from the scene, and it is best to leave things undisturbed until their arrival. They will gather bedding, linens or unlaundered clothing, and any other pertinent items that may be used for evidence. It is best to allow police to secure items in evidence containers, but if involved in the transmission of items of evidence, such as to the hospital, secure them in a clean paper bag or clean bedsheet to avoid contamination.
- If physical injuries, photograph or have them photographed, with a date stamp on the photo.
- Record the names of any witnesses and their contact information. This information may be helpful as proof of a crime, to obtain an order of protection, or to offer proof of a FIDM policy violation.
- Try to memorize details (e.g., physical description, names, license plate number, car description, etc.), or even better, write notes to remind you of details of time and the ability to do so.

### Prevention and Education

In accordance with the Clery Act and VAWA, FIDM offers a range of campaigns, strategies, and initiatives to promote awareness, education, risk reduction, and prevention in an effort to reduce the frequency of sex or gender-based discrimination, harassment, and violence amongst members of the campus community.

FIDM offers programming to identify and prevent Sexual Assault, Dating Violence, Domestic Violence (including stranger and known offender assaults), and Stalking each year. Educational programs are offered to raise awareness for all incoming students and employees and are often conducted prior to new students and during new employee orientation.

Programs and other campaigns offered throughout the year to students and employees include information regarding awareness and primary prevention (including normative messaging, environmental management, and bystander intervention), and discuss FIDM's policies. Programs also offer information on risk reduction that strives to empower individuals who experience these incidents, how to recognize warning signs, and how to avoid potential attacks, and do so without biased approaches.

Bystander engagement is encouraged through safe and positive intervention techniques and by empowering third-party intervention and prevention such as calling for help, using intervention-based apps, identifying allies, and/or creating distractions. Bystander empowerment training highlights the need for those who intervene to ensure their own safety in the intervention techniques they choose and motivates them to intervene as stakeholders in the safety of the FIDM community when others might choose to be bystanders.

