



Student Sexual Misconduct Policy Information Guide

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Introduction and Definitions

This guide is meant to help clarify information for students who may be a part of a Title IX process at Chapman University. Full details of the University investigation process for student matters are described in the Student Sexual Misconduct Policy and are discussed online at chapman.edu/consent. This guide uses specific terms defined in the Student Sexual Misconduct Policy and the Student Conduct Code. Those terms are defined here, but full definitions can be found in the Student Sexual Misconduct Policy.

Respondent

The individual alleged to have committed conduct prohibited by the Student Sexual Misconduct Policy.

Complainant

The Chapman University student, faculty, or staff member or student group reported to have experienced conduct prohibited by this policy from a Chapman University student.

Formal Complaint

A document filed/signed by the Complainant or signed by the Title IX Coordinator alleging a violation of this policy by a University student and requesting that the University investigate the allegation(s).

Witness

Any person(s) who can be called upon to provide relevant information about an incident in which they are not the Respondent or Complainant.

Advisor

An individual who may accompany a respondent or complainant during the investigation process, such as any meetings with the Title IX Coordinator, investigator(s), or hearing officers. It is recommended that a support person not simultaneously be a complainant, respondent, or witness in the process in which they are also serving as a support person. A support person may not speak on behalf of the individual they are supporting in the investigation, hearing, or other part of the process, including answering or asking questions for them.

Supportive Measures

Measures or steps taken to help students succeed academically and personally at Chapman University before, during, after, or outside of a Title IX investigation process. Students who are complainants, respondents, and witnesses may make requests for interim and supportive measures to the Title IX Coordinator, who will help identify all available options and determine which measures to take to support the student.

Retaliation

Retaliation is adverse action taken against anyone for reporting, supporting, or assisting in the reporting and/or adjudication of any of the behaviors prohibited in this policy, or against anyone perceived to be involved in any of these actions.

On Campus Privileged & Confidential Resources

The University has identified individuals and departments on campus who have a professional requirement to maintain confidentiality* of a conversation with a complainant, respondent, or witness who wants someone to talk to, but does not want to report the incident to the University. If a complainant, respondent, or witness discloses conduct prohibited by this policy to a below mentioned individual when that individual is not acting in the role that provides them privilege (such as when a counselor is serving as a professor rather than in their counseling role), the individual is required to make a report to the Title IX Coordinator. The following are individuals and departments on campus who are privileged and confidential resources when working in the following roles:

Advocate*

- Dani Smith, Ed.D., Chapman University Sexual Assault/Rape Crisis Counselor | (714) 744-7080 | dasmith@chapman.edu

Privileged Support People*

- Reverend Gail Stearns, Ph.D., Dean of Chapel | (714) 628-7289
- Reverend Nancy Brink, Director of Church Relations | (714) 997-6760
- Rabbi Cori Yutkin | (714) 628-7260
- Father Rafael Luévano | (714) 532-6098
- Shaykh Jibreel Speight, Director of Muslim Life | (714) 628-2646
- Reverend Cisa Payuyo, Associate Director of Church Relations | (714) 997-6760

On-Campus Support Services*

- Student Psychological Counseling Services | 714) 997-6778 | www.chapman.edu/spcs
- Frances Smith Center for Individual & Family Therapy | (714) 997-6746

**While the individuals listed above have a professionally required duty to refrain from disclosing information reported to them, there are certain, specific situations in which they are not able to keep the disclosure private. Those situations are: (1) if someone may be a danger to themselves or others, (2) information about any minor or elder currently being subjected to abuse or neglect – including intentional access to unlawful sexual images, or (3) in some cases if the information is subpoenaed for court proceedings.*

Supportive Measures

Supportive measures are available to complainants, respondents, and witnesses and may be accessed may make requests for supportive measures to the Title IX Coordinator, who will help identify all available options and determine which measures to take to support the student. The Title IX Coordinator will work with the appropriate offices to coordinate any supportive measures. There is no fee or charge for supportive measures.

Supportive measures are available regardless of whether or not the Complainant chooses to report full details (such as the name of the Respondent) to the University or to law enforcement or file a formal complaint with the University. They are available whether the incident(s) occurred on or off campus. Supportive measures shall be confidential, to the extent that maintaining confidentiality does not impair the University's ability to provide such measures. These measures may not unduly burden a respondent.

Supportive measures for students may include, but not be limited to, the following options:

Academic Measures

- Transferring to another section of a lecture or laboratory
- Rescheduling an academic assignment or test
- Accessing academic support (e.g., tutoring)
- Arranging for incompletes, a leave of absence, or withdrawal from course(s)
- Preserving eligibility for academic, athletic, or other scholarships, financial aid, internships, study abroad, or international student visas

Health & Safety Measures

- Medical and mental health services, including counseling
- Consultation with the Department of Public Safety or local law enforcement agency, as appropriate
- Transportation and parking assistance
- Assistance identifying any additional resources including off-campus support and services

Location Based Measures

- Change in campus housing and/or dining locations
- Assistance in finding alternative housing
- Assistance in arranging for alternative University employment arrangements and/or changing work schedules
- Providing an escort to ensure that the student can move safely between school programs and activities
- Transferring to another section of a lecture or lab
- No contact orders

About No Contact Orders

Complainants, respondents, and witnesses may request a No Contact Order at any time to prevent unnecessary or unwanted contact from the other party, when reasonably available. A no contact order is a University directive that a person not have contact with a specified individual, either directly or through another person. For more information see the Student Sexual Misconduct Policy.

About Emergency Removal

For most cases, the enrollment status of a respondent will not be changed upon receipt of a report or during an investigation. If the University determines there is a credible safety concern, interim actions may be taken by the University after receiving a report of prohibited conduct but prior to a hearing outcome. For more information, see the Student Sexual Misconduct Policy.

Reporting Options

Seeking Medical Attention

In Orange County, forensic exams (commonly referred to as rape kits) are only conducted at Anaheim Regional Medical Center located at 1111 W. La Palma Ave, Anaheim, CA 92801. Other Orange County hospitals or urgent care facilities do not conduct forensic exams. More information can be gathered from these exams the sooner the exam is performed following the alleged incident. If an individual plans to get a forensic exam done, they are encouraged to not bathe, shower, douche, or brush your teeth before the exam, if possible. They are encouraged to maintain objects such as clothing worn during an alleged incident or other materials in separate paper bags.

Reporting to Chapman University

The University encourages individuals to report prohibited conduct to a Title IX Coordinator.

For incidents involving students:

DeAnn Yocum Gaffney, Associate Vice
President for Student Affairs and Senior
Associate Dean of Students
Lead Title IX Coordinator
Argyros Forum 101
gaffney@chapman.edu | (714) 997-6721

Lauren Lockwood, Title IX Investigator
Argyros Forum 302
llockwood@chapman.edu | (714) 532-5056

Ezra Baccar, Title IX Investigator
Argyros Forum 302
baccar@chapman.edu | (714) 532-6039

For incidents involving faculty or staff:

Albert Roberson, Equal Opportunity and
Diversity Officer
Deputy Title IX Coordinator
DeMille Hall Room 140
aroberson@chapman.edu | (714) 997-6847

Dawn White, Investigator
DeMille Hall Room 140
dawwhite@chapman.edu | (714) 997-6827

Reporting to Law Enforcement

The University supports any complainant who wishes to make a law enforcement report and will inform that individual of this reporting option. Complainants are encouraged to contact local law enforcement in the city where the incident occurred, but it is their choice whether or not to report to law enforcement. If an individual reports an alleged incident to law enforcement, the University will cooperate with any investigation to the extent possible under federal and state law. Individuals may report to:

911 (for emergencies)
Orange Police Department: (714) 744-7444

Irvine Police Department: (949) 724-7000
Anaheim Police Department: (714) 765-1900

An individual over the age of 18 has a right to report, or to not report, prohibited conduct to law enforcement.

An individual who wishes to report prohibited conduct to Public Safety may contact Public Safety directly at (714) 997-6763. When prohibited conduct is reported to Public Safety, Public Safety immediately notifies the Title IX Coordinator and the appropriate law enforcement agency. Students over the age of 18 can request that their name not be shared with law enforcement and Public Safety will honor that request.

Obtaining a Restraining Order or Other Order of Protection

You may also access a restraining order through the legal system. If you wish for assistance in applying for such an order, please contact the Title IX Coordinator and/or Public Safety. Should a student or employee obtain a restraining order against another individual, the student or employee is encouraged to share that information with the Title IX Coordinator and/or Public Safety so that the University can be prepared to assist in the enforcement of the restraining order.

Information About Reporting

Amnesty policy

To encourage and support the reporting of incidents under this policy students who participate as witnesses or complainants in investigations under this policy will not be held accountable for violations of the Student Conduct Code that may have occurred at the time of or as a result of the incident in question (for example, being under the influence of alcohol or other drugs), unless the University determines that the violation was egregious. Egregious violations include, but are not limited to, actions that place the health or safety of another other person at risk or that involve academic dishonesty

Reporting Obligation

Students should keep in mind that all Chapman University employees (faculty, staff, administrators, and student employees) are required to immediately report any gender-based or sex-based discrimination, harassment, or sexual violence to a Title IX Coordinator. The only exceptions are individuals designated as privileged and confidential. Privileged and confidential individuals include campus clergy, licensed therapists in Student Psychological and Counseling Services, and the University Rape Crisis Counselor.

Timeframe for Reporting

There is no time limit for making a report. In fact, the University recognizes the sensitive nature of these incidents, and acknowledges that many reports of Sexual Misconduct are delayed. If the report is delayed to the point where one of the parties has graduated by the date of institutional notice, the University will still seek to meet its Title IX obligation by taking steps to end the harassment, prevent its recurrence, and remedy its effects, when appropriate. The University does encourage the prompt reporting of prohibited conduct as prompt reporting allows for the collection and preservation of evidence, digital media and witness statements. The University's ability to investigate and respond may be limited by delay.

Preserving Evidence for Law Enforcement

Any individual considering reporting an allegation of sexual misconduct to law enforcement is encouraged to take steps to preserve evidence for use in the legal process. Additionally, preserving evidence may be helpful in obtaining a protection order from the court and may also be helpful during a University investigation. Some steps to consider include going to Anaheim Regional Medical Center for a forensic exam (rape kit) and/or maintaining any physical objects such as clothing worn during an alleged incident or other relevant materials. If clothing is changed, place garments each in a separate paper (not plastic) bag.

Not Pursuing an investigation

If a complainant asks the University not to pursue an investigation or take any other action, the University will balance the request with its obligation to protect the complainant and provide a safe and non-discriminatory environment for all University community members. Chapman will take all requests for anonymity and non-investigation seriously, but neither can be guaranteed. When a complainant requests anonymity, the University will take all reasonable steps to investigate and respond to the report consistent with the request for anonymity or request not to pursue an investigation, but its ability to respond may be limited by these requests.

Timely Warnings

When an incident is reported to the University involves an alleged crime that constitutes a possible ongoing or continuing threat to the campus community, the University will evaluate each incident on a case-by-case basis to determine if a timely warning notice will be distributed to the community in a manner consistent with the requirements of the Clery Act. The University shall not publish the name or other identifiable information about the victim of a reported crime in the daily crime log or other statistics that are disclosed as a requirement of the Clery Act. If a timely warning is issued to the campus community due to a report of dating violence, domestic violence, sexual assault, sexual exploitation or stalking, the University will not release the name or identifying information about the complainant.

Steps of the Title IX Investigation Process for Student Matters

The following overview may help students participating the Title IX investigation process for matters involving student respondents.

Receipt, Outreach and Intake

- After receiving a report of alleged sexual misconduct, the Title IX Coordinator will invite the complainant to an in-person meeting to review options, resources, and the University investigation process. The Title IX Coordinator and/or investigator(s) will meet with the complainant and gather initial information about the incident and assess the need for supportive measures.

Formal Complaint

- A complainant must submit a written formal complaint to the Title IX Coordinator and indicate that they wish the University to proceed with an investigation. In rare cases, the Title IX Coordinator may submit a formal complaint. See the Student Sexual Misconduct Policy for more information.

Notification

- Once the Title IX Coordinator has received a formal complaint, the respondent shall be notified of the allegations under investigation

Investigation

- The investigators will meet separately with the complainant, respondent and any witnesses. They will ask the parties for all information related to the allegations, including documentation related to the incident, such as texts between parties, receipts, photos, video, etc. They will provide an opportunity for each person who meets with them to review the investigator's notes from their own meeting, review all information gathered, and a draft of the report.

Hearing

- Once the investigator(s) finalize the report, a live hearing will be convened. During the hearing, a party's advisor will be allowed to question the other party and witnesses.

Conclusion

- After the hearing, the Board will provide a written outcome to the complainant and respondent. Each party will have one appeal opportunity.

Overview of Information Gathering as Part of an Investigation

The following information may help both potential complainants and potential respondents in preparing to participate in the information gathering phase of a Title IX investigation at Chapman University. For more information, refer to the Student Sexual Misconduct Policy.

Preserving information

Students involved in investigations are encouraged to consider saving materials that might be helpful to investigator(s). Students may also choose to preserve relevant items such as receipts, text messages, pictures, videos, emails, Facebook posts or messages, Snapchats, or other social media posts. It may be helpful not to delete this information and to preserve it for later. If a complainant, respondent, or witness has deleted text messages or other materials, they may wish to contact their phone carrier to find out if they can be recovered. Students are encouraged to write down a list of possible witnesses to submit to investigator(s).

Types of information collected

The University will collect and consider information that is relevant and material to the alleged misconduct in question. Generally, the sexual history of a complainant, respondent, or witness will not be considered unless directly relevant to an issue. For example, while the existence of a dating relationship or past sexual relations between parties can never by itself be assumed to be an indicator of consent, prior sexual history between the parties may be relevant to assess context for how the parties communicated consent.

Sharing your account

During an investigation's fact-gathering phase, the investigators will ask the complainant and respondent for all information related to the allegations, including names of witnesses and documentation related to the incident, which may include documented communications between the parties, receipts, photos and video. Some students find it helpful to write out their account of what occurred. If complainants or respondents choose to participate in the process, they may provide a written account with the investigators or use it as a reference while sharing their account verbally.

Timeline for investigations

The University will complete the investigation and hearing process generally within 60 calendar days. University holidays and breaks will likely impact the time that it may take to conclude an investigation. During the course of the investigation, the investigator(s) and/or hearing officers will provide, at a minimum, monthly updates to the parties about the general progress of the investigation. Cases that are particularly complex, involve unusual circumstances, or take place during University breaks may require more than 60 days for the investigation process. If this is the case, the Title IX Coordinator and/or investigator(s) and/or hearing officers will notify the parties in writing, including the reason for the delay and the anticipated date of completion.

Alternative Resolution Process for Student Matters

What is an alternative resolution?

At the request of an involved party, and with the agreement of the other parties, some conduct reported under this policy may be addressed by alternative resolution. (Quid pro quo sexual harassment by an employee may not be addressed by alternative resolution.) The goals of informal resolution are to address reported behavior, prevent recurrence, and remedy effects without completing a formal investigation and hearing process. It is flexible by nature and tailored to the specific circumstances of a particular case. Alternative resolution will be considered only when consistent with institutional values, legal obligations and the *voluntary*, mutual agreement of all involved parties, including the University.

What can an alternative resolution include?

Alternative resolutions may include targeted or broad-based educational programming/training, adjustments made to reduce proximity between the parties, and/or direct or indirect action by the *Title IX Coordinator* or the University designed to meet the goals of the informal resolution as stated above. More specifically, alternative resolutions may include, but is not limited to:

- Permanent no-contact order between the parties
- Changes to employment arrangements, living arrangements, class schedule, dining facilities, or advisor/supervisor arrangements, as feasible
- Written apology and/or explanation of the circumstances surrounding the agreement
- Educational training for an individual, group or unit
 - Online educational modules (for example, alcohol or drug education)
 - Meeting(s) with University staff members
- Community service
- Restorative justice
- Agreed-upon restriction from participation in specific student groups
- Agreed upon restriction from participation in specific events
- Mediation/Facilitated discussion
 - Mediation is one form of informal resolution that may be considered in some cases. However, Chapman does not deem mediation appropriate for cases involving alleged sexual violence, including reports of alleged sexual assault, stalking, dating violence or domestic violence.

Do I have to participate in an alternative resolution?

No. Participation in the alternative resolution is voluntary, and a party may request to end the informal process and begin the formal investigation process at any time prior to resolution. If the Respondent fails to complete the required outcomes, the matter may move to a formal investigation and hearing process under this policy, or the Respondent may be subject to further conduct action under the Student Conduct Code.

What if someone doesn't comply with an alternative resolution?

If a party does not comply with the components of an alternative resolution they agreed to, the allegations may be formally investigated or the student may face disciplinary action under the Student Conduct Code.

Student Rights During Sexual Misconduct Grievance Processes

During a sexual misconduct process, you have the right to:

- A prompt, fair, and impartial process from the initial investigation to the final result (completed within the timeframes laid out by the our policies and in a manner that is transparent, provides timely notice of meetings and equal access to information to both the complainant and the respondent, and conducted by officials without a conflict of interest or bias for either party that receive annual training on how to conduct an investigation and hearing process that protects both the safety of complainants and promotes accountability.
- Have an advisor of your choice present during any meeting or proceeding
- Notification, in writing, of
 - The result of any hearing proceeding from your report
 - The University's procedures to appeal the results of a hearing proceeding
 - Any change to the results
 - When the results become final

General Sexual Misconduct Investigation FAQs

The following is a list of frequently asked questions that may be helpful for anyone involved or considering being involved in the Title IX investigation process related to student(s)-to-student(s) matters and cases in which a Chapman student is the individual alleged to have violated policy. Find more FAQs and information online at chapman.edu/consent.

What is considered sexual misconduct at Chapman?

According to the [Student Sexual Misconduct Policy](#), the following behaviors are prohibited: sexual harassment (quid pro quo or hostile environment), sexual assault, dating violence, domestic violence, stalking, sexual exploitation and retaliation. For more information, please see the [Student Sexual Misconduct Policy](#).

How does Chapman determine whether or not a violation of the sexual misconduct policy occurred?

After the investigation, the matter will be referred to a hearing. The hearing board utilizes a preponderance of evidence standard to determine whether it is "more likely than not" that a violation of University policy occurred. This means that the hearing board makes a determination, based on the information gathered in the investigation and from the parties (complainants, respondents, and witnesses) during the hearing, whether or not it is more than 50% likely that a violation occurred. This makes the conduct process different from the criminal process, which requires the highest standard of evidence, known as "beyond a reasonable doubt." For more information about the hearing, please refer to the Student Sexual Misconduct Policy.

Does reporting to the University initiate a criminal or legal process?

No. Complainants may choose to report to the University, make a police report, both, or neither. A Title IX investigation at Chapman University is separate from any criminal or legal process. Chapman supports any complainant who wishes to make a police report and will inform that individual of these reporting options. If a student reports to the police, Chapman will cooperate with any police investigation to the extent possible under federal and state law.

Are students required to participate in an investigation?

No. The University is unable to compel students (complainants, respondents, or witnesses) to participate in the investigation or hearing.

Available Resources for Students

Victim/Survivor Advocacy

- Dani Smith, Ed.D., Chapman University Sexual Assault/Rape Crisis Counselor | (714) 744-7080 | dasmith@chapman.edu
- Waymakers* | (714) 957-2437 or (949) 831-9110

Counseling and Mental Health

- Student Psychological Counseling Services | <http://www.chapman.edu/spcs> | (714) 997-6778
- Frances Smith Center | (714) 997-6746

Health

- Chapman University Student Health Center | 420 N. Glassell, Orange, CA | (714) 997-6851
- Anaheim Regional Medical Center* | 1111 W La Palma Ave, Anaheim, CA | provides forensic exams

Legal Assistance

- Central Justice Center* | (714) 834-4350
- Domestic Violence Assistance (Protective Orders)* | (714) 935-7956
- Waymakers* | (714) 957-2437 or (949) 831-9110
- Human Options* | (949) 764-8100
- Los Angeles LGBT Center* | (323) 993-7670
- Transgender Law Center | 510-587-9696 | <https://transgenderlawcenter.org/resources>

Visa & Immigration Assistance

- Human Options* | (949) 764-8100

Student Financial Aid

- Chapman University Financial Aid | (714) 997-6741 | www.chapman.edu/finaid

Other

- 1 in 6 National Helpline* | Provides Support for Men who were sexually abused or assaulted | 800-656-HOPE
- Center for the Pacific Asian Family* | Works to end domestic and sexual violence in the Asian Pacific Islander Community | 800-339-3920 | <https://nurturingchange.org>
- DeafHope* | Provides support, counseling and referral to domestic violence/sexual violence legal services and shelter. Hearing advocates at the National Hotline are on duty 24-hours. | TTY: 1-800-787-3224 | Voice: 1-800-799-7233
- Heart to Grow* | Provides resources and supports to Muslims to nurture sexual health and confront sexual violence | <https://hearttogrow.org/mission/>
- Forge Forward* | National transgender anti-violence organization | <https://forge-forward.org/> | 414-559-2123
- Laura's House* | Domestic violence shelter | 24/7 Hotline: 866-498-1511 | Chat with an advocate: Text "HEART" to 949-484-8440
- Love is Respect* | <https://www.loveisrespect.org/> | 866-331-9474 | Text loveis to 866-331-9474
- National Domestic Violence Hotline* | Toll-Free 24/7: 1-800-799-SAFE (7233) | TTY: 1-800-787-3224
- National Sexual Assault Hotline* | 1-656-HOPE (4673) | 1-800-339-3940

- St. John's Well Child & Family Center* | Provides comprehensive transgender health services and referrals to transgender advocates, legal support. | (323) 541-1411
- StrongHearts Native Helpline* | For Native Americans and Alaska Natives, provides confidential support with a hotline available from 7am to 10pm CST | 844-762-8483
- Trans LifeLine* | A peer support and crisis hotline 501 non-profit organization serving transgender people by offering phone support and microgrants | 877-565-8860

*Denotes off campus resource

Contact Information

If you have questions, concerns, or want to make a report of alleged sexual misconduct to the University, please contact any of the following individuals:

These individuals work with matters involving students:

DeAnn Yocum Gaffney, Ed.D., Associate Vice President for Student Affairs
and Senior Associate Dean of Students
Lead Title IX Coordinator
Argyros Forum 101
gaffney@chapman.edu
(714) 997-6721

Lauren Lockwood, Program Coordinator for
Student Affairs
Title IX Investigator
Argyros Forum 302
llockwood@chapman.edu
(714) 532-5056

Ezra Baccar, Program Coordinator for Student
Affairs
Title IX Investigator
Argyros Forum 302
baccar@chapman.edu
(714) 532-6039

These individuals work with matters involving faculty and staff:

Albert Roberson, Equal Opportunity and
Diversity Officer
Deputy Title IX Coordinator
DeMille Hall Room 140
aroberson@chapman.edu
(714) 997-6847

Dawn White, Investigator
DeMille Hall Room 140
dawhite@chapman.edu
(714) 997-6827