

# 2022 Stanford University - California Safety Report

Statistics from calendar year 2021

## **I. Stanford Statistics**

The following information is provided in compliance with California Education Code section 67380, which requires the university to report the number of specified types of incidents that were reported to police, campus security and campus safety authorities for the calendar year. The Stanford statistics in this report include incidents that occurred on the **Stanford Campus, in unincorporated Santa Clara County; the Stanford Hospital and the Lucile Packard Children's Hospital, which are located in the City of Palo Alto; and the Stanford Linear Accelerator and Jasper Ridge, which are both located in unincorporated San Mateo County.** Additional crime statistics and reporting information can be found in the [2022 Annual Security Report](#).

### **2021 Incident and Arrest Statistics - Stanford Main Campus**

Pursuant to sections 67380 and 67383 of the California Education Code, campus security authorities -- as defined pursuant to Section 668.46 of Title 34 of the Code of Federal Regulations -- are required to report Part 1 violent crimes, sexual assaults, and hate crimes to local law enforcement as soon as practically possible without identifying the victim, unless the victim consents to being identified after the victim has been informed of his or her right to have his or her personally identifying information withheld. By law, if the victim does not consent to being identified, the alleged assailant shall not be identified in the information disclosed to the local law enforcement agency. The identities of the victims for many of the reported violent crimes, particularly the crimes categorized as sexual assault, were not provided to Stanford DPS, the local law enforcement agency responsible for investigating crimes that occur on the main campus. Without an identified victim, police investigations were not conducted by Stanford DPS into these reported crimes.

In the following charts, the "Arrests" column includes both custodial (booked into jail) as well as non-custodial arrests (cited and released).

| <b>Violent Crimes</b> | <b>Jan-Dec 2021</b> | <b>Arrests</b> |
|-----------------------|---------------------|----------------|
| Homicide              | 0                   | 0              |
| Kidnapping            | 1                   | 1              |
| Robbery               | 3                   | 0              |
| Aggravated Assault    | 16                  | 2              |
| Battery <sup>^</sup>  | 246                 | 3              |
| <b>Total Crimes</b>   | <b>306</b>          | <b>6</b>       |

<sup>^</sup> 42 incidents of battery occurred on the Stanford campus; the remainder occurred in other locations

| <b>Sexual Assault</b> | <b>Jan-Dec 2021</b> | <b>Arrests</b> |
|-----------------------|---------------------|----------------|
| Rape                  | 30                  | 0              |
| Sexual Battery        | 2                   | 0              |
| <b>Total Crimes</b>   | <b>32</b>           | <b>0</b>       |

| <b>Alcohol</b>                      | <b>Jan-Dec 2021</b> | <b>Arrests</b> |
|-------------------------------------|---------------------|----------------|
| MIP                                 | 2                   | 2              |
| Drunk in Public                     | 4                   | 4              |
| Intoxication (includes CSA reports) | 41                  | -              |
| Driving Under the Influence         | 2                   | 2              |
| Transports (medical)                | 38                  | -              |
| <b>Total</b>                        | <b>87</b>           | <b>8</b>       |

| <b>Drugs</b>                | <b>Jan-Dec 2021</b> | <b>Arrests</b> |
|-----------------------------|---------------------|----------------|
| Transports (medical)        | 8                   | -              |
| Possession <sup>‡</sup>     | 4                   | 4              |
| Possession / Sale           | 0                   | 0              |
| Other (Influence)           | 6                   | 0              |
| Smoking Marijuana in Public | 0                   | 0              |
| Paraphernalia               | 3                   | 3              |
| <b>Total Crime</b>          | <b>21</b>           | <b>7</b>       |

<sup>‡</sup>Possession of Drug does not include legal possession of marijuana in CA

| Type of Theft                  | Jan-Dec 2021 | Description  | Arrests   |
|--------------------------------|--------------|--|-----------|
| Fraud                          | 2            | Credit Card, Services, Internet, etc.                | 0         |
| Grand (≥ \$950)                | 86           | Property, including 31 Bikes                         | 0         |
| Petty (< \$950)                | 284          | Property, including 194 Bikes                        | 11        |
| Embezzlement                   | 0            |  | 0         |
| Extortion                      | 9            |  | 0         |
| Identity                       | 8            |  | 0         |
| Vehicles, including golf carts | 14           | Includes 4 golf carts, 5 motorcycles, and 2 scooters | 4         |
| <b>Total Crimes</b>            | <b>403</b>   |  | <b>15</b> |

| Destruction of Property       | Jan-Dec 2021 | Description       | Arrests |
|-------------------------------|--------------|-------------------|---------|
| Vandalism                     | 36           | Variety of damage | 1       |
| Other Destruction of Property | 1            |                   | 1       |
| <b>Total Crimes</b>           |              |                   |         |

**Hate Crimes and Noncriminal Hate Violence - On-campus statistics, 2021**

The State of California has not defined “Non-criminal Hate Violence.” The definition of Non-criminal Hate Violence for purposes of this report includes non-criminal conduct that is motivated by bias, hatred or bigotry and directed at any individual, residence, house of worship, institution, or business expressly because of the victim's real or perceived race, nationality, religion, sexual orientation, gender, or disability. Hate incidents also include conduct directed against an individual or group because of their association with, or advocacy on behalf of, a protected class. A hate incident might include hate speech, display of offensive materials on one's property, or distribution or posting of hate materials in public places, even if there is no damage to property, as a result. The freedoms guaranteed by the U.S. constitution, such as the freedom of speech, permit hateful rhetoric as long as it does not interfere with the civil rights of others. Incidents reported to university officials as Protected Identity Harm (previously reported as Acts of Intolerance) incidents were included in this report as being incidents of Non-criminal Hate Violence unless there was sufficient information to

determine the act constituted a hate crime or an incident of hate violence. Acts of Intolerance reports that do not demonstrate bias against a protected class and incidents known to have occurred outside of campus geography are not included.

Additionally, in an effort to provide safety information to the community, this report includes incidents that occurred in virtual meeting spaces or social media forums for which there are no details in the reports that the materials in question were received by a person located in Stanford’s Clery Act geography; however, given that these classes or incidents involved numerous Stanford affiliates, it is being presumed that at least one person who was impacted was located in Stanford’s Clery geography at the time of the incident. These additional reports are denoted in the table with a “#” and are only counted once, since the incident impacted unknown numbers of individuals.

The Education Code requires that a description be included for the category of bias as well as victim and suspect characteristics, if known. Recognizing that there is a broad spectrum of gender identities and other elements of identity, attributed victim and offender characteristics are based on the information provided by reporting parties. Other information may be included for a better understanding of statistics.

Incidents denoted with an “\*” in the table below were determined to meet the definition of “hate crime” as defined by CA Penal Code 422.55 or “hate violence” as defined by CA Education Code 67380.

**Bias Incidents**

\* = incident was determined to meet the definition of a hate crime

# = additional incident occurring in a virtual space not confirmed to be part of Stanford’s Clery Act geography

| Jan-Dec 2021 | Description of Act  | Victim / Impacted Party Characteristics | Offender Characteristics (as reported) | Bias                     | Arrest |
|--------------|---|---|--|--------------------------|--------|
| 1*           | A sign was vandalized with an anti-Black slur.  | Persons who are Black                   | Unknown                                | Race                     | 0      |
| 1*           | A student was aggressively approached by a man yelling anti-Asian and homophobic slurs, causing the student to flee in fear of an attack. | Unknown/Not reported                    | Middle-aged Latiné                     | Race, Sexual Orientation | 0      |
| 1            | A subject yelled anti-Chinese remarks, including an epithet, at a student.  | Persons of Chinese descent              | Unknown male                           | National Origin          | 0      |

| Jan-Dec 2021 | Description of Act  | Victim / Impacted Party Characteristics | Offender Characteristics (as reported) | Bias                               | Arrest |
|--------------|---|---|--|------------------------------------|--------|
| 1            | A subject yelled derogatory remarks, including a homophobic slur, at a Stanford student   | LGBTQ2S+ student                        | Middle-aged White male                 | Sexual Orientation                 | 0      |
| 1            | A professor received a letter with a gendered slur  | Woman                                   | Unknown                                | Sex/ Gender                        | 0      |
| 1            | An unknown subject made several derogatory comments about Asians, though it was not apparent whether specific individuals were being targeted.  | Persons of Asian descent                | White male, in his 70's                | Race                               | 0      |
| 1            | An occupant of a passing car yelled anti-Asian slurs at a student who was walking on campus.  | Asian student                           | Unknown                                | Race                               | 0      |
| 1            | A subject ran by a staff member and yelled a homophobic slur.   | LGBTQ2S+ community                      | Male in his 40's                       | Sexual Orientation                 | 0      |
| 1            | An unknown subject had written an anti-Black slur on a whiteboard in a campus residence.  | Persons who are Black                   | Unknown                                | Race                               | 0      |
| 1            | A subject told a person standing on the Oval to go back to China.   | Asian female                            | White male                             | National Origin                    | 0      |
| 1            | A person outside the bookstore reported unknown persons were using Jewish and homophobic slurs towards him.   | Jewish male                             | Not reported                           | Religion, Sexual Orientation       | 0      |
| 1            | A faculty member used an anti-black slur in a lecture about other expressions of racism.  | Persons who are Black                   | Asian male                             | Race                               | 0      |
| 1            | At the Oval, a subject yelled from a passing car "go back to your country" to a group of Chinese-American people, including a staff member.   | Persons who are Chinese-American        | White male in his 40's                 | National Origin                    | 0      |
| 1            | An unknown subject wrote "KKK" on a whiteboard in a dorm.   | Unknown students                        | Unknown                                | Race, Sexual Orientation, Religion | 0      |
| 1            | A Stanford student indicated she felt unsafe rooming with her assigned roommate based on a disagreement they had had over who should take out the trash and other interactions they had had; the roommate said the allegations made about her were false and motivated by the racial bias of the student who claimed she felt unsafe. | Black female student                    | Not reported                           | Race                               | 0      |

| Jan-Dec 2021   | Description of Act  | Victim / Impacted Party Characteristics | Offender Characteristics (as reported) | Bias                             | Arrest |
|----------------|---|---|--|----------------------------------|--------|
| 1              | A Stanford student reported that his roommate said to him that he felt unsafe being around groups of people of color. Additionally, this student made offensive comments about the roommate's speech and that his music was "ghetto." The reporting student believed his roommate's words and actions demonstrated racial bias. | African male student                    | Not reported                           | National Origin, Race            | 0      |
| 1              | Two students used a slur to insult another student's disability.  | Disabled student                        | White male students                    | Disability                       | 0      |
| 1              | A male subject used homophobic slurs while talking to a student.  | Queer student                           | Middle-aged White male                 | Sexual Orientation               | 0      |
| 1              | An unknown person yelled an anti-Black slur three times at a person who was waiting for the shuttle.  | Persons who are Black                   | Unknown                                | Race                             | 0      |
| 1              | A Muslim student overheard two other students questioning whether her hijab was necessary.  | Muslim student                          | White                                  | Religion                         | 0      |
| 1              | A faculty member likened a PostDoc's position to slavery and otherwise demeaned him; the PostDoc attributed these remarks to the fact that he was a foreign scholar.  | Latiné PostDoc                          | Not provided                           | National Origin                  | 0      |
| 1              | A subject rode by on a bicycle and made remarks about an invading army to a student who believes they were targeted by the remarks because they are Asian.  | Asian student                           | Middle-aged White male                 | Race                             | 0      |
| 1              | A dorm activity email made reference to physical characteristics of people who are White as being unattractive and inferior.  | People who are White                    | Unknown/Not Reported                   | Race                             | 0      |
| 1              | A student received a message under their door regarding evacuation to avoid genocide.   | Asian student                           | Unknown                                | Race                             | 0      |
| 1              | A faculty member, who intended to be self-deprecating, used a slur against and mocked disabled persons.   | Student                                 | Male faculty                           | Disability                       | 0      |
| 1              | A Muslim student who was wearing a hijab reported that a vehicle almost hit her while she was walking in a crosswalk, at a roundabout, at dusk. The student and her friends believed the act was intentional and based on her being Muslim and wearing a hijab.   | Muslim student                          | Unknown                                | Religion                         | 0      |
| 1 <sup>#</sup> | A participant in a Zoom meeting made a number of derogatory comments in the chat that were sexual in nature, targeting the Transgender community and the Arab community.  | Students and staff                      | Male student                           | Gender Identity, Race, Ethnicity | 0      |

| Jan-Dec 2021 | Description of Act   | Victim / Impacted Party Characteristics    | Offender Characteristics (as reported) | Bias                     | Arrest |
|--------------|--|--|--|--------------------------|--------|
| 1#           | An unknown person interrupted a Zoom meeting with pornographic images and racial slurs.  | Persons of color                           | Unknown                                | Race                     | 0      |
| 1#           | An unknown person interrupted a Zoom meeting with pornographic images and messages of violence against Black people, using a racial slur.  | Persons who are Black                      | Unknown                                | Race                     | 0      |
| 1#           | A student reported a Twitter post that compared black students to apes, posted by another student in a recognized student organization.  | Black students                             | Unknown                                | Race                     | 0      |
| 1#           | Racist rhetoric was directed at an identified Stanford student in social media posts.  | Black female student                       | Unknown                                | Race                     | 0      |
| 1#           | An unknown person created doctored social media posts attributed to a university staff person. The post contained language that was racist and queerphobic. The staff person who was alleged to have created the doctored postings reported the incident to a campus HR department. The staff person believed the social media posts were created to intimidate them based on protected characteristics. | Not provided                               | Unknown                                | Race, Sexual Orientation | 0      |
| 1#           | An unknown person, believed to not be an invited attendee, interrupted a Zoom meeting and used an anti-Chinese epithet.  | Persons of Chinese descent                 | Unknown                                | National Origin          | 0      |
| 1#           | A subject posted racial slurs and racialized cartoons in social media posts, and pasted photos of people into old artwork featuring a beheading.   | Black students, Asian staff                | White male student                     | Race                     | 0      |
| 1#           | A subject interrupted a Zoom meeting with anti-Asian epithets and homophobic slurs.  | Persons who are of Asian Descent, LGBTQ2S+ | Unknown                                | Race, Sexual Orientation | 0      |
| 1#           | An unidentified person sent an email to an identified Stanford student and a staff member containing multiple racial epithets, in response to social media posts made by the student.  | Black student                              | Unknown                                | Race                     | 0      |
| 1#           | A Stanford student posted on Twitter a comment about eradicating an entire race.   | Persons who are White                      | Unknown/Not Reported                   | Race/Ethnicity           | 0      |

## II. Campus Policy Information

The following policy information is the most current available at the time of publication and does not necessarily reflect the standing policy for the calendar year in which the herein represented incidents took place. Additional information can be found in the [2022 Annual Security Report](#).

### SUDPS Services

The Stanford University Department of Public Safety (SUDPS) provides safety, security, law enforcement, crime prevention, and emergency response services for Stanford's main campus (in unincorporated Santa Clara County), 24 hours a day, seven days a week. The law enforcement division works closely and cooperatively with federal, state, and local agencies on issues of mutual concern. SUDPS will conduct timely, thorough and impartial investigations of criminal and suspected criminal activity. Arrests and prosecution efforts stemming from incidents that occur on the main campus are submitted to the Office of the Santa Clara County District Attorney, which possesses the legal authority to prosecute violations of the law.

### For Immediate Police, Fire, or Medical Response

Dial 9-1-1 from any non-university phone or cell phone (free from a pay phone), or dial 9-9-1-1 from any Stanford University phone.

Press the red button to activate a blue 911 emergency telephone tower and connect directly with an emergency services dispatcher. Activating a tower will transmit your exact location and also activate a blue strobe light on the top of the tower to alert others, including response personnel, to the tower location. There are over 190 tower and phone locations on campus, including towers on the pool decks of the aquatic center that include defibrillators.

Provide the dispatcher with a description of the incident or type of emergency, location, time of occurrence, any injuries, weapons involved, description of the suspect (e.g., gender, height, other distinguishing features, attire), associated vehicles (e.g., license plate, make, color), and the direction of travel.



## Reporting Prohibited Sexual Conduct to Stanford

A criminal investigation is separate from Stanford's own internal investigative processes, and the two distinct processes may proceed simultaneously. In some cases, the university process may be delayed at the request of law enforcement. An individual who has been subjected to Prohibited Sexual Conduct may also decline to notify police or university authorities. University employees, volunteers, and certain third party individuals who become aware of Prohibited Sexual Conduct may be obligated to report the conduct to the university or local law enforcement, depending on the role of the employee.

In addition to any criminal or civil proceedings, the University may hold its own proceedings. A proceeding is a formal investigatory and resolution process conducted by the University, the type of which is determined by the nature of the alleged violation of University policy that entitles the victim (Complainant) and the accused (Responding Party) certain rights and responsibilities. Proceedings shall provide a prompt, fair, and impartial investigation and resolution in accordance with university policy. Proceedings shall be conducted by officials who receive annual training on the University's Title IX policies and procedures and issues related to sexual violence, including sexual assault, relationship (dating and domestic) violence and stalking and how to conduct an investigation and hearing process. Specifically, the training covers trauma-informed methods for how to interview individuals subjected to sexual violence, evidentiary standard, consent and the potential impact of alcohol/drugs, appropriate remedies and sanctions, how to weigh evidence and judge credibility, types of sexual violence, the effects of trauma, and awareness of cultural differences.

## University Response to Reports of Prohibited Conduct (Overview)

All students, faculty, staff, postdoctoral scholars, affiliates, and others participating in University programs and activities in the United States are subject to this Title IX Procedure. This Procedure applies to conduct occurring on or after August 14, 2020.

The university's first priority is to ensure a victim's immediate safety and the safety of the community. If a victim needs medical attention or if there is an imminent threat to the victim or others, call 9-1-1 (or 9-9-1-1 from a campus phone).

Tending to a victim's physical and emotional well-being is the next priority. University staff should encourage a victim to seek support from professional resources either on- or off-campus and provide a written list of resources. When a report of Prohibited Sexual Conduct is made to a non-confidential

university resource, the university resource will promptly notify the Title IX Coordinator. If the person receiving the report is a Campus Security Authority and the crime being reported is a sexual assault, another violent crime, a hate crime, or an attempt of any of the preceding crimes, then the CSA must, as soon as practically possible, notify local law enforcement in the jurisdiction where the crime took place.

Reports of Prohibited Sexual Conduct should be submitted in person, on the phone, or via email to the Title IX Coordinator / SHARE Director:

Stephen Chen  
Kingscote Gardens (2nd Floor), 419 Lagunita Dr.  
Stanford, CA 94305  
(650) 487-4955 or [titleix@stanford.edu](mailto:titleix@stanford.edu)

The Title IX Coordinator or their delegate within the SHARE Office will offer supportive measures, such as modifications to housing, academic, or work assignments. The Title IX Coordinator or their delegate is responsible for effective implementation of supportive measures. Consultation with other departments – such as the Office of the General Counsel, Student Affairs, and Human Resources– may occur. The parties will be provided with written rights and options when Prohibited Sexual Conduct is reported.

Per federal law, the university has an obligation to assess all reports of Prohibited Sexual Conduct and redress the effects. Reports of Prohibited Sexual Conduct will be formally investigated by the university. In all instances, consideration will be given to respecting the privacy of persons and information. At the investigation phase, information will only be shared with a limited, need-to-know, group of personnel who have responsibilities for managing the situation. The victim's wishes will be considered when implementing interim supportive measures. If the circumstances indicate that there is a threat to others in the community, the university may opt to undertake a University proceeding even if the victim declines to participate. The University's ability to impose discipline (on-going sanctions) may be limited if a victim elects to not participate in the university's disciplinary process. After an alleged act of Prohibited Sexual Conduct, if requested by the victim and reasonably available, the university will provide supportive measures, and dependent upon the outcome of the investigation, ongoing accommodations that can include changes to academic and living situations.

Victims of Prohibited Sexual Conduct or those who have been threatened with harm may be entitled to court-ordered protection against the person who committed or threatened harm. Beyond court ordered options, the university might also issue a "No Contact" or similar directive as an interim measure prior to an investigation or as an ongoing accommodation. Following a determination of

responsibility, the university may also issue a Stay Away Letter prohibiting a person from coming onto Stanford's private property enforced under trespass laws.

## **PROCEDURE**

*The following summary does not include all the detailed provisions of the Title IX Investigation and Hearing Procedure, nor the additional procedures for the SHARE Hearing and SHARE Investigation. Visit [sharetitleix.stanford.edu](http://sharetitleix.stanford.edu) for detailed information.*

### Receipt of Report

Upon receipt of notice of an Initial Report of Title IX Prohibited Conduct (which may come from any individual), the Title IX Coordinator or Deputy Title IX Coordinator (or their designee) will promptly contact the Complainant and inform the Complainant:

- of the availability of Supportive Measures, including that the Supportive Measures are available with or without filing a Formal Complaint;
- of the availability of confidential counseling resources both on and off campus;
- how to file a Formal Complaint;
- that, if the reported conduct could be a crime, the Complainant has the right but not the obligation to file a police report, and that if there is a police investigation, the Title IX Coordinator will coordinate with law enforcement; and
- of the importance of preserving evidence and identification and location of Witnesses.

If on the face of the Initial Report, the Title IX Coordinator determines that the conduct alleged does not fall within the scope of Title IX, the Title IX Coordinator may also inform the Complainant that the matter may be referred to another University process. Even if the matter is referred, the Complainant will still receive an offer of Supportive Measures.

Supportive Measures will be different for every matter and will be based on individualized review. Stanford offers confidential counseling to community members, through the Confidential Support Team for students, and through the Faculty/Staff HELP Center for others. The University will maintain as Private any Supportive Measures provided to the Complainant or Respondent, to the extent that maintaining such confidentiality would not impair the ability of the University to provide the Supportive Measures.

The Title IX Coordinator or Deputy Title IX Coordinator is responsible for coordinating the effective implementation of Supportive Measures. The Title IX Coordinator or Deputy Title IX Coordinator will consider the Complainant's wishes with respect to Supportive Measures.

Based on an Initial Report or Formal Complaint of Title IX Prohibited Conduct, the Title IX Coordinator, in consultation with the Threat Assessment Team or others as appropriate, may undertake an individualized safety and risk analysis to determine whether the allegations indicate the Respondent poses an immediate threat to the physical health or safety of any student or other individual arising from the allegations of Title IX Prohibited Conduct. If the University determines removal is appropriate, the Respondent will be provided with notice and an opportunity to challenge the decision immediately following the removal. The University may place a non-student Respondent on administrative leave after notice of a report of Title IX Prohibited Conduct and during the pendency of resolution of the matter.

## The Formal Complaint

A Complainant may complete and sign a Formal Complaint alleging Title IX Prohibited Conduct against a Respondent and requesting that the University Investigate the allegation of Title IX Prohibited Conduct.

At the time of filing a Formal Complaint, a Complainant must be participating in or attempting to participate in one of the University's Programs or Activities. Attempting to participate includes circumstances where the Complainant has taken a leave of absence or has otherwise discontinued participation in University Programs or Activities, but intends to return to their University affiliation.

The Title IX Coordinator will determine whether to proceed with the formal complaint. A Complainant may request that the University not proceed with an Investigation or further resolution under this Procedure. A Complainant's wishes with respect to whether the University Investigates will be respected unless the Title IX Coordinator determines that signing a Formal Complaint over the wishes of the Complainant is not clearly unreasonable in light of the known circumstances. The Title IX Coordinator will inform the Complainant that due to various federal and state laws and/or in order to protect the safety of the campus community some circumstances require the University to move forward with an Investigation, even if the Complainant requests otherwise.

The University's decision is subject to a balancing test that requires the University to consider a range of factors, including:

- The status of the Respondent and whether the Respondent has authority over students and/or staff.
- Whether there have been multiple reports of Title IX Prohibited Conduct (or other violations of Administrative Guide section 1.7.1) relating to a single Respondent;
- The seriousness of the alleged Title IX Prohibited Conduct (e.g., whether the alleged conduct involved a weapon, physical restraints or battery);
- Whether there is a likelihood that the Respondent would be a danger to the Complainant or the Stanford community;
- The age of the Complainant;
- Whether the report of Title IX Prohibited Conduct can be effectively addressed through another type of intervention; and
- The ability of the University to obtain relevant evidence.

Upon receipt of a Formal Complaint, the University will provide a Notice of Formal Complaint to the Parties for whom the University knows their identity, including the following details:

- A description of the University’s Title IX Procedure, including any Informal Resolution process.
- A description of the allegations including sufficient details known at the time such as:
  - the identities of the Parties involved in the incident;
  - the conduct allegedly constituting Title IX Prohibited Conduct; and
  - the date and location of the alleged incident.
- A statement that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of a Hearing.
- A statement that the Parties may have an advisor of their choice, who may be, but is not required to be, an attorney, and may inspect and review evidence as described herein.

The Notice of Formal Complaint will be provided with sufficient time to respond and prepare for any investigative interviews. Once a Notice of Formal Complaint is issued, a Respondent student’s ability to receive a degree is placed on hold.

After receiving Notice of Formal Complaint, both the Complainant and the Respondent will be asked to identify any academic, employment, or other significant conflicts that would affect the timing of the Investigation and potential Hearing. The Hearing Coordinator will consider this input in finalizing any Hearing Schedule.

An ongoing notice may be required if the scope of investigation changes. If, in the course of an Investigation, the University decides to investigate allegations about the Complainant or Respondent

that are not included in the initial Notice of Formal Complaint provided, the University will provide notice of the additional allegations to the Parties whose identities are known.

## Rights and Responsibilities of Parties and Witnesses

During an Investigation and Hearing under this Title IX Procedure, the Parties and Witnesses have the following responsibilities.

- The responsibility to be truthful, to cooperate with the process, and to follow the directions of University staff and agents responsible for administering this process;
- The responsibility not to Retaliate against or Intimidate any individual who has reported Title IX Prohibited Conduct or who has participated as a Party or Witness in the process; and
- The responsibility to keep private (by not disseminating beyond Support Persons) documents, materials, and information received from the University during this process; and
- The responsibility to destroy, when so directed by the University, evidentiary materials and/or writings submitted by the other Party as part of the process.

During an Investigation and Hearing under this Title IX Procedure, the Parties and Witnesses have the following rights.

- The right to be protected from Retaliation and Intimidation where one has reported Title IX Prohibited Conduct or participated as a Party or Witness in the process;
- The right to exercise First Amendment rights and not be subject to investigation for Retaliation for the exercise of such rights;
- The right to receive information regarding consequences for knowingly making false statements or knowingly submitting false information during the Title IX Procedure under the Code of Conduct and/or Fundamental Standard;
- The right to take breaks during cross-examination at a Hearing, as needed and as permitted by the Hearing Officer.

Student Complainants and Respondents maintain the right to six hours of consultation time with a University-Identified Attorney, at no cost to the student Party, at any time after a Notice of Formal Complaint is issued and prior to a matter being set for Hearing.

Student parties and witnesses maintain the right not to be disciplined for drug and alcohol violations (relating to voluntary ingestion) or similar Fundamental Standard offenses in connection with the reported incident that do not place the health or safety of any other person at risk.

- During an Investigation and Hearing under this Title IX Procedure, all parties have the following rights.
- The right to be treated equitably and receive the same equitable access to Supportive Measures;
- The right to have each phase of the Title IX Procedure completed within a reasonably prompt timeframe;
- The right to a Process Support Person to support and/or advise the Party;
- The right to receive a Notice of Formal Complaint that provides sufficient detail about the allegations and the applicable University policies for the Respondent to be able to respond and for both Parties to understand the scope of the Investigation;
- The right to decline to give a statement about the allegations or attend a Hearing;
- The right to participate in the Investigation, including by identifying fact Witnesses and Expert Witnesses and identifying and/or providing inculpatory, exculpatory and other relevant information and evidence to the Investigator;
- The right to receive and appeal any Notice of Dismissal;
- The right to review all evidence directly related to the allegations, in electronic format or hard copy, with at least 10 days for the Parties to inspect, review, and respond.
- The right to receive an Investigative Report that fairly summarizes relevant evidence, in electronic format or hard copy, with at least 10 days for the Parties to respond;
- For all Complainants and Respondents, the right to up to three hours of consultation time with a University-Identified Attorney for pre-Hearing preparation after a matter has been set for Hearing, plus actual time required for the Hearing, plus up to two additional hours for any Appeal, at no cost to the Party. For student Complainants and Respondents, this time is in addition to the pre-Hearing consultation time
- The right to have the matter heard at a live Hearing by a neutral Hearing Officer who will determine the matter using a Preponderance of the Evidence standard and who will not prejudge the outcome of a case;
- The right to a Hearing Support Person who will conduct oral cross-examination at the live Hearing on behalf of the Party;
- The right to jointly agree with the other Party to waive cross- examination through the Hearing Support Persons and instead submit written cross-examination questions to the Hearing Officer to conduct the examination.
- The right to receive a Written Determination Regarding Responsibility (if any);
- The right to appeal the Written Determination Regarding Responsibility to a neutral Appeal Officer; and
- The right to receive a Notice of Outcome of Appeal.

In a circumstance in which the complainant is deceased, the next of kin shall receive written notification of the outcome of the investigation and hearing process.

The Respondent has the right not to have any disciplinary Sanctions imposed before a finding of responsibility in accordance with this Title IX Procedure and the right to be presumed not responsible for the alleged Title IX Prohibited Conduct until a determination regarding responsibility is made at the conclusion of the Hearing.

The Title IX Coordinator shall make an initial assessment as to whether a Formal Complaint submitted by a Complainant contains sufficient allegations on its face to describe an act of Title IX Prohibited Conduct covered by this Title IX Procedure. If it does not, the University may seek new or additional information from the Complainant, and may inform the Complainant about other University procedures that may be more applicable to the alleged conduct.

## Informal Resolution

At any time after a Formal Complaint is filed, the Title IX Coordinator or Deputy Title IX Coordinator may, in their discretion, choose to offer and facilitate an Informal Resolution process, so long as both Parties give voluntary, informed, written consent to attempt Informal Resolution. The University may not require the Parties to participate in an Informal Resolution process or require as a condition of enrollment or continuing enrollment, or employment or continuing employment, or enjoyment of any other right, and election to participate in an Informal Resolution does not constitute a waiver of the right to reinstate a formal Investigation and adjudication of Formal Complaints of Title IX Prohibited Conduct. Upon agreement to an Informal Resolution by the parties and the university, an Informal Resolution is a final outcome of the matter and is not subject to appeal. Any person who facilitates an Informal Resolution will be experienced and trained in dispute resolution and trained on this Title IX Procedure.

At any time prior to agreeing to an Informal Resolution, any Party has the right to withdraw from the Informal Resolution process and resume the process with respect to the Formal Complaint.

No Informal Resolution process will be offered before a Formal Complaint is filed. No Informal Resolution process will be offered to resolve Formal Complaints involving a student as Complainant and a staff or faculty member as Respondent. For any allegations in any Formal Complaint not subject to dismissal under this Title IX Procedure, the matter will proceed to an Investigation. The formal Investigation phase is the period during which the Investigator gathers information about the allegations. This period of time is the Parties' opportunity to provide input regarding the collection of



evidence, but the burden of gathering evidence and the burden of proof is on the University. The University may, in its discretion, consolidate the Investigation of multiple Formal Complaints where the allegations arise out of the same facts.

### Process Support Person

The Process Support Person serves as an advisor to the Party and may assist a Party on written submissions provided they are verified by the Party. The Process Support Person does not speak or advocate on behalf of the Party in University proceedings, except in the case of university provided attorneys, as described below. Any Process Support Person who violates these expectations may not be permitted to participate further in the process or as a Hearing Support Person. Only one Process Support Person will be allowed to accompany a Party to meetings with Investigators (including meetings that occur using technology, such as Zoom).

The University has identified local attorneys who are available to provide student Parties with up to six hours of consultation time once a Notice of Formal Complaint is issued and prior to a matter being set for Hearing. The consultation services of the University- Identified Attorneys are intended to provide student Parties the opportunity to discuss legal issues related to the Formal Complaint and assist with the Investigation phase and any Informal Resolutions offered prior to a Hearing. Student Parties are not obligated to use this resource or to follow any guidance provided by an attorney.

Stanford will directly pay for up to six hours of consultation for student Parties prior to a matter being set for Hearing; student Parties will not be billed for this time. The student Parties will be informed of this resource, and the Title IX Office will provide a list of the University-Identified Attorneys available for consultation services for student Parties upon request. The student Parties are responsible for selecting their own University-Identified Attorney from this list.

A student Party may elect to use this resource at any time after a Notice of Formal Complaint is issued, and the six hours of pre-Hearing consultation will be in addition to any services provided by a University-Identified Attorney as a Hearing Support Person.

While student Parties are not required to use a University-Identified Attorney and are otherwise permitted to engage another attorney, the University will not reimburse student Parties for such services or for any hours that exceed the allotted times for University-Identified Attorneys.

In the event a matter proceeds to a Hearing, University-Identified Attorneys will be made available to all Parties (students, faculty, staff, and postdoctoral scholars) for up to three hours of assistance with the pre-Hearing stage, plus time for the actual Hearing, plus up to two hours for any appeals. The

University-Identified Attorney will provide guidance around Hearing preparation, conduct cross-examination during a Hearing, and may provide assistance during an appeal period or with any Informal Resolutions that are offered after a matter has been set for Hearing. Parties are not obligated to use this resource or to follow any guidance provided by an attorney. Attorneys owe a duty of loyalty to their Party clients, not to the University. The services provided by these attorneys are for the purpose of the resolution of the matter under this process only.

## INVESTIGATION

The Title IX Coordinator or Deputy Title IX Coordinator will designate an individual to conduct the Investigation of a Formal Complaint.

The University will send the Parties advance written notice of any investigative interviews, meetings, or Hearings at which the Party is expected to be present.

The Investigator may gather information in multiple ways. The Investigator may collect relevant documents and other information and may also interview Parties and/or Witnesses. In addition, a Complainant or Respondent may submit documentary information to the Investigator; submit a list of Witnesses to be interviewed by the Investigator; and/or request that the Investigator attempt to collect documents and other information that are not accessible to the requesting Party.

For purposes of this Title IX Procedure, the University will not access, consider, disclose, or otherwise use a Party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the Party, unless the University obtains that Party's voluntary, written consent to do so.

Questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove Affirmative Consent.

After the Investigator has concluded the collection of evidence, the Investigator will send the Parties and their Support Persons all evidence directly related to the allegations, in electronic format or hard

copy, with at least ten (10) calendar days for the Parties to inspect, review, and respond to the evidence.

This is the opportunity for the Parties to identify New Evidence or Rebuttal Evidence. New Evidence is evidence that was not available earlier in the process, could not have been available based on reasonable and diligent inquiry, and is relevant to the matter. Rebuttal Evidence is evidence presented to contradict other evidence in the file, which could not have been reasonably anticipated by a Party to be relevant information at the time of the Investigation.

After the Investigator has received and considered the Parties' responses to the evidence, the Investigator will complete an Investigative Report that fairly summarizes the relevant evidence. The Title IX Coordinator will make the Investigative Report available to the Parties and their Support Persons in electronic format or hard copy, with at least ten (10) calendar days for the Parties to respond in writing to the Investigative Report. After the Title IX Coordinator has reviewed the Parties' responses to the Investigative Report, the Title IX Coordinator will make the determination whether to dismiss the Formal Complaint or proceed to a Hearing. After reviewing the investigative report and the parties' responses, the Title IX Coordinator will determine how to proceed.

The University must dismiss the Formal Complaint if after the Investigation it is determined by the Title IX Coordinator that the conduct alleged in the Formal Complaint does not constitute Title IX Prohibited Conduct or did not occur against a person in the United States.

Any conduct dismissed under this Title IX Procedure that could constitute a violation of Administrative Guide section 1.7.1 or any other University policy may be referred to another applicable University process. If the Formal Complaint alleges multiple claims that arise out of the same facts and circumstances, and the Title IX Coordinator determines that some conduct is covered under Title IX and some is not, all claims may proceed together to be resolved under this Title IX Procedure. If, however, the Title IX Coordinator determines some claims do not arise out of the same facts and circumstances, are not covered by Title IX, and could violate other University policy, that conduct will be dismissed and referred to another University process, and the Title IX Procedure will proceed with respect to the covered conduct only.

The university may exercise discretion in dismissing the Formal Complaint if the Respondent is no longer enrolled or employed by the University, specific circumstances prevent the University from gathering sufficient evidence to reach a determination, or the Complainant informs the Title IX Coordinator in writing that the Complainant desires to withdraw the Formal Complaint or allegations therein.

In the event of dismissal after the Investigation (mandatory or discretionary), the Title IX Coordinator may refer some or all of the matter for consideration under another applicable University policy or procedure, if any.

Upon dismissal, the University shall promptly send a Notice of Dismissal (mandatory or discretionary) and reason(s) for the dismissal simultaneously to the Parties. If the matter is being referred to another University procedure because it does not constitute Title IX Prohibited Conduct, but could violate other University policy, that information will be included in the notice as well.

The Parties may appeal a Notice of Dismissal. Each Party may submit a written appeal of up to 6,000 words in length, which will be shared with the other Party. The Parties must submit the appeal by the date determined by the Title IX Office, generally ten calendar days from the receipt of the Notice of Dismissal. The appeal is submitted to an External Sexual Harassment/Assault

Process Specialist and will be limited to the following grounds:

Were there any procedural irregularities that substantially affected the outcome of the matter to the detriment of the Complainant?

Was there any substantive new evidence that was not available at the time of the decision that could not have been available based on reasonable and diligent inquiry that would substantially affect the outcome of the decision?

Is the decision one that a reasonable person might have made?

Upon receipt of a Party's appeal, the Hearing Coordinator will share it with the other Party. Each Party may submit a response to the other Party's appeal (no more than 3,000 words). Each Party must submit this response by the date determined by the Hearing Coordinator, generally seven (7) calendar days after the other Party's appeal has been shared.

The Title IX Coordinator is permitted, but not required, to file a response to a Party's appeal to respond to concerns relating to procedural irregularities including the Investigation. The Title IX Coordinator may submit one response for each Party that files an appeal (that raises a procedural irregularity).

The Title IX Coordinator may offer an Informal Resolution for eligible matters at any time after a Formal Complaint is filed, including after the Investigation has concluded.

For any Formal Complaints not subject to Dismissal or Informal Resolution after Investigation, the matter will proceed to a Hearing. The Title IX Coordinator will notify both the Complainant and the Respondent in writing that the matter has been charged and referred to a Hearing Officer to decide the

matter. The Hearing Coordinator will promptly set the Hearing based on the availability of the Parties and Witnesses.

## Pre-Hearing Process

The Hearing Coordinator (working with the Investigator) will create the initial Hearing File within seven (7) calendar days after the issuance of the Notice of Hearing. However, in more complex cases involving, for instance, multiple allegations and/or Witnesses, the creation of the Hearing File may take longer. Before the Hearing File is made available to the Parties, the Investigator/Hearing Coordinator will redact personally identifying information from the Hearing File, such as phone numbers, addresses, and medical information. The Investigator/Hearing Coordinator will also propose redactions of non-permissible and unrelated information in the Hearing File, and highlight those proposed redactions to the Parties. The Parties will receive electronic access to view the Hearing File and a log describing gathered materials that were not included in the Hearing File.

Expert Witnesses may be permitted only if the Hearing Officer needs special expertise in order to understand a technical matter, such as relevant forensic evidence; an understanding of that technical matter is likely to affect the Hearing Officer's finding; and/or there is not a more efficient method of obtaining the information necessary to resolve that technical matter. If allowed, an Expert Witness may be retained by a Party or by the Title IX Office. If an Expert Witness is retained by a Party, that Party will be responsible for any costs incurred, and the other Party will be allowed to respond to that Expert's written or oral testimony. If an Expert Witness is consulted by the Title IX Office and the expert's opinion or testimony is included in the Hearing File or offered to the Hearing Officer, the Parties will be allowed to respond to that Expert's written or oral testimony.

After reviewing the Hearing File, a Party is permitted to make a written request to have evidentiary concerns considered by the Hearing Officer, including any objections to proposed redactions in the Hearing File. Requests to review evidentiary concerns should include all evidentiary issues in one document, which should be no more than 1,500 words in length. The requests should be submitted to the Hearing Coordinator, who will forward all information from the Parties to the Hearing Officer. In order to consider evidentiary concerns to the Hearing File, the Hearing Officer will have access to all materials gathered by the Investigator during the Investigation. The Parties must submit the written request by the date set in the Hearing Schedule, generally five (5) calendar days after the date the Hearing File is made available to the Parties. The Title IX Coordinator is permitted, but not required, to submit responses to the Parties' evidentiary objections to the Hearing Officer. The Hearing Officer has the authority to make all evidentiary decisions relating to what information is relevant; that is, what information should be admitted at the Hearing.

During the Hearing, Parties, Support Persons, and Witnesses must comply with the evidentiary decisions that have been made by the Hearing Officer. Objections to the inclusion or exclusion of evidence cannot be the basis for appeal unless they were made through the Evidentiary Review process before the Hearing. The standard for review of evidentiary decisions on appeal will be whether the evidentiary decision was clearly erroneous and substantially affected the Hearing Officer's decision to the detriment of the appealing Party.

Each Party may submit a written statement of their position to the Hearing Coordinator that is no more than 1,500 words in length. This statement is each Party's opportunity to respond to the Hearing File and the charges made and to provide a statement to the Hearing Officer about what the Party believes the evidence shows. No attachments will be accepted; references to evidence should be made to material in the Hearing File. No New and/or Rebuttal Evidence may be submitted, and no information may be submitted that goes beyond the scope of the matter that is charged.

The Parties must submit this statement by the date set in the Hearing Schedule, but generally five (5) calendar days from the date the Hearing File is made available to the Parties.

The Hearing Coordinator, in consultation with the Investigator, will remove information from a position statement that goes beyond the scope of the charge.

Within seven (7) days of when the Notice of Hearing is issued, the Hearing Coordinator will reach out to all Parties, Witnesses, and the Hearing Officer to schedule key dates for the matter (Hearing Schedule). The Hearing Schedule will take into consideration the academic and other conflicts identified in response to the Written Notice of Formal Complaint. Unless an extension is granted based on a showing of good cause, the Parties are obligated to follow the Hearing Schedule.

## Hearings

Hearings may be conducted with any or all Parties, Witnesses, and other participants appearing at the live Hearing virtually, with technology enabling participants simultaneously to see and hear each other, or with all Parties physically present in the same geographic location. The presumption will be that the Hearing will take place virtually, unless both Parties request otherwise or the University otherwise determines that an in-person Hearing is appropriate. If the Hearing takes place with all Parties physically present, the University will provide for the option for the Hearing to occur with the

Parties located in separate rooms with technology enabling the Hearing Officer and Parties to simultaneously see and hear the Party or the Witness answering questions.

If a Party does not have a Hearing Support Person present at the Hearing, the University will provide without fee or charge to that Party, a Hearing Support Person of the University's choice, who may be, but is not required to be, an attorney, to conduct cross-examination on behalf of that Party. The Hearing Support Persons must at all times follow the instructions of the Hearing Officer, including abiding by all relevance and evidentiary determinations made. The Hearing Support Persons must conduct themselves in a professional and courteous manner.

The Hearing Officer will be a non-Stanford professional neutral decision-maker (such as a retired judge) experienced and trained in adjudicating matters of civil rights, sexual harassment and/or sexual violence and trained on this Title IX Procedure and on trauma-informed decision-making, as required by California law. The Hearing Officer will preside over the Hearing and will issue the Written Determination Regarding Responsibility.

The Hearing Officer will be identified to the Parties before the Hearing at least three days prior to the Hearing. No person who has a conflict of interest may serve as the Hearing Officer. A conflict of interest exists if the Hearing Officer has prior involvement in or knowledge of the allegations at issue in the case, has a personal relationship with one of the Parties or Witnesses, or has some other source of bias. Either Party may assert, in writing, that a Hearing Officer has a conflict of interest.

At the Hearing, the Hearing Officer will permit each Party's Hearing Support Person to ask the other Party and any Witnesses all relevant questions and follow-up questions, including those challenging credibility. Such cross-examination at the Hearing must be conducted directly, orally, and in real time by the Party's Hearing Support Person of choice and never by a Party personally. The Parties may, however, jointly agree in advance to waive oral cross-examination and instead submit written cross-examination to the Hearing Officer to conduct the examination. Even if the Parties so agree, the Parties are still required to have a Hearing Support Person present at the Hearing. The Hearing Officer will ensure the Hearing Support Persons are conducting any live cross-examination in a professional and courteous manner. The Hearing Officer will not permit the Hearing Support Persons to badger or harass Witnesses or Parties.

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 Hearing Officer must first determine whether the question is relevant and explain any decision to exclude a question. The Hearing Officer will prohibit any questions and evidence about the Complainant's sexual predisposition or prior sexual behavior as not relevant, unless such questions and evidence

about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove Affirmative Consent.

If a Party or Witness does not submit to cross-examination at the live Hearing, the Hearing Officer must not rely on any statement of that Party or Witness in reaching a determination regarding responsibility. The Hearing Officer cannot draw an inference about the determination regarding responsibility based solely on a Party's or Witness's absence or refusal to answer cross-examination or other questions. The Investigator will be available to answer any questions from the Hearing Officer about the Investigation. The Hearing Officer may meet with the Parties and Witnesses for the purpose of making findings of fact. The Parties and Witnesses may not speak to matters beyond the scope of the Hearing File. The Hearing Officer may ask questions of the Parties and/or Witnesses. Parties are permitted to listen to Witnesses as they are speaking to the Hearing Officer.

The Hearing Officer shall issue a Written Determination Regarding Responsibility, applying the Preponderance of the Evidence standard (as required by California law), which shall include:

- Identification of the allegations potentially constituting Title IX Prohibited Conduct;
- A description of the procedural steps taken from the receipt of the Formal Complaint through the determination, including any notifications to the Parties, interviews with Parties and Witnesses, site visits, methods used to gather other evidence, and Hearings held;
- Findings of fact;
- Conclusions about whether the alleged Title IX Prohibited Conduct occurred, applying the definitions in this Title IX Procedure to the facts;
- The rationale for the result as to each allegation;
- Any disciplinary Sanctions;
- Whether Remedies or Supportive Measures will be provided to the Complainant; and
- Information about how to file an appeal.

The Hearing Officer may ask the Parties to submit Sanctions statements at the conclusion of the Hearing. The Hearing Officer may also consult with University personnel regarding any Sanctions and Remedies appropriate to the specific Respondent and Complainant.

The Sanction determination will be provided to the Title IX Coordinator who will be responsible for implementing the Supportive Measures and/or Remedies, including the continuation of any Supportive Measures and/or any additional or on-going accommodations for both Parties. The Title IX



Coordinator will cause the Written Determination Regarding Responsibility to be sent to both Parties simultaneously.

The Sanction determination will be provided to the Title IX Coordinator who will be responsible for implementing the Supportive Measures and/or Remedies, including the continuation of any Supportive Measures and/or any additional or on-going accommodations for both Parties. The Title IX Coordinator will cause the Written Determination Regarding Responsibility to be sent to both Parties simultaneously. The Title IX Coordinator will provide copies of the Written Determination Regarding Responsibility and Sanctions and/or Remedies (if any) for the purpose of maintaining records as follows. For students, copies will be provided to the Office of Community Standards. For staff, copies will be provided to University Human Resources—Employee & Labor Relations. For faculty, copies will be provided to the Vice Provost for Faculty Affairs. For postdoctoral scholars and fellows, copies will be provided to the appropriate administrative manager.

The Hearing Officer must explain decisions on responsibility and Sanctions (if applicable) and Remedies with enough specificity for the Parties to be able to file meaningful appeals. The consideration of whether Remedies and Sanctions go into immediate effect or are held in abeyance pending appeal or some combination thereof, will be determined on a case-by-case basis by the Title IX Coordinator.

The Written Determination Regarding Responsibility becomes final if an appeal is not filed, the date on which an appeal would no longer be considered timely, or if an appeal is filed, on the date that the University provides the Parties with the written determination of the result of the appeal.

Each Party may submit a written appeal of up to 6,000 words in length, which will be shared with the other Party. The Parties must submit the appeal by the date determined by the Title IX Office, generally ten (10) calendar days from the receipt of the Written Determination Regarding Responsibility (if any). The grounds for appeal are limited to the following:

Were there any procedural irregularities that substantially affected the outcome of the matter to the detriment of the appealing Party?

Was there any substantive new evidence that was not available at the time of the decision or Hearing and that could not have been available based on reasonable and diligent inquiry that would substantially affect the outcome of the decision?

Did the Title IX Coordinator, Investigator(s), or Hearing Officer have a conflict of interest or bias for or against Complainants or Respondents that affected the outcome of the matter?

For matters that proceeded to Sanctioning and imposition of Remedies, are the Sanction and/or Remedies ones that could have been issued by reasonable persons given the findings of the case?

Upon receipt of a Party's appeal, the Hearing Coordinator will share it with the other Party. Each Party may submit a response to the other Party's appeal (no more than 3,000 words). Each Party must submit this response by the date determined by the Hearing Coordinator, generally ten (10) calendar days after the other Party's appeal has been shared. The appealing Party will have access to the other Party's response to the appeal, but no further responses will be permitted. The Title IX Coordinator is permitted, but not required, to file a response to a Party's appeal to respond to concerns relating to procedural irregularities or bias in the Investigation and Hearing process. In matters involving staff Respondents, the Vice President for Human Resources is permitted, but not required, to file an appeal on the basis that the sanctions imposed by the Hearing Officer are not severe enough, even if the Complainant does not appeal on that basis.

The Appeal Officer will provide the Notice of Outcome of Appeal no later than ten (10) calendar days after receipt of all appeal documents. The Title IX Coordinator will cause the Notice of Outcome of Appeal to be sent to the Parties simultaneously. As needed, the Appeal Officer will consult with the Title IX Coordinator regarding the management of ongoing Remedies. The Appeal Officer may reject the appeal in whole or in part, issue a new decision regarding responsibility, issue new or revised Sanctions and Remedies, or refer the matter to a new Hearing Officer.

## Retaliation and Intimidation

It is a violation of Administrative Guide section 1.7.1 to Intimidate or Retaliate against any person making a complaint or responding to a complaint under this Title IX Procedure or against any person participating in the Investigation of any such allegation under this Title IX Procedure (including being the Respondent or testifying as a Witness). No person may threaten, coerce, or discriminate against any individual for pursuing or exercising any right or privilege secured by Title IX, or because the individual has made a report or complaint, responded to a complaint, testified, assisted, or participated or refused to participate in any manner in an Investigation, proceeding, or Hearing related to this Title IX Procedure.

Retaliation includes, but is not limited to, adverse action related to employment, academic opportunities, participation in University programs or activities, or similar punitive action. Retaliation can be direct such as changing an employee's work location, pay or schedule, or for students, changing a grade or denying access to a program, or it can be indirect such as Intimidating,

threatening, or harassing an employee or student who has raised a claim or participated as a witness in an investigation. Intimidation can be a form of Retaliation, and includes any threatening statement or conduct made with the intent to prevent or dissuade any Party or Witness from reporting or participating in the process.

All Parties to a concern and all persons participating in the Investigation of a concern are prohibited from engaging in actions intended to Retaliate or Intimidate directly or through Support Persons.

Charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of an Investigation does not constitute Retaliation, provided, however, that a determination regarding responsibility, alone, is not sufficient to conclude that any Party made a materially false statement in bad faith. The exercise of rights protected under the First Amendment does not constitute Retaliation.

Reports of alleged violations of University Directives or Court Orders prior to a finding of responsibility either will be incorporated into the pending matter or referred separately to another University process. After a Respondent has been found responsible for Title IX Prohibited Conduct, if there is a new allegation that the Respondent has engaged in Retaliation, Intimidation, or violated a Court Order or University Directive relating to the matter, the Title IX Office will investigate the allegation and determine whether to refer the matter to be handled through another University process.

## Requests for Disability Accommodations

Parties or Witnesses may request disability-related accommodations from the Title IX Office. Upon receipt of a request for a disability-related accommodation, the Title IX Office will coordinate a meeting with the Diversity and Access Office and the individual requesting the accommodation to explain the steps involved in the applicable Title IX process (e.g., attorney meetings, interview, document submissions, Hearing). If a participant requests accommodations, if needed, an Investigation under this Title IX Procedure may be delayed (or that person's participation postponed) until the participant requesting such accommodations has had their request evaluated and, as appropriate, until accommodations have been implemented.

The Diversity and Access Office will confirm with the participant their specific accommodation requests; the Diversity and Access Office may coordinate with other University offices, such as the Office of Accessible Education ("OAE") or Human Resources, to confirm existing accommodations.

If the participant is already registered with the OAE, the Diversity and Access Office will confirm their eligibility for accommodations. If the participant is not currently registered with the OAE, the

Diversity and Access Office may request medical documentation from their treating healthcare provider to support the requested accommodation.

The Diversity and Access Office will inform the Title IX Office of the recommended accommodations and assist with coordination as needed, in addition to relevant offices such as OAE for students and Human Resources for staff.

In the circumstance that the Title IX Coordinator determines that the recommended accommodations create a fundamental alteration of the applicable review or Investigation process, the Title IX Coordinator will confer with the Diversity and Access Office to identify alternate accommodations, if any. The Title IX Coordinator will provide a written statement of the accommodations that will be provided in the process.

If a Party seeking an accommodation does not agree with the statement of accommodations, the Party may seek written review of the accommodations from the Director of the Diversity and Access Office or their designee. The request to review the accommodations must be made in writing. The Director of the Diversity and Access Office will review and respond to the request, generally within three (3) days. The accommodations recommended by the Director of the Diversity and Access Office are final unless there is a change of circumstance. A Party who continues to be dissatisfied with accommodations may raise the concern as procedural error at the conclusion of a Hearing.

## REMEDIES

Following a determination of responsibility under this Title IX Procedure that the Respondent engaged in Title IX Prohibited Conduct directed at the Complainant, Remedies are provided to a Complainant. Remedies must be designed to restore or preserve access to the University's educational Program or Activity. Remedies may include disciplinary Sanctions or other actions against a Respondent. They may include the same individualized services as those offered as Supportive Measures; however, Remedies need not be non-disciplinary or non-punitive and need not avoid burdening the Respondent.

The Hearing Officer may consult with the Title IX Coordinator or other appropriate University office in crafting Remedies. The Hearing Officer will decide on the Remedies as the Hearing Officer deems appropriate for the particular case.

The Hearing Officer should provide remedies that will remediate a hostile environment for the Complainant and/or provide safety protections for the Complainant or for Stanford community members.

Remedies relating to all Respondents could include the following restrictions:

- Directive not to contact (directly or indirectly) the Complainant
- Limiting or denying access to all or parts of campus
- Limiting or denying participation in campus programs or activities
- Limiting or denying the opportunity to hold leadership position.

Additionally, for student Respondents, remedies could include the following restrictions:

- Limiting or denying housing on campus or part of campus (e.g., not permitting Respondent to live near the Complainant)
- Requiring that the Respondent not enroll in a course that the Complainant is enrolled in or teaching
- Limiting or prohibiting attendance at campus parties or social events

Additionally, for faculty or teaching Respondents, remedies could include the following restrictions:

- Limiting or denying certain advising activities
- Limiting or denying certain teaching activities
- Limiting access to students in private spaces

Remedies for all Respondents could include the affirmative requirement for personalized education or coaching.

Additional Remedies for the Complainant will be directed by the Hearing Officer and/or Title IX Coordinator. Unless one of these Remedies affects the Respondent, these should remain confidential and should only be included in the Written Determination Regarding Responsibility for the Complainant.

- Academic or workplace accommodations
- Safety accommodations
- Other reasonable and appropriate accommodations

The Hearing Officer should indicate a time frame for the Remedies (noting that it might be appropriate for some Remedies to have different time frames e.g., no leadership position for two years and no housing for three years.) Restrictions should be put in place for a certain amount of time, to achieve the appropriate remedy. Generally, the remedy may be achieved in a number of months up to five years.

The Title IX Coordinator is responsible for effective implementation of any Remedies under this Title IX Procedure. Remedies may be modified by the Title IX Coordinator as circumstances change over the course of a Complainant’s or Respondent’s student or work career at Stanford. The request for reconsideration may be submitted to the Title IX Coordinator, and the basis for such reconsideration will be limited to whether, given the changed circumstances, the Remedies are ones that could have been issued by reasonable persons. Upon request by a Party to reconsider a remedy, which if granted would impact the other Party, the Title IX Coordinator will provide notice and an opportunity to respond to the other Party. The Title IX Coordinator’s decision on reconsideration will be provided in writing and maintains jurisdiction over the Remedies as the Parties move through the University.

## SANCTIONS

Every violation of Administrative Guide section 1.7.1 is a serious matter and requires an appropriate Sanction issued after individualized review. A violation of Administrative Guide section 1.7.1 could lead to termination/separation from the University for faculty, staff, and postdoctoral fellows, as well as expulsion for students. The Hearing Officer must impose Sanctions that reflect the seriousness of the incident and the harm caused to the Complainant and, as relevant, the Stanford community.

The University offers the following guidance for disciplinary Sanctions for all policy violations under Administrative Guide section 1.7.1. The Hearing Officer may consult with the Title IX Coordinator or other appropriate University office in crafting Sanctions. The Hearing Officer will decide on the Sanctions as the Hearing Officer deems appropriate for the particular case.

### Most Serious Offenses, Termination/Expulsion

While any violation under Administrative Guide section 1.7.1 is of concern and while any violation may lead to separation/termination or expulsion depending on the individual circumstances of the case, the University considers the following offenses to be particularly egregious and likely warrant separation/termination or expulsion unless there are significant mitigating circumstances that overcome the presumption:

- Rape, Sodomy, Sexual Assault with an Object including an aggravating factor
- Domestic or Dating Violence with a serious injury
- Any violation including two or more aggravating factors

While any violation is of concern, the University considers the following factors to be aggravating factors that warrant increased Sanctions:

- The act is accomplished by Force, Violence, Duress, or Menace
- Inducing Incapacitation through involuntary ingestion or knowingly taking advantage of an Incapacitated person
- Past violations of University policy by the Respondent relating to Sexual Harassment and Prohibited Sexual Conduct as defined in Administrative Guide section 1.7.1 (or prior policies)
- More than one perpetrator
- More than one Complainant or person experiencing the alleged conduct by the same Respondent
- Acts committed in the context of an initiation into membership and/or hazing
- Knowingly using the Respondent’s power/authority within the University to obtain submission or to accomplish the violation
- Dishonesty during the investigation

There are also mitigating factors that may be weighed in the determination of sanctions:

- The Respondent did not have an intent to violate University policy
- The Respondent has taken responsibility for their actions
- Other considerations that a reasonable Hearing Officer would rely on

### Other Sanctions

Following a determination that termination/expulsion is not appropriate, a Hearing Officer may consider other Sanctions. The offenses listed in administrative Guide 1.7.1 are extremely serious, and (in instances in which termination/expulsion is not warranted) for student and faculty Respondents, separation from the University for some period of time is expected.

A Hearing Officer should consider the aggravating factors when imposing Sanctions. When one or more aggravating factors are present, the Hearing Officer should impose a Sanction that includes a reflection of the seriousness of the aggravating factor(s).

Aside from expulsion, other Sanctions for students could include the following:

- Suspension from the University for a period of between one – twelve quarters (that is, up to three academic years).
- Delay in the conferral of degree for a period of between one – twelve quarters (that is, up to three academic years) – this Sanction is only available for students in their final quarter at Stanford.

- Probation with a Suspended Suspension period of one or two quarters – time away from the University is not immediately imposed but should the Respondent face any other disciplinary matter at Stanford that decision-making body would be informed in the Sanction phase that the student was on probation, would consider the probation as an aggravating factor in setting discipline, and would minimally impose the suspended suspension period as an actual suspension.
- Probation – Should the Respondent face any other disciplinary matter at Stanford that decision-making body would be informed in the Sanction phase that the student was on probation and would consider the probation as an aggravating factor in imposing discipline.
- Required personalized education or coaching.
- Community service hours. Beyond termination, other Sanctions for Faculty include the following:
  - Suspension for a period of time.
  - Denying a pay raise for a period of time.
  - Denying the opportunity to hold committee or community roles, such as serving as a Resident Fellow or Department Chair.
  - Denying the opportunity for promotion.
  - Letter in personnel file.
  - Public or private censure.
  - Required personalized education or coaching.

Beyond termination, other Sanctions for Staff include the following:

- Suspension for a period of time.
- Denying a pay raise for a period of time.
- Denying the opportunity to hold committee or community roles, such as serving as a Resident Fellow or Department Manager.
- Denying the opportunity for promotion.
- Written warning in personnel file.
- Required personalized education or coaching.

The University will strive to complete this Title IX Procedure as expeditiously as possible. Generally, the University will seek to complete a Hearing within approximately 120 days from the filing of a Formal Complaint. The Title IX regulations require that the Parties have two 10-day periods to review the evidence and respond to the Investigative Report, which necessarily extend the total time for



resolution of a matter under this Title IX Procedure beyond the 60-day guideline adopted under previous Title IX guidance. In addition, the 120-day time frame builds in time to account for unavoidable and reasonable delays, such as University breaks (when Parties and/or Witnesses may be unavailable) and extensions to the Parties granted for good cause, which may extend the total time for resolution. In any event, the University will not compromise a thorough and fair process in order to meet the 120-day guideline from the filing of a Formal Complaint to a Hearing outcome. If any Party chooses to appeal the Hearing outcome, the time frames below provide for an additional 30-day period to submit, respond to, and decide the appeal. If any deadline under the guidelines set forth below falls on a weekend or holiday, there will be an automatic extension to the next business day.

After receiving a Written Notice of Formal Complaint, both the Complainant and the Respondent will be asked to identify any academic, employment, or other significant conflicts that would affect the timing of the Investigation and potential. The Hearing Coordinator will consider this input in finalizing any Hearing Schedule.

Extensions are only granted for good cause. A request for an extension must be made, in writing and with reasons provided, to the Hearing Coordinator. The Hearing Coordinator will endeavor to respond to an extension request promptly, in writing, ideally within 24 hours.

## **Education Programs**

Stanford University provides education and awareness programs to prevent the occurrence of dating violence, domestic violence, sexual assault, and stalking (Prohibited Sexual Conduct). These comprehensive programs are responsive to community needs, culturally relevant, inclusive of diverse communities and identities, and informed by research. Programming initiatives are assessed for value, effectiveness, or outcome, and consider environmental risks and protective factors as they occur on the individual, relationship, institutional, community, and societal levels.

Programs to address Prohibited Conduct include both primary prevention and awareness programs directed at incoming students and new employees as well as ongoing prevention programs and awareness campaigns directed at all members of the campus community.

One aim of the prevention programs is to reinforce the university's declaration that dating violence, domestic violence, sexual assault, and stalking are Prohibited Conduct and in many instances also constitute criminal acts.

Stanford's primary prevention programs and awareness campaigns include educational information on the causes and consequences of sexual violence, prevention strategies, and bystander intervention (see next section). Risk reduction behaviors that promote safety for individuals and the community are also discussed.

Additionally, Stanford provides ongoing prevention programs and awareness campaigns that include information on community building, healthy relationships, bystander intervention, and risk reduction.

Furthermore, these programs and campaigns reinforce to the community the procedures that the university will follow in response to a report of dating violence, domestic violence, sexual assault, and stalking. This includes the provision of supportive measures, parameters of confidentiality, and other resources for the impacted parties; resources, where appropriate, for the responding party; and the opportunity to pursue a criminal or administrative complaint.

Stanford's ongoing prevention programs and awareness campaigns include educational initiatives and sustainable strategies that are focused on increasing understanding and skills to prevent all forms of Prohibited Sexual Conduct. A range of strategies is utilized to engage audiences throughout the institution.

## Risk Reduction

Individual preventive measures are risk reduction behaviors designed to decrease perpetration and bystander inaction and to increase empowerment for those who may be at risk. These measures promote safety and help individuals and communities address conditions that may facilitate violence. For instance, consider strategies for safety and accountability when planning activities or attending events with friends. Establish an agreement that no one will attempt to intimately engage with someone who may have over-consumed alcohol or other substances. If there is a possibility that you might be separated, agree to periodically check in with each other either in person or via text message. You can also agree to not leave the event until everyone is accounted for and safe and that everyone will either leave together or continue to check in on anyone who remains at the event. If you become uncomfortable with a situation or the people involved, trust your instincts and take action or get help to increase your sense of safety and empowerment.

## Bystander Intervention

Bystander intervention is the use of safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault or stalking. Bystander intervention includes recognizing situations of potential harm, understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking action to intervene.

There are several safe and effective options that a person can employ to intervene and stop inappropriate and potentially criminal behavior, including creating a distraction by using appropriate humor or interjecting in a conversation, directly confronting the potential perpetrator, or enlisting others to help intervene when you sense that someone may be at risk of harm. If you see or suspect that a crime has or is about to occur, seek help or call the police. For more information on these programs, go to <https://titleix.stanford.edu/upstander-intervention>

## Education Programs for Students

The SHARE Title IX office develops and contributes to a wide range of programs, projects, and events to increase awareness about interpersonal violence and meet the needs of Stanford students, faculty, and staff. Programs promote healthy sexuality and relationships, dispel myths about consent and sexual and relationship violence, examine and critique traditional gender roles, provide guidance on risk reduction, advise students of the university response and available resources, and explore how each of us can become empowered to end sexual and relationship violence.

Programming efforts include a wide range of related topics including:

- Sexuality
- Intimacy and Relationships
- Upstander Intervention
- Understanding Consent
- Healthy Masculinity
- Healthy Relationships

In August of 2014, the university began providing online primary prevention<sup>1</sup> training to all incoming undergraduate and graduate students. This training covers the topics of sexual assault, dating and domestic violence, bystander intervention, and making healthy choices on matters such as alcohol use. The online training is a supplement to the ongoing in-person trainings and campaigns featured throughout the academic year. Ongoing training for all sophomores, juniors, and seniors will be available beginning in the 2021-22 academic year. These educational programs will include opportunities for all students to develop as sexual citizens in this community, reduce their risk of potentially harming another person, empower their voices to communicate with others, and receive support in having positive relationships with themselves and with the people they interact.

In addition to training across undergraduate and graduate student groups, training was provided to those who also have staff roles, such as Resident Assistants, Resident Directors and Graduate Life Deans, Row Managers, Peer Counselors, Resident Fellows, and Graduate Community Assistants.

In addition to programming and education, the SHARE Title IX Education Team (formerly known as the SARA office) provides consultations, advising, and resource referrals to Stanford students who have experienced sexual or relationship violence, regardless of the location where the incident(s) occurred.

## Education Programs For Staff

In 2021, over 7,700 staff supervisors and faculty members completed at least two hours of AB1825 state-mandated sexual harassment awareness training administered online by the SHARE Title IX office. Stanford supervisors and faculty retrain every odd year. The training program includes material required by the VAWA Reauthorization of 2013, covering forms of sexual violence, resources at Stanford, and our Responsible Employees' obligation to report sexual misconduct that occurs in the campus community. On September 9, 2014, Gov. Brown approved Assembly Bill No. 2053 that required AB1825 training to include the prevention of abusive conduct. For purposes of this training, "abusive conduct" means conduct of an employer or employee in the workplace, with malice, that a reasonable person would find hostile, offensive, and unrelated to an employer's legitimate business interests. The

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<sup>1</sup> Primary prevention programs are programming, initiatives, and strategies implemented in an effort to stop dating and domestic violence, sexual assault, and stalking through positive and healthy behaviors.

prevention of abusive conduct was included as part of the 2017 training program and continues to be included.

Additionally, over 15,600 non-supervisory staff completed harassment prevention training administered by the SHARE Education Team. Starting in 2020, California Senate Bill 1343 mandated training in sexual and gender-based harassment and abusive conduct for all non-supervisory employees, academic staff, postdocs, and contingent employees every two years. Stanford non-supervisory employees retrain every even year. Note that the Stanford contingent population began training in 2021 in accordance with Senate Bill 1343. An interactive online course and instructor-led workshop sessions were offered. Both programs incorporated material on recognizing, reporting, and responding to sexual assault and other forms of prohibited sexual conduct in the campus community. Compliance with both biennial training requirements is tracked by the SHARE Title IX Education Team. The SHARE Education Team will migrate the training cycle for the non-supervisory contingent employee populations to align with the non-supervisory regular employee learner group training cycle. This will allow a more effective educational experience for the Stanford community so that the training experience coincides with campus harassment prevention messaging. By 2024, all non-supervisory employees will train on harassment prevention during even years.

Since October 2014, all new employees (non-supervisory staff and supervisors) are expected to complete the harassment prevention course, online or in-person. This course includes information required by the VAWA Reauthorization of 2013 and covers forms of sexual violence, resources at Stanford, and how employees can prevent and report sexual misconduct that occurs in the campus community.

## Developments in Campus Safety

In the last 18 months, two new 911 emergency phone towers have been placed into service. The university has also established Video Safety and Security Systems standards for risk assessment and prioritization of camera projects on campus.

In the next 24 months, a campus Emergency Operations Center will be constructed. An additional two 911 emergency phone towers will also be added.