

Title IX Policy to Prevent and Address Sex-Based Discrimination and Sexual Misconduct in Education

Responsible Office / Department: Legal Department

A. PURPOSE

1. This policy is designed to ensure a safe and non-discriminatory educational and work environment for every member of the Scripps Research community, and to comply with the applicable legal requirements of Title IX, 34 C.F.R. Part 106 (as amended), and related California and Florida law.
2. Title IX provides, “No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.” Sexual harassment is recognized at the federal and state levels as a form of unlawful sex discrimination.
3. Scripps Research recognizes that any sex-based discrimination or sexual harassment can negatively impact Scripps Research community members and, as a result, the integrity and quality of research conducted and work produced at Scripps Research, even if the conduct is not “unlawful.” As such, Scripps Research is committed to eliminating all forms of inappropriate sex-based conduct and fostering an educational environment that is welcoming to members of all backgrounds. Conduct need not meet the legal definition of sexual harassment or discrimination to constitute a violation of this policy.

B. SCOPE

1. This policy applies to **all** members of the Scripps Research community who support the Graduate Program, including but not limited to: employees; faculty; staff; students (including individuals who have applied for admission or are currently enrolled); interns; postdoctoral scholars; visitors; contractors; and third parties.
2. In response to actual knowledge of suspected misconduct or a Formal Complaint, Scripps Research will investigate Prohibited Conduct that is committed by someone in connection with any of the Institute’s education programs or activities, as defined in Section D(7) below. This includes alleged misconduct that occurred on a Scripps Research campus, in a Scripps Research facility, or in connection with an Institute or Institute-recognized function off campus, where Scripps Research exercised substantial control over both the Respondent and the context in which the alleged Prohibited Conduct occurred. Scripps Research will also investigate Formal Complaints alleging Prohibited Conduct in its education programs or activities that occurs remotely, for example, via Zoom or other electronic communication or direct messaging platforms, when the misconduct alleged would otherwise warrant an investigation under this policy if it had occurred in person.
3. If Scripps Research does not have jurisdiction over a reported act of Prohibited Conduct under this policy, Scripps Research may provide resources to support the Complainant, and will take prompt action, as appropriate under the circumstances, to provide for the safety and well-being of the Complainant and the Scripps Research community on campus and when participating in Institute-sponsored events and activities, including taking reasonable steps to prevent reoccurrence of the behavior. Complainants may request supportive measures in response to alleged Prohibited Conduct, regardless of whether Scripps Research has jurisdiction to investigate under this policy.

4. In the event a report involves overlapping allegations of conduct prohibited under this policy and another Scripps Research policy, the Title IX Policy and its procedures will control. In matters where no violation of the Institute's Title IX Policy is found, the Decision-Maker will also review the investigative findings to determine whether they indicate a potential violation of other Institute policy. If another policy(ies) is implicated, the Decision-Maker will communicate with the Scripps Research office(s) responsible for administering the other policy(ies) to determine the appropriate division of responsibilities and inquiry. The Title IX Coordinator shall promptly notify the Complainant and Respondent following any division of responsibilities/inquiry under this section.

C. POLICY

1. Scripps Research prohibits all forms of sex-based discrimination and sexual misconduct, including but not limited to sex discrimination, sexual harassment, sexual assault, sexual exploitation, relationship violence, stalking, and discrimination based on gender identity, gender expression, sexual orientation, parental status, pregnancy, childbirth, false pregnancy, termination of pregnancy, or recovery therefrom.
2. Scripps Research also prohibits retaliation against individuals who report, submit a complaint, or otherwise participate in good faith in any inquiry or investigation related to sex-based discrimination or sexual misconduct.
3. Scripps Research considers sex-based discrimination, sexual misconduct, and related retaliatory behavior to be as serious and detrimental to the Institute's research, work environment and educational commitments, as findings of research misconduct or ethical violations that run afoul of the Institute's policies, Administrative Guidelines and Rules of Conduct.
4. The following Scripps Research employees **must** promptly report any suspected sex-based discrimination or sexual misconduct that they become aware of (whether through observation or a report) to a Title IX Coordinator: Faculty; Deans and Associate Deans; Executive Management; Vice Presidents and Associate Vice Presidents; and Directors and managers in the Office of Graduate Studies; International Services Office; and Human Resources (collectively, "Responsible Employees"). See also, Section C(6)(a) below defining "Responsible Employees."
5. Scripps Research's Title IX Coordinator will assess all oral and written reports of sex-based discrimination or sexual misconduct to determine whether the information presented states a prima facie showing of gender discrimination (i.e., whether the alleged conduct, if substantiated, would indicate a potential violation of this policy). If a prima facie showing of discrimination or sexual misconduct under Title IX is present, the Title IX Coordinator will promptly sign a Formal Complaint (if one has not been filed by the Complainant) and investigate the allegations or designate another qualified individual to do so, consistent with this policy. The Title IX Coordinator shall also assist the Complainant to identify and implement supportive measures as appropriate, if any. If supportive measures are not needed, the Title IX Coordinator shall document the reason(s) why. In matters where the allegations do not support a prima facie showing of gender discrimination or sexual misconduct, the report will be referred to Human Resources, or the Graduate Office as appropriate for resolution under applicable grievance procedures.
6. When a Formal Complaint is received and an investigation is opened, all Parties will be provided simultaneous notice of the allegations and be given an opportunity to produce information and identify witnesses pertinent to the circumstances. Investigations will be fact-based and neutral, trauma-informed and sensitive, prompt and equitable, afford the

Complainant and Respondent equal opportunity to present witnesses and evidence, and result in factual findings based on a preponderance of the evidence standard (i.e., whether it is more likely than not that the alleged misconduct occurred). A preponderance of the evidence standard does not require either Party to prove or disprove whether the alleged conduct occurred. Rather, the burden is on the Institute via its investigator to determine whether the available evidence establishes that it is more likely than not that misconduct occurred.

7. Individuals who violate this policy are subject to disciplinary action, including but not limited to the following sanctions: involuntary and unpaid leaves of absence; written discipline; loss or curtailment of supervisory privileges; reassignment of one's position and/or duties; demotion; suspension; additional mandatory training; increased supervision; termination of employment or appointment; and/or permanent separation from Scripps Research. The severity of any sanction(s) will depend largely on the facts of the individual matter and the nature and severity of the violation(s).
8. Both the Complainant and the Respondent have the right to appeal, as set forth in section E(2)(j) below.
9. Scripps Research has designated individuals on both campuses to serve as Title IX Coordinators. These individuals will oversee the Institute's investigations and responses to reports of sex-based discrimination or sexual misconduct and serve as a resource for individuals who experience sex-based discrimination or sexual misconduct. Their contact information follows:

	California Campus	Florida Campus
Title IX Coordinators	Julie Harrison Title IX Coordinator CA Phone: (858) 784-9003 Email: jharrison@scripps.edu Office: 3301 N. Torrey Pines Rd. (Human Resources, 3d Floor)	Rachel Martin Title IX Coordinator FL Email: ramartin@scripps.edu Phone: (561) 228-2063

D. DEFINITIONS

1. **Reporting Party** - Any individual who reports a suspected violation of this policy. A Reporting Party may be a Complainant, Responsible Employee, bystander, or another individual.
2. **Complainant**: - A person who is alleged to be the victim of suspected Prohibited Conduct, regardless of whether the person files a Formal Complaint under this policy.
3. **Respondent**: - A person against whom an allegation of Prohibited Conduct is directed or who is the subject of a Title IX inquiry or investigation.
4. **Hearing Officer** – A qualified individual, free from bias or conflict of interest, appointed by the Title IX Coordinator to preside over the live hearing when requested by either Party in connection with the investigation process. The Hearing Officer may be internal or external to Scripps Research.
5. **Decision-Maker** – A qualified individual with no conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent, who determines on behalf of Scripps Research, whether, based on the available evidence, it is more

likely than not that the Respondent engaged in conduct that violates this policy.

Absent a conflict of interest in a specific matter, Scripps Research's Vice President, Human Resources or their designee will serve as the Decision-Maker under this policy.

6. **Responsible Employee** – Scripps Research employees who are required to promptly report any Prohibited Conduct that they observe or otherwise become aware of to a Title IX Coordinator include:
 - a. Faculty
 - b. Deans and Associated Deans
 - c. Executive Management
 - d. Vice Presidents and Associate Vice Presidents
 - e. Directors and managers in Human Resources, International Services, and the Graduate Office
7. **Education Program or Activity** – Education programs or activities include locations, events, or circumstances over which Scripps Research exercised substantial control over both the Respondent and the context in which the Prohibited Conduct occurred.
8. **Formal Complaint** – A document signed by the Title IX Coordinator or submitted by a Complainant to Scripps' Title IX Coordinator that alleges Prohibited Conduct against a Respondent and requests that Scripps Research investigate the allegation(s).
 - a. At the time of submitting a Formal Complaint, the Complainant must be participating or attempting to participate in an education program or activity of Scripps Research.
 - b. Only a Complainant or Title IX Coordinator may initiate a Formal Complaint and investigation under this Policy (34 U.S.C. 106.30(a)).
9. **Prohibited Conduct** – This policy prohibits all forms of sex-based discrimination and sexual misconduct, including but not limited to: sexual harassment; sexual violence; sexual assault; sexual exploitation; relationship violence; stalking; discrimination based on sex, gender identity, gender expression, pregnancy, childbirth, false pregnancy, termination of pregnancy, or recovery therefrom; aiding or facilitating the commission of a violation of this policy; and retaliation.
10. **Sex-based Discrimination** – Any action and/or conduct that deprives a person of educational or employment access, benefits, or opportunities because of their actual or perceived sex.

Sex-based Discrimination is an umbrella term that includes but is not limited to discrimination because of actual or perceived sex, parental status, pregnancy, childbirth, false pregnancy, termination of pregnancy, or recovery therefrom, as well as sexual misconduct. Sexual harassment and assault are also considered unlawful sex-based discrimination.
11. **Sexual Misconduct (including Sexual Assault)** – Sexual misconduct is a broad term encompassing any unwelcome behavior of a sexual nature that is committed without affirmative consent or by force, intimidation, coercion, or manipulation. Sexual misconduct can be committed by a person of any sex, and it can occur between people of the same or different sexes. Sexual Misconduct includes but is not limited to sexual harassment, sexual assault, sexual exploitation, relationship violence, and stalking.
 - a. Sexual Intercourse includes any penetration, however slight, with any of the following objects or body parts performed by a person upon another person: (1) vaginal penetration by a penis, object, tongue, finger or other body part; (2) anal penetration by

a penis, object, tongue, finger or other body part; and (3) any contact, no matter how slight, between the mouth of one person and the tongue or genitalia of another person, or any penetration of another's mouth by a penis, object, tongue, finger, or other body part, without the person's affirmative consent. Sexual Assault is not limited to acts involving penetration.

- b. **Sexual Assault**, also referred to as sexual battery, is the touching of another person's intimate body parts (e.g., the genitals, inner thigh, groin, stomach, mouth, breast or buttocks of any person) while clothed or unclothed without affirmative consent. Sexual Assault may be committed by a stranger, non-stranger (e.g., acquaintances, third parties affiliated with Scripps Research), or intimate partner, all of which are covered under this policy. Sexual Assault (as defined in 20 U.S.C. 1092(f)(6)(A)(v)) includes dating violence, domestic violence, or stalking, as defined in the Violence Against Women Act (VAWA) (34 U.S.C. §§ 12291(a)(8), (10) and (30).)

12. **Affirmative Consent** – Affirmative Consent is positive, conscious, and voluntary agreement to engage in sexual activity by an individual who is of the legal age of consent.

It is the responsibility of each person involved in the sexual activity to ensure that they have the affirmative consent of the other(s) to engage in the sexual activity.

- a. Lack of protest or resistance does not mean consent, nor does silence mean consent.
- b. Intoxication does not excuse a Party's failure to obtain affirmative consent.
- c. Affirmative Consent must be ongoing throughout a sexual activity and can be revoked at any time.
- d. The existence of a dating relationship between the persons involved, or the fact of past sexual relations between them, should never by itself be assumed to be Affirmative Consent.

The lack of Affirmative Consent cannot be excused on the ground that the Respondent believed:

- i. The Complainant consented to the sexual activity in either of the following circumstances:
 - a) The Respondent believed Affirmative Consent arose from the intoxication or recklessness of the Complainant; or
 - b) The Respondent did not take reasonable steps, in the circumstances known to the Respondent at the time, to ascertain whether the Complainant affirmatively consented.
- ii. The Complainant Affirmatively Consented to the sexual activity when the Respondent knew or reasonably should have known that the Complainant was unable to consent, due to any of the following circumstances:
 - a) The Complainant was asleep or unconscious;
 - b) The Complainant is a minor under 18 years of age;
 - c) The Complainant was incapacitated due to the influence of drugs, alcohol, or medication, so that the Complainant could not understand the fact, nature, or extent of the sexual activity; or
 - d) The Complainant was unable to communicate due to a mental or physical condition.

13. **Actual Notice** – Actual notice under this policy means notice of sexual harassment or allegations of sexual harassment to the Title IX Coordinator or any official of the Scripps Research who has authority to institute corrective measures on behalf of the institute. Imputation of knowledge based solely on vicarious liability or constructive notice is insufficient to constitute actual knowledge.

Actual notice does not exist when the only official of Scripps Research with actual knowledge is the Respondent.

An individual's mere ability or obligation to report sexual harassment or to inform a student about how to report sexual harassment, or having been trained to do so, does not qualify an individual as one who has authority to institute corrective measures on behalf of Scripps Research.

14. **Relationship Violence** – Relationship Violence is physical violence or emotional abuse committed by a person who is or has been in a social, romantic, intimate, domestic or dating relationship with another person who is subject to the violence. It is also referred to as dating violence, domestic violence and intimate partner violence.
15. **Protected Conduct** – Protected Conduct for purposes of this policy includes, making a report of suspected sex discrimination or sexual misconduct, participating in an investigation into such allegations, advocating for a Party's rights under this policy, exercising one's right to equal access to educational opportunities, resources, benefits and/or training provided by Scripps Research, and related conduct protected by law.
16. **Retaliation** – Retaliation under this policy is taking or attempting to take an adverse action against a person or group because that person or group participated in a report or investigation under this policy.

Retaliation can be committed by any individual or group of individuals, not just the Respondent or Complainant. Retaliation can include threats, intimidation, bullying (i.e., unwelcome physical or verbal conduct that occurs over a period of time and is intended to harm others who feel powerless to respond), harassment, physical harm, emotional abuse, damage to or theft of property, adverse changes to the work/education environment, exclusion from a position, association, opportunity or event, or other conduct that unreasonably interferes with the individual's ability to continue their education or employment, when such actions are undertaken because another person engaged in Protected Conduct.

17. **Sexual Exploitation** – Sexual Exploitation occurs when a person takes sexual advantage of another person for the benefit of anyone other than that person and without that person's consent. Examples of behavior that could rise to the level of Sexual Exploitation include:
- Prostituting another person;
 - Recording one or more images (e.g., video, photographs) or audio of another person's sexual activity, intimate body parts, or nakedness without that person's consent;
 - Disclosing or distributing one or more images (e.g., video, photographs) or audio of another person's sexual activity, intimate body parts, or nakedness, without the affirmative consent of the person depicted/heard; and
 - Viewing another person's sexual activity, intimate body parts, or nakedness in a place where that person would have a reasonable expectation of privacy, without that person's affirmative consent.

18. **Sexual Harassment** – Sexual Harassment is unwanted sexual advances, requests for sexual favors, or visual, verbal, or physical conduct of a sexual nature by any individual, including but not limited to, students, interns, peers, co-workers, faculty, supervisors, postdocs, visitors, or third parties when: (1) an employee of Scripps Research conditions the provision of an aid, benefit, or service of Scripps Research on an individual's participation in unwelcome sexual conduct (quid pro quo); or (2) a reasonable person would determine that the conduct is so severe, pervasive and objectively offensive that it effectively denies a person equal access to Scripps Research's education program or activity. Sexual harassment may be subtle and indirect or blatant and overt. *Note: Sexual desire on the part of the harasser toward the person or persons who are the object of harassment is not a requisite for sexual harassment.*

The determination of what constitutes sexual harassment depends on the specific facts and context of the interaction, including but not limited to: (1) the relationship between the Respondent and the Complainant, including whether the alleged harasser had supervisory authority over the Complainant; (2) the frequency of the conduct; (3) the nature and severity of the conduct; (4) the effect of the conduct on the Complainant's mental or emotional state, with consideration of whether the conduct unreasonably interfered with the Complainant's educational environment or access to educational programs or activities; (5) whether the conduct was directed at more than one person; (6) whether the conduct arose in the context of other discriminatory conduct; and (7) whether the conduct implicates concerns related to academic freedom or protected speech.

The following is a non-exhaustive list of conduct prohibited by Scripps Research that may constitute sexual harassment:

- a. Sending unwanted sexually oriented content (e.g., jokes), images, videos or recordings to a student, employee, staff, work group email list or any other individual(s) at Scripps Research;
 - b. Unauthorized sharing or posting of any sexually explicit photos, videos, images or recordings of another, including a current or former partner/significant other;
 - c. Making or using derogatory comments, epithets, slurs, or jokes of a sex-based or sexual nature;
 - d. Surreptitiously taking one or more pictures, videos or recordings of individuals without their consent, especially of private or intimate areas of their body;
 - e. Engaging in unwanted suggestive or obscene communications, including gestures and conduct;
 - f. Invading one's personal space or touching another individual's non-intimate body parts in a sexually suggestive manner, such as one's hair or clothing, without the person's affirmative consent;
 - g. Promising a benefit to someone in exchange for engaging in sexual activity; and
 - h. Exposing one's genitals to another without consent.
19. **Stalking** – Stalking is a type of conduct directed at a specific person that otherwise serves no legitimate purpose and involves two or more occasions of unwelcome attention, harassment, physical or verbal contact, or any other course of conduct that would cause someone to be in reasonable fear for their own safety or the safety of their immediate family or experience substantial emotional distress.

Stalking may include cyber-stalking, in which the internet or social media, cell phone, text messages, or other forms of electronic media are used to contact another person directly or

indirectly without their consent and for no legitimate purpose.

E. PROCEDURES AND GUIDELINES TO ADDRESS PROHIBITED CONDUCT

1. Reporting Sex-based Discrimination or Sexual Misconduct

a. Formal Reporting to Scripps Research

- i. Scripps Research has designated Title IX Coordinators on each campus to help address issues of Prohibited Conduct within the Scripps Research community. These individuals have been trained regarding Title IX requirements and can assist those who experience sex-based discrimination or sexual misconduct, direct them to available resources, and oversee Scripps Research's investigation and response to reports of Prohibited Conduct.
- ii. Scripps Research has designated the following individuals as Title IX Coordinators:

	California Campus	Florida Campus
Title IX Coordinators	Julie Harrison Title IX Coordinator CA Phone: (858) 784-9003 Email: jharrison@scripps.edu Office: 3301 N. Torrey Pines Rd. (Human Resources, 3d Floor)	Rachel Martin Title IX Coordinator FL Email: ramartin@scripps.edu Phone: (561) 228-2063

- iii. In addition to Responsible Employees who are required to report any Prohibited Conduct of which they become aware, any person who witnesses, experiences, or is otherwise aware of conduct that they reasonably believe may violate this policy, including retaliation, is urged to contact a Title IX Coordinator. Although anyone may make a report under this policy to a Title IX Coordinator or other official at Scripps who has the authority to implement corrective measures on behalf of the institute, or seek help from campus or external resources, only the Complainant and the Title IX Coordinator can sign a Formal Complaint for investigation.
- iv. Reports may be made to a Title IX Coordinator in person, by phone, or via email. Anonymous reports are accepted, but Scripps Research's ability to respond or investigate anonymously reported information may be severely limited.
- v. Although prompt reporting helps the assessment and investigation process, Scripps Research does not limit the timeframe for reporting alleged violations of this policy. It should be noted, however, that a delay in reporting may complicate and impede any investigation.

b. Confidential Reporting Resources

- i. While Scripps Research encourages its community members to promptly report all incidents of Prohibited Conduct to a Title IX Coordinator, it recognizes that sometimes an individual may prefer initially to speak with someone in confidence. In this situation, Scripps Research will help a Complainant identify confidential options and provide supportive measures consistent with federal regulations, 34 C.F.R. Part 106.30 *et seq.*
- ii. For members of the community who do not want to report alleged misconduct for

investigation and prefer to discuss the matter confidentially, the following confidential on-campus resources will not disclose reports of possible sex-based discrimination or sexual misconduct to the Title IX Office without the complainant's consent, except as required by law:

- a) Scripps Research Ombuds Office
Phone: (858) 784-9911
Email: ombuds@scripps.edu
- b) Scripps Research Counseling and Psychological Services (CAPS)

California Campus	Florida Campus
Daphne Lurie, Ph.D. (CAPS director and CA licensed psychologist) Phone: 858-784-7915 Email: dlurie@scripps.edu Office: 3300 N. Torrey Pines Rd, 300 Lauren Jensen (CA licensed staff psychologist) Email: ljensen@scripps.edu Office: 3300 N. Torrey Pines Rd, 300	Dana Scoville (FL counselor) dscovill@scripps.edu

- iii. The Employee Assistance Program provides 24-hour mental health assistance to all benefits-eligible members of the Scripps Research community:

- a) Aetna
Phone: (800) 342-8111
Website: www.resourcesforliving.com
Username: ScrippsResearch
Password: eap

- iv. All confidential resources are subject to confidentiality obligations that generally prohibit release of information without an individual's express consent, unless otherwise required by law.

c. Reporting to Law Enforcement

- i. A Complainant has the right to file a criminal complaint at any time, whether before, during, or after making a Title IX complaint or activating the Institute's internal Title IX investigation process. A Complainant is not required to make a report to law enforcement, and the Complainant's decision to report or not to report the Prohibited Conduct externally shall not be considered in connection with the investigation.

2. **Institutional Procedure for Responding to Reports of Prohibited Conduct**

a. Initial Assessment

- i. Within fourteen (14) days of receiving a report or Formal Complaint of Prohibited Conduct, the Title IX Coordinator shall review the information and conduct an initial assessment of the reported conduct.

- ii. As part of the initial assessment, Scripps Research will:
 - a) Address the immediate physical safety and emotional well-being of the Complainant (and others as appropriate);
 - b) Assess the nature and circumstances of the reported conduct;
 - c) Consider the Complainant's expressed preference for resolution;
 - d) Assess the necessity for supportive measures; and
 - e) Assess for pattern evidence and/or systematic problems involving the Respondent or others.
- iii. The Title IX Coordinator's initial assessment typically involves a preliminary meeting with the Complainant to confirm and obtain additional detail regarding the Prohibited Conduct alleged, including the name of the Respondent (if known); the date and time of the alleged incident(s); the location of the alleged incident(s); and the nature of the alleged behavior. In conducting this interview, the Title IX Coordinator shall endeavor to avoid retraumatizing the Complainant and shall not ask the Complaint to recount (or repeat) details beyond that which is necessary to determine whether a Formal Complaint and further investigation are warranted.
- iv. The Title IX Coordinator may consult as necessary with other Scripps Research administrative departments =, including but not limited to the Executive Office; Dean of the Graduate Program; Security Services; Legal Department; or Human Resources in connection with any complaint or investigation under this policy, except in circumstances where the individual(s) to be consulted is a potential witness to the conduct or is the Respondent. This limitation does not, however, prohibit the Title IX Coordinator from communicating with the Respondent as necessary to fulfill the Coordinator's duties stated herein. In consulting with other Scripps Research personnel, the Title IX Coordinator shall exercise reasonable care to protect the confidentiality of the report and the integrity of the investigative process.
- v. During the initial assessment, and irrespective of whether a Formal Complaint is made, the Title IX Coordinator will also provide the Complainant with additional information including:
 - a) The right to contact (or decline to contact) law enforcement if the conduct is criminal in nature; and if requested, the right to be assisted with notifying law enforcement;
 - b) Available medical treatment to address physical and/or mental health concerns;
 - c) Available supportive measures, including information about on- and off-campus resources;
 - d) Whether informal resolution is available;
 - e) An explanation of the process for filing a Formal Complaint; and
 - f) A copy of this policy.
- vi. The initial assessment will proceed to the point where the Title IX Coordinator has sufficient information to make a reasonable assessment of the health and

safety of Complainant and of the Scripps Research community, and whether, if true, the Complainant's allegations indicate a potential violation of this policy. If a potential violation of this policy exists and the Complainant has not filed a Formal Complaint, the Title IX Coordinator may sign a Formal Complaint to initiate an investigation and grievance process under this policy. If the Title IX Coordinator concludes the allegations do not state a potential violation of this policy, the Title IX Coordinator has discretion to forward the allegations to the department(s) best suited to address them based on the circumstances.

- vii. Upon completion of the initial assessment, the Title IX Coordinator will simultaneously notify the Parties' in writing as to whether a Formal Complaint and investigation are warranted under this policy. The Title IX Coordinator's notification to the Parties must include the information set forth below in section E(2)(e)(iii).
- viii. Absent good cause, the Title IX Coordinator shall complete their initial assessment within 14 days of receiving a report of suspected sexual misconduct or Formal Complaint, whichever is later.

b. Supportive Measures

- i. Upon receipt of information regarding Prohibited Conduct, Scripps Research may implement supportive measures as appropriate for the Complainant, Respondent, or for the larger Scripps Research community. The scope of these measures will be determined by the Title IX Coordinator in connection with others at Scripps Research as appropriate. The Title IX Coordinator shall make every effort to implement supportive measures that do not negatively impact the Complainant and otherwise best serve the interests of all Parties pending the resolution of a report of alleged misconduct under this policy.
- ii. Supportive measures may include, but are not limited to: (1) directives instructing the Complainant and/or Respondent not to contact the other; (2) separating or modifying the Complainant's or the Respondent's academic, employment, and/or extracurricular schedule; (3) extensions of deadlines or program-related requirements; (4) enhanced security or monitoring of areas on campus; (5) providing counseling and/or medical services; (6) assistance in obtaining/responding to a protective order issued by a court of law; (7) Scripps Research's compliance with any court-issued restraining orders or directives; (8) limiting an individual's access to Scripps Research property and/or buildings; (9) retaking of or withdrawal from courses without penalty; and (10) suspensions or leaves of absence, while Scripps Research completes the investigation.
- iii. No disciplinary sanctions or other actions that are not supportive measures (as defined in 34 U.S.C. part 106.30) may be taken against Respondent prior to completion of the grievance process provided herein.

c. Emergency Removal of Respondent

- i. Nothing in this policy precludes Scripps Research from removing a Respondent on an emergency basis after conducting an individualized safety and risk analysis as contemplated by the Final Rule and concluding that the Respondent poses an immediate threat to the physical health or safety of any individual, provided that the Respondent receives notice and an opportunity to challenge the decision immediately following removal.

ii. Administrative Leave for Employee-Respondents

- a) Nothing in this policy prohibits Scripps Research from placing a non-student employee Respondent on administrative leave during the pendency of a grievance proceeding under this policy where reasonable and appropriate under the totality of the circumstances.

d. Informal Resolution

- i. Scripps Research recognizes that informal resolution options may, if implemented consistently, be an appropriate means of addressing some forms of Prohibited Conduct reported under this policy. These options are designed to eliminate the conduct at issue, prevent its recurrence, and remedy its effects in a manner that meets the expressed preference of the Complainant and is consistent with the safety and well-being of the Scripps Research community.
- ii. Informal methods of resolution are only available after a Formal Complaint has been filed under this policy. Absent good cause, the Parties generally should not engage in extended informal resolution efforts that exceed 30 days.
- iii. If appropriate, the Title IX Coordinator will advise the Complainant regarding the Institute's available informal methods of resolution where the Parties can work together with others' assistance to resolve the problem voluntarily and informally, without the need for investigative findings. In most cases, informal resolution is facilitated by trained professionals from outside Scripps Research.
- iv. Informal resolution is never appropriate in matters alleging sexual assault, including domestic/dating violence, or where an employee is alleged to have sexually harassed a student;
- v. No Complainant or Respondent shall be encouraged or pressured to participate in an informal resolution process. Either the Complainant or Respondent may end the informal resolution process at any time upon reasonable notice to the Title IX Coordinator.

e. Investigation in Response to Formal Complaint

- i. If a Formal Complaint is made and an investigation is opened the Complainant and the Respondent shall be provided with written notice of the allegations that constitute a potential violation of Scripps Research's Policy, including sufficient details and time to prepare a response before any initial interview.
- ii. Sufficient details include the identities of the individuals involved, the specific provisions of this policy alleged to be violated, the precise conduct alleged that may constitute a violation, and the date(s) and location(s) of the alleged incident(s). The Parties will also be notified of the following:
 - a) The presumption that the Respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process;
 - b) The Complainant's right to supportive measures;
 - c) Information about on- and off-campus confidential resources;
 - d) An explanation of the procedural process, including applicable timelines, the degree of participation required, the standard of proof applied, and

- potential outcomes;
- e) Knowingly making false statements, knowingly submitting false information during the grievance process or intentionally interfering with the process is prohibited, and may result in disciplinary action up to and including separation from the institute;
 - f) The importance of preserving evidence;
 - g) The right to have an Advisor of their choosing assist them throughout the investigation and resolution of the complaint, in accordance with this policy; and
 - h) A copy of this policy.
- iii. Each investigation is a neutral fact-finding process that will be conducted by one or more qualified, impartial investigator(s) selected by the Title IX Coordinator and kept as confidential as possible; information will be shared only on a need-to-know basis. The Complainant and Respondent will be kept reasonably informed of the status of the investigation.
 - iv. The investigator shall conduct an objective evaluation of all relevant evidence – including both inculpatory and exculpatory evidence – and shall not make credibility determinations based on a person’s status as a Complainant, Respondent or witness.
 - v. Each Party has the right to offer relevant witnesses, documents, and other evidence to the investigator(s); Scripps Research will assist the parties in locating and providing relevant information within its possession, custody or control consistent with 34 U.S.C. Part 106.45(b)(5)(i)-(ii). Each Party may also choose to provide a written statement regarding the matter to the investigator(s).
 - vi. The investigator(s) will collect relevant information and interview Parties and witnesses (in person, by telephone, or video conference) as appropriate, for the purpose of fact-finding. The Title IX Coordinator shall ensure that any investigators are adequately trained regarding Title IX investigations and trauma-informed practices. Investigators shall adhere to legal requirements and best practices relating to obtaining evidence, assessing credibility, and reaching conclusions.
 - vii. Scripps Research will aim to have the investigation completed, including issuance of the investigator’s Final Report, as described below, within forty-five (45) days; however, in more complex matters involving multiple allegations, witnesses, Complainants and/or Respondents, the investigation may take longer. The Parties will be notified simultaneously in writing of any extensions or delays.
 - viii. Scripps Research shall not unreasonably deny a Party’s requests for short extensions, especially where extensions have been provided to the investigator.
 - ix. Both parties shall have equal opportunity to inspect and review any evidence obtained as part of an investigation that is directly related to the allegations raised in a Formal Complaint, including the evidence on which Scripps Research does not intend to rely in reaching a determination regarding responsibility and

inculpatory or exculpatory evidence whether obtained from a Party or other source, so that each Party can meaningfully respond to the evidence prior to conclusion of the investigation.

f. Findings and Investigative Reports

- i. Following the investigation, the investigator(s) will prepare a Final Report that, at a minimum, includes: a fair summary of the allegations; an overview of the investigation process; the evidentiary standard(s) applied; a detailed description of the evidence considered, including an explanation as to why any evidence was not considered; the investigator's rationale for any credibility findings; and an explanation of the investigator's findings as supported by the record. Relevant exhibits and documents, if any, shall be attached to the written report.
- ii. Before issuing the Final Report, the investigator shall simultaneously: 1) provide the Parties and their Advisors, if any, with an electronic copy of the draft Final Report, including exhibits; (2) provide the Parties (and Advisors upon request) electronic access to all evidence collected by the investigator; and (3) allow the Parties ten (10) business days to respond to the draft Report in writing, including presenting further relevant evidence, information or arguments that could affect the outcome. The investigator shall not reach any final conclusions or issue the Final Report until careful consideration has been given to any such additional, relevant evidence, information or arguments provided by the Parties. The investigator shall have the sole discretion and authority to determine relevance. Once complete, the Final Report with exhibits shall be promptly provided to the Title IX Coordinator, Complainant(s) and Respondent(s) in electronic format.
- iii. Any time after a Formal Complaint has been made, but no later than five (5) business days after receipt of the investigator's Final Report, either party may request a live hearing (as described below) occur before a decision regarding responsibility is made. If neither party timely files a request for hearing, the investigator's Report shall be deemed complete and transmitted to the Decision-Maker on the sixth business day to make a determination regarding responsibility.
 - a) Only after a live hearing, if requested, may the Decision-Maker determine whether a violation of this policy occurred.
 - b) The Decision-Maker's determination regarding responsibility becomes final on the date on which an appeal would no longer be considered timely, unless an appeal is sought.
- iv. **Amnesty for Alcohol and/or Drug Use by Reporting Individuals**
 - a) The health and safety of each member of the Scripps Research community is paramount. The Institute recognizes that community members who have been drinking and/or using drugs (whether such use is voluntary or involuntary) at the time a suspected policy violation occurs, may be hesitant to report such incident(s) out of fear for the potential consequences of their own conduct. The Institute strongly encourages reporting Prohibited Conduct to Institute officials.
 - b) A bystander, Reporting Party, or Complainant who, in good faith, reports an incident of Prohibited Conduct to Institute officials or law enforcement

will not be subject to disciplinary action for violation of the Institute's Substance Abuse Policy occurring at the time of, or in connection with, the reported incident.

g. Live Hearing

- i. A Complainant or Respondent may request a live hearing during the Title IX grievance process after a Formal Complaint has been made. Requests for a live hearing must be in writing and received by the Title IX Coordinator no later than five (5) business days after the Investigator(s) delivers a copy of the Final Report to the Parties and Scripps Research.
- ii. Upon receipt of a timely written request for a hearing from a Party under this policy, the Title IX Coordinator shall promptly contact the Parties or their Advisor(s) to coordinate a mutually agreeable date and time for a live hearing, not less than 21 days after the request for hearing is received by the Title IX Coordinator, except that the investigation Final Report must be complete and disseminated to the Parties and Title IX Coordinator not less than ten (10) business days before the hearing. Within five (5) business days of receiving a request for hearing or receipt of the Final Report, whichever is later, the Title IX Coordinator shall appoint a trained individual not otherwise involved in the Title IX investigation to serve as the Hearing Officer.
 - a) Either a Complainant or Respondent may request that the Parties be located in separate rooms with technology that enables the Hearing Officer, Decision-Maker, and Parties, to simultaneously see and hear the questions and answers in real time.
- iii. The Hearing Officer has discretion to alter the timeframes provided in this section upon request by a Party and a showing of good cause, or, as the Hearing Officer deems prudent to ensure a fair and efficient hearing.
- iv. The Decision-Maker must be present at any live hearing, whether in person or via videoconference so that they can see and hear the proceedings. Each Party's Advisor may ask the other Party(ies) and any witnesses relevant questions, including follow-up questions and questions related to credibility. All questioning shall be done in a professional and tactful manner, directly, orally and in real time by the Party's Advisor and never by a Party personally. To the extent other witnesses are called to participate in a hearing, the Parties' Advisors shall have equal right to cross-examine the witnesses.
- v. Only relevant cross-examination and other questions may be asked of a Party or witness. Before a Complainant, Respondent, or witness answers a question, the Decision-Maker in consultation with the Hearing Officer, must first determine whether the question is relevant and explain any decision to exclude a question as not relevant. To maximize efficiency, each Party must submit a written list of the witnesses they intend to call to testify at the live hearing, along with the topics the Party intends to raise with each witness, to the Hearing Officer via email or personal delivery not less than 24 hours prior to the scheduled hearing. Before the hearing starts, the Hearing Officer shall advise the Parties whether any of the topics submitted will be limited or excluded due to a lack of relevance. In addition, absent a valid waiver by the privilege holder(s), no questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege are permitted.

- vi. The Hearing Officer retains sole discretion to request the Parties to submit written briefs setting forth their respective positions on appeal and identifying evidence in support. If briefs are requested, the Party appealing the determination (Appellee) shall submit their opening brief to the Hearing Officer and other Party(ies) not less than ten (10) days before the hearing. The responding Party(ies) (Appellant) shall submit their response brief not less than three (3) days before the hearing. No further briefing will be accepted or become part of the record on appeal unless requested or approved by the Hearing Officer in advance.
- vii. If a Party does not select an Advisor independently, Scripps Research will appoint an Advisor to conduct questioning and cross-examination on the Party's behalf at the hearing. This Advisor may be, but is not required to be, an attorney.
 - a) A Party may object to the Advisor appointed by Scripps Research based on bias or conflict of interest. Any objection to an assigned Advisor must be made in writing to the Title IX Coordinator within five (5) business days of receiving notice of the Advisor's assignment, and state facts and reasons supporting the assertion of bias or apparent conflict of interest. The Title IX Coordinator shall review the challenge and, within five (5) business days thereafter, determine whether to replace the challenged Advisor with a qualified substitute. If a replacement is required, one shall be assigned within three (3) business days of the Title IX Coordinator's determination. If the Title IX Coordinator determines that replacement of the Advisor is unnecessary, the determination and explanation shall be in writing and shall become a part of the investigation record.
- viii. Questions and evidence about the Complainant's alleged 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 consent.
- ix. If a Party or witness does not submit to cross-examination at the live hearing, the Decision-Maker must not rely on any statement of that party or witness in reaching a determination regarding responsibility; provided, however, that the Decision-Maker cannot draw an inference about the determination regarding responsibility based solely on a Party's or witness's absence from the live hearing or refusal to answer cross-examination or other questions.
- x. Live hearings pursuant to this policy may be conducted with all Parties physically present in the same geographic location or, upon request and at Scripps Research's discretion, some or all Parties, witnesses, and other participants may appear at the live hearing virtually, with technology enabling participants simultaneously to see and hear each other. Nothing herein limits Scripps Research's authority to take reasonable steps to prevent the Parties from communicating directly during a live hearing, whether verbally, visually or through chat or direct message functions.
- xi. All live hearings will be recorded or transcribed. Copies of the recording or transcript shall be made available to all Parties for inspection and review upon

request.

h. Determination of Responsibility

- i. Upon the completion of the investigation (and hearing, if any) the Decision-Maker must simultaneously deliver a written determination regarding responsibility for the alleged misconduct to the Parties. The Decision-Maker's determination shall contain the following:
 - a) Identification of the allegations potentially constituting sexual harassment under this policy;
 - b) 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;
 - c) Findings of fact supporting the determination;
 - d) Conclusions regarding the application of Scripps Research's Rules of Conduct to the facts;
 - e) A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions Scripps Research is imposing on the Respondent, and whether remedies designed to restore or preserve equal access to Scripps Research's education program or activity should/will be provided to Complainant; and
 - f) Scripps Research's procedures and permissible bases for either Party to appeal the determination.

i. Sanctions

- i. Only after a live hearing (if requested) and a determination that the Respondent violated this policy, the Decision-Maker will contact the appropriate department (indicated below) to determine sanction(s). The Decision-Maker shall consider the factors below before determining an appropriate sanction(s).
 - a) the severity and duration of the conduct;
 - b) the impact of the conduct on the Complainant and others;
 - c) whether the Respondent is/was in a supervisory or otherwise authoritative position over the Complainant;
 - d) except in cases of sexual assault, whether the conduct involved a single incident or a multiple incidents;
 - e) the number of other Complainants or community members impacted by the conduct;
 - f) whether the Respondent has been disciplined for similar misconduct in the past;
 - g) prior discipline imposed on Respondent for sex-based misconduct;
 - h) whether the Respondent has expressed remorse or acknowledged the inappropriateness of their conduct; and

- i) whether the Respondent indicates an understanding of the impact of their actions on the Complainant and the Scripps Research community as a whole.
- ii. The Decision-Maker has discretion to share a redacted copy of their findings and/or the investigative report in connection with this evaluation to promote transparency, fairness and consistency.
 - a) For students, the Decision-Maker will work with the Office of Graduate Studies;
 - b) For scientific and administrative staff, the Decision-Maker will work with Human Resources;
 - c) For faculty, sanctions will be determined by the President of Scripps Research in consultation with Human Resources, consistent with Administrative Guidelines section 2 and Faculty Bylaws.
- iii. The Title IX Coordinator has an ongoing responsibility to monitor any sanctions imposed pursuant to this policy.
- iv. Scripps Research may undertake additional actions beyond those sanctioned against the Respondent, such as increased security in certain areas, targeted education and training, increased publication and dissemination of information regarding the Institute's policies and resources available to prevent and remedy the effects of sex-based discrimination and sexual misconduct.

j. Appeals

- i. Both Parties have an equal right to an impartial appeal. Appeals will be accepted solely on the following grounds:
 - a) A procedural error or omission was committed that materially impacted the outcome of the original finding(s);
 - b) New evidence that, despite reasonable diligence, was unknown or unavailable during the original investigation, and, the new evidence could have had a material impact on the investigation outcome. New evidence includes but is not limited to, evidence of actual or apparent bias by the Title IX Coordinator, Investigator or other decision-maker; or
 - c) The sanction(s) imposed is disproportionate to the severity of the violation(s).
- ii. If either the Complainant or Respondent intends to appeal based on one or more of the grounds listed in section (j)(i), above, an appeal letter must be submitted to the Title IX Coordinator in writing within ten (10) business days from receipt of the Decision-Maker's determination of responsibility. The Title IX Coordinator will notify the opposing Party of the grounds identified in the appeal within two (2) business days of receipt.
- iii. Upon receipt of the Title IX Coordinator's notice of appeal, the non-appealing Party shall have ten (10) business days to respond in writing to the grounds stated in the appeal.
- iv. A trained and independent appeals officer will be appointed by the Title IX Coordinator to consider the appeal. The appeals process is conducted in writing

and the appeals officer generally will not meet with either the Complainant or Respondent. Therefore, when submitting documents in the appeal process, Parties should include any and all information they want considered by the appeals officer. However, in no event shall either Party be permitted to introduce new evidence or witnesses that were not presented during the underlying investigation, unless the Party offering the evidence on appeal demonstrates that the evidence was previously unknown and unavailable to the Party through no fault of their own and despite due diligence. If a Party introduces new evidence, the other Party shall also have a reasonable opportunity to present new evidence in rebuttal.

- v. An appeal is not a new fact-finding process. **The appeals officer will not substitute their own judgment for that of the investigator(s), Title IX Coordinator, Hearing Officer, and/or Decision-Maker, but instead, will review the record to ensure compliance with this policy.**
- vi. The appeals officer may respond to the appeal in any of the following ways:
 - a) Deny the appeal in whole or in part;
 - b) Grant the appeal in whole or in part on the basis that the investigator and/or Title IX officer's decision(s) constitutes an abuse of discretion or was reached as a result of bias;
 - c) In the case of new evidence or procedural error, remand the investigation back to the investigator and/or Title IX Coordinator to consider the new evidence or cure the procedural defect as appropriate; or
 - d) Issue new or revised sanctions and/or remedies if an appeal is granted on the basis that there an abuse of discretion or bias that impacted the outcome.
- vii. The appeals officer will make every effort to provide the final written appeal decision to the Parties simultaneously within twenty-one (21) business days after receipt of all appeal documents. The appeals officer's written decision shall state the bases for their determination and identify the evidence in support.
- viii. If the appeals officer denies the appeal, the appeal decision is final. If the appeals officer modifies the outcome or sanction, the Party against whom the decision was made (the non-appealing Party) shall have the opportunity to appeal the appeals officer's decision on the same grounds listed in section E(2)(j)(i) above. If a second appeal occurs, a different appeals officer shall be appointed to review the new appeal. The decision of the new appeals officer shall be final. If the appeals officer's decision is to remand the matter for further investigation, either Party may appeal, pursuant to section (j), the outcome resulting from the remanded investigation.
- ix. The provisions herein are intended to preserve the Parties' rights to due process but shall not be used to unduly prolong the investigative process or prejudice either Party. These provisions shall not be construed to permit multiple, duplicative appeals by one Party.

3. The Difference between Privacy and Confidentiality

- a. When disclosing information about Prohibited Conduct to Scripps Research, community members should be aware of how their information may be shared within the Institute

based on Scripps Research's Title IX obligations. The following information is presented to help Parties make informed choices about how to proceed.

- b. Scripps Research will maintain as confidential any supportive measures provided to the Parties, to the extent that maintaining such confidentiality does not impair Scripps Research's ability to provide such measures.
- c. Privacy and confidentiality have distinct meanings under this policy.

- i. Privacy

- a) Privacy generally means that information related to a report will only be shared with those individuals who need to know (e.g., the Title IX Coordinator, investigator, Hearing Officer, Decision-Maker, sanctioning officer) or, in some circumstances, those who have a legitimate educational interest (e.g., Graduate Program Administration, Legal Office). All individuals who receive such information are obligated to be discreet and respect the privacy of all individuals involved.
- b) Scripps Research strives to maintain the privacy of all individuals involved in a report/investigation of sex-based discrimination or sexual misconduct to the greatest extent possible. All Scripps Research employees designated to assist with Title IX complaints, including the Title IX Coordinator, Decision-Maker and investigators, are trained to respect and safeguard private information. Throughout the process, every reasonable effort is made to protect the privacy interests of the individuals involved in a manner consistent with the need for a thorough investigation.
- c) The privacy of students' education records will be protected in accordance with the Family Education Rights and Privacy Act (FERPA). It shall not be considered a violation of FERPA for Scripps Research to notify the Complainant of any discipline and sanctions assessed against the Respondent consistent with applicable federal guidelines, for example, to the extent the sanction(s) directly impacts the Complainant (e.g., no contact order).

- ii. Confidentiality

- a) Information shared with campus or community professionals who have legal confidentiality obligations may only be disclosed: (1) with the individual's express written permission; (2) where there is a continuing threat of serious harm to the Complainant or community member or to others; (3) where there is suspected abuse or neglect of a minor; or (4) as required by state or federal law.
- b) Scripps Research 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, and which are made and maintained in connection with the provision of treatment to the party, unless Scripps Research obtains that party's voluntary written consent to do so.

4. Conflicts of Interest Arising from Personal Relationships

- a. Certain personal relationships between members of the Scripps Research community have a higher risk of negatively impacting the work environment. Examples include: personal relationships between student and faculty advisor, principal investigator and postdoctoral scholar or research assistant, mentor and trainee, and/or employee and supervisor. Because of the potential for conflicts of interest, exploitation, favoritism, and/or bias, such personal relationships can undermine the real or perceived integrity of the supervision and evaluation provided. Such personal relationships may also have unintended, adverse effects on the climate of the laboratory, classroom or department.
- b. Faculty are expected to be cognizant of the inherent power imbalance that exists in their relationships with students and postdocs, and how the existence of the imbalance, alone, can dissuade individuals from reporting or speaking out against objectionable conduct. Scripps Research expects faculty and persons of power to maintain interactions that are free from influences that may interfere with the learning and personal development experiences to which students and employees are entitled.
- c. Likewise, Responsible Employees always must be cognizant of the inherent power imbalance that exists in professional relationships between faculty-students, faculty-postdocs, faculty-staff scientists, supervisors-supervisees, Mentors-Mentees, senior faculty-junior faculty, and/or faculty-staff as a result of their disparate positions with the Institute, and, that immutable characteristics such as race, gender, sexual orientation, ethnicity, disability and/or other protected status(es) may exacerbate this imbalance. Responsible Employees are expected to take reasonable steps to eliminate the negative effects of this power differential (e.g., coercion, intimidation, harassment, exclusion, influence) in their relationships at Scripps Research, and to provide a safe and productive environment for all individuals where the exchange of diverse ideas and talents is encouraged.
- d. If a relationship does exist, both Parties are encouraged to advise their respective PIs, department chair(s), dean/assistant dean and/or the Office of Human Resources to address any concerns and potential conflicts.

5. Retaliation

- a. Retaliation is prohibited against any individual for exercising their Title IX rights or participating in the Title IX process at Scripps Research. Specifically, no person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privileged secured by Title IX, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in a Title IX investigation, proceeding or hearing.
- b. Individuals who believe they have been subject to retaliation should immediately report such conduct to the Title IX Coordinator on their campus. All complaints of retaliation will be investigated as described above. Scripps Research will consider appropriate disciplinary action, up to and including the immediate dismissal of any individual who retaliates against a Scripps Research community member for engaging in Protected Conduct.
- c. No Complainant or witness in related investigations or proceedings will be subject to disciplinary sanctions by Scripps Research for related violations of policies occurring at or near the time of the incident unless the Institute determines the violation was egregious, including but not limited to plagiarism, cheating, academic/research dishonesty or conduct that places the health and safety of any other person at risk.

6. Prevention, Awareness and Training Programs

- a. Scripps Research is committed to maintaining a welcoming education and work environment and preventing Prohibited Conduct through regular and ongoing training and education for students, faculty, and employees. This programming may be in the form of live presentations, workshops, printed materials, and the use of online resources and social media.

F. ROLES AND RESPONSIBILITIES

1. Title IX Coordinator

- a. Promotes the creation of policies, procedures, and notifications designed to ensure compliance with Title IX and state analogs;
- b. Receives information and allegations of sex-based discrimination or sexual misconduct;
- c. Issues Formal Complaints as required under this policy;
- d. Investigates, or retains external investigators to investigate, allegations and Formal Complaints alleging suspected violations of this policy;
- e. Determines or otherwise assists in identifying appropriate supportive measures;
- f. Oversees Title IX complaints and investigations and retains discretion to extend the timeframes provided herein for good cause (e.g., a party's, advisor's, witness's or other individual's absence; concurrent law enforcement activity; or reasonable accommodation).
- g. Serves as the Parties' primary point of contact at Scripps Research during an investigation under this policy;
- h. Appoints a qualified Hearing Officer upon the request of either Party;
- i. Answers questions and provides guidance and training about Title IX compliance and the Institute's related policies and procedures;
- j. Monitors all other aspects of Title IX compliance;
- k. Ensures that Scripps Research complies with its recordkeeping obligations under 34 U.S.C. Part 106.45(b)(10);
- l. Is knowledgeable about, and will provide information on, the Institute's Policy and procedures, and on the wide range of resources available to the Scripps Research community;
- m. Shall not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent; and
- n. In matters where the local Title IX Coordinator has an actual conflict of interest, is a Party to the complaint, or will be a material witness in the investigation, the Title IX Coordinator from the Institute's other campus shall be responsible for addressing the matter consistent with this policy. If both Title IX Coordinators are unable to serve due to an actual conflict of interest and/or participation in the investigation as a Party or witness, the Institute's Legal Department shall appoint a qualified, neutral Responsible Employee (as defined in paragraph C(6) above) to serve in the Title IX's Coordinator's place and fulfill their obligations under this policy in connection with the matter.

2. Responsible Employee

- a. Must report any suspected Prohibited Conduct of which they become aware to a Title IX Coordinator or Human Resources.

3. Advisor

- a. May be a friend, mentor, family member, attorney, or any other supporter who a Complainant or Respondent (“Advisee”) chooses to advise or support them throughout the investigation process, who is not a Party to or witness in the matter;
- b. May accompany their Advisee (in person or remotely) at all meetings and interviews at which the Advisee is present, upon reasonable written notice to Scripps Research;
 - i. Except when questioning a Party or witness at a live hearing, an Advisor may not serve as a substitute or stand-in for any Party, nor serve as the primary advocate during meetings and interviews. Stated alternatively, factual and evidentiary matters must be presented by the Parties and witnesses who have actual knowledge of the issue/conduct under investigation.
 - ii. Scripps Research reserves the right to remove or otherwise exclude an Advisor who does not comply with the requirements of this policy or fails to act in good faith.
- c. Shall be copied on all written correspondence to their Advisee; and
- d. Shall conduct all questioning on behalf of the Complainant or Respondent at the hearing.

4. Hearing Officer

- a. Presides over the live hearing and makes determinations in consultation with the Decision-Maker regarding the relevance and admissibility of questions and evidence presented by the Parties. The Hearing Officer retains sole discretion over all logistical and procedural aspects of the live hearing.
- b. Coordinates a time and place for the hearing to occur with assistance from Scripps Research and the Parties.
- c. Ensures the live hearing is recorded or transcribed consistent with this policy.

5. Decision-Maker

- a. Determines whether a violation of this policy occurred based on the available evidence.
 - b. Issues a written determination compliant with this policy upon completion of the investigation process and live hearing (if one occurred), as to whether it is more likely than not that the Respondent engaged in conduct that violates this policy.
 - c. Assists the Sanctioning Officer in determining appropriate sanctions based on the totality of circumstances as needed.
6. Inquiries about the application of Title IX to Scripps Research may be directed to the Title IX Coordinator, the Legal Department, or both.

G. KEY DATES

1. Updated May 2020 (new Title IX regulations)
2. Updated August 2024 (new Title IX regulations superseding 2020 regulations)
3. Updated February 2025 (2024 regulations rescinded; 2020 regulations reinstated)

H. RESOURCES

1. **Resources on Campus**

California Campus	UF Biomedical Research Campus
On-Campus Scripps Research Emergency: Dial 77 or 4-2000 Local Police/Fire/Rescue: Emergency, Dial 9, 911 Non-emergency, Dial (858) 552-1700 San Diego County Crisis Hotline: Dial 888-724-7240	Campus Security Services: Dial 2757 Local Police/Fire/Rescue: Emergency, Dial 911 Non-emergency, Dial (561) 746-6201 Palm Beach County Crisis Intervention Helpline: Dial 211

2. 24-Hour Hotlines and Treatment Centers

- a. National Domestic Violence Hotline: 800-799-SAFE (7233)
- b. National Sexual Assault Hotline: 800-656-HOPE (4673)
- c. LGBTQ Hotline: 1-888-843-4564

3. Internet Resources

- a. National Domestic Violence Hotline:
www.thehotline.org
<http://www.ndvh.org/>
- b. Rape, Abuse & Incest National Network:
www.rainn.org
<http://www.rainn.org/>
- c. The National Center for Victims of Crime:
www.ncvc.org

4. Shelters / Community Resources (Appendices A and B contain additional resources)

California Campus	Florida Campus
YWCA of San Diego County Hotline: (619) 234-3164 http://www.ywcasandiego.org/ Center for Community Solutions Hotline: 1-888-385-4657 http://www.ccssd.org/	YWCA of Palm Beach County <i>(Harmony House – shelter address is confidential and accessible via public transportation)</i> Hotline: (561) 640-9844 http://www.ywcapbc.org Aid to Victims of Domestic Abuse <i>(AVDA – shelter address is confidential and accessible via public transportation)</i> Hotline: (800) 355-8547 https://www.avdaonline.org

APPENDIX A
San Diego County

Crisis Intervention

San Diego County District Attorney Victim Services	Phone: 619-531.4041 330 W. Broadway San Diego, CA 92101 www.sdcda.org/helping/victims/victim-services	The Victim Assistance Program offers comprehensive services to victims of all types of crimes.	Free
City of San Diego	Phone: 888-385-4657 24 hour Domestic Violence Hotline https://www.sandiego.gov/city-attorney/resources/dvresources	Provide information on confidential DV shelters, counseling referrals, safety planning and other valuable resources.	

Mental Health Services

San Diego County Behavioral Health Services Mobile Crisis Response Team (MCRT)	Phone: 1-888-724-7240 https://www.sandiegocounty.gov/content/sdc/hhsa/programs/bhs/BHS_MCRT/About_MCRT.html	Mobile Crisis Response Team (MCRT) program designed to help people who are experiencing a mental health or substance use crisis by dispatching behavioral health experts to emergency calls instead of law enforcement, when appropriate. MCRT services are available countywide serving individuals of all ages.	Free
San Diego Psychiatric Hospital	Phone: 619-692-8200 3853 Rosecrans Street San Diego, CA 92110 24 hours a day, 7 days a week https://www.sandiegocounty.gov/content/sdc/hhsa/facilities/north_central/san_diego_county_psychiatric_hospital.html	Walk-in emergency mental health services are available for adults and older adults who are experiencing a mental health emergency or crisis. The Psychiatric Emergency Response Team (PERT) provides emergency assessment and referral for individuals with mental illness who come to the attention of law enforcement through phone calls from community members or in-field law enforcement request for emergency assistance.	
Adelante (South County)	Phone: 619-934-5770 855 3rd Avenue, Suite 1110 Chula Vista, CA 91911 http://www.comresearch.org/serviceDetails.php?id=NDA=	Adelante is a program of Community Research Foundation that provides intensive, community-based, case management services for 110 homeless adults in the South region of San Diego County. Adelante delivers fully integrated services to clients diagnosed with a serious mental illness, as well as individuals with co-occurring, mental health and substance disorders. Monday through Friday, 8:30am to 4:30pm and weekends as needed.	Funded by County of San Diego, Medi-Cal, Medicare

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Downtown IMPACT (Central)	Phone: 619-398-2156 995 Gateway Center Way, Suite 300 San Diego, CA 92102 http://www.comresearch.org/serviceDetails.php?id=Mw==	Downtown IMPACT (Intensive Mobile Psychosocial Assertive Community Treatment) delivers fully integrated services to clients ages 18 – 59 years old diagnosed with a serious mental illness, as well as individuals with co-occurring, mental health and substance disorders. Monday through Friday, 8:00am to 5:00pm with outreach provided evenings and weekends.	Funded by County of San Diego, Medi-Cal, Medicare
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APPENDIX B
Palm Beach County
Crisis Intervention

Palm Beach County Victim Services and Certified Rape Crisis Center Central Palm Beach County	Phone: (561) 355-2418, option 3 24 Hour Crisis Hotline: 1-866-891-7273 205 Dixie Hwy Suite 5.1100, 5 th Floor West Palm Beach, FL 33401 www.pbcgov.org/publicsafety/victimservices/Pages/default.aspx	Domestic violence, sexual violence, stalking, bullying, assault, homicide. Serving crime victims who live north of Lantana Road and south of 45th street in West Palm Beach Speaks Spanish	Free
Southern Palm Beach County	Phone: (561) 274-1500 200 W. Atlantic Ave., Suite. 1E-301 Delray Beach, FL 33444	South County Courthouse Serving crime victims who live south of Lantana Road to the Broward County line.	
Victim Services SART Center	Phone: (561) 625-2568 4210 North Australian Avenue, West Palm Beach, FL 33407 www.pbcsart.org/contact.htm	Serving crime victims of sexual assault countywide and providing ongoing services for all victims of violent crime who live north of 45th street in West Palm Beach to Martin County line.	
North County Governmental Center Northern Palm Beach County	Phone: (561) 355-2418 option 3 3188 PGA Blvd., #214-I Palm Beach Gardens, FL 33410	Serving crime victims who live north of 45th street in West Palm Beach to the Martin County line.	

Mental Health Services

Alpert Jewish Family & Children's Services	Phone: (561) 684-1991 5841 Corporate Way, Suite 200 West Palm Beach, FL 33407 www.alpertjfs.org	Provides individual, family and group counseling. Support groups, geriatric and child psychiatry, guardianship, case management and companionship for the elderly, domestic abuse program and residential services	Private insurance, sliding scale
Banyan Group - Counseling, Coaching and Consulting for Positive Change	Phone: (561) 967-2566 Main Office: 3898 Via Poinciana Dr. Suite 13 Lake Worth, FL 33467 *Other locations available www.banyan-online.com	Provides individual, family, couples, and group counseling. Medication management, psychiatric evaluation, court evaluations, and substance use treatment.	Sliding scale, suggested donations for services
Center for Family Services of Palm Beach, Inc.	Phone: (561) 616-1222 4101 Parker Ave. West Palm Beach, FL 33405 OR Phone: (561) 793-1698 12773 Forest Hill Blvd Wellington, FL 33414 www.ctrfam.org	Strengthening individuals and families through behavioral health services and education. Promoting a healthy community by strengthening the family structure. S.A.F.E. Kids Program: counseling for children and adult survivors of domestic violence, physical abuse, and sexual abuse Bilingual staff available	Medicaid, private insurance, sliding scale
Center for Trauma Counseling, Inc.	Phone: (561) 444-3914 6801 Lake Worth Rd. Suite 307 Greenacres, FL 33467 www.palmbeachmentalhealth.org	Provides individual, family, and group counseling. Specializes in therapy for trauma-related issues.	Sliding scale

ERE Associates	Phone: (561) 626-8070 3450 Northlake Blvd, Suite 212 Palm Beach Gardens, FL www.erehealth.com	Individual Therapy Marital and Family Therapy Eating Disorders Diabetes and Chronic Illness Counseling Offers consultations via telephone or video conferencing	Sliding scale
Jupiter Counseling	Phone: (561) 575-0575 4495 Military Trail, Suite 104 Jupiter, Florida 33458 www.jupitercounseling.org	Areas Covered: Marriage Counseling, Couples Counseling, Counseling for Adults, Counseling for Children and Teens, Group Counseling, EMDR Therapy, Anxiety and Depression, Stress and Anger Management, Addiction Recovery, Co-Dependency, Women's Issues, Trauma and PTSD, Grief and Loss, Life Transitions, Parenting Issues, Faith Based Counseling.	Sliding scale