

Spring Arbor University Policy Statement on Domestic Violence, Dating Violence, Stalking, and Sexual Assault

Spring Arbor University prohibits the offenses of domestic violence, dating violence, stalking, and sexual assault. A student or employee who reports to the University that they have been a victim of domestic violence, dating violence, sexual assault or stalking, whether the offense occurred on or off campus, shall be provided with a copy of this Policy, which contains a written explanation of the student's or employee's rights and options available under clauses (ii) through (vii) of subparagraph (B) of the 'Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act'.

In order to help prevent domestic violence, dating violence, stalking, and sexual assault, the University educates the student community about matters such as domestic violence, stalking, sexual assaults, rape, acquaintance rape, dating violence, including date rape, through its mandatory freshman orientation program each fall, for incoming students, and during orientation of new employees. The education programs include primary prevention and awareness programs and include:

- a) A statement that the University prohibits the offenses of domestic violence, dating violence, stalking, and sexual assault;
- b) The definitions of domestic violence, dating violence, stalking, and sexual assault in Michigan;
- c) The definition of consent, in reference to sexual activity, in Michigan;
- d) Safe and positive options for bystander intervention that may be carried out by an individual to prevent harm or intervene when there is a risk of domestic violence, dating violence, stalking, or sexual assault against a person other than such individual;
- e) Information on risk reduction to help individuals recognize warning signs of abusive behavior and how to avoid potential attacks; and
- f) This Policy Statement, which includes the required information in clauses (ii) through (vii) of (8)(B) of §485(f) (20 U.S.C. 1092(f));

The Office of Student Development also offers the above information in items (a) through (f), on domestic violence, dating violence, stalking and sexual assault to University students and employees on a continuing basis, through prevention and awareness campaigns for students and employees, and also makes such information available upon request. Literature on date rape education, domestic violence, sexual assault, stalking, and prevention and risk reduction in regard to these behaviors and the University's response in the event a complaint is made regarding such behaviors, is available through the Office of Student Development.

If you are a victim of domestic violence, dating violence, sexual assault, or stalking at the University, your first priority should be to get to a place of safety. You should then obtain necessary medical treatment. It is important that any evidence of any such actions be preserved as the evidence may be necessary to prove criminal domestic violence, dating violence, sexual assault, or stalking, or to obtain a personal protection order. The University's Campus Safety Department strongly advocates that a victim of domestic violence, dating violence, stalking, or sexual assault report the incident in a timely manner. The University will protect the confidentiality of victims, to the extent permissible by law. For example, a victim's name and

other identifying information about the victim will not be contained in publicly-available records, to the extent omitting such information is permitted by law. Time is a critical factor for evidence collection and preservation. An assault should be reported directly to the Human Resources Director if an employee, or the Student Development Staff Member, Director of Campus Safety, or Resident Director if a student. A victim also has the option to notify proper law enforcement authorities such as the Spring Arbor Police, the Jackson County Sheriff's Department, or the Michigan State Police. If the victim chooses, campus authorities will assist the victim in notifying law enforcement authorities, however, the victim may choose to decline to notify such authorities. Filing a report with a University official will not obligate the victim to notify law enforcement authorities or to prosecute, nor will it subject the victim to scrutiny or judgmental opinions from officers. Filing a report will:

- > ensure that a victim of domestic violence, dating violence, stalking, or sexual assault receives the necessary medical treatment and tests, at no expense to the victim;
- > provide the opportunity for collection of evidence helpful in prosecution, which cannot be obtained later;
- > assure the victim has access to free confidential counseling from counselors specifically trained in the area of domestic violence, dating violence, stalking, and sexual assault crisis intervention.

In Michigan, a victim of domestic violence, dating violence, stalking, or sexual assault has the right to apply to the civil court for a personal protection order or a restraining order against the accused individual. The University does not provide legal services in regard to any such legal proceedings, as it is not equipped to do so, however, the University will refer a victim who wishes to pursue such legal action to outside legal sources such as the Jackson County Prosecuting Attorney's office or Legal Services of South Central Michigan.

When a victim of domestic violence, dating violence, stalking, or sexual assault contacts the Campus Safety Director, the Director will notify the Spring Arbor Police Department or another appropriate Police Agency, unless the victim specifically requests that such notification not occur. A representative from the Office of Student Development and Human Resources, if appropriate, will also be notified. The victim of domestic violence, dating violence, stalking, or sexual assault may choose for the investigation to be pursued through the University's accountability process through the Office of Student Development or Human Resources Department, as applicable, and the criminal justice system, or only through the University's disciplinary process. A University representative from Human Resources, the Office of Student Development, or the Campus Safety Director will guide the victim through the available options and support the victim in his or her decision. Various counseling options are available from the University through the Holton Health and Wellness Center and the Office of Student Development, and referrals can be made to support services outside the University system in the community, including legal assistance through such agencies as the victims' assistance program at the office of the Jackson County Prosecuting Attorney and Legal Services of South Central Michigan.

The University follows the procedures of the Campus Sexual Assault Victims Bill of Rights, and the Violence Against Women Reauthorization Act of 2013, in regard to victims of domestic violence, dating violence, stalking, or sexual assault. The University's disciplinary proceedings, as well as special guidelines for cases involving sexual misconduct, domestic violence, dating violence, and stalking are detailed in the *Student Handbook* and in the

Employee Handbook. The disciplinary proceedings used by the University provide a prompt, fair, and impartial investigation and resolution of the matter, and will be conducted by one or more University officials who receive annual training on issues related to domestic violence, dating violence, stalking, and sexual assault, and on how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability. The standard of evidence to be used will be the “preponderance of the evidence standard”, meaning that the University official(s) making the determination must be convinced, by a preponderance of the evidence, that it is more likely than not that the accused individual did engage in the behavior complained of by the victim. The accuser and the accused are both entitled to the same opportunities to have others present during a University disciplinary proceeding. Each will have the opportunity to be accompanied to any related meeting or proceeding by an advisor of their choice. A “proceeding” in regard to students, is defined as the University’s administrative disciplinary proceeding, which are called Accountability proceedings. In the case of employees involved in a matter covered by this policy, a proceeding is defined as an administrative hearing before the Director of Human Resources, or such other University staff or faculty member designated to handle such matters, who is qualified under the requirements of Title IX to be a hearing officer in such matters. In regard to students, Accountability proceedings are used in matters involving violations of University behavioral standards, including reported incidents of domestic violence, dating violence, stalking, and sexual assault. In regard to employees, the administrative hearing proceeding applies in matters involving reported incidents of domestic violence, dating violence, stalking, and sexual assault, and is not required for other employee disciplinary matters. A “proceeding” does not include communications and meetings between officials and victims concerning accommodations or protective measures to be provided to a victim.

The University determines the rules that will be used during any proceedings, whether the individuals involved are students or employees. In the case of domestic violence, dating violence, stalking, or sexual assault involving an employee, the disciplinary procedures will be handled through the Human Resources Department, using the same preponderance of the evidence standard referenced above. The ‘at-will’ nature of the employment relationship between the University and its employees, and the right of the University or an employee to end the employment relationship based upon that ‘at-will’ nature, will not be altered or eliminated by the procedures involved in an investigation or disciplinary proceeding into a reported incident of domestic violence, dating violence, stalking, or sexual assault, involving an employee.

As required by federal regulations, both the accuser and the accused will be simultaneously informed in writing of the outcome of any University disciplinary proceeding that arises from an allegation of domestic violence, dating violence, stalking, or sexual assault. The decision made by the University official(s) regarding the complaint will be in writing and contain the University’s procedures for the accused and the accuser to appeal the results of the disciplinary hearing, and the time at which the results become final. Compliance with these provisions does not constitute a violation of section 444 of the General Education Provisions Act (20 U.S.C. 1232g), commonly known as the Family Educational Rights and Privacy Act of 1974 (FERPA).

If there is any change to the results that occurs prior to the time such results become final, both

the accused and the accuser will receive written notification of such change. A student found guilty of violating the University's policy on domestic violence, dating violence, stalking, and sexual assault, could be criminally prosecuted in the state courts and may be suspended or expelled from the University. Other possible University disciplinary actions include being placed on probation, being restricted from being in certain areas and/or buildings on campus, being subject to a behavior plan, and being designated *persona non grata* as to the University's campus. In the case of an employee, employment may be terminated immediately, at the discretion of the University, or an employee may be suspended either with or without pay, placed on probation pursuant to a last-chance agreement, or be subject to such other disciplinary action as the Human Resources Department determines to be appropriate.

Regardless of whether the victim chooses to report the crime to campus police or local law enforcement, if the victim so requests of the Office for Student Development, or the Human Resources Department, as applicable, the victim will have the option to change their academic and/or on-campus living situations, their working situations, assistance with financial aid matters, and their transportation, after an alleged incident of domestic violence, dating violence, stalking, or sexual assault, if such changes are reasonably available. In the case of a student victim, the Office for Student Development will work with that individual to determine the reasonable availability of any such requested changes and will assist in arranging for those requested changes that are determined to be reasonably available. In the case of an employee victim, the Human Resources Department will work with that individual to determine the reasonable availability of any requested changes and will assist in arranging for those requested changes that are determined to be reasonably available.

The University requires that no officer, employee, or agent of the University shall retaliate, intimidate, threaten, coerce, or otherwise discriminate against any individual for exercising their rights or responsibilities under any provision of the "Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act", including the Violence Against Women Reauthorization Act, ("VAWA"), and the Sexual Violence Elimination Act, ("SaVE").

Besides confidential resources such as the University Chaplain, SAU Global Chaplains, and members of the Holton Health and Wellness Center, all SAU employees are responsible to report incidences of domestic violence, dating violence, stalking, and sexual assault of a student or employee. This information should be reported to the Title IX Coordinator, Director of Human Resources and/or the Director of Campus Safety. Dan Vander Hill, the Associate VP for Student Development and Learning is Spring Arbor University's Title IX Coordinator. He can be contacted at 517-750-6367 or 517-414-1036 or danv@arbor.edu.