



Title IX Policy

"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."

— Title IX of the Education Amendments of 1972, and its implementing regulation at 34 C.F.R. Part 106 (Title IX)

Title IX Program Statement

The Specs Howard School prohibits the crimes of dating violence, domestic violence, sexual assault, and stalking. We are dedicated to providing a learning and working environment that is free from sexual assault and sex discrimination. We are committed to ensuring a safe campus climate for all of our students and the entire school community. Through a comprehensive compliance program, we promote fundamental rights, advance individual and institutional integrity, and uphold the vital aims of Title IX.

This policy outlines the School's myriad efforts to comply with Title IX through central coordination that leverages the benefits of a diverse institution committed to educational excellence.

Any student or employee of the Specs Howard School (SHS, the School) who believes that sexual assault and/or discrimination has occurred against them or another individual is encouraged to report that behavior as soon as possible.

Complaints may be filed using the Title IX Complaint Form, or by contacting:

Students:

Any student who believes he/she is subject to any type of discrimination or sexual harassment must report such to the attention of the Student Title IX Coordinator. We will investigate each complaint thoroughly and confidentially.

Avery Snyder
Deputy Title IX Coordinator
Student Success Supervisor
(248) 358-9000
asnyder@specshoward.edu

Staff, Faculty or Students:

Any SHS employee who believes he/she is subject to any type of discrimination or sexual harassment must report such to their immediate supervisor or bring their complaint to the

attention of the Director of Human Resources or any member of the administration. We will investigate each complaint thoroughly and confidentially.

Mary Harms
Title IX Coordinator
Director of Human Resources
(248) 358-9000
mharms@specshoward.edu

The school strongly encourages anyone who believes they have experienced a sexual assault (or any other crime) to make a report to the local police:

Southfield Police Department
26000 Evergreen Rd.
Southfield, MI 48076
Phone:(248) 796-5500
Emergency: 911

Sexual misconduct which occurs off-campus should be reported to the law enforcement agency for the city, township or county in which the misconduct took place.

This policy applies regardless of the sexual orientation or preference of individuals engaging in sexual activity. Title IX of the Education Amendments of 1972 ("Title IX") is a federal civil rights law that prohibits discrimination on the basis of sex in federally funded education programs and activities. All public and private schools and universities receiving any federal financial assistance must comply with Title IX. Under Title IX, federally funded schools and universities must ensure that students of all ages are not denied or limited in their ability to participate in or benefit from the school's educational programs or activities on the basis of sex. Sexual misconduct as defined in the above section of this Policy is a form sex discrimination prohibited by Title IX and this Policy.

The Specs Howard School of Media Arts (SHS) is firmly committed to maintaining a campus environment free from sexual harassment, discrimination, stalking, intimidation, retaliation, and violence, including misconduct. Sexual misconduct will not be tolerated by the School and is expressly prohibited. The School has jurisdiction to investigate and take certain actions with respect to reports of sexual misconduct and retaliation covered by this Policy. Specs Howard School does not have the authority to make any arrests.

Persons covered by this Policy who engage in sexual misconduct and/or retaliation may be subject to disciplinary action. In addition, SHS may take steps to prevent the recurrence of any sexual misconduct and remedy the discriminatory effects on the Complainant and others, if appropriate.

This Policy also expresses the School's commitment to provide information and educational programs designed to raise awareness of sexual misconduct and prevent the School community from falling victim to sexual misconduct.

The Law

No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subject to discrimination under any educational programs or activity receiving federal financial assistance. – From the preamble to Title IX of the Education Amendments of 1972

Title IX, as a landmark civil rights law, profoundly affects all aspects of schooling by requiring equal opportunity for females and males. By extension, it also affects equity in the labor market. The following highlights suggest many of the significant developments in gender equity that can be linked to Title IX.

Everyone Benefits from Title IX

Title IX prohibits institutions that receive federal funding from practicing gender discrimination in educational programs or activities. Because almost all schools receive federal funds, Title IX applies to nearly everyone. The Office for Civil Rights in the U.S. Department of Education is charged with enforcing the civil rights and regulations in education, extending protection to:

- about 51.7 million elementary and secondary school students
- about 14.4 million college and university students
- almost 15,000 school districts
- more than 3,600 colleges and universities
- more than 5,000 proprietary schools
- thousands of libraries, museums, vocational rehabilitation agencies and correctional facilities

Source: <http://www2.ed.gov/pubs/TitleIX/title.html>

Definitions

Title IX

Title IX of the Education Amendments of 1972 (Title IX) (20 U.S.C. § 1681 et seq.; 34 C.F.R. Part 106) (as amended) is a federal law that prohibits sex-based discrimination, including sexual harassment, sexual assault, and retaliation in education programs that receive federal financial assistance.

Title IX Coordinator

The School official charged with ensuring the School's overall compliance with Title IX and related School policy

School Program

A school-sponsored activity that primarily includes elementary, secondary, or postsecondary student participants

Complainant

An individual who reportedly experienced sexual misconduct, regardless of whether that individual participates in the disclosure or review of that report by the School at any point

Investigator

An appropriately trained individual, who may be a School employee, who reviews and investigates reports of sexual misconduct under this policy

Reporter

An individual who reports to the School a concern regarding possible sexual misconduct. A Reporter need not be a Complainant.

Bystander/Witness

An individual who sees a dangerous or potentially dangerous situation

Respondent

A School student or participant in a School Program who is reported to have engaged in sexual misconduct. This term also includes individuals whose identities are unknown if (a) there is reason to believe that individual may be a School student or participant in a School Program or (b) the Complainant or Reporter is a student.

Criminal Sexual Conduct as defined in the Michigan Penal Code

Criminal Sexual Conduct includes sexual penetration or sexual contact by the actor with another person by force or coercion or under circumstances where the actor knows or has reason to know that the victim is mentally incapable, mentally incapacitated, or physically helpless.

Assault: An attempted battery or an unlawful act which places another in reasonable apprehension of receiving an immediate battery

Acquaintance Rape: Sexual assault on a person by an actor known to the person assaulted

Battery: An intentional, non-consensual and harmful or offensive touching of the person of another

Dating Relationship: Frequent, intimate associations primarily characterized by the expectation of affectional involvement. This term does not include a casual relationship

Intimate Partner Violence (Dating Violence, Domestic Violence)

An assault or assault and battery upon a spouse or former spouse, an individual with whom a person has or has had a dating relationship, an individual with whom a person has had a child in common, or a resident or former resident of a person's household.

There is often a pattern or repeated cycle of violence, starting with the first instance of abuse:

General Pattern of Behavior:

- Tension Building: relationship begins to get strained or tense between partners
- Explosion: outburst that includes verbal, emotional, or physical abuse
- Honeymoon: apologies where the abuser tries to re-connect with his/her partner by shifting the blame onto someone or something else

Signs that it could be intimate partner violence:

One person:

- Constantly blames his/her boyfriend or girlfriend for everything, including his/her own abusive behavior/temper
- Makes mean and degrading comments about a partner's appearance, beliefs or accomplishments
- Constantly checks the other person's cell phone or email without permission
- Monitors where the partner is going, who he/she is going with and what he/she is doing
- Isolates the other partner from friends and family
- Controls money and time
- Shows extreme jealousy
- Loses his/her temper
- Physically and/or sexually assaults another
- Damages the other person's property

The other person:

- Gives up things that are important to him/her
- Cancels plans with friends to appease the other person
- Becomes isolated from family or friends
- Worries about making his/her significant other angry
- Shows signs of physical abuse like bruises or cuts
- Feels embarrassed or ashamed about what is going on in his/her relationship
- Consistently makes excuses for his/her significant other's behavior

Common Reactions:

Experiencing intimate partner violence can be a serious and frightening experience. The threat of repeated danger can be extremely upsetting. Here is a list of common feelings and reactions that survivors of intimate partner violence have reported:

- Fearful
- Vulnerable
- Depressed
- Confused
- Isolated
- Hopeless
- Difficulty concentrating, sleeping or remembering things
- Irritable
- Impatient
- On-edge
- Nervous

Stalking

A pattern of unwanted conduct directed at another person that threatens or endangers the safety, physical or mental health, or life or property of that person, or creates a reasonable fear of such a threat or action.

Victim: an individual who is the target of a willful course of conduct involving repeated or continuing harassment

Course of conduct: a pattern of conduct composed of a series of 2 or more separate non-continuous acts evidencing a continuity of purpose

Harassment: Conduct directed toward a victim that includes, but is not limited to, repeated or continuing non-consensual contact that would cause a reasonable individual to suffer emotional distress and that actually causes the victim to suffer emotional distress. Harassment does not include constitutionally protected activity or conduct that serves a legitimate purpose.

Emotional distress: Significant mental suffering or distress that may, but does not necessarily, require medical or other professional treatment or counseling

Non-consensual contact: Any contact with another individual that is initiated or continued without that individual's consent or in disregard of that individual's expressed desire that the contact be avoided or discontinued. Non-consensual contact includes, but is not limited to, any of the following:

- Following or appearing within the sight of that individual
- Approaching or confronting that individual in a public place or on private property
- Appearing at that individual's workplace or residence

- Entering onto or remaining on property owned, leased, or occupied by that individual
- Contacting that individual by telephone
- Sending mail or electronic communications to that individual
- Placing an object on, or delivering an object to, property owned, leased, or occupied by that individual

Signs that it could be stalking:

- Following you, with or without your knowledge
- Calling or texting excessively
- Knowing your schedule and/or showing up at places you go
- Threatening to hurt you, your friends, family, pets, or themselves
- Damaging your property
- It can even look romantic or non-threatening, like cards, flowers, emails, etc., but if this behavior is unwanted, it could be stalking

An excellent resource is *Stalking: A Handbook for Victims*, by Emily Spence. It can be downloaded at: <http://www.lawhelpnc.org/resource/stalking-a-handbook-for-victims>.

Sexual Harassment

Sexual harassment includes unwelcome sexual advances, requests for sexual favors, and other physical or verbal conduct of a sexual nature when it meets any of the following:

- Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or academic status
- Submission to or rejection of such conduct by an individual is used as the basis for employment or academic decisions affecting such individual
- Such conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance or creating an intimidating, hostile, or offensive environment for working, learning, or living on campus. Sexual harassment can occur between any individuals associated with the School, e.g., an employee and a supervisor; coworkers; faculty members; a faculty, staff member, or student and a customer, vendor, or contractor; students; or a student and a faculty member

Signs that it could be sexual harassment:

- Sexual comments or inappropriate references to gender
- Sexually explicit statements, questions, jokes, or anecdotes regardless of the means of communication (oral, written, electronic, etc.)
- Unwanted touching, patting, hugging, brushing against a person's body or staring
- Inquiries or commentaries about sexual activity, experience or orientation
- Display of inappropriate or sexually oriented material in locations where others can view them
- Offers of or demands for sex for jobs, promotions, money or other opportunities or rewards
- Unwanted flirtation, advances or propositions

Effects of Sexual Harassment:

Being sexually harassed can devastate your psychological health, physical well-being and vocational development. Survivors who have been harassed often change their jobs, career goals, job assignments, educational programs or academic majors. In addition, survivors have reported psychological and physical reactions to being harassed that are similar to reactions to other forms of stress. They may include:

Psychological Reactions

- Depression, anxiety, shock, denial
- Anger, fear, frustration, irritability
- Insecurity, embarrassment, feelings of betrayal
- Confusion, feelings of being powerless
- Shame, self-consciousness, low self-esteem
- Guilt, self-blame, isolation

Physiological Reactions

- Headaches
- Lethargy
- Gastro-intestinal distress
- Dermatological reactions
- Weight fluctuations
- Sleep disturbances, nightmares
- Phobias, panic reactions
- Sexual problems

Career-Related Effects

- Decreased job satisfaction
- Unfavorable performance evaluations
- Loss of job or promotion
- Drop in academic or work performance due to stress
- Absenteeism
- Withdrawal from work or school
- Change in career goals

Gender-Based Harassment

Title IX also prohibits gender-based harassment, which may include acts of verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex or sex-stereotyping, even if those acts do not involve conduct of a sexual nature.

Sexual Assault and Misconduct

Physical Acts (such as rape, attempted rape, sexual touching and sexual battery) perpetrated against an individual without consent or who does not have the capacity to give knowing consent due to alcohol, drugs or disability.

Sexual assault (including rape and acquaintance rape), domestic/dating violence, stalking and sexual harassment, if that conduct is sufficiently serious to limit or deny a student's ability to participate in or benefit from the School's educational program, i.e., creates a hostile environment.

Sexual misconduct may occur between people of the same sex or between people of different sexes. Sexual misconduct can include both intentional conduct and conduct that results in negative effects, even if those negative effects were unintended. Sexual misconduct can also include retaliation in connection with a Complainant's or Reporter's allegations under this policy. Sexual misconduct includes the following:

Sexual Assault: Criminal Sexual Conduct as defined in the Michigan Penal Code. Criminal Sexual Conduct includes sexual penetration or sexual contact by the actor with another person by force or coercion or under circumstances where the actor knows or has reason to know that the victim is mentally incapable, mentally incapacitated, or physically helpless.

Sexual penetration: Sexual intercourse, cunnilingus, fellatio, anal intercourse, or any other intrusion, however slight, of any part of a person's body or of any object into the genital or anal openings of another person's body, but emission of semen is not required.

Sexual contact: The intentional touching of the victim's or actor's intimate parts or the intentional touching of the clothing covering the immediate area of the victim's or actor's intimate parts, if that intentional touching can reasonably be construed as being for the purpose of sexual arousal or gratification, done for a sexual purpose, or in a sexual manner for revenge, to inflict humiliation, or out of anger.

Mentally disabled: A person that has a mental illness, is intellectually disabled, or has a developmental disability.

Examples of Sexual Violence:

- Any sexual activity performed in the absence of consent or through coercion
- Forced oral, anal, or vaginal sex with any body part or object
- Unwanted rough or violent sexual activity
- Rape or attempted rape
- Keeping someone from protecting themselves from unwanted pregnancies or STIs
- Sexual contact with someone who is very drunk, drugged, unconscious or unable to give a clear and informed yes
- Threatening or pressuring someone into sexual activity

Common reactions:

Sexual assault can be one of the most painful and upsetting things that can happen in someone's life. It is natural if your emotions frequently fluctuate. Here is a list of common feelings and reactions that survivors of sexual violence have reported:

- Wondering "why me?"
- Fear
- Anger or rage
- Numbness or emptiness
- Stomach ache
- Headache
- Difficulty sleeping/change in sleeping habits
- Change in eating habits
- Disbelief
- Shame
- Betrayal
- Sense of loss
- Loss of control
- Nightmares
- Guilt
- Inability to concentrate
- Feelings of withdrawal
- Panic
- Reluctance to go to school/work

Sexual Exploitation

Sexual exploitation occurs when a student takes non-consensual or abusive sexual advantage of another for his/her own advantage or benefit. Examples of sexual exploitation include, but are not limited to:

- Prostituting another student
- Non-consensual video or audio-taping of sexual activity
- Going beyond the boundaries of consent
- Engaging in behavior as a “peeping Tom”
- Knowingly transmitting an STD or HIV to another student

Consent

A willing, non-coerced act of sexual contact or sexual penetration between persons of sufficient age who are not mentally incapable, mentally incapacitated, nor physically helpless.

Positive Bystander Intervention

“Positive Bystander Intervention” is an intervention by an individual who sees a dangerous or potentially dangerous situation and makes a decision to intervene, in order to prevent a situation from continuing or intensifying. Below are some key points regarding positive bystander intervention:

- Assess the situation: is there a unsafe situation? Does someone need your help? Would you be able to help?
- Ensure your own safety and don’t choose an intervention strategy that you’re not comfortable with or that would endanger you or anyone else
- Reach out for help from other bystanders to help intervene
- Decide the best action for intervention:
 - Ask questions or engage the aggressor in conversation to distract the aggressor
 - Separate the individuals
 - Refuse to leave if you believe the aggressor’s intent is to isolate the targeted person
- Things to ask yourself after positive intervention:
 - Have you reported the problem and the positive intervention to the right people?
 - Is everyone safe now, including you?
 - How can you make sure the situation stays safe?

Policy Coverage

This Policy covers sexual misconduct and retaliation in connection with reports of possible sexual misconduct made under this Policy. Sexual misconduct encompasses a range of behaviors that can create a hostile educational environment, including sexual assault and sexual harassment, and stalking.

This Policy applies to sexual misconduct or retaliation committed by a School student, employee*, or a third party if that sexual misconduct or retaliation occurs:

- On campus, or
- Off campus, if:
 - In connection with a School or School-recognized program or activity; or
 - In a manner that may pose an obvious and serious threat of harm to, or that may have the effect of creating a hostile educational environment for, any member(s) of the School community.

This policy and related processes may also, at the School's discretion, apply to a Respondent's reported violations of other School policies if, in the School's judgment, those other allegations are directly related to the reported sexual misconduct.

*Sexual misconduct reportedly committed by a School employee, including by student-employees in the context of their employment, will continue to be investigated by the Human Resources Department.

Reporting Sexual Misconduct or Retaliation

A report of sexual misconduct or retaliation may be made by:

- A person who believes they experienced sexual misconduct (a "Complainant"); or
- A person who has information that sexual misconduct may have been committed by a School student or employee, or by a third party (a "Reporter")

Reports of sexual misconduct or retaliation should be made to a Title IX Coordinator:

Avery Snyder
Deputy Title IX Coordinator
Student Success Supervisor
248-358-9000
asnyder@specshoward.edu

Mary Harms
Title IX Coordinator
Director of Human Resources
248-358-9000
mharms@specshoward.edu

If, for any reason, you cannot reach a Title IX Coordinator, the report can be made to any "Responsible Employee" of SHS. "Responsible Employee" means any employee of the School, all of which are designated as "Campus Security Authorities" as required by the Jeanne Clery Act.

Reports made to a Responsible Employee shall be forwarded to the Title IX Coordinator for review and investigation, if appropriate. In addition, upon being notified of an alleged sexual assault or other form of sexual misconduct that may constitute a crime, the Title IX Coordinator will notify the appropriate parties to ensure appropriate distribution of School-wide warnings, if needed, and maintenance of accurate crime statistics, and to assist in the investigation as may be required under the circumstances.

Sexual misconduct that occurs off campus should be reported to the law enforcement agency for the city, township or county in which the misconduct took place.

Importance of Timely Reporting

To promote timely and effective investigation and review, the School strongly encourages Reporters and Complainants to make reports of possible sexual misconduct as soon as possible following the occurrence of the behavior giving rise to the concern. Although the Title IX Coordinator may pursue a report made later, the lapse of time may make it more difficult or impossible to gather relevant and reliable information.

Preservation of Evidence

If an incident of sexual assault, domestic assault, dating violence, or stalking occurs, it is important to preserve evidence so that successful criminal prosecution remains an option. The victim of a sexual assault should not wash, shower or bathe, douche, brush teeth, comb hair, or change clothes prior to a medical exam or treatment.

If a victim has removed the clothing he or she was wearing during the assault prior to seeking medical treatment, that clothing should be placed in a brown paper, not plastic, bag and brought to the hospital when treatment is sought.

If the victim is still wearing the clothes that he or she was wearing during an assault, he or she should bring a change of clothes with him or her to the hospital so that the clothes containing possible evidence can be preserved and examined for evidence of the crime.

Evidence of violence, such as bruising or other visible injuries, following an incident of sexual assault, or domestic or dating violence, should be documented by taking a photograph.

Evidence of stalking, including any communications such as written notes, email, voice mail, or other electronic communications sent by the stalker, should be saved and not altered in any way.

School Response Procedure

Services

Victims of sexual misconduct or retaliation will be offered appropriate confidential support and other resources. The Director of Human Resources and the Student Success office will coordinate the provision of any services provided by various SHS offices. If the victim chooses, campus authorities will assist notifying law enforcement of the incident.

Interim Interventions

Specs Howard will take appropriate steps to prevent and/or address any retaliatory conduct against the Complainant/victim that may be connected to a report. In addition, the School may take other action to protect the Complainant/victim and School community as may be reasonable and appropriate under the circumstances. Such interim interventions may include separation of the Complainant/victim and Respondent in the academic setting or other interventions outlined in the "Sanctions" section of this policy. Interim interventions may be kept in place until the end of any review or appeal process.

Decision to Proceed with Investigation

The Title IX Coordinator is not required to assign an investigator or otherwise investigate any report alleging facts that, if true, would not constitute a violation of this Policy. In all cases, the final decision on whether, how, and to what extent the School will conduct an investigation, and whether other measures will be taken in connection with any allegation of sexual misconduct or retaliation, rests solely with the Title IX Coordinator.

Requests for Confidentiality

If the Complainant requests that his or her name not be disclosed to the alleged perpetrator, or asks that the report of sexual misconduct not be pursued, the Title IX Coordinator shall inform the student that honoring the request may limit the School's ability to respond fully to the incident, including pursuing disciplinary action against the alleged perpetrator. If the Complainant insists that his or her name not be disclosed to the alleged perpetrator or that the School not investigate or seek action against the alleged perpetrator,

the Title IX Coordinator shall determine whether the School can honor the Complainant's request while still providing any necessary accommodations for a safe and nondiscriminatory environment for all students, including the Complainant.

In considering a Complainant's request for confidentiality that could preclude a meaningful investigation or potential discipline of the alleged perpetrator, the Title IX Coordinator should consider all relevant factors. If consideration of such factors results in a determination that the report must be investigated in order to provide a safe and nondiscriminatory environment for all students, the School may conduct an investigation and pursue disciplinary action, if appropriate, in a manner that discloses the student's identity to the alleged perpetrator.

The school will maintain, as confidential, any accommodations or protective measures provided to the victim to the extent that maintaining such confidentiality would not impair the ability of the institution to provide the accommodations or protective measures.

Investigation

If the Title IX Coordinator decides upon review to investigate a report of sexual misconduct or retaliation, he/she will generally forward a report to a Deputy Title IX Coordinator for assignment of an investigation. Upon assignment of a complaint to an Investigator, the Title IX Coordinator and the Deputy Title IX Coordinator shall confer with respect to the investigation. The Investigator shall regularly report the progress of the investigation and review the information collected.

For complaints against students, please contact:

Avery Snyder
Deputy Title IX Coordinator
Student Success Supervisor
(248) 358-9000
asnyder@specshoward.edu

For complaints against employees, students or others, please contact:

Mary Harms
Title IX Coordinator
Director of Human Resources
(248) 358-9000
mharms@specshoward.edu

The Title IX Coordinator and Deputy Coordinator will conduct an adequate, reliable, impartial and prompt investigation. In most cases, the Coordinator will meet separately with the Complainant (if participating), Respondent, Reporter (if applicable), and interview any witnesses identified by Complainant, Respondent or the School. A digital audio recording may be made of any interview if appropriate under the circumstances. The Coordinator will also review other relevant information gathered during the investigation, including any police investigatory documents and student or personnel records that may be available. Occasionally, a different or less formal response to the report may be warranted depending upon the nature of the report and the circumstances involved.

At any time during the course of an investigation, the Complainant, Respondent, or any witnesses may provide a written statement, other supporting materials, or identify other potential witnesses, regarding the matter under review. The Complainant and Respondent

may have an advisor with them at any meeting related to the investigation of the reported misconduct.

Investigations shall be conducted by School employees that receive annual training on issues related to dating violence, domestic violence, sexual assault and stalking, and on how to conduct an investigation in a manner that protects the safety of victims, promotes accountability, and assures adequate due process for victims and respondents.

Standard of Proof

The standard of proof used in an investigation case is the preponderance of the evidence (more likely than not). This standard requires that the information supporting a finding of responsibility be more convincing than the information in opposition to it. Under this standard, individuals are presumed not to have engaged in sexual misconduct or retaliation unless a preponderance of the evidence supports a finding that sexual misconduct or retaliation occurred.

- The School will provide a timely and thorough investigation, and will treat the Complainant with respect before, during, and after the student conduct process.
- The victim will be informed of the School's conduct process and possible outcomes.
- The School will also provide the victim written notification of available counseling services, medical services, mental health services, and other campus and off-campus resources for victims of sexual assault.
- Victims have the right to report a sexual assault to local law enforcement, which will not prevent School disciplinary action.
- Victims may request changes to academic situations after a sexual assault occurs. Student Success may be able to help facilitate such changes.
- Victims have the right to have one advisor throughout the investigation including meetings and hearings. The advisor may not be a witness in the case. In meetings with Student Success or in a hearing, the advisor may not participate directly and may only communicate with the victim via whispering or writing notes.
- The School will make reasonable efforts to protect confidentiality, within the parameters of FERPA (Family and Education Privacy Act of 1974) and the School conduct process.
- The victim is afforded the right to be updated on the investigation and be informed of the outcome of any hearing in writing.
- The victim has the right to have prior, irrelevant sexual behavior or history with other individuals excluded from a hearing. As a reminder, prior consensual behavior with the accused student does not indicate consent on subsequent occasions.
- The complainant and the respondent are entitled to have others present during any disciplinary hearing.
- Prior to a hearing, the victim is allowed to inform the Title IX Coordinator of relevant witnesses the victim wishes to include at the hearing and to what the witnesses plan to testify.
- Prior to a hearing, the victim may also meet with a Title IX Coordinator to discuss hearing procedures.
- During a hearing, the victim has the right to give opening and closing statements and ask questions of the accused student, via the Coordinator.

Investigation Findings and Outcome Notification

In most cases, the Title IX Coordinator will report his/her findings in writing to the Deputy Title IX Coordinator at the conclusion of an investigation. The written findings will generally include:

1. A summary of the investigation;
2. The Investigation findings; and
3. A summary of the Coordinator's rationale in support of the findings

Upon receipt of the Coordinator(s) written findings, the Title IX Coordinator shall, in writing, simultaneously notify Complainant and Respondent of: the Investigation findings; the sanctions imposed on Respondent, if any; the steps, if any, the School will take to remedy the effects and prevent recurrence of the misconduct, and notice of appeal rights.

If a Complainant has expressed a desire, in writing, not to be notified of the outcome, the School will honor that decision. In such cases, the School will not send the notification itself to the Complainant, but may proceed with any necessary follow-up, including as described below, and may need to provide notification of that follow-up if appropriate.

Sanctions

If the Respondent is found responsible for sexual misconduct or retaliation, the School may initiate a process designed to eliminate the misconduct, prevent its recurrence, and remedy its effects, while supporting the School's educational mission and Title IX obligations. Sanctions or interventions may also serve to promote safety or deter students from similar future behavior. Some behavior is so harmful to the Respondent and/or the School community, or so deleterious to the educational process, that it may require more serious sanctions or interventions including, but not limited to, removal from specific courses or activities, suspension from the School, or expulsion.

Appeal

Complainant or Respondent may appeal the decision of the Title IX Coordinator to the Specs Howard Disciplinary Panel. Written Notice of Appeal shall be filed with the Title IX Coordinator within ten (10) days of the date of the Title IX Coordinator's decision. The Notice of Appeal shall state with specificity why the Title IX Coordinator's decision should not stand.

Complainant or Respondent may seek review only on the following grounds:

- o A material deviation from the procedures affected the outcome of the case;
- o There is new and relevant information that was unavailable, with reasonable diligence and effort, at the time of the investigation that could reasonably affect the investigation findings;
- o The sanctions, interventions and/or remedies are inappropriate or disproportionate to the determined violation(s); or
- o A review of all available and relevant information indicates that the evidence clearly does not support the finding(s) and provides firm and definite support for modifying the original finding(s).

Upon receipt of a timely filed Notice of Appeal, the Title IX Coordinator shall inform the Specs Howard Disciplinary Panel of the appeal and notify the Complainant (if participating) and Respondent of the date by which the appeal will be decided. The date by which the appeal will be decided may be adjourned for good cause.

The Specs Howard Disciplinary Panel shall be composed of the COO; the President or the President's designee; a representative of the Student Success department; and a faculty member appointed by the Specs Howard School of Media Arts management team.

The Disciplinary Panel's decision should be made within ten (10) days of the date Notice of Appeal is filed with the Title IX Coordinator. These timelines are intended as guidelines and may be extended by the Disciplinary Panel if the circumstances of the case justify an extension.

The Specs Howard Disciplinary Panel will review the matter based on the issues identified in the request for appeal. The Disciplinary Panel may affirm, modify or reverse the decision of the Title IX Coordinator, or remand the appeal to the Title IX Coordinator for additional investigation. The Disciplinary Panel will issue its final and unreviewable decision and make it available to the Complainant (if participating), Respondent (if participating), Title IX Coordinator and Deputy Title IX Coordinator in writing, simultaneously.

Timelines

The School will strive to complete its investigation and the sanction/remedy process, if applicable, and simultaneously share the results of that review with Complainant and Respondent within sixty (60) calendar days after the Title IX Coordinator receives a report of sexual misconduct. There are, however, factors beyond the control of the School that may affect the time needed to conduct a fair, reliable, impartial and prompt investigation of a report of sexual misconduct or retaliation including, but not limited to:

- Availability and cooperation of Complainant (if participating), Respondent (if participating) and/or witnesses
- Illness or injury of School employees conducting or participating in the investigation of the report or appeal
- Weather or other Acts of God that result in the School being closed

The Title IX Coordinator may extend the time for completing the investigation for good cause. Any such extension shall not exceed thirty (30) calendar days.

If Complainant or Respondent appeals the Title IX Coordinator's decision to the Disciplinary Panel, the timelines are extended to accommodate the time necessary for appeal provided in appeal section of this policy.

Student Expectations and Rights

Certain student protections and expectations pertain to the process for resolving student sexual misconduct and retaliation allegations. Complainants and Respondents participating in this process may expect the following:

Respect for Privacy

Information regarding sexual misconduct and retaliation reports, and any investigation or review of those reports, including any sanction determinations, may be shared with School employees with a legitimate educational interest or with external individuals or entities on a need-to-know basis and only as permitted under School policy and applicable law.

Notice of Rights

Any student or employee who reports an incident of sexual misconduct, whether the incident occurred on or off campus, shall receive a written explanation of their rights and options as provided for under this policy.

Participation in Process

Complainants, Respondents, Reporters or witnesses may choose to participate or decline to participate in the investigation. However, even if a Complainant or Respondent declines to participate, the School may continue to investigate the matter and issue findings based on available information.

Protection from Retaliation and Assurance of Fair Treatment

The School will take appropriate steps to ensure that a person who in good faith reports, complains about, or participates in a sexual misconduct investigation will not be subjected to retaliation by the Respondent or by others with knowledge of the underlying report. Anyone who believes they are experiencing retaliation is strongly encouraged to report that concern using the same procedure for reporting possible sexual misconduct under this policy. A retaliation concern will be reviewed as a separate offense under this policy; that is, a person can be found responsible for retaliation even if not found to be responsible for the underlying reported sexual misconduct.

The School also will take appropriate steps to ensure that Respondents accused of sexual misconduct or retaliation are treated fairly throughout the School's review.

Coordination with Legal Proceedings

Students may simultaneously engage criminal prosecution procedures and/or civil litigation in connection with the same behavior that forms the basis of a sexual misconduct report under this policy. In such cases, the School is committed to appropriate coordination with local law enforcement and may, if requested and appropriate, share information with those agencies. The School will fulfill its obligation to take immediate and appropriate action to investigate possible sexual misconduct even if there are other external processes or procedures pending in connection with that same sexual misconduct report. Similarly, if the School finds sexual misconduct has occurred, the School will take effective steps to end it, prevent its recurrence, and address its effects, and sanction the Respondent regardless of what external proceedings may also be pending.

Standards for criminal investigations are different from the standards for a violation of this Policy, and therefore the School will not base its decisions under this policy solely on law enforcement reports and/or actions. Accordingly, the School will not normally wait for the conclusion of a criminal investigation or other proceedings before implementing its review of reported sexual misconduct under this policy.

Protection Orders

The School is committed to ensuring that orders of protection issued by courts are fully enforced on School property. Therefore, if a student or employee obtains a Personal Protection Order or Restraining Order, he or she should promptly inform the Student Success Department and provide the School with a copy of that order, so that the School can enforce it. The School is also committed to protecting victims from any further harm, and if the School determines that an individual's presence on campus poses a danger to one or more members of the School community, it can issue an institutional No Trespass letter barring that individual from School property.

Interim Support and Assistance

The school will assist students, faculty and staff who report sexual violence, sexual harassment, stalking, dating violence and or domestic violence in obtaining medical support and information regarding available legal and Student Success resources, as well as counseling and support services. The school will also assist students, faculty and staff in notifying the local police if the assistance of law enforcement is requested.

If requested by the survivor, and if reasonably available, the school may assist the survivor in protective measures such as:

- changing his/her living situation, including identifying possible emergency housing
- assisting the student survivor with exploring options to address academic concerns, such as transferring class sections, taking an incomplete in a class or filing a grade grievance
- dealing with financial concerns, including providing financial aid guidance
- transportation, working and other protective measures

The school will maintain, as confidential, any accommodations or protective measures provided to the victim, to the extent that maintaining such confidentiality would not impair the ability of the institution to provide accommodations or protective measures.

Requests for accommodations may be made to the department in which the accommodation is sought. If you are unsure where to go to make such a request, do not know what accommodations are available or may be useful to you, or have other questions, please contact the Title IX Coordinator and/or the Student Success Department.

Awareness and Prevention Programs

The School provides primary and ongoing prevention and awareness programs for students and employees in order to promote the prevention and awareness of rape, acquaintance rape, and domestic violence, dating violence, sexual assault and stalking. Provided below are the prevention and awareness campaigns for both students and employees:

- Primary Crime/Title IX prevention and awareness, and emergency procedures training for first day students and during new hire orientations
- Ongoing Crime/Title IX awareness posters posted throughout the school
- Updated Annual Security Report, Title IX Policy, and Emergency Procedures are distributed to staff and students every October, at which time training takes place
- Ongoing individual training for staff and students, as needed
- Ongoing staff training from outside contractors on different aspects of Title IX and campus security
- Emergency and security procedures are discussed and updated at staff meetings

Resources

If a person is dealing with a stalker or intimate partner abuse/domestic violence situation, it is important to take precautions when accessing any kind of support. In some circumstances, stalkers and/or abusers may access phone or computer records. When possible, people in these situations may want to use public computers or phones to seek out information. It is also good to safeguard your information by frequently changing passwords to random, unpredictable ones. It may also be helpful to think about steps that can be

taken to keep information away from a stalker or intimate partner (e.g., keeping things with a friend or getting mail at a different address).

The resources listed below are for immediate or primary support or advocacy, as well as local ongoing services. For other resources, including advocacy, informational/educational, legal, and programmatic resources, please see the Student Success resource guide.

Oakland County HAVEN

(248) 334-1274

(877) 922-1274 (toll free)

(248) 972-2540 TTY

<https://www.haven-oakland.org>

Turning Point, Inc.

(586) 463-6990 (24-hour crisis line)

(586) 463-4430

(586) 463-1771 (fax)

<https://turningpointmacomb.org>

Children's & Adult Protective Services

Michigan Department of Health & Human Services

(855) 444-3911 (24/7 hotline)

http://www.michigan.gov/mdhhs/0,5885,7-339-73971_7119---,00.html

Common Ground Sanctuary

24-hour crisis hotline

(800) 231-1127

<http://www.commongroundhelps.org>

YWCA Interim House

(313) 861-5300

<http://www.ywcadetroit.org/programs/domestic-violence/>

National Domestic Violence Hotline

(800) 799-SAFE (7233) toll free)

(800) 787-3224 TTY (toll free)

<http://www.thehotline.org>

National Sexual Assault Hotline

(800) 656-HOPE (4673)

<https://www.rainn.org>

National Suicide Prevention Lifeline

(800) 273-TALK (8255) (24/7 hotline)

<https://suicidepreventionlifeline.org>

Common Myths and Facts about Sexual Violence

Myth: Victims provoke sexual assaults when they dress provocatively or act in a promiscuous manner.

Fact: Rape and sexual assault are crimes of violence and control that stem from a person's determination to exercise power over another. Neither provocative dress nor

promiscuous behaviors are invitations for unwanted sexual activity. Forcing someone to engage in non-consensual sexual activity is sexual assault, regardless of the way that person dresses or acts.

Myth: If a person goes to someone's room or house or goes to a bar, s/he assumes the risk of sexual assault. If something happens later, s/he can't claim that s/he was raped or sexually assaulted because s/he should have known not to go to those places.

Fact: This "assumption of risk" wrongfully places the responsibility of the offender's action with the victim. Even if a person went voluntarily to someone's home or room and consented to engage in some sexual activity, it does not serve as blanket consent for all sexual activity. When in doubt as to whether or not the person is comfortable with an elevated level of sexual activity, stop and ask. When someone says "no" or "stop," that means "STOP!" Sexual activity forced upon another without valid consent is sexual assault.

Myth: It is not sexual assault if it happens after drinking or taking drugs.

Fact: Being under the influence of alcohol or drugs is not an invitation for sexual activity. A person under the influence does not cause others to assault her/him; others choose to take advantage of the situation and sexually assault her/him because s/he is in a vulnerable position. A person who is incapacitated due to the influence of alcohol or drugs is not able to consent to sexual activity.

Myth: Most sexual assaults are committed by strangers. It's not rape if the people involved know each other.

Fact: Most sexual assaults and rape are committed by someone the victim knows. A study of sexual victimization of college women showed that about 90% of victims knew the person who sexually victimized them. Most often, a boyfriend, ex-boyfriend, classmate, friend, acquaintance or co-worker sexually victimized the person. It is important to remember that sexual assault can occur in both heterosexual and same-gender relationships.

Myth: Rape can be avoided if women avoid dark alleys or other "dangerous" places where strangers might be hiding or lurking.

Fact: Rape and sexual assault can occur at any time, in many places, to anyone.

Myth: A person who has really been sexually assaulted will be hysterical.

Fact: Victims of sexual violence exhibit a spectrum of responses to the assault which can include: calm, hysteria, withdrawal, anxiety, anger, apathy, denial and shock. Being sexually assaulted is a very traumatic experience. Reaction to the assault and the length of time needed to process through the experience vary with each person. There is no "right way" to react to being sexually assaulted. Assumptions about the way a victim "should act" may be detrimental to the victim because each victim copes in different ways.

Myth: All sexual assault victims will report the crime immediately to the police. If they do not report it or delay in reporting it, then they must have changed their minds after it happened, wanted revenge or didn't want to look like they were sexually active.

Fact: There are many reasons why a sexual assault victim may not report the assault to the police or campus officials. It is not easy to talk about being sexually assaulted and can feel very shameful. The experience of retelling what happened may cause the person to relive the trauma. Another reason for delaying a report or not making a report is the fear of retaliation by the offender. There is also the fear of being blamed, not being believed and being required to go through judicial proceedings. Just because a person does not report the sexual assault does not mean it did not happen.

Myth: Only young, pretty women are assaulted.

Fact: The belief that only young, pretty women are sexually assaulted stems from the myth that sexual assault is based on sex and physical attraction. Sexual assault is a crime of power and control. Offenders often choose people whom they perceive as most vulnerable to attack or over whom they believe they can assert power. Men and boys are also sexually assaulted, as well as persons with disabilities. Assumptions about the "typical" victim might lead others not to report the assault because they do not fit the stereotypical victim.

Myth: It's only rape if the victim puts up a fight and resists.

Fact: Many states do not require the victim to resist in order to charge the offender with rape or sexual assault. Those who do not resist may feel if they do so, they will anger their attacker, resulting in more severe injury. Many assault experts say that victims should trust their instincts and intuition and do what they believe will most likely keep them alive. Not fighting or resisting an attack does not equal consent.

Myth: Someone can only be sexually assaulted if a weapon was involved.

Fact: In many cases of sexual assault, a weapon is not involved. The offender often uses physical strength, physical violence, intimidation, threats or a combination of these tactics to overpower the victim. Although the presence of a weapon while committing the assault may result in a higher penalty or criminal charge, the absence of a weapon does not mean that the offender cannot be held criminally responsible for a sexual assault.

Source: <http://www.csulb.edu/depts/oed/policies/title-ix-notice.html>

Common Myths and Facts about Sexual Harassment

Myth: Sexual harassment is rare.

Fact: Sexual harassment is extremely widespread. It touches the lives of 40 to 60 percent of working women, and similar proportions of female students in colleges and universities.

Myth: Sexual harassment only happens to women and is perpetrated only by men.

Fact: Both men and women can be victims or perpetrators of sexual harassment. In addition, sexual harassment may occur between members of the same sex.

Myth: The seriousness of sexual harassment has been exaggerated; most so-called harassment is really trivial and harmless flirtation.

Fact: Sexual harassment can be devastating. Studies indicate that most harassment has nothing to do with "flirtation" or sincere sexual or social interest. Rather, it is offensive, often frightening and insulting. Research shows that survivors are often forced to leave school or jobs to avoid harassment; many experience serious psychological and health-related problems.

Myth: Many victims make up and report stories of sexual harassment to get back at their employers or others who have angered them.

Fact: Research shows that less than one percent of complaints are false. In fact, survivors rarely file complaints even when they are justified in doing so.

Myth: Women who are sexually harassed generally provoke harassment by the way they look, dress and behave.

Fact: Harassment does not occur because women dress provocatively or initiate sexual activity in the hope of getting promoted and advancing their careers. Studies have found that victims of sexual harassment vary in physical appearance, type of dress, age, and behavior. The only thing they have in common is that over 99% of them are female.

Myth: If you ignore harassment, it will go away.

Fact: It will not. Research has shown that simply ignoring the behavior is ineffective; harassers generally will not stop on their own. Ignoring such behavior may even be seen as agreement or encouragement.

Source: <https://www.rscdd.edu/Departments/Risk-Management/TitleIX/Pages/Common-Myths-and-Facts-About-Sexual-Assault.aspx>

Sexual Harassment vs. Flirting

Sexual harassment makes the receiver feel: **Flirting makes the receiver feel:**

Bad	Good
Angry/sad	Happy
Demeaned	Flattered
Ugly	Pretty/attractive
Powerless	In control

Sexual harassment results in: **Flirting results in:**
Negative self-esteem Positive self-esteem

Sexual harassment is perceived as: **Flirting is perceived as:**
One-sided Reciprocal
Demearing Flattering
Degrading Open
Invading A compliment

Sexual harassment is: **Flirting is:**
Unwanted Wanted
Power-motivated Equally-motivated
Illegal Legal

Source: <http://www.swc.osu.edu/posts/documents/sexual-harassment-vs-flirting-sves-document-read-only.pdf>

A person who believes a violation has occurred may also file a complaint with the Michigan Department of Civil Rights, 110 West Michigan Avenue, Suite 800, Lansing, Michigan 48933.