College for Creative Studies
Policy on Sexual Harassment and Sexual Assault

I. Policy Statement
The College for Creative Studies subscribes to the principle of equal opportunity in its employment, admissions and educational practices and strives to provide an educational environment and workplace free from unlawful harassment or discrimination. Discrimination, including harassment, because of age, race, color, national origin, religion, sex, sexual orientation, marital status, disability or any other characteristic protected by law is strictly prohibited. This policy specifically addresses the prohibition of sexual misconduct, including sexual harassment, gender-based harassment, sexual assault, sexual exploitation, stalking, and domestic violence. Sexual misconduct represents a serious breach of the College's commitment to fostering a positive educational and working environment. An individual who violates this policy may also be subject to criminal prosecution and civil litigation in addition to College disciplinary procedures.

II. Scope
All students, faculty, and staff of the College as well as any visitors, regardless of sexual orientation or gender identity, are subject to this policy. This policy applies on campus property and may apply off campus if the conduct was in connection with a College program or College recognized program or the conduct may have the effect of creating a hostile environment in the College’s classrooms, studios, workspaces, offices, or administrative spaces.

The College prohibits sexual misconduct by third parties (i.e. neither students nor employees of the College) towards members of the College community. Although individuals who are not students or employees of the College are not subject to discipline under the College's internal processes, the College will take prompt, corrective action to remove the accused from campus facilities while under investigation. The College may also involve the police in the immediate resolution of the situation.

III. Definitions
Consent - Consent is an affirmative, conscious decision - indicated clearly by words or actions – to engage in mutually accepted sexual contact. Consent can be withdrawn at any time. Consent given for one mutually agreed upon sexual act does not imply consent for additional sexual acts. Consent CANNOT be given if a person's capacity is substantially impaired because of a mental or physical condition, coercion, intimidation, threats, duress, a perceived power differential, or the person is under the age of legal consent.

There is no consent if a person is mentally or physically impaired such that he/she cannot understand the fact, nature, or extent of the sexual situation. This includes impairment due to alcohol consumption, drug consumption, or being asleep or unconscious.

For consent to be effective, it must be:
- freely and actively given,
- manifested by mutually understood words or actions,
- indicative of a willingness to engage in mutually agreed upon sexual activity,
- given while both parties are not under the influence of intoxicants or physically incapacitated,
- given without coercion through force or intimidation

Complainant/Accuser/Victim - the party complaining of or the victim of sexual misconduct.

Preponderance of the Evidence - the evidence must show that, more likely than not, sexual misconduct did occur and more likely than not, the alleged perpetrator committed the act

Respondent/Accused - the person against whom a complaint of sexual misconduct is brought.

Revised 5.15.15
**Sexual Misconduct** - sexual acts perpetrated against a person’s will or where a person is incapable of giving consent. Sexual misconduct includes: sexual assault and sexual harassment.

**Sexual Assault** - any non-consensual physical contact of a sexual nature, whether by an acquaintance or by a stranger. Physical resistance need not occur to fulfill the definition of sexual assault. Sexual assault includes, but is not limited to the following:

- rape,
- acquaintance rape, (friend, classmate, peer, co-worker, partner, etc.)
- dating violence
- sexual assault with an object,
- sexual exploitation (i.e.- prostituting another person, recording images of sexual activity without consent).
- forcible sodomy,
- forcible oral sex,
- forcible fondling, groping, kissing
- voyeurism/stalking

**Sexual Harassment** - unwelcome gender, sexuality, or sexually based verbal or nonverbal conduct that is sufficiently severe, persistent, or pervasive as judged by a reasonable person in the victim’s position, considering all the circumstances.

**IV. Rights**

**Rights of the Victim**

- The right to interim measures pending completion of an investigation.
- The right to investigation and appropriate resolution to all credible complaints of sexual violence.
- The right to request confidentiality and to understand the impact of a request for confidentiality on the investigative process.
- The right to not be discouraged by College officials from reporting sexual violence.
- The right not to be retaliated against for filing a good faith complaint.
- The right to know the evidentiary standard the College applies during an investigation is the preponderance of the evidence standard, which means that the evidence must show that more likely than not, sexual misconduct did occur and more likely than not, the alleged perpetrator committed the act.
- The right to be informed of the outcome and sanction of any disciplinary hearing involving sexual violence within the bounds of what is legally permissible.
- The right to notification of options for changes in academic and living situations after an alleged incident of sexual violence.*
- The right to reasonably prompt time frames for completion of the complaint process (generally 60 days), recognizing this is influenced by the facts and circumstances.
- The right to attend any hearing including timely notice of hearing date and adequate time for preparation.
- The right to not have irrelevant prior sexual history admitted as evidence in a campus hearing.
- The right to have an advisor or advocate accompany and assist in the campus hearing process. *
- The right to a campus judicial outcome based solely on the preponderance of evidence presented during the College judicial process.
- The right to not have any complaint of sexual violence mediated as opposed to adjudicated.*
- The right to petition that any member of the judicial body be removed on the basis of demonstrated bias.*
- The right to be informed of counseling, advocacy and support.
- Assurance that the College will take steps to prevent recurrence of any sexual violence and when appropriate, remedy the discriminatory effects on the victim and other students.

*Revised 5.15.15
Rights of the Accused

- The right to investigation or appropriate resolution to all credible complaints of sexual violence.
- The right to know the evidentiary standard the College applies during an investigation is the preponderance of the evidence standard, which means that the evidence must show that more likely than not, sexual misconduct did occur and more likely than not, the alleged perpetrator committed the act.
- The right to a hearing including timely notice of hearing date and adequate time for preparation.
- The right to appeal the finding and sanction in accordance with this policy.
- The right to have an advisor or advocate accompany and assist in the campus hearing process.*
- The right to a campus judicial outcome based solely on a preponderance of the evidence presented during the College judicial process.
- The right to written notice of the outcome and sanction of the hearing.
- The right to petition that any member of the judicial body be removed on the basis of demonstrated bias.*
- The right to be informed of counseling, advocacy and support.

*The indicated rights may not apply or be possible to grant for faculty or staff who are involved in an investigation into a report of sexual violence.

V. Reporting

All College community members are strongly encouraged to report incidents of sexual misconduct to the Title IX Coordinator or any of the reporting resources listed below. All College faculty and staff are required to report any accounts or instances of sexual misconduct that they become aware of to the Title IX Coordinator in either the Office of Student Affairs or in Human Resources.

Anyone who has been subject to sexual misconduct may choose to pursue criminal prosecution, civil litigation, and/or College disciplinary processes. The College recognizes that a person who has been subject to sexual misconduct retains the right not to pursue either criminal prosecution, civil litigation, or a College judicial proceeding. Choosing not to pursue these courses of action, however, does not remove the responsibility of the College to investigate and/or take action.

A communication to the Title IX Coordinator is not confidential, but to the extent possible, the College will only disclose information regarding incidents of sexual misconduct to individuals who are responsible for handling the College’s response. To the best of their ability, the Title IX Coordinator will maintain as much confidentiality for both the victim and the accused during the investigation process. Should a breach of confidentiality be required, it will be done following the procedure outlined in section V.G. of this document.

Title IX Coordinator
Michael Coleman
Director of Student Life
Student Ombudsman
Office of Student Affairs
313-664-7676
mcoleman@collegeforcreativestudies.edu

Secondary Title IX Coordinator
Raquel Diroff
Assistant Human Resources Director
Office of Human Resources
313-664-7651
rdiroff@collegeforcreativestudies.edu

The listed departments are specially trained to help in incidents of sexual misconduct:
On Campus Resources for Students

Dean of Students 313.664.7675  M-F 8:30am-4:30pm
Campus Safety 313.664.7444  24 hours
Dir. Student Life 313.664.7676  M-F 8:30am-4:30pm
Dir. Residence Life 313.664.7678  M-F 8:30am-4:30pm
Dir. Academic Advising/Registration 313.664.7673  M-F 8:30am-4:30pm

On Campus Resources for Faculty/Staff

Director Human Resources 313.664.7650  M-F 8:30am-4:30pm
Assistant Human Resources Director 313.664.7651  M-F 8:30am-4:30pm
Campus Safety 313.664.7444  24 hours

Off Campus Resources for Students and Faculty/Staff

Wayne State Police 313.577.2222  24 hours

A. Amnesty
When conducting the investigation, the College's primary focus will be on addressing the sexual misconduct, harassment or assault and not on other College policy violations that may be discovered or disclosed. Fear of conduct or disciplinary violations should not be a deterrent for a victim to report an incident of sexual misconduct. Persons reporting sexual misconduct will be granted amnesty from College disciplinary processes if College alcohol or other non-violent policy violations are discovered during the course of a sexual misconduct investigation. This same amnesty will be granted to witnesses asked to participate in an investigative process on campus.

B. Timely Reporting & Crisis Assistance
The College supports and encourages anyone who has been subject to sexual misconduct to report the incident to the reporting source of their choice. Prompt reporting may preserve options that delayed reporting does not, including the preservation of physical evidence, crisis counseling, and immediate police response. However, those who delay reporting can report the incident at any time, understanding that this may rule out the collection of reliable physical evidence.

Any person who has been sexually assaulted or otherwise subject to sexual violence may go directly to the emergency room of any local hospital for medical attention, evidence collection, and access to follow up care. An individual who has been sexually assaulted is urged to seek medical evaluation as soon as possible. The closest emergency room facilities to campus are:

Detroit Receiving Hospital, 4201 St. Antoine, Detroit MI 48202
Henry Ford Hospital, 2799 W. Grand Blvd, Detroit, MI 48202

C. Medical-Legal Evidence Collection
An individual who has been sexually assaulted is encouraged to request collection of medical-legal evidence. Prompt collection of physical evidence is essential should a person later decide to pursue criminal prosecution and/or a civil action.

D. Confidential Reporting Resources
The following resources are available to discuss incidents and issues related to sexual misconduct on a confidential basis. Communications to these resources cannot legally be disclosed without the individual’s consent or in limited circumstances such as imminent threat or danger to self or others. These resources may report general statistics regarding sexual misconduct but will not disclose any identifying information. A report to these resources will not result in a report to the College. However, keep in mind, if an individual reports to these sources and does not report to the College, the College cannot investigate or take any disciplinary action against the perpetrator.

On Campus Resources for Students
- Wellness Center Staff 313.664.7852 M-F 8:30am-4:30pm
- Campus Nurse 313.664.7982 M,W,F 8:30am-12:30pm

Off Campus Resources for Students
- Turning Point 586.463.6990 24 hours
- Haven 248.334.1274 24 hours

Off Campus Resources for Faculty/Staff
- Employee Assistance Program Ulliance 888.333.6269 24 hours
- Turning Point 568.463.6990 24 hours
- Haven 248.334.1274 24 hours

E. Confidentiality Requests
When reporting an incident of sexual misconduct, a student/employee may request confidentiality by: (1) having his or her name not revealed to the alleged perpetrator, (2) asking that the College not investigate the incident, or (3) asking the College not to take action against the perpetrator.

These requests will be handled by the Title IX Coordinator or Secondary Title IX Coordinator, who will strive to conduct an investigation that balances the needs of the victim while attempting to protect the College community. Due to the need for administrative action, absolute confidentiality is not guaranteed. When requesting confidentiality, the individual will be informed of the impact of a request for confidentiality on the investigative process, the College’s retaliation policy (see section V.E. Retaliation), and of any need for the College to deny the request.

A request for confidentiality will be denied if:
- There is reason to believe that an ongoing threat to the College community would be allowed to continue by agreeing to hold the victim’s identity confidential.
- An investigation would not be possible by holding the victim’s identity confidential.
- The reporting individual is not the victim of the alleged sexual misconduct but is reporting a possible sexual misconduct incident. It may be possible to maintain the confidentiality of the reporter’s name while still investigating the report.
If a confidentiality request is denied, disclosure of an incident of sexual misconduct will be as limited as possible and will reveal as little information about the individual as possible. The individual will be informed by the College of what information may be disclosed once a confidentiality request is denied prior to information being disclosed.

F. Retaliation
Individuals who report sexual misconduct, or who cooperate in the College’s investigation and handling of sexual misconduct shall not be subject to retaliation for reporting and/or cooperating, even if the College finds that no sexual misconduct occurred. If a complainant or witness believes that she or he is being subjected to retaliation, she or he should promptly contact the Assistant Human Resources Director (faculty and staff) or the Director of Student Life (students). Students or staff accused of retaliation will be subject to appropriate College disciplinary policies.

G. Reporting to Law Enforcement
Individuals may report incidents of sexual misconduct to law enforcement through on-campus or off-campus resources or may report directly to law enforcement. The police have a responsibility to uphold and enforce the law even if the person assaulted does not want to participate in the process and/or make a complaint. As a result, once a report is made to a police officer and/or once the officer learns of possible criminal activity, the officer has a duty to investigate and a duty to forward any information to the appropriate prosecutor's office for possible criminal prosecution.

H. Parental/Legal Guardian/Partner Notification
The College is committed to providing support to anyone involved in an incident of sexual misconduct. In some instances when there is a health or safety concern, the College may need to notify the parents, guardian, or partner of the individual involved in the incident. In making this determination, the College will consider the wishes of those involved, as well as their personal safety, and the safety of the campus community. In addition, when the victim is under the age of 18 (or under 21 and physically or mentally impaired), both the College and any confidential resources are required to report the abuse to the appropriate social service agency or the police.

I. False Complaints
Any member of the College community who knowingly files a false complaint of sexual harassment or assault, or who knowingly provides false information to or intentionally misleads College officials who are investigating or reviewing a complaint of alleged sexual harassment or assault, is subject to disciplinary action, up to and including discharge for employees and dismissal for students.

VI. Interim Measures
The College will promptly take all interim measures necessary to protect any complainant of sexual misconduct. Interim measures include but are not limited to academic accommodations, increased monitoring or security, changes to class or housing assignments for students or work assignments for employees. Interim measures may be put into place for either the accuser or accused depending on the nature of the situation.

Interim measures are available regardless of whether a complainant requests confidentiality or chooses to file a formal complaint with the College. The College will assist complainants in obtaining support including but not limited to: victim advocacy, housing assistance, no-contact orders, academic support, counseling, disability services and health and mental health services.

VII. Clery Act Obligations
A. Campus Notification
Once a report of sexual misconduct is made, the College will take all necessary steps to protect the campus and the person who has been harassed or assaulted. This may include alerting the campus of crimes that it determines pose a threat to members of the campus community. In making such determinations, the College will consider the safety of students, faculty, and staff as well as the privacy interests of all persons involved in such incidents. Regardless of the action taken by the College, the name of any person involved will not appear on security alerts. To respect the
privacy rights and choices of the person reporting sexual misconduct, as well as the rights of a person being accused, the College will consider the wishes of all individuals involved in the incident to determine the level of specific information to include in the campus crime report.

B. **Campus Crime Reporting**
In compliance with the Clery Act (Campus Crime Statistics Act) and the Violence Against Women Reauthorization Act, all members of the College, excluding confidential sources, notified of sexual misconduct are required to inform Campus Safety; and the incident will be included in campus crime statistics. Typically, the following information is included: crime, date, location, and status (i.e. student, faculty, staff, stranger, etc.) of the individuals involved in the crime. The College never includes the names of the accuser or the accused in crime statistics.

VIII. **Investigation**
Once the College becomes aware of an incident of sexual misconduct, the College will initiate the investigation process. The College will utilize all relevant internal disciplinary and administrative processes, as well as external criminal and civil reporting mechanisms, deemed appropriate when information pertaining to sexual misconduct is reported. If a request for confidentiality has been made, the decision to maintain confidentiality will be made by the Title IX Coordinator or Secondary Title IX Coordinator in accordance with the standards in section V.G. If the request for confidentiality is able to be granted, the investigation will continue only to the extent possible while maintaining confidentiality.

If a person discloses an incident that meets the definition of sexual misconduct but does not personally define the incident as that, the College still has an obligation to investigate.

Members of the College community are expected to cooperate in the College’s investigations of alleged sexual misconduct. Investigations will proceed based on the information that is able to be obtained.

A. **Duty to Investigate**
When necessary to meet its commitment to provide an environment free of sexual misconduct, the College will investigate alleged incidents of sexual harassment or assault of which it becomes aware even if no formal complaint has been filed or the individual(s) involved is unwilling to pursue a complaint or cooperate in an investigation. If an employee becomes aware of specific and credible allegations of sexual harassment or assault, whether through a complainant or otherwise, the allegations should be reported promptly to either the Title IX Coordinator or Secondary Title IX Coordinator. The duty to investigate will include addressing any request for confidentiality in accordance with section V.G. If it is deemed necessary by the Title IX Coordinator or Secondary Title IX Coordinator to breach confidentiality in order to maintain the environment free of sexual misconduct, the victim will be informed of the need to violate confidentiality prior to doing so.

B. **Investigation Standard**
All incidents of sexual misconduct will be assessed using the preponderance of the evidence standard. The preponderance of the evidence standard means that the evidence must show that, more likely than not, sexual harassment or sexual violence did occur and more likely than not, the alleged perpetrator committed the act.

C. **Investigative Process**
All complaints of alleged sexual misconduct are investigated under the oversight of the Title IX Coordinator when the accused is a student or off campus 3rd party and the Secondary Title IX Coordinator when the accused is an employee of the College. The College will process all formal complaints of sexual misconduct it receives, regardless of where the conduct allegedly occurred. The investigation process includes:

1. Upon notification that a report of sexual misconduct has been made, a formal statement from the complainant will be collected. In the event the complainant requests confidentiality and declines to provide a formal statement, notes from either the reporting source or the Title IX Coordinator or Secondary Title IX Coordinator will serve as the source of information for the basis of the investigation.
2. Written notification will be promptly sent to the accused regarding the incident. This notification will also include a meeting date and time for the accused.
3. After meeting with both parties, the Title IX Coordinator will gather and review any additional information and documents it deems relevant including but not limited to student and personnel files, witness statements, law enforcement and investigation documents, additional statements from the complainant and the accused.

4. The Title IX Coordinator will create a report of the investigation.

5. If either Title IX Coordinator determine that a hearing is necessary, a Notice of Hearing must be created to begin the Hearing process. If either Title IX Coordinator determines that a hearing is not necessary, a Notice of Outcome will be prepared and provided to all parties. A hearing will be deemed necessary if the investigation process has yielded evidence to suggest that:
   a. There are credible statements that sexual misconduct may have occurred.
   b. Statements from the victim and the accused are factually incongruent.
   c. Circumstances surrounding the alleged sexual misconduct are unclear.
   d. There are no compelling reasons not to hold a hearing.

6. Either party involved in the investigation may request a written update at any point from the Title IX Coordinator.

IX. Hearing

A. Standard
   The purpose of a sexual misconduct hearing is to determine if more likely than not, sexual misconduct occurred and that more likely than not, the accused committed the act. This determination is made by the Adjudication Panel as an outcome of the Hearing Process outlined in section IX.D.

B. Informal Grievance Procedure
   Mediation is a potential alternative to a hearing if both the accused and accuser consent in the case of a sexual harassment complaint. Mediation cannot be used in cases of sexual assault. The parties have the right to end mediation and demand a formal hearing at any time. Mediation will be done by a trained faculty or administrator, including the Title IX Coordinator.

C. Adjudication Panel
   All hearings will be conducted by a panel of three faculty, administrator or staff members who are tasked with determining whether the accused has committed an act of sexual misconduct. The Adjudication Panel will also recommend sanctions to be imposed. The Dean of Students will serve as the head of the Adjudication Panel if the accused is either a student or a third party of the institution and the Director of Human Resources will serve as the head of the Adjudication Panel if the accused is an employee of the College. The head of the Adjudication Panel will select two additional members of the panel from a pool of trained faculty and staff members selected to avoid any potential conflicts of interest.

   Any party may raise issues of conflicts of interest with regard to the Adjudication Panel. The Title IX Coordinator will weigh these issues and resolve them accordingly. No party has a right to disqualify an Adjudication Panel member absent a demonstrated bias.

D. Hearing Process
   1. Both parties may be present and are allowed to have an attorney or adviser at the hearing to act as support. The support person may not speak on behalf of the accuser or accused party.
   2. A summary of the accusations will be provided to the accused and accusing party prior to the hearing date in the form of a Notice of Charge or Notice of Hearing.
   3. The Title IX Coordinator will present information gathered during the investigation phase to the Adjudication Panel.
   4. The accusing party will have the opportunity to provide his/her version of events.
   5. The accused will have an opportunity to provide his/her version of events and respond to the accusations he/she is being charged with.
   6. Parties may present witnesses or documents. The hearing panel has discretion to determine admissibility of witnesses or documents prior to presentment.
   7. Parties may question the accuser, accused and any other witnesses but only through the Adjudication
Panel. The Adjudication Panel has discretion to disregard irrelevant or prejudicial questions.

8. The Adjudication Panel will determine whether the alleged conduct occurred and appropriate sanctions. The Panel shall provide written notification of the outcome to both the complainant and the accused within 10 business days of the disciplinary hearing.

9. Both parties involved in the hearing may request that separate rooms be provided for the hearing process.

E. Notice of Outcome
The Notice of Outcome prepared by the Panel will inform the parties regarding the outcome of an investigation or hearing. The Notice will contain: (1) whether the alleged conduct occurred, (2) individual remedies offered to complainant and/or sanctions against the accused, and (3) other steps the College has taken to eliminate the hostile environment.

F. Sanctions/Remedies
The range of sanctions against the perpetrator include but are not limited to institutional probation, no contact orders, removal from class(es), housing, or suspension/dismissal/termination from the institution.

Remedies offered to the complainant include but are not limited to housing changes, counseling services, medical services, or academic support services.

Remedies for the broader student population include but are not limited to developing materials on sexual violence for all students, increased security, conducting bystander intervention and sexual violence prevention programs, and/or issuing policy statements.

X. Appeals

A. Procedure
1. Both the complainant and the accused are entitled to appeal the decision based on the disciplinary hearing.
2. An appeal must be filed, in writing, within 5 business days of the written Notification of Outcome. The appeal should be turned in to the Title IX Coordinator.
3. The College leadership team (President, Provost and V.P. of Academic Affairs, V.P. of Enrollment and Student Services, V.P. of Administration and Finance, and V.P. of Institutional Advancement) will serve as the Appeal Body for all sexual misconduct hearings. If either the accused or the victim are employees, the member of the leadership team from that employees division of the College will recuse themselves from the appeal process. A member of the leadership team may also recuse themselves if a relationship with a student involved in the hearing would compromise the impartiality of the appeal.
4. The Appeal Body will first determine whether the appeal meets the grounds for appeal outlined in section X.B. If the appeal is not based on a proper ground for appeal, it may be rejected.
5. If the appeal meets the grounds for appeal, the Appeal Body will make a finding on the appeal within 15 days of the appeal being filed.
6. All decisions by the Appeal Body are final.

B. Grounds for Appeal
1. New evidence not available at the time of the investigation or hearing.
2. Decision by Adjudication Panel was unreasonable. There must be specific reasons shown why the panel’s decision was unreasonable, i.e. - the Adjudication Panel considered improper evidence, made their decision based on improper criteria or using irrelevant facts.
3. Procedural irregularities that substantially affected the outcome of the hearing to the detriment of the complainant or accused.

C. Time Frame
Written notification of the appeal findings will be provided to the accuser and accused within 15 business days of the appeal being filed.