

Sexual Harassment, Sexual Assault, Sexual Misconduct, Relationship (Dating) Violence and Stalking Policy

Nondiscrimination Statement

The Cranbrook Academy of Art (Cranbrook) prohibits discrimination based on sex in employment and education programs and activities both on and off campus. This policy applies to all students and employees and to conduct on school grounds, off-campus, at school-sponsored activities, and through technology resources provided by or used at Cranbrook. Violation of this policy is considered violation of the Student Code of Conduct.

Title IX of the Education Amendments of 1972 and other laws,¹ prohibit discrimination on the basis of sex in employment and education programs and activities. Title IX protects all persons from sex discrimination, which includes sexual harassment and sexual violence. Cranbrook will process all sex discrimination complaints it receives, including complaints of sexual harassment and sexual violence, regardless of where the conduct occurred, to determine whether the conduct occurred in the context of an employment or education program or activity, or had continuing effects on campus. If alleged off-campus sexual harassment or sexual violence occurred in the context of an education program or activity or had continuing effects on campus, the complaint will be treated the same as a complaint involving on-campus conduct. This includes complaints of sexual assault or harassment by students, employees, and third parties.

A. Title IX Coordinator

Complaints of sexual assault, sexual harassment or other conduct prohibited under this policy and inquiries concerning the application of Title IX and its regulations should be directed to the Cranbrook Academy of Art's Title IX Coordinator:

Amy Deines, Dean
Cranbrook Academy of Art
39221 Woodward Avenue
Art Academy Administration, 2nd Floor
Bloomfield Hills, MI 48303-0801
(248) 645-3090
adeines@cranbrook.edu

The Title IX coordinator's responsibilities include investigating or overseeing the investigation of all incidents of alleged sexual assault or harassment; ensuring that consistent standards and practices apply to all investigations; being available to meet with students and employees who believe sexual assault or harassment has occurred; and assisting campus security or law enforcement as needed. Students may also contact the U.S. Department of Education, Office for Civil Rights, (800)421-3481 or ocr@ed.gov.

B. Policy Definitions

Sex discrimination is an adverse action taken against an individual because of sex, including sexual harassment, sexual violence, domestic violence, dating violence, and stalking, as prohibited by Title IX, Title IV, VAWA/Campus SaVE Act, and other laws and regulations. Both men and women can be victims of sex discrimination.

Sexual harassment is any unwelcome conduct of a sexual nature. This includes unwelcome verbal, nonverbal or physical conduct including but not limited to unwelcome sexual advances; requests for sexual favors; and other verbal, nonverbal, or physical conduct of a sexual nature, such as sexual violence, sexual advances, requests for sexual favors, and indecent exposure, where:

- a. Submission to, or rejection of, the conduct is explicitly or implicitly used as the basis for any decision affecting a student's academic status or progress, or access to benefits and services, honors, programs, or activities available at or through Cranbrook; *or*
- b. Such conduct is unwelcome; *or*
- c. Submission to, or rejection of, the conduct by a Cranbrook employee is explicitly or implicitly used as the basis for any decision affecting a term or condition of employment, or an employment decision or action; *or*
- d. Such conduct is sufficiently severe or pervasive to create a hostile educational or employment environment.

¹Title IX of the Education Amendments of 1972, as amended, and its implementing regulations, 34 C.F.R. Part 106 ("Title IX"); the Violence Against Women Reauthorization Act of 2013 (20 U.S.C. 1092(f)) (VAWA), also known as the Campus Sexual Violence Elimination Act (Campus SaVE Act); and Title VII of the Civil Rights Act of 1964, as amended.

Sexual harassment also includes acts of verbal, non-verbal (e.g., written) and physical aggression, intimidation or hostility based on sex or gender stereotyping, even if these acts are not sexual in nature.

Sexual Violence is a form of sexual harassment and means physical sexual acts, such as unwelcome sexual touching, sexual assault, sexual battery, rape, domestic violence, dating violence, and stalking (if based on sex), taken against an individual against his or her will and without consent or against an individual who is incapable of giving consent due to the use of drugs or alcohol, being a minor, or an intellectual or other disability. Sexual violence includes acts of physical force, violence, threats, and intimidation, ignoring the objections of the other person, causing the other person's intoxication or incapacitation through drugs or alcohol, or taking advantage of another person's incapacitation, including voluntary drug or alcohol intoxication. **Incapacitated** means the victim is temporarily incapable of appraising or controlling his/her conduct due to the influence of a narcotic, anesthetic or other substance administered without consent or due to any other act committed upon the victim without consent.²

Sexual violence can be carried out by school employees, other students, or third parties. All such acts of sexual violence are forms of sex discrimination prohibited by Title IX. Both men and women can be victims of sexual violence.

Statutory rape is unlawful sexual intercourse with a minor under 18 years old, even if the intercourse is consensual. Under Michigan law, children under the age of 16 cannot consent to conduct of a sexual nature, and children under the age of 18 cannot consent to conduct of a sexual nature when the other person is a teacher, a substitute teacher, or a school employee, contractual service provider, or administrator.

Sexual Assault is a form of sexual violence and means (1) forcing or coercing an individual to engage in any non-consensual sexual contact or sexual penetration; or (2) an attempt to commit an unlawful act that places another person in reasonable apprehension of immediate, non-consensual physical contact for sexual purposes.

Sexual Battery is a form of sexual violence and means an intentional, unconsented to and harmful or offensive touching of the person of another, or of something closely connected with the person, for sexual purposes.³

Rape is a form of sexual violence that may or may not involve force or a threat of force, coercion, violence, or immediate bodily injury, threats of future retaliation, or duress. Rape means nonconsensual sexual intercourse or sexual penetration, which, in addition to intercourse, means nonconsensual 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.⁴ Any sexual penetration is sufficient to constitute rape. Sexual acts are considered non-consensual when they involve a person who is incapable of giving consent because s/he is incapacitated from alcohol and/or drugs, is under 18 years old, or due to a mental or physical disability is incapable of giving consent.⁵

Acquaintance Rape is a form of sexual violence committed by an individual known to the victim. This includes a person the victim may have just met, such as at a party, been introduced to through a friend, or met on a social networking website (see above for definition of rape.)

Consent means an informed and conscious decision by each participant to engage in mutually agreed-upon sexual activity. Once consent is withdrawn or revoked, the sexual activity must stop immediately.

- Consent must be **voluntary** and given without coercion, force, threats, or intimidation.
- Consent can be **withdrawn or revoked**. Consent to one form of sexual activity (or one sexual act) does not constitute consent to other forms of sexual activity (or other sexual acts). Consent to sexual activity given on one occasion does not constitute consent to sexual activity on another occasion. The fact that two people are or were in a dating or sexual relationship does not constitute consent to engage in sexual activity.
- Consent cannot be given by a person who is **incapacitated**. A person cannot give consent if s/he is unconscious or coming in and out of consciousness. Examples of incapacitation include unconsciousness, sleep and blackouts. Whether an *intoxicated* person (as a result of using alcohol or other drugs) is *incapacitated* depends on the extent to which the person's decision-making capacity, awareness of consequences, and ability to make fully informed judgments is impaired.
- Being intoxicated by drugs or alcohol does not diminish a person's responsibility to obtain consent from the other party before engaging in sexual activity. Factors to be considered when determining culpability include whether the person knew, or whether a reasonable person in the accused's position should have known, that the victim could not give, did not give, or revoked, consent; was incapacitated; or was otherwise incapable of giving consent.

²Under Michigan law, persons who are drugged, incapacitated, or under the age of 16 are unable to give consent.

³MICH. COMP. LAWS ANN. § 750.520b Criminal sexual conduct in the first degree.

⁴MICH. COMP. LAWS ANN. § 750.520a Definitions.

⁵MICH. COMP. LAWS ANN. § 750.520a Definitions.

Domestic violence is a form of sexual violence and means abuse committed against a person who is a spouse or former spouse of the abuser, an person with whom the abuser resides or has resided in the past, a person with whom the abuser has or has had a dating or sexual relationship, a person with whom the abuser is or was related by marriage, or a person with whom with the abuser has a child. As to these persons, domestic violence means causing or attempting to cause them physical or mental harm, placing them in fear of mental or physical harm, causing or attempting to cause them to engage in involuntary sexual activity by force, threat of force, or duress, or engaging in activity toward them that would cause a reasonable person to feel terrorized, frightened, intimidated, threatened, harassed, or molested.⁶

Dating violence is a form of sexual violence, and is abuse committed by a person who is or has been in a social or dating relationship of a romantic or intimate nature with the victim. This may include a new acquaintance or person the complainant just met; *i.e.*, at a party, introduced through a friend, or on a social networking website.

Stalking means a course of conduct directed at a specific person that would cause a reasonable person to fear for the person’s safety or the safety of others, or suffer substantial emotional distress. For purposes of this definition,

- i. “Course of conduct” means two or more acts, including but not limited to acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person’s property.
- ii. “Substantial emotional distress” means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.
- iii. “Reasonable person” means a reasonable person under similar circumstances and with similar identities to the victim.

Hostile Educational Environment. Harassment creates a hostile environment when the conduct is sufficiently severe, pervasive, or persistent to interfere with or limit a student’s ability to participate in or benefit from the services, activities, or opportunities offered by a school.

Bystander Intervention. Safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault, or stalking. Bystander intervention includes:

- Recognizing situations of potential harm
- Understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking actions to intervene.

Proceeding. All activities related to a non-criminal resolution of a disciplinary complaint, including, but not limited to, fact finding investigations, formal or information meetings, and hearings.

Result. Any internal, interim, and final decision by the official authorized to resolve disciplinary matters within the institution. The result must include any sanctions imposed by the institution.

C. Prohibited Conduct

Any conduct by an employee, student, or third party that denies or limits the ability of a student or employee to participate in or receive the benefits, services, or opportunities of employment or any Cranbrook program or activity based on sex is prohibited. This includes any circumstance where:

1. An employment or educational decision or benefit is conditioned on submission to unwelcome sexual advances or conduct;
2. Submission to, or rejection of, unwelcome sexual conduct is used as a basis for denying employment or an opportunity to participate in or benefit from any school program or activity;
3. Conduct has the purpose or effect of unreasonably interfering with, denying or limiting a student ability to participate in or benefit from any school program or activity or a term, condition or benefit of employment;

⁶MICH. COMP. LAWS ANN. § 400.1501 Definitions.

4. Conduct alters the educational environment to the degree that it adversely affects the student's ability to participate in or benefit from any school program whether or not that student is the target of the harassment;
5. There is a pattern and practice of sexual harassment;
6. A teacher, administrator or other person in a position of authority engages in sex discrimination or sexual harassment of a student or employee; and/or
7. A student or a group of students engages in sexual harassment of another student or students.

The following are examples of behaviors that are prohibited under this policy. This is not intended to be an exhaustive list:

8. Unwelcome sexual flirtations, advances or propositions;
9. Derogatory, vulgar or graphic written or oral statements regarding one's sexuality;
10. Unwanted touching, patting, pinching, or other attention to an individual's body;
11. Attempted or actual physical assault;
12. Any nonconsensual sexual act, including but not limited to, rape, sexual assault, sexual battery and sexual coercion;
13. Unwelcome sexual comments, innuendoes, suggestions or jokes;
14. Display of sexually suggestive pictures or objects;
15. Domestic violence, dating violence, sexual violence, and stalking, including cyberstalking;
16. Sending text messages, e-mails, or other electronic communications with nude or sexually suggestive photos, videos, or other images; and
17. Sharing or sending nude or sexually suggestive images over the Internet.

This policy specifically includes electronic communications, including but not limited to phone calls, text messages, e-mail, and communications using social media such as Instagram, Snapchat, Twitter, and Facebook.

D. Reporting sexual misconduct or filing a complaint

Where to report. Sexual assault, sexual harassment and other behavior prohibited by this policy should be reported to Amy Deines, Title IX coordinator, at (248) 645-3090 or adeines@cranbrook.edu. A complaint or report may be verbal or written and does not need to take a particular form.

Students may also report any incident of sexual violence or sexual harassment that may create or contribute to the creation of a hostile environment to any instructor or school employee. Students, staff and faculty may notify the head of their department or unit, their supervisor, or any member of the administration with whom they are comfortable. Any instructor or other employee receiving such a report is responsible for reporting it to the Title IX coordinator. Failure to comply with this policy shall be grounds for disciplinary action, up to and including termination.

What to expect. A representative of Cranbrook will meet with the complainant, provide a copy of this policy, and explain:

1. The importance of seeking immediate medical attention for sexual assaults
2. The importance of preserving evidence
3. The right to report a crime to campus or local law enforcement
4. The right to *not* report a crime to law enforcement or file criminal charges
5. The right to simultaneously file both a criminal complaint with campus security or local law enforcement and an institutional Title IX complaint
6. The right to assistance from school officials with filing a criminal complaint, if assistance is requested
7. Internal options, including informal and formal resolution⁷
8. Available health care, victim advocacy, academic support, mental health, legal assistance resources and counseling services available both on and off campus, such as sexual assault resource centers, campus health

⁷Mediation cannot be used in cases of alleged sexual assault.

- centers, and pastoral counselors, including Catholic Charities of Southeast Michigan, Common Ground Mental Health Services, and HAVEN, a sexual assault counseling center providing specialized, comprehensive services in the areas of domestic violence and sexual assault
9. Even if a complainant asks Cranbrook not to take any action, it is obligated to investigate the complaint
 10. Prohibitions against retaliation
 11. Interim measures that may be put in place, including a no-contact order pending the outcome of the investigation, providing support services, changing living arrangements or course schedules, assignments, or tests, and temporary removal of the alleged perpetrator from the campus community pending the outcome of an investigation.
 12. Options for avoiding contact with the alleged perpetrator(s), including being allowed to change academic and extracurricular activities and living, transportation, dining, and working situations as appropriate

When taking steps to separate complainants from alleged perpetrators, Cranbrook will attempt to minimize the burden on the complainant.

Confidentiality. Cranbrook will make reasonable and appropriate efforts to preserve student complainants' and alleged perpetrators' privacy and to protect the confidentiality of information. Cranbrook will only disclose information regarding complaints under this policy on a need to know basis, primarily to persons who are responsible for its investigation and any reporting requirements.

Cranbrook strongly supports a student complainant's interest in confidentiality in cases involving sexual violence. If a student complainant requests confidentiality, the Title IX coordinator will determine whether Cranbrook can honor this request while providing a safe and nondiscriminatory environment for all students, including the student who reported the sexual violence. A student complainant's request for confidentiality could preclude a meaningful investigation; therefore, Cranbrook will consider whether there are circumstances present that demonstrate a risk that the alleged perpetrator may commit additional acts of sexual violence or other violence. These include whether other sexual violence complaints have been received about the same alleged perpetrator; whether the alleged perpetrator has a history of arrests; whether the alleged perpetrator has records from a prior school indicating a history of violence; whether the alleged perpetrator threatened further sexual violence or other violence against the student or others; and whether the sexual violence was committed by multiple perpetrators. Other factors include whether the sexual violence was perpetrated with a weapon, and the age of the student subjected to the sexual violence.

If the complainant asks that the complaint not be pursued, Cranbrook will take reasonable steps to investigate and respond to the complaint consistent with the request not to pursue an investigation.

Even when a student asks that a complaint not be pursued or that information be kept confidential, if necessary, Cranbrook will take action to protect the student. This includes providing support services and changing living arrangements or course schedules, assignments, or tests as appropriate.

E. Investigation

Complaints under this policy will be investigated by the Title IX coordinator or a designee (referred as the "investigator") in a prompt, fair, and impartial process from the initial investigation to the final result. Other university officials may assist in gathering facts during the investigation and information from campus security or local law enforcement officials may be considered. Both parties will be given the same opportunity to present relevant evidence and witnesses, including character witnesses. If the alleged perpetrator is allowed to review the complainant's statement, the complainant may also review any statement by the alleged perpetrator.

Relevant Information for Investigation. At the outset of an investigation, the Title IX coordinator/investigator will notify the alleged perpetrator of the allegations against him or her and request a written response. In addition, the Title IX coordinator/investigator may collect and consider the following types of information:

- Statements by witnesses to the alleged incident(s);
- Evidence about the credibility of the alleged victim and the alleged harasser;
- Evidence that the alleged harasser has been found to have harassed other victims;
- Evidence that the alleged victim has made false allegations against other individuals;
- Evidence as to whether the alleged victim's reaction or behavior after the alleged harassment;
- Evidence as to whether the alleged victim filed a complaint or took other action to protest the conduct soon after the incident occurred; and
- Other evidence of the harassment (*e.g.*, reporting conduct to parents, counselors or friends, medical records, *et cetera*)
- The fact of a current or previous consensual dating or sexual relationship between the parties will not imply consent or preclude a finding of sexual violence.

Evidentiary Determinations. The Title IX coordinator/investigator has broad discretion in determining whether a proffered witness or documentary information would be relevant or helpful to a determination.

Evidentiary Standard. Based on the circumstances, a “preponderance of the evidence” or other legally appropriate standard will be used.

Time Frame for Investigation. An investigation should normally be completed within 60 calendar days after notice of a complaint. This time may be extended for good cause, including breaks or the unavailability of the complainant or alleged perpetrator. A written decision should be provided to the parties within fifteen calendar days after completion of the investigation.

Cooperation. All faculty, staff and students are required to cooperate in the investigation process.

Notice of Investigation. At the outset of an investigation, the investigator will advise the alleged perpetrator of the allegations against him or her in writing.

Opportunity to Participate. Both the complainant and the alleged perpetrator will have the same opportunity to meet with the investigator, to submit relevant documentary or other evidence, including character evidence, and to request that the investigator meet with relevant witnesses and evaluate written documents and statements.

Pending criminal matters. Internal investigation of a sexual assault allegation will proceed whether a related criminal matter is pending or not. If there is an ongoing criminal investigation, Cranbrook will *not* wait for the conclusion of the criminal investigation or criminal proceeding to begin its own Title IX investigation. However, Cranbrook may temporarily delay the fact-finding portion of a Title IX investigation while the police or other law enforcement officials are gathering evidence.

F. Decision and Findings

Following completion of the investigation and review of all materials, Title IX coordinator will prepare a written decision. The written decision will include, but not be limited to, whether the allegations were substantiated, and if so, the disciplinary and recommended remedial measures. The decision will be provided to both parties, although the content of each letter may be modified subject to the limitations of FERPA and other federal or state privacy laws.

If the Title IX coordinator determines that a sexual harassment claim is proven by a preponderance of the evidence (*i.e.*, that it is more likely than not that sexual harassment occurred), he/she will recommend immediate action to end the harassment and prevent its reoccurrence. The recommended action will depend on the degree of control the school has over the harasser and the nature, frequency and severity of the substantiated sexual harassment. In all instances, the Title IX coordinator will follow up and communicate with the complainant at the conclusion of the investigation.

Sanctions and protective measures. Depending on whether the alleged harasser is a student, teacher, staff member, or third party, sanctions can include a verbal warning, written reprimand, a no-contact order, short-term or long-term suspension, expulsion, or dismissal/termination. Counseling for the complainant and the harasser will also be considered as remedial action. In addition, the following protective measures may be imposed following a final determination of rape, acquaintance rape, domestic violence, dating violence, sexual assault, or stalking:

Protective or remedial measures. Available protective and remedial measures include, but are not limited to:

- a. Providing an escort to ensure that the complainant can move safely between classes and activities including employment;
- b. Ensuring the complainant and perpetrator do not share classes, extracurricular activities, or work environments;
- c. Moving the perpetrator or complainant (if the complainant requests to be moved) to a different residence hall or, in the case of an elementary or secondary school student, to another school within the district;
- d. Providing comprehensive, holistic victim services including medical, counseling and academic support services, such as tutoring;
- e. Arranging for the complainant to have extra time to complete or re-take a class or withdraw from a class without an academic or financial penalty; and

- f. Reviewing any disciplinary actions taken against the complainant to see whether there is a causal connection between the sexual violence and the misconduct that may have resulted in the complainant being disciplined

Any sanction imposed on the perpetrator of sexual assault or harassment that relates directly to the victim, such as a “no contact” order, transfer to different classes or housing, or a suspension will be disclosed to the complainant. The perpetrator will not be notified of the individual remedies offered or provided to the complainant. In cases of alleged sexual violence, the result of the hearing and any sanction imposed will be disclosed to both parties regardless of whether the hearing concludes an assault was committed

Appeal procedures are detailed in the “Sexual Harassment, sexual assault, sexual misconduct, relationship (dating) violence and stalking disciplinary procedures.”

G. Informal Resolution

If the complainant requests mediation or informal resolution, he/she will not be required to work out problems directly with the accused individual. Mediation cannot be used in cases of alleged sexual assault. In addition, the complainant has the right to terminate the informal resolution procedure at any time and pursue a formal complaint.

H. Alleged student perpetrator’s rights under the Family Educational Rights and Privacy Act (FERPA)

Under FERPA, an alleged student perpetrator may ask to inspect and review information about the allegations against him or her if the information directly relates to the alleged student perpetrator and is maintained as an education record. In such a case, Cranbrook will either redact the complainant’s name and all identifying information before allowing the alleged perpetrator to inspect and review the sections of the complaint that relate to him or her, or notify the alleged perpetrator of the specific information in the complaint that is about the alleged perpetrator. See 34 C.F.R. § 99.12(a).

I. Non-retaliation

Retaliation against a student, employee, or other individual who reports or complains about sex discrimination to an appropriate school official or participates in a report, investigation or proceeding involving a claim or allegation under this policy because he or she made a complaint, testified, or participated in an investigation or proceedings is prohibited.

J. Dissemination of policy

This policy must be distributed to:

1. Students
2. Administrators, faculty, and other employees
3. Applicants for admission
4. Applicants for employment

This policy must be available:

1. On the school website
2. In hard copy at multiple campus locations
3. In both printed and electronic publications, including student handbooks, codes of conduct, and catalogs

K. Health care, victim advocacy, support and other service providers.

Cranbrook Public Safety, (248) 645-3170.

Public Safety staff is available to assist students 24 hours a day, 7 days a week.

Common Ground Mental Health Services, Resource and Crisis Helpline: 800.231.1127.

Common Ground, a community based organization, provides a lifeline for individuals and families in crisis, victims of crime, persons with mental illness, and people trying to cope with critical situations. Common Ground’s Victim Assistance Program provides 24-hour access to counselors and advocates for victims of crime, domestic and sexual abuse and workplace violence. Assistance includes on-site advocacy, personal protection order assistance and accompaniment of victims to hospitals, police stations and court rooms. To receive assistance from the Victim’s Assistance Program or for more information, call Common Ground’s 24-hour Resource and Crisis Helpline at 1-800-231-1127. For more information, visit www.commongroundhelps.org.

**Common Ground’s offices are located at 1410 S. Telegraph, Bloomfield Hills, MI 48302.*

HAVEN, 24-HR Crisis & Support: 248.334.1274 Toll-Free Crisis Line: 877.922.1274.

Haven is a sexual assault counseling center providing specialized, comprehensive services in the areas of domestic violence and sexual assault. Oakland County's only comprehensive program for victims of domestic violence and sexual assault, Haven provides shelter, counseling and advocacy. Haven's Safe Therapeutic Assault Response Team (START) is a team of forensic nurse examiners and first responders that provides comprehensive forensic exams and compassionate emotional support for victims of sexual assault. *There is no fee for this service.* The Forensic Examiners (FEs) are specially trained to perform medical forensic examinations of adolescent and adult victims of acute sexual assault. They collect evidence from suspects in police custody and work with victims. They are also trained in giving court testimony. FEs assist any victim of sexual assault, 12 years of age or older, who reports the crime within 96 hours of its occurrence. FEs examine both males and females and provide evidence collection from both victims and suspects. For more information, visit www.haven-oakland.org/programs/assault-response.

**Haven's mailing address is 30400 Telegraph Rd #101, Bingham Farms, MI 48025.*

Confidential On-Campus Counseling: Abby Segal, abbski@gmail.com

All Cranbrook Academy of Art students are offered up to 6 free counseling sessions each academic year. The counselor can assist students who require additional counseling in identifying suitable resources. Students who have been victims of sexual violence are encouraged to seek counseling through the on campus counselor. Those wishing to schedule an appointment may contact Ms. Segal directly and identify themselves as an Academy student. Counseling is confidential.

References:

The Violence Against Women Reauthorization Act of 2013, (VAWA), also known as the Campus Sexual Violence Elimination Act (Campus SaVE Act).

Title IX of the Education Amendments of 1972, as amended.

Title VII of the Civil Rights Act of 1964, as amended.

October 26, 2010 Dear Colleague Letter on harassment and bullying, issued by the U.S. Department of Education

April 4, 2011 Dear Colleague Letter on sexual violence, issued by the U.S. Department of Education

April 24, 2013 Dear Colleague Letter on Title IX retaliation, issued by the U.S. Department of Education;

April 29, 2014 Questions and Answers on Title IX and Sexual Violence, issued by the U.S. Department of Education.

Title IX Legal Manual, U.S. Department of Justice Civil Rights Division

Academy Resources for Prevention and Awareness

In addition to the information provided by the Title IX / VAWA policy in this report, Cranbrook Academy of Art makes educational and prevention programs available to all students, staff and Artists-in-Residence of the Academy through EduRisk online training, *Learning Launch*. Training modules include information on understanding healthy versus abusive relationships; resources for help and information on preventing sexual assault; information to help students and staff understand respectful relationships and both prevent and report harassing behaviors; and resources for safe and positive options for bystander intervention

The *Learning Launch* portal of EduRisk is made available to all members of the Art Academy community for on-going learning. The modules may be accessed at any time, and the online training is self-paced.

CAA is committed to providing a safe learning, working, and living environment that is free from violence and unlawful discrimination and harassment. As part of that commitment, CAA encourages all students to complete any of the following online training courses:

Healthy Relationships & Dating Violence

Impressions

Intervene

Lasting Choices

Show Some Respect: Prevent Harassment

To begin training, follow these steps:

Go to <https://learn.ue.org/K76Z4589497/CranbrookCAASStudent>

Complete the Registration form.

Enter your first name, last name, and email address and click Register.

You will receive a welcome email with your username and a temporary password.

Follow the link in the email to sign on.

You will be prompted to:

Enter your temporary password

Create a new password

Create and answer a security question

Once you are logged in, explore the courses offered, and attend as many as you like.

A history of your completed courses is available in "My Completions." You will also receive an email containing a link to your completion certificate, upon successful completion of the course.

Sexual harassment, sexual assault, sexual misconduct, relationship (dating) violence and stalking disciplinary procedures

Cranbrook Academy of Art (Cranbrook) is committed to treating all members of the community with dignity, care, and respect. Any community member who experiences or is affected by the behaviors outlined in Cranbrook's *Sexual Harassment, Sexual Assault, Sexual Misconduct, Relationship (Dating) Violence and Stalking* policies, whether as a complainant, respondent, or third party, will have equal access to care and support from the institute. Interim remedies are available to all parties, and are detailed in the following grievance procedure section of this policy.

Grievance procedures

These grievance procedures have been adopted by Cranbrook to provide a prompt and equitable method for reporting, investigating, and resolving complaints of alleged violations of Cranbrook's *Sexual Harassment, Sexual Assault, Sexual Misconduct, Relationship (Dating) Violence and Stalking* policy. In cases involving potential crimes, including sexual assault, dating or domestic violence, or stalking, individuals are encouraged to file a report with the local law enforcement which has jurisdiction over the location in which the misconduct occurred. If needed, Cranbrook will provide a support person to assist the complainant in contacting local law enforcement and making a report.

Cranbrook's grievance procedures and the legal system work independently from one another and Cranbrook will proceed with its process, regardless of action or inaction by outside authorities. Decisions made or sanctions imposed through these grievance procedures are not subject to change because criminal or civil charges arising from the same conduct are dismissed, reduced, or rejected in favor of or against the respondent.

In certain instances, Cranbrook may need to report conduct to appropriate law enforcement agencies even when the subject of the conduct has decided not to do so. Such circumstances include situations that present a clear and imminent danger or risk to any member of the school community or the community as a whole, when a weapon is involved in the incident, or when the alleged conduct involves sexual misconduct and the complainant is a minor. In such cases where Cranbrook deems it necessary to notify law enforcement, the decision to report will be shared with the complainant.

Reporting to the institution

Any member of Cranbrook's community—whether faculty, staff, or student—who wishes to report an incident of discrimination, harassment, or sexual misconduct as defined in Cranbrook's *Sexual Harassment, Sexual Assault, Sexual Misconduct, Relationship (Dating) Violence and Stalking* policy should first bring this matter to the appropriate Cranbrook representative listed below. Under no circumstances is an individual required to report discrimination, harassment, and/or sexual misconduct to a supervisor or academic instructor who is the alleged perpetrator. The persons charged with handling and investigating discrimination, harassment, and/or sexual misconduct complaints may consult with legal counsel at any point during the process. The procedures should be followed in a manner that is as confidential and sensitive as possible in order to protect all the individuals involved.

There may be situations or circumstances when a member of Cranbrook's community is subjected to discrimination, harassment, and/or sexual misconduct, but does not wish to come forward to pursue a complaint, or when a person observes discrimination, harassment, and/or sexual misconduct directed at another member of the community. Cranbrook will do all it can to respect the victim's wishes, but may proceed to address allegations of discrimination, harassment, and/or sexual misconduct if and when Cranbrook administrators become aware of such allegations, especially where the circumstances present a threat of harm or injury to the victim or other members of the community.

To make a report or complaint against a student, contact:

Amy Deines, *Dean*
Cranbrook Academy of Art
39221 Woodward Avenue
Art Academy Administration, 2nd Floor
Bloomfield Hills, MI 48303-0801
(248) 645-3090
adeines@cranbrook.edu

To make a report or complaint against a faculty member, staff member, or third party, contact:

Beth Beadle, *Human Resources Director*
Cranbrook Educational Community
39221 Woodward Avenue
Cranbrook House, 1st Floor
Bloomfield Hills, MI 48303
(248) 645-3165

bbeadle@cranbrook.edu

After hours, contact campus security at 248.645.3170

Reports may be made orally or in writing. Reports may also be made to responsible employees. A responsible employee is a person who: has the authority to take action to redress sexual violence; has been given the duty of reporting incidents of sexual violence or any other misconduct by students to the Title IX coordinator or other appropriate school designee; or whom a student could reasonably believe has this authority or duty. Cranbrook designates all professional staff and faculty members as responsible employees.

Any person who brings a complaint of discrimination, harassment, or sexual misconduct under this policy may seek a campus "active avoidance" order pending disciplinary action. These are written orders issued to the respondent that restrict or prohibit contact with the complainant or impose other restrictions as may be appropriate. Request for such orders may be made to the administrators handling the complaint. Complainants may also seek protective measures from outside law enforcement agencies.

Interim measures

Cranbrook may take whatever measures deemed necessary in response to an allegation in order to protect an individual's rights and personal safety and the safety of the Cranbrook community. Such measures include, but are not limited to, an interim suspension (immediate, temporary suspension pending the outcome of the grievance process), an active avoidance order (an order that an individual refrain from direct or indirect contact with another person or persons), restrictions on access to campus or areas of campus, and/or appropriate changes in academic schedule. Interim measures may include reporting the matter to the local police. Failure to adhere to the parameters of any interim measure is a violation of Cranbrook policy and may lead to additional disciplinary action. Interim measures will be determined by the Dean, Director or the HR Director, as appropriate. Such interim measures may be imposed:

- In instances where the complaining party feels unsafe;
- In instances where it is determined that the accused party poses a potential threat to another;
- To ensure the safety and well-being of members of the Cranbrook community and/or preservation of Cranbrook property;
- To ensure the accused party's own physical or emotional safety and well-being; or
- If the accused party poses a threat of disruption or interference with the normal operations of Cranbrook.

Support person

Each party may have a support person present with them at all meetings and any hearing associated with the complaint and in which the respective individual is participating. The support person may attend, but shall not participate in, meetings or the hearing. Legal counsel will not be permitted, except in cases of sexual assault, dating violence, domestic violence or stalking or in which any party to the grievance faces potential criminal charges or if required by applicable law. In such cases, an attorney will only be permitted in a non-participatory advisory role at the party's expense.

Informal complaint procedure

Note: the informal procedure is not appropriate for and will not be used in the case of sexual misconduct. When an incident arises in which a person feels that they have been subjected to discrimination, harassment, or sexual misconduct as defined in this policy, it should be addressed as soon as possible. In many cases, informal actions can be taken that will effectively stop the misconduct; however, informal resolution is never required. The person may choose to confront the offender, making clear that they do not want any further incidents to occur. If this does not stop the misconduct, or if the person does not feel that they can confront the offender or needs help in the process, the following procedure should be followed: when the offender is a student, the Dean should be contacted. When the offender is a staff or faculty member, the HR Director should be contacted.

The administrator can provide the person with support and advice on how to confront the offender and how to discourage further misconduct. At the person's request, the administrator may also intervene directly with the offender. In this case, the administrator will provide the offender an opportunity to respond to allegations and after discussions with both parties, may attempt to mediate or suggest another person to mediate a solution, which may result in a written agreement between the parties.

Other remedial action may also result. The administrator will make every effort to resolve the informal complain in a timely manner. At any time, either party may end the informal process and begin the formal complaint procedure. The formal procedures may also be started if the informal complaint procedure has not resulted in satisfactory resolution to the complainant.

Formal complaint procedure

Prompt reporting of a complaint of discrimination, harassment, and/or sexual misconduct as defined in Cranbrook's *Sexual Harassment, Sexual Assault, Sexual Misconduct, Relationship (Dating) Violence and Stalking* policy is strongly encouraged, as it facilitates a faster resolution. However, Cranbrook may need to investigate and take appropriate action in response to all reports regardless of when the alleged conduct occurred. The ability of Cranbrook to respond is limited if the respondent is no longer a member of the Cranbrook community. If a Cranbrook staff member, faculty member, or student leaves Cranbrook with a pending complaint against them, they will not be permitted to return to Cranbrook until the case is resolved through these grievance procedures.

The following outlines the formal complaint procedure that will be used to address violations of this policy and any appeals based on the same. No other available grievance or appeals procedures may be applied to violations of this policy or sanctions based on those violations. Upon receipt of a report of a violation of this policy, Cranbrook will activate the following grievance procedures:

1. Reports of complaints of alleged violations of this policy should be submitted to (or will be forwarded to) Cranbrook's responsible administrator as follows:
 - A. If the respondent is a student, the Dean should be notified.
 - B. If the respondent is a staff or faculty member, the HR Director should be notified.
2. Within five (5) business days, unless unusual or complex circumstances exist, the responsible administrator will meet with the complainant to review the complaint, related policies, and the grievance procedures. The responsible administrator will also identify support resources and interventions or interim measures available to the complainant.
3. In cases where the alleged violation is reported to Cranbrook by a third party, the victim will be notified by the responsible administrator that a complaint has been received. The responsible administrator will meet with the victim to discuss their options and resources available to them at Cranbrook and in the community.
4. Within five (5) business days of meeting with the complainant, unless unusual or complex circumstances exist, the responsible administrator will appoint a trained investigator to conduct a thorough, impartial, and prompt investigation of the complaint which shall be completed within sixty (60) days, unless unusual or complex circumstances exist.
5. The investigator, in consultation with the responsible administrator, will establish a timeline and process for the investigation, including a plan for notifying the respondent (the subject of a report or complaint). The investigator will conduct interviews as needed with all appropriate individuals including the complainant and respondent, and will gather any pertinent evidentiary materials. Upon completion of the investigation, the investigator will prepare a report detailing the investigation, including a summary of the interviews and the evidentiary materials gathered. Based on the results of the investigation, the investigator will make an appropriate finding based on the preponderance of the evidence, either:
 1. It is more likely than not that the alleged conduct did not occur and the respondent is not responsible for violating this policy; or
 2. It is more likely than not that the alleged conduct did occur and the respondent is responsible for violating this policy. The investigator will share the investigation report and findings with the responsible administrator.

If the investigator finds that the respondent is not responsible for a policy violation, the investigation shall be closed and the responsible administrator shall notify the complainant and respondent of this outcome, consistent with Cranbrook's obligations under FERPA. In some circumstances involving a finding of no violation, Cranbrook may institute other forms of remedial, community-based responses, such as educational initiatives and/or trainings, as the responsible administrator determines appropriate under the circumstances.

The complainant may appeal the outcome of the investigation if the finding is not responsible (see appeals section below). If the investigator finds that the respondent is responsible for violation of this policy, then the responsible administrator and/or the investigator will present the findings to the respondent and the complainant separately. The respondent may accept the findings as presented, accept the findings in part and reject them in part, or reject all of the findings. If the respondent accepts the findings, the appropriate administrator, as outlined below, will impose sanctions appropriate for the violation. If the respondent is a student, the Dean will impose sanctions. If the respondent is a faculty member, the Director will impose sanctions. If the respondent is a staff member, the HR Director will impose sanctions. If the respondent rejects the findings in part or entirely, the responsible administrator will forward the complaint to the administrative hearing process (see below). In cases in which the respondent accepts some of the findings and rejects other, the findings accepted by the respondent will stand and the hearing will be convened solely to resolve the contested findings.

Sanctions

Cranbrook may consider the following determining sanctions(s): the nature of the circumstances surrounding the violation, the respondent's prior disciplinary record, precedent cases, Cranbrook safety concerns and other information deemed relevant. The sanction(s) will be structured to end such conduct, prevent its recurrence, and remedy its effects on the complainant and the Cranbrook community. The administrator will render a sanction decision within five (5) business days of receiving the investigator's findings. Not all violations will be deemed equally serious offenses, and Cranbrook reserves the right to impose different sanctions, ranging from warning to expulsion/termination, depending on the severity of the offense. Cranbrook will consider the concerns and rights of both the complainant and the respondent. Where appropriate, the sanctions will be reported to the complainant and the respondent in writing. The sanctions(s) imposed will be implemented immediately and will be in effect pending the outcome of the appeal. Possible sanctions include but are not limited to:

- Students: up to and including suspension or dismissal
- Faculty: up to and including suspension without pay and dismissal/termination of employment
- Staff: up to and including dismissal/termination of employment
- Third parties: up to and including removal from campus and termination of contractual agreements.

Formal administrative hearing procedure

Formal complaints of discrimination, harassment, and/or sexual misconduct as defined by this policy will be received and decided by an administrative hearing process. The staff member conducting the administrative hearing is charged with determining, based on the preponderance of the evidence or other legally appropriate standard, whether or not the respondent violated any Cranbrook policies specific to the alleged conduct. The administrative hearing officers will be assigned as follows:

- When the respondent is a student, the Dean.
- When the respondent is a faculty member, the Director and HR Director.
- When the respondent is a staff member, the HR Director

An alternate staff member may serve as the hearing officer when one of the appointed members is unavailable or must be recused from a particular case due to conflict of interest. Both parties will be given the opportunity to respond to the issues before the hearing officer. Such responses may be in writing or in person, and shall be made within the timeframe established by the hearing officer. The hearing officer will review all the documentation of the investigation, any other evidentiary material as needed, and may also call witnesses as deemed appropriate.

The hearing officer will determine an appropriate finding based on a preponderance of the evidence either that: (1) it is more likely than not that the alleged conduct did not occur and that the respondent is not responsible for violating Cranbrook policy; or (2) it is more likely than not that the alleged conduct did occur and the respondent is responsible for violating Cranbrook policy. If the officer finds that a violation occurred, they will issue a written decision that includes the imposition of sanctions, if appropriate. In determining sanctions, the officer will take into account any previous violations of this policy. If the respondent is a Cranbrook employee, copies of the decision are provided to the complainant and the respondent to the extent appropriate. If the respondent is a student, a copy of the written decision is provided to the respondent and the complainant. The complainant shall also be advised of the officer's decision to the extent permitted by the provisions of FERPA and required by

The Clery Act. If the officer determines that the respondent has violated the discrimination, harassment, and/or sexual misconduct policy, the appropriate administrator shall implement any sanctions imposed by the officer. When the respondent is an employee, the HR Director shall institute sanctions together with the respondent's supervisor and/or department head. Sanctions may include, but are not limited to:

Students: an oral warning; a written letter of warning; a letter of reprimand, mandatory attendance of an educational program on discrimination, harassment, and/or sexual misconduct; mandatory referral for psychological assessment and compliance with any resulting treatment plan; change in room assignment; probation; cancellation of residence hall contract and removal from the residence halls; suspension; or dismissal from Cranbrook.

Faculty: an oral warning; a written letter of warning; a letter of reprimand, mandatory attendance of an educational program on discrimination, harassment, and/or sexual misconduct; restriction of responsibilities; reassignment; denial of salary increase; suspension without pay; or termination.

Staff: an oral warning; a written letter of warning; a letter of reprimand, mandatory attendance of an educational program on discrimination, harassment, and/or sexual misconduct; restriction of responsibilities; reassignment or transfer to another department; denial of salary increase; suspension without pay; or termination.

The sanctions described in this policy are not exclusive of and may be in addition to other actions taken or sanctions imposed by outside authorities. Sanctions imposed will be determined on the basis of the facts and the extent of harm to the individuals involved and Cranbrook's interests. The sanctions imposed will be implemented immediately and will be in effect pending the outcome of any appeal.

Appeals

Either party may appeal the hearing officer's decision in accordance with the policy detailed below. An appeal is not intended to be a new investigation or a full re-hearing of the complaint. In most cases, an appeal is confined to a review of the written documentation and/or record of the investigation and/or administrative hearing and pertinent documentation regarding the grounds for appeal. An appeal is not an opportunity for the appeals officer to substitute their judgment for that of the investigator or the hearing officer merely because the appeals officer disagrees with the finding and/or sanction. Appeal decisions are to be deferential to the investigator and the hearing officer, making changes to the finding only where there is clear error and to the sanction only if there is a compelling justification to do so. Disagreement with the finding or sanction is not, by itself, grounds for an appeal. The only grounds upon which an appeal may be made are:

Procedural error: a procedural error occurred that significantly impacted the outcome of the investigation and/or administrative hearing as it applies to the appealing party (e.g. substantiated bias, material deviation from established procedures, etc.). A description of the error and its impact on the outcome of the case as it applies to the appealing party must be included in the written appeal.

New information: new information has arisen which was not available or known to the appealing party during the investigation or hearing and that could have substantially impacted the original finding or sanction(s) had it been available at that time. Information that was known to the appealing party at the time of the investigation or hearing but which they chose not to present is not new information. A summary of this new evidence and its potential impact on the findings and/or sanction must be included in the written appeal; or

Disproportionate sanction(s): the sanctions imposed are substantially disproportionate to the severity of the violation(s). An explanation of why the sanction(s) are disproportionate to the severity of the violation must be included. Mere dislike or disagreement with the sanction(s) or the impact of the sanction(s) on the appealing party is not grounds for an appeal.

The written appeal should be submitted to the Title IX Coordinator or deputy coordinator within two (2) business days following the date of the administrative hearing outcome letter. The non-appealing party will receive notice of the appeal from the Title IX Coordinator or deputy coordinator and will have two (2) business days to submit a written response to the appeal to the Title IX Coordinator or deputy coordinator. If the appeal is related to disproportionate sanctions, the administrator will have two (2) business days to submit a written explanation for the sanctioning decision to the Title IX Coordinator or deputy coordinator for submission to the appeals officer.

Confidentiality

Cases involving sexual misconduct are particularly sensitive and demand special attention to issues of confidentiality. Those responsible for carrying out the responsibilities outlined in this policy will respect the confidentiality and privacy of the individuals involved, to the extent reasonably possible. Those individuals reporting, involved in, respondent of, or otherwise involved in a discrimination, harassment, and/or sexual misconduct complaint are also required to keep the matter as confidential as is reasonably possible. Absolute confidentiality may not be maintained in all circumstances, including when Cranbrook is required to disclose information in response to legal process or when Cranbrook's need to protect the rights of others must outweigh confidentiality concerns. Often, the person reporting or otherwise concerned about discrimination, harassment, and/or sexual misconduct wants the conversation to be considered confidential or off the record. Faculty, staff and other Cranbrook employees may be required to disclose information concerning discrimination, harassment, and/or sexual misconduct that is not personally identifiable, or if a member of Cranbrook's community is at risk, to disclose personally identifiable information to the appropriate Cranbrook leaders.

Anonymous complaints

Cranbrook will reasonably respond to all allegations of discrimination, harassment, and/or sexual misconduct. However, due to the inherent difficulty of investigating and resolving allegations from unknown persons, it may be difficult for Cranbrook to resolve an anonymous complaint. Cranbrook may be unable to impose disciplinary action against a person who has allegedly committed discrimination, harassment, and/or sexual misconduct if a complainant insists that his or her name not be revealed. Frivolous complaints the purpose of this policy is to promote and maintain an environment at Cranbrook that is free from discrimination, harassment, and/or sexual misconduct. Any member of Cranbrook's community who believes that they have been subjected to discrimination, harassment, and/or sexual misconduct is encouraged to use the procedures provided in this policy, not only for the benefit and protection of that individual, but ultimately for the entire Cranbrook community. However, false charges of discrimination, harassment, and/or sexual misconduct undermine the purpose and effectiveness of this policy. Accordingly, persons who knowingly make false charges of discrimination, harassment, and/or sexual misconduct may be subject to disciplinary action. The failure of a complaint to result in a finding of discrimination, harassment, and/or sexual misconduct is not alone evidence that the charges were knowingly false.

Record retention

Records of investigations and hearings are maintained by Cranbrook for five (5) years as indicated below.

Students: if the respondent is a student, the records will be maintained for five (5) years past the student's graduation or if the student leaves Cranbrook before graduation, for five (5) years past their original expected graduation date.

Faculty or staff: if the respondent is a faculty or staff member, the records will be maintained for five (5) years past the conclusion of the investigation and any hearing.

Information concerning registered sex offenders

As required by the federal campus sex crimes prevention act, institutions of higher education must issue a statement advising Cranbrook community members where information concerning registered sex offenders may be obtained. Persons convicted of certain sex offenses are required by law to register with the state. Information on registered sex offenders is available at: <http://meganslaw.ca.gov/index.htm>. The department of justice national sex offender public website is also a source for sex offender information. For information on registered sex offenders attending or employed at Cranbrook, contact the local police department.

Sexual harassment, sexual assault, sexual misconduct, relationship (dating) violence and stalking disciplinary procedures

Cranbrook Academy of Art (Cranbrook) is committed to treating all members of the community with dignity, care, and respect. Any community member who experiences or is affected by the behaviors outlined in Cranbrook's *Sexual Harassment, Sexual Assault, Sexual Misconduct, Relationship (Dating) Violence and Stalking* policies, whether as a complainant, respondent, or third party, will have equal access to care and support from the institute. Interim remedies are available to all parties, and are detailed in the following grievance procedure section of this policy.

Grievance procedures

These grievance procedures have been adopted by Cranbrook to provide a prompt and equitable method for reporting, investigating, and resolving complaints of alleged violations of Cranbrook's *Sexual Harassment, Sexual Assault, Sexual Misconduct, Relationship (Dating) Violence and Stalking* policy. In cases involving potential crimes, including sexual assault, dating or domestic violence, or stalking, individuals are encouraged to file a report with the local law enforcement which has jurisdiction over the location in which the misconduct occurred. If needed, Cranbrook will provide a support person to assist the complainant in contacting local law enforcement and making a report.

Cranbrook's grievance procedures and the legal system work independently from one another and Cranbrook will proceed with its process, regardless of action or inaction by outside authorities. Decisions made or sanctions imposed through these grievance procedures are not subject to change because criminal or civil charges arising from the same conduct are dismissed, reduced, or rejected in favor of or against the respondent.

In certain instances, Cranbrook may need to report conduct to appropriate law enforcement agencies even when the subject of the conduct has decided not to do so. Such circumstances include situations that present a clear and imminent danger or risk to any member of the school community or the community as a whole, when a weapon is involved in the incident, or when the alleged conduct involves sexual misconduct and the complainant is a minor. In such cases where Cranbrook deems it necessary to notify law enforcement, the decision to report will be shared with the complainant.

Reporting to the institution

Any member of Cranbrook's community—whether faculty, staff, or student—who wishes to report an incident of discrimination, harassment, or sexual misconduct as defined in Cranbrook's *Sexual Harassment, Sexual Assault, Sexual Misconduct, Relationship (Dating) Violence and Stalking* policy should first bring this matter to the appropriate Cranbrook representative listed below. Under no circumstances is an individual required to report discrimination, harassment, and/or sexual misconduct to a supervisor or academic instructor who is the alleged perpetrator. The persons charged with handling and investigating discrimination, harassment, and/or sexual misconduct complaints may consult with legal counsel at any point during the process. The procedures should be followed in a manner that is as confidential and sensitive as possible in order to protect all the individuals involved.

There may be situations or circumstances when a member of Cranbrook's community is subjected to discrimination, harassment, and/or sexual misconduct, but does not wish to come forward to pursue a complaint, or when a person observes discrimination, harassment, and/or sexual misconduct directed at another member of the community. Cranbrook will do all it can to respect the victim's wishes, but may proceed to address allegations of discrimination, harassment, and/or sexual misconduct if and when Cranbrook administrators become aware of such allegations, especially where the circumstances present a threat of harm or injury to the victim or other members of the community.

To make a report or complaint against a student, contact:

Amy Deines, *Dean*
Cranbrook Academy of Art
39221 Woodward Avenue
Art Academy Administration, 2nd Floor
Bloomfield Hills, MI 48303-0801
(248) 645-3090
adeines@cranbrook.edu

To make a report or complaint against a faculty member, staff member, or third party, contact:

Beth Beadle, *Human Resources Director*
Cranbrook Educational Community
39221 Woodward Avenue
Cranbrook House, 1st Floor
Bloomfield Hills, MI 48303
(248) 645-3165
bbeadle@cranbrook.edu

After hours, contact campus security at 248.645.3170

Reports may be made orally or in writing. Reports may also be made to responsible employees. A responsible employee is a person who: has the authority to take action to redress sexual violence; has been given the duty of reporting incidents of sexual violence or any other misconduct by students to the Title IX coordinator or other appropriate school designee; or whom a student could reasonably believe has this authority or duty. Cranbrook designates all professional staff and faculty members as responsible employees.

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- In instances where the complaining party feels unsafe;
- In instances where it is determined that the accused party poses a potential threat to another;
- To ensure the safety and well-being of members of the Cranbrook community and/or preservation of Cranbrook property;
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Other remedial action may also result. The administrator will make every effort to resolve the informal complain in a timely manner. At any time, either party may end the informal process and begin the formal complaint procedure. The formal procedures may also be started if the informal complaint procedure has not resulted in satisfactory resolution to the complainant.

Formal complaint procedure

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 - B. If the respondent is a staff or faculty member, the HR Director should be notified.
2. Within five (5) business days, unless unusual or complex circumstances exist, the responsible administrator will meet with the complainant to review the complaint, related policies, and the grievance procedures. The responsible administrator will also identify support resources and interventions or interim measures available to the complainant.
3. In cases where the alleged violation is reported to Cranbrook by a third party, the victim will be notified by the responsible administrator that a complaint has been received. The responsible administrator will meet with the victim to discuss their options and resources available to them at Cranbrook and in the community.
4. Within five (5) business days of meeting with the complainant, unless unusual or complex circumstances exist, the responsible administrator will appoint a trained investigator to conduct a thorough, impartial, and prompt investigation of the complaint which shall be completed within sixty (60) days, unless unusual or complex circumstances exist.
5. The investigator, in consultation with the responsible administrator, will establish a timeline and process for the investigation, including a plan for notifying the respondent (the subject of a report or complaint). The investigator will conduct interviews as needed with all appropriate individuals including the complainant and respondent, and will gather any pertinent evidentiary materials. Upon completion of the investigation, the investigator will prepare a report detailing the investigation, including a summary of the interviews and the evidentiary materials gathered. Based on the results of the investigation, the investigator will make an appropriate finding based on the preponderance of the evidence, either:
 3. It is more likely than not that the alleged conduct did not occur and the respondent is not responsible for violating this policy; or
 4. It is more likely than not that the alleged conduct did occur and the respondent is responsible for violating this policy. The investigator will share the investigation report and findings with the responsible administrator.

If the investigator finds that the respondent is not responsible for a policy violation, the investigation shall be closed and the responsible administrator shall notify the complainant and respondent of this outcome, consistent with Cranbrook's obligations under FERPA. In some circumstances involving a finding of no violation, Cranbrook may institute other forms of remedial, community-based responses, such as educational initiatives and/or trainings, as the responsible administrator determines appropriate under the circumstances.

The complainant may appeal the outcome of the investigation if the finding is not responsible (see appeals section below). If the investigator finds that the respondent is responsible for violation of this policy, then the responsible administrator and/or the investigator will present the findings to the respondent and the complainant separately. The respondent may accept the findings as presented, accept the findings in part and reject them in part, or reject all of the findings. If the respondent accepts the findings, the appropriate administrator, as outlined below, will impose sanctions appropriate for the violation. If the respondent is a student, the Dean will impose sanctions. If the respondent is a faculty member, the Director will impose sanctions. If the respondent is a staff member, the HR Director will impose sanctions. If the respondent rejects the findings in part or entirely, the responsible administrator will forward the complaint to the administrative hearing process (see below). In cases in which the respondent accepts some of the findings and rejects other, the findings accepted by the respondent will stand and the hearing will be convened solely to resolve the contested findings.

Sanctions

Cranbrook may consider the following determining sanctions(s): the nature of the circumstances surrounding the violation, the respondent's prior disciplinary record, precedent cases, Cranbrook safety concerns and other information deemed relevant. The sanction(s) will be structured to end such conduct, prevent its recurrence, and remedy its effects on the complainant and the Cranbrook community. The administrator will render a sanction decision within five (5) business days of receiving the investigator's findings. Not all violations will be deemed equally serious offenses, and Cranbrook reserves the right to impose different sanctions, ranging from warning to expulsion/termination, depending on the severity of the offense. Cranbrook will consider the concerns and rights of both the complainant and the respondent. Where appropriate, the sanctions will be reported to the complainant and the respondent in writing. The sanctions(s) imposed will be implemented immediately and will be in effect pending the outcome of the appeal. Possible sanctions include but are not limited to:

- Students: up to and including suspension or dismissal
- Faculty: up to and including suspension without pay and dismissal/termination of employment
- Staff: up to and including dismissal/termination of employment
- Third parties: up to and including removal from campus and termination of contractual agreements.

Formal administrative hearing procedure

Formal complaints of discrimination, harassment, and/or sexual misconduct as defined by this policy will be received and decided by an administrative hearing process. The staff member conducting the administrative hearing is charged with determining, based on the preponderance of the evidence or other legally appropriate standard, whether or not the respondent violated any Cranbrook policies specific to the alleged conduct. The administrative hearing officers will be assigned as follows:

- When the respondent is a student, the Dean.
- When the respondent is a faculty member, the Director and HR Director.
- When the respondent is a staff member, the HR Director

An alternate staff member may serve as the hearing officer when one of the appointed members is unavailable or must be recused from a particular case due to conflict of interest. Both parties will be given the opportunity to respond to the issues before the hearing officer. Such responses may be in writing or in person, and shall be made within the timeframe established by the hearing officer. The hearing officer will review all the documentation of the investigation, any other evidentiary material as needed, and may also call witnesses as deemed appropriate.

The hearing officer will determine an appropriate finding based on a preponderance of the evidence either that: (1) it is more likely than not that the alleged conduct did not occur and that the respondent is not responsible for violating Cranbrook policy; or (2) it is more likely than not that the alleged conduct did occur and the respondent is responsible for violating Cranbrook policy. If the officer finds that a violation occurred, they will issue a written decision that includes the imposition of sanctions, if appropriate. In determining sanctions, the officer will take into account any previous violations of this policy. If the respondent is a Cranbrook employee, copies of the decision are provided to the complainant and the respondent to the extent appropriate. If the respondent is a student, a copy of the written decision is provided to the respondent and the complainant. The complainant shall also be advised of the officer's decision to the extent permitted by the provisions of FERPA and required by

The Clery Act. If the officer determines that the respondent has violated the discrimination, harassment, and/or sexual misconduct policy, the appropriate administrator shall implement any sanctions imposed by the officer. When the respondent is an employee, the HR Director shall institute sanctions together with the respondent's supervisor and/or department head. Sanctions may include, but are not limited to:

Students: an oral warning; a written letter of warning; a letter of reprimand, mandatory attendance of an educational program on discrimination, harassment, and/or sexual misconduct; mandatory referral for psychological assessment and compliance with any resulting treatment plan; change in room assignment; probation; cancellation of residence hall contract and removal from the residence halls; suspension; or dismissal from Cranbrook.

Faculty: an oral warning; a written letter of warning; a letter of reprimand, mandatory attendance of an educational program on discrimination, harassment, and/or sexual misconduct; restriction of responsibilities; reassignment; denial of salary increase; suspension without pay; or termination.

Staff: an oral warning; a written letter of warning; a letter of reprimand, mandatory attendance of an educational program on discrimination, harassment, and/or sexual misconduct; restriction of responsibilities; reassignment or transfer to another department; denial of salary increase; suspension without pay; or termination.

The sanctions described in this policy are not exclusive of and may be in addition to other actions taken or sanctions imposed by outside authorities. Sanctions imposed will be determined on the basis of the facts and the extent of harm to the individuals involved and Cranbrook's interests. The sanctions imposed will be implemented immediately and will be in effect pending the outcome of any appeal.

Appeals

Either party may appeal the hearing officer's decision in accordance with the policy detailed below. An appeal is not intended to be a new investigation or a full re-hearing of the complaint. In most cases, an appeal is confined to a review of the written documentation and/or record of the investigation and/or administrative hearing and pertinent documentation regarding the grounds for appeal. An appeal is not an opportunity for the appeals officer to substitute their judgment for that of the investigator or the hearing officer merely because the appeals officer disagrees with the finding and/or sanction. Appeal decisions are to be deferential to the investigator and the hearing officer, making changes to the finding only where there is clear error and to the sanction only if there is a compelling justification to do so. Disagreement with the finding or sanction is not, by itself, grounds for an appeal. The only grounds upon which an appeal may be made are:

Procedural error: a procedural error occurred that significantly impacted the outcome of the investigation and/or administrative hearing as it applies to the appealing party (e.g. substantiated bias, material deviation from established procedures, etc.). A description of the error and its impact on the outcome of the case as it applies to the appealing party must be included in the written appeal.

New information: new information has arisen which was not available or known to the appealing party during the investigation or hearing and that could have substantially impacted the original finding or sanction(s) had it been available at that time. Information that was known to the appealing party at the time of the investigation or hearing but which they chose not to present is not new information. A summary of this new evidence and its potential impact on the findings and/or sanction must be included in the written appeal; or

Disproportionate sanction(s): the sanctions imposed are substantially disproportionate to the severity of the violation(s). An explanation of why the sanction(s) are disproportionate to the severity of the violation must be included. Mere dislike or disagreement with the sanction(s) or the impact of the sanction(s) on the appealing party is not grounds for an appeal.

The written appeal should be submitted to the Title IX Coordinator or deputy coordinator within two (2) business days following the date of the administrative hearing outcome letter. The non-appealing party will receive notice of the appeal from the Title IX Coordinator or deputy coordinator and will have two (2) business days to submit a written response to the appeal to the Title IX Coordinator or deputy coordinator. If the appeal is related to disproportionate sanctions, the administrator will have two (2) business days to submit a written explanation for the sanctioning decision to the Title IX Coordinator or deputy coordinator for submission to the appeals officer.

Confidentiality

Cases involving sexual misconduct are particularly sensitive and demand special attention to issues of confidentiality. Those responsible for carrying out the responsibilities outlined in this policy will respect the confidentiality and privacy of the individuals involved, to the extent reasonably possible. Those individuals reporting, involved in, respondent of, or otherwise involved in a discrimination, harassment, and/or sexual misconduct complaint are also required to keep the matter as confidential as is reasonably possible. Absolute confidentiality may not be maintained in all circumstances, including when Cranbrook is required to disclose information in response to legal process or when Cranbrook's need to protect the rights of others must outweigh confidentiality concerns. Often, the person reporting or otherwise concerned about discrimination, harassment, and/or sexual misconduct wants the conversation to be considered confidential or off the record. Faculty, staff and other Cranbrook employees may be required to disclose information concerning discrimination, harassment, and/or

sexual misconduct that is not personally identifiable, or if a member of Cranbrook's community is at risk, to disclose personally identifiable information to the appropriate Cranbrook leaders.

Anonymous complaints

Cranbrook will reasonably respond to all allegations of discrimination, harassment, and/or sexual misconduct. However, due to the inherent difficulty of investigating and resolving allegations from unknown persons, it may be difficult for Cranbrook to resolve an anonymous complaint. Cranbrook may be unable to impose disciplinary action against a person who has allegedly committed discrimination, harassment, and/or sexual misconduct if a complainant insists that his or her name not be revealed. Frivolous complaints the purpose of this policy is to promote and maintain an environment at Cranbrook that is free from discrimination, harassment, and/or sexual misconduct. Any member of Cranbrook's community who believes that they have been subjected to discrimination, harassment, and/or sexual misconduct is encouraged to use the procedures provided in this policy, not only for the benefit and protection of that individual, but ultimately for the entire Cranbrook community. However, false charges of discrimination, harassment, and/or sexual misconduct undermine the purpose and effectiveness of this policy. Accordingly, persons who knowingly make false charges of discrimination, harassment, and/or sexual misconduct may be subject to disciplinary action. The failure of a complaint to result in a finding of discrimination, harassment, and/or sexual misconduct is not alone evidence that the charges were knowingly false.

Record retention

Records of investigations and hearings are maintained by Cranbrook for five (5) years as indicated below.

Students: if the respondent is a student, the records will be maintained for five (5) years past the student's graduation or if the student leaves Cranbrook before graduation, for five (5) years past their original expected graduation date.

Faculty or staff: if the respondent is a faculty or staff member, the records will be maintained for five (5) years past the conclusion of the investigation and any hearing.

Information concerning registered sex offenders

As required by the federal campus sex crimes prevention act, institutions of higher education must issue a statement advising Cranbrook community members where information concerning registered sex offenders may be obtained. Persons convicted of certain sex offenses are required by law to register with the state. Information on registered sex offenders is available at: <http://meganslaw.ca.gov/index.htm>. The department of justice national sex offender public website is also a source for sex offender information. For information on registered sex offenders attending or employed at Cranbrook, contact the local police department.