



The Baker College Sexual Misconduct Policy

Sexual Misconduct Policy Statement

Baker College does not discriminate on the basis of sex. Sexual harassment and sexual violence are considered to be types of sex discrimination. Other acts can also be forms of sex-based discrimination, and are also prohibited whether sexually based or not. These other acts include dating violence, domestic violence, and stalking. Baker College issues this statement of policy to inform the community of our comprehensive plan addressing sexual misconduct, educational programs, and procedures that address the reporting, investigation, and adjudication of sexual assault, domestic violence, dating violence, and stalking. This policy applies whether those acts occur on or off campus and when it is reported to a Campus Security Authority. In this context, Baker College prohibits the offenses of domestic violence, dating violence, sexual assault and stalking and reaffirms its commitment to maintain a campus environment emphasizing the dignity and worth of all members of the College community.

Important Definitions

Awareness Programs: Programs designed to increase awareness of the issues regarding sexual assault, domestic violence, dating violence and stalking.

Bystander Intervention: A philosophy and strategy for prevention of various types of violence, including bullying, sexual harassment, sexual assault, and intimate partner violence.

Consent is defined by Merriam Webster as: 1. To give assent or approval, agree. 2. To be in concord in opinion or sentiment.

In Michigan, consent as it relates to sexual assaults is evaluated on several factors. Victims cannot give consent if: Victim is under 16; victim incapacity (victim is mentally incapable— a mental disease or defect makes the victim incapable of understanding the nature of his/her conduct); mentally incapacitated—(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); and/or physically helpless (victim is unconscious, asleep, or for any other reason physically unable to communicate unwillingness to act); assailant uses force or coercion.

Consent is when someone agrees, gives permission, or says "yes" to sexual activity with other persons. Consent is always freely given and all people in a sexual situation must feel that they are able to say "yes" or "no" or stop the sexual activity at any point.

Consent is a knowing, voluntary, and mutual decision among all participants to engage in sexual activity. Consent can be given by words or actions, as long as those words or actions create clear permission regarding willingness to engage in the sexual activity. Silence or lack of resistance, in and of itself, does not demonstrate consent. Consent may be initially given but withdrawn at any time. The definition of consent does not vary based upon a participant's sex, sexual orientation, gender identity, or gender expression.

At the heart of consent is the idea that every person has the right to not be acted upon by someone else in a sexual manner unless they give that person clear permission. It is the responsibility of the person initiating the sexual activity to get this permission.

Dating Violence: Means violence committed by a person (a) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (b) where the existence of such a relationship will be determined based on the reporting party's statement with a consideration of the following factors: (i) The length of the relationship, (ii) The type of relationship, (iii) The frequency of interaction between the persons involved in the relationship. For the purposes of this definition:

- Dating Violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
- Dating violence does not include acts covered under the definition of domestic violence.

In Michigan Dating Violence is violence when a person is in a dating relationship with someone. Dating relationship means frequent, intimate associations primarily characterized by the expectation of affectional involvement. Dating relationship does not include a casual relationship or an ordinary fraternization between 2 individuals in a business or social context.

Domestic Violence: Includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or by any person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

In Michigan Domestic Violence means the occurrence of any of the following acts by a person that is not an act of self-defense: Causing or attempting to cause physical or mental harm to a family or household member, placing a family or household member in fear of physical or mental harm, causing or attempting to cause a family or household member to engage in involuntary sexual activity by force, threat of force, or duress, engaging in activity toward a family or household member that would cause a reasonable person to feel terrorized, frightened,

intimidated, threatened, harassed, or molested. Family or household member includes any of the following: spouse or former spouse, an individual with whom the person resides or has resided, an individual with whom the person has or has had a dating relationship, an individual with whom the person is or has engaged in a sexual relationship, an individual to whom the person is related or was formerly related by marriage, an individual with whom the person has a child in common.

Fondling: The touching of the private parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.

Incest: Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

Ongoing Prevention and Awareness Campaigns: Informational campaigns that are sustained over time focusing on increasing awareness or understanding of topics relevant to sexual assault, domestic violence, dating violence, and stalking prevention.

Primary Prevention Programs: Programs, initiatives and strategies intended to stop domestic violence, dating violence, sexual assault, or stalking before it occurs by preventing initial perpetration or victimization through the promotion of positive and healthy behaviors and beliefs.

Proceeding: Is defined as all activities related to a non-criminal resolution of an institutional disciplinary complaint, including, but not limited to, fact-finding investigations, formal or informal meetings, and hearings. Proceeding does not include communications and meetings between officials and victims concerning accommodations or protective measures to be provided to a victim.

Rape: The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.

Result: Is defined as any initial, interim and final decision by any official or entity authorized to resolve disciplinary matters within the institution. The result must include any sanctions imposed by the institution. Notwithstanding section 444 of the General Education. Provisions Act (20 U.S.C. 1232g), commonly referred to as the Family Educational Rights and Privacy Act (FERPA), the result must also include the rationale for the result and the sanctions.

Risk Reduction: Strategies that seek to mitigate risk factors that may increase the likelihood of perpetration, victimization, or bystander inaction.

Sexual Assault: An offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI's Uniform Crime Reporting (UCR) program. Per the National Incident-Based Reporting System User Manual from the FBI UCR Program, a sex offense is "any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent."

In Michigan Criminal Sexual Assaults are defined as: sexual penetration or sexual contact with a person without their consent, or with someone who is incapable of giving consent.

Stalking: Means engaging in a course of conduct directed at a specific person that would cause a reasonable person to (a) fear for his or her safety or the safety of others; or (b) suffer substantial emotional distress.

- For the purposes of this definition:
 - *Course of conduct* means two or more acts, including, but not limited to, acts 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.
 - *Reasonable person* means a reasonable person under similar circumstances and with similar identities to the victim.
 - *Substantial emotional distress* means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

In Michigan Stalking means a willful course of conduct involving repeated or continuing harassment of another individual that would cause a reasonable person to feel terrorized, frightened, intimidated, threatened, harassed, or molested and that actually causes the victim to feel terrorized, frightened, intimidated, threatened, harassed, or molested.

Statutory Rape: Sexual intercourse with a person who is under the statutory age of consent. Education and Prevention Programs

The College engages in comprehensive educational programming to prevent domestic violence, dating violence, sexual assault and stalking that:

- Are culturally relevant, inclusive of diverse communities and identities, sustainable, responsive to community needs, and informed by research, or assessed for value, effectiveness, or outcome; and
- Consider environmental risk and protective factors as they occur on the individual, relationship, institutional, community and societal levels.

The College has developed an annual primary prevention educational campaign. This material is delivered to new students and new employees through a mandatory online training program. Training records are kept at Baker College System Headquarters.

Educational programming consists of primary prevention and awareness programs for all incoming students and new employees and ongoing awareness and prevention campaigns for students and faculty that:

- Identifies domestic violence, dating violence, sexual assault and stalking as prohibited conduct;
- Defines what behavior constitutes domestic violence, dating violence, sexual assault, and stalking in the State of Michigan;
- Defines what behavior and actions constitute consent to sexual activity in the State of Michigan;
- Provides safe and positive options for bystander intervention that may be carried out by an individual to prevent harm or intervene when there is a risk of domestic violence, dating violence, sexual assault, or stalking against a person other than the bystander;
- Provides information on risk reduction so that students and employees may recognize warning signs of abusive behavior and how to avoid potential attacks;
- Provides an overview of information contained in the Annual Security Report in compliance with the Clery Act.

Baker College also offers awareness and prevention programs at each campus location.

Procedures for Reporting a Complaint

The College has procedures in place that serve to be sensitive to those who report sexual assault, domestic violence, dating violence, and stalking, this includes informing individuals about their right to file criminal charges as well as the availability of medical, counseling, and support services. It is the victims' choice to call, or not call, local law enforcement in regards to their complaint. Campus Safety will assist in calling local law enforcement if requested. If law enforcement is requested, the department may take information over the phone, may respond to your location, or require you to make the report at the police station. Law enforcement may gather information, collect evidence, obtain written statements, prepare a report and submit to local prosecutor. Additional remedies may be implemented to prevent contact between a complainant (also known as victim) and an accused party, such as housing, academic, transportation, and working accommodations, if reasonably available. To file a complaint, students should contact Campus Safety or the Title IX Coordinator on their campus.

Campus	Campus Safety Department	Title IX Coordinator
Allen Park	313-425-3725	313-425-3721
Auburn Hills	248-276-8682	248-276-8224
Cadillac	231-876-3124	231-876-3100

Cass City	989-872-6000	810-766-4100
Clinton Township	586-790-9409	586-790-9697
Flint	810-766-4223	810-766-4100
Jackson/Coldwater	517-841-4532	517-789-6123
Muskegon/Fremont	231-777-5300	231-777-5232
Online/Graduate Studies	810-766-4223	810-766-4021
Owosso	989-729-3499	989-729-3370
Port Huron	810-989-2366	810-985-7000
Reading, PA	313-425-3725	610-268-9350

Employees should contact the Vice President of Human Resources, Dr. Dana Clark, **810-766-4028**, dana.clark@baker.edu.

The College will provide resources to persons who have been victims of sexual assault, domestic violence, dating violence, or stalking. The College will provide written notification to students and employees about existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid and other services available for victims, both within the institution and in the community. These resources are available in the Resources section of the ASR as well as the Baker College Notice of Complainants' Rights. The College will apply appropriate disciplinary procedures to those who violate this policy. The procedures set forth below are intended to afford a prompt response to charges to sexual assault, domestic or dating violence, and stalking, to maintain confidentiality and fairness consistent with applicable legal requirements, and to impose appropriate sanctions on violators of this policy.

As time passes, evidence may dissipate or become lost or unavailable, thereby making investigations, possible prosecution, disciplinary proceedings, or obtaining protection from abuse orders related to the incident more difficult. If a victim chooses not to make a complaint regarding an incident, they nevertheless should consider speaking with Campus Safety or other law enforcement to preserve evidence in the event that the victim changes their mind at a later date.

If a report of domestic violence, dating violence, sexual assault or stalking is reported to the College, below are the procedures that the College will follow as well as a statement of the

standard of evidence that will be used during any judicial hearing on campus arising from such a report.

Sexual Assault: Campus Safety/Title IX Coordinator to investigate with the preponderance of the evidence standard (more likely than not). Campus Safety/Title IX Coordinator will assess short and long term safety needs and/or interim accommodations. Campus Safety will assist with contacting local police if requested. Campus Safety will provide referrals for mental health providers, assist with Personal Protection Orders, and provide copy of Baker College Notice of Complainant's Rights. Title IX Coordinator will inform complainant and offender of the outcome simultaneously. Campus Safety/Title IX Coordinator will enforce anti-retaliation policy.

Stalking: Campus Safety to investigate with the preponderance of the evidence standard (more likely than not). Title IX Coordinator to be involved if it falls under the sexual misconduct policy with a preponderance of the evidence standard. Campus Safety will assess short and long term safety needs, assist with contacting local police, assist with Personal Protection Orders, and provide information on how to preserve evidence.

Dating Violence: Campus Safety to investigate with the preponderance of the evidence standard (more likely than not). Title IX Coordinator to be involved if it falls under the sexual misconduct policy with a preponderance of the evidence standard. Campus Safety will assess short and long term safety needs, assist with contacting local police, assist with Personal Protection Orders, and provide information on how to preserve evidence.

Domestic Violence: Campus Safety to investigate with the preponderance of the evidence standard (more likely than not). Title IX Coordinator to be involved if it falls under the sexual misconduct policy with a preponderance of the evidence standard. Campus Safety will assess short and long term safety needs, assist with contacting local police, assist with Personal Protection Orders, and provide information on how to preserve evidence.

When a student or employee reports to the institution that the student or employee has been a victim of dating violence, domestic violence, sexual assault, or stalking, whether the offense occurred on or off campus, the institution will provide the student or employee with a written explanation of the student or employee's rights and options.

Evidence Preservation

After an incident of sexual assault and domestic violence, the victim should consider seeking medical attention as soon as possible. Local emergency rooms may provide physical evidence recovery and access to Forensic Nurse practitioners and Sexual Assault Nurse Practitioners. In Michigan, evidence may be collected even if you chose not to make a report to law enforcement. It is important that a victim of sexual assault not bathe, douche, smoke, change clothing or clean the bed/linen where they were assaulted if the offense occurred within the past 120 hours so that evidence necessary to prove criminal activity may be preserved. In

circumstances of sexual assault, if victims do not opt for forensic evidence collection, health care providers can still treat injuries and take steps to address concerns of pregnancy and/or sexually transmitted disease. Victims of sexual assault, domestic violence, stalking, and dating violence are encouraged to also preserve evidence by saving text messages, instant messages, social networking pages, other communications, and keeping pictures, logs or other copies of documents, if they have any, that would be useful to College hearing boards, investigators or police. This evidence may also be helpful in obtaining a protection order.

Although the College strongly encourages all members of its community to report violations of this policy to law enforcement, it is the victim's choice whether or not to make such a report and victims have the right to decline involvement with the police. The Campus Safety Department will assist any victim with notifying local police if they so desire. Victims may also contact local police departments directly by calling 911.

Assistance for Victims: Rights & Options

Regardless of whether a victim elects to pursue a criminal complaint, the College will assist victims of sexual assault, domestic violence, dating violence and stalking. The College will provide each victim with a written explanation of their rights. In Michigan, a victim of domestic violence, dating violence, sexual assault or stalking has the following rights:

CRIME VICTIMS' RIGHTS ACT MCL 780.751-780.834

This statute establishes certain protections and rights that allow victims of crimes committed in the state to be active participants in the criminal justice process. It requires that child abuse and sexual assault cases be given priority and brought to trial as quickly as possible. Among the act's many provisions are the victims' right to make an impact statement at sentencing and to participate in parole board proceedings. The law defines a victim as someone who suffers direct or threatened physical, financial, or emotional harm as the result of a crime. Crimes covered by the act include felony violations and serious misdemeanors committed by both adult and juvenile offenders.

CRIME VICTIMS' RIGHTS CONSTITUTIONAL AMENDMENT MI Constitution. Article I Section 24

Many of the protections and rights guaranteed by the Crime Victims' Rights Act became part of the Michigan Constitution when voters passed a constitutional amendment in 1988. These protections include the right to restitution, notification of court proceedings, fair treatment, and protection from the accused.

COMPENSATION FOR INJURED CRIME VICTIMS MCL 18.354

Certain personal injury crime victims may receive financial compensation for particular losses resulting from the crime. A victim of domestic assault may be eligible for assistance under this statute. Personal injury crimes include those in which the victim suffers actual bodily harm, including pregnancy resulting from a crime such as rape.

Personal Protection Order Compliance

Further, Baker College complies with Michigan Law in recognizing Personal Protection Orders. Any person who obtains a Personal Protection Order from Michigan or any reciprocal state should provide a copy to Campus Safety and the Office of the Title IX Coordinator. A complainant may then meet with Campus Safety to develop a safety action plan, which is a plan for Campus Safety and the victim to reduce risk of harm while on campus or coming and going from campus. This plan may include, but is not limited to: escorts, special parking arrangements, changing classroom location or other academic arrangements. Personal Protection Orders may be available through the local circuit court.

To the extent of the victim's cooperation and consent, College offices including Academics and Campus Safety will work cooperatively to ensure that the complainant's health, physical safety, work and academic status are protected, pending the outcome of a formal College investigation of the complaint. For example, if reasonably available, a complainant may be offered changes to academic, living, transportation, or working situations in addition to counseling, health services, and assistance in notifying local law enforcement. Additionally, personal identifiable information about the victim will be treated as confidential and only shared with persons with a specific need to know who are investigating / adjudicating the complaint or delivering resources or support services to the complainant (for example, publicly available record-keeping for purposes of Clery Act reporting and disclosures will be made without inclusion of identifying information about the victim, as defined in 42 USC 1395 (a) (20).) Further, the institution will maintain as confidential, any accommodations or protective measures provided to the victim to the extent that maintaining such confidentiality would not impair the ability of the institution to provide the accommodations or protective measures.

The College does not publish the name of crime victims nor house identifiable information regarding victims in the Daily Crime Log or online. Victims may request that directory information on file be removed from public sources by request.

Resources for Victims of Domestic Violence, Dating Violence, Sexual Assault, Stalking
Baker College provides written notification through its' ASR to students and employees of available local and national resources. Listed below are National Resources:

Department of Education, Office of Civil Rights
<http://www2.ed.gov/about/offices/list/ocr/index>

Department of Justice
<http://www.justice.gov/ovw/sexual-assault>

National Sexual Assault Helpline
800-656-4673 (HOPE)

Rape, Abuse and Incest National Network
<https://rainn.org/>

Not Alone
<https://notalone.gov/>

The listing of an agency in this Directory does not constitute an endorsement by the Baker College System.

Adjudication of Violations

Whether or not criminal charges are filed, the College or a person may file a complaint under the sexual harassment policy alleging that a student or employee violated the College policy on sexual harassment. Reports of all domestic violence, dating violence, sexual assault, and stalking made to Campus Safety will automatically be referred to the Title IX Coordinator for investigation regardless if the complainant chooses to pursue criminal charges.

The College's disciplinary process is consistent with the institution's policy and is transparent to the accuser and accused. The College disciplinary process will include a prompt, fair, and impartial investigation and resolution process from the initial investigation to the final result. Investigators and hearing board members are trained annually on the issues related to domestic violence, dating violence, sexual assault, and stalking and taught how to conduct an investigation and hearing process that protects the safety of the victim, and promotes accountability. Delivery of training will be on-line and/or in-person. The following steps describe the sole adjudication process for all sexual misconduct violations:

- The accuser and accused student each have the opportunity to be heard before a properly trained investigator/Title IX Coordinator.
- The accuser and the accused student each have the opportunity to be advised by a personal advisor of their choice, at their expense, at any stage of the process and to be accompanied by that advisor at any meeting. An advisor may only consult and advise his or her advisee, but not speak for the advisee at any meeting.
- The institution will not limit the choice of advisor or presence for either the accuser or the accused in any meeting or institutional disciplinary proceeding; however, the institution may establish restrictions regarding the extent to which the advisor may participate in the proceedings, as long as the restrictions apply equally to both parties.
- A student conduct decision is based on the preponderance of the evidence standard, i.e. "more likely than not to have occurred" standard. In other words, the conduct process asks: "is it more likely than not that the accused student violated the college's student code of conduct?"
- The accuser and the accused will be notified simultaneously in writing of the result of any disciplinary proceeding, as well as any changes to those results or disciplinary actions

prior to the time that such results become final. Decisions will be made within 60 days of receipt of the complaint unless extraordinary circumstances exist.

- The accuser and the accused will have timely notice for meetings at which the accuser or accused, or both, may be present.
- The institutional disciplinary procedures will not be conducted by officials who have a conflict of interest or bias for or against the accuser or the accused.
- **The Title IX Coordinator's decision cannot be appealed. Any discipline for subsequent violations of any behavior contract resulting from the original Title IX offense cannot be appealed.**

Adjudication Process Hostile Working Environment

A person alleging sexual assault, domestic violence, dating violence or stalking may also utilize the complaint and investigatory procedures set forth in the College's policy against sexual harassment in order to remedy any hostile environment. All conduct proceedings against students, however, will be resolved through the College's policies.

When a complainant does not consent to the disclosure of their name or other identifiable information to the alleged perpetrator, the College's ability to respond to the complaint may be limited.

How to be an Active Bystander

Bystanders play a critical role in the prevention of sexual and relationship violence. They are individuals who observe violence or witness the conditions that perpetuate violence. They are not directly involved but have the choice to intervene, speak up, or do something about it. Baker College wants to promote a culture of community accountability where bystanders are actively engaged in the prevention of violence without causing further harm. Below is a list of some ways to be an active bystander. If you or someone else is in immediate danger or it is not safe for you to intervene dial **911**.

- Watch out for your friends and fellow students/employees. If you see someone who looks like they could be in trouble or need help, ask if they are ok.
- Confront people who seclude, hit on, try to make out with, or have sex with people who are incapacitated.
- Speak up when someone discusses plans to take sexual advantage of another person.
- Believe someone who discloses sexual assault, abusive behavior, or experience with stalking.
- Refer people to on or off campus resources listed in this document for support in health, counseling, or with legal assistance.

Risk Reduction

With no intent to victim blame and recognizing that only abusers are responsible for their abuse, the following are some strategies to reduce one's risk of sexual assault or harassment (taken from Rape, Abuse, & Incest National Network, www.rainn.org)

- **Be aware** of your surroundings. Knowing where you are and who is around you may help you to find a way to get out of a bad situation.
- **Try to avoid isolated areas.** It is more difficult to get help if no one is around.
- **Walk with purpose.** Even if you don't know where you are going, act like you do.
- **Trust your instincts.** If a situation or location feels unsafe or uncomfortable, it probably isn't the best place to be.
- **Try not to load yourself down** with packages or bags as this can make you appear more vulnerable.
- **Make sure your cell phone is with you** and charged and that you have cab money.
- **Don't allow yourself to be isolated** with someone you don't trust or someone you don't know.
- **Avoid putting music headphones in both ears** so that you can be more aware of your surroundings, especially if you are walking alone.
- **When you go to a social gathering, go with a group of friends.** Arrive together, check in with each other throughout the evening, and leave together. Knowing where you are and who is around you may help you to find a way out of a bad situation.
- **Trust your instincts.** If you feel unsafe in any situation, go with your gut. If you see something suspicious, contact law enforcement immediately (local authorities can be reached by calling 911 in most areas of the U.S.).
- **Don't leave your drink unattended** while talking, dancing, using the restroom, or making a phone call. If you've left your drink alone, just get a new one.
- **Don't accept drinks from people you don't know or trust.** If you choose to accept a drink, go with the person to the bar to order it, watch it being poured, and carry it yourself. At parties, don't drink from the punch bowls or other large, common open containers.
- **Watch out for your friends, and vice versa.** If a friend seems out of it, is way too intoxicated for the amount of alcohol they've had, or is acting out of character, get him or her to a safe place immediately.
- **If you suspect you or a friend has been drugged, contact law enforcement immediately (local authorities can be reached by calling 911 in most areas of the U.S.).** Be explicit with doctors so they can give you the correct tests (you will need a urine test and possibly others).
- If you need to get out of an uncomfortable or scary situation here are some things that you can try:
 - **Remember that being in this situation is not your fault.** You did not do anything wrong, it is the person who is making you uncomfortable that is to blame.

- **Be true to yourself.** Don't feel obligated to do anything you don't want to do. "I don't want to" is always a good enough reason. Do what feels right to you and what you are comfortable with.
- **Have a code word with your friends or family** so that if you don't feel comfortable you can call them and communicate your discomfort without the person you are with knowing. Your friends or family can then come to get you or make up an excuse for you to leave.
- **Lie.** If you don't want to hurt the person's feelings it is better to lie and make up a reason to leave than to stay and be uncomfortable, scared, or worse. Some excuses you could use are: needing to take care of a friend or family member, not feeling well, having somewhere else that you need to be, etc.
- **Try to think of an escape route.** How would you try to get out of the room? Where are the doors? Windows? Are there people around who might be able to help you? Is there an emergency phone nearby?
- **If you and/or the other person have been drinking,** you can say that you would rather wait until you both have your full judgment before doing anything you may regret later.

Confidentiality

The College will protect the identity of persons who report having been victims of sexual assault, domestic violence, dating violence, or stalking to the fullest extent of the law. The Campus Safety Director and/or the Title IX Coordinator will disclose only information that is necessary to provide interim accommodations or protective measures in a timely manner. The information will only be disclosed to those involved in implementing the interim accommodations or protective measures. This decision will be made by evaluating all of the facts and circumstances of the particular incident in an effort to protect the victim. When practical, Baker College will inform victims before sharing personally identifying information that Baker College believes is necessary to provide interim accommodations or protective measures. Baker College will inform the victim which information will be shared, with whom it will be shared and why.

Standard of Proof

In all cases, investigations that result in a finding of "more likely than not" (preponderance of the evidence standard) that a violation of the policy occurred will lead to the initiation of disciplinary procedures against the accused individual. College sanctions for any Sexual Misconduct Policy violation may include verbal warning, written warning, behavior contract, change in student housing, dismissal from student housing, changes to academic schedule, transportation changes/restrictions, changes in work assignment/location, termination of employment, or expulsion, may be imposed upon those determined to have violated this policy. The College is obligated to comply with a student's reasonable request for a living and/or academic situation change following an alleged sex offense. These interim accommodations or protective measures following the report of domestic violence, dating violence, sexual assault, and or stalking may include escorts, special parking arrangements, changing classroom location, other academic arrangements, assisting with personal protection orders, modifying the work

environment, modifying on-campus housing assignment, and assisting in obtaining outside resources. For students, sexual assaults, domestic violence, dating violence and stalking are violations of the Student Code of Conduct. Employees who violate this policy will be subject to discipline, up to and including termination of employment. Sexual assault, domestic violence, dating violence and stalking are criminal acts which may also subject the perpetrator to criminal and civil penalties under federal, state and local laws.

Interim Accommodations

The Campus Safety Director and/or the Title IX Coordinator are obligated to comply with a student's reasonable request for a living and/or academic situation change following an alleged sex offense and will determine if interim accommodations should be implemented. This decision will be made by evaluating all of the facts and circumstances of the particular incident and should minimize the burden on the victim. Steps to implement the interim accommodations and/or protective measures will be taken as soon as possible. Examples of interim protective measures include, but are not limited to: an order of no contact, residence hall relocation, adjustment of course schedules, a leave of absence, or reassignment to a different supervisor or position. These remedies may be applied to one, both, or multiple parties involved. Violations of the Title IX Coordinator's directives and or protective measures will constitute related violations that may lead to additional disciplinary actions. Protective measures imposed may be temporary pending the results of an investigation or may become permanent as determined by Baker College.

Baker College will, upon written request, disclose to the alleged victim of a crime of violence or a non-forcible sex offense, the report on the results of any disciplinary proceeding conducted by the institution against a student who is the alleged perpetrator of such crime or offense. If the alleged victim is deceased as a result of such crime or offense, the next of kin of such victim shall be treated as the alleged victim.