

# **NORTHWESTERN TECHNOLOGICAL INSTITUTE**

STUDENT SEXUAL VIOLENCE EDUCATIONAL PROGRAM - EFFECTIVE JULY 1, 2015

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Northwestern Technological Institute is committed to fostering an educational environment in which all students, staff, faculty and guests are safe and free from sexual misconduct of any form, including but not limited to sexual assault, dating violence, domestic violence, and stalking. As part of that commitment, all incoming students, staff and faculty will receive Primary Prevention and Awareness Training with the objective of preventing and ending sexual violence in and around our educational community.

Northwestern Technological Institute has designated Lorne Gauthier; School Director with the responsibility of Title IX Coordinator. The Title IX Coordinator oversees the Institute's efforts to comply with and carry out its responsibilities under Title IX, which prohibits sex discrimination in all the operations of Northwestern Technological Institute, as well as retaliation for the purpose of interfering with any right or privilege secured by Title IX.

The U.S. Department of Education requires that all schools provide information to all students on the following topics:

## **What constitutes sexual assault, including same-sex assault under Northwestern Technological Institute's school policy:**

The term "Sexual Assault" covers behavior from unwanted touching to rape. Each state has its own legal definition and criminal code, and thus definitions of acts that constitute sexual assault vary. These definitions are gender neutral because sexual assault happens to both females and males, although the vast majority of sexual assault victims are females.

The Campus SaVE Act defines Sexual Assault, as an offense classified as a forcible or non-forcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation. The State of Michigan defines Sexual Assault (often known as rape) as forcing or coercing an individual to engage in any non-consensual sexual contact or sexual penetration. In Michigan, the law regarding sexual assault is called the Criminal Sexual Conduct Act. It is gender neutral and includes marital, stranger, date, acquaintance, and child sexual assault.

There are four degrees of criminal sexual conduct. First and third degrees involve forced or coerced penetration. This can involve vaginal, anal or oral intercourse, or putting a finger or object in another person's genital or anal opening. The second and fourth degrees involve forced or coerced sexual contact. This includes touching the groin, genital area, inner thighs, buttocks, breasts or the clothing covering these parts.

How serious the crime is considered by the prosecutor depends on a number of factors such as: more than one assailant, a weapon, a physical injury other than sexual assault, extortion or the element of surprise. The charges of criminal sexual assault are viewed as more serious if the victim is under 13 years of age, from 13-15 years of the age and the assailant is a member of the family or in a position of authority over the victim, such as a teacher, counselor, clergy or doctor. Criminal sexual conduct does not require a witness other than the victim. It is also a crime if the assailant is your dating partner or spouse ([www.michigan.gov/datingviolence](http://www.michigan.gov/datingviolence)).

## **Domestic Violence**

Domestic Violence is defined by the State of Michigan as 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; and/or engaging in activity toward a family or household member that would cause a reasonable person to feel terrorized, frightened, intimidated, threatened, harassed, or molested([http://www.michigan.gov/dhs/0,4562,7-124-7119\\_7261-15005--,00.html](http://www.michigan.gov/dhs/0,4562,7-124-7119_7261-15005--,00.html)) . Further, the act defines "family or household member" to include any of the following:

- A spouse or former spouse.
- 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.
- The minor child of an individual described in the above bullet points.

### Dating Violence

Dating violence is a pattern of assaultive and controlling behaviors that one person uses against another in order to gain or maintain power and control in the relationship. The abuser intentionally behaves in ways that cause fear, degradation and humiliation to control the other person. Forms of abuse can be physical, sexual, emotional and psychological. Victims and abusers come from all social and economic backgrounds, faith communities, and racial and ethnic backgrounds. Abuse also occurs in same-sex relationships. Both females and males can be victims of dating violence, but numerous studies reveal the reality that the majority of victims are females (usually more than 95 percent). Victims are often referred to as females and abusers as male. That reference does not change the fact that every survivor -- male or female -- deserves support, options, resources and safety.

Abusers attempt to control their partners in a variety of ways. The following is a list of common controlling behaviors:

- **Isolation:** Trying to cut off the victim's relationship with family and friends; using jealousy to justify behavior.
- **Emotional:** Humiliating the victim in front of friends or making the victim feel guilty when she confronts the abuser about the abuse.
- **Intimidation:** Making the victim fearful by using threatening behavior, abuse of animals, verbal aggression or destruction of property.
- **Coercion:** Threatening to find someone else if the dating partner doesn't comply with the abuser's wishes or demands. Threats to harm self or others if the dating partner leaves.
- **Physical:** Using or threatening to use physically assaultive behaviors such as hitting, shoving, grabbing, slapping, beating, kicking, etc.
- **Sexual:** Touching or forcing the victim to engage in unwanted sexual activity.

At the beginning stages of the dating relationship, these behaviors may not be apparent or the use of them is so subtle that they may be mistaken for the abuser's caring and concern. For example, the abuser may suggest that the couple spend all their time together because when they are apart, they will miss each other. If the victim spends time with other friends, the abuser may appear to be sad or disappointed. As the relationship becomes more involved, the abuser may gradually escalate the use of these behaviors to include severe jealousy, which is not a sign of love as many in our society believe ([www.michigan.gov/datingviolence](http://www.michigan.gov/datingviolence)).

### Stalking

Stalking is defined as 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 (Michigan Penal Code MCLA750.411 h). In this definition, "willful course of conduct" refers to a pattern of behavior made up of a series of two or more separate non-continuous acts which share the same purpose. The term harassed is defined as repeated or continuing unconsented contact directed toward a victim resulting in emotional distress ([http://michigan.gov/documents/publications\\_stalking\\_understanding\\_your\\_rights\\_8897\\_7.pdf](http://michigan.gov/documents/publications_stalking_understanding_your_rights_8897_7.pdf)).

### Definition of consent applicable to sexual conduct and the role of alcohol and drugs:

Sexual activity requires consent, which is defined as voluntary, positive agreement between the participants to engage in specific sexual activity.

### **Communicating Consent:**

- Consent to sexual activity can be communicated in a variety of ways, but one should presume that consent has not been given in the absence of a clear, positive agreement.
- While verbal consent is not an absolute requirement for consensual sexual activity, verbal communication prior to engaging in sex helps to clarify consent. Communicating verbally before engaging in sexual activity is imperative. However potentially awkward it may seem, talking about your own and your partner's sexual desires, needs, and limitations provide a basis for a positive experience.
- Consent must be clear and unambiguous for each participant at every stage of a sexual encounter. The absence of "no" should not be understood to mean there is consent.
- A prior relationship does not indicate consent to future activity.
- Consent to engage in sexual activity with one person does not imply consent to engage in sexual activity with another.
- Consent can be withdrawn at any time.
- Silence or an absence of resistance does not imply consent.
- Coercion, force, or threat of either invalidates consent.

### **Alcohol and Drugs:**

- A person who is asleep or mentally or physically incapacitated, either through the effect of drugs or alcohol or for any other reason, is not capable of giving valid consent.
- The use of alcohol or drugs may seriously interfere with the participants' judgment about whether consent has been sought and given.

### **How Northwestern Technological Institute analyzes whether conduct was unwelcome:**

Northwestern Technological Institute has adopted The Centers for Disease Control and Prevention (CDC) definition as its own of unwanted sexual contact as the intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks of any person without his or her consent, or of a person who is unable to consent or refuse. Unwanted sexual contact can be perpetrated against a person or by making a person touch the perpetrator. Unwanted sexual contact could be referred to as "sexual harassment" in some contexts, such as a school or workplace. Northwestern Technological Institute strictly prohibits all offenses of sexual misconduct, including sexual assault, domestic violence, dating violence, and stalking and attempts to protect members of the school community, including visitors, from such offenses. This policy applies to all students, staff, and faculty, regardless of sexual orientation or gender identity. Northwestern Tech. offers any student, faculty or staff member who survives a sexual assault that occurs within the context of the school community the support necessary to enable them to continue to pursue their academic or career goals. In addition, Northwestern Technological Institute has support staff available to assist victims in notifying appropriate law enforcement authorities regarding such crimes, if so requested by the victim.

### **Bystander Strategies and skills to prevent possible sexual violence:**

#### **What is a bystander?**

A bystander is a person or group of people who intervene in a safe and positive way to prevent harm or provide resources to a person in need.

#### **Bystander Intervention Options**

Bystander intervention programs teach potential witnesses safe and positive ways that they can act to prevent 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 action to intervene.

### **Why should bystanders be accountable?**

In the past, people were comfortable in a passive role, only being responsible for themselves. The bystander approach acknowledges the fact that we are all interdependent and can all have a positive impact on each other. If we keep our eyes open to potentially dangerous situations, we can step in before something bad happens. As people feel empowered to become “active” bystanders, it will, in turn empower others surrounding them. The goal of this program is engaging members of our campus community to realize its true potential to influence others, and potentially save lives.

### **5 Steps to Accountability:**

- Notice the event.
- Recognize it as a risky situation.
- Take responsibility for helping in the situation.
- Have the skills necessary to intervene.
- Take Action!

### **Intervening in Any Situation**

- Gather details about the situation.
- Ask for help from other bystanders or friends.
- Be sensitive and understanding.
- Intervene early and in a safe manner.
- Consider multiple options.
- Don't be afraid to call for help!

### **Non-emergency Intervention**

- Don't make assumptions about the people involved or the situation.
- Keep your eyes open for red flags.
- Set a goal or a plan.
- In conversations, keep in mind that it is about mutual respect.

### **Reporting options, including formal reporting and confidential disclosure options and any timeframes set by the school for reporting:**

Northwestern Technological Institute is committed to creating an environment that both promotes and assists in the prompt reporting of all criminal offenses including domestic violence, dating violence, sexual assault, and stalking to provide a compassionate supportive environment for survivors.

Students, faculty, or staff who wish to report criminal actions are encouraged to accurately and promptly report any and all crimes or emergencies occurring on campus directly to the School Director. Students, faculty, and staff are cautioned to never attempt to apprehend or pursue a suspected criminal. If you have any doubts about whether to report something that has occurred, report it. Victims of, or witnesses to, crimes may disclose them to the School Director (Title IX Coordinator), or to a Responsible Northwestern Technological Institute Employee (all faculty and office staff are designated as responsible employees of the Institute). The Title IX Coordinator can then determine whether the event constitutes a crime that has to be collected and statistically reported. Filing a report with the Institute does *NOT* obligate the victim to prosecute. An incident of sexual misconduct may be reported at any time, regardless of how much time has elapsed since the incident occurred. Any information given by the victim will remain confidential (in accordance with the Confidential Reporting Procedures below) and will not be shared without the victim's consent or unless the victim has also reported the incident to law enforcement. Your cooperation in timely reporting assists the School in issuing equally timely warnings to the Northwestern Technological Institute campus if necessary. Always use your eyes, ears, and (cell) phone to keep campus officials advised of what you see and hear.

### **Confidential Reporting Procedures**

All faculty and office staff are designated as responsible employees of the Institute, and are obligated to report

incidents to the Title IX Coordinator, including the names of the alleged perpetrator and student involved in the sexual violence, as well as any relevant facts including the date, time, and location. If a victim discloses an incident directly to the Title IX Coordinator, or to another designated official (Jody Maki) but wishes to maintain confidentiality, or requests that no investigation into a particular incident be conducted or disciplinary action taken, the Title IX Coordinator will evaluate the request against the school's obligation to provide a safe environment for all students. If the school honors the request for confidentiality, a victim must understand that the school's ability to investigate the incident and pursue disciplinary action against the alleged perpetrator(s) may be limited.

### **Reporting Policy Relative to Counselors**

As a result of the negotiated rulemaking process which followed the signing into law, the 1998 amendments to 20 U.S.C. Section 1092 (f) clarification was given to those considered to be campus security authorities. Campus "Pastoral Counselors" and Campus "Professional Counselors", when acting as such, are not considered to be a campus security authority and are not required to report crimes to the School Director (Title IX Coordinator) for inclusion into the annual disclosure of crime statistics without the victim's permission. As a matter of policy, they are encouraged; if and when they deem it appropriate, to inform persons being counseled of the procedures to report crimes on a voluntary basis for inclusion into the annual crime statistic. Northwestern Technological Institute does not have an employee on staff who is a professional counselor, however, the Institute contracts with a licensed counselor in the event counseling services are needed.

### **Procedures to Follow if a Sexual Offense has Occurred**

- If you are a victim of a sexual offense, domestic violence, dating violence, sexual assault, or stalking at Northwestern Technological Institute, your first priority should be to get to a place of safety. Medical attention and/or treatment should then be obtained as quickly as possible following the incident. Assaults should be reported directly to the School Director (Title IX Coordinator), or Responsible Employee, at (248) 358-4006, and/or local law enforcement authorities at 911. If a student chooses, campus authorities will assist the student in notifying the proper law enforcement authorities. Because of the importance of preserving evidence in order to provide proof of criminal domestic violence, dating violence, sexual assault, or stalking, or for obtaining a protection order, students should contact either a school official or the proper law enforcement as soon as possible after the incident.
- If the assailant is identified as a Northwestern Technological Institute student, a school official will report the incident to the School Director (Title IX Coordinator) or a Responsible Employee, who will assist with the appropriate course of action in accordance with the Student Conduct Policy and procedures. Potential school sanctions include permanent termination from the program.
- If the assailant is a Northwestern Technological Institute employee, a school official will report the incident to the School Director (Title IX Coordinator) or a Responsible Employee for appropriate action. Potential school sanctions include termination of employment.

### **Procedures for Institute Disciplinary Action in Cases of Alleged Domestic Violence, Dating Violence, Sexual Assault and Stalking (The Federal Campus Sexual Assault Victims' Bill of Rights)**

- Northwestern Technological Institute will do its best to provide a prompt, fair, and impartial investigation and resolution on all cases of alleged domestic violence, dating violence, sexual assault, and stalking.
- The proceedings shall be conducted by a school official who has received training on an annual basis on issues related to domestic violence, dating violence, sexual assault, and stalking, and how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability.
- The accuser and the accused are entitled to the same opportunities to have others present during an Institute Disciplinary Proceeding, including the opportunity to be accompanied to any related meeting or proceeding by an advisor of their choice.
- Both the accuser and the accused shall be simultaneously informed, in writing, of:

- The outcome of the Institutional Disciplinary Proceeding
  - The Institution's procedures for the accused and the victim to appeal the results
  - Any change in the results that occurs prior to the time the results become final
  - When the results become final
- Northwestern Technological Institute will provide information on how to obtain orders of protection, no contact orders, restraining orders, or similar orders issued by a criminal, civil, or tribal court. The Institute will illustrate how it will protect the confidentiality of victims, including how publicly-available recordkeeping will be accomplished without the inclusion of identifying information about the victim, to the extent permissible by law. In addition, Northwestern Technological Institute 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.
  - All parties involved will be provided, in writing, of 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 around the community.
  - Northwestern Technological Institute will provide assistance, if reasonably available, in changing a victim's academic, living, working, or transportation situation, regardless of whether the victim chooses to report the crime to the Institute or local law enforcement. Accommodations or protective measures are provided if the victim requests them and if they are reasonably available, regardless of whether the victim chooses to report the crime to the Institute or local law enforcement.
  - Following the final determination of an Institute Disciplinary Proceeding, the Institute will impose sanctions (if applicable) regarding rape, acquaintance rape, or other forcible or non-forcible sex offenses such as termination from the program in the case of a student, and termination of employment in the case of an employee.
  - Any student or employee who reports to the Institute that they have been a victim of one of the aforementioned crimes shall be provided with a written explanation of their rights and options, regardless of whether the crime took place on or off campus.
  - All current students and employees will be made aware of incidents of sexual assault and other crimes via the Campus Crime Report publication, which is distributed to all employees in their employment packet and to students on their first day of classes. This report is updated annually and is distributed to both new and current students and employees.

### **Protection against Retaliation**

Retaliation against an individual for reporting discrimination or harassment or assisting in providing information relevant to a claim of discrimination or harassment is a serious violation of Northwestern Technological Institute's policy. If the Institute concludes that any individual has attempted to intimidate, threaten, or take adverse actions against someone for bringing forward a good faith complaint of discrimination or harassment, the person found to have engaged in retaliatory conduct will be subject to appropriate disciplinary action, including but not limited to change in work assignment, disciplinary probation, mandatory training, suspension, and/or dismissal/termination from the Institute or program. Any concern of retaliation should be reported immediately to the School Director (Title IX Coordinator) and the Institute will promptly investigate.

**Sexual violence is a serious problem that can have lasting, harmful effects on victims and their family, friends, and communities.**

**The goal of sexual violence prevention is simple—to stop it from happening in the first place.**

## Northwestern Technological Institute - VAWA Contacts

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