



ANDREWS UNIVERSITY



Sexual Misconduct, Relationship Violence, Stalking, and Discrimination Based on Sex/ Gender Policy and Resources

Revised August 2017

Sexual Misconduct, Relationship Violence, Stalking, and Discrimination Based on Sex/ Gender Policy and Resources

ANDREWS UNIVERSITY

Andrews University recognizes that God has created every individual, male and female, equal in His image and endowed with unique value.

As Creator and Redeemer, He calls us with loving grace and empowers us to give each of His children the utmost respect in speech and action and to expect the same from others.

Introduction

Andrews University is committed to maintaining a respectful learning and living environment that is free from sexual misconduct, relationship violence, stalking, and discrimination based on sex (collectively, “Misconduct”). Misconduct in any form, regardless of the length of the relationship or gender of the individuals, is inconsistent with this commitment, strictly prohibited and intolerable in the Andrews community. All members of the Andrews University community share a responsibility for upholding this policy.

Any student who is found responsible for committing Misconduct is in violation of the Code of Student Conduct.

This policy complies with Andrews University’s responsibilities regarding Title IX and the Violence Against Women Reauthorization Act of 2013: Sec 304. Title IX of the Educational Amendments of 1972 prohibits discrimination from educational programs and activities on the basis of sex (gender) in educational programs and activities that receive federal assistance. The Violence Against Women Reauthorization Act expects that universities have procedures in place to respond to matters of sexual misconduct, relationship violence and stalking.

Jurisdiction

This policy governs Misconduct directed at a student by another University student, faculty or staff; non-employee client; vendor; or visitor, regardless of whether the alleged Misconduct occurred on- or off-campus or in online communications.

On-Campus: All on-campus violations are deemed to pose a disruption or threat to the educational environment. The campus includes the geographic confines of the University, including its land, roads, buildings, Andrews Academy, Ruth Murdoch Elementary School and University housing.

Off-Campus: Off-campus violations may pose a disruption or threat to the educational environment. Examples of Misconduct that may fall within the University’s clear and distinct interest include conduct that:

- Occurs in a private home or location
- Occurs during a University-sponsored event (e.g., field trips, social or educational functions, University-related travel, student recruitment activities, internships and service learning experiences)
- Occurs during a Study Abroad Program
- Involves students enrolled in the University’s School of Distance Education & International Partnerships or other off-campus educational programs

Online: Misconduct on the Internet can occur in a variety of forums. Some of these mediums include, but are not limited to, chat rooms, forums/message boards, social networking sites, instant messaging, email, avatars, advertising, redirected/automatic linking, spam and pop-ups.

In instances where Misconduct is found to have occurred, the Title IX Coordinator, Deputy Coordinator(s) and other University personnel will take appropriate steps to end such Misconduct, prevent its recurrence and remedy its effects.

DESCRIPTIONS OF MISCONDUCT

Sexual Misconduct

Sexual misconduct is any sexual penetration, sexual contact, sexual exploitation or sexual harassment that occurs without the effective consent of all individuals involved.

Non-Consensual Sexual Penetration

Non-consensual sexual penetration is any sexual penetration (vaginal, anal or oral), however slight, with any object or part of the body, with another person without that person’s effective consent.

Non-Consensual Sexual Contact

Non-consensual sexual contact is any intentional sexually related touching, however slight, with any object or part of the body, with another person without that person’s effective consent. (This can include unwanted kissing or frontal hugging that is sexual in nature).

Sexual Exploitation

Sexual exploitation is taking advantage of another person without effective consent. It includes, but is not limited to, the following: causing the prostitution of another person; electronically recording, photographing or transmitting intimate or sexual utterances, acts, sounds or images of another person; allowing third parties to observe sexual acts; engaging in voyeurism; distributing intimate or sexual information about another person; conduct that intentionally exposes a person's private body parts to others; or knowingly having a sexually transmitted infection (including HIV) and failing to inform a sexual partner prior to engaging in sexual activity.

Sexual Harassment

Unlawful sexual harassment may take one of three forms: (1) quid pro quo harassment, (2) hostile environment harassment or (3) retaliatory harassment.

Quid pro quo harassment typically involves an exchange of sexual favors for some benefit, and it most often occurs where there is a power differential (e.g., professor and student or boss and employee).

Hostile environment harassment occurs when a person or group engages in unwelcome speech or conduct so objectively offensive **and sufficiently severe or persistent or pervasive** that it,

1. unreasonably interferes with or limits an individual's ability to participate in or benefit from academics, work or other services and activities

OR

2. creates an environment (academic, work or residential) that a reasonable person would find hostile, offensive or intimidating. (An isolated incident, unless sufficiently severe, may not amount to hostile environment harassment).

Retaliatory harassment is any adverse action taken against a person participating in an investigation of Misconduct. Adverse actions may include name-calling, taunting or other threatening behavior. Retaliation against an individual for alleging Misconduct, supporting a party bringing a complaint, or assisting in providing information relevant to a claim of Misconduct is a serious violation of University policy and will be treated as another possible instance of Misconduct.

The following is a non-exhaustive set of behaviors which may constitute sexual harassment:

- Unwelcome sexual advances, propositions or requests for sexual favors
- Unwelcome or inappropriate exposure, display, touching or physical contact
- Showing/displaying sexually suggestive, demeaning or objectifying objects, pictures, words or gestures
- Unwelcome or inappropriate comments, questions or sexually suggestive jokes

Other unwanted verbal, written, visual, online or physical contact of a sexual nature may constitute sexual harassment when:

- Submission to or rejection of such conduct is made either explicitly or implicitly as a term or condition of an individual's education or employment progress, development or performance
- Such conduct has the purpose or effect of unreasonably interfering with an individual's ability to carry out his or her responsibilities in the University environment

Stalking

Stalking is engaging in a course of conduct directed at a specific person(s) that is unwelcomed and would cause a reasonable person to (a) fear for his or her safety or the safety of others or (b) suffer substantial emotional distress. Stalking behaviors include, but are not limited to, the following:

- Non-consensual or unwelcomed communication, including face-to-face, phone calls, voice messages, electronic mail, online communication, written letters, etc.
- Excessive calling or texting
- Threatening, intrusive, frightening or obscene gestures
- Following or pursuing
- Surveillance or other types of observation
- Trespassing
- Vandalism or destruction of victim's property
- Unwelcomed gifts, flowers, etc.

Stalking is an insidious form of harassment that may initially be dismissed as harmless yet can dramatically impact the life of the person stalked and pose both physical and psychological risks.

All concerns about stalking should be taken seriously, whether or not there appears to be a level of threat and whether or not the stalker is known by the victim.

Relationship Violence

Relationship violence is a pattern of unwelcomed, abusive, coercive behaviors used to exert power and control over a current or former partner. These behaviors often increase in severity and frequency over time and may be cyclical. For the purposes of this policy, relationship violence includes domestic violence and dating violence.

Domestic Violence

Violence or abusive acts committed by a current or former spouse or intimate partner to the victim by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, or by a person similarly situated to the victim as defined by the laws of Michigan.

Dating Violence

Violence or abusive acts committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a

relationship may be based on a consideration of the length of the relationship, the type of the relationship and the frequency of interaction between the persons involved in the relationship.

Domestic or dating violence includes, but is not limited to, the following:

- Physical abuse
- Pushing, shoving, slapping, punching, kicking or strangling
- Restraining, holding, tying down
- Leaving the victim in a dangerous place
- Emotional/psychological abuse
- Threats of harm and/or intimidation
- Physical or social isolation
- Sexual abuse or misconduct

Discrimination Based on Sex

The unfavorable treatment of someone due to that person's gender or sex.

DEFINITIONS

Reporting Party

A reporting party is anyone who reports an incident or may be the victim of Misconduct covered by this policy.

Respondent

The respondent is anyone who is reported and alleged to have engaged in Misconduct covered by this policy.

Effective Consent

- Effective consent is informed and freely and actively given.
- Effective consent cannot result from force, threat, intimidation, coercion or incapacitation.
- Effective consent cannot be given by minors, mentally disabled individuals, or individuals who are mentally or physically incapacitated (such as by alcohol or other drug use, etc.)—see following.
- Consent can be communicated by word or action and must be mutually understandable.



- Consent to one form of sexual activity does not imply consent to other forms of sexual activity.
- Consent at one time does not imply consent to another time.

Incapacitation

When incapacitated, an individual lacks the physical and/or mental ability to make informed, rational judgments (e.g., to understand the “who, what, when, where, why or how” of their sexual interactions) and thus cannot give effective consent to sexual activity. Incapacitation may be temporary or permanent and result from mental disability as well as states including, but not limited to, sleep, unconsciousness, blackouts resulting in memory loss, etc. Incapacitation may also occur in persons who, as a result of alcohol or drug use, **appear to be functional or coherent but still may not be able to make a rational decision or give effective consent.** Individuals who consent to sex must be able to understand what they are doing. Keep in mind that under this policy, **“no” always means “no,” but “yes” may not always mean “yes.”**

The impact of consuming alcohol or drugs will vary from person to person. Evaluating incapacitation due to the use of substances requires an assessment of each individual. Warning signs that a person may be approaching incapacitation may include slurred speech, vomiting, unsteady gait, odor of alcohol, combativeness, emotional volatility, etc.

Because incapacitation may be difficult to discern, especially where alcohol and drugs are involved, persons are strongly encouraged to err on the side of caution; when in doubt, assume the other person is incapacitated and therefore unable to give effective consent. **Being intoxicated or impaired by drugs or alcohol is not a defense to a charge of sexual misconduct.**

In evaluating effective consent in cases of alleged incapacitation, the University asks two questions: (1) *did the respondent know that the other party was incapacitated?* and (2) *if not, would a sober, reasonable person in the same situation have known that the other party was incapacitated?* If the answer to either of these questions is “YES,” effective consent was absent and the conduct by the respondent is likely a violation of this policy.

REMINDERS AND RESOURCES

Preservation of Evidence and Medical Assistance

A person reporting sexual misconduct is reminded of the importance of taking every precaution to preserve all evidence and to abstain from tampering with any items at the scene, changing clothes or washing any area of their body. Under some circumstances, the reporting party should seek immediate medical attention before washing themselves or clothing. If clothes have been removed, place each item separately in *paper* bags. The reporting party should preserve all phone call logs, emails, text messages, online communication and other evidence that is relevant to the specific complaint.

Medical assistance can be sought from any emergency room, such as the one located at Lakeland Medical Center, St. Joseph, Michigan. Financial assistance for hospital exam costs may be available—contact Michigan Crime Victim Services Commission for more information (517-333-SAFE).

In addition to the collection of evidence, hospital staff is able to check for other potential injuries and respond to the potential of pregnancy and sexually transmitted diseases.

Confidentiality, Counseling and Support

The University will seek to be sensitive, supportive and respectful to all involved individuals. The University will also seek to take reasonable steps to maintain appropriate levels of confidentiality and will refrain from including in publicly available records the identity of the reporting party.

Although the University will attempt to limit the number of individuals who may learn about an allegation of Misconduct, the University cannot guarantee confidentiality in all matters. The University will attempt to balance the reporting party's request with the moral responsibility and federal guidelines to create a safe and nondiscriminatory environment. Ultimately, and especially in cases that involve pattern, predation,

threats or violence, the University reserves the right to proceed in whatever manner it deems appropriate.

To comply with certain federal laws, the University is required to report statistics regarding Misconduct on its campus. Recordkeeping for this statistical report will be accomplished without the inclusion of identifying information about the reporting party or witnesses to the extent permissible by law.

Counselors and chaplains (hired or appointed by the University for a specific job description to provide counseling and pastoral care) have confidentiality obligations that prohibit them from reporting and activating established University processes. Therefore, while these individuals are able to provide confidentiality and important support, they are not the designated individuals to whom formal or informal reports should be given (see below).

A person reporting sexual misconduct, relationship violence, stalking, and discrimination based on sex are encouraged to seek the assistance of trained professional support systems. On-campus services for students include:

- Andrews University's Counseling & Testing Center (located in Bell Hall, 269-471-3470)
- Chaplains (located in the Campus Center, 269-471-3211)

Off-campus community services for students include:

- Samaritan Counseling Center, 1850 Colfax, Benton Harbor, Michigan (269-926-6199)
- Berrien County Child & Family Services/ Safe Shelter (for women and children), PO Box 8820, Benton Harbor, Michigan 49023-8820 (phone: 269-925-1725/269-925-9500, crisis: 888-983-4275/269-925-9500), cfsswmi.org/our-programs/safe-shelter.html
- Michigan Crime Victim Services Commission, 201 S. Townsend, PO Box 30195,

Lansing, Michigan 48933 (877-251-7373 for victims only or 517-373-7373)

- Rape, Abuse and Incest National Network (1-800-656-4673)
- Cass/St. Joseph County Domestic & Sexual Abuse Services, PO Box 402, Three Rivers, Michigan 49093 (phone: 269-279-5122, crisis: 800-828-2023), dasasmi.org
- S-O-S of the Family Justice Center, 533 North Niles Avenue, South Bend, Indiana 46617 (574-234-6900), Info@fjcsjc.org
- The National Domestic Violence Hotline (1-800-799-SAFE)

THE UNIVERSITY'S PROCESSES AND RESPONSE TO MISCONDUCT

- The University will take seriously all good faith reports of alleged Misconduct. University proceedings will seek to provide a prompt, fair and impartial consultation, investigation and response by officials who receive annual training.
- Because the University recognizes that such Misconduct includes an attack on an individual's dignity and self-determination rights, the University will attempt to let reporting parties select the process for addressing their allegations. In general, there are two main paths for addressing sexual misconduct: (1) an informal consultation pertaining to possible Misconduct and (2) a formal complaint of alleged Misconduct. Ultimately, and especially in cases that involve pattern, predation, threats or violence, the University reserves the right to proceed in whatever manner it deems appropriate.

INITIATING A REPORT

The University encourages a reporting party and witnesses to report any violations of this policy to an appropriate University offi-

cial. Reports are what give the University the opportunity to investigate and address any violations; they also provide the University with an opportunity to ensure that appropriate care and resources are provided for both the reporting party and the respondent. At the same time, before a reporting party reveals information (name of the respondent, details, etc.), they should understand that **only professional counselors, pastors and chaplains (hired or appointed by the University for a specific job description to provide counseling and pastoral care) are able to retain confidentiality.** All other faculty and staff are required to notify the designated University officials of all allegations or reports of **sexual misconduct (which includes non-consensual sexual penetration, non-consensual sexual contact, sexual exploitation, sexual harassment), relationship violence (which includes domestic violence and dating violence), stalking, or discrimination based on sex.**

Designated University Officials

Frances Faehner, vice president for Campus & Student Life, is the Title IX Coordinator for Andrews University (269-471-2679).

Inquiries and complaints regarding **sexual misconduct (which includes non-consensual sexual penetration, non-consensual sexual contact, sexual exploitation, sexual harassment), relationship violence (which includes domestic violence and dating violence), stalking, or discrimination based on sex** should be referred to designated University officials as follows:

Student Complaints Regarding Another Student or a Faculty or Staff

Title IX Deputy Coordinator for students, R. Deborah Weithers, dean for Student Life (269-471-6684)

Student Life deans (269-471-3215)

Residence hall deans (269-471-3446, 269-471-3390 or 269-471-3360)

Office of Campus Safety (269-471-3321)

Amnesty, Bystander Engagement and Good Faith Reports

The welfare of every member of our community is of paramount importance. The University wants to facilitate a safe and caring campus climate for all good faith reports of sexual misconduct, relationship violence, stalking, and discrimination based on sex. The University believes that bystanders (others nearby) can play a key role in the prevention of Misconduct. Thus the University encourages members of our community to offer help to others in need.

In an effort to remove fears and obstacles to reporting, the University does not typically apply disciplinary action to student victims or student witnesses of Misconduct who, in the process of helping and making a report, voluntarily report their own violation(s) of the Code of Student Conduct (such as alcohol consumption, curfew violations, etc.) related to the specific reported incident. To foster healing and growth, the reporting party and any witnesses making good faith reports may be asked to engage in educational opportunities.

False Complaints

The University also prohibits members of the community from knowingly filing a false complaint or making misrepresentations of sexual misconduct, relationship violence, stalking, and discrimination based on sex. However, a complaint made in good faith is not considered false merely because the evidence does not ultimately support the allegation of Misconduct. Acts of knowingly filing false complaints are, by themselves, cause for disciplinary action.

Local Law Enforcement

Sexual misconduct, relationship violence, and stalking may also be criminal. The reporting party may wish to inform local law enforcement agencies. Upon a request from the reporting party, the University will assist in making the connection between a reporting party and an appropriate law enforcement agency. In Berrien Springs, the

local police department can be reached at 269-471-2813. In an emergency, call 911. The reporting party also has the right to decline to make a formal report to law enforcement and campus authorities.

Informal Consultations and Resolutions

- If the reporting party desires an informal consultation, he/she should consult with one of the appropriate designated Title IX Deputy Coordinators listed above for the purpose of exploring whether or not to submit a formal complaint.
- The reporting party may be reluctant to identify the respondent; however, this will limit the University's ability to investigate and respond.
- Both parties may be given the opportunity to reach an agreed-upon resolution that may include acknowledgements and commitments to remedy the situation.
- The reporting party may request the University address the situation through various interim measures, informal meetings or resolutions for the purpose of providing information or support or to create separation of proximity, etc. The University will seriously consider requests such as confidentiality but reserves the right to proceed in whatever way it deems necessary.

Formal Report Process

- If a reporting party desires to make a formal report of alleged Misconduct, the complaint should be submitted to the appropriate Title IX Deputy Coordinator as listed previously.
- The formal complaint should contain, at a minimum, a concise written statement of the alleged violation and a detailed statement of the facts supporting the allegation as well as the names of any witnesses. In general, witnesses must have observed the conduct in question or have information relevant to the incident and will not be interviewed solely to speak about an individual's character.
- The appropriate Title IX Deputy Coordina-

- tor will review the formal complaint and/or meet separately with the reporting party and the respondent to receive their formal statements and the names of any witnesses.
- The appropriate Title IX Deputy Coordinator will provide a notice of charges to both parties and review of University policy and processes utilizing the Title IX Case Awareness Form.
 - The appropriate Title IX Deputy Coordinator will identify potential support systems for both parties.
 - The Title IX Coordinator and Title IX Deputy Coordinator will assess whether the allegation(s), if true, would rise to the level of Misconduct to activate a formal Title IX investigation under this policy. If it is determined that a Title IX investigation is not the appropriate course of action, both parties will be notified. In some such cases where the respondent is a student, the Title IX Coordinator may refer the case directly to the Student Life Deans Council to be reviewed for a general violation of the Code of Student Conduct.

INVESTIGATION AND REVIEW

- The director of Campus Safety is generally appointed to lead the investigation and is usually assisted by the appropriate Title IX Deputy Coordinator for students (if the respondent is a student) or the Title IX Deputy Coordinator for faculty/staff (if the respondent is faculty/staff).
- According to established practices, the investigation will follow the trail of evidence for the purpose of fact finding and determining if there is a “preponderance of evidence” that the alleged Misconduct (more likely than not) occurred.
- The investigator(s) will meet in separate settings with the reporting party and the respondent, as well as with other witnesses, and review texts, emails, communications and other documentary evidence to gather facts.

- Both the reporting party and the respondent have the right to the same opportunities to present their account of events.
- Both parties will have the opportunity to present questions they would like to be addressed to the other party before a final determination is made. The parties will not be simultaneously present in any proceeding and thus any such questions would be posed by a third party. The investigative report and recommended findings are provided to the Title IX Coordinator who will review the report and findings and determine next steps.
- A summary of the investigative report will be provided both to the reporting party and to the respondent. Both parties will have the opportunity to review the report and to provide a written response to the investigative summary report if desired.
- The Title IX Coordinator will direct the report to the appropriate Misconduct and judicial bodies.
- If the respondent accepts responsibility for the specific charges, he/she may provide the judicial body with a written acceptance of the facts of the allegation. In such cases the Title IX Coordinator may direct the judicial body to convene solely to determine appropriate sanctions.

UNIVERSITY DETERMINATION AND OUTCOMES

- The Student Life Deans Council handles the judicial processes for students facing allegations. Title IX Misconduct cases are chaired by the assistant vice president for Campus & Student Life.
- The appropriate judicial body convenes to review the evidence developed during the investigation and to meet with the investigators as needed.
- Both the reporting party and the respondent will have the same opportunity to have formal and separate hearings as part of the investigative process and/or with the judicial body.



- The judicial body will deliberate using the “preponderance of evidence” standard of proof to determine whether “more likely than not” the respondent is responsible or not responsible for committing Misconduct as outlined in this policy. Note: as Title IX federal law requires for educational institutions, this is a lesser standard of proof than the “beyond a reasonable doubt” standard used in the criminal justice system.
- A finding by the judicial body that the respondent is “not responsible” does not necessarily mean the alleged Misconduct did not happen. Rather, it may mean that there was insufficient evidence to reach a finding of responsibility.
- Any student who is found responsible for Misconduct defined in this policy will be subject to disciplinary action that includes, but is not limited to, verbal counsel, written warning, probation, suspension, dismissal, mandatory education and other remedies the University deems appropriate.
- The judicial body reserves the right to determine what type of disciplinary response is appropriate for the level of Misconduct as well as to broaden or lessen the responses relative to the severity, persistence or pervasiveness of the behavior. Mitigating or aggravating circumstances, if they exist, may be considered, such as any previous or additional Misconduct or other violations of the Code of Student Conduct.
- The general range of recommended responses for students is as follows:

Non-Consensual Sexual Penetration

The disciplinary response will likely range from suspension to dismissal depending on the severity of the incident.

Non-Consensual Sexual Contact

The disciplinary response will likely range from probation to dismissal, depending on the severity of the incident.

Sexual Exploitation or Harassment

The disciplinary response will likely range from warning to dismissal, depending on the severity of the incident.

Domestic Violence, Dating Violence or Stalking

The disciplinary response will likely range from warning to dismissal, depending on the severity of the incident.

APPEAL PROCESS

Both the reporting party and the respondent have the same opportunity for consideration to appeal the outcome or findings of the allegation of Misconduct and of any disciplinary actions. The limited grounds on which the University will consider granting an appeal are one or more of the following:

- **New Information of a Substantive Nature:** New and relevant information that was not available at the time the decision was made that could have significantly impacted the findings or the outcome
- **Substantive Procedure Error:** The original processes had a significant or relevant procedural error that may have impacted fundamental fairness
- **Substantive Disproportionate Response:** The University response was clearly disproportionate to the established range of consequences for the violation

A formal request for an appeal should be directed to the Title IX Coordinator within five business days of receiving notice of the decision. The request for an appeal must consist of a concise written statement outlining the grounds for the appeal as described above. The Title IX Coordinator will review the request and will notify the person of the University response to the request as well as provide information regarding the appeal process if the appeal process is granted. At their discretion the University may choose to

implement the original University response, sanction or other interim measures during the appeal process.

Student requests for an appeal will generally be directed to the Conduct Appeals Committee, which is a broadly representative group comprised of faculty/staff. The assistant vice president for Campus & Student Life serves as the ex-officio secretary and non-voting member.

Given that in most cases the respondent has already had a face-to-face hearing with the investigative processes and/or the judicial body, the appeal process does not provide a second opportunity for a face-to-face hearing nor does it provide a rehearing of the facts or a repeat of the investigative processes. The appeal is generally limited to review of a written appeal or other relevant documents.

The role of the Conduct Appeals Committee is not to substitute judgment for the original decision—the Committee will remain focused on the specified grounds for the appeal.

In cases where there is new or relevant information of a substantive nature, the appeal request may be returned to the original judicial body for review.

The Conduct Appeals Committee can uphold the original decision, alter the original decision, and/or alter the University response.

The decision of the Conduct Appeals Committee will be final (except that, in cases of dismissal or termination, the responding student may request an additional review with the provost.

ADDITIONAL INFORMATION AND RIGHTS

- **Resources**—Both the reporting party and the respondent have the right to be notified of available resources.
- **Educational Resources**—The Counseling & Testing Center and the Division of

Campus & Student Life provide educational materials and information as well as prevention and risk reduction programs dealing with sexual misconduct, relationship violence, stalking, and discrimination based on sex. On an annual basis education is provided to new students and employees, and ongoing programs are provided periodically for the wider body of students and University employees.

- **Professional Counseling and Support Resources**—Students are encouraged to seek professional support from on-campus resources that include Campus Ministries chaplains and counselors at the Counseling & Testing Center in Bell Hall or from a community provider listed previously. Note: see section on “Confidentiality, Counseling and Support.”
- **Account of Events**—Both the reporting party and the respondent have the right to the same opportunities to present their account of events.
- **Advocate**—Both the reporting party and the respondent have the right to have a designated advocate of their choice to assist them and be present with them throughout the process. Advocates should be selected from within the University’s faculty, emeritus faculty or staff, as long as they are not a relative of either of the parties involved. Advocates may accompany the reporting party or the respondent to any University proceedings. The advocate may not direct questions to or otherwise address the investigative team or the judicial body, however the advocate may consult with the person that they are assisting.
- **Legal Counsel**—Both the reporting party and the respondent may elect to seek counsel from an attorney at their own expense; however, in accordance with all University disciplinary processes, attorneys are not permitted to speak or otherwise participate in University proceedings including the judicial processes.
- **Notification of Outcome**—Both the reporting party and the respondent have



the right to be informed of the outcome, in writing, without undue delay between the notifications to the parties and usually within one business day of the end of the process.

- **Accommodations**—A reporting party who reports allegations of Misconduct may request accommodations in academic or work settings, changes in living situations, “No Contact” orders or other responses and support systems designed to help the reporting party cope with the situation and meet their responsibilities. Requests are not “guaranteed,” but the University will consider carefully any such requests.
- **Interim Measures**—The University may also consider other appropriate interim measures including, but not limited to, academic, class, work, committee or housing reassignments; “No Contact” orders; restrictions on academic or co-curricular activities; campus bans, etc., to facilitate the emotional and physical wellbeing of the parties involved, the broader community and/or the integrity of the investigative and resolution process. Interim measures are for a provisional period of time pending the outcome of an investigation or until a specified condition is met. This action does not assume the respondent has been found responsible for the alleged Misconduct.
- **“No Contact” Order**—Once a “No Contact” order has been granted and issued, neither party should attempt in any way to contact or send any type of message, directly or via a third party to the other party.
- If the reporting party or alleged victim is deceased as a result of such offense, the next-of-kin of such victim shall be treated as the accuser or alleged victim to receive information regarding the outcome or disciplinary disposition.

- **Registered Sex Offender Policy Statement**—Information regarding registered sex offenders is provided by the State of Michigan to the public as well as the campus community and can be reviewed at michigan.gov/msp/0,4643,7-123-1878_24961--,00.html.

DURATION OF UNIVERSITY PROCESSES

- If a criminal complaint has been lodged with local law enforcement by the reporting party, the University’s investigation may be delayed temporarily, as requested by the criminal investigators. The University, however, may not wait on the outcome of the criminal processes and has a responsibility to begin its own investigation in a timely manner and to take any necessary interim protective measures.
- A typical investigation and response from the University may take up to 60 calendar days after the University has received formal notice of the Misconduct. The timeframe may be extended for good cause such as University breaks, availability of participants or witnesses, etc.

Andrews University

Seek Knowledge. Affirm Faith. Change the World.