

# POLICY REGARDING DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, AND STALKING

## Introduction

Living Arts Institute (LAI) is committed to providing a safe learning and working environment. In compliance with federal law, specifically the Jeanne Clery Act (Clery Act) and the Violence Against Women Reauthorization Act of 2013, (VAWA). LAI has adopted policies and procedures to prevent and respond to incidents of domestic violence, dating violence, sexual assault, and stalking. These guidelines apply to all members of the Living Arts community (students, faculty, and staff) as well as contractors and visitors.

Living Arts Institute will not tolerate domestic violence, dating violence, sexual assault, or stalking, as defined in this Policy, in any form. Such acts of violence are prohibited by LAI policy, as well as state and federal laws. Individuals who the Institute determines more likely than not engaged in these types of behaviors, are subject to penalties up to and including dismissal or separation from LAI, regardless of whether they are also facing criminal or civil charges in a court of law.

## Domestic Violence, Dating Violence, Sexual Assault, and Stalking

**Domestic Violence** includes felony or misdemeanor crimes of violence committed by:

- A current or former spouse or intimate partner of the survivor;
- A person with whom the survivor shares a child in common;
- A person who is or was residing in the same household as the survivor; or
- Any person against someone who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

**Dating Violence** refers to violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the survivor.

**Sexual Assault** refers to any sexual act directed against another person, forcibly and/or against the person's will; or not forcibly or against the person's will where the survivor is incapable of giving consent, as well as incest or statutory rape.

**Stalking** occurs when an individual engages in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others, or suffer substantial emotional distress.

## Reporting an Incident

Living Arts Institute encourages any member of the Living Arts community who has experienced domestic violence, dating violence, sexual assault, or stalking, or knows of another member of the community who has experienced domestic violence, dating violence, sexual assault, or stalking to report the incident to the Institute.

If a Living Arts student, faculty or staff member, visitor, or contractor has experienced domestic violence, dating violence, sexual assault, or stalking, they should immediately report the incident to either the Operation's Director at extension 2106, the Director of Education at extension 2111, from an on-campus telephone 336-774-7600, or from an off-campus telephone.

Individuals who are on campus can also make an in-person report to the Operation's Director. The Operation's Director will assist all members of the Living Arts community by assessing the incident,

advising the survivor on how he or she can seek legal protection, and making the survivor aware of medical, counseling, and other support services. If the Operation's Director is not available/present, a student can then report to the Director of Education, or the Director of Student Services. If a reported incident did not occur on campus, the Operation's Director can assist the survivor in notifying the local police department with jurisdiction over the crime. **In case of an emergency or ongoing threat, a survivor should get to a safe location and call 911.** Calling 911 will put you in touch with local police.

Reporting domestic violence, dating violence, sexual assault, and stalking to the police does not commit the survivor to further legal action. However, the earlier an incident is reported, the easier it will be for the police to investigate, if the survivor decides to proceed with criminal charges.

### **Written Notification of Right and Options**

Any student or employee, who reports an incident of domestic violence, dating violence, sexual assault, or stalking, whether the incident occurred on or off campus, shall receive a written explanation of their rights and options as provided for under this policy.

These rights and options include the right(s) of a survivor to:

- A. Go to court, and to file a domestic abuse complaint requesting an order restraining your attacker from abusing you, and/or an order directing your attacker to leave your household, building, school, college, or workplace;
- B. Seek a criminal complaint for threats, assault and battery, or other related offenses;
- C. Seek medical treatment (the police will arrange transportation for you to the nearest hospital or otherwise assist you in obtaining medical treatment if you wish);
- D. Request the police remain at the scene until your safety is otherwise ensured;
- E. Request that a police officer assist you by arranging transportation or by taking you to a safe place, such as a shelter or a family or friend's residence; and
- F. Obtain a copy of the police incident report at no cost from the police department.

### **Procedures Survivors Should Follow**

If an incident of domestic assault, dating violence, sexual assault, or stalking occurs, it is important to preserve evidence so that successful criminal prosecution remains an option.

The survivor of a sexual assault should not wash, shower or bathe, douche, brush teeth, comb hair, or change clothes prior to a medical exam or treatment. If a survivor has removed the clothing he or she was wearing during the assault prior to seeking medical treatment, that clothing should be placed in a brown paper, not plastic, bag and brought to the hospital when treatment is sought. If the survivor is still wearing the clothes that he or she was wearing during an assault, he or she should bring a change of clothes with him or her to the hospital so that the clothes containing possible evidence can be preserved and examined for evidence of the crime.

Evidence of violence, such as bruising or other visible injuries, following an incident of sexual assault, or domestic or dating violence, should be documented by taking a photograph. Evidence of stalking, including any communications such as written notes, email, voicemail, text or other electronic communications sent by the stalker, should be saved and not altered in any way.

### **Accommodations**

Regardless of whether a student or employee reports an incident of domestic violence, dating violence, sexual assault, or stalking to law enforcement or pursues any formal action, if they report such an incident to the Institute, LAI is committed to providing them as safe a learning or working environment as possible. Upon request, LAI will make any reasonably available change to a survivor's academic, living, transportation, and working situation. When a reported incident of abuse involves more than one member of the Living Arts community, the Institute's Operation's Director, or Director of Education, may

also issue an institutional No Contact order, prohibiting the individuals from contacting one another, either on or off campus.

Living Arts Institute is committed to ensuring that orders of protection issued by courts are fully upheld on all Institute-owned, used, and controlled property as well as properties immediately adjacent to the Institute. Therefore, if any member of the Living Arts community obtains an order of protection or restraining order, he or she should promptly inform the Operation's Director and provide a copy of that order, so that the Institute can enforce it. LAI is also committed to protecting survivors from any further harm, and if the Institute determines that an individual's presence on campus poses a danger to one or more members of the Institute community, the Institute's Operation's Director can issue an institutional No Contact or No Trespass Order barring that individual from LAI property.

### **Survivor Confidentiality**

Living Arts Institute recognizes the sensitive nature of domestic violence, dating violence, sexual assault, and stalking incidents. We are committed to protecting the privacy of individuals who report incidents of abuse, to the extent that doing so is permitted by law and consistent with the Institute's need to protect the safety of the community.

LAI requires all Institute employees, to share with the Institute's Operation's Director information they learn concerning a report of sexual assault, or an incident of domestic or dating violence, or stalking, so that the Operation's Director can investigate the incidents, track trends, (including possible multiple reports involving the same assailant) and determine whether steps are needed to ensure the safety of the community. It is the survivor's choice whether he or she wishes to participate in the investigation; However the Institute may proceed with an investigation without the survivor's participation if there is a concern for the safety of other members of the community.

A survivor's ability to speak in confidence and with confidentiality may be essential to his or her recovery. LAI thus expects employees to treat information they learn concerning incidents of reported domestic violence, dating violence, sexual assault, and stalking with as much respect and as much privacy as possible. Institute employees must share such information only with those Institute officials who must be informed of the information pursuant to Institute policy. Failure by a LAI employee to maintain privacy in accordance with the Institute's policy will be grounds for discipline.

While federal law requires LAI to include certain reported incidents of domestic violence, dating violence, sexual assault, and stalking among its annual campus crime statistics, such information will be reported in a manner that does not permit identification of survivors.

### **Living Arts Institute Educational Programs**

Living Arts Institute is committed to increasing the awareness of and prevention of violence. LAI makes continued efforts to provide students and employees with education programming, and strategies intended to prevent rape, acquaintance rape, sexual assault, domestic violence, dating violence, and stalking before they occur.

To address the issue of domestic violence, dating violence, sexual assaults, and stalking in an institute environment, LAI offers practical guidance for risk reduction, violence prevention, and bystander intervention. Some of this information is offered during the following:

- A) **Personal Safety Workshops** – In an effort to educate the Living Arts community about safety, LAI provides opportunities for all members of the community to learn about safety precautions. Campus Director, Operation's Director, and Directors of Education conduct awareness workshops for Living Arts community members on a wide variety of subjects including but not limited to alcohol awareness, the definition of consent and sexual assault, and wellness.

- B) **New Student Orientation** – Undergraduate orientation programs addressing active bystander awareness, support services, wellness, and personal safety are delivered by members of the Orientation Committee to first year and transfer students.
- C) **Safety Escorts** – LAI provides safety escorts to students, faculty, and staff between locations on campus or within the parking lots.
- D) **Crime Bulletins and Alerts** – The office of the Operation’s Director periodically distributes crime bulletins or alerts to inform members of the Living Arts community about incidents of crime in the areas surrounding the Institute that may pose an imminent threat of harm to members of the community. Bulletins and alerts are also circulated at times, not in response to a specific incident, but as general reminders to community members about measures that members of the community can take to enhance personal and property security.
- E) **New Employee Orientation** – All new employees receive training on Sexual Harassment and through the Offices of the Operation’s Director and the Director of Education. The office also provides new employees with information concerning issues of safety and personal awareness on such subjects as Emergency Preparedness, and Campus Security Authorities.
- F) **Student Services and Professional Services Assistance** – The Offices of Student Services and Professional Services provide information, available resources, and guidance to help inform students on a wide variety of topics, such as, alcohol awareness, sexual assault, consent, bystander awareness, personal safety, and fire safety.
- G) **Bulletin Board Campaigns** – The Offices of Student Services and Professional Services use passive programming strategies throughout the campus to provide information on crime prevention and safety issues related to LAI students on and off campus.

### **Conduct Proceedings**

Living Arts Institute strictly prohibits all acts of domestic violence, dating violence, sexual assault, and stalking. In addition to facing criminal investigation and prosecution, students, employees, and other affiliates may also face action by the Institute. When students or employees are accused of having engaged in domestic violence, dating violence, sexual assault, or stalking, the Institute may, depending on the facts alleged, issue interim safety measures prior to the resolution of the charges. Such interim safety measures might include issuing No Contact orders between the parties, altering an individual’s work or class schedule, placing an employee accused of misconduct on administrative leave, or placing a student accused of misconduct on an interim suspension.

The Operation’s Director will oversee all investigations of allegations of gender-based violence. Employees who are found responsible for having committed such a violation could face termination of employment, and students who are found responsible for having committed such a violation may face disciplinary probation, deferred suspension, suspension from the Institute, or dismissal from the Institute. In addition, LAI may issue No Contact Orders and No Trespass Orders to those found responsible.

When the Operation’s Director completes an investigation and/or when a Board issues a decision, both the complainant and the respondent shall simultaneously be informed in writing within 7 business days of the outcome of the investigative or adjudicative proceeding. Both the complainant and respondent will be given the same procedures and timeframe to appeal the outcome of the proceeding, both parties will receive the same process rights if an appeal is granted, and the parties will both receive timely notice when the outcome becomes final. Disclosure of the outcome shall be made to both parties unconditionally, and each shall be free to share or not share the details with any third parties.