

# Ox-Bow Policies and Procedures Handbook



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## **OX-BOW RULES OF CONDUCT:**

This Handbook applies to all members of the Ox-Bow community, including students, faculty, administrators, staff, resident and visiting artists, vendors, contractors and visitors to campus. Ox-Bow reserves the right to take action against members of the Ox-Bow community, including dismissing any participant, without refund, for behavior considered unacceptable, including but not limited to, the following behavior:

- A. Possession/use of alcohol while underage or providing alcohol to anyone under 21.
- B. Use, possession, or sale of illegal drugs, drug paraphernalia, or controlled substances.
- C. Verbal abuse and/or harassment.
- D. Hazing, physical abuse, physical violence or threat of physical harm.
- E. Sexual assault, abuse, harassment, or indecent exposure.
- F. Discriminatory or harassing conduct directed at a particular person based on race, color, religion, national origin, age, sex, sexual orientation, gender identity, gender expression, marital status, height, weight, disability, genetic information, veteran or military status, or any legally protected status.
- G. Possession, open or concealed, of a weapon on Ox-Bow premises.
- H. Disruption of the normal functioning of the Ox-Bow community, breaching of the peace, disrupting the work of others, violating the rights of others.
- I. Refusing to participate in class.
- J. Damage to, destruction, theft, or other misuse of Ox-Bow property or the property of others.
- K. Unauthorized use of Ox-Bow studios, housing, or other property.
- L. Behavior which violates local, state, or federal laws.
- M. Behavior which jeopardizes the safety of self or others.
- N. Being under the influence of alcohol or controlled substances when working or while using power tools or operating machinery.

Ox-Bow reserves the right to deny admission to or impose sanctions, including termination, suspension and expulsion, upon any individual who has demonstrated a history of behavior which, in the judgment of Ox-Bow, contributes in any way to the disruption of the educational processes or residential life at Ox-Bow. (SAIC students will additionally be subject to the SAIC rules of conduct and disciplinary procedures and sanctions as outlined in The School of the Art Institute of Chicago's Student Handbook.)

Additionally, Ox-Bow reserves the right to deny a Work Scholarship to any individual who has demonstrated the inability to satisfactorily or safely complete the work assignments given as part of the Work Scholarship program.

## **SAIC RULES OF CONDUCT:**

Certain classes of misconduct are universally recognized as being disruptive to the educational process. Committing one or more of the following acts of misconduct may subject the student to SAIC's Student Conduct Procedures:

- A. Acts of dishonesty, including but not limited to academic misconduct (e.g., cheating, plagiarism), or knowingly furnishing false information to SAIC.
- B. Forgery, unauthorized alteration, or misuse of SAIC documents, records, or identification.
- C. Obstruction or disruption of teaching, research, administration, security, student conduct procedures, or other SAIC activities on or off campus, and fire, police or emergency services.
- D. Causing physical harm to any person, or verbal or physical threats, intimidation, or coercion of any member of the SAIC community or any other conduct that threatens or endangers the health, safety, or well-being of any such person.
- E. Failure to comply with direction of SAIC officials acting in the performance of their duties, and/or failure to identify oneself to these persons or to security staff when requested to do so.
- F. Attempted or actual theft of and/or damage to SAIC property or services, including but not limited to: graffiti; destruction of SAIC publications; theft or other abuse of computer facilities/resources; theft or damage to the property (including artwork) of a member of the SAIC community on or off campus; and/ or knowingly possessing stolen property.
- G. Unauthorized entry to or use of School of the Art Institute facilities, equipment, or resources; or unauthorized possession, duplication, or use of keys/key cards to any SAIC premises.
- H. Use, possession, manufacturing, or distribution of alcoholic beverages while on SAIC property or at SAIC-sponsored activities (except as expressly permitted by SAIC's Alcohol Policy and by law), or public intoxication. Alcoholic beverages may not, under any circumstances be used by, possessed by, or distributed to any person under twenty-one (21) years of age.
- I. Use, manufacture, distribution, or possession of illegal drugs or drug paraphernalia.
- J. Misuse or abuse of over-the-counter or prescription medications.
- K. Possession of any weapons or weapon facsimiles contrary to the weapons policy.
- L. Behavior that is self-destructive, threatening the safety of the individual.
- M. Sexual assault as defined in the Sexual Assault Policy.
- N. Discrimination, harassment, or retaliation as defined in the Discrimination, Harassment, and Retaliation Policy.
- O. Selling or soliciting on SAIC property except through an officially sponsored and approved event or activity.  
P Violating the terms of any student conduct sanction imposed in accordance with this handbook.
- Q. Violating any other SAIC policy, rule, or regulation published in hard copy or available electronically, including on SAIC's website or other locations.
- R. Violating any federal, state, or local law.

## **PARENTAL NOTIFICATION POLICY:**

Ox-Bow reserves the right to notify a student's parent, guardian, or emergency contact, regardless of the student's age, status, or conduct, in health or safety emergencies, including hospitalizations or when, in Ox-Bow's judgment, the health or well-being of the student or others may be at risk. In accordance with federal legislation, Ox-Bow may also contact parents or guardians of students under the age of 21 who violate any federal, state, or local law and/or Ox-Bow's policies that govern the use or possession of alcohol or controlled substances.

## **PARTICIPANT CONDUCT PROCEDURES:**

The Participant Conduct process will be utilized to address and resolve issues arising within the Ox-Bow community; however, complaints of discrimination and harassment, including sexual harassment, and complaints of sexual assault are not subject to the Participant Conduct Procedures and will proceed under the applicable procedures set forth below.

The Participant Conduct process is educational in nature and is not a criminal proceeding. Participant Conduct Procedures can take place before, during, or after criminal and/or civil proceedings relating to the same incident, should such a situation occur.

### **1. INITIATION OF PARTICIPANT CONDUCT PROCEEDINGS**

Any student, fellowship student, faculty, teaching assistant, staff, artist resident, visiting artist, or administrator may file a complaint, either verbally or in writing, against any other participant at Ox-Bow for misconduct covered by this process with the Executive Director. All complaints must be filed with Ox-Bow within one year from the date of the alleged violation. In rare and extraordinary circumstances, the Executive Director may permit the consideration of a complaint after this time period. If a complaint is against the Executive Director, it should be filed with the Academic Director who will review the complaint and act accordingly.

- a. Reviewing the Complaint — After receiving notification of a complaint, the Executive Director, or, if applicable, the Academic Director, shall review that complaint to determine how to proceed. The extent of any review of the complaint is left to the discretion of the Executive Director/Academic Director. The possible actions include:
  - Informal Meeting — the Executive Director may determine that an informal resolution is most appropriate for the circumstances. An Informal Resolution is one that does not involve use of a Conduct Meeting.
  - Convening a Participant Conduct Meeting — see below.
  - Dismissal of the Complaint — after reviewing the complaint, the Executive Director may determine, at any time, that the information presented is insufficient to state a violation of the Rules of Conduct or other school policies, rules or regulations.

The Executive Director may seek to interview anyone, including the person accused of misconduct. Any person who provides information to the Executive Director must provide truthful information. Providing information that is not truthful may constitute a violation of the Rules of Conduct and subject the provider to disciplinary action.

- b. Participant status — Pending action on the complaint, the status of the complaining party (the "Complainant") and the person accused of misconduct (the "Respondent") will not be altered, or his/her right to be present on the premises or attend classes suspended, except for reasons relating to his/her physical or emotional safety, the physical or emotional safety of the Complainant, the well-being of members of the Ox-Bow community, or preservation of Ox-Bow property.
- c. Notice of alleged misconduct — If the Executive Director does not dismiss the complaint after initial review, he/she shall send a written Notice of Alleged Misconduct (Notice) to the Respondent. The

Notice shall identify the Rules of Conduct or other policies under review, and state the date, time, and place for a meeting to resolve the complaint. This meeting can be either an Informal Meeting or a Participant Conduct Meeting, at the Executive Director's discretion.

- d. Participant response to notice of alleged misconduct — Within 5 days after receipt of the Notice, the Respondent must respond in writing to the Executive Director if he/she wishes to oppose the accusation of misconduct and/or provide additional information. If the Respondent does not respond, the Executive Director will decide on an appropriate resolution based on the available information, without input from the Respondent. In extreme circumstances, five days' notice may not be practical. In that case, the Respondent will be given as much notice as is reasonable under the circumstances.

## 2. PARTICIPANT CONDUCT MEETINGS

If the Executive Director elects to engage in a Participant Conduct Meeting, this meeting is intended to be educational in nature and to allow the Respondent an opportunity to respond to the complaint. The meetings shall be private and shall not require application of the legal rules of information or formal/ technical rules of evidence applicable to civil and criminal cases, or courtroom procedures.

- A Participant Conduct Meeting shall take place before a representative from each of Ox-Bow's administration, faculty, and student body (the "Conduct Board"). The Executive Director may determine, in their reasonable discretion, that the Participant Conduct Meeting shall proceed in the absence of a representative from one of those three groups.

### a. Attendance at the Participant Conduct Meeting

- A Participant Conduct Meeting may be conducted in the absence of the Respondent if the person fails to respond to the Notice and/or in the absence of either or both the Complainant and Respondent if they fail to appear at the Conduct Meeting.
- Admission of any other person to the Conduct Meeting shall be at the discretion of the Executive Director.

### b. Information reviewed

- The Respondent's act(s) of misconduct will be reviewed during the Participant Conduct Meeting, and prior acts of misconduct may also be reviewed.
- Information at the Conduct Meeting shall be presented to the Conduct Board at the discretion of the Executive Director.

### c. Determination of responsibility

- The determination of whether the Respondent is found responsible for any violation shall be made on the basis of whether it is more likely than not that the person accused of misconduct violated the Rules of Conduct or other Ox-Bow or SAIC policies, rules, or regulations.

### d. Advisor

- Both the Complainant and the Respondent may have one advisor with them at the Participant Conduct Meeting. In advance of the Conduct Meeting, the participant must submit, in writing, whether the he/she intends to bring an advisor to the meeting and, if so, the advisor's occupation, contact information, and his/her relationship to the participant. If the participant does not notify Ox-Bow, in advance of the Conduct Meeting, of the advisor's name, occupation and relationship to the participant, the advisor may not be permitted to attend a Conduct Meeting.
- The advisor may be a student, a member of the faculty or staff, or an individual from outside Ox-Bow. However, the Complainant and the Respondent are each responsible for presenting their own case. They may consult with their advisor before, during, and after the hearing, but the advisor may not present information; question witnesses, Participant Conduct board members or

administrators; or make statements or arguments during the Conduct Meeting. Representation by an attorney is not permitted.

- The advisor may only be present during the Participant Conduct Meeting when the person that he/she is advising is permitted to be present. Given the limited role of an advisor and the compelling interest of Ox-Bow in concluding the matter expeditiously, the Conduct Meeting will not, as a general practice, be delayed due to the unavailability of an advisor.

e. Deliberations of the Participant Conduct Meeting

- After the close of the meeting, the Conduct Board will meet within the next seven (7) days to deliberate. The Complainant and the Respondent and their advisors shall not be present during deliberations. At any time during the proceedings, including during the deliberations, the Executive Director and/or Conduct Board has the discretion to ask for additional information from any person, including persons who have previously appeared before the Conduct Board/Executive Director and those who have not.

f. Resolution

- Participant Conduct Board Meeting Recommendation and Resolution — the Conduct Board shall provide a final report either verbally or in writing, of its recommendation, including any proposed sanctions, and the reasons therefore, for review by the Executive Director.
- The Executive Director shall notify the participants of the findings, any actions Ox-Bow determines it will take to prevent recurrence, and will notify the Respondent of the sanctions (if any). To the extent the sanctions relate to the Complainant (such as limiting interactions between the participants), the Complainant shall be notified of those sanctions.

g. Appeal

- Either the Complainant or the Respondent may appeal the decision made in the Participant Conduct Meeting within five business days after receiving notice of the decision. Appeals will only be permitted to proceed if the written notice of the appeal indicates that there is new information that was not available at the time of the Participant Conduct Meeting. An appeal must be made in writing, must be submitted to the Executive Director and must state the basis for the appeal. If the notice indicates that there is such new information, the Executive Director will notify the Complainant and the Respondent of the date, time, and place for the follow-up to the Participant Conduct Meeting.

The new information will be considered using the procedures set forth above and will be used to reach a recommendation. The Executive Director shall have final discretion to determine the disposition of the appeal.

h. Record of the Proceedings

- The Executive Director shall make a written record summarizing the Participant Conduct Meeting; on occasion, at Ox-Bow's discretion, tapes/digital recordings may be used. All minutes and tapes/digital recordings are confidential, not subject to disclosure to either participant, and will remain in the custody of the Executive Director.

## **DISCRIMINATION, HARASSMENT, AND RETALIATION POLICY**

Ox-Bow has a policy of nondiscrimination toward its participants. It will not tolerate unlawful acts or harassment based on race, color, religion, national origin, age, sex, sexual orientation, gender identity, gender expression, marital status, height, weight, disability, genetic information, veteran or military status, or any legally protected status.

### **DEFINITIONS**

Discrimination is defined as unequal, adverse treatment of an individual because of their protected legal status. Harassment is one form of discrimination and is defined as unwelcome, hostile, or inappropriate conduct directed toward an individual because of their protected legal status. The determination of what constitutes illegal harassment varies with the particular circumstances, but it must be so severe, persistent, or pervasive that it affects a person's ability to participate in or benefit from an educational program or activity; or creates a hostile or abusive educational or working environment. It must include something beyond mere expression of opinions, views, words, symbols, or thoughts that someone finds offensive. Harassment may occur between students, between students and members of the faculty and staff, or between faculty and staff.

Sexual harassment is a form of harassment, and is prohibited by Ox-Bow. It includes any unwelcome sexual advance, request for sexual favor, or conduct of a sexual nature when:

- Submission to such conduct is made either explicitly or implicitly a term or condition of employment or obtaining an education; or
- Submission to or rejection of such conduct by an individual is used as a factor in affecting that individual's education or employment; or
- Such conduct has the purpose or effect of substantially interfering with an individual's education or employment, or of creating an intimidating, demoralizing, threatening or hostile living, educational, or employment environment.

Reprisal, retaliation, or false accusations against anyone reporting, participating, or thought to have reported or participated in discrimination or harassment allegation(s) or investigation(s) is also prohibited and will be treated as a violation of this policy, regardless of whether any discrimination or harassment is substantiated. Retaliation is defined as adverse or negative action against an individual because that individual has:

- Complained about alleged discrimination, harassment, or retaliation; or
- Participated as a party or witness in an investigation relating to such allegations, or participated as a party or witness in a proceeding relating to such allegations.

False accusations are prohibited and will be treated as violations of this policy. Submission of a good faith complaint or report of discrimination or harassment will not affect the complainant's or reporter's future employment, grades, or educational, living, or working environment.

### **PROCEDURES FOR RESOLUTION OF DISCRIMINATION, HARASSMENT, OR RETALIATION (*OTHER THAN SEXUAL HARASSMENT AND SEXUAL ASSAULT*)**

#### **1. HOW TO REPORT DISCRIMINATION, HARASSMENT, OR RETALIATION**

Any participant who believes that he/she has been subjected to discrimination, harassment, or retaliation, as defined above, is urged to report the incident as soon as possible to the Campus Director, Academic Director or Executive Director. Prompt reporting is strongly encouraged, as it is often difficult to trace the facts of an incident(s) long after it has occurred. Administrative staff must report all conduct that may violate this policy, whether observed or reported to them, to one of the individuals listed above. If a participant believes they have been subjected to sexual harassment or sexual assault, they should follow the Sexual Harassment and Assault Policy below.



Upon receipt of a report, the Campus Director, Academic Director or Executive Director shall meet with the Complainant to review their concerns, determine why they believe Ox-Bow's policy on discrimination, harassment, and retaliation was violated; and provide the Complainant with a Complaint Form if requested.

## 2. SUBMIT THE COMPLAINT FORM

After reviewing Ox-Bow's policy, the Complainant may fill out the Complaint Form, including specific information about the incident(s) and how the specific behavior of the offending individual violates policy on discrimination, harassment, and retaliation. The participant filing the complaint should sign and date the Complaint Form and submit it to the Executive Director. If a participant believes that the Executive Director is responsible for a violation of this policy, the participant should provide the Complaint Form to the Academic Director or the Campus Director.

## 3. REVIEW OF COMPLAINT

- A. Complaints of discrimination, harassment, and retaliation are taken seriously and will be handled as quickly as possible. The administrator responsible for the prompt investigation and appropriate resolution will be the Campus Director, Executive Director, or the Academic Director.
- B. After reviewing the Complaint Form, the administrator will use his/her professional judgment to make a determination whether the complaint is sufficient to state a violation of the Discrimination, Harassment and Retaliation policy. If it is not, the administrator will dismiss the complaint and the complainant and alleged offender will be informed.

## 4. RESOLUTION

A complaint of discrimination, harassment and retaliation can be resolved in one of the following ways, as determined by the administrator responsible for the investigation and resolution:

- A. Informal Resolution — In many cases the complaint may be resolved by arranging a meeting between the two parties to facilitate an informal discussion. After reviewing the completed written complaint form, the administrator responsible for the investigation and resolution will make a determination if an informal resolution is possible. If all parties agree, an Informal Resolution will be attempted. The administrator responsible for resolving the complaint or their designee will facilitate the process. If the Complainant and the administrator responsible for resolving the complaint are satisfied the issue has been resolved, no further action will be taken. Either participant or the administrator may end the Informal Resolution process at any time. In such an event, the Formal Resolution process will be initiated.
- B. Formal Resolution — If an Informal Resolution is not possible or fails to result in a resolution, a formal investigation/resolution will be initiated. While every effort will be made to promptly investigate and resolve the complaint, a thorough review may take some time. Ox-Bow administrators may coordinate the investigation/resolution of the complaint. Ox-Bow administrators have the discretion to use an existing review process or to coordinate processes in a manner suited to the particular complaint presented. The Complainant and the Respondent will be advised of the applicable process as well as the outcome of the investigation and resolution.

## 5. CONFIDENTIALITY

Ox-Bow will seek to maintain the confidentiality of complaints of discrimination, harassment, or retaliation made through these processes. Disclosure of this information will be made to administrators or participants in an investigation only as necessary to properly investigate and resolve the matter. Although Ox-Bow seeks to maintain confidentiality, it is not possible to guarantee complete confidentiality.

## SEXUAL HARASSMENT AND ASSAULT POLICY

Sexual harassment and sexual assault are unacceptable and will not be tolerated at Ox-Bow. Participants who engage in prohibited behavior are subject to this Sexual Harassment and Assault Policy and may also be the subject of a criminal prosecution and/or a civil lawsuit.

Ox-Bow encourages anyone who has been subjected to a sexual assault to seek appropriate treatment and to report the incident promptly to the police and/or an Ox-Bow official. Methods for reporting and for seeking treatment are described below.

### DEFINITIONS

Sexual Harassment is defined above.

Sexual Assault is any touching, fondling, or penetration by the accused, either directly or through the clothing, of the person's breasts, anal or genital areas, or other intimate parts, without Affirmative Consent, as defined below. Sexual Assault is an extreme form of sexual harassment.

Affirmative Consent maintains the value that all persons have the right to feel respected, acknowledged, and safe during sexual interactions. Consent to sexual activities must be freely given and must be clearly and unambiguously expressed, by word or actions. Silence, lack of protest, or an existing or prior relationship between the individuals does not necessarily indicate that consent has been given. Intoxication of the alleged offender is not a defense to sexual assault.

A person cannot give consent if they are underage (in Michigan, the age of consent is 16, unless one is an authority figure in which case the age of consent is 18), intoxicated by drugs or alcohol, or temporarily or permanently mentally or physically unable to do so. If a person is asleep, drunk, or under the influence of drugs, that person cannot give consent and a sexual act with that person would constitute sexual assault.

### CONFIDENTIALITY, PRIVACY, AND REPORTING OBLIGATIONS

When making a choice about how to get help, it is important to understand the difference between seeking confidential assistance through confidential resources and making a report to Ox-Bow. Making a report to Ox-Bow means that the report, while handled with privacy, will be shared with other responsible administrators, including Ox-Bow's Title IX Coordinator, and will lead to further actions to respond appropriately as outlined in this Policy.

Different employees on campus have different abilities to maintain confidentiality. Most employees, including administrators, supervisors and faculty members, cannot maintain confidentiality because of legally-imposed reporting obligations. In these circumstances, Ox-Bow is committed to maintain the privacy of the information shared. The terms "confidentiality" and "privacy" are defined below.

**Confidentiality**, as used in this Policy, refers to a legal obligation not to disclose information without the express written permission of the individual who provided the information, with certain exceptions, such as if there is a continuing threat of serious harm to self or others or another legal obligation to reveal such information (e.g., where there is suspected abuse or neglect of a minor). **Only mental-health counselors, pastoral counselors, social workers, psychologists, health center employees or any other person with a professional license requiring confidentiality can maintain confidentiality.** Please note that Ox-Bow may not currently employ any such persons.

Various off-campus resources available to anyone, such as counselors, advocates, and health care providers, will also generally maintain confidentiality and not share information with Ox-Bow unless the individual providing the information requests disclosure and signs a consent form.

**Privacy** generally means that information related to a report will be shared only with those employees who "need to know" in order to assist in the review, investigation, or resolution of the report. While not bound by

confidentiality, individuals who receive private information will be discreet and do their best to respect the privacy of all individuals involved in the process. If an investigation is required, the information may also be shared with the alleged offender or others as required to conduct a complete and fair investigation. Although Ox-Bow manages private information with discretion, it is not possible to maintain confidentiality for any information other than information provided to the Confidential Resources as noted in the definition of "Confidentiality" provided above.

## **REPORTING OBLIGATIONS**

All Ox-Bow administrators, supervisors and faculty are required to report incidents of Sexual Assault they witnesses or of which they are made aware to Ox-Bow's Title IX Coordinator. This allows Ox-Bow to provide resources and support to those who have experienced Sexual Assault and to take consistent action to respond to reports of such conduct. In these circumstances, Ox-Bow is committed to maintain privacy. It does not publicize the name of crime victims.

## **TRAINING ON REPORTING OBLIGATIONS**

All staff will be trained so they know to report harassment to appropriate personnel. This training will include practical information about how to identify and report sexual harassment, including sexual violence. The training on reporting obligations will be provided to any employees likely to witness or receive complaints involving sexual harassment and/or sexual violence, including faculty, administrators, and supervisors. Further, administrators responsible for investigating allegations of sexual harassment and sexual violence will be trained how to conduct such investigations and respond properly to such charges.

## **Making a Report**

### **A. How to Report**

Ox-Bow has personnel who are trained to receive reports and provide assistance. Reports can be made in person to the individuals listed below or electronically.

**Laura Eberstein, Director of Finance and Administration plus Title IX Coordinator, 616-581-8782, 453 West St, Schoolcraft MI 49087, [lebers@ox-bow.org](mailto:lebers@ox-bow.org)**

**Shannon R. Stratton, Executive Director, 312-953-9432, 3435 Rupprecht Way, Saugatuck MI 49453 (The Metternich House), [sstratton@ox-bow.org](mailto:sstratton@ox-bow.org)**

**Claire Arctander, Campus Director, 269-857-5811, 3435 Rupprecht Way, Saugatuck MI 49453 (The Norton Cabin), [carctander@ox-bow.org](mailto:carctander@ox-bow.org)**

**Daniel Giles, Academic Director, 269-857-5811, 3435 Rupprecht Way, Saugatuck MI 49453 (The West Cabin), [dgiles@ox-bow.org](mailto:dgiles@ox-bow.org)**

For the remainder of this Policy, the person making the report will be referred to as the "Complainant" and the person alleged to have violated the Policy will be referred to as the "Respondent."

If a Complainant tells an Ox-Bow employee (other than those who are Confidential Resources as described above) about an incident of Sexual Assault, but requests that their name not be disclosed to the Respondent or that Ox-Bow not investigate or pursue action against the Respondent, Ox-Bow will need to determine whether it can honor such a request while still providing a safe and nondiscriminatory environment for all community members. The Title IX Coordinator (or designee) will consider any such request.

If Ox-Bow determines that it must disclose the Complainant's identity to the Respondent, it will advise the Complainant of this decision and will endeavor to do so prior to making the disclosure. In addition, at the request

of the Complainant, Ox-Bow will inform the Respondent that the decision to go forward was made by Ox-Bow rather than the Complainant.

If the Complainant chooses not to inform Ox-Bow of the Respondent's name, Ox-Bow's ability to investigate and take appropriate action may be limited.

In some cases, the Title IX Coordinator may determine that the report, even if substantiated, is insufficient to state a violation of the Policy and will notify the Complainant that the matter will be closed without a referral for either informal or formal resolution.

## **Written Notice Provided by Ox-Bow**

When a student, faculty, or staff member reports to Ox-Bow that they have been a victim of Sexual Assault, Ox-Bow will give them a written explanation of their rights and options, as described in this Policy, including, but not limited to:

- Confidentiality, Privacy, and Reporting Obligations
- Making a Report,
- Interim Protective Measures,
- Resources

## **Interim Protective Measures**

Ox-Bow will provide information about interim protective measures to the individual who makes a report and will arrange such measures if the individual requests them and they are reasonably available. Ox-Bow will also provide such measures, if reasonably available, upon the request of the individual who is the subject of a report. Examples of interim protective measures include no contact instructions or changes to academic schedules or housing.

# **I. PROCESS AND APPLICABLE PROCEDURES**

## **A. Informal Resolution – SEXUAL HARASSMENT COMPLAINTS ONLY**

In a diverse community, disagreements and conflicts of various degrees of seriousness are inevitable. In many instances, an informal approach can be useful in resolving instances of inappropriate conduct. Problems are sometimes easier to resolve in an informal atmosphere that encourages people to identify the difficulty, talk it out, and agree how to deal with it.

An informal process is a flexible approach to resolving disagreements. As a result, there is no fixed format. It can involve a meeting between the two parties to facilitate an informal discussion, arranging to channel communications through a third party if the parties do not want to meet, or some other approach suitable to the circumstances. In some cases, both parties have to agree to the informal resolution process.

If a Complainant who has reported sexual harassment wishes to pursue an informal process, the Title IX Coordinator or designee will facilitate it. If the Complainant and the facilitator are satisfied the issue has been resolved, no further action will be taken. If an informal process ends without a satisfactory resolution, the Complainant may choose to pursue a formal process if they wish. An informal process is voluntary; a Complainant does not have to agree to an informal process and if they do pursue an informal resolution, the Complainant may end it at any time.

**Note:** Face-to-face mediation (even on a voluntary basis) is not appropriate or permitted if there are allegations of sexual assault.

If an informal process is not used or fails to resolve the matter, the Title IX Coordinator will promptly initiate an investigation. The Title IX Coordinator is responsible for overseeing the investigation and for determining the appropriate scope of the investigation.

## **Formal Process**

1. **Investigation.** The Title IX Coordinator or designee will investigate the report. The Title IX Coordinator is responsible for ensuring that the investigation is prompt, thorough, and fair. During the investigation, both the Complainant and the Respondent will be offered the opportunity to explain their understanding of the circumstances and offer any additional information they believe is relevant. The Title IX Coordinator/designee may also meet with and/or gather information from other individuals who may have relevant information.
2. **Time Frame for Investigation and Resolution.** Ox-Bow endeavors to complete the investigation and resolution of a report of Sexual Harassment or Sexual Assault as promptly as possible. As a general matter, Ox-Bow strives to complete its investigation and resolution (excluding any appeal) of this type of report within sixty (60) calendar days; however, the timeframe for resolution of any particular report will depend on a variety of factors, such as the complexity of the investigation and the severity and extent of the alleged conduct. In addition, if there is a parallel criminal investigation or if the process occurs partially during school breaks, the time needed for investigation and resolution may exceed sixty (60) days. Ox-Bow will not wait for the conclusion of a criminal investigation to begin a Title IX investigation, although it may need to delay temporarily the fact-finding portion of the investigation while the police are gathering evidence. If it needs to delay for this reason, Ox-Bow will promptly resume and complete its fact-finding once it learns that the police department has completed its evidence gathering stage. If Ox-Bow determines that it must extend the time frame for investigation and resolution of a report, it will provide written notice to the Complainant and the Respondent of the revised time frame.
3. **Advisors.** During any investigation into a report of Sexual Harassment or Sexual Assault, the Complainant and Respondent have the right to be assisted by an advisor. The advisor's role can include helping the Complainant/Respondent prepare their statements (whether written or oral) and/or being a nonparticipating supporter at any meeting that may occur. However, the Complainant/Respondent must speak for themselves and present information on their own. While the Complainant/Respondent may consult with the advisor, the advisor may not present information or make statements or arguments during any meetings that may occur. Furthermore, the advisor may only be present when the person whom they are advising is also present.

Any person who serves as an advisor should plan to make themselves available for meetings throughout the process. An individual may not serve as an advisor if they are a witness or otherwise have information relevant to the report. If either the Complainant or the Respondent intends to bring an advisor to a meeting, then, in advance of the meeting, the party must notify the Title IX Coordinator in writing of the advisor's name, occupation, relationship to the party, and relationship to Ox-Bow, if any. A party may choose to consult with an attorney of their choice at their own expense, but may not be represented by an attorney at any meeting.

Because attorneys for Ox-Bow represent Ox-Bow rather than any individual, these attorneys are not available to advise the Complainant or Respondent.

4. **Notice of Meetings.** The Complainant and the Respondent will receive timely notice of meetings at which the Complainant, the Respondent, or both, are invited to be present.
5. **Information Available.** The Complainant and the Respondent will be provided with timely and equal access to any information that will be reviewed during any meeting. After receipt of this information, both the Complainant and the Respondent have the opportunity to respond in writing to provide additional information, including the names of possible persons with relevant information and/or to submit questions to the Title IX Coordinator that they suggest be posed to the other party. The Title IX Coordinator shall

determine, in an exercise of their discretion, whether to pose such questions and, if so, when to do so (i.e., at a meeting with both parties or individually).

6. **Resolution and Sanctions.** Ox-Bow will provide a prompt and equitable resolution. If the investigation substantiates the complaint based on a preponderance of the evidence standard, Ox-Bow will take steps to end the sexual violence, eliminate the hostile environment, prevent its recurrence, and remedy its effects. In addition to imposing disciplinary consequences on the Respondent, up to and including termination, suspension and expulsion, Ox-Bow will consider the following individual and global remedies, on a case-by-case basis:
- a. Providing medical, counseling, and academic support services to the Complainant and/or Respondent;
  - b. Re-arranging schedules at the Complainant's request;
  - c. Affording the Complainant extra time to satisfy his/her academic requirements or employment duties;
  - d. Reviewing any disciplinary proceedings against the Complainant;
  - e. Training or retraining employees;
  - f. Developing materials on sexual violence;
  - g. Conducting sexual violence prevention programs; and,
  - h. Conducting climate checks.
7. **Simultaneous Notification of Decision.** The Complainant and the Respondent will be simultaneously notified, in writing, of the decision as follows.

For complaints that do not involve allegations of sexual violence, both participants will be informed of whether a violation of this Policy was found to have occurred and the appeal process. The Respondent will also be notified of any disciplinary consequence(s) to him/her. The Complainant will also be notified of any individual remedies offered or provided to the Complainant, and the steps Ox-Bow has taken to eliminate the hostile environment, if Ox-Bow finds one to exist, and prevent recurrence.

For complaints involving allegations of sexual violence, both participants will receive simultaneous written notification of the results of the proceeding, along with notification of Ox-Bow's procedures on appeal. The notification will include any initial, interim or final decision by Ox-Bow; any sanctions imposed by Ox-Bow; and, the rationale for the result and the sanctions.

8. **Appeal.** Either the Complainant or the Respondent may appeal the decision made by the Title IX Coordinator (or designee) within five (5) business days after receiving notice of the decision. An appeal must be made to the Executive Director. An appeal must be made in writing, and must state the basis for the appeal. Appeals are only permitted to proceed if the written notice of the appeal identifies (a) a procedural error that allegedly occurred; (b) new information that was not available at the time of the hearing and that would substantially change the outcome, or (c) one or more reasons why the sanction is disproportionate with the violation.

The appeal shall be decided by the Executive Director or his/her designee. The Title IX Coordinator will advise both the Complainant and the Respondent of the individual who will decide the appeal ("Appeal Reviewer"). Within twenty-four (24) hours of receiving this notice, the Complainant and/or the Respondent shall notify the Title IX Coordinator if they believe that the Appeal Reviewer has a conflict of interest that would preclude them from deciding the appeal. The notification shall include the basis of the alleged conflict. The Title IX Coordinator shall determine whether the alleged conflict disqualifies that individual. If an individual is disqualified from a particular appeal, Ox-Bow will select a substitute and the process for identifying conflicts set forth above shall be followed.

After the Appeal Reviewer is determined, they will first evaluate the notice of appeal to determine whether one of the three bases for appeal is alleged. If not, the appeal will be dismissed. If so, the Appeal Reviewer will notify the Complainant and the Respondent that the appeal is under consideration as well as whether any change to the prior decision will be made pending resolution of the appeal. The Appeal Reviewer may undertake any inquiries that they deem appropriate, including but not limited to requesting the Title IX Coordinator's office to conduct additional investigation.

Following their examination of the matter, the Appeal Reviewer may grant or deny the appeal or take any action that they deem appropriate. The Appeal Reviewer will simultaneously notify the Complainant and the Respondent, in writing, of the decision on appeal, any changes to the result consistent with their rights to know as set out above, and that the decision is final. This notice must be provided within seven (7) business days of the decision of the appeal. The Appeal Reviewer will also notify the Title IX Coordinator of the decision.

**Underage Drinking/Drug Protection:** Ox-Bow will not find a student responsible for violating the Ox-Bow Rules of Conduct with respect to use of alcohol or drugs if they are sexually assaulted while under the influence of alcohol or drugs or if they report, in good faith, an alleged violation of this Policy and were engaged in underage drinking or illegal use of drugs during the incident. However, Ox-Bow may provide referrals to counseling and/or require educational sessions to address the alcohol or drug use in such cases. Excluded from this protection are all students accused of encouraging or voluntarily participating in the assault/sexual assault.

### **What to Do if You are the Victim of Sexual Assault**

These are important steps to take right away after an assault:

- Get away from the person who assaulted you and to a safe place as fast as you can. Then call 911.
- Call a friend or family member you trust. You may also want to call a crisis center or a hotline to talk with a counselor. Hotline resources include the National Sexual Assault Hotline/RAINN at 800.656.HOPE (4673). Feelings of shame, guilt, fear, and shock are normal. It is important to get counseling from a trusted professional.
- Do not wash, comb, or clean any part of your body. Do not change clothes if possible, so that hospital staff can collect evidence. Do not touch or change anything at the scene of the assault. The police or other investigators may be able to collect more evidence if the scene has not been cleaned or disturbed.

Go to your nearest hospital emergency room as soon as possible. You need to be examined, treated for any injuries, and screened for possible sexually transmitted infections (STIs) or pregnancy. The doctor will collect evidence using a rape kit for fibers, hairs, saliva, semen, or clothing that the person who assaulted you may have left behind. This evidence may help the police and prosecutors find and charge the perpetrator or may help you if you seek an order of protection. You may want to contact the Rape Victim Advocates to assist you.

While at the hospital:

- If you decide you want to file a police report, you or the hospital staff can call the police from the emergency room.
- Ask the hospital staff to connect you with the local rape crisis center. The center staff can help you make choices about reporting the attack and getting help through counseling and support groups.

*Adapted from womenshealth.gov*

## **EMERGENCY PROTOCOLS: FIRE**

In case of fire, the bell will ring several times

1. IMMEDIATELY EVACUATE THE BUILDING.
2. If the fire alarm has not been activated, then pull the manual fire alarm pull station
3. Before opening doors, check for heat:
  - a. IF THE DOOR IS COOL:
    - i. Open the door carefully and proceed to the nearest exit.
    - ii. Close doors behind you and leave the lights on.
    - iii. If there is light smoke, stay low and cover your face with a cloth to filter out particulates.
  - b. IF THE DOOR IS HOT, DO NOT OPEN IT!
    - i. Seek another exit.
    - ii. If you are on a ground floor, try to exit through a window.
4. If you are trapped in a room on an upper floor:
  - a. Call 911 to report your location: Ox-Bow 3435 Rupprecht Way, Saugatuck, MI Building, floor, room number, and the number of people with you.
  - b. Prevent smoke from entering the room. If accessible, place wet towels or cloth material at the bottom of the door and cover any vents.
  - c. If the room begins to fill with smoke, you can open the window slightly. Never break the window because this might cause a chimney effect and help spread the fire.
5. Assist the physically impaired as you evacuate the building.
  - a. Offer to guide the visually impaired.
  - b. Instruct the hearing impaired to evacuate with you. If you encounter a wheelchair-bound person, assist them to a refuge point and instruct them to wait for Fire Department assistance.
    - i. The first choice for a refuge point would be a widened stairway landing that will accommodate a wheelchair without impeding patrons as they exit.
    - ii. If no stairway refuge exists, then have them remain in a room with a window.
    - iii. Make every attempt to ensure they have a phone or cell phone available.
    - iv. Make note of their exact location and continue to evacuate the building.
6. After you safely evacuate from the building, report to the front of the Inn.
7. Report to your supervisor or designated point of contact and tell them:
  - a. The location of anyone who could not be evacuated.
  - b. The location and phone number of any mobility impaired person you helped.



- c. About any problems you witnessed while exiting the building, such as hallways/stairs filling with smoke or blocked by fire.
8. DO NOT go back into the building until the Fire Department or emergency personnel give the All Clear.

**WEATHER EVENTS**-Severe thunderstorms/tornadoes Once you are indoors:

1. Alert building occupants of the impending weather.
2. Move quickly to a safe area indoors such as an interior hallway or an interior room away from windows.
  - a. Move to basement
  - b. Stay away from windows, doors and exterior walls.
  - c. Close all doors leading to exterior rooms.
3. Once you are indoors, stay indoors until the threat has passed. Even when a specific storm cell has passed beyond the area, conditions may still be right for high winds, lightning, and other hazardous weather conditions.

If you are in a studio/dorm room/or Inn:

Shelter-in-place is a procedure where the entire building population is moved to a single or multiple location(s) in a building.

Procedures

- Stay inside your building, or immediately go into the nearest building
- Close all windows
- Go to the nearest interior hallways and interior rooms away from windows
- Move to basement if possible
- Await further instructions from emergency personnel
- DO NOT evacuate the building until you receive an All Clear from emergency personnel

**POWER OUTAGE**

- Do not touch any electrical power lines and keep away from them. Report downed power lines to utility company. Ox-Bow has a back-up generator that provides emergency lights in the Old and New Inn, Janie, and Marshall.

**ACTIVE SHOOTER**

Procedures

- If possible, exit the building immediately and call 911
- If you cannot exit: Clear the hallway immediately; remain behind closed doors in a locked or barricaded room; stay away from all windows; remain calm and quietly call 911
- DO NOT: Leave or unlock the door to see what is happening
- DO NOT: Attempt to confront or apprehend the shooter, unless this is a last resort
- DO NOT: Assume someone else has called 911, YOU make the call
- Evacuate the room only when emergency personnel have arrived and given the All Clear

## HEALTH-RELATED EMERGENCY PROTOCOLS:

All accidents must be reported to the office staff immediately. If a student is injured on the Ox-Bow campus, the Campus Director should be notified and an incident report should be completed. Staff members can administer CPR or first aid if necessary. If the injury requires a trip to the hospital, a member of the staff will accompany the student. The student's emergency contact should be notified if the student wishes. If the student is under 21 and the injury is serious, the student's parents or guardian will be notified. 911 should be called if a serious injury occurs.

Calling 911:

1. Provide the following information
  - a. Ox-Bow: 3435 Rupprecht Way, Saugatuck, MI
  - b. Building name, floor and room number
  - c. Caller's name and phone number
  - d. Nature of injury and severity of the injury
  - e. Location of injured person
  - f. Age of injured person
  - g. Sex of injured person
  - h. Current condition
  - i. Any known medical history
2. Remain with the person with the medical injury. DO NOT move them unless they are in immediate danger of further injury.
3. If possible, send someone to meet the responding emergency personnel at the location designated by the dispatcher.