

<b>WASHINGTON ADVENTIST UNIVERSITY DEPARTMENT OF PUBLIC SAFETY  OCCUPATIONAL HEALTH &amp; SAFETY</b>	<b>APPLICABILITY: ALL UNIVERSITY AREAS</b>		
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	<b>TITLE: Sexual Assault, Dating Violence, Stalking, Domestic Violence</b>		

**Purpose of Policy:**

Washington Adventist University (WAU) is committed to providing a safe learning and working environment. In compliance with federal law, specifically the Jeanne Clery Act and the Campus Sexual Violence Elimination Act (SaVE Act), WAU has adopted policies and procedures to prevent and respond to incidents of sexual assault, domestic violence, dating violence, and stalking. These guidelines apply to all members of the Washington Adventist University community (students, faculty, and staff) as well as contractors and visitors.

**Background and Scope:**

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

**Procedures:**

Washington Adventist University’s primary prevention and awareness program for all incoming students and new employees, and ongoing awareness and prevention programs, address the University policy that Washington Adventist University prohibits the crimes of dating violence, domestic violence, sexual assault, and stalking, explains the meaning of dating violence, domestic violence, sexual assault, and stalking, and also explains the definition of “consent” under Maryland law as it applies to sexual activity. Additionally, the programming addresses outlining the process followed when a proceeding is initiated, as well as the rights of the accuser and the accused in the proceeding. These programs are conducted during New Student Orientation at the beginning of each semester, and are conducted throughout the school year by various departments.

These programs are led by individual departments, the Title IX Coordinator, and the Department of Resident Life, which offer a variety of materials, workshops, and activities to heighten awareness and promote risk reduction, including safe and positive options for bystander intervention.

The information concerning Washington Adventist University’s ongoing prevention and awareness campaigns can be found at [www.wau.edu/security](http://www.wau.edu/security).

The Reporting of Sexual Violence help link through RAINN is found at: <https://www.rainn.org>

### **Definitions:**

The Higher Education Act defines the new crime categories of domestic violence, dating violence, and stalking in accordance with section 40002(a) of the Violence Against Women Act (VAWA) of 1994 as follows:

1. **Sexual Assault:** An offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI's UCR program.
2. **Sex Offenses:** Any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent:
  - **Rape** – The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.
  - **Fondling** – The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.
  - **Incest** – Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
  - **Statutory Rape** – Sexual intercourse with a person who is under the statutory age of consent.
3. **Domestic Violence:** A felony or misdemeanor crime of violence committed
  - By a current or former spouse or intimate partner of the victim;
  - By a person with whom the victim shares a child in common;
  - By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
  - By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred;
  - By any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.
4. **Dating Violence:** Violence 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 shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.
  - For the purposes of this definition, dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
  - Dating violence does not include acts covered under the definition of domestic violence.
  - Any incident meeting this definition is considered a crime for the purposes of Clery Act

reporting.

5. **Stalking:** Engaging in a course of conduct directed at a specific person that would cause a reasonable person to

- Fear for the person's safety or the safety of others; or
- Suffer substantial emotional distress.

For the purposes of this definition:

- *Course of conduct* means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.
- *Reasonable person* means a reasonable person under similar circumstances and with similar identities to the victim.
- *Substantial emotional distress* means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.
- Any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

**Awareness Programs:** Community-wide or audience-specific programming, initiatives, and strategies that increase audience knowledge and share information and resources to prevent violence, promote safety, and reduce perpetration.

**Bystander intervention:** Safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault, or stalking

Bystander intervention includes the following:

- Recognizing situations of potential harm

Understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking action to intervene.

- **Ongoing prevention and awareness campaigns:** Programming, initiatives, and strategies that are sustained over time and focus on increasing understanding of topics relevant to and skills for addressing dating violence, domestic violence, sexual assault, and stalking, using a range of strategies with audiences throughout the institution. Brochures and other information concerning prevention and awareness can be found at [www.wau.edu/security](http://www.wau.edu/security). The Department of Public Safety encourages the WAU community to be responsible for viewing the Security website weekly for any additional information.
- **Primary prevention programs:** Programming, initiatives, and strategies informed by research or assessed for value, effectiveness, or outcome that are intended to stop dating violence, domestic violence, sexual assault, and stalking before they occur through the promotion of positive and healthy behaviors that foster healthy, mutually respectful relationships and sexuality, encourage safe bystander intervention, and seek to change behavior and social norms in a healthy and safe direction.

- **Risk reduction:** Options designed to decrease perpetration and bystander inaction, and to increase empowerment for victims in order to promote safety and to help individuals and communities address conditions that facilitate violence.
- **Prompt, fair, and impartial proceeding:** A proceeding that is completed within reasonably prompt timeframes designated by an institution's policy, including a process that allows for the extension of timeframes for good cause and with written notice to the accuser and the accused of the delay and the reason for the delay;

These proceedings must be conducted in a manner that does the following:

- Maintains consistency with the institution's policies and is transparent to the accuser and accused;
  - Includes timely notice of meetings at which the accuser or accused, or both, may be present; and
  - Provides timely and equal access to the accuser, the accused, and appropriate officials to any information that will be used during informal and formal disciplinary meetings and hearings; and
  - Follows protocol of being conducted by officials who do not have a conflict of interest or bias for or against the accuser or the accused
  - The accuser and the accused are entitled to the same opportunities to have others present during disciplinary proceedings in cases involving an alleged sex offense.
  - The accuser and accused shall have the same opportunities to have others present, including an advisor of the individual's choosing, in any disciplinary meeting. Both parties shall receive simultaneous written notification of the results of the proceeding, process of appeal and when such findings become final."
- **Advisor:** Any individual who provides the accuser or accused support, guidance, or advice
  - **Consent:** Permission for something to happen or agreement to do something.
  - **Prompt:** Done without delay; immediate.
  - **Fair:** In accordance with the rules or standards; legitimate.
  - **Impartial:** Treating all rivals or disputants equally; fair and just.

### *Reporting an Incident*

Washington Adventist University (WAU) encourages any member of the university community who has experienced sexual assault, domestic violence, dating violence, or stalking, or knows of another member of the community who has experienced sexual assault, domestic violence, dating violence, or stalking to report the incident to the University.

If a WAU student, faculty, staff member, visitor, or contractor has experienced sexual assault, domestic violence, dating violence, or stalking, they should immediately report the incident to the Department of Public Safety (DPS) on campus at **(301) 891-4019**. Individuals who are on campus can also make an in-person report at WAU. The DPS will assist all members of the University 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 a reported incident did not occur on campus, the survivor has the option of notifying the local police department with jurisdiction over the crime, assisted by DPS. They also have the option of declining to notify such authorities.

**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. Students who have experienced sexual assault, domestic violence, dating violence, or stalking may also report an incident to Student Life at Wilkinson Hall Building #1, 1st floor, 7600 Flower Ave, Takoma Park, MD, Tel. **(301) 891-4525** or to the university Title IX Coordinator, John Cake, at **(571-225-8845)**

Employees who have experienced a sexual assault, domestic violence, dating violence, or stalking may also report an incident to the Office of Human Resources at Wilkinson Hall, building #1, 4<sup>th</sup> floor 7600 Flower Ave Takoma Park MD, tel. **(301) 891-4542**. These offices will provide survivors of sexual assault, domestic violence, dating violence, and stalking with information about available support services and resources and also assist any survivor in notifying law enforcement, including the local police, if the survivor elects to do so.

Survivors are not required to report to area law enforcement in order to receive assistance from or pursue any options within WAU. Reporting sexual assault, domestic violence, dating violence, and stalking to the police (including the Department Public Safety) 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 sexual assault, domestic violence, dating violence, 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 do the following:

- Go to court, and 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;
- Seek a criminal complaint for threats, assault and battery, or other related offenses;
- 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);
- Request the police remain at the scene until your safety is otherwise ensured;
- 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
- Obtain a copy of the police incident report at no cost from the police department.

### **Accommodations**

Regardless of whether a student or employee reports an incident of sexual assault, domestic violence, dating violence, or stalking to law enforcement, campus public safety or pursues any formal action, if they report such an incident to the university, Washington Adventist University is committed to providing them as safe a

learning or working environment as possible. Upon request, WAU 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 university community, the University Title IX Coordinator, Dean of Students, or WAU Department of Public Safety may also issue an institutional No-Contact order, prohibiting the individuals from contacting one another, either on or off campus. Students may contact the VP of Student Life office (Wilkinson Hall, 4<sup>th</sup> floor, **(301) 891-4110**) for assistance, and employees may contact the Office of Human Resources (Wilkinson Hall, 4<sup>th</sup> floor, **(301) 891-4542**) for assistance.

DPS officers or the Crime Victim Advocate will advise survivors of a reported incident of sexual assault, domestic violence, dating violence, or stalking about how to seek a restraining order from a criminal court that directs the respondent to refrain from abuse and to leave the survivor's household, building, school, university, or workplace.

Washington Adventist University is committed to ensuring that orders of protection issued by courts are fully upheld on all university owned, used, and controlled property as well as properties immediately adjacent to Washington Adventist University. Therefore, if any member of the WAU community obtains an order of protection or restraining order, he or she should promptly inform the DPS and provide it with a copy of that order, so that the University can enforce it. Washington Adventist University is also committed to protecting survivors from any further harm, and if the Washington Adventist University Department of Public Safety determines that an individual's presence on campus poses a danger to one or more members of the University community, the DPS can issue an institutional No-Trespass Notification barring that individual from Washington Adventist University property.