



ANNUAL SECURITY REPORT

2023



**NILES CAMPUS –
at BERTRAND CROSSING**

1905 Foundation Drive
Niles, MI 49120

**ANNUAL SECURITY/
FIRE SAFETY REPORT
2023**

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CROSSING**

1905 FOUNDATION DR.

ANNUAL SECURITY REPORT
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INTRODUCTION

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act) is a federal law that requires colleges and universities to disclose certain timely and annual information about campus crime and security policies.

Included is the Annual Fire Safety report along with a Missing Student Notification policy due to the Fall 2014 opening of Beckwith Hall.

Changes to the Clery Act made by the Violence Against Women Reauthorization Act required statistics for incidents of domestic violence, dating violence, sexual assault, and stalking and certain policies, procedures, and programs pertaining to these incidents are included in the Annual Security Report for 2023.

In June 2023, the Board of Trustees approved the agreement to contract with the Berrien County Sheriff's Office for on-site law enforcement in a similar role that a School Resource Officer (SRO) would have in a K-12 environment. Beginning Monday, August 21, 2023, Lake Michigan College welcomed a new Campus Officer (CO) from the Berrien County Sheriff's Office assigned on our Benton Harbor Campus 40 hours/week. Together we plan to build a positive relationship between law enforcement, students, and College employees. The goal of the program at the College will be to create a safe and secure learning and work environment, reduce and prevent crime, and provide law enforcement resources to college administrators, faculty, staff and students. The CO will serve as a Law Enforcement Officer and Public Safety Educator.

We are committed to keeping our campuses safe and secure for students, faculty, staff, and visitors. This report is prepared in cooperation with local law enforcement agencies serving our campuses.

We rely on every community member to contribute to safety and security on campus by reporting crime and suspicious activities in a timely manner. We hope you will use the information to help foster a safe environment for yourself and others.

REPORTING CRIMINAL INCIDENTS

Crimes should be reported to a designated campus security authority to ensure inclusion in the annual crime statistics and to aid in providing timely warning notices to the community, when appropriate.

CAMPUS SECURITY AUTHORITY

Benton Harbor Campus/Mendel Center/Beckwith Hall/

Hanson Technology Center/Todd Center/Welch Center	269-927-8100	Room
Director Public Safety/Evening Administrator	ext. 7060	S111
Executive Director, Facilities Management	ext. 8611	A302b
Title IX Coordinator	ext. 8752	A303
Executive Director Intercollegiate Athletics & Campus Life	ext. 6172	D102b
Security Guard	ext. 5041	S109a
Executive Director, Advising/Financial Aid Coaches Club Advisors	ext. 8185	A222c
Registrar	ext. 6851	A221
Resident Assistants		
Dean of Career Workforce Education – Todd Center	ext. 4103	1212
Director, Hanson Technology Center	ext. 4851	H-104
Director, Admissions and Recruitment	ext. 6289	A222h
Campus Officer	269-287-9354	L150

South Haven Campus & Niles Campus

Associate Dean, Regional Campuses	269-637-7514	SH126
Security Guard	269-470-3071	SH

CAMPUS SECURITY AUTHORITY

Campus security authorities will promptly report if they observe any crime listed below or if any person reveals to them that he/she learned of or was the victim of a perpetrator of, or witness to any crime listed below. The reporter will immediately complete an Incident Report and send or forward to the Lake Michigan College Facilities Department, attention: Executive Director, Facilities Management or Director Public Safety/Evening Administrator. This applies to crimes on any LMC campus, public property adjacent to each campus and locations at which other College activities are taking place.

1. Types of offenses:
 - a. Criminal homicide
 - Murder and non-negligent manslaughter
 - Negligent manslaughter
 - b. Sex offense:
 - Forcible
 - Non-forcible
 - c. Robbery
 - d. Aggravated assault
 - e. Burglary
 - f. Motor vehicle theft
 - g. Arson
 - h. Domestic violence
 - i. Dating violence
 - j. Stalking incidents
2. Hate Crimes – Discloses whether any of the above-mentioned offenses and the crimes of larceny-theft, simple assaults, intimidation, destruction/damage/vandalism of property and any other crime involving bodily injury, were hate crimes.
3. Arrests and referrals for disciplinary action for:
 - a. Illegal weapons possession
 - b. Violation of drug and liquor laws

Lake Michigan College uses a contracted security service to assist with campus security. Security guards are a source to which students, employees and visitors can report criminal offenses. Campus security guards do not have police authority.

CONFIDENTIAL REPORTING

If you are the victim of a crime and do not want to pursue action with the college system or the criminal justice system, you may still want to consider making an anonymous report. A campus security official can file a report on the details of the incident without revealing your identity. The purpose of a confidential report is to comply with your wish to keep the matter confidential, while taking steps to ensure the future safety of yourself and others. With such information, the college can keep an accurate record of the number of incidents involving students, determine where there is a pattern of crime with regard to a particular location, method, or assailant, and alert the campus community to potential danger. Reports filed in this manner are counted and disclosed in the annual crimes' statistics for the institution.

EMERGENCY PREPAREDNESS AND RESPONSE PLAN

Lake Michigan College is committed to providing a safe environment that is conducive to the pursuit of academic excellence. Pursuant to its obligations under federal, state, and local laws/regulations, the college has established an Emergency Preparedness and response plan that provides protective measures for the health and safety of our students and staff during an emergency. The college through its partnerships with Emergency Management Professionals continues to upgrade the plan.

Emergency Teams made up of individual members of the college community have been designated as team members to assist in helping others to evacuate. They also relay information concerning injured or special-needs people who require immediate attention.

Lake Michigan College has established a CERT (Community Emergency Response Team) in which members had extensive training by the Berrien County Emergency management for responding to disasters and emergencies.

Emergency information is located in all classrooms along with a detailed map, which highlights fire exits, emergency shelter areas, fire extinguisher's locations, defibrillators, etc.

Evacuation notification will be by use of the fire alarm system in some cases, but not all.

The emergency system plan effectiveness is measured through testing of practice drills.

EMERGENCY PROCEDURES

MEDICAL

Do not move the injured or ill person unless threatened by fire or other imminent danger. Call the 911 Dispatcher. From a college phone, dial 9. Wait for tone – then dial 911. From a pay phone, no coin is needed. Dial 911. From a direct line phone dial 911. Say, "There's an emergency at Lake Michigan College." Followed by the building and address.

- Answer the questions you are asked.
- Be specific about your location.
- Do not hang up until told to do so.
- Call 6911. If no answer, dial 8135.

Evenings & Saturdays: dial 6911. If no answer, dial 8128.

FIRE

General Procedures when the fire alarm sounds:

1. All staff and students will leave the building immediately and proceed to the nearest main parking lot.
2. If there is a handicapped person in your class or office, it may be necessary to make arrangements with others to help carry the person to safety.
3. In the event that the nearest exit is the source of fire and/or is filled with smoke, use the next nearest exit.
4. Do not use elevators.
5. Do not open a door until you touch it to determine that it is warm or hot.
6. Remain in the parking lot until an all clear has been announced by the Executive Director of Facilities, or after 5 p.m., the Student Services staff.

POLICE/AMBULANCE

For life threatening emergencies, dial 9-911. For all other emergencies dial 6911.

EMERGENCY INTERNAL NUMBERS:

- South Haven Campus dial 7500.
- Niles Campus at Bertrand Crossing dial 2990.

SEVERE WEATHER & CLOSING ANNOUNCEMENTS

When the College closes due to severe weather or other campus emergencies, the announcement will be made in several ways:

1. through the College's RaveAlert system
2. on the home page of the LMC website www.lakemichigancollege.edu (in most cases) dependent on the availability of internet access to college officials
3. through local television and radio stations
4. through College Facebook and Twitter pages.

Please check these various sources of information for closing information rather than calling the College. If the College is closed, you will be able to find out through one or more of the above sources.

Television and radio stations that assist the College with closing announcements include:

Radio

WSJM 94.9 FM
WSJM Sports 1400 AM
WSJM Sports 95.7 FM
WCXT 98.3 FM
WIRX 107 FM
WCSY 103.7 FM
WY TZ 97.5 FM
WBBL 1340 AM
WKLQ 107.3 FM
WLAV 96.9 FM
WTNR 94.5 FM
WHTS 105.3 FM
WLAW 92.5 FM
WVIB 100.1 FM
WBCT 93.7 FM
WBFX 101.3 FM
WOOD 1300 AM
Wood 105.7 FM
WSNX 104.5 FM
WTKG 1230 AM
WMAX 96.1 FM
WMUS 107.9 FM
WMRR 101.7 FM

WKBZ 1090 AM
WMUS 106.9 FM
WSHZ 107.9 FM
WMRR 101.7 FM
WFGR 98.7 FM
WGRD 97.9 FM
WLHT 95.7 FM
WNWZ 1410 AM
WTRV 100.5 FM
WAYG 89.9 FM
WCSG 91.3 FM
WGVU 1480 AM
WGVU 88.5 FM
WDSS 1680 AM
WJNZ 1140 AM
WJQK 99.3 FM
WHTC 1450 AM
WYVN 92.7 FM

TV Stations

WSBT TV 22
WNDU TV 16
WBND ABC 57
WSJV FOX 28
WWMT TV 3
WGVU TV 35
WOOD TV 8
WOTV 41
WWMT TV 3
WXMI TV 17
WXSP TV
WZZM TV 13

TORNADOS

In the event of a TORNADO WARNING, all employees, students, and visitors in any College facility will be instructed to go to the designated safe shelter area.

1. DO NOT GO OUTSIDE.
2. Do not use telephones.
3. Do not stand near westerly locations of the building or near glass-enclosed spaces.
4. Proceed to the designated safe shelter area for your facility. This information is found on the emergency flip chart located in every College classroom.
5. Do not use open flame (candles, lighters, etc.).
6. Remain calm and wait for an “all-clear” announcement.

CAMPUS ACCESS

During business hours, Lake Michigan College will be open to students, parents, employees, contractors, guests, and invitees. During non-business hours access to all College facilities is by key or card access, if issued, or by admittance via Facilities department staff.

BUILDING ACCESS

Beckwith Hall residents have access to Beckwith Hall 24 hours a day through use of their student ID and front door swipe-card reader.

CAMPUS SAFETY ALERTS

Policy Statement:

TIMELY WARNINGS

In the event a situation arises, either on or off campus, that constitutes an ongoing or continuing threat, a special “timely warning” will be prepared and distributed through our emergency notification systems.

Timely warnings are triggered by crimes that have already occurred but represent an ongoing threat. These warnings advise the College community of the situation, steps to take to avoid being victimized and the number to call for more information.

Lake Michigan College works closely with local law enforcement agencies to inform the College about crimes that may warrant the College issuing a timely warning.

EMERGENCY NOTIFICATION

Emergency notifications will be issued when it is determined that there is a significant emergency or dangerous situation involving an immediate threat to the health or safety of students, employees or visitors occurring on Campus.

Emergency notifications will be activated without delay upon verification of an incident that meets the above criteria so long as issuance does not compromise efforts to respond to, contain, or otherwise mitigate the emergency.

RaveAlert is an automated system that Lake Michigan College uses to inform employees and students of the College emergencies and severe weather. RaveAlert utilizes cell phone text messaging, email, and voice mail notifications.

Lake Michigan College also utilizes SYN-APPS emergency notification system using ring and text messages to internal phones and to our IP clocks which provide a visual and audio message which are located in campus hallways.

Emergency Activation cards have been issued to authorize personnel at each campus site allowing emergency messages for Lockdowns, Tornado Alerts, Bomb Threats, and the use of paging for emergency notification.

Tests of the RaveAlert and SYN-APPS systems are conducted annually and are scheduled and announced in advance so that follow up success is possible.

The Executive Director, Facilities Management, or designee, with assistance from the Director, Marketing Services is responsible for preparing the alerts for dissemination to the College community. In the event the situation impacts the larger community outside of campus, the President or designee develops the information to be disclosed working with the Director, Marketing Services who disseminates the information to the larger community.

WEAPONS-FREE COLLEGE POLICY

The College seeks to provide a safe campus community. Restriction against the possession, discharge, use and/or carrying of weapons is intended to foster a more secure environment and to promote the overall learning purpose for which students, employees and guests attend the College. While these restrictions offer no guarantee of protection to students, employees and guests, it is hoped the restrictions will reduce the risk of injury from any dangers which might arise from the possession, discharge, use and/or carrying of weapons.

Except as allowed by Federal and State law, students, employees and guests are prohibited from possessing, using, discharging and/or carrying weapons in any setting that is under the control or supervision of the College, including, but not limited to, property leased, owned, or contracted for by the College, a college sponsored event, or a College owned vehicle. Any student or employee in violation of this policy will be subject to discipline, up to, and including expulsion and/or termination as may be applicable depending on the circumstances. Any guest in violation of this policy shall be subject to ejection as a trespasser.

Responsibility: Executive Director, Facilities Management and Director, Public Safety

References: MCL 28.425, Weapons Free College Procedure

PREVENTING AND RESPONDING TO SEXUAL HARASSMENT, SEXUAL ASSAULT AND SEXUAL MISCONDUCT

Lake Michigan College (the College) is committed to providing a workplace and educational environment that is free from sexual harassment and retaliation. The College Title IX Sexual Harassment policy is intended to ensure compliance with federal and state civil rights laws and regulations and to affirm the College's commitment to promoting the goals of fairness and equity in all aspects of educational programs or activities.

This policy is based on definitions set forth in regulations promulgated by the U.S. Department of Education under Title IX of the Educational Amendments Act of 1972. This policy limits the scope of Title IX Sexual Harassment to, among other things, conduct that occurs within College education programs or activities.

Specifically, this policy addresses sexual harassment, sexual assault, domestic violence, dating violence, and stalking. Other misconduct that may not fall within the definitions in this policy will be subject to the Student Code of Conduct and/or employee conduct policies.

The College will respond to reports of conduct prohibited under this policy with measures designed to stop the prohibited conduct, prevent its recurrence, and remediate any adverse effects of such conduct on campus or within related College programs or activities.

The College will respond promptly and supportively to persons alleged to be victimized by sexual harassment; resolve allegations of sexual harassment promptly and accurately under a predictable, fair grievance process that provides due process protections to alleged victims and alleged perpetrators of sexual harassment; and effectively implement remedies for victims.

In determining whether alleged conduct violates this policy, the College will consider the totality of the facts and circumstances involved in the incident, including the nature of the alleged conduct and the context in which it occurred. The College reserves the right to impose any level of sanction, ranging from a reprimand up to and including suspension or expulsion/termination, for any offense under this policy.

DEFINITION OF SEXUAL HARASSMENT

The College has adopted the following definition of sexual harassment. Note that acts of sexual harassment may be committed by any person upon another person, regardless of the sex, sexual orientation, and/or gender identity of those involved.

Sexual harassment, as an umbrella category, includes the actual or attempted offenses of sexual harassment, sexual assault, dating violence, domestic violence, and stalking, defined as follows.

Sexual Harassment

Defined as unwelcome sexual conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies an individual(s) equal access to the College's education program or activity.

Sexual harassment may be repeated acts or be a single act that is sufficiently severe to have a systemic effect of denying a Complainant equal access to an education program or activity.

Elements of severity, pervasiveness, and objective offensiveness must be evaluated in light of the known circumstances and depend on the facts of each situation and must be determined from the perspective of a reasonable person standing in the shoes of the Complainant.

Sexual Assault

Defined as any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent. This includes:

- Rape: The carnal knowledge of a person, without consent.
- Sodomy: Oral or anal sexual intercourse with another person, without consent.
- Sexual Assault with an Object: To use an object or instrument to unlawfully penetrate, however slightly, the genital or anal openings of the body of another person without consent.
- Fondling: The touching of the private body parts of another person for the purpose of sexual gratification, without consent.
- 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. In Michigan, the age of consent is 16.

Sexual assault does not require a showing of severity, pervasiveness, or objective offensiveness.

Dating Violence

Defined as violence committed by an individual who is or has been in a social relationship of a romantic or intimate nature with another individual. The existence of such a relationship will be determined based on the reporting individual's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the individuals involved in the relationship. This includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not cover acts covered under the definition of domestic violence. Dating violence does not require a showing of severity, pervasiveness, or objective offensiveness.

Domestic Violence

Defined as felony or misdemeanor crimes 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 receiving grant monies, or 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 laws of the State of Michigan. Domestic violence does not require a showing of severity, pervasiveness, or objective offensiveness.

Stalking

Defined as engaging in a course of conduct directed at a specific individual that would cause a reasonable person to: (a) fear for the individual's safety or the safety of others; or (b) suffer substantial emotional distress.

Course of Conduct means two or more acts, including 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 an individual, or interferes with an individual's property.

Stalking does not require a showing of severity, pervasiveness, or objective offensiveness.

As used above, the following definitions apply:

- **Force** means the use of physical violence and/or physical imposition to gain sexual access. Force also includes threats, intimidation (implied threats), and coercion that is intended to overcome resistance or produce consent.
- **Coercion** means unreasonable pressure for sexual activity. When someone makes clear that they do not want to engage in certain sexual activity, that they want to stop, or that they do not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive.
- **Consent** means a voluntary, informed, un-coerced agreement through words or actions that freely given, and which could be reasonably interpreted as a willingness to participate in mutually agreed upon sexual acts. Consensual sexual activity happens when each partner willingly and affirmatively chooses to participate. Important points regarding consent include:
 - Consent to one act does not constitute consent to another act.
 - Consent on a prior occasion does not constitute consent on subsequent occasions.
 - The existence of prior or current relationship does not, in itself, constitute consent.
 - Consent can be withdrawn or modified at any time.
 - Consent is not implicit in an individual's manner or dress.
 - Silence, passivity, or lack of resistance does not necessarily constitute consent.
- **Incapacitation** means a state when an individual's perception or judgement is so impaired that the individual lacks the cognitive capacity to make or act on conscious decisions. The use of drugs or alcohol can cause incapacitation. An individual who is incapacitated is unable to consent to sexual activity. Engaging in sexual activity with an individual who is incapacitated (and therefore unable to consent), where an individual knows or should have reasonably understood that the individual is incapacitated, constitutes Title IX Sexual Harassment as defined in this policy. This policy also covers a person whose incapacity results from a temporary or permanent physical or mental health condition, involuntary physical restraint, and/or the consumption of incapacitating drugs.

Online Sexual Harassment and/or Retaliation

Although the college may not control websites, social media, and other ventures in which harassing communications are made, when such communications are reported to the College, it will engage in a variety of means to address and mitigate the effects.

Members of the community are encouraged to be good digital citizens and to refrain from online misconduct, such as feeding anonymous gossip sites, sharing inappropriate content via social media, unwelcome sexual or sex-based messaging, distributing, or threatening to distribute revenge pornography, breaches of privacy, or otherwise using the ease of transmission and/or anonymity of the Internet or other technology to harm another member of the College community.

Any online posting or other electronic communication by students, including cyber-bullying, cyber-stalking, cyber-harassment, etc., occurring completely outside of the College's control (e.g., not on the College network, website or between college email accounts) will only be

subject to college policy when such online conduct can be shown to cause a substantial in-program disruption or infringement on the rights of others.

Otherwise, such communications are considered speech protected by the First Amendment. Supportive measures for Complainant's will be provided, but protected speech cannot legally be subject to discipline.

Off-campus harassing speech by employees, whether online or in person, may be regulated by the College only when such speech is made in an employee's official or work-related capacity.

Remember: **ASSAULT IS AN EMERGENCY!**

The following procedures for campus discipline are applicable in cases of an alleged sex offense. When reports of alleged violation of the Student Code of Conduct surface, they are addressed by the Title IX Coordinator. The Grievance Process exists to ensure that basic due process is granted to all LMC students and employees who find themselves in conflict with college standards.

Responding to Sexual Assault, Stalking, Dating or Domestic Violence

The College will offer and implement appropriate and reasonable supportive measures to the parties upon notice of alleged sexual harassment and/or retaliation. At the time the supportive measures are offered, the college will inform the Complainant, in writing, that they may file a formal complaint with the college either at that time or in the future, if they have not done so already.

Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the parties, before or after the filing of a formal complaint or where no formal complaint has been filed, to restore or preserve access to the college's educational program or activity, including measures designed to protect the safety of all parties or the college's educational environment, and/or deter sexual harassment and/or retaliation.

The Title IX Coordinator works with the Complainant to ensure that their wishes are taken into account with respect to the supportive measures that are planned and implemented.

Lake Michigan College will implement measures in a way that does not unreasonably burden the other party. These actions may include, but are not limited to:

- Referral to counseling, medical, and/or other healthcare services
- Referral to the Employee Assistance Program
- Referral to community-based service providers
- Student financial aid counseling
- Altering campus housing assignment
- Altering work arrangements for employees or student- employees
- Safety planning
- Provide campus safety escorts
- Provide transportation accommodations
- Implement contact limitations (no contact orders) between the parties

- Academic support, extensions of deadlines, or other course/program-related adjustments
- Issue No Trespass Notice
- Class modifications, withdrawals, or leaves of absence
- Increased security and monitoring of certain areas of the campus

The College will maintain as confidential any supportive measures provided to the Complainant or Respondent, to the extent that maintaining such confidentiality would not impair the ability of the recipient to receive the supportive measures.

All individuals are encouraged to report concerns about the failure of another to abide by any restrictions imposed by supportive measures. The college will take immediate action to enforce a previously implemented measure and disciplinary sanctions can be imposed for failing to abide by the college-imposed measures.

The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures.

The College recognizes the right of a sexual assault, stalking, dating or domestic violence Complainant to decide, without pressure or coercion, what action he/she will take following an assault. The College encourages students to report all crimes to the police and to pursue sanctions against offenders through the College judicial process. The College makes information available to students about sexual assault, stalking, dating and domestic violence Complainant rights, options, and resources for help.

Lake Michigan College recognizes that sexual assault, stalking, dating, and domestic violence are a serious social problem that occurs among college students just as it does within other segments of our society. The college makes a strong commitment to work toward preventing sexual assault, stalking, dating, and domestic violence within our community, to provide supportive measures and assistance to a Complainant, and to impose sanctions on those who have been found guilty of committing a sexual assault, stalking, dating and/or domestic violence.

Our goal is to foster and protect within an environment of mutual respect and concern and to provide a safe community in which learning, and growth can occur.

Prevention, Education, and Training

LMC is committed to the prevention of sexual misconduct and harassment through education and awareness programs. Throughout the year, LMC offers educational programs to promote awareness of sexual misconduct and harassment. Prevention programs include an overview of LMC's policies and procedures, relevant definitions, including prohibited conduct, discussion of the impact of alcohol and drug use, effective consent, bystander intervention, and information about risk reduction. LMC's Title IX Coordinators oversees the education and prevention calendar and tailors programming to campus needs and climate. All educational programs include a review of resources and reporting options available for students, faculty, and staff.

The College encourages Complainants of sexual assault to take the following steps following an assault:

1. Preserve physical evidence.

The sexual assault, stalking, dating and domestic violence Complainant has the right for full and prompt cooperation from college personnel and law enforcement authorities in obtaining, securing, and maintaining evidence that may be necessary to the proof of criminal sexual assault, stalking, dating or domestic violence in legal proceedings, including, but not limited to, a medical examination of the victim.

A special physical examination performed at the hospital collects evidence that will be helpful if the Complainant later decides to prosecute the assailant. To preserve evidence, the Complainant should not wash, brush teeth, use the toilet, douche, destroy clothing, or straighten up the area where the assault occurred.

2. Report the assault to the police at 269-926-8221 or dial 911.

It is the Complainant's decision whether or not to report the assault to the police. Reporting a sexual assault, stalking, dating or domestic violence to the police may protect the Complainant and others from possible future victimization by helping public safety officers apprehend the assailant. A police report also maintains the Complainant's future option of criminal prosecution and helps support a college disciplinary action or a civil lawsuit against the Respondent. Making a police report does not obligate the Complainant to prosecute the assailant. Whether or not the case will be prosecuted is a decision that is made later, based on a number of factors. The police do not reveal the Complainant's or the Respondent's name or any identifying information to the media for printing or to the general public. If the Complainant chooses campus security authorities will assist in notifying law enforcement.

3. Get medical attention.

A Sexual Assault Nurse Examiner (SANE) examination should be performed as soon as possible. The exam is available only at Corewell Health Lakeland.

If the Complainant decides not to have the rape evidence exam, she/he should still be examined for possible injury, pregnancy, and sexually transmitted infections. An exam for these purposes is available at Planned Parenthood, or with a physician of choice.

Injuries as a result of sexual assault, stalking, dating or domestic violence should be treated and photographed as soon as possible.

4. Report the assault to the Title IX Coordinator.

Sexual assault, stalking, dating, and domestic violence are expressly prohibited by the College's rules and regulations. The College has the right to discipline students and employees who violate these rules and regulations. It is not necessary for the Complainant to file a police report in order to pursue sanctions through the College; however, it is strongly recommended as beneficial to the Complainant. Pursuing sanctions through the College does not preclude the Complainant from also pursuing criminal prosecution or a civil lawsuit.

The College's Grievance Process is initiated by the Complainant making a report. A detailed description of the process is included in the student handbook, which is available on the college webpage.

Evidentiary Standard: Preponderance of the Evidence.

Grievance Procedure

Any student, employee or third-party who believes that they have been subject to discrimination and/or harassment, as defined above, or in violation of College policy or state and federal law, may file a complaint with the Title IX Coordinator (or Deputy Coordinator).

A complaint under the Sexual Harassment Policy may be filed against the College, against an employee of the College, against a student of the College, against a Third Party, or against a group.

A complaint may be filed against more than one Respondent or by more than one Complainant against one or more Respondents so long as the allegations of sexual harassment arise out of the same facts or circumstances and are so intertwined that the allegations directly relate to all of the parties.

Upon receipt of a formal complaint, the Title IX Coordinator will then conduct an initial assessment for the sole purpose of determining whether the alleged conduct, if substantiated, would constitute Sexual Harassment under College policy. Following the initial assessment, the Title IX Coordinator may take any of the following steps:

If the allegations forming the basis of the formal complaint would, if substantiated, constitute Sexual Harassment as defined by the College, the Title IX Coordinator shall implement appropriate supportive measures. In addition, the Title IX Coordinator shall initiate an investigation of the allegations. However, if the Title IX Coordinator thinks the formal complaint appropriate for the informal resolution process, upon the consent of both parties, the Title IX Coordinator may instead refer the matter to the informal resolution process.

If the allegations forming the basis of the formal complaint would not, if substantiated, constitute Sexual Harassment as defined by the College, the Title IX Coordinator shall dismiss the complaint as a Title IX Complaint. Title IX Coordinator may also refer the allegations for resolution under other Policies.

In addition, at any time prior to the hearing, the College may dismiss a formal complaint if:

- The Respondent is no longer enrolled or employed at the College.
- Specific circumstances prevent the College from gathering sufficient evidence to reach a determination as to the formal complaint or the allegations therein.

Upon dismissal, the Title IX Coordinator shall promptly send written notice of the dismissal and reason(s) simultaneously to the parties via electronic format. Both parties will have equal right to appeal the dismissal.

Informal Resolution

The college permits an informal resolution process in cases in which a complaint has been filed with the Title IX Coordinator. An informal resolution can include three different approaches:

- When the Title IX Coordinator can resolve the matter by providing supportive measures (only) to remedy the situation or believes the matter can be resolved through an alternate resolution.
- When the parties agree to resolve the matter through an alternate resolution mechanism usually before a formal investigation takes place.
- When the Respondent accepts responsibility for violating this policy and is willing to accept a sanction and end the resolution process.

The informal resolution process is a voluntary, remedies-based process designed to provide parties with an option to resolve disputes with other students in a forum that is separate and distinct from the formal grievance process under the Title IX Sexual Harassment policy.

Prior to implementing an informal resolution, the College Ombudsperson (who is responsible for the informal resolution process) will provide both parties with written notice disclosing: the allegations, the requirements of the informal resolution process and any outcomes resulting from participating in the informal resolution process. Please note the Title IX Coordinator has five (5) business days to refer the matter to the Ombudsperson once the informal resolution option has been identified.

The parties must submit in writing, within three (3) business days of being contacted by the Ombudsperson that they voluntarily wish to resolve the matter through the informal resolution process.

Once terms through the informal resolution process have been created, the Ombudsperson has three (3) business days to submit, in writing, the agreement to both parties.

Both parties have five (5) business days to sign and submit the informal resolution agreement. If for some reason a party does not sign and submit the informal resolution agreement the matter is referred back to the Title IX Coordinator by the Ombudsperson within three (3) business days. The Title IX Coordinator will then initiate the grievance process.

The informal resolution agreement is not subject to appeal once all parties indicate their written approval to all agreed upon terms of the resolution. When parties cannot agree on all terms of the resolution, the grievance process will resume.

When a resolution is accomplished, the appropriate sanctions are promptly implemented in order to effectively stop the sexual harassment or retaliation, prevent its recurrence, and remedy the effects of discriminatory conduct, both on the Complainant and the community.

Any party participating in the informal resolution process can stop the process at any time and begin or resume the grievance process.

The informal resolution process is available in matters involving a student Complainant and a student Respondent, the informal process is not available in matters involving a student and an employee.

Formal Resolution Process

Should the matter not be resolved through Informal Resolution, the Title IX Coordinator shall appoint an investigator(s) and notify the Hearing Chair as well as the Appeal Chair. The role of each is discussed below.

Respondents shall be presumed not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the Formal Resolution Process.

It is the College's burden to establish that the conduct did occur as alleged and that the conduct, if it occurred, violates College Policy.

Investigations

The Title IX Coordinator or Deputy Coordinator will assign trained investigator(s) to investigate the complaint within seven (7) business days.

Within three (3) business days of receiving assignment, investigator(s) shall begin interviewing: The Complainant, the Respondent, and any witnesses identified. Both the Complainant and the Respondent are entitled to identify witnesses, including expert witnesses, to be interviewed in the investigation.

The investigation will also include reviewing any appropriate documentation and/or policies, reviewing student and/or personnel files, and gathering and examining other relevant documents or evidence, and any other action(s) the investigator deems necessary to completing the investigation.

The Complainant and the Respondent have the right to have an advisor present during any interview(s) or other meetings associated with the Grievance Process. The advisor shall not participate in the interview process and must remain silent during this phase of the Grievance Process.

Prior to commencing the investigation, the investigator(s) shall disclose any conflict of interest between him/herself and either party, and in the event of any conflict, a qualified and trained unbiased replacement shall be appointed. A party objecting to the investigator on the basis of a conflict of interest must raise the objection during his phase of the Grievance Process, otherwise, the objection is deemed waived.

Notices of interviews or meetings sent to parties and witness shall include the date, time, location, participants and purpose of the interview or meeting. The notice must be provided sufficiently in advance to allow the party or witness to prepare.

Investigators shall not access, consider, disclose or otherwise use a party's records that are maintained by a physician, psychiatrist, psychologist or other recognized professional or paraprofessional acting in professional capacity and are made/maintained in that capacity without voluntary written consent. Note: Consent for Minor under FERPA is required from Parent.

The investigator will document in writing his/her findings in an Investigation Report. Ten (10) business days before the Investigation Report is completed, the Investigator shall provide access to all evidence directly related to the allegations to the Parties and their advisors. Parties may provide a written response to the evidence no later than ten (10) business days after being provided access. Within twenty (20) business days after parties are provided access to evidence the Investigator shall issue the Investigatory Report which shall:

- (1) Summarize the Investigatory process.
- (2) Summarize the facts gathered during the investigation.
- (3) Summarize any response to the facts provided by a party.
- (4) State the investigators finding of facts.

Hearing

Prior to commencing the Grievance Hearing process, the Hearing Chair shall disclose any conflict of interest between him/herself and either party, and in the event of any conflict, a qualified and trained unbiased replacement shall be appointed. A party objecting to a Hearing Chair on the basis of a conflict of interest must raise the objection during his phase of the Grievance Process, otherwise, the objection is deemed waived.

The parties will be given a list of names of the Hearing Panel at least five (5) business days in advance of the hearing. All objections to any Hearing Panel Member must be raised in writing, detailing rationale for the objection, and must be submitted to the Hearing Chair no later than two (2) days prior to the hearing. The Hearing Chair will only be removed if the Title IX Coordinator concludes that their bias or conflict of interest precludes an impartial hearing of the allegation(s).

The Hearing Chair will give the Hearing Panel Members a list of the names of all parties, witnesses, and Advisors at least five (5) business days in advance of the hearing. Any Hearing Panel Member who cannot make an objective determination must recuse themselves from the proceedings when notified of the parties, witnesses, and Advisors in advance of the hearing. If a Hearing Panel is unsure of whether a bias or conflict of interest exists, they must raise the concern to the Hearing Chair as soon as possible. Upon notice from the Title IX Coordinator an investigation has concluded, the Hearing Chair shall within ten (10) business days set a hearing date, time, and place. Once a hearing date, time and place has been determined, the Hearing Chair shall provide written notice of the hearing date, time, and place to all interested Parties. The notice of the hearing must be provided to all interested parties at least ten (10) business days before the date and time of the scheduled hearing.

Either party may request that the hearing may be conducted with each party in separate rooms, in which case the hearing shall be conducted using technology allowing all parties to see and hear each other. If a party or parties prefer not to attend or cannot attend the hearing in person, the party should request alternative arrangements from the Hearing Chair at least five (5) business days prior to the hearing.

The Grievance Hearing shall be closed to the public in order to protect the confidential nature of the proceedings. Any student or employee requiring accommodations for the hearing shall

make the request for such accommodations to the Coordinator of Student Outreach and Support Services at least five (5) business days prior to the hearing. In the event that an essential accommodation cannot be provided by the College by the date of the hearing, the hearing shall be rescheduled with the respective date to be no more than five (5) business days. The Hearing Chair will be responsible for ensuring that procedural matters are followed.

Deviations from prescribed procedures will not necessarily invalidate a decision or proceeding unless the deviation causes significant prejudice to a student, employee, or the responding party.

No party shall be permitted to make an audio recording of the proceeding. The hearing shall be transcribed by the College. The transcript of the hearing shall be made available to the parties, their advisor, the Appeal Chair, and shall be kept by the Title IX Coordinator.

During the Grievance Hearing, Advisors for both Complainant and Respondent shall be present but shall not be permitted to participate in the process except for the limited purpose of conducting cross-examination of the other party and witnesses.

The Grievance Hearing will proceed in the following order:

1. Hearing Panel's explanation of the Procedure and Rules.
2. Statement of the Investigator's Findings and Conclusion.
3. Complainant's Opening Statement (limited to 15 minutes).
4. Respondent's Opening Statement (limited to 15 minutes).
5. Presentation of the Complainant's witnesses and evidence.
6. Presentation of the Respondent's witnesses and evidence.
7. Complainant's Closing Statement (limited to 15 minutes).
8. Respondent's Closing Statement (limited to 15 minutes).

During the presentation of evidence, each party shall have the opportunity to call witnesses (including experts) on their behalf after which the opposing party through their Advisor shall have the opportunity to question the witness.

In the judgement of the Hearing Chair, each party may be granted a short recess for the purpose of conferring with their Advisor.

During the presentation of evidence, the Hearing Panel are permitted to ask for clarification from witnesses.

Upon conclusion of the Grievance Hearing, the Hearing Panel will make a determination based on a preponderance of evidence as to whether the alleged conduct occurred or did not occur. If concluding the conduct occurred, the Hearing Panel will determine whether the conduct constituted a violation of this Policy and apply appropriate sanction(s).

The Hearing Chair shall provide a written report (Notice of Outcome) of the Hearing Panel's findings and determinations in writing to all parties, their advisors, and the Title IX Coordinator within ten (10) business days after the hearing. The written report shall contain the following information:

The Notice of Outcome will articulate the specific policy(s) reported to have been violated, including the relevant policy section, and will contain a description of the procedural steps taken by the College from the receipt of the misconduct report to the determination, including any and all notifications to parties, interviews with parties and witnesses, site visits, methods used to obtain evidence, and hearings held. It will also include specific findings on each alleged policy violation, the findings of fact that support the determination; conclusion regarding the application of the relevant policy to the facts at issue; a statement of, and rationale for, the results of each allegation, any sanctions issued, and any remedies provided to the Complainant designed to ensure access to the College's educational or employment program or activity.

The notice of outcome will also include information on when the results are considered by the College to be final, any changes that occur prior to finalization, and the relevant procedures and bases for any available appeal options.

The Notice of Outcome will be shared with the parties simultaneously. Notification will be made in writing and may be delivered in person, mailed to the permanent address of the parties, or emailed to the parties College issued email. Once mailed, emailed and/or delivered in person, notice will be presumptively delivered.

Finding

Sanctions will be imposed upon a finding that a student or employee has violated the Sexual Harassment policy. A student or employee who fails to complete the sanction will be considered to have committed another violation of college policy. Violations involving impairment from the voluntary use of alcohol and/or use of drugs, (other than medically necessary) shall be considered an aggravating, and not a mitigating, factor in sanctioning. All sanctions become part of a student's disciplinary file or employee's personnel file. The College may withhold awarding a degree, or any other academic achievement, otherwise earned, until the completion of the process set, including appeals and the completion of any and all sanctions imposed.

Potential sanctions for students found by the College to have violated the Sexual Harassment Policy may include, but are not limited to:

- Account Hold
- Disciplinary Probation
- Educational Assignment
- Expulsion
- No Contact
- Restitution
- Restricted
- Suspension
- Written Warning

Potential sanctions for employees found by the College to have violated the Sexual Harassment policy may include, but are not limited to:

- Corrective Plan of Action

- Training
- No Contact
- Verbal Warning
- Written Warning
- Suspension
- Discharge

Should a student Respondent permanently withdraw from the College, the resolution process ends, as the College no longer has disciplinary jurisdiction over the withdrawn student. The student who withdraws or leaves while the process is pending may not return to the College. A hold will be placed on their student account. They may be barred from the College property and/or events.

However, the College will continue to address and remedy any systemic issues, variables that have contributed to the alleged violation(s), and any ongoing effects on the alleged sexual harassment and/or retaliation.

Should an employee Respondent resign with unresolved allegations pending, the resolution process ends.

However, the College will continue to address and remedy any systemic issues, variables that may have contributed to the alleged violation(s), and any ongoing effects on the alleged sexual harassment and/or retaliation.

The employee who resigns with unresolved allegations pending is not eligible for rehire with the College, and the records retained by the Title IX Coordinator will reflect that status.

All College responses to future inquiries regarding employment references for that individual will include that the former employee resigned during a pending disciplinary matter.

Violations of Law

An employee or student may be accountable for sexual misconduct under applicable local, state, and/or federal law, as well as under LMC policy. A criminal investigation may be conducted concurrently with the Title IX investigation. Disciplinary action by LMC may proceed while criminal proceedings are pending and will not be subject to challenge on the grounds that criminal charges involving the same incident have been dismissed or reduced.

Resources for Support and Assistance

On-Campus

- Campus Officer, Room L150, 269-287-9354
- Director Public Safety, Room S111, 269-927-7060
- Student Well-Being & Accessibility, C206, 269-927-8866

Off-Campus

☐ Domestic and Sexual Violence Support Contacts:

- Domestic Violence & Sexual Assault Hotline 1-800-799-6495
- The Avenue Family Network 269-925-1725
- Cora Lamping for Survivors of Domestic & Sexual Violence 269-925-9500
- Domestic Violence Coalition 1-888-655-9008
- Michigan Coalition to End Domestic & Sexual Violence 517-347-7000
- Corewell Health Lakeland Hospitals – St. Joseph 800-968-0115

Counseling Information

Andrews Community Counseling Center: 269-471-6238

www.andrews.edu/counseling

Providing free psychological services under the supervision of licensed psychologists. Mental health services to children, adolescents, and adults who reside in the Michigan area, or who are members of the community near the university. Office is located in Berrien Springs.

Centered on Wellness: 269-926-6199

www.centeredonwellness.info

Offering behavioral counseling, coaching, consulting, education and prevention for children, families, couples, and adults. Offices are located in Benton Harbor and Niles.

Freedom Counseling Center: 260-982-7200

www.freedomcounselingusa.com

Freedom Counseling Center provides high quality counseling and psychological evaluations to individuals, parents, couples, adolescents, and children.

Riverwood Center: 800-336-0341 (24-hour hotline)

www.riverwoodcenter.org

Riverwood partners with children, families, and adults in their journey toward recovering from behavioral health and substance use challenges and helps individuals with intellectual disabilities succeed in community living. Offices located in Benton Harbor.

Southwestern Medical Clinic

www.spectrumhealthlakeland.org/southwestern-medical-clinic

Counseling services for treating abuse and trauma, addictions and co-occurring disorders, anxiety, depression, AHHD, eating disorders, coping with loss and grief and behavioral services for children and adolescents. Offices located in Berrien Springs, St. Joseph, Stevensville, Coloma, and Niles.

Midwest Recovery and Wellness

269-262-1815

www.midwestrecoveryandwellness.com

Midwest Recovery and Wellness offers individual, couples, infant, child, adult and family counseling and mental health services.

Help Net - Employee Assistance Program

The college's Employee Assistance Program, available to all full and part-time employees, is administered through Help Net. Information can be found in the Human Resources offices or on SharePoint under the staff and faculty benefit links.

Personal Protection Orders

Berrien County Clerk's Office

All Personal Protection Order questions can be addressed at the Clerk's Office at the Courthouse

811 Port Street, ST. Joseph

Phone: 269-983-7111, extension 8736

Fax: 269-982-8642

Email: PPO

A personal protection action involves seeking an order from the court to protect you from harassment, assault, beating, molesting, wounding, or stalking by another person. The order can also prohibit a person from entering your premises and from removing minor children unless the removal is part of court-ordered parenting time. The person filing the petition for personal protection is called the petitioner. The person to be restrained by the personal protection order is called the respondent.

Types of Personal Protection Actions

There are two types of personal protection actions: domestic and nondomestic. A *domestic personal protection order* can be obtained if you have or had an established relationship with the other party or have a child in common. A *nondomestic personal protection order* can be obtained if you want to prevent threatening or violent behavior by someone with whom you have not had any form of domestic relationship; this type of order is also referred to as an order against stalking.

How Personal Protection Orders are issued

There are two ways personal protection orders can be issued. The court can issue an order after the other person has been notified that you have filed for a personal protection order and after the court has held a hearing. The court may also issue a personal protection order without notifying the other person and without a hearing. This is called an ex parte order. In Michigan, most personal protection orders are issued ex parte.

Stalking

Although it is a crime in Michigan for someone to assault or threaten another person, Michigan law provides additional protection to persons who have a domestic relationship, or those who are being harassed or stalked by another person, by allowing them to seek a personal protection order. Stalking involves harassment that causes you to feel terrorized, intimidated, frightened, or molested. This could include following you, making unwanted calls or mailings, or showing up repeatedly at your home or work.

If you decide to file for a Personal Protection Order with the Berrien County Trial Court, the forms may be picked up in two locations:

Berrien County Clerk's Office

1st Floor, Berrien County Courthouse

811 Port Street

Saint Joseph, MI 49085

OR

Berrien County Clerk's Office

South County Building

1205 N. Front Street

Niles MI 49120

If you decide to file in Van Buren County, the location is Van Buren County Courthouse, 221E. Paw Paw Street, Paw Paw, Michigan 49070; phone (269) 657-8218.

CRIME PREVENTION AND SAFETY PROGRAMS

The following programs are the most recent that were open to persons on campus; faculty, staff, students.

Program Name	Description	Target Audience	Topic	Annual Frequency
Fire Drill Procedures	Explaining Emergency Procedures	Faculty	Safety Awareness	1
CARES Presentation	Details on reporting incidents.	Faculty	How to Use	4
Rave Alert	Details on how to update info.	Students, Faculty and Staff	Drills	2
Student Orientations	Safety and security issues.	Students	Student Life	3
Active Shooter Response Training	How to react and protect yourself & others.	Faculty and Staff	Safety Awareness	1
Campus Security Authority	Film and review responsibilities.	CSA's	Responsibilities	3
VAWA/Campus SaVE Act	Overview and Question and Answer session	Faculty and Staff	Awareness	1
Healthy Relationships	Raise awareness	RA's	Responsibilities	2
Victim Advocate and Prevention Educator	Awareness and warning signs to abuse	Faculty, Staff and Students	Safety Awareness	1
Addiction	Alcoholism /Drug Use is the illness	Faculty, Staff and Students	Awareness	1
Title IX	Know your Title IX rights {right to make a report }	Students, Faculty, and Staff	Awareness/ Understanding	3
Harassment, Stalking, Cyber Stalking	Different forms of harassment and stalking	Faculty, Staff and Students	Prevention and safety tips	1
Art of Verbal Defense and Dating/Domestic Violence Prevention	What verbal defense means, learn verbal defense techniques	Faculty, Staff and Students	Prevention Tips	1
Response to a School Active Violence Incident	Protective measures and response	Faculty and Staff	Practice exercises and scenarios	Safe Colleges (ongoing)
Fire Extinguisher Training	How to handle a fire extinguisher	RA's, HES and facilities personnel	Practice	1

RISK REDUCTION

The following preventive measures will help minimize your chances of being attacked:

- Accept the fact that you are a potential assault victim. Many people operate under the illusion that “it will never happen to me”. It may.
- Above all else... trust your instincts. If you feel uncomfortable or uneasy, leave immediately.

➤ Going Out

- When you go out, tell someone where you are going and when you will return.
- Always lock your house/apartment door and don't lend the key. Keys can be duplicated.
- Don't walk alone a night. Take a friend with you.
- Stay in well-lit areas.
- Photocopy all important papers that you carry in your purse or wallet, including your driver's license. Keep the photocopies in a safe place. This information will be invaluable if you lose your license or cards.

➤ On the Street

- Be alert. Look around you. Be aware of others on the street. Make it difficult for anyone to take you by surprise. Walk with your keys in hand.
- If you think someone is following you, turn around and check so that you are not caught off guard. Cross the street or change direction. Walk or run toward people, traffic, or lights. Consider confronting the aggressor and saying in a loud, firm voice, “Don't follow me.”
- If a car follows you or stops near you for directions, do not approach the car. Change directions if you feel threatened and walk or run towards stores, a lighted house, or other people.

➤ In Your Car

- Park in well-lit areas. Check the street before leaving the car. Park in full view of the front of stores and houses.
- Walk to your car with keys ready.
- As you approach your car, look all around it, including underneath the car.
- If you have a flat tire, seek help inside the College, or from a nearby business if off campus. Beware of someone instantly appearing to offer help—attackers often disable cars to make their owners vulnerable.
- Check the interior of your car, particularly the back seat before entering; someone could be hiding there.
- Keep the car doors locked at all times, even when driving in daylight, so no one can jump in at a red light.
- Keep enough gas in your tank for emergencies.
- If you are followed by another car, drive to a police station or business that has lights on and people in it. You may not want to go directly home with someone following you.
- “Driveway” robberies are becoming more common.

- If your car breaks down, lift the hood, put on the flashers, and wait inside with the doors locked for help. Ask people who stop to call the police or AAA for you. Don't go with anyone. Don't stop for stranded motorists. You are of greater help to them by calling the police or sheriff.

➤ Jogging

- Try to jog with a partner. Try to avoid running alone, even in daylight. You could become injured from a fall and might need help.
- Stay in well-lit areas. Vary your route. Be suspicious of people you pass many times.
- Stay away from parked cars, especially those occupied by suspicious persons.

The Friendly Stranger And "Date Rape"

Many attacks start with casual conversation—the assailant is “sizing the woman up.” If she is polite and friendly (as most people have been taught to be), he will probably attempt to intimidate her. Although most women feel uncomfortable about such an encounter before it escalates, they don't want to appear to be unfriendly or suspicious. If your gut-level response to a man, whether a stranger or a friend, is uneasiness, try to get out of the situation as quickly as possible, even if it means being rude or making a scene.

Date rape occurs more frequently than reports seem to indicate. The key to prevention lies in:

- AWARENESS
- TRUSTING YOUR INTUITION
- ASSERTIVE BEHAVIOR

Women have deterred assailants in a variety of ways. Talking and thinking about what to do if attacked increases your chances for successfully defending yourself.

It cannot be emphasized enough that sexual assault is a crime of violence. Sexual assaulters are unstable persons who view their victims as objects upon which to vent their rage, aggression, frustration, or insecurity. They do not view their victims as fellow human beings at that moment, and sexual gratification is not a motive for their crime. They wish to humiliate and degrade their victims, to make them lesser beings than they are. Too often, the fantasy they are acting out carries with it danger of physical harm in addition to the crime of rape itself.

Where Can the Sexual Assault Occur?

Sexual assault can happen virtually anywhere, but the largest single grouping of reported incidents is either in the home of the victim or the home of the offender. It is important to be aware of all potentially hazardous areas:

- Remote parking lots
- Stairwells
- Public parks
- Beaches at night
- Jogging courses
- School playgrounds

- On the street
- Shopping centers
- Hitchhiking
- Laundromats
- Deserted buildings
- Vehicles

Sexual assaults often occur in conjunction with other crimes such as burglary, so the more effective preventative measures and common-sense precautions you take, the less your chances of becoming a victim. But regardless of how many or how few precautions you take, you are not provoking the attack. A locked door gives you time to call the police (911).

Bystander Intervention

The College encourages all students and employees to participate in maintaining a safe environment on campus. The power of bystanders, those that witness inappropriate behavior, is a powerful tool to help reduce all types of misconduct on campus. Bystander intervention techniques are safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene, especially when there is a risk of dating violence, domestic violence, sexual assault, or stalking. Bystander intervention includes recognizing situations of potential harm, understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking action to intervene.

Bystander intervention includes but is not limited to:

- Making a report to Campus Safety and Security or local law enforcement when you observe inappropriate behavior.
- Ask if you can help if you see someone that looks like they are in trouble.
- Be respectful of yourself and others around you; ask others to be respectful when they are not.
- Stop someone from driving if they are impaired.
- If you see a friend or acquaintance doing something inappropriate, say something.
- Speak up if you see or hear offensive, derogatory, or abusive remarks or actions.
- If a friend is impaired, offer to assist them in getting home and don't let them go off with people they do not know.

SEX OFFENDER REGISTRATION

In accordance with the “Campus Sex Crimes Prevention Act” of 2000, which amends the Jacob Wetterling Crimes against Children and Sexually Violent Offender Registration Act, the Jeanne Clery Act and the Family Educational Rights and Privacy Act of 1974, Lake Michigan College is providing a link to the Michigan State Police Sex Offender Registry. This act requires institutions of higher education to issue a statement advising the campus community where law enforcement information provided by a State concerning registered sex offenders may be obtained. It also requires sex offenders already required to register in a State to provide notice of each institution of higher education in that State at which the person is employed, carries a vocation, or is a student. In the State of Michigan, convicted sex offenders must register with Sex Offender and Crimes against Minors Registry maintained by the State police.

The Sex Offenders Registration Act, MCL 28.721 et seq., directs the Michigan State Police to develop and maintain a public registry and provides guidelines on the type of offender information available to the public. The registration requirements of the Sex Offenders Registration Act are intended to provide the people of this state with an appropriate, comprehensive, and effective means to monitor those persons who pose such a potential danger.

In accordance with the Wetterling Act, Megan's Law, and the Campus Sex Crimes Prevention Act of 2000, it is now mandatory that all registered sex offenders report to the law enforcement agency having jurisdiction in which the institution of higher learning is located. The Michigan Public Sex Offenders Registry can be accessed at <https://mspsor.com/Home/Search>.

I. Drug Free Workplace – Code of Conduct

Policy Statement:

Lake Michigan College (the College) adheres to and complies with the Drug Free Schools and Communities Act Amendments of 1989 (DFSCA), which requires the College to certify that it has adopted and implemented programs to prevent the illicit use of drugs and the abuse of alcohol by students and employees. In accordance with the DFSCA and other applicable laws, including the Drug-Free Workplace Act of 1988, the College is distributing an annual notice and attachments to students and employees.

The College will make a good faith effort to continue to maintain a drug free workplace / environment through the implementation of the following standard/code of conduct:

A. EMPLOYEES

1. The unlawful manufacture, distribution, possession, use or sale of any controlled substance and/or alcohol on college premises or while acting as an agent of the College is prohibited and will constitute grounds for discipline, up to and including termination and referral for prosecution.
2. Each employee engaged in the performance of a federal contract or grant must have a copy of the *Drug Free Workplace/Drug and Alcohol Abuse Prevention Program* policy and must agree, as a condition of employment, to abide by its terms and to notify the College of any criminal drug statute conviction for a violation occurring in the workplace no later than 5 days after the conviction.
3. The College will notify federal contracting or granting agencies of any convictions (as described 2 above) within 10 days after receiving notice of the conviction.
4. The College requires employees convicted of violations of criminal drug statutes in the workplace to satisfactorily participate in a drug abuse assistance or rehabilitation program, or face sanctions up to and including termination and referral for prosecution.

The College will establish procedures to effectively enforce this policy.

The College maintains an Employee Assistance Program (EAP). It strongly urges employees to use the EAP for confidential help with alcohol or drug problems. It is each employee's responsibility to seek assistance from the EAP before the problem affects judgment, performance, or behavior. For EAP assistance, contact the Executive Director, Human Resources at (269) 927-8704.

B. STUDENTS

The unlawful manufacture, distribution, possession, use or sale of any controlled substance and/or alcohol on college premises or while engaged in College activities is prohibited and will be subject to discipline, up to and including expulsion and referral for prosecution.

The College will establish procedures to effectively enforce this policy.

II. LEGAL SANCTIONS

A. Federal

Federal law provides criminal and civil penalties for unlawful manufacture, distribution, possession, use, or sale of a controlled substance. Under the Controlled Substance Act, as well as other related federal laws, the penalties for controlled substance violations include, but are not limited to, incarceration, fines, potential for the forfeiture of property used in possession or to facilitate possession of a controlled substance (which may include homes, vehicles, boats, aircrafts and any other personal or real property), ineligibility to possess a firearm, and potential ineligibility to receive federal benefits (such as student loans and grants).

B. State

Michigan law prohibits the unlawful manufacture, distribution, possession, use, or sale of a controlled substance. If an individual is found guilty of a violation of the state law, they may be subject to fines and/or imprisonment.

Notwithstanding state permissibility, the use and possession of marijuana or marijuana-induced intoxication are prohibited on college property.

A minor may not purchase or attempt to purchase alcoholic liquor, consume, or attempt to consume alcoholic liquor, possess, or attempt to possess alcoholic liquor, or have any bodily alcohol content. Violation of the law may subject a minor to fines, participation in a substance abuse program or treatment center, imprisonment, community service hours, and/or out of pocket expenses related to required substance abuse screenings.

C. Local

Berrien County follows State of Michigan laws.

III. HEALTH RISKS AND DANGERS IN THE WORKPLACE

A. Drug Abuse

The following subcategories are the most frequently used drugs, listed with their associated risks associated category (ies), per the Partnership for Drug-Free Kids (www.drugfree.org).

1. Prescription Drugs:

- a) Pain relievers (Codeine, OxyContin, Percocet, Vicodin) – a large single dose can cause severe respiratory depression that can lead to death.
- b) Prescription Stimulants (Adderall, Dexedrine, Ritalin) – taking high doses may result in dangerously high body temperatures and an irregular heartbeat. Potential for heart attack or lethal seizures.

- c) Prescription sedatives and/or tranquilizers (Merbaral, Quaaludes, Xanax, Valium) – slows down brain activity and, when a user stops taking them, there can be a rebound effect that leads to seizures and other harmful consequences.
- d) Marijuana - can cause memory and learning problems, hallucinations, delusions, and depersonalization.
- e) Ecstasy/MDMA - can cause severe dehydration, liver, and heart failure and even death.
- f) Heroin– chronic heroin users risk death by overdose.
- g) Inhalants – Chronic exposure can produce significant damage to the heart, lungs, liver, and kidneys.
- h) Cocaine/Crack – can cause heart attacks, strokes, and seizures. In rare cases, sudden death on the first use.

2. Dangers in the Workplace

On a worksite, the use of alcohol and other drugs may result in:

- 1. mistakes, accidents, and injuries
- 2. damage to workplace equipment, causing subsequent injuries
- 3. a deterioration in workplace relationships
- 4. increased sickness-related absenteeism
- 5. lateness and lost time
- 6. a decrease in productivity
- 7. a decrease in staff moral

IV. Drug and Alcohol Programs

A. Employees

The following programs are available for employees at LMC:

- 1. The EAP, available to all full and part- time employees, is administered through Help Net. Information can be found in the Human Resources offices or on SharePoint under the staff and faculty benefit links.
- 2. Substance abuse treatment including counseling, in-patient and out-patient care, is available through the LMC group health plans. For more information employees may contact the Executive Director Human Resources at (269)927-8704.

B. Currently Enrolled Students

The following programs are available to currently enrolled students:

- 1. Substance Treatment Resources in Berrien County:
 - o Comfort in Counseling Robyn’s Nest (269)983-6686
 - o Harbortown Treatment Center (269)926-0015
 - o Riverwood Center (800)336-0341
 - o Southwestern Michigan Clinic Christian Counseling (269)429-7727
- 2. Students who would like information regarding additional alcohol and drug abuse referral services may contact the Director, Student Well-Being, and Accessibility at (269)927-8866.
- 3. Educational programs covering drug or alcohol abuse are covered in the Healthful Living, Health and Fitness, and Personal Health classes to

acquaint students with the concept of wellness and the relationship between physical activity and optimal Health and fitness.

4. Brochures on underage drinking, drunk driving consequences, and drug use/abuse are available to students in multiple campus locations
5. Informational booths, bulletin boards and tables on substance and alcohol abuse are available to students.

V. Disciplinary Sanction

A. Employees

Any employee who violates the above standards/code of conduct will be subject to (1) mandatory participation in drug abuse assistance or rehabilitation programs as condition of continued employment and/or (2) disciplinary action up to and including discharge or dismissal and referral for prosecution.

B. Currently Enrolled Students

Any student who violates the above standards/code of conduct will be subject to the above-listed legal sanctions, as well as some or all of the following non-exhaustive disciplinary actions:

1. Restriction from College property, physically and/or virtually.
2. Disqualification from receipt of financial aid.
3. Participation in an assignment or program designed to educate the student on the health and legal risks resulting from unlawful drug or alcohol conduct.
4. Suspension or expulsion, without refund of tuition or other fees, and with potential additional charges or other fees.
5. Formal warning.
6. Loss of privileges.
7. Parental notification.
8. Probation.
9. Restitution.

ANNUAL NOTIFICATION OF THE DRUG AND ALCOHOL PREVENTION PROGRAM (DAAPP)

The College will provide currently enrolled students and employees with a copy of the *Drug and Alcohol Abuse Prevention Program* notice annually. This notice will be emailed to the student via their college student email as well as their personal email. All employees will receive the notice through the College email system.

OVERSIGHT RESPONSIBILITY

The Director, Culture & Talent Success will have oversight responsibility of the DAAPP, including but not limited to updates, coordination of information required in the DAAPP, and coordination of the annual notification to employees and students.

PERSONAL SAFETY MEASURES

Since Lake Michigan College is a commuter college, students must carry many of their possessions with them at all times. This presents a potential problem of petty theft of books, purses, wallets, and hand-held electronics, etc., warranting security awareness of the student body at all times while on campus.

SAFE AND SOUND ADVICE

- Don't leave valuables unattended.
- Stay on lighted walks whenever possible.
- Walk with a friend.
- If confronted, yell or scream, create a commotion, get to a safe place.
- Keep your car locked and valuables out of sight while parked.
- Carry a flashlight at night.

CAMPUS SECURITY

Members of the campus security force are conservators of the peace. They seek to protect life and property, prevent anti-social conduct, and preserve a secure campus environment. They work with local, state, and federal law enforcement agencies. There is no written memorandum of understanding between Lake Michigan College and law enforcement agencies.

Lake Michigan College security is staffed by contracted security guards supervised by certified security officers. The entire security function is supervised by the Executive Director of Facilities Management, the Director Public Safety or Facilities personnel.

Annually and when needed, the College reviews, revises, or develops rules and regulations on access and security of campus facilities. Furthermore, the Executive Director of Facilities Management periodically inspects the lighting, landscaping, and the College's physical plant (doors, locks, etc.) to determine what improvements need to be made for maximum security.

Security officers and Facilities Management staff members respond to a variety of requests and regularly patrol the campus parking lots and buildings. Along with Facilities Management and Student Services, the security officers are responsible for the enforcement of college policies and regulations. The College staff also works closely with local law enforcement agencies and fire departments when criminal or safety incidents occur by investigating incidents and identifying precautions for the future.

With Your Safety in Mind...Campus Security and Facilities Personnel

CAMPUS SECURITY AND FACILITIES PERSONNEL

- Manage campus parking and regulation.
- Make emergency notifications.
- Investigate all criminal incidents on campus.
- Respond to all smoke, fire, and security alarms on campus.
- Available during operating hours.
- Arrest authority resides with local law enforcement agencies.

EMERGENCY CALL STATIONS

Emergency Call Stations are equipped to directly dial 911 and receive an immediate law enforcement response.

CALL STATION LOCATIONS

Benton Harbor Campus

- Near main entrance
- Between the faculty/staff and student parking lots
- 2 - Outside the Todd Center building
- North of the Mendel Center Grand Upton Hall entrance
- Beckwith Hall entrance, pergola, and athletic field concession stand
- Outside the Welch Center
- Ball Diamonds/Nature Trail

Niles Campus

- Between west parking lot and west building entrance

South Haven Campus

- Between main entrance and south(front) parking lot at the South Haven campus

EMERGENCY NUMBERS OUTSIDE OF LAKE MICHIGAN COLLEGE

Police & Fire

Berrien County Sheriff: 866 630-7679

Van Buren County Sheriff: 269-657-2006

Michigan State Police: 269 683-4411

BENTON HARBOR CAMPUS

Police (Benton Township): 269 925-1135

Fire (Benton Township): 269 925-3958

NILES-BERTRAND CROSSING CAMPUS

Niles City Police: 269-683-1313

Fire (Bertrand Township): 269 695-6191

SOUTH HAVEN CAMPUS

Police and Fire: 269 637-5151

Health and Medical

Spectrum Health Lakeland: 800 968-0115

Spectrum Health Lakeland (Niles): 269-683-5510

Southwestern Medical Clinic (Niles): 269-429-0900

Berrien County Health Department: 269-926-7121

Van Buren County and Cass County District Health Department: 269-621-3143

Mental Health

211/First Call for Help (United Way of Southwest Michigan): 269-925-7707 or 800-310-5454

Riverwood Community Mental Health Center
(Berrien County): 800-336-0341 or 269-925-0585
(Niles): 269-684-4270

Woodlands Behavioral Healthcare Network (Cass County): 800-323-0335 or 269-445-2451

Van Buren Community Mental Health Authority (Van Buren County): 800-922-1418 or 269-657-5574

Centered on Wellness
(Niles): 269-683-7604
(South Haven): 269-637-6236
(Benton Harbor): 269-926-6199

Domestic and Sexual Violence Issues

Domestic Violence Shelters: 269-925-9500

Child & Family Services of Southwestern Michigan: 269-925-1726

Safe Shelter: 888-237-1891

Domestic Violence Coalition: 888-655-9008

National Domestic Violence Hot Line: 800-799-SAFE

MI Coalition Against Domestic and Sexual Violence: 517-347-7000

Counseling Information

Andrews Community Counseling Center: 269-471-6238

Providing free psychological services under the supervision of licensed psychologists. Mental health services to children, adolescents, and adults who reside in

the Michigan area, or who are members of the community near the university. Office is located in Berrien Springs.

Centered on Wellness: 269-926-6199

Offering behavioral counseling, coaching, consulting, education and prevention for children, families, couples, and adults. Offices are located in Benton Harbor and Niles.

Freedom Counseling Center: 269-982-7200

Freedom Counseling Center provides high-quality counseling and psychological evaluations to individuals, parents, couples, adolescents, and children.

Riverwood Center: 800-336-0341 (24-hour hotline)

Riverwood partners with children, families, and adults in their journey toward recovering from behavioral health and substance use challenges and helps individuals with intellectual disabilities succeed in community living. Offices located in Benton Harbor.

Southwestern Medical Clinic Christian counseling and Psychological Services: 269-429-7727

Counseling services for treating abuse and trauma, addictions and co-occurring disorders, anxiety, depression, AHHD, eating disorders, coping with loss and grief and behavioral services for children and adolescents. Offices located in Berrien Springs, St. Joseph, Stevensville, Coloma, and Niles.

Help Net Employee Assistance Program

The College's Employee Assistance Program, available to all full- and part-time employees, is administered through Help Net. Information can be found in the Human Resources offices or on SharePoint under the staff and faculty benefit links.

DAILY CRIME/FIRE LOG

In accordance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act a daily crime/fire log is maintained by Facilities Management.

The log of the most recent 60-day period is open to public inspection during normal business hours or visit <https://www.lakemichigancollege.edu/safety> and click on "Campus Crime and Fire Reports" under "Reports".

The log contains the following specific information:

- Date the crime/fire was reported
- Nature of the crime/fire
- Date of the crime/fire (if known)
- Time of the crime/fire (if known)

- General location of the crime/fire (if known)
- Disposition of the complaint (if known)

The College may withhold information if (and as long as) the release of the information would jeopardize an ongoing criminal investigation or the safety of an individual, cause a suspect to evade detection, or result in the destruction of evidence. The College may withhold only the information that would cause the aforementioned adverse effects. The College will disclose any information withheld once the adverse effect is no longer likely to occur.

For additional information, please contact Director, Public Safety (269) 927-7060 or Facilities Management (269) 927-8135.

PREPARING THE ANNUAL SECURITY REPORT AND DISCLOSURE OF CRIME STATISTICS

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act) is a federal law which Lake Michigan College is committed to compliance.

Lake Michigan College prepares Annual Security Report in cooperation with local law enforcement agencies serving our campuses. Crime and arrest statistics for the report are compiled from police reports from the files of Berrien County Sheriff Department, Benton Charter Township Police Department, Benton Harbor Police Department, South Haven Police Department and the Michigan State Police. LMC does not have any officially recognized student organizations with off-campus locations. Therefore, we do not monitor or record criminal activities off-campus through local police agencies.

In addition, Maxient Student Conduct/Concerning Behavior reports along with incident reports are reviewed for accurate crime statistics reporting in the Annual Security Report.

Lake Michigan College does not remove reports of crimes unless they have been “unfounded” by law enforcement officials. LMC will report to the Department of Education and disclose in the ASR the number of crimes that were “unfounded” and subsequently withheld from the crime statistics. LMC had zero “unfounded” reports during calendar year 2019.

The Director of Public Safety/Evening Administrator prepares the Annual Security Report and then issues a statement to the campus community of the availability of the Annual Security Report.

Responsibility: Director, Public Safety/Evening Administrator; Clery Compliance Officer
Executive Director, Facilities Management

References: Clery Act

Recording Criminal Incidents

CRIME STATISTICS – Niles Campus at Bertrand Crossing (On Campus)

CRIMINAL OFFENSE	2020	2021	2022
Murder/non negligent manslaughter	0	0	0
Negligent manslaughter	0	0	0
Sex offenses – rape	0	0	0
Sex offenses – fondling	0	0	0
Sex offenses - incest	0	0	0
Sex offenses – statutory rape	0	0	0
Robbery	0	0	0
Aggravated assault	0	0	1*
Burglary	0	0	0
Motor vehicle theft	0	0	0
Arson (only fires investigated by law enforcement and determined to be arson)	0	0	0
Domestic Violence	0	0	0
Dating Violence	0	0	0
Stalking	0	0	0

HATE CRIME	2020	2021	2022
Murder and non-negligent manslaughter	0	0	0
Negligent manslaughter	0	0	0
Sex offenses – rape	0	0	0
Sex offenses – fondling	0	0	0
Sex offenses – incest	0	0	0
Sex offenses – statutory rape	0	0	0
Robbery	0	0	0
Aggravated assault	0	0	0
Burglary	0	0	0
Motor vehicle theft	0	0	0
Arson	0	0	0
Larceny-theft	0	0	0
Simple assault	0	0	0
Intimidation	0	0	0
Destruction/damage/vandalism of property	0	0	0
Domestic Violence	0	0	0
Dating Violence	0	0	0
Stalking	0	0	0

HATE CRIME (by category of prejudice)	2020	2021	2022
Race	0	0	0
Gender	0	0	0
Gender Identity	0	0	0
Religion	0	0	0
Sexual Orientation	0	0	0
Ethnicity	0	0	0
National Origin	0	0	0
Disability	0	0	0

ARRESTS & DISCIPLINARY REFERRALS	2020	2021	2022
Arrests: Weapons (Carrying, Possessing, Etc.)	0	0	0
Disciplinary Referrals: Weapons (Carrying, Possessing, Etc.)	0	0	0
Arrests: Drug Abuse Violations	0	0	0
Disciplinary Referrals: Drug Abuse Violations	0	0	0
Arrests: Liquor Law Violations	0	0	0
Disciplinary Referrals: Liquor Law Violations	0	0	0
Total Unfounded Crimes	0	0	0

CRIME STATISTICS

Public Property (Niles Campus at Bertrand Crossing)

CRIMINAL OFFENSE	2020	2021	2022
Murder/non negligent manslaughter	0	0	0
Negligent manslaughter	0	0	0
Sex offenses – rape	0	0	0
Sex offenses – fondling	0	0	0
Sex offenses – incest	0	0	0
Sex offenses – statutory rape	0	0	0
Robbery	0	0	0
Aggravated assault	0	0	0
Burglary	0	0	0
Motor vehicle theft	0	0	0
Arson (only fires investigated by law enforcement and determined to be arson)	0	0	0
Larceny – Theft	0	0	0
Simple Assault	0	0	0
Intimidation	0	0	0
Destruction/damage/vandalism of property	0	0	0
Domestic Violence	0	0	0
Dating Violence	0	0	0
Stalking	0	0	0

HATE CRIME (by category of prejudice)	2020	2021	2022
Race	0	0	0
Gender	0	0	0
Gender Identity	0	0	0
Religion	0	0	0
Sexual Orientation	0	0	0
Ethnicity	0	0	0
National Origin	0	0	0
Disability	0	0	0

ARRESTS & DISCIPLINARY REFERRALS	2020	2021	2022
Arrests: Weapons (Carrying, Possessing, Etc.)	0	0	0
Disciplinary Referrals: Weapons (Carrying, Possessing, Etc.)	0	0	0
Arrests: Drug Abuse Violations	0	0	0
Disciplinary Referrals: Drug Abuse Violations	0	0	0
Arrests: Liquor Law Violations	0	0	0
Disciplinary Referrals: Liquor Law Violations	0	0	0
Total Unfounded Crimes	0	0	0



LAKE MICHIGAN[®]

C O L L E G E

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Benton Harbor Campus
2755 East Napier Avenue
Benton Harbor, MI 49022
269-927-8100

Niles Campus at Bertrand Crossing
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Niles, MI 49120
269-695-1391

South Haven Campus
125 Veterans Boulevard
South Haven, MI 49090
269-639-8442

1-800-252-1562

www.lakemichigancollege.edu

Lake Michigan College is an equal opportunity institution, affording enrollment, employment, and services without distinction on the basis of race, color, religion, national origin, gender identity or expression, age, marital status, sexual orientation, sex, physical or mental disability, weight, height, creed, political affiliation, citizenship status, AIDS/HIV status, misdemeanor arrest record, genetic information, veteran status, or any other protected status. The parties recognize the College's continuing commitment to equal employment opportunity and non-discrimination. Minorities and persons with a disability are encouraged to attend Lake Michigan College. Any questions regarding rights under Title VI should be directed to the Executive Director, Human Resources, (269) 927-8704. Any questions regarding rights under Title IX should be directed to the Vice President of Student Affairs, (269) 927-8752.

Any questions regarding rights under Section 504 should be directed to the Student Well-Being and Accessibility Office, (269) 927-8866.