

# Lake Michigan College

## Annual Security & Fire Safety Report

Policies and Procedures for the 2024-2025 academic year

Emergency

EMERGENCY ONLY



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**Statistical Information for 2021, 2022, & 2023**

*Benton Harbor Campus (including Beckwith, LMC's student housing), South Haven Campus & Bertrand Innovation Center (transitioned in 2023)*

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## Introduction Letter

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Dear Lake Michigan College Community,

The Jeanne Clery Act (Clery Act) is in memory of a student who was slain in her dorm room in 1986 at Leigh University. Jeanne Clery's parents led the effort to enact the original Campus Security Act (1990). In 1998, Congress formally named the law in memory of Jeanne Clery. In March 2013, the Violence Against Women Reauthorization Act (VAWA) was signed. VAWA amended the Clery Act to require institutions to compile statistics for incidents of dating violence, domestic violence, sexual assault and stalking.

The statements contained in this document are derived from Lake Michigan College's (LMC) Clery Act Compliance Policy as well as other institutional policies. This report is prepared by the Department of Accreditation, Strategic Projects and Quality (ASPQ) in cooperation with local law enforcement agencies serving our Clery geography.

Once the crime statistics are compiled and the report is complete, the Annual Security and Fire Safety Report is placed on our website. Printed copies can be obtained by contacting [aspq@lakemichigancollege.edu](mailto:aspq@lakemichigancollege.edu). Each year, an email notification is made to all enrolled students, faculty and staff about the availability of the report. Potential students and employees are also notified of the availability of this report via LMC's website and the application process.

This 2024 Annual Security and Fire Safety Report covers crime and fire statistics for all LMC campuses, separate campuses, non-campus, and public properties which include: Benton Harbor Campus (including Beckwith, LMC's student housing), South Haven Campus, Niles Campus (transitioned to Bertrand Innovation Center in September 2023), and Allegan Tech Center.

Please familiarize yourself with this valuable resource and other helpful information contained in this report so you can actively assist us in maintaining a safe and secure environment for the LMC community. We are all committed to making our campus a safe place in which to live, work, and learn.

**Remember that you are an important part of the safety and success of LMC.**

**If you see something say something!**

Thank you,

Melissa Emery  
Clery Compliance Officer

**"Together we empower people and communities to thrive through education, innovation, and experiences". – Lake Michigan College**

# Safety and Security

## Emergency And Non-Emergency Contact Information

### Emergencies



Campus Phone: **9-911**



Non-Campus Phone: **911**

*\*Remember to alert security after dialing 911 from non-campus phones\**

### Non-Emergencies (Security Services)



Campus Phone: **6-911**



Non-Campus Phone(s)

**Benton Harbor**

Security Cell: **269-470-6084** - *Calling or Texting Available*

Campus Officer: **269-925-7846**

**South Haven**

Security Cell: **269-808-1516** - *Calling or Texting Available*



Security Offices

**Benton Harbor Campus**

Campus Security: **S-109a**

Campus Officer: **L-150**



Email

**Safety@lakemichigancollege.edu**

### Numbers Outside of Lake Michigan College

#### ***Benton Harbor Campus***

Police (Benton Township): **269-925-1135**

Fire (Benton Township): **269-925-3958**

Berrien County Sheriff: **269-983-3060**

Michigan State Police (Niles): **269-683-4411**

#### ***South Haven Campus***

Police and Fire: **269-637-5151**

Van Buren County Sheriff: **269-657-2006**

#### ***Allegan Tech Center***

Sheriff's Department: **269-673-0500**

Sheriff's Department After Hours: **269-673-3899**

Michigan State Police (Wayland): **269-792-2213**

#### ***Bertrand Innovation Center- Niles***

Niles City Police: **269-683-1313**

Fire (Bertrand Township): **269-695-6191**

Berrien County Sheriff: **269-983-3060**

Michigan State Police (Niles): **269-683-4411**



## Emergency Call Stations (Blue Lights)

Emergency Call Stations are equipped to directly dial 911 and receive an immediate law enforcement response. Call station locations are listed below:

<b>Benton Harbor Campus (Main)</b> <ol style="list-style-type: none"><li>1. Near main entrance (cover photo)</li><li>2. Between the faculty/staff and student parking lots</li><li>3. Outside the Todd Center building</li><li>4. In the parking lot of the Todd Center</li><li>5. North of the Mendel Center Grand Upton Hall entrance</li><li>6. Beckwith Hall entrance, pergola, and athletic field concession stand</li><li>7. Outside the Welch Center</li></ol>	<b>South Haven Campus</b> <p>Between main entrance and south (front) parking lot</p>	<b>Bertrand Innovation Center</b> <p>Between the west parking lot and west building entrance</p>
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## Safety And Security Personnel

Lake Michigan College contracts with Securitas for both of LMC’s campus locations. Securitas does not have arrest authority and is unarmed. They act as an extra set of eyes and monitor LMC’s property. Securitas reports any crimes to our Campus Officer (CO) and/or reports through Securitas’s reporting system. Securitas is available 24 hours a day, 7 days a week on the Benton Harbor Campus. Availability of Securitas at the South Haven Campus is limited to peak class times. Many visitors and first-time students are unaware of the services both LMC’s CO and Security Personnel provide:

Protection of persons and property – officers patrol on foot, in a marked LMC Security vehicle as well as a Berrien County all-terrain motorized vehicle

Emergency assistance in the case of injury or severe illness	Open locked vehicles	Jump starting dead batteries	Escort service to your car or from building to building
Enforce state and federal law, local ordinances, and LMC’s policies	Parking and traffic enforcement	Crime prevention and reporting	

## Working Relationship with Law Enforcement

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. When LMC’s CO is on site, Berrien County Sheriff’s Office is the responding agency.

When CO is not present, Benton Charter Township law enforcement agency responds to the Benton Harbor Campus.

LMC's Clery Compliance Officer sends requests to all law enforcement agencies that have jurisdictions for LMC's Campus and Non-Campus properties to receive information about any reported crimes at each location.

## **Building Access**

Buildings on all campuses are opened and operated by Facilities Management Department (Facilities) to serve the needs of the College. This procedure describes the responsibilities of Facilities Management and Security, for securing buildings and permitting access.

The College must maintain a safe and secure environment for individuals while on campus.

**Security/Safety Considerations:** The primary considerations for securing the campus exterior and interior doors include but are not limited to:

- Provide procedures that ensure all College facilities and property are being used for authorized purposes and that proper supervision by appropriate staff members is provided
- Reduction of the theft of high value assets from the campus
- Mitigate Active Violence Incidents and/or other violent action on campus
- Disaster management where the threat (such as a gas leak or hazardous material incident) is inside one or more buildings
- Disaster management where the threat is attempting to move into a building (riots or other civil disorder, for instance).

**Unlock/Lock Schedules:** Facilities unlocks/locks scheduled doors and Security verifies secured doors. A building schedule is generated each week by Facility Management for Saturday through the following Friday.

- **Academic Buildings:** Generally, main entrances at academic buildings are opened each weekday by at least 7:30 a.m. and are locked 30 minutes before the end time of the latest academic class scheduled end time.
- **Mixed Use Buildings:** Buildings are opened and closed in coordination with the building's required needs.
- **Resident Hall:** Always locked. Key card electronic access for students and limited staff only.
- **Office Suites / Offices:** Interior office suites are locked by each respective Department at the end of their business day.
- **Academic Spaces – Normally Locked:** Academic spaces categorized as laboratories, computer classrooms, or specialty spaces should always be locked. Instructors using those spaces must be issued a key and it is their responsibility to unlock and lock for their instruction needs.
  - Departments should coordinate with Facilities Management at the start of each semester to confirm the regular schedule for normally locked spaces in order to provide for all necessary building cleaning/servicing needs.
- **Academic Spaces – Normally Unlocked:** General classrooms and lecture halls are not locked Monday through Thursday. Friday all spaces are secured after cleaning and reopened as scheduled on Monday.
- **Electronic Access:** A limited number of exterior doors and specific interior doors are electronically controlled by a program jointly managed by Facilities Management and Information Technology.

- **After-Hours Access:** Buildings and rooms will be unlocked/locked as specified on the College scheduling plan, issued weekly. When the space is scheduled, unlocking/locking needs will be confirmed for the event and a Facilities work order should be issued as needed.

Any persons requesting building access after normal business hours, on weekends, or when buildings are closed, which has not been coordinated in advance with the College Scheduler must be referred to the Security officer on duty.

If a Security officer is asked to admit any employee to any area of the college, the Security officer will positively identify the employee by either verifying an LMC ID or receiving a call from the employee's supervisor. Security officer will record this information in the report management system, including name, area accessed and the purpose of entry.

Employees are required to notify Security if working on-site outside of normal hours upon arrival and when they leave.

Students are not permitted to be in any building or room/department area that is closed or unstaffed, unless that student has been authorized through Facilities Management.

For external events, a designated LMC employee is required to be present (refer to Facilities Rental Procedures).

**Campus Closures and Emergency Closures:** Employees coming to work on campus when the campus is closed to the public should report their presence to Security.

Employees who are not authorized by their Supervisors to be on campus during an emergency closure should not be on campus. Any emergency access required should be coordinated with their Supervisor and Security.

During inclement weather, parking should be limited to areas that are prepared and plowed.

**Summer Schedule:** Summer schedule is Monday through Thursday for regular College hours. Unlocking/locking is coordinated with the summer schedule. Academic spaces that are normally unlocked (see above) may be closed if there are no scheduled classes during the summer.

## **Maintenance of Campus Facilities**

The Facilities Management Department (Facilities) is responsible for maintaining, repairing, and updating facilities owned and operated buildings and grounds on its two college campuses. Some services managed and supported by Facilities include:

- Building/room scheduling, unlocking/locking, and access control
- Keying management services
- Interior building and exterior site lighting
- Pavement and concrete walkway management and repair
- Emergency management and response
- Temporary signage posting
- Sign system management

Work requests based on College department needs or individual observations must be made through the Maintenance Connect work order request. Staff and employees are encouraged to submit requests upon observations of required maintenance.

## Where to Report a Crime

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### **Campus Security Authority's**

Campus Security Authorities (CSAs) are individuals designated by LMC with significant responsibility for student and campus activities, including security personnel.

Under the Clery Act, a crime is reported when a victim, witness, third party or even the offender brings a crime to the attention of a CSA, campus security personnel or local law enforcement. CSAs have an obligation to report through LMC's Maxient (Report and Support) system, or to the Clery Compliance Officer. It doesn't matter whether the individual(s) involved in the crime or reporting the crime are associated with the institution.

CSAs are responsible for:

- Completing annual training and education as determined by the Clery Compliance Officer/Clery Compliance Committee.
- Reporting all alleged crimes as well as understanding the mandated Clery Act crimes
- Timely submission of a Maxient report(s) of all alleged crimes reported to them.
- Responding to the annual confirmation process to verify that all Clery Crimes were reported during the previous year.

CSAs will receive at a minimum an annual notification as a reminder to submit any incidents/crimes etc. that may have occurred. Each CSA is required to respond to the communication.

CSAs are not responsible for investigating crimes. The CSA role is to report all incidents immediately, no matter how minor the incident may seem. Investigations and crime classifications are the responsibility of LMC's Campus Officer unless local law enforcement is involved.

CSA's need to report:

- Contact information such as name, phone number, and email address (clarification from the CSA may be needed).
- Date the incident was reported to the CSA.
- Where the incident occurred: On-Campus; Student Housing; Non-Campus building or property; or Public Property.
- What alleged or attempted crime took place.
- Summary of the alleged incident.

Any crime that occurred on or around college property may be reported to the following CSA's (the below list is not an exhaustive list of all CSA's of the College):

#### **Benton Harbor Campus:**

- Campus Officer: **269-925-7846**
- Securitas: **269-470-6084**
- Executive Director, Intercollegiate Athletics and Campus Life; Melissa Grau: **269-927-6172**
- Athletics Department including Coaches: **269-927-6846**
- Associate Director of Housing; Leah Coyle: **269-927-8117**
- Front Desk Housing Assistants: **269-927-8614**
- Resident Assistants Duty Phone: **269-363-1162**
- Title IX Coordinator; Charmae Sanders: **269-927-6908**
- Director of Campus Life; Sarah Thomas: **269-927-8148**
- Academic Advisors
- Club Advisors



### **South Haven Separate Campus:**

- Securitas: **269-808-1516**
- Associate Dean, South Haven Campus & Select Academic Programs; Jeremy Burleson: **269-637-7514**
- Admissions Specialist; Adjunct Faculty: Laura Henderson-Whiteford: **269-637-7503**

### **Allegan Tech Center (non-campus):**

- Lecturer, Art; Susan Wilczak: **269-927-8160**
- Faculty, Biology; Melissa Howse-Kurtz: **269-927-8623**

### **Bertrand Innovation Center (non-campus):**

- Lecturer, Art; Susan Wilczak: **269-927-8160**
- Student Support Specialist/Advisor; Kamala Chancellor: **269-695-2991**
- Faculty, Political Science; Tiffany Bohm: **269-927-8877**

## **Reporting Form(s)**

If you are reporting an emergency that involves imminent risk of harm to self or others, please call 911 or campus security 269-470-6084. Follow up by submitting a Care and Concern Report so that our CARE Team can follow-up with the student to offer support and resources. By submitting a report, you are helping us maintain a healthy and safe campus community. Join us in taking care of our community by creating a culture of reporting. These reporting forms can be found on LMC's website here:

<https://www.lakemichigancollege.edu/students/incident-reporting>

## **Voluntary Confidential Reporting**

Students, faculty, staff, and community members have the option to report confidentially through LMC's reporting system here: <https://www.lakemichigancollege.edu/students/incident-reporting>

### ➤ **Clery Act Compliance Policy**

Victims, witnesses, students, employees, CSAs and/or community members are able to report crimes in a voluntary, confidential manner. The College encourages prompt reporting of all crimes into the College's Maxient system. The College's professional counselors are not required to report crimes that have been shared during counseling sessions.

### ➤ **Title IX**

Reports to a "Confidential Employee" - reports made to a "confidential employee" will not be shared with the Title IX Coordinator or other school officials. Nor will such reports be shared with other individuals without express permission of the reporting person or the person about whom the report pertains, unless required by law. After receiving a report about conduct that may reasonably constitute sex discrimination, the confidential employee will share information with the reporting person about Title IX and its regulations, including the confidential employee's status, how to contact the Title IX Coordinator, how to make a complaint, and how to obtain additional information about possible supportive measures and options for resolution.

At the College, Counselors in the Student Well-Being and Accessibility office are designated as "confidential employees." They may be contacted: [counseling@lakemichigancollege.edu](mailto:counseling@lakemichigancollege.edu) or **269-927-8866**

## Clery Geography

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The Clery Act requires institutions to disclose Clery crime statistics reported in the Annual Security and Fire Safety Report based on where the crimes occur. These geographic categories of property designations are known as “Clery Geography.” The Clery Act requires colleges and universities to report certain crimes that occur (1) on campus, (2) in or on certain non-campus buildings or property that the institution owns or controls (3) on public property within or immediately adjacent to campus. Additionally, if an institution has multiple campuses, it must disclose statistics for each campus.

- **On-campus property** is defined as:
  - Any building or property owned or controlled\* by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution's educational purposes, including residence halls; and
  - Any building or property that is within reasonably or contiguous to the area identified in the above paragraph of this definition, that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes.
  - \*Even if no payment is involved in the transaction, under Clery, a written agreement for use of space gives your institution control of that space for the time period specified in the agreement.
- **Non-campus property** is defined as:
  - Any building or property owned or controlled by a student organization that is officially recognized by the institution; or
  - Any building or property owned or controlled by an institution that is used in direct support of, or in relation to, the institution's educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution.
  - Hotels used by athletics teams and student organizations when they travel for more than one night or use the same location every year.
- **Public property** is defined as:
  - All public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus, or immediately adjacent to and accessible from the campus.
- **Separate Campus** is defined as:
  - Buildings and property owned or controlled by the College that are not reasonably contiguous with the main campus, with an organized program of study, and at least one administrator on site.

Annually the Clery Compliance Officer (CCO) collaborates with Facilities Management to develop and maintain current campus maps that definitively identifies the institution’s Clery geographical borders, including all campus property, campus buildings, student residential housing, campus parking, campus boundaries, campus owned streets, public property and streets, separate and non-campus properties. The Risk Manager along with Facilities Management will notify the CCO of any changes to the institutions properties that are owned or controlled by the College, are purchased or sold, or if use of such property changes.

All student travel, international and domestic, sponsored or supported by the college must be authorized and registered and approved prior to travel through a dedicated process in advance of travel. The Clery Compliance Officer maintains a list of all overnight student trips for the purposes of identifying non-campus properties. This list is compiled from the pre-and-post electronic forms.

*See Appendix A for all of Lake Michigan College’s Clery geography maps.*

## Daily Crime and Fire Logs

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In accordance with the Jeanne Clery Disclosure of Campus Security Policy and the Campus Crime Statistics Act, LMC is required to maintain a Daily Crime and Fire Log. The CCO is responsible for maintaining the logs. The daily crime log is not a general, catch-all incident log. Its specific purpose is to record alleged criminal incidents that are reported and take place within LMC's Clery geography.

LMC may temporarily withhold entries from the daily crime and fire logs only if there is clear and convincing evidence that the release of information would:

1. Jeopardize an ongoing investigation
2. Jeopardize the safety of an individual
3. Cause a suspect to flee or evade detection
4. Result in the destruction of evidence

Once the information is no longer likely to prove harmful, LMC will make the entry on the daily crime and fire logs. If an entry is delayed, LMC will clearly document the reason for doing so.

### The Daily Crime Log

Lake Michigan College maintains a Daily Crime Log of reported crimes occurring in LMC's Clery geography. The Daily Crime Log will record specific information about all criminal incidents reported. At a minimum, logs will include the following required elements:

1. Date the crime was reported
2. Date and time the crime occurred
3. Nature of the crime
4. General location of the crime
5. Disposition of the complaint (if known)

Entries in the Daily Crime Log and dispositions of a complaint will be recorded by the CCO within two business days of LMC's receipt of the report. The College is not required to update the disposition of a crime log entry if the disposition changes after 60 days have passed; however, LMC may choose to do so.

### The Fire Log

The College maintains a Fire Log of reported fires occurring in LMC's residence hall within two business days. Reports that meet the Clery definition of a "fire" are classified independently. The Fire Log will record specific information about fires reported. At a minimum, logs will include the following required elements.

1. Date the fire was reported
2. Date and time the fire occurred
3. Nature of the fire
4. General location of the fire

If the CCO is unavailable to make an entry in either log, the Administrative Assistant to the CCO is assigned as the backup.

The Crime and Fire Logs will be archived for a minimum of seven years to ensure compliance. LMC will make a hard copy available upon request during normal business hours. Any portion of the log older than 60 days will be made available for public inspection within two business days upon request. All requests should be made to the Department of Accreditation, Strategic Projects, and Quality.

# Annual Fire Safety Report

## Beckwith Hall Fire Safety

### Fire Safety System

Beckwith Hall is LMC’s residential housing and was designed and constructed to meet all fire codes in place at the time of construction. The fire alarm system is monitored by an alarm monitoring company off campus. A full sprinkler system, smoke detection system, and portable fire extinguishers round out our overall protection.

### Evacuation Procedures

If a fire is detected or the fire alarm sounds, close your windows, and evacuate the area. Isolate the fire by closing doors as you leave. Do not use elevators. Move quietly and orderly out the nearest exit and away from the building at least 50 feet beyond the outside door and meet in Parking Lot 1 with your designated floor. Find your Resident Assistant in your designated area so they may include you in their floor count. The building should not be re-occupied until an authorized all-clear signal is given. Residence Assistant staff will assist by checking to make sure all floors are cleared and collecting a resident count. The residence hall front desk staff will clear the lobby and take the visitor IDs from the desk. For student safety, students are required to comply with all fire drills.

### Fire Drills

LMC had 3 fire drills in the calendar year of 2023, 6/28/23, 8/21/23, and 9/28/23. In addition, a log concerning all fire alarm drills and activations is maintained in the facilities department. On or before January 10 of each year, LMC must submit the annual drills held to the Michigan’s Licensing and Regulatory Affairs (LARA) under the Bureau of Fire Services on a prescribed form by the bureau.

### Prohibited Items

Per LMC’s Student Housing Handbook, the below are prohibited items for Beckwith Hall students:

- Adhesives/Wall Mounts
- All small kitchen appliances should only be used/stored in the kitchen.
- Candles/Candle Warmers/Mug Warmer/incense (Will be removed upon finding)
- Decorative Trees (live) | Dartboards (metal/plastic tipped) | Fire/Open Flames (Will be removed upon finding)
- Combustible chemicals such as, but not limited to; gasoline (liquid)/propane. (Will be removed upon finding)
- Motorcycles and other fuel driven engines may not be stored or operated inside Beckwith Hall
- Grills (BBQ) | Space heaters | Lofts (custom) | Pets | Halogen type lamps
- Smoking Materials including Hookahs, Vaping and E-cigarette materials (Will be removed upon finding)
- Weapons: See the Lake Michigan College Weapons Policy for further detail.
- Alcohol/Alcohol Empty Containers (Will be removed upon finding)
- Charcoal of any kind (Will be removed upon finding)
- Drugs: Prescription drugs without proper script and container, Marijuana, Other Illegal Substances including any and all drug paraphernalia, and Hookah pipes. (Will be removed upon finding)

## **Fire Safety Programs and Education**

Pursuant to the Fire Prevention Code, PA 207 of 1941, Section 29.19a (5) requires all instructional staff to be trained in fire drill procedures before the beginning of each academic year. This training includes instructional and residence hall staff regardless of the requirement for conducting drills in the building. The training may be separate or part of the institution's training in their overall emergency response plans.

## **Reporting Fires and Statistics**

### **Reporting**

Any fire should be reported to one or all of the following:

- Resident Assistant
- Associate Director of Housing: **269-927-8117**
- Executive Director, Intercollegiate Athletics and Campus Life: **269-927-6172**
- Security (24hrs a Day): **269-470-6084**

### **Fire Statistics**

<i>Year</i>	<i>Number of Fires Reported</i>	<i>Category of Fire</i>	<i>Cause of Fire</i>	<i>Fire Related Injuries</i>	<i>Fire Related Deaths</i>	<i>Property Damage</i>
2023	0	N/A	N/A	0	0	\$0
2022	0	N/A	N/A	0	0	\$0
2021	0	N/A	N/A	0	0	\$0



## **Campus Safety Alerts**

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### **Timely Warning**

Timely Warnings are communications that are issued to the campus community as soon as pertinent information is available regarding a crime that has occurred in order to aid in the prevention of similar incidents. Timely Warnings are issued case-by-case, based on all the facts surrounding a crime. These warnings advise the College community of the situation and do not include confidential victim information. Factors influencing the decision to release a Timely Warning include the nature of the crime, continuing danger to the LMC campus community, and/or the risk of compromising law enforcement efforts. They may also include the type of crime, the date, time, and location of the incident, and suspect information, when applicable.

LMC works closely with local law enforcement agencies to inform the College about crimes which may warrant LMC issuing a Timely Warning. A Berrien County Deputy is assigned to the Benton Harbor Campus to assist with informing the College about such crimes. Timely Warnings will be issued by authorized employees as soon as information is available in consultation with the LMC Clery Compliance Officer (CCO), or designee. Information reported in a Timely Warning may not have been investigated or confirmed at the time of the issuance of the warning. Physical descriptions of a suspect will be included in Timely Warnings only if there are enough details to help distinguish the suspect's appearance from the general population.

### **Emergency Notification**

Emergency Notifications differ from Timely Warnings described above in that Emergency Notifications apply to any immediate threat to the health and safety of students or employees on campus. This may include but is not limited to, certain criminal activity in progress, serious fires, outbreaks of serious illnesses, severe weather conditions, earthquakes, gas leaks, terrorist incidents, armed intruders, bomb threats, civil unrest or rioting, explosions, nuclear power plant emergency, or nearby chemical or hazardous waste spills.

Emergency notifications will be activated by authorized employees immediately 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.

### **Communication Systems**

LMC uses an automated system to disseminate Timely Warnings and Emergency Notifications broadly to the College's students and employees externally via cell phone text messaging, email, and voice mail notifications.

LMC also utilizes an internal emergency notification system that sends ring and text messages to internal phones and to College IP clocks (located in campus hallways) which provide a visual and audio message. Executive Director, Marketing and Communications, or designee, is responsible for preparing all alerts for dissemination to the College community in coordination with the Clery Compliance Officer and/or Emergency Management Team or Incident Response Team. Communication systems are tested annually.

# Emergency Preparedness, Response, and Evacuation Procedures

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## **Medical**

Call 911, tell dispatcher (9-911 if calling from a campus phone):

- WHO you are and WHO (i.e, name, age, gender) needs help
- WHAT happened
- WHERE you are, the building's physical address, and the room
- Retrieve Automated External Defibrillator (AED) if necessary (see building maps for location)

## **Fire**

- All staff and students will leave the building immediately and proceed to the nearest main parking lot
- If there is someone needing assistance, it may be necessary to make arrangements with others to help get the person to safety
- In the event that the nearest exit is the source of the fire and/or is filled with smoke, use the next nearest exit
- Do NOT use elevators
- Do NOT open the door until you touch it to determine whether it is cool or hot
- Remain in the parking lot until you receive an "All Clear" message

## **Evacuation**

### **Building**

- Stop what you are doing and leave the building quickly and safely
- Take immediately accessible items only
- Evacuate to an area a safe distance away from the building
- Do not reenter until you receive an "All Clear" message

### **Campus Wide**

- Calmly and quickly, exit the campus and take accessible possessions with you
- Drive patiently when leaving the parking lot

## **Tornados & Shelter**

- Do NOT go outside
- Do NOT stand near glass-enclosed spaces
- Go to your current building's tornado shelter area (as posted in the building maps)
- Do not return to your classroom or office space until you receive an "All Clear" message

## **Active Violence**

### **Run**

- Get away if possible
- Put distance between you and the threat

### **Hide**

- If exiting is not possible:
  - Create barriers to prevent or slow down the threat
  - Turn off the light, hide quietly, and silence your cell phone

### **Fight**

- If confronted:
  - Be prepared to defend yourself
  - Be aggressive and committed to your actions

## **Emergency Preparedness and Response**

Lake Michigan College (the College) is committed to providing a safe environment. Pursuant to its obligations under Federal, State, and local laws/regulations, the College has established Emergency Preparedness and Response Plans and Procedures that provide protective measures for the health and safety of students, residents, employees, and guests during an emergency.

The College, through its partnerships with Emergency Management professionals, will continue to maintain the currency of the policies, plans, and procedures and will publish in a manner that reaches students, residents, employees, and guests.

In the event of an emergency that impacts instruction, each Program/Discipline Chair/Director will develop a plan for impacted areas of study. These plans will include all modalities of instruction, including in a comparable space with necessary equipment. Final plans require approval of the Provost & Vice President of Academics. Students will be made aware of changes to classroom formatting verbally and in writing, with updates as needed. In the event of the emergency requiring a change to a course modality, the College will notify students impacted to assure continuity of educational services.

Plan and procedure effectiveness will be monitored through routine practice drills.

## **Shelter-In-Place**

This procedure provides plans of action to react to threats or dangers from an immediate weather event or the release of hazardous materials. In these situations, it may be necessary to seek shelter at a designated location ("Shelter-in-Place"). Shelter-in-Place means to seek immediate shelter and remain there during an emergency rather than evacuate the area. Shelter-in-Place should only be used when an evacuation is not safe. In addition, if notified by the authorities, it may be necessary to seal the premises.

### **In general:**

- 1.** Call 911 and provide information to Emergency Dispatch personnel.
- 2.** Call 6911 on a college phone and alert Facilities Management of the situation. The CERT Team (Community Emergency Response Team) will be activated.
- 3.** Activate the College notification system (Syn-App) to say "A campus/building Shelter-in-Place lockdown has been activated. Proceed to Room# \_\_\_\_ as this is the safe area" with a ring and text message. Visual and audio messages will be provided on the IP Network clocks located in campus hallways.
- 4.** Ensure students and employees are in a safe area; the area will be designated by building.
- 5.** Notify the President and/or Cabinet members.
- 6.** Close and lock exterior doors and windows with NO entrance or exit.
- 7.** Activate the notification system (currently Rave Alert) to alert students and employees to stay away from campus.
- 8.** Remain in position until the "All Clear" signal has been issued.

### **Hazardous Incident**

If hazardous materials have been released into the atmosphere either accidentally or intentionally (including chemical, biological or radiological), a decision to Shelter-in-Place may be the preferred method of safely waiting out the release. The following steps should be taken:

- Move to rooms with no windows that are open. Close all open windows and doors if you cannot move.
- Rooms that have little or no ventilation are preferred.
- Only come out when you are told that it is safe.
- Shut down the air handling system/HVAC.



- Set up an isolation room; employees there should have masks, gloves and booties.
- Contact Dial-A-Ride and stop the bus from coming to campus.

### **Weather Incident**

A severe weather event such as a tornado or wind event may necessitate a Shelter-in-Place until the threat of bad weather has passed. The following steps should be taken:

- Relocate from your work area to a space designated as a weather shelter area on the lower floor away from windows. Each building has identified weather shelter designated areas.
- If moving to a weather shelter area is not possible, move to an interior room with no windows, an interior stairwell if all rooms have windows, or a hallway on the lowest floor.
- Stay in the center of the room away from doors and windows.
- Stay in place until the danger has passed.

### **Lockdown**

There are two types of lockdowns. External Lockdowns are to mitigate threats or dangers outside a building or the general vicinity of a campus. Internal Lockdowns are in reaction to real-time threats, dangers, or acts of violence inside a building. If there is an internal threat in one building, all other buildings on a campus will go to an external lockdown.

#### **Internal Lockdown**

All classrooms have “Lockdown Training Material” posted for reference. Steps:

1. Call 9-911 from a College phone and provide information to Emergency Dispatch personnel.
2. Call 6911 from a College phone, which will alert Facilities Management of the situation. The CERT team (Community Emergency Response Team) will be activated.
3. Notify the President and/or Cabinet members.
4. Activate internal notification system (Syn-Apps) to say “We are going into an Internal Lockdown” with an emergency alert using ring and text message. Visual and audio messages will be shown on the IP Network clocks in building hallways.
5. Employees and students should remain in place or move to an area that can be locked.
6. Implement “Lockdown Steps” below.
7. There is no call to action to lock the building outside access points.
8. Do not inhibit law enforcement entry into the building.
9. Activate External Lockdown for all other campus buildings.
10. Activate the notification system (currently Rave Alert) to alert students and employees outside of the building/campus to stay away from campus.

#### **External Lockdown**

1. Call 9-911 from a College phone and provide information to Emergency Dispatch personnel.
2. Call 6911 from a College phone, which will alert Facilities Management of the situation. The CERT team (Community Emergency Response Team) will be activated.
3. Notify the President and/or Cabinet members.
4. Activate internal notification system (Syn-Apps) to say “We are going into External Lockdown, at [campus name]” with an emergency alert using ring and text message. Visual and audio messages will be shown on the IP Network clocks in building hallways.
5. Close and lock exterior doors and windows to allow NO entrance or exit.
6. Facilities personnel outside with walk-talkies should return to the closest building and bring others who are outside with them.
7. Employees and students should remain in place or move to an area that can be locked. See “Lockdown Steps” below.
8. Activate the notification system (currently Rave Alert) to alert students and employees outside of the building/campus to stay away from campus.

## Lockdown Steps

1. Lock the door if possible and block the door using whatever is available: desks, filing cabinets, and other furniture.
2. Lock windows.
3. If safe, allow others to seek refuge with you.
4. If safe, check halls and restrooms for others.
5. Silence cell phones.
6. After securing the room, people should be positioned out of sight and behind items that might offer additional protection, such as inside walls, desks, filing cabinets, etc.
7. Remain in position until notified; an “All Clear” communication will be provided by law enforcement through the internal notification system (Syn-Apps).

## **Fire Safety Review & Approval Process for Events**

### **General Set-Up Requirements:**

1. Sightline to exit must be visible and path to exit must be open and as direct as possible
  - a. When pipe & drape are in place, two exits must be visible from all locations inside Grand Upton Hall
2. Exits may not be obstructed
  - a. No drapes blocking required (signed) exits
  - b. Important to check all areas along the path
  - c. Do not block off doors even if additional doors are available from space
3. No pipe & drape across required exit corridors; do not create dead-ends.
4. All power/cabling traversing pathways inside a room must have temporary covers or contrasting color tape (depending on quantity of cables). Preferred to avoid power/cabling traversing any exit corridors (if running parallel is not feasible, review with Facilities)
5. Do not obstruct access to fire extinguishers, AEDs, phones, thermostats, lighting controls
6. Sprinklered buildings:
  - a. Maintain 5’ minimum pathways in corridor to exit
  - b. Booths or tables must be on same side of corridor (prevent weaving around tables to exit)
  - c. Be mindful of automatic door clearances or fire shutters closing area
  - d. Booths/tables with heating elements are not allowed in exit corridors
7. Non-sprinklered buildings:
  - a. No pipe & drape in corridors
  - b. Maintain 5’ minimum pathways in corridor to exit
  - c. Booths or tables must be on same side of corridor (prevent weaving around tables to exit)
  - d. Be mindful of automatic door clearances or fire shutters closing area
8. Booths/tables with heating elements are not allowed
9. Refer to procedure for “Decorations & Displays”

### **Pipe & Drape Set-Up**

Pipe & Drape set-ups which vary from the attached “standard” which has been reviewed and approved by Benton Charter Township, must be submitted to Facilities 3-weeks in advance. Note: if layout is simply less pipe & drape than the approved layout, it does not need to be submitted.

1. Submit an alternative layout to Facilities 3-weeks prior to the event. Include:
  - a. Clear indication of where drapes will be placed
  - b. Height of pipe & drape
  - c. Notation of any special equipment or installation over 8’ high
  - d. Locations of heating elements
  - e. Locations of booth/tables requiring power

2. Facilities to review & update with Event Manager as needed
3. Facilities submits to Benton Charter Township (BCT) 2-weeks in advance of the event
  - a. Booths with heating elements are not allowed in exit corridors
  - b. Booths with heating elements are not allowed in exit corridors
4. BCT reviews proposed layout, provides feedback and any suggested revisions
5. On-site review is scheduled; BCT, Facilities (Executive Director or Engineer), Event Manager to attend
6. BCT assigns staff to review on-site when set-up is at least 85% complete prior to event
7. BCT may make on-site required changes; Event Manager is responsible for communicating to client. Facilities provides support as needed.
8. Facilities (Executive Director or Engineer or their designee) and Maintenance Technician to review when set-up is complete prior to event start.

### **General Safety Planning**

1. If large event (~500+) notify the Township police, Medic One. For really large events (~1,000+), ask Medic One to consider being onsite.
2. Crosswalk guard provides assistance to patrons coming in on south side of Mendel Center (not required for Grand Upton Hall).

## **Missing Student Notification**

### **Policy**

In compliance with the Higher Education Opportunity Act and the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act); this policy describes the actions taken by LMC when a student residing on-campus or living off-campus has been reported missing to the Associate Director of Residence Life; Executive Director, Intercollegiate Athletics and Campus Life; or the Vice President of Student Affairs.

Students will be asked to provide emergency contact information during the admissions application process. Upon move-in to on-campus housing, students regardless of age, can provide information to the College of a missing person contact(s) in addition to an emergency contact (which can be different individuals if the resident chooses) via the housing application and their housing account. This option will be offered to residents annually and can be updated at any time. When a housing or College administrator is informed that a resident of on-campus housing is reported missing, they are required to notify local law enforcement and/or LMC's Campus Officer as well as individuals listed as a missing person and/or emergency contact(s) for the resident within 24 hours of the determination.

Students living in on-campus housing who are under 18 (who are not emancipated) are informed that the College is required to notify a custodial parent or guardian as well as any additional contact person designated by the student within 24 hours after the time the student is determined to be missing. These students are required to identify and provide contact information for their custodial parent or guardian. For students not living on campus and reported missing, a college administrator will notify individuals if they list emergency contacts for the student within 24 hours, that was submitted via their admissions application.

Missing person and/or emergency contact information is recorded confidentially, only accessible to authorized campus officials, and is disclosed only to law enforcement personnel in support of a missing persons investigation.

## Procedure

In compliance with the Higher Education Opportunity Act and the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act); this procedure describes the actions taken by LMC when a student residing in on-campus or living off-campus has been reported missing.

When a housing administrator is contacted with the information that a student may be missing; the housing administrator will take the following steps:

- Contact the student via the contact information listed in the College's CRM and housing occupancy management software.
- If contact is not possible through those means, the housing administrator will then access the student's suite to try to gain contact with the student's roommates to learn more information about their whereabouts. During this time, the housing administrator will enter the student's assigned room to see if the student is present or if they can learn any information regarding their whereabouts. Campus security staff will assist the housing administrator when requested.
- The housing administrator will check the ID card access system to see the last time the student entered on-campus housing.

If the location of the student cannot be confirmed and is determined missing, it is the responsibility of a housing administrator to notify the Vice President of Student Affairs and contact local law enforcement within 24 hours.

- When the missing student is under 18 years of age and not emancipated, the Vice President of Student Affairs or designee will immediately contact the custodial parent or legal guardian of the student and any other designated
- When the student is over 18 and has identified a missing person and/or emergency contact(s), the Vice President of Student Affairs will notify the person(s) listed.

If a student has identified multiple contacts, they can be contacted in an order determined by LMC. If the first person contacted confirms that the student is not missing, the College will continue to contact each additional person listed unless LMC has directly made contact with the missing student. If the College is not successful in contacting the named person(s), LMC will document attempts made in the College's Maxient/reporting system.

If the student is reported missing and is off campus the Vice President of Student Affairs will attempt to contact the emergency contacts via LMC's CRM software.

## Institutional Policies

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### Clery Act Compliance

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act) is a federal statute codified at 20 U.S.C. § 1092(f), with implementing regulations in the U.S. Code of Federal Regulations at 34 C.F.R. 668.46. The Clery Act requires colleges and universities participating in federal financial aid programs to comply with various requirements related to safety on campus. LMC is committed to providing a safe learning and working environment, consistent with its obligations under the Clery Act. In accordance with the Clery Act, the College strives to provide students, faculty, and staff with access to accurate and timely information about reported Clery crimes that have occurred within the College's Clery geography and access to college-wide safety and security policies and procedures. The College is committed to protecting the privacy of individuals involved in the reporting, investigation, and resolution of incidents of crime.

## Requirements of the Clery Act

- Publish, submit, and annually notify current/prospective students and employees of the last three years of crime statistics in an Annual Security Report (ASR) and Fire Safety Report (AFSR) by the U.S. Department of Education's established deadline.
- Request, collect, and classify campus crime data amongst multiple departments, Campus Security Authorities (CSAs), and local/state law enforcement agencies to be included as Clery crime statistics in the ASR and AFSR.
- Maintain a daily crime log for all crime, as well as a fire log for on-campus housing facilities.
- Provide and make available paper copies upon request of the College's ASR, AFSR, and daily crime and fire log.
- Identify, notify, train, and survey (for crime reporting) CSA's on an ongoing basis.
- Issue campus safety alerts, timely warnings and emergency notifications.
- Annual review and maintenance of LMC's Clery geography; including on-campus, public, and non-campus properties as identified by the Clery Act.
- Document and process all student overnight travel to be included in Clery geography.
- Provide crime prevention and safety awareness programming for students and employees.
- Monitor compliance with the Clery Act and update the requirements as necessary when federal legislation has been amended including the College's policies and procedures (i.e. Missing Student Notification; Drug, Alcohol Abuse Prevention Program; Title IX; etc.).

## Reportable Clery Act Crimes

Reportable Clery crimes are documented in the College's ASR and AFSR. All crimes that have occurred within the College's Clery geography are maintained on the College's daily crime and fire log.

- **Criminal Offenses:** Criminal homicide including murder and non-negligent manslaughter, manslaughter by negligence; sexual assault including rape, fondling, incest, and statutory rape; robbery, aggravated assault, burglary, motor vehicle theft, and arson.
- **Hate Crimes:** Any of the above-mentioned Criminal Offenses and any incidents of larceny-theft, simple assault, intimidation, or destruction/damage/vandalism to property that were motivated by bias.
- **Violence Against Women Act (VAWA) Offenses:** Any incidents of domestic violence, dating violence, and stalking. Note that sexual assault is also a VAWA offense but is included in the criminal offenses for Clery Act reporting purposes.
- Arrests and referrals for disciplinary action for weapons (carrying, possessing, etc.), drug abuse, and liquor law violations.

The College contracts with Berrien County Sheriff's Department to provide a deputy as LMC's Campus Officer. This partnership creates a basis for a relationship with state and local law enforcement agencies. The College's Campus Officer investigates criminal incidents occurring on campus and is responsible for enforcing federal, state, and local laws (including arrests), as well as applicable College policies. This position also supports other local and state law enforcement agencies. The Campus Officer's jurisdiction is to exercise police authority to LMC's campus as well as to Berrien County. The College also contracts unarmed security personnel to regularly patrol the parking lots and buildings providing students and employees safety/security-related support. LMC contracts security guard services at the Benton Harbor Campus year-round 24 hours per day with additional contract support for special events and during academic evening classes at all on-campus locations.

Victims, witnesses, students, employees, CSAs and/or community members are able to report crimes in a voluntary, confidential manner. The College encourages prompt reporting of all crimes into the College's Maxient system. The College's professional counselors are not required to report crimes that have been shared during counseling sessions.

## **Drug and Alcohol Policy – Drug-Free Workplace**

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 in 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.

## **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.

## **Health Risks and Dangers in the Workplace**

### **A. Drug Abuse**

The following subcategories describe the most frequently used drugs and their respective associated risks, as follows (source: [www.drugfree.org](http://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.
2. Marijuana – can cause memory and learning problems, hallucinations, delusions and depersonalization.
3. Ecstasy/MDMA - can cause severe dehydration, liver and heart failure and even death.
4. Heroin – chronic heroin users risk death by overdose.
5. Inhalants – chronic exposure can produce significant damage to the heart, lungs, liver, and kidneys.
6. Cocaine/Crack – can cause heart attacks, strokes, and seizures. In rare cases, sudden death on the first use.

### **B. 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 morale.

## Drug and Alcohol Programs

### A. Employees

The following programs are available for employees:

1. The EAP, available to all full- and part-time employees, is administered through HelpNet. Information can be found in the Human Resources offices or on the Employee Portal under the employee benefit links.
2. Substance abuse treatment, including counseling, in-patient, and out-patient care, is available through College 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:
  - Comfort in Counseling Robyn's Nest (269) 983-6686
  - Harbortown Treatment Center (269) 926-0015
  - Riverwood Center (800) 336-0341
  - Corewell Health Southwestern Michigan Clinic Christian Counseling (269) 429 7727
2. Students who would like information about other alcohol and drug abuse referral services may contact the Student Affairs Counselor/Advisor at (269) 927-8886.
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.

## 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.

## **Grievance – Discrimination**

### **Process**

Any person who believes that Lake Michigan College (“College”) or any part of the College has inadequately applied the principles and/or regulations of Title VI, Title IX, and/or Age Discrimination Act, may bring forward a complaint (referred to as a “grievance”) to the Executive Director, Human Resources.

A grievance relating to Section 504 should be directed to the Director, Student Wellness & Accessibility.

The Executive Director, Human Resources and the Director, Student Wellbeing & Accessibility are referred to below as the “Executive in Charge.”

The Executive in Charge, on request, will provide a copy of – or directions to find – this grievance procedure and the regulations on which this procedure is based.

### **Procedure**

All grievances must be signed by the complainant and must specify the date(s) on which the complained of action occurred, the policy or law that is claimed violated, the facts upon which the complainant relies, and the relief requested.

A complainant must put in a single grievance every claim that they have arising out of the same transaction or occurrence, even where it is asserted that the transaction or occurrence has violated more than one policy or law. A complainant is prohibited from filing more than one grievance concerning the same transaction or occurrence.

A person who believes they have a valid basis for a grievance should discuss the grievance informally and on a verbal basis with the Executive in Charge, who will in turn investigate the grievance and reply with an answer to the grievance. If the complainant is unsatisfied with the response, they may then initiate formal procedures according to the following steps.

**Step 1:** A written grievance signed by the complainant must be submitted to the Executive in Charge within 5 business days of receipt of answer to the informal complaint. The Executive in Charge will investigate the grievance and reply in writing to the complainant within 5 business days.

**Step 2:** If the complainant wishes to appeal the decision of Executive in Charge, they may submit a signed statement of appeal to the President within 5 business days after receipt of Executive in Charge’s response. The President will meet with all parties involved, formulate a conclusion, and respond in writing to the complainant within 10 business days.

**Step 3:** If the complainant remains unsatisfied, they may appeal through a signed, written statement to the Board of Trustees (“Board”) within 5 business days of receipt of the President’s response. The Board will meet with the concerned parties and their representatives within 30 business days of receipt of an appeal. The complainant, at their discretion, may request a closed meeting with the Board. The Board’s disposition of the appeal will be sent to each party within 10 days of the meeting.

**Step 4:** If at this point the grievance has not been satisfactorily settled, further appeal may be made to the Office of Civil Rights, Department of Education, Washington, DC 20201.

## **Non-Discrimination**

Lake Michigan College (the College) is an equal opportunity institution, affording enrollment, employment, and services without distinction based on age, color, disability, gender identity or expression, genetics, national origin, protected veteran status, race, religion, sex, sexual orientation or any other characteristic protected by federal state, or local laws.

Admission to the College is addressed in the Admissions policy, which states that the College has an “open door policy”. Because of this open-door policy, diversity is not considered regarding admissions. This commitment to equal opportunity encompasses all individuals. The College commits that every individual will have the right to personnel, employment, and College business practices that provide equal opportunity and equity.

Specifically, the College commits that every student will have the right to:

- access all courses, including career education courses and programs;
- physical education and participation in interscholastic, intramural and club athletics, if offered;
- equal treatment, including financial aid assistance, counseling, employment assistance, honors and awards, and extracurricular activities.

Questions regarding a person’s rights under Title VI of the Civil Rights Act of 1964 (“Title IV”), Title IX of the Education Amendments of 1972 (“Title IX”), and/or Age Discrimination Act of 1975 (“Age Discrimination Act”) should be directed to the Executive Director, Human Resources.

Questions regarding a person’s rights under Section 504 of the Rehabilitation Act of 1973 (“Section 504”) should be directed to the Director, Student Wellbeing & Accessibility.

Inquiries concerning the Non-Discrimination policy may be directed to Director, Officer for Civil Rights, Department of Education, Washington, DC 20201.

Inquiries or complaints by students, prospective students, employees, employment applicants, and persons providing services to or for the College that concern non- discrimination policies or procedures should be directed to the Executive Director, Human Resources or the Michigan Department of Civil Rights, whose contact information can be found on their website.

## **GRIEVANCES**

A discrimination grievance is an unresolved complaint by an employee or student that there has been a violation or misinterpretation of the Non-Discrimination policy or of any anti-discrimination provisions of law.

The following are not subject to the grievance procedure:

- decisions to reduce the workforce;
- contents of evaluations;
- modification or repeal of policy; or
- modification or repeal of a procedure unless it violates a policy.

No act of retaliation will be made to any person making a charge, filing a complaint, testifying, or participating in any discrimination investigation or proceeding.

The College will investigate each complaint according to its Grievance – Discrimination procedure and will, upon request, provide a copy of the College grievance procedure.

### **Protection from Retaliation**

Anyone who reports a suspected policy violation in good faith will be protected from retaliation. “Retaliation” is defined as when an adverse action is taken against an employee for participating in a protected activity.

An “adverse action” is defined as an action taken to try to keep someone from opposing an alleged College policy violation, or from participating in a proceeding related to an alleged policy violation. Examples of adverse actions include employment actions such as termination, refusal to hire, or and denial of promotion; other actions affecting employment such as threats, unjustified negative evaluations, unjustified negative references, or increased surveillance; and any other action such as an assault or unfounded civil or criminal charges that are likely to deter reasonable people from pursuing their rights. Adverse actions do NOT include petty slights and annoyances, such as a negative comment in an otherwise positive or neutral evaluation, “snubbing” a colleague, or negative comments that are justified by an employee’s poor work performance or history.

For purposes of this policy, “protected activity” means opposing or reporting alleged violations of College policies, participating in proceedings related to claimed policy violations, or requesting accommodations permitted under College policies. Protected activity includes opposition to a practice believed to be in violation of College policies, such as informing a manager or supervisor that a College policy is being violating. Such opposition is protected from retaliation as long as it is based on a reasonable, good-faith belief that the complained of practice violates College policies and the manner of the opposition is reasonable.

To protect against retaliation, the College will intervene early in sensitive areas where retaliation may be a particular concern, promptly investigate claims of alleged retaliation, train managers and employees in expectations for not engaging in retaliation, and pursue discipline as needed if retaliation is confirmed.

### **Smoking and Nicotine Policy**

Smoking and the use of nicotine on all LMC campuses is prohibited except in personal vehicles and designated exterior smoking areas only. This applies to any property owned or maintained by the College, including inside all buildings (including Beckwith Hall), exterior open spaces except where designated, sidewalks, recreational spaces, vehicles owned or leased by the College, and parking lots (except in personal vehicles.)

This policy applies to employees, students, visitors as well as consultants, and contractors and their employees.

Smoking is defined as, but not limited to:

- lighting, smoking, or carrying a lighted or smoldering cigar, cigarette, or pipe of any kind
- use of any product intended to mimic tobacco products, containing tobacco flavoring, or delivering nicotine other than for purposes of cessation.
- use of smokeless tobacco, which includes chewing tobacco, dipping tobacco (dip), snuff, nasal tobacco (snus) and/or any other variation of smokeless tobacco product.

- use of electronic or mechanical nicotine delivery systems and vaping, including electronic cigarettes, pipes, cigars, and atomizers or mechanical devices such as mechanical personal vaporizers (MPVs) that use mechanical magnetic switches for activation. While the College recognizes that these products may not contain tobacco, their use looks similar to regular tobacco products and therefore gives the appearance of smoking.

Smoking as defined above or the use of tobacco products in any form is only permitted on stage as part of a theatrical production.

In accordance with the Drug Free Workplace/Drug & Alcohol Abuse Prevention Program policy, smoking any controlled substance on College premises is prohibited and will constitute grounds for discipline, up to and including termination and referral for prosecution.

### Cessation

The College is committed to supporting individuals to become nicotine free. Nicotine replacement therapy products (e.g., nicotine patches, gum) for the purpose of cessation are permitted provided they do not give the appearance of smoking. Employees may contact Human Resources for information on available cessation programs.

## **Title IX Sexual-Based Harassment (2024)\***

*\*2024 regulations apply to all conduct occurring **after** August 1, 2024.*

Lake Michigan College (the College) does not discriminate on the basis of sex and prohibits sex discrimination in any education program or activity that it operates, as required by Title IX, including in admission and employment. The College has adopted Title IX grievance procedures that implement this Policy and that provide for the prompt and equitable resolution of Complaints made by students, employees, or other individuals who are participating or attempting to participate in the College's education program or activity, or by the Title IX Coordinator, alleging any action that would be prohibited by Title IX or the Title IX regulations.

The grievance procedures in this Policy address complaints of sex-based harassment that involve a student party. Complaints of sex discrimination, including sex-based harassment, where a student is not a party will be addressed under the College's Title IX Non-Discrimination Policy and Grievance Procedures for Complaints of Sex Discrimination by Employees and Others. Complaints of other forms of sex discrimination involving students will typically be addressed under the College's Title IX Non-Discrimination Policy and Grievance Procedures for Complaints of Sex Discrimination (Not Sex-Based Harassment) By Students. However, complaints of sex discrimination where a student is the respondent, credibility is an issue, and a finding of sex discrimination could result in serious discipline will be entitled to use the grievance procedures in this Policy.

### **SEX-BASED HARASSMENT COVERED BY THIS POLICY**

The College prohibits Sex Discrimination in all programs and activities that the College operates. Sex-based harassment is a form of sex discrimination, which means harassment on the basis of sex – including harassment on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity – that falls within one of the following categories:

- (1) *Quid pro quo harassment.* An employee, agent, or other person with authority to provide an aid, benefit, or service under the College's education program or activity explicitly or impliedly conditions the provision of such an aid, benefit, or service on a person's participation in unwelcome sexual conduct;

(2) *Hostile environment harassment.* Unwelcome sex-based conduct that, based on the totality of the circumstances, is subjectively and objectively offensive, and is so severe or pervasive that it limits or denies a person’s ability to participate in or benefit from the College’s education program or activity (i.e., creates a hostile environment). Whether a hostile environment has been created is a fact-specific inquiry that includes consideration of the following:

- The degree to which the conduct affected the complainant’s ability to access the College’s education program or activity;
- The type, frequency, and duration of the conduct;
- The parties’ ages, roles within the College’s education program or activity, previous interactions, and other factors about each party that may be relevant to evaluating the effects of the conduct;
- The location of the conduct and the context in which the conduct occurred; and
- Other sex-based harassment in the College’s education program or activity; or

(3) *Specific offenses, including:*

- Sexual Assault
- Dating or Domestic Violence
- Stalking

Sex-based harassment is covered by this Policy when it occurs under the College’s education program or activity in the United States. This includes Conduct that occurs in a building owned or controlled by a student organization that is officially recognized by the College and conduct that is subject to the College’s disciplinary authority. The College will address a sex-based hostile environment under its education program or activity, even when some conduct alleged to be contributing to the hostile environment occurred outside the College’s education program or activity.

## Reporting And Response Procedures

### I. Reporting Concerns about Conduct That May Be Sex-Based Harassment.

The College encourages anyone who believes that they have been subjected to Sex based Harassment (or has knowledge of another person being subjected to Sex based Harassment) in connection with the College’s programs or activities to promptly report their concerns to the College. The nature of the College’s response will depend upon whether the report is made to a “confidential employee” or another College employee.

**A. Reports to a “Confidential Employee.”** Reports made to a “confidential employee” will not be shared with the Title IX Coordinator or other school officials. Nor will such reports be shared with other individuals without express permission of the reporting person or the person about whom the report pertains, unless required by law. After receiving a report about conduct that may reasonably constitute sex discrimination, the confidential employee will share information with the reporting person about Title IX and its regulations, including the confidential employee’s status, how to contact the Title IX Coordinator, how to make a complaint, and how to obtain additional information about possible supportive measures and options for resolution.

1. At the College, Counselors in the Student Well-Being and Accessibility office are designated as “confidential employees.” They may be contacted:  
[counseling@lakemichigancollege.edu](mailto:counseling@lakemichigancollege.edu) or **269-927-8866**
2. Confidential Employees must be acting within the scope of the duties to which the privilege or confidentiality applies to be covered by this part. If a Confidential Employee hears of conduct that

may reasonably constitute Sex Discrimination while acting in a different capacity (e.g., coach, faculty member), they must report pursuant to either Paragraph I.B or I.C, as applicable.

- B. Reports to College Employees with Authority to Institute Corrective Measures or Responsibility for Leadership, Teaching or Advising.** If a non-Confidential Employee who has authority to institute corrective measures on behalf of the College or who has responsibility for administrative leadership, teaching, or advising, receives information about conduct that may reasonably constitute Sex Discrimination, that person must report that information to the Title IX Coordinator.
- C. Reports to All Other College Employees.** All other employees not covered by the paragraphs I.A or I.B may either notify the Title IX Coordinator or provide the contact information of the Title IX Coordinator and information about how to make a Complaint to any person who informs that employee about conduct that may reasonably constitute Sex-based Harassment.
- D. Reports to the Title IX Coordinator.** When the Title IX Coordinator receives a report about conduct that may reasonably constitute Sex Discrimination, the Title IX Coordinator will be responsible for coordinating the College's response in a fair and equitable manner, consistent with Title IX and its regulations.

## **II. The College's Response to Reports About Conduct That May Reasonably Constitute Sex Discrimination**

- A. The Title IX Coordinator's Initial Response.** When the Title IX Coordinator becomes aware of conduct that may reasonably constitute sex discrimination, the Title IX Coordinator will take the following actions:
  - 2.** Provide the "complainant" (i.e., the person who is alleged to have been subjected to sex discrimination) or the person who made the report, if the complainant's identity is unknown, with information about the Title IX process and possible options for resolution, including:
    - a.** The availability of "supportive measures" for complainant, as described below in section II.B;
    - b.** The right to make a "Complaint" that would trigger the College's grievance procedure. A "Complaint" is an oral or written request that could objectively be understood as a request for the College to investigate and make a determination about alleged sex discrimination;
    - c.** The option for informal resolution, if available and as described in the Informal Resolution section below;
  - 3.** If a Complaint is made, provide the "respondent" (i.e., the person who is alleged to have violated the College's prohibition on sex discrimination) or the respondent's parent, guardian or legal representative, with information about the Title IX process and possible options for resolution, including:
    - a.** The availability of "supportive measures" for respondent, as described below section II.B
    - b.** The grievance procedures;
    - c.** The option for informal resolution, if available and as described in the Informal Resolution section below.
  - 4.** If a report made to the Title IX Coordinator does not trigger the grievance procedures (e.g., no complaint was made, the complaint allegations were withdrawn, no informal resolution process was elected), the Title IX Coordinator will determine whether to

initiate a complaint that will trigger the grievance procedures. In making this determination, the Title IX Coordinator will consider multiple factors, including the complainant's wishes; the complainant's reasonable safety concerns; the risk of additional acts of sex discrimination if the grievance procedures are not initiated; the severity and scope of the allegations of sex discrimination; the age and relationship of the parties; the availability of evidence; and whether the College could end the alleged sex discrimination and prevent its recurrence without initiating the grievance procedures.

- a. If the Title IX Coordinator initiates the complaint and grievance procedures, the Title IX Coordinator will first notify the complainant and address reasonable concerns about the safety of complainant or others, including by providing supportive measures.

**B. Supportive Measures, Emergency Removal and Administrative Leave.** The Title IX Coordinator will be responsible for coordinating supportive measures and removals.

1. *Supportive Measures.* "Supportive measures" are supports that the College may provide, as appropriate, to restore or preserve the complainant's and respondent's access to the College's education program or activity. Supportive measures may be available to the complainant even if the complainant does not make a Complaint that triggers the grievance process. Supportive measures may be available to the respondent if either the grievance procedures have been triggered or informal resolution process has been offered.
  - a. Supportive measures may include, but are not limited to counseling, extensions of deadlines and other course-related adjustments; campus escort services; increased security or monitoring of certain areas of campus; restrictions on contact; leaves of absence; changes in class, work, housing, or other extracurricular or any other activity, and training and education programs related to sexual harassment. Supportive measures are not disciplinary or punitive, and may not unreasonably burden either party.
  - b. If a party disagrees with a decision to provide, deny, modify or terminate supportive measures applicable to them, the party may submit a written request to the Title IX Coordinator challenging the decision. The Title IX Coordinator will designate an impartial employee (other than the person who made the initial decision) to evaluate the party's challenge and decide whether to modify or reverse the decision. The impartial employee's decision is final, except that a party may seek additional modification or termination of supportive measures applicable to them if circumstances change materially.
  - c. Supportive measures may be available, as appropriate, through any grievance procedure or informal resolution process; following resolution, supportive measures may terminate or remain in place.
  - d. Supportive measures offered to the parties are confidential and may not be disclosed, except as necessary to provide the supportive measure or restore or preserve a party's access to the College's education program or activity.
2. *Emergency Removals.* Removal of a student-respondent from the College's education program or activity is only permitted on an emergency basis and may only occur after the College undertakes an individualized safety and risk analysis and determines that an imminent and serious threat to the health and safety of a complainant or others arising from the allegations of sex discrimination justifies removal. If the College determines that an emergency removal is justified, the College must provide notice to the respondent and an opportunity to challenge the decision immediately following the

removal. Any such challenge should be submitted to the Title IX Coordinator, who will be responsible for designating an impartial employee (other than the employee who made the initial decision) to evaluate and make a decision on the respondent's challenge.

3. *Administrative Leave.* The College may place an employee-respondent on administrative leave pending completion of the grievance procedures.

### **III. Complaints of Sex Discrimination Triggering the Grievance Procedures**

An oral or written request that could objectively be understood as a request for the College to investigate and make a determination about alleged sex discrimination is considered a "Complaint" that triggers the Title IX grievance procedures.

The following people have a right to make a complaint of sex discrimination, including complaints of sex-based harassment, requesting that the College investigate and make a determination about alleged discrimination under Title IX:

- A Complainant;
- A parent, guardian, or other authorized legal representative who has the legal right to act on behalf of a Complainant; or
- The College's Title IX Coordinator.

## **Grievance Procedures**

### **I. Basic Requirements**

The College will treat Complainants and Respondents equitably. The Title IX Coordinator, investigator, or decision maker may not have a conflict of interest or bias for or against Complainants or Respondents, generally, or for or against an individual Complainant or Respondent. As long as there is no conflict of interest or bias, a decisionmaker may be the same person as the Title IX Coordinator or investigator.

The College presumes that the Respondent is not responsible for the alleged Sex Discrimination until a determination is made at the conclusion of its grievance procedures.

The College has established the following timeframes for the major stages of the grievance procedures:

- *Evaluation:* Within five business days of receiving a Complaint, the Title IX Coordinator will evaluate the Complaint to determine whether it should be dismissed or investigated.
- *Investigation:* Within thirty business days of receiving a Complaint, the investigation will be completed.
- *Determination:* Within forty business days of receiving a Complaint, a determination will be issued.
- *Appeal:* Within five business days after a determination is issued, parties may submit a written appeal as set forth in Section VIII below. The other party will be allowed five business days to respond. A decision will be made on the appeal within ten business days after the appeal is received.

If it determines that reasonable cause for extension exists, The College may extend these timeframes on a case-by-case basis for good cause by providing notice to the parties that includes the reason for the delay. The College will notify the Parties of the extension via their Lake Michigan College email.

The College will take reasonable steps to protect the privacy of the parties and Witnesses during its grievance procedures. These steps will not restrict the ability of the parties to obtain and present evidence, including by speaking to witnesses; consult with their family members, confidential resources, or advisors;



or otherwise prepare for or participate in the grievance procedures. The parties shall not engage in retaliation, including against witnesses.

The College will objectively evaluate all evidence that is relevant and not otherwise impermissible: including both inculpatory and exculpatory evidence. Credibility determinations will not be based on a person's status as a Complainant, Respondent, or witness.

The following types of evidence, and questions seeking that evidence, are impermissible (i.e., will not be accessed or considered, except by the College to determine whether one of the exceptions listed below applies; will not be disclosed; and will not otherwise be used), regardless of whether they are relevant:

- Evidence that is protected under a privilege recognized by Federal or State law or evidence provided to a Confidential Employee, unless the person to whom the privilege or confidentiality is owed has voluntarily waived the privilege or confidentiality;
- A party's or witness's records that are made or maintained by a physician, psychologist or other recognized professional or paraprofessional in connection with the provision of treatment to the party or witness, unless the College obtains that party's or witness's voluntary, written consent for use in its grievance procedures; and
- For Sex-based Harassment Complaints, evidence that relates to the Complainant's sexual interests or prior sexual conduct, unless evidence about the Complainant's prior sexual conduct is offered to prove that someone other than the Respondent's committed the alleged conduct or is evidence about specific incidents of the Complainant's prior sexual conduct with the Respondent that is offered to prove consent to alleged Sex-based Harassment. The fact of prior consensual sexual conduct between the Complainant and the Respondent does not by itself demonstrate or imply the Complainant's consent to alleged Sex-based Harassment or preclude determination that Sex-based Harassment occurred.

To determine whether and how these procedures apply to a party who is both a student and an employee, The College will conduct a fact-specific review to determine the individual's primary relationship with the College. At a minimum, the College will consider whether the party's primary relationship with the College is to receive an education and whether the alleged Sex-based Harassment occurred while the party was performing employment-related work.

## **II. Written Notice of Allegations**

Upon initiation of the College's Title IX grievance procedures, and with sufficient time for the parties to prepare a response before any initial interview, the College will notify the parties in writing of the following:

- The College's Title IX grievance procedures and any informal resolution process;
- Sufficient information available at the time to allow the parties to respond to the allegations, including the identities of the parties involved in the incident(s), the conduct alleged to constitute Sex Discrimination or, if applicable, Sex-based Harassment, and the date(s) and location(s) of the alleged incident(s);
- Retaliation is prohibited;
- The Respondent is presumed not responsible for the alleged Sex Discrimination or, if applicable, Sex-based Harassment until a determination is made at the conclusion of the grievance procedures. Prior to such a determination, the parties will have an opportunity to present relevant and not otherwise impermissible evidence to a trained, impartial decision maker;
- If credibility is at issue, the parties may have an advisor of their choice who may be, but is not required to be, an attorney;
- The parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence or an investigative report that accurately summarizes this evidence. If the

College provides access to an investigative report, the parties are entitled to an equal opportunity to access the relevant and not impermissible evidence upon the request of any party; and

- The College Code of Conduct prohibits knowingly making false statements or knowingly submitting false information during grievance procedures.
  - **Acts of Dishonesty:** No student shall furnish false and/or misleading information to any official, college employee of office nor engage in forgery, alteration or misuse of any college document, record or instrument of identification.

If, in the course of an investigation, the College decides to investigate additional allegations of Sex Discrimination by the Respondent toward the Complainant that are not included in the notice provided or that are included in a Complaint that is consolidated, the College will notify the parties of the additional allegations.

### **III. Dismissal of a Complaint**

The College may dismiss a Complaint of Sex Discrimination if:

- The College is unable to identify the Respondent after taking reasonable steps to do so;
- The Respondent is not participating in the College's education program or activity and is not employed by the College;
- The College obtains the Complainant's voluntary withdrawal in writing of any or all of the allegations, the Title IX Coordinator declines to initiate a Complaint, and the College determines that, without the Complainant's withdrawn allegations, the conduct that remains alleged in the Complaint, if any, would not constitute Sex Discrimination under Title IX even if proven; or
- The College determines the conduct alleged in the Complaint, even if proven, would not constitute Sex Discrimination under Title IX.

Before dismissing a Complaint, the College will make reasonable efforts to clarify the allegations with the Complainant.

Upon dismissal, the College will promptly notify the Complainant in writing of the basis for the dismissal. If the dismissal occurs after the Respondent has been notified of the allegations, then the College will notify the parties simultaneously in writing.

The College will notify the Complainant that a dismissal may be appealed on the bases outlined in the Appeals section of these procedures. If dismissal occurs after the Respondent has been notified of the allegations, then the College will also notify the Respondent that the dismissal may be appealed on the same bases. If a dismissal is appealed, the College will follow the procedures outlined in the Appeals section.

When a Complaint is dismissed, the College will, at a minimum:

- Offer supportive measures to the Complainant as appropriate;
- If the Respondent has been notified of the allegations, offer supportive measures to the Respondent as appropriate; and
- Take other prompt and effective steps, as appropriate, through the Title IX Coordinator to ensure that Sex Discrimination does not continue or recur within the College's education program or activity.

### **IV. Investigation**

The College will provide for adequate, reliable, and impartial investigations of Complaints.

The burden is on the College—not on the parties—to conduct an investigation that gathers sufficient evidence to determine whether Sex-based Harassment occurred.

The College will provide to a party whose participation is invited or expected, and with sufficient time for the party to prepare to participate, written notice of the date, time, location, participants, and purpose of all meetings or proceedings.

Advisors. If Credibility is at issue, the College will provide each party with the same opportunity to be accompanied to any meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney.

- The College will not limit the choice or presence of the advisor for the Complainant or Respondent in any meeting or proceeding.
- The College may establish restrictions regarding the extent to which the advisor may participate in these grievance procedures, as long as the restrictions apply equally to the parties.

The College will provide the parties with the same opportunities, if any, to have people other than the advisor of the parties' choice present during any meeting or proceeding.

Witnesses and Evidence. The College will provide an equal opportunity for the parties to present fact witnesses and other inculpatory and exculpatory evidence that are relevant and not otherwise impermissible.

Relevance. The decisionmaker will review all evidence gathered through the investigation and determine what evidence is relevant and what evidence is impermissible regardless of relevance.

The College will provide each party and the party's advisor, if any, with an equal opportunity to access the evidence that is relevant to the allegations of Sex-based Harassment, and not otherwise impermissible, in the following manner:

- The College will provide an equal opportunity to access either the relevant and not otherwise impermissible evidence, or the same written investigative report that accurately summarizes this evidence. If the College provides access to an investigative report, the College will further provide the parties with an equal opportunity to access the relevant and not otherwise impermissible evidence upon the request of any party.
- The College will provide a reasonable opportunity to review and respond to the evidence or the investigative report. If the College conducts a live hearing as part of its grievance procedures, it will provide this opportunity to review the evidence in advance of the live hearing; and
- The College will take reasonable steps to prevent and address the parties' and their advisors', if applicable, unauthorized disclosure of information and evidence obtained solely through these grievance procedures.

## **V. Questioning the Parties and Witnesses**

The College will provide a process that enables the decisionmaker to question parties and witnesses to adequately assess a party's or witness's credibility to the extent credibility is both in dispute and relevant to evaluating one or more allegations of sex-based harassment.

### **A. Live Hearings**

The College will conduct a live hearing.

The College's process for proposing and asking relevant, not otherwise impermissible questions of parties and witnesses, including questions challenging credibility, will:

- Allow the decisionmaker to ask such questions, and
- Allow each party to propose such questions that the party wants asked of any party or witness and have those questions asked by the decisionmaker, subject to the procedures for evaluating and limiting questions discussed below.

The College will conduct the live hearing with the parties physically present in the same geographic location or, at the College’s discretion or upon the request of either party, will conduct the live hearing with the parties physically present in separate locations with technology enabling the decisionmaker and parties to simultaneously see and hear the party or witness while that person is speaking.

The College will create an audio or audiovisual recording or transcript of any live hearing and make it available to the parties for inspection and review.

**B. Procedures for the Decisionmaker to Evaluate Questions and Limitations on Questions.**

The decisionmaker will determine whether a proposed question is relevant and not otherwise impermissible before the question is posed and will explain any decision to exclude a question as not relevant or otherwise impermissible. Questions that are unclear or harassing of the party or witness being questioned will not be permitted. The decisionmaker will give a party an opportunity to clarify or revise a question that the decisionmaker determines is unclear or harassing. If the party sufficiently clarifies or revises the question, the question will be asked.

**C. Impact of Refusal to Respond to Questions and Inferences Based on Refusal to Respond to Questions.**

The decisionmaker may choose to place less or no weight upon statements by a party or witness who refuses to respond to relevant, permissible questions. The decisionmaker will not draw an inference about whether Sex Discrimination or Sex-based Harassment occurred based solely on a party’s or witness’s refusal to respond to such questions.

**VI. Determination Whether Sex Discrimination Occurred**

Following an investigation and evaluation of all relevant and not otherwise impermissible evidence, the College will:

- Use a preponderance of the evidence standard of proof to determine whether Sex Discrimination occurred. The standard of proof requires the decisionmaker to evaluate relevant, permissible evidence for its persuasiveness. If the decisionmaker is not persuaded by the evidence, under the applicable standard, that Sex Discrimination occurred, whatever the quantity of the evidence, the decisionmaker will not determine that Sex Discrimination occurred;
- Notify the parties simultaneously, in writing, of the decisionmaker’s determination, including:
  - A description of the alleged Sex Discrimination;
  - Information about the policies and procedures that the College used to evaluate the allegations;
  - The decisionmaker’s evaluation of the relevant and not otherwise impermissible evidence and determination whether Sex Discrimination occurred;
  - When the decisionmaker finds that Sex Discrimination occurred, set forth any disciplinary sanctions the College will impose on the Respondent and state whether remedies other than the imposition of disciplinary sanctions will be provided by the College to the Complainant, and, if applicable, to other students identified by the College to be experiencing the effects of the Sex Discrimination; and
  - The College’s procedures and permissible bases for the Complainant and Respondent to appeal.

- Not impose discipline on a respondent for Sex Discrimination prohibited by Title IX unless there is a determination at the conclusion of the Title IX grievance procedures that the Respondent engaged in prohibited Sex Discrimination.
- If there is a determination that Sex Discrimination occurred, as appropriate, the Title IX Coordinator will:
  - Coordinate the provision and implementation of remedies to a Complainant and other people the College identifies as having had equal access to the College’s education program or activity limited or denied by Sex Discrimination;
  - Coordinate the imposition of any disciplinary sanctions on a Respondent, including notification to the Complainant of any such disciplinary sanctions; and
  - Take other appropriate prompt and effective steps to ensure that Sex Discrimination does not continue or recur within the College’s education program or activity.
  - Comply with the Title IX grievance procedures before the imposition of any disciplinary sanctions against a Respondent; and
  - Not discipline a party, witness, or others participating in the grievance procedures for making a false statement or for engaging in consensual sexual conduct based solely on the final determination whether Sex Discrimination occurred. College may address false statements by initiating a disciplinary process under the Code of Conduct or other relevant policies if there is evidence independent of the determination whether Sex Discrimination occurred.

### **VII. Disciplinary Sanctions and Remedies**

Following a determination that sex-based harassment occurred, the College may impose disciplinary sanctions, which may include discipline ranging from a verbal warning up to and including expulsion, termination of employment, or exclusion from the College’s programs and activities.

The College may also provide remedies, which may include ensuring that a complainant can move safely between classes and while at school or on campus such as by providing a campus escort or allowing a student to park in the employee parking lot; making changes to housing, class schedules and extracurricular activities to ensure the complainant and respondent are separated; providing services, including medical support and counseling; providing academic resources and support; reviewing any disciplinary actions taken against the complainant to determine whether there is a causal connection between the sex-based harassment and the misconduct; providing reimbursement for professional counseling services; making tuition adjustments; and any other remedies the College deems appropriate.

### **VIII. Appeals**

The College will offer an appeal from a dismissal or determination whether Sex Discrimination occurred on the following bases:

- Procedural irregularity that would change the outcome;
- New evidence that would change the outcome and that was not reasonably available when the determination or dismissal was made; and
- The Title IX Coordinator, investigator, or decisionmaker had a conflict of interest or bias for or against Complainants or Respondents, generally, or the individual Complainant or Respondent that would change the outcome.

If a party appeals a dismissal or determination whether Sex Discrimination or Sex-based Harassment occurred, the College will:

- Notify the parties in writing of any appeal, including notice of the allegations, if notice was not previously provided to the Respondent;
- Implement appeal procedures equally for the parties;

- Ensure that the decisionmaker for the appeal did not take part in an investigation of the allegations or dismissal of the Complaint;
- Ensure that the decisionmaker for the appeal has been trained consistent with the Title IX regulations;
- Communicate to the parties in writing that the College will provide the parties a reasonable and equal opportunity to make a statement in support of, or challenging, the outcome; and
- Notify the parties in writing of the result of the appeal and the rationale for the result.

Any additional procedures or bases for appeal the College offers will be equally available to all parties.

### **INFORMAL RESOLUTION**

In lieu of resolving a Complaint through the College’s Title IX grievance procedures, the parties may instead elect to participate in an informal resolution process. The College will inform the parties in writing of any informal resolution process it offers and determines is appropriate, if any.

The College will not offer informal resolution to resolve a Complaint when such a process would conflict with Federal, State, or local law. Before the initiation of an informal resolution process, the College will explain in writing to the parties:

- The allegations;
- The requirements of the informal resolution process;
- That any party has the right to withdraw from the informal resolution process and initiate or resume grievance procedures at any time before agreeing to a resolution;
- That if the parties agree to a resolution at the end of the informal resolution process, they cannot initiate or resume grievance procedures arising from the same allegation or appeal the resolution;
- The potential terms that may be requested or offered in an informal resolution agreement, including notice that an informal resolution agreement is binding only on the parties; and
- What information the College will maintain and whether and how the College could disclose such information for use in Title IX grievance procedures if such procedures are initiated or resumed.

### **Definitions**

Business Day: means a day when the College is in operation.

Complaint: an oral or written request to College that objectively can be understood as a request to investigate and make a determination about alleged discrimination under Title IX or in one of its education programs or activities.

Complainant: A student or employee of the College who is alleged to have been subjected to conduct that could constitute Sex Discrimination under Title IX; or

A person other than a student or employees of the College who is alleged to have been subjected to conduct that could constitute Sex Discrimination under Title IX at a time when that individual was participating or attempting to participate in Lake Michigan College’s education program or activity.

Conduct Subject to the School’s Disciplinary Authority: This includes, but is not limited to, conduct that occurs on school property; through use of school property (e.g., during online learning or when using the College’s network or computer systems); at school-sponsored events or activities; and in off-campus settings, if the conduct is sufficiently serious or severe that it could contribute to a hostile environment within its programs or activities. This includes conduct that occurred outside of the United States if that conduct is alleged to be contributing to a hostile environment in the College’s education program or activity.

Confidential Employee: An employee of the College whose communications are Privileged or confidential under Federal or State law.

Conflict of Interest: All individuals who have responsibility in administering the grievance process under this policy must be free of any conflicts of interests or bias for or against Complainants or Respondents generally or an individual Complainant or Respondent.

Consent: 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.

Dating Violence: 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: 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.

FERPA: Family Education Rights and Privacy Act; 20 U.S.C. § 1232g, *et seq.*

Hostile environment harassment: Unwelcome sex-based conduct that, based on the totality of the circumstances, is subjectively and objectively offensive, and is so severe or pervasive that it limits or denies a person's ability to participate in or benefit from the College's education program or activity.

Whether a hostile environment has been created is a fact-specific inquiry that includes consideration of the following:

- The degree to which the conduct affected the Complainant's ability to access the College's education program or activity;
- The type, frequency, and duration of the conduct;
- The parties' ages, roles within the College's education program or activity, previous interactions, and other factors about each party that may be relevant to evaluation the effects of the conduct;
- The location of the conduct and the context in which the conduct occurred; and
- Other Sex-based Harassment in the College's education program or activity.

**Incapacitation:** 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.

**Preponderance of the Evidence:** The greater weight of the evidence; not necessarily established by the greater number of witnesses testifying to a fact but by evidence that has the most convincing force; superior evidentiary weight that, though not sufficient to free the mind wholly from all reasonable doubt, is still sufficient to incline a fair and impartial mind to one side of the issue rather than the other.

**Parties:** both the Complainant(s) and the Respondent(s), collectively.

**Privacy:** the discretion that will be exercised by the College in the course of any investigation or process under this policy.

**Quid Pro Quo harassment:** An employee, agent, or other person with authority to provide an aid, benefit, or service under the [College]'s education program or activity explicitly or impliedly conditions the provision of such an aid, benefit, or service on a person's participation in unwelcome sexual conduct;

**Respondent:** a person who is alleged to have violated [College]'s prohibition on Sex Discrimination.

**Retaliation:** Taking materially adverse action by intimidating, threatening, coercing, harassing, or discriminating against any individual for the purpose of interfering with any right or privilege secured by law or policy, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this policy.

**Sanction:** a consequence imposed by the College on a Respondent who is found to have violated this policy.

**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.
- 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.
- Fondling: The touching of the private body parts of another person for the purpose of sexual gratification.
- 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.



Sex-based Harassment: a form of Sex Discrimination, which includes *quid pro quo*, hostile environment harassment, and certain, specific offenses referenced in 34 C.F.R. § 106.2. Not all Sex Discrimination is Sex-based Harassment.

Sex Discrimination: Discrimination on the basis of sex, which includes sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity. Sex Discrimination includes, but is not limited to, Sex-based Harassment.

Stalking: 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.

Supportive Measures: Individualized measures offered as appropriate, as reasonably available, without unreasonably burdening a Complainant or Respondent, not for punitive or disciplinary reasons, and without fee or charge to the Complainant or Respondent to:  
Restore or preserve that party's access to the College's education program or activity, including measures that are designed to protect the safety of the parties or the College's educational environment; or

Provide support during the College's grievance procedures or during the informal resolution process.

Title IX: Title IX of the Education Amendments of 1972 (Pub. L. 92-318; 20 U.S.C. 1681, 1682, 1683, 1685, 1686, 1687, 1688, 1689), as amended.

Title IX Coordinator: the employee who has been designated to coordinate the College's efforts to comply with its responsibilities under Title IX.

### **Title IX Sexual Harassment (2020)\***

*\*2020 regulations apply to all conduct occurring **before** August 1, 2024.*

Lake Michigan College (the College) is committed to providing a workplace and educational environment that is free from sexual harassment and retaliation. This 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.

### **Policy of Non-discrimination**

*(See policy on page 25)*

#### **General Definitions Used**

- **Advisor** means a person chosen by a party or appointed by the College to accompany the party to meetings related to the resolution process, to advise the party on that process, and to conduct cross-examination for the party at the hearing, if any.
- **Complainant** means an individual(s) who is alleged to be a victim of conduct that could constitute sexual harassment while participating in or attempting to participate in a College educational program, activity, or employment at the time of filing a formal complaint.
- **Complaint** (formal) means a document submitted or signed by a Complainant or signed by the Title IX Coordinator alleging sexual harassment or retaliation for engaging in a protected activity against a Respondent and requesting that the College investigate the allegations.
- **Confidential Resource** means an employee who is not obligated to share knowledge of reports of sexual harassment and/or retaliation with the Title IX Coordinator.
- **Day** means a business day when the College is in operation.
- **Education program or activity** means locations, events, or circumstances where the College exercises substantial control over both the Respondent and the context in which the sexual harassment occurs, and also includes any building owned or controlled by a student organization that is officially recognized by the College.
- **Final determination** means a conclusion by a preponderance of evidence that the alleged conduct did or did not violate policy.
- **Finding** means a conclusion by the preponderance of the evidence that the conduct did or did not occur as alleged (as in a “finding of fact”).
- **Formal grievance process** means a method of formal resolution designated by the College to address conduct that falls within this policy, and which complies with the requirements of the Title IX regulations.
- **Grievance process pool** includes any investigators, hearing panel members, hearing officers, appeal officers, appeal panel members, and advisors who may perform any or all of these roles (though not at the same time or with respect to the same case).
- **Hearing panel** refers to those who have decision-making and sanctioning authority within the College’s formal grievance process.
- **Investigator** means the person(s) charged by the College with gathering facts about an alleged violation of this policy, assessing relevance and credibility, synthesizing the evidence, and compiling this information into an investigation report.
- **Reports** means that an employee, student, or third-party informs the Title IX Coordinator of the alleged occurrence of harassing, discriminatory, and/or retaliatory conduct.

- **Parties** means both the Complainant(s) and the Respondent(s), collectively.
- **Privacy** means the discretion that will be exercised by the College in the course of any investigation or process under this policy.
- **Remedies** means post-finding actions directed to the Complainant and/or the community as mechanisms to address safety, prevent recurrence, and restore access to the College's educational program.
- **Respondent** means an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment or retaliation for engaging in a protected activity.
- **Resolution** means the result of an informal or formal grievance process.
- **Sanction** means a consequence imposed by the College on a Respondent who is found to have violated this policy.
- **Student** means any individual who has accepted an offer of admission, or who is registered or enrolled for credit or non-credit bearing coursework, and who maintains an ongoing relationship with the College.
- **Witness** means any individual who shares information related to an allegation of prohibited conduct under this policy.

### **Jurisdiction of the College**

This policy applies to the education program and activities of the College, to conduct that takes place on the campus or on property owned or controlled by the College, or at College-sponsored events. A Respondent must be a member of the College community in order for its policies to apply.

If a Respondent is unknown or is not a member of the College community, the Title IX Coordinator will assist the Complainant in identifying appropriate College and other resources and support options and/or, when criminal conduct is alleged, in contacting local law enforcement if the individual would like to file a police report.

In addition, the College may take other actions as appropriate to protect the Complainant against third parties, such as barring individuals from College property and/or events.

### **Use of Technology**

This policy is written and interpreted broadly to include online manifestations of any of the behaviors prohibited herein, when those behaviors occur in or have an effect on College education program and activities or use College networks, technology, or equipment.

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 College 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.

### **Title IX Coordinator**

The Title IX Coordinator will be informed of all reports violations of this policy and will oversee the centralized response to ensure compliance with Title IX.

The Title IX Coordinator's responsibilities include, but are not limited to:

- Communicating with all members of the College community regarding Title IX and providing information about how individuals may access their rights;
- Reviewing applicable College policies to ensure institutional compliance with Title IX;
- Monitoring the College's administration of its applicable policies, including this policy, and all related record keeping, timeframes, and other procedural requirements;
- Conducting and/or assisting in coordinating trainings regarding Title IX and prohibited conduct defined in this policy;
- Responding to any report or formal complaint regarding conduct that violates this policy.
- Overseeing and implementing the explanation and provision of any supportive measure; and,
- Overseeing the investigation and resolution of such alleged misconduct, directing the provision of any additional supportive measures, and monitoring the administration of any related appeal.

The Title IX Coordinator's contact information is below. The College will provide this contact information to students, employees, and employment applicants.

Charmae Sanders

2755 East Napier Avenue

Benton Harbor, MI 49022

269-927-6908

[csanders@lakemichigancollege.edu](mailto:csanders@lakemichigancollege.edu)

### **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.

### **Definition of Retaliation**

The College and any member of the College community are prohibited from taking materially adverse action by intimidating, threatening, coercing, harassing, or discriminating against any individual for the purpose of interfering with any right or privilege secured by law or policy, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this policy.

Acts of alleged retaliation should be reported immediately to the Title IX Coordinator and will be promptly investigated. The College will take all appropriate and available steps to protect individuals who fear that they may be subjected to retaliation.

Complaints of retaliation will be handled in accordance with the grievance process outlined in this policy. Charging a party for violating the *Student Code of Conduct* and/or employee conduct policies for filing a materially false statement in bad faith does not constitute retaliation provided that a determination regarding responsibility, alone, is not sufficient to conclude that the materially false statement was made in bad faith.

The exercise of rights protected under the First Amendment does not constitute retaliation.

### **Privacy**

In all proceedings under this policy, the College will take into consideration the Privacy of the parties to the largest extent possible. The College reserves the right to determine which College officials have a legitimate educational interest in being informed about incidents that fall within this policy, pursuant to the *Family Education Rights & Privacy Act* (FERPA).

In light of the College's obligation to respond promptly and effectively to individuals alleged to be victimized by sexual harassment, employees who are not designated as a Confidential Resource are required to notify the Title IX Coordinator of suspected violations of this policy, and cannot guarantee the confidentiality of a reporter under this policy.

At the request of the Complainant, notice may be given by an Employee to the Title IX Coordinator anonymously, without identification of the Complainant. The Employee cannot remain anonymous themselves.

Anonymous allegations will be investigated by the College to the extent possible, both to assess the underlying allegation(s) and to determine if supportive measures or remedies can be provided. However, anonymous allegations typically limits the College's ability to investigate, respond, and provide remedies, depending on what information is shared.

If a Complainant has requested that an Employee maintain a Complainant's anonymity, the Employee may do so unless it is reasonable to believe that a compelling threat to health and/or safety could exist. The Employee can consult with the Title IX Coordinator on that assessment without revealing personally identifiable information.

### **Timeliness of Reporting**

Complainants and other reporting individuals are encouraged to report any violations of this policy as soon as possible to maximize the College's ability to respond promptly and effectively. Reports and formal complaints may be made at any time without regard to how much time has elapsed since the incident(s) in question. If the Respondent is no longer a student or employee at the time of the report or formal complaint, the College's ability to investigate, respond and provide remedies may be more limited or impossible.

Acting on a report or formal complaint significantly impacted by the passage of time (including but not limited to, the rescission or revision of policy) is at the discretion of the Title IX Coordinator, who may document allegations for future reference, offer supportive measures and/or remedies, and/or engage in informal or formal actions as appropriate.

### **Making a Complaint of Sexual Harassment**

Complaints of sexual harassment and/or retaliation may be made using any of the following options:

- File a complaint with, or give verbal notice to, the Title IX Coordinator. A report may be made at any time (including non-business hours) using the telephone number, email address or by mail to the office address listed for the Title IX Coordinator.
- [Report online, using the reporting form.](#)

Anonymous reports are accepted; however, anonymous reports limit the ability of the College to provide the complainant supportive measures.

### **Complaint Process**

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 this policy or state and federal law, may file a complaint with a Title IX Coordinator.

The College will take reasonable steps to ensure that any reporting forms, information, or training about sexual discrimination/harassment will be provided in a manner accessible to students or employees who are English language learners.

A complaint under this 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.

Any Complainant who believes that they have been subject to sexual harassment may also file a complaint with local law enforcement.

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 this 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 in this policy, the Title IX Coordinator will implement appropriate supportive measures. In addition, the Title IX Coordinator will 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 in this policy, the Title IX Coordinator will dismiss the complaint as a Title IX Complaint. The 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 will promptly send written notice of the dismissal and reason(s) therefor simultaneously to the parties via electronic format. Both parties will have equal right to appeal the dismissal.

### **Written Notice of Complaint**

The Title IX Coordinator will send a written notice to each party of the allegations. The written notice will contain the following information:

- A brief explanation of the Grievance Process (Informal and Formal) and a copy of this policy.
- A statement of the alleged conduct that might constitute sexual harassment with sufficient detail for Respondent to prepare response. At a minimum this should include the date, time, location, and parties involved in the conduct addressed by the allegations.
- A statement that Respondent is presumed not responsible unless and until a determination of responsibility is reached at the conclusion of the process.
- Notice that each party has the right to an Advisor of their choice.
- A statement explaining each party's right to inspect and review evidence gathered during investigation.
- A statement that false statements are prohibited by College policy and may result in discipline.
- A list of potential sanctions upon a finding of responsibility.

A new written notice will be sent during the investigation if new allegations are discovered that will be addressed in Grievance Process.

### **Supportive Measures**

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 College



educational programs or activities, 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 each party to ensure that their wishes are taken into account with respect to the supportive measures that are planned and implemented.

The 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
- Providing campus safety escorts
- Providing transportation accommodations
- Implementing contact limitations (no contact orders) between the parties
- Academic support, extensions of deadlines, or other course/program-related adjustments
- Issuing a No Trespass notice
- Class modifications, withdrawals, or leaves of absence
- Increasing 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 College to provide the supportive measure.

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.

### **Emergency Removal**

In connection with this policy, whether or not a grievance process is underway, the College may summarily remove an individual from an educational program or activity on an emergency basis, after undertaking an individualized safety/risk assessment, and upon the determination that the individual poses an immediate threat to the physical health or safety of any student or other individual (including themselves, the Respondent, the Complainant or any other individual).

The safety/risk analysis will be performed by the Title IX Coordinator in conjunction with the Behavioral Intervention Team.

When an emergency removal is imposed, the student will be given notice of the action and the option to request to meet with the Title IX Coordinator prior to such action/removal being imposed, or as soon thereafter as reasonably possible, to show cause why the action/removal should not be implemented or should be modified.

This meeting is not a hearing on the merits of the allegation(s), but rather is an administrative process intended to determine solely whether the emergency removal is appropriate.

When the meeting is not requested (in a timely manner), objections to the emergency removal will be deemed waived.

### **Standard of Proof**

The standard of proof under this policy is a preponderance of the evidence. A finding of responsibility by a preponderance of the evidence means that it is more likely than not, based on all the evidence and reasonable inferences from the evidence, that the Respondent violated this policy.

### **Presumption of Non-Responsibility**

The Respondent is presumed to be not responsible for the alleged conduct unless and until a determination regarding responsibility is made at the conclusion of the grievance process.

### **False allegations and Evidence**

Deliberately false and/or malicious accusations under this policy are a serious offense and will be subject to appropriate disciplinary action. This does not include allegations that are made in good faith but are ultimately shown to be erroneous or do not result in a policy violation determination.

Additionally, witnesses and parties knowingly providing false evidence, tampering with or destroying evidence, or deliberately misleading an official conducting an investigation can be subject to discipline under this and other policies.

### **Prior Sexual Behavior**

The Complainant's predisposition or prior sexual behavior are not relevant and will not be used during the grievance process, unless offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concerns specific incidents of the Complainant's prior sexual behavior with the respect to the Respondent and are offered to prove consent.

### **Conflict of Interest**

All individuals who have responsibility in administering the grievance process under this policy must be free of any conflicts of interests or bias for or against Complainants or Respondents generally or an individual Complainant or Respondent and will be trained as provided by federal regulations. A party that has concerns regarding conflict of interest or bias of any individual performing a role in the Title IX grievance process must report those concerns to the Title IX Coordinator within 48 hours of being notified of their identities and include a brief explanation of the basis for the conflict or bias concern. The Title IX Coordinator will assess the allegations of conflict or bias to determine whether or not the identified individual(s) can fulfill their duties in an impactful way. If the Title IX Coordinator concludes that the facts and circumstances support the claim of conflict or bias, the pertinent individual(s) will not participate in the case.

### **Advisor**

Either Party may be assisted during their process by an Advisor of their choice. If necessary, the College may provide a party with an Advisor without charge. The role of the Advisor is narrow in scope: the Advisor may attend any interview or meeting connected with the grievance process, but the Advisor may not actively participate in interviews and may not serve as a proxy for the party. The Advisor may attend the hearing and may conduct cross-examination of the other party and any witnesses at the hearing; otherwise the Advisor may not actively participate in the hearing.

## **Promptness**

The general timeframes outlined in this policy may be temporarily delayed or extended if the Title IX Coordinator finds that good cause exists for the delay or extension. Written notice of the delay/extension will be provided to all parties and along with the cause of the delay/extension and an estimate of the anticipated additional time that will be needed as a result of the delay/extension.

## **When a Complainant Does Not Wish to Proceed**

If a Complainant does not wish for their name to be shared, does not wish for an investigation to take place, or does not want a formal complaint to be pursued, they may make such a request to the Title IX Coordinator, who will evaluate that request in light of the duty to ensure the safety of the campus and to comply with state or federal law.

The Title IX Coordinator has ultimate discretion over whether the College proceeds when the Complainant does not wish to do so, and the Title IX Coordinator may sign a formal complaint to initiate a grievance process.

A compelling risk to health and/or safety may result from evidence of patterns of misconduct, predatory conduct, threats, abuse of minors, and use of weapons and/or violence. The College may be compelled to act on alleged employee misconduct irrespective of a Complainant's wishes.

When the Title IX Coordinator executes the written complaint, they do not become the Complainant. The Complainant is the individual who is alleged to be the victim of conduct that could constitute a violation of this policy.

When the College proceeds, the Complainant (or their Advisor) may have as much or as little involvement in the process as they wish. The Complainant retains all rights of a Complainant under this policy irrespective of their level of participation. Typically, when the Complainant chooses not to participate, the Advisor may be appointed as proxy for the Complainant throughout the process, acting to ensure and protect the rights of the Complainant, though this does not extend to the provision of evidence or testimony.

Note that the College's ability to remedy and respond to notice may be limited if the Complainant does not want the College to proceed with an investigation and/or grievance process. The goal is to provide the Complainant with as much control over the process as possible, while balancing the College's obligation to protect its community.

In cases in which the Complainant requests confidentiality/no formal action and the circumstances allow the College to honor that request, the College will offer informal resolution options, supportive measures, and remedies to the Complainant and the community, but will not otherwise pursue formal action.

If the Complainant elects to take no action they can change that decision if they decide to pursue a formal complaint at a later date. Upon making a formal complaint, a Complainant has the right and can expect to have allegations taken seriously by the College and to have the incidents investigated and properly resolved. Note that delays may limit access to evidence or present issues with respect to the status of the parties.

## Informal Resolution

The College permits informal resolutions processes in cases in which a formal 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 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 this 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. The Title IX Coordinator has five 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 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 business days to submit, in writing, the agreement to both parties.

Both parties have five 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 business days. The Title IX Coordinator will then initiate the formal resolution/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 formal resolution/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 College community.

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

The informal resolution process is available in matters involving a student Complainant and a student Respondent. The informal resolution 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 will appoint an Investigator(s), Grievance Hearing Panel and Appeal Panel. The role of each is discussed below.

Respondents will 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.

A Respondent is not required to prove consent and a Complaint is not required to prove the absence of consent.

Both inculpatory and exculpatory evidence will be considered by the Investigator, Grievance Hearing Panel, and Appeal Panel. Inculpatory evidence is evidence that shows, or tends to show, a person's involvement in an act, or evidence that can establish responsibility. Exculpatory evidence is evidence favorable to exonerate an individual from responsibility.

### **Investigation**

The Title IX Coordinator will assign trained Investigator(s) to investigate the complaint.

The investigation will include 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 law enforcement investigation documents, if applicable, 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 may 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) must disclose any conflict of interest between him/herself and either party, and in the event of any conflict, a qualified and trained unbiased replacement will be appointed. A party objecting to the Investigator on the basis of a conflict of interest must raise the objection during this phase of the Grievance Process; otherwise, the objection is deemed waived.

Notices of interviews or meetings sent to parties and witness will 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 will 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. Consent for a minor under FERPA is required from a parent.

The Investigator will document in writing his/her findings and determination in an Investigation Report. Ten days before the Investigation Report is completed, the Investigator will provide access to all evidence directly related to the allegations to the Parties and the Advisor, if any. Parties may provide a written response to the evidence no later than 10 days after being provided access. Within 20 days after parties are provided access to evidence the Investigator will issue the Investigatory Report which will summarize the Investigatory process, the facts gathered during the investigation, and any response to the facts provided by a party as well as state the Investigator's finding of facts.

If the College learns of discrimination/harassment in the absence of a direct complaint being filed by the student, such as from a member of the local community, social networking sites, or the media, the College will investigate or otherwise determine what occurred.

If an investigation reveals that sexual violence created a hostile environment, the College will take prompt and effective steps reasonably calculated to end the sexual violence, eliminate the hostile environment, prevent its recurrence, and, as appropriate, remedy its effects.

### **Hearing**

Prior to commencing the Grievance Hearing process the Hearing Chair will disclose any conflict of interest between him/herself and either party, and in the event of any conflict, a qualified and trained unbiased replacement will 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.

Upon notice from the Title IX Coordinator an investigation has concluded, the Hearing Chair will, within 10 days, set a hearing date, time, and place. Once a hearing date, time, and place has been determined, the Hearing Chair will 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 10 days before the date and time of the scheduled hearing.

Either party may request that the hearing be conducted with each party in separate rooms, in which case the hearing will 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 business days prior to the hearing.

Grievance Hearing will be closed to the public in order to protect the confidential nature of the proceedings. Any student or employee requiring accommodations for the hearing must make the request for such accommodations at least five 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 will be rescheduled with the respective date to be no more than one week later. 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 will be permitted to make an audio recording of the proceeding. The hearing will be transcribed by the College, and a transcript of the hearing will be made available to the parties, their Advisor, the Appeal Chair, and will be kept by the Title IX Coordinator.

During the Grievance Hearing both Advisors for both Complainant and Respondent may be present but will 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:

- Hearing Panel's explanation of the Procedure and Rules
- Statement of the Investigator's Findings and Conclusion
- Complainant's Opening Statement (limited to 15 minutes)
- Respondent's Opening Statement (limited to 15 minutes)
- Presentation of the Complainant's witnesses and evidence

- Presentation of the Respondent's witnesses and evidence
- Complainant's Closing Statement (limited to 15 minutes)
- Respondent's Closing Statement (limited to 15 minutes)

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

During cross-examination Parties and Advisors must conduct themselves in a respectful, non-abusive, and non-intimidating manner. Advisors are not entitled to object to relevancy issues during the hearing.

In the judgment 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 is permitted to ask for clarification from witnesses.

The Hearing Chair will make a relevancy determination regarding each question asked during cross-examination before the question is answered and will explain why it is not relevant.

Upon conclusion of the Grievance Hearing, the Hearing Panel will make a determination based a preponderance of evidence as to whether the alleged conduct occurred or did not occur, and if the conduct occurred if the conduct constituted a violation of this policy and the appropriate sanction(s). In reviewing the decision of the Investigator, the Hearing Panel may substitute its assessment for the findings, conclusion, and decision of the Investigator.

The Hearing Chair will 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 10 days after the hearing. 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.

The Notice of Outcome will articulate the specific policy(ies) 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 College 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.

Sanctions will be imposed upon a finding that a student or employee has violated this policy. A student or employee who fails to complete the sanction will be considered to have committed another violation of this policy. Violations involving impairment from the voluntary use of alcohol and/or use of drugs (other than medically necessary) will be considered an aggravating, and not a mitigating, factor in sanctioning. All sanctions become part of a student's 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 forth in this policy, including appeals and the completion of any and all sanctions imposed.

Potential sanctions for students found by the College to have violated this policy may include, but are not limited to, the following:

- **Account Hold** means restricted access to an individual's registration, grades, and/or transcript.
- **Disciplinary Probation** means a specified period of time, with a minimum of one semester, requiring the student to avoid a recurrence of any conduct that violates any College policy that may result in additional College sanctions including suspension or expulsion.
- **Educational Assignment** means a learning opportunity, including, but not limited to, drug and alcohol education and written papers, designated to be completed by the student. An alcohol and drug assessment and/or behavioral health assessment may be required to be completed by a qualified medical or mental health professional and released to an appropriate College official.
- **Expulsion** means permanent dismissal from the College, administrative withdrawal from classes and loss of all College privileges.
- **No Contact** means the accused Respondent is instructed not to have direct or indirect contact with the complaining student, which includes but is not limited to contact in person, through electronic means, or through a third party.
- **Restitution** means community service as a form of reimbursement to the College and/or a member of the College community or others to cover the cost of damage, injury, or loss of community or personal property as a result of a violation.
- **Restricted Access** means denial of services, privileges, access to facilities and benefits that may impact participation in extracurricular activities, residence in College housing, College employment, leadership within student organizations and academic activities for a designated period of time.
- **Suspension** means removal of a student for a defined period of time, during which a student loses all College privileges including, but not limited to, facilities, programs, privileges, classes, and premises. Students who do not attend the College for three or more successive semesters, excluding summer sessions, must submit an application for readmission to the College.
- **Written Warning** means a written notice warning to the Respondent to avoid a recurrence of any conduct that violates College policy.

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

- **Corrective Plan of Action:** Based upon the severity of the violation, an employee found to have violated this policy is issued a corrective plan of action that directs the employee to complete a course of action to remain employed.
- **Discharge:** The employee is terminated from College employment.
- **No Contact:** The employee is directed to have no direct and/or indirect contact with the Complainant, which includes, but is not limited to contact in person, through electronic means, or through a third party.
- **Suspension:** The employee is suspended with or without pay for a period of time.
- **Training:** An employee is be required to participate in Sexual Harassment Awareness training, including, but not limited to, obtaining education regarding this policy and the laws prohibiting sexual harassment/discrimination.
- **Verbal Warning:** A verbal warning is issued to the employee directing that the employee not engage in behavior prohibited by this policy, which will be documented and placed in the employee's personnel file.
- **Written Warning:** A written warning is issued to the employee directing that the employee not engage in behavior prohibited by this policy, which will be placed in the employee's personnel file.



Potential sanctions for third-parties found by the College to have violated this policy may include, but are not limited to:

- Loss of Privileges
- Termination of Business Relationship

Should a student decide not to participate in the resolution process, the process proceeds absent their participation to a reasonable resolution. 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, and the student may be barred from College property and/or events. The College will, however, continue to address and remedy any systemic issues that may 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. The College will, however, continue to address and remedy any systemic issues that may have contributed to the alleged violation(s) and any ongoing effects on the alleged sexual harassment and/or retaliation.

An employee who resigns with unresolved allegations pending is not eligible for rehire by 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.

### **Appeal**

Appeals under this policy will be heard by an Appeal Panel comprised of three College employees. Both parties have equal rights to an impartial appeal upon the dismissal of a formal complaint or any allegations therein and upon receiving the Hearing Panel's written determination regarding responsibility and, when applicable, sanctions and remedies.

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

An appeal must be filed within 10 days of the decision being appealed by submitting a written statement as to the basis and reason for the appeal to the Title IX Coordinator.

The request for appeal will be forwarded to the Appeal Chair for consideration to determine if the request meets the grounds for appeal. The grounds for appeal are:

- procedural irregularity that affected the outcome of the matter;
- new evidence or witness(es) that were not reasonably available at the time determination regarding responsibility or dismissal was made which could affect the outcome of the matter;
- a conflict of interest or bias that affected the outcome of the matter.

If any of the grounds in the request for appeal do not meet the grounds in this policy, that request will be denied by the Appeal Chair and the parties and their Advisors will be notified in writing of the denial and the rationale within seven business days of receiving the request for appeal.

If any of the grounds in the request for appeal meet the grounds in this policy, then the Appeal Chair will notify the other parties and their Advisors and, when appropriate, the Title IX Coordinator, Investigator(s) and Hearing Panel Members. This will occur within seven business days of receiving the request for appeal.

The other party(s) and their Advisors, and, when appropriate, the Title IX Coordinator, the Investigators and/or the Hearing Panel will be mailed, emailed, and/or provided a hard copy of the request with the approved grounds and then be given five business days to submit a response to the portion of the appeal that was approved and involves them. All responses will be forwarded by the Appeal Panel Chair to all parties for review and comment.

The non-appealing party (if any) may also choose to raise a new ground for appeal at this time. If that occurs, it will be reviewed to determine if it meets the grounds in this policy by the Appeal Panel Chair and either denied or approved. If approved, it will be forwarded to the party who initially requested an appeal, the Investigator(s) and/or original Hearing Panel, as necessary, who will submit their response in five business days, which will be circulated for review and comment by all parties.

Neither party may submit any new requests for appeal after this time period. The Appeal Panel Chair will collect any additional information needed; all documentation regarding the approved grounds and the subsequent responses will be shared with the Appeal Panel. The Appeal Panel will render a decision in no more than seven business days, barring exigent circumstances. All decisions are made by a unanimous vote and apply the preponderance of evidence standard.

Within ten days of receipt of the response to the appeal, a Notice of Appeal Outcome will be sent to all parties simultaneously, including the decision on each approved grounds and rationale for each decision. The Notice of Appeal Outcome will specify the findings on each ground for appeal, any specific instructions for remand or reconsiderations, any sanctions that the College is permitted to share according to state or federal law, and the rationale supporting the essential findings to the extent the College is permitted to share under state and federal law.

Notification will be made in writing and will be delivered by in person, mailed to local or permanent address of the parties as indicated in official institutional records, and/or emailed to the parties' College-issued email. Once mailed, emailed, and/or received in-person, notice will be presumptively delivered.

### **Training**

Appropriate notice will be provided to College Board of Trustees, officers, employees, and students of this policy in publications such as the College Catalog, training materials, promotion of College-sponsored events, course syllabi and the College website. Training on this policy will be provided annually to students and employees.

Annually, the College provide the Title IX Coordinator, Investigators, Grievance and Appeal Chairs/Panelists, and the Ombudsperson with training regarding the follow:

- Serving impartially
- Relevance, questions of evidence, privilege and confidentiality
- Documenting and completing reports
- College policy on sexual harassment and other policies and procedures
- The Grievance Process, including how to conduct investigations, how to conduct hearings, and how to conduct appeals and prepare reports
- Technology used during Grievance Hearings
- The scope of College education programs and activities
- Assisting those who have experienced trauma

**The College will publish all training materials on the website.**

## **Record Keeping**

The Title IX Coordinator is responsible for maintaining the following records arising under this Policy for a period of seven years:

- Investigation Report (Formal Complaint and Investigative Documents)
- Grievance Hearing Determination
- Record of Grievance Hearing
- Appeal Results
- Informal Resolution Results
- Sanctions imposed
- Remedies to restore/preserve equal access to College programs and activities
- Supportive measures given and not given (including an explanation of why supportive measures not given were clearly not unreasonable under known circumstances)
- All training materials for Grievance Procedure Participants (Informal Resolution Facilitator, Title IX Coordinator(s), Investigators, Grievance Hearing Decision Makers, Individual handling Appeals, and Advisors)
- An explanation of why a response to a complaint was not deliberately indifferent and documentation of the steps taken to restore/preserve equal access to College programs and activities

## **Weapons on Campus**

Possession of weapons, as further defined below, is not permitted on property owned, leased or otherwise controlled by the College, even if you have a concealed weapons permit.

Weapons are restricted to an environment in which students, employees and guests of the College can feel safe while attending classes, working, and visiting. While these restrictions offer no guarantee of protection restrictions reduce the risk of injury. Exceptions:

1. Law enforcement officers of legally established law enforcement agencies.
2. Employees authorized by the College to possess or use such devices while engaged in work activities requiring such a device.
3. When College authorization is given to someone in connection with a regularly scheduled educational, recreational, or training program in which such devices would be required.
4. The possession of knives on college property when used solely for preparation of food, instruction, or maintenance.

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.

## **Definitions**

Weapons are defined as any instrument, implement, or other object which is capable, designed, intended, or used to inflict bodily injury, or leads a reasonable person to believe it is intended to be used to inflict bodily injury. This shall include, but not be limited to, the following:

- Any gun, rifle, firearm, BB gun, pellet gun, 3-D printed weapon, or other device (including starter gun), whether operable or inoperable, which is designed to or may readily be converted to expel a projectile by any means.
- Any bomb, grenade, rocket, or other destructive device which includes explosives, incendiaries, or poison gas.
- Any knife with a blade longer than three inches, razor, or other cutting instrument, except as approved for the College's culinary program and food service operations.
- Any striking instrument, to include clubs, iron bar, brass knuckles, blackjack, or bludgeon (excluding Athletic Department equipment when used for school sanctioned activities — i.e., baseball bats).
- Any Martial Arts weapons, to include nunchakus, tonfas, staffs, and throwing stars.
- Any bow and arrow combination.

- Fireworks
- Any portable device or weapon from which an electrical current, impulse, wave, or beam may be directed, which current, impulse, wave, or beam is designed to incapacitate temporarily, injure, or kill.

Firearm: a weapon from which a dangerous projectile may be propelled by an explosive, or by gas or air.

Minor: any individual of less than 18 years of age.

Pistol: a firearm, loaded, or unloaded, 26 inches or less in length, or any firearm, loaded or unloaded, that by its construction and appearance conceals it as a firearm.

A self-defense spray or foam device are not considered weapons subject to this policy, if they meet all the following:

(A) The device is capable of carrying, and ejects, releases, or emits 1 of the following:

- Not more than 35 grams of any combination of orthochlorobenzalmalononitrile and inert ingredients;
- A solution containing not more than 10% oleoresin capsicum;

(b) The device does not eject, release, or emit any gas or substance that will temporarily or permanently disable, incapacitate, injure, or harm a person with whom the gas or substance comes in contact, other than the substance described in (a).

This policy is not intended to exclude students or staff from defending themselves, using items fashioned into weapons, from a violent armed attack (i.e. “active shooter”) when appropriate, and as an option of last resort.



## Resources

### On Campus Resources

**Campus Safety:** The campus security department is a primary point of contact for all safety-related concerns. They can provide information about reporting to law enforcement, safety procedures, emergency response protocols, and crime prevention tips.

**Security Cell Phone: 269-470-6084**

**Campus Officer:** The Campus Officer is a primary point of contact for all security and safety concerns. They are the liaison to regional police and fire agencies and is the first responder for any incidents that occur.

**Campus Officer: 269-925-7846**

**Counseling Center/Mental Health Services:** The counseling center or mental health services on campus can offer support and guidance for students dealing with safety-related stress or emotional challenges.

**Leslie Navarro 269-927-8866**

**[Counseling@lakemichigancollege.edu](mailto:Counseling@lakemichigancollege.edu)**

**Student Conduct:** This office is responsible for responding to reports of violations of the institution's code of conduct and overseeing the disciplinary process. The student code of conduct and overseeing the disciplinary process. The student code of conduct includes policies related to academic integrity and behavioral expectations. **Melissa Grau 269-927-6172**

**Title IX Coordinator:** The Title IX coordinator is responsible for addressing institution-wide response to gender-based discrimination, sexual harassment, sexual assault, and domestic violence. They coordinate the investigation process and ensure compliance with federal Title IX regulations. **Charmae Sanders 269-927-6908**

**Campus Ombudsperson:** An ombudsperson provides impartial assistance in resolving conflicts and addressing concerns, including those related to incidents or disputes.

**Casey Dubina 269-927-6830**

### Off-Campus Resources

#### Domestic and Sexual Violence

- Domestic Violence Shelters: **[269-925-9500](tel:269-925-9500)**
- Child & Family Services of Southwestern Michigan: **[269-927-1422](tel:269-927-1422)**
- Safe Shelter for Domestic Violence: **[888-237-1891](tel:888-237-1891)**
- Domestic Violence Coalition: **[888-655-9008](tel:888-655-9008)**
- National Domestic Violence Hot Line: **[800-799-SAFE \(7233\)](tel:800-799-SAFE)**
- MI Coalition Against Domestic and Sexual Violence: **[517-347-7000](tel:517-347-7000)**

#### Health and Medical

- Corewell Health Lakeland: **[800 968-0115](tel:800-968-0115)**
- Corewell Health Lakeland (Niles): **[269-683-5510](tel:269-683-5510)**
- Southwestern Medical Clinic (Niles): **[269-687-0200](tel:269-687-0200)**
- Berrien County Health Department: **[269-926-7121](tel:269-926-7121)**
- Van Buren County and Cass County District Health Department: **[269-621-3143](tel:269-621-3143)**

#### Mental Health

- 211/First Call for Help (United Way of Southwest Michigan): **[1-844-875-9277](tel:1-844-875-9277)**
- Riverwood Community Mental Health Center
  - Berrien County: **[269-925-0585](tel:269-925-0585)**
  - Niles: **[269-684-4270](tel:269-684-4270)**
- Woodlands Behavioral Healthcare Network
  - Cass County: **[800-323-0335](tel:800-323-0335) or [269-445-2451](tel:269-445-2451)**

- Van Buren Community Mental Health Authority (Van Buren County): [800-922-1418](tel:800-922-1418) or [269-657-5574](tel:269-657-5574)
- **Centered on Wellness**
  - Niles: [269-683-7604](tel:269-683-7604)
  - South Haven: [269-637-6236](tel:269-637-6236)
  - Benton Harbor: [269-926-6199](tel:269-926-6199)

### 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: 269-925-0585 or 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.
- **HelpNet Employee Assistance Program**  
The college's Employee Assistance Program, available to all full- and part-time employees, is administered through HelpNet. Information can be found in the Human Resources offices or on SharePoint under the staff and faculty benefit links.

## **B-Warn | Berrien County**

This is an Opt-In mass notification service that allows Berrien County Police Department to send out alert messages to everyone registered. Alerts will be sent when responders at an emergency request the Police Department to put out instructions to the public to take certain protective actions. An alert will not be necessary for every emergency. It is at the discretion of the incidents assigned commander to request an alert. You can receive messages by entering your contact information and then subscribe to automated notifications you want based on locations you are interested in. For more information and to sign up visit:

<https://www.berriencounty.org/1283/B-WARN>.

## **Notify Me | Van Buren County**

This is an Opt-In mass notification service that allows Van Buren County to send out alert messages to everyone registered for various kinds of alerts coming from the county. You can receive messages by entering your contact information and then subscribe to automated notifications you are interested in. For more information and to sign up visit: <https://www.vanburencountymi.gov/list.aspx>.

## **Sex Offender Registry and Access to Related Information**

Upon release from prison, individuals convicted of sex crimes in Michigan, are required by state law to register their home address with their area law enforcement agency. In addition, if registered sex offenders are enrolled at, or employed at a post-secondary institution, the offenders must provide this information to the state through their local law enforcement agency. The state of Michigan maintains the information regarding convicted sex offenders at <https://mspsor.com/>. At this time, you are unable to search by campus.

## Prevention and Awareness

### Programming

<b>Program Name</b>	<b>Description</b>	<b>Target Audience</b>
<b>Active Violence Incident Training</b>	Protective measures and response	Faculty, Staff, Facilities & RA's
<b>Addiction</b>	Alcoholism/Drug use is an illness	Faculty, Staff & Students
<b>Alcohol &amp; Drugs</b>	Prevention & scenario training	RA's
<b>Alcohol &amp; Drugs</b>	Awareness and warning signs	Beckwith Hall & Athletes
<b>Bystander Intervention</b>	Risk Reduction, Primary Awareness, and Prevention	RA's
<b>Campus Security Authority (CSA)</b>	Video and quiz	CSA's
<b>CARES Presentation</b>	Details on reporting incidents	Faculty & Staff
<b>Clery Act</b>	Information about campus crime and security policies	Faculty, Staff, & RA's
<b>Consent</b>	Consent awareness	Students
<b>Fire Drill Procedures</b>	Explaining Emergency Procedures	RA's & Beckwith Hall Students
<b>Fire Extinguisher Training</b>	How to handle a fire extinguisher	Faculty, RA's, HES & Facilities Personnel
<b>Harassment, Stalking, Cyber Stalking</b>	Different forms of harassment and stalking	Students, Athletes, Faculty, & Staff
<b>Healthy Relationships</b>	Awareness	RA's
<b>RAVE Alert</b>	Details on how to update information	Students, Faculty, & Staff
<b>Safety and Security Procedures</b>	Student Orientations	Students
<b>Safety and Security Update</b>	Explaining new emergency procedures	Faculty & Staff
<b>Title IX/VAWA</b>	Know your Title IX rights (to make a report); Student orientations	Students, Faculty, & Staff
<b>Victim Advocate and Prevention Educator</b>	Awareness and warning signs of abuse	Students, Faculty, & Staff

## Safety Tips

1. Put LMC's security numbers in your personal cell phone. Security Cell: **269-470-6084**
2. Learn the location of the Emergency Blue Light stations on campus.
3. Become familiar with the campus community and the surrounding area.
4. Lock your door and secure any personal items, even for short periods of time (e.g. using the restroom in the library).
5. Avoid putting headphones/earbuds in both ears so that you can be more aware of your surroundings.
6. Carry your ID & medical insurance card.
7. Sign up for LMC's RAVE Alert emergency notifications
8. Have a plan when going out, including knowing where you're going, how you'll get there and back home again, and sharing your plans and location with a trusted friend or family member.
9. Utilize campus security escorts and ride services that are provided by the institution.
10. Proactively connect with campus resources and seek support for your mental and emotional health.
11. Avoid groups or organizations with a reputation for harmful and high-risk behaviors like hazing and binge drinking.
12. Attend prevention and awareness programs to learn warning signs of dating violence, sexual assault, and stalking and to build skills as an active bystander.
13. If you **SEE** Something, **SAY** Something.



## Preparing the Annual Security and Fire Safety Report

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act) is a federal law which requires institutions to publish an Annual Security Report (ASR) as well as submit all crime statistics to the Department of Education. Institutions with on-campus housing must also submit a Fire Safety Report (FSR) along with other items detailed below.

LMC will prepare an ASR and FSR that reflects LMC's current policies and procedures, and which contains, at minimum, the following information:

- Crime statistics (stats) gathered from LMC's Care and Concern reports, incident reports, and campus security reports. In cooperation with law enforcement agencies, the department of Accreditation, Strategic Projects, & Quality (ASPQ) will collect stats from these agencies covering LMC's Clery geography. All crime stats are collected and maintained from the most recent three calendar years. (See Appendix A for Clery reportable crimes and definitions.)
- Statements of policies and procedures include, but are not limited to, how students and others can report criminal actions or other emergencies occurring on campus, security and accessing campus facilities, emergency evacuation and preparedness procedures, missing student notifications, prohibited items on campus, institutional disciplinary action in cases of alleged dating violence, domestic violence, sexual assault or stalking, a statement advising the campus community where registered sex offenders may be located, etc.
- Programming of the following, but not limited to drug and alcohol abuse education, dating violence, domestic violence, sexual assault or stalking, prevention of crimes, campus security procedures and practices, etc.
- Fire Safety procedures, for on-campus housing facilities.

LMC will publish the ASR and FSR by October 1 of each year. ASPQ will release the ASR and FSR along with a statement to the LMC campus community of its availability. Paper copies will be made available upon request.



## Crime Definitions (Federal/Clery Definitions)

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Listed in alphabetical order, not Clery hierarchy order.

### Aggravated Assault

An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault is usually accompanied by the use of a weapon or by means likely to produce death or great bodily harm.

### Arson

Any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property of another, etc.

### Burglary

The unlawful entry of a structure to commit a felony or a theft.

### 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.

- 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.

### Destruction/Damage/Vandalism of Property

To willfully or maliciously destroy, damage, deface or otherwise injure real or personal property without the consent of the owner or the person having custody or control of it.

### Disciplinary Referrals (Referred for Disciplinary Action)

The referral of any person to any official who initiates a disciplinary action of which a record is established, and which may result in the imposition of a sanction.

### Domestic Violence

A felony or misdemeanor crime of violence committed by any of the following individuals:

- A current or former spouse or intimate partner of the victim; or
- A person with whom the victim has a child in common; or
- A person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner; or
- A person similarly situated to a spouse of the victim under the domestic or family laws of the jurisdiction in which the crime of violence occurred; or
- 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.

### Drug Abuse (Law) Violations

Violations of laws prohibiting the production, distribution and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use. The unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation or importation of any controlled drug or narcotic substance. Arrests for violations of state and local laws, specifically relating to the unlawful possession, sale, use, growing, manufacturing and making of narcotic drugs. The relevant substances include opium or cocaine and their derivatives (morphine, heroine and codeine), marijuana; synthetic narcotics (Demerol and Methadone); and dangerous non-narcotic drugs (barbiturates, Benzedrine).

### Hate Crimes

A criminal offense that manifests evidence that the victim was intentionally selected because of the perpetrator's bias against the victim. The following eight categories are reported: Race, Religion, Sexual Orientation, Gender, Gender Identity, Ethnicity, National Origin or Disability. A hate crime is not a separate, distinct crime, but is the commission of a criminal offense which was motivated by the offender's bias. Crimes that are classified under this definition include all listed Clery Reportable Crimes plus: larceny/theft, simple assault, intimidation, destruction, vandalism and/or damage. Weapon, drug law and liquor law violations are not included in hate crime data.

### Intimidation

To unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct but without displaying a weapon or subjecting the victim to actual physical attack.

### Larceny/Theft

The unlawful taking, carrying, leading or riding away of property from the possession or constructive possession of another. The constructive possession is the condition in which a person does not have physical custody or possession but is in a position to exercise dominion or control over a thing.

### Liquor Law Violations

The violation of state or local laws or ordinances prohibiting: the manufacture, sale, purchase, transportation, possession of alcoholic beverages; maintaining unlawful drinking places; bootlegging; operating a still; furnishing liquor to minor; using a vehicle for illegal transportation of liquor; open alcohol in a motor vehicle; consumption of alcohol in public; and other related offenses. Driving under the influence of alcohol is not included in this definition.

### Motor Vehicle Theft

The theft or attempted theft of a motor vehicle. Classified as motor vehicle theft, are all cases where automobiles are taken by persons not having lawful access even though the vehicles are later abandoned—including joy riding.

### Murder and Non-Negligent Manslaughter

The willful (non-negligent) killing of one human being by another.

### Manslaughter by Negligence

The killing of another person through gross negligence.

### Robbery

The taking or attempting to take anything of value from the care, custody or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.

### Sexual Assault (Sex Offenses)

Sexual assault means an offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI's Uniform Crime Reporting system. A sex offense is any 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 consent of the victim. This offense includes the rape of both males and females.
- Fondling: The touching of the private 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 or her age or because of his or her temporary or permanent mental incapacity.

- Incest: Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- Statutory Rape: A non-forcible sexual intercourse with a person who is under the statutory age of consent (which is 16 in the State of Michigan).

### Simple Assault

An unlawful physical attack by one person upon another where neither the offender displays a weapon nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration, or loss of consciousness.

### Stalking

Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for their safety or the safety of others or suffer substantial emotional distress.

- 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 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.

### Weapon Law Violations

The violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices, or other deadly weapons. This classification encompasses weapons offenses that are regulatory in nature.



# Crime Statistics

## Benton Harbor Campus (Main)

Including Student Housing

Criminal Offences	2021				2022				2023			
	Campus	Public	Resid	Total	Campus	Public	Resid	Total	Campus	Public	Resid	Total
Murder/Non-Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0
Manslaughter by Negligence	0	0	0	0	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	1	1	1	0	1	2
Burglary	0	0	0	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0	0	0	0
Domestic Violence	0	0	1	1	0	0	0	0	0	0	0	0
Dating Violence	0	0	0	0	0	0	0	0	0	0	0	0
Stalking	0	0	0	0	0	0	0	0	1	0	0	1
<b>Total</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>1</b>	<b>2</b>	<b>0</b>	<b>1</b>	<b>3</b>
<b>Arrests</b>	<b>Campus</b>	<b>Public</b>	<b>Resid</b>	<b>Total</b>	<b>Campus</b>	<b>Public</b>	<b>Resid</b>	<b>Total</b>	<b>Campus</b>	<b>Public</b>	<b>Resid</b>	<b>Total</b>
Weapons Violations	0	0	0	0	0	0	0	0	0	0	0	0
Drug Law Violations	0	0	0	0	0	0	0	0	0	0	0	0
Liquor Law Violations	0	0	0	0	0	0	0	0	0	0	0	0
<b>Total</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Disciplinary Actions</b>	<b>Campus</b>	<b>Public</b>	<b>Resid</b>	<b>Total</b>	<b>Campus</b>	<b>Public</b>	<b>Resid</b>	<b>Total</b>	<b>Campus</b>	<b>Public</b>	<b>Resid</b>	<b>Total</b>
Weapons Violations	0	0	0	0	0	0	0	0	0	0	0	0
Drug Law Violations	0	0	2	2	0	0	3	3	0	0	2	2
Liquor Law Violations	0	0	0	0	0	0	5	5	0	0	3	3
<b>Total</b>	<b>0</b>	<b>0</b>	<b>2</b>	<b>2</b>	<b>0</b>	<b>0</b>	<b>8</b>	<b>8</b>	<b>0</b>	<b>0</b>	<b>5</b>	<b>5</b>

**Hate Crimes:** There were no reported hate crimes for the years 2021, 2022, or 2023.

**Unfounded Crimes:** There were no unfounded crimes for the years 2021, 2022, or 2023.

## South Haven Separate Campus

Criminal Offences	2021			2022			2023		
	Campus	Public	Total	Campus	Public	Total	Campus	Public	Total
Murder/Non-Negligent Manslaughter	0	0	0	0	0	0	0	0	0
Manslaughter by Negligence	0	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0
Domestic Violence	0	0	0	0	0	0	0	0	0
Dating Violence	0	0	0	0	0	0	0	0	0
Stalking	0	0	0	0	0	0	0	0	0
<b>Total</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
Arrests	Campus	Public	Total	Campus	Public	Total	Campus	Public	Total
Weapons Violations	0	0	0	0	0	0	0	0	0
Drug Law Violations	0	0	0	0	0	0	0	0	0
Liquor Law Violations	0	0	0	0	0	0	0	0	0
<b>Total</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
Disciplinary Actions	Campus	Public	Total	Campus	Public	Total	Campus	Public	Total
Weapons Violations	0	0	0	0	0	0	0	0	0
Drug Law Violations	0	0	0	0	0	0	0	0	0
Liquor Law Violations	0	0	0	0	0	0	0	0	0
<b>Total</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

**Hate Crimes:** There were no reported hate crimes for the years 2021, 2022, or 2023.

**Unfounded Crimes:** There were no unfounded crimes for the years 2021, 2022, or 2023.

**\*Niles Separate Campus and Non-Campus**

\*Transitioned to Bertrand Innovation Center in September of 2023

	2021			2022			2023			
<b>Criminal Offences</b>	Campus	Public	Total	Campus	Public	Total	Campus	Non-Campus	Public	Total
Murder/Non-Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0
Manslaughter by Negligence	0	0	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0	0
Domestic Violence	0	0	0	0	0	0	0	0	0	0
Dating Violence	0	0	0	0	0	0	0	0	0	0
Stalking	0	0	0	0	0	0	0	0	0	0
<b>Total</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Arrests</b>	Campus	Public	Total	Campus	Public	Total	Campus	Non-Campus	Public	Total
Weapons Violations	0	0	0	0	0	0	0	0	0	0
Drug Law Violations	0	0	0	0	0	0	0	0	0	0
Liquor Law Violations	0	0	0	0	0	0	0	0	0	0
<b>Total</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Disciplinary Actions</b>	Campus	Public	Total	Campus	Public	Total	Campus	Non-Campus	Public	Total
Weapons Violations	0	0	0	0	0	0	0	0	0	0
Drug Law Violations	0	0	0	0	0	0	0	0	0	0
Liquor Law Violations	0	0	0	0	0	0	0	0	0	0
<b>Total</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

**Hate Crimes:** There were no reported hate crimes for the years 2021, 2022, or 2023.

**Unfounded Crimes:** There were no unfounded crimes for the years 2021, 2022, or 2023.

## Allegan Non-Campus

	2021		2022		2023	
<b>Criminal Offences</b>	Non-Campus	Total	Non-Campus	Total	Non-Campus	Total
Murder/Non-Negligent Manslaughter	0	0	0	0	0	0
Manslaughter by Negligence	0	0	0	0	0	0
Rape	0	0	0	0	0	0
Fondling	0	0	0	0	0	0
Incest	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0
Robbery	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0
Burglary	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0
Arson	0	0	0	0	0	0
Domestic Violence	0	0	0	0	0	0
Dating Violence	0	0	0	0	0	0
Stalking	0	0	0	0	0	0
<b>Total</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Arrests</b>	Non-Campus	Total	Non-Campus	Total	Non-Campus	Total
Weapons Violations	0	0	0	0	0	0
Drug Law Violations	0	0	0	0	0	0
Liquor Law Violations	0	0	0	0	0	0
<b>Total</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Disciplinary Actions</b>	Non-Campus	Total	Non-Campus	Total	Non-Campus	Total
Weapons Violations	0	0	0	0	0	0
Drug Law Violations	0	0	0	0	0	0
Liquor Law Violations	0	0	0	0	0	0
<b>Total</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

**Hate Crimes:** There were no reported hate crimes for the years 2021, 2022, or 2023.

**Unfounded Crimes:** There were no unfounded crimes for the years 2021, 2022, or 2023.

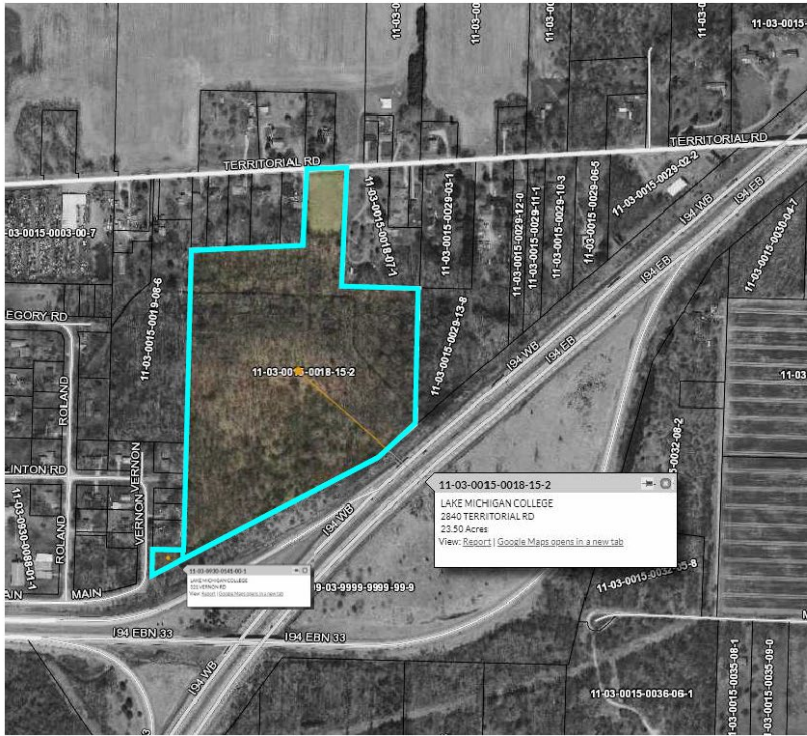


## Appendix A – Clery Geography Maps



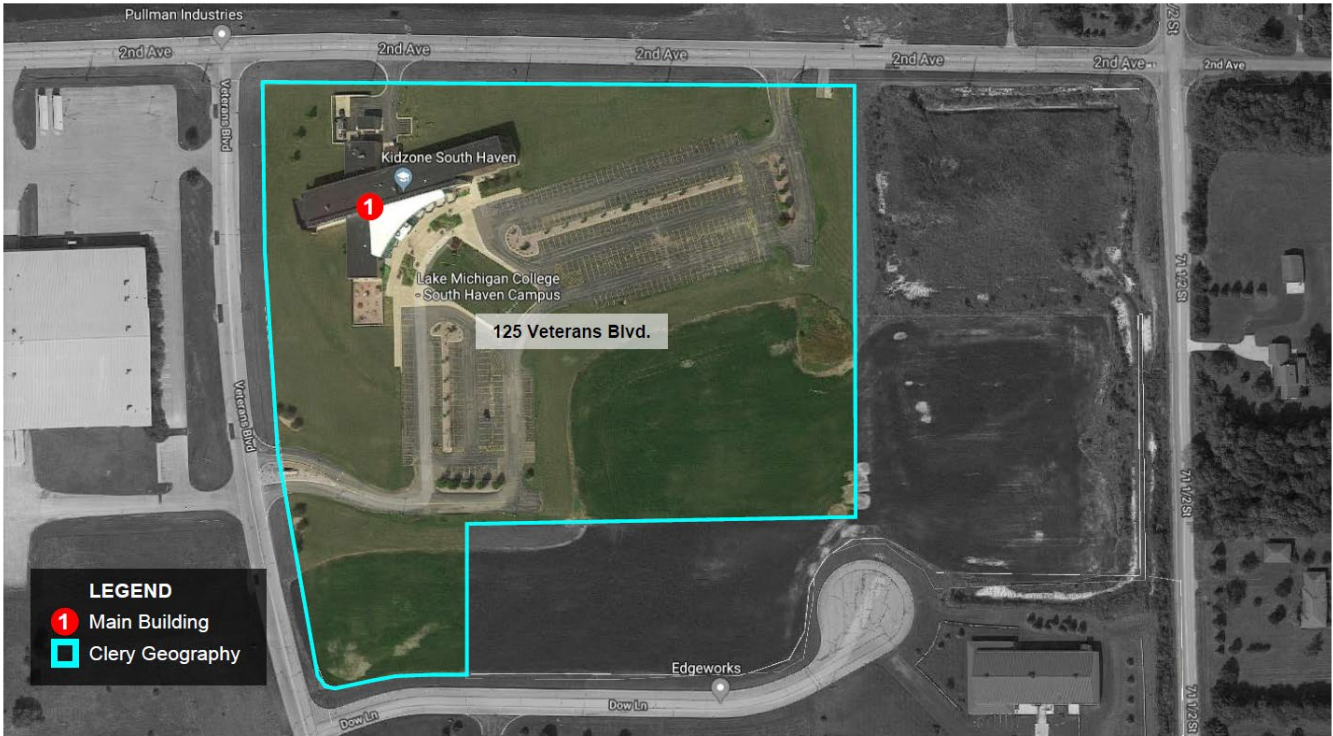
Benton Harbor Campus Properties





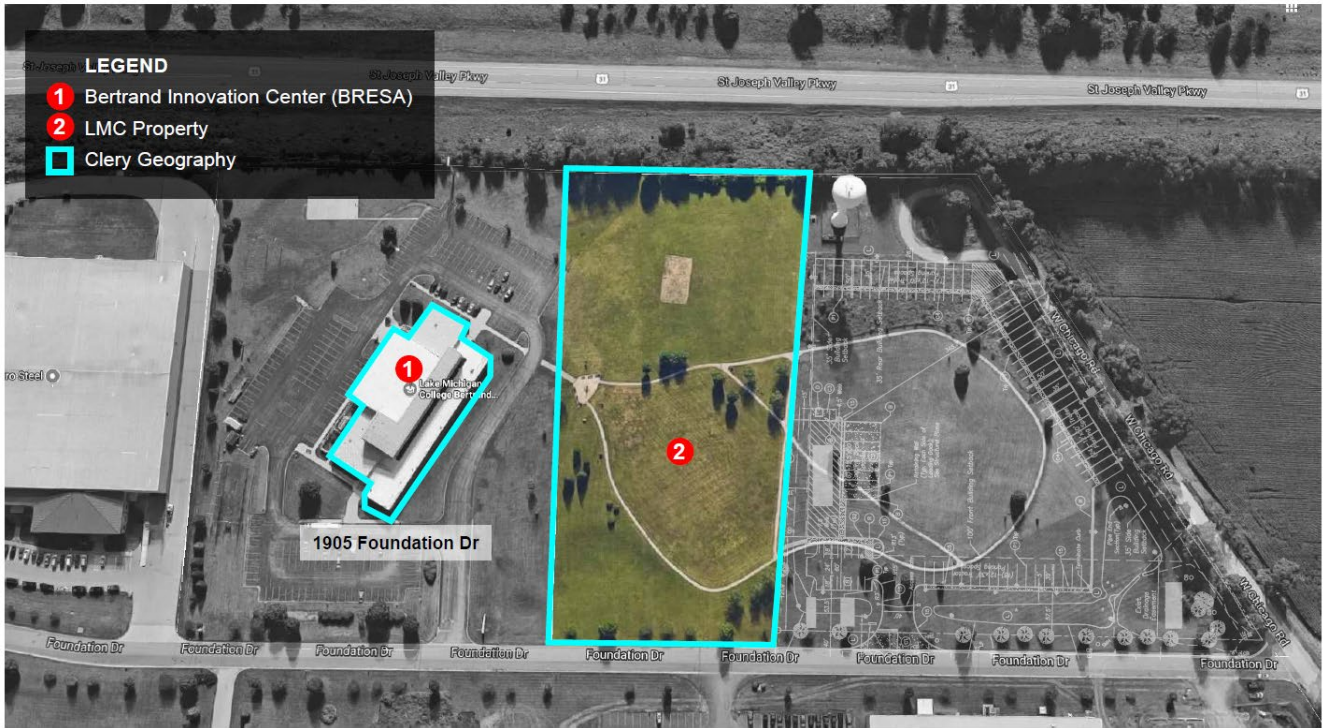
2840 Territorial Rd & 321 Vernon Rd





South Haven Campus





**Bertrand Innovation Center  
& Niles Property**



**LEGEND**

- 1 Allegan Area Tech Center
- Clery Geography



# Allegan Area Tech Center





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*This publication is available in alternate formats upon request.*

*Please contact the Accreditation Strategic Projects and Quality office for more details at [aspq@lakemichigancollege.edu](mailto:aspq@lakemichigancollege.edu)*