

All Bay College Employees and Students

FROM: Compliance and Security Coordinator

DATE: October 1, 2023

Thank you for taking the time to read this important publication. This document contains helpful information about the safety and security on Bay College Main Campus in Escanaba, and Bay College West Campus in Iron Mountain.

The College prepares a combined Annual Security Report and Fire Safety Report to comply with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act and the Higher Education Opportunities Act of 2008. The full text of this report is available on our web site at <http://www.baycollege.edu> or by clicking on Student Life->Health and Safety->Reporting and click on Annual Security Report under the Resources list. The combined Annual Security Report and the Annual Fire Safety Report is prepared in cooperation with local law enforcement agencies serving our campuses, the Executive Director of Student Life & Campus Security, the Vice President of Student Services, the Title IX Coordinator and Deputy Coordinators, Campus Security Authorities, and Human Resources. Each entity provides updated information on their educational efforts and programs to comply with the Act.

Campus crime, arrest, and referral statistics include those reported to designated campus officials and local law enforcement agencies for the Bay College Clery Geography.

A printed copy of the report may also be obtained on campus. On the Escanaba campus, the report can be obtained in the Compliance and Safety office, Catherine Bonifas Building, room 202. On the West campus, the report may be obtained in the office of the Campus Administrator Bay College West, located on the second floor, room 215.

All prospective employees and students may obtain a copy from the Human Resources office on the Escanaba campus in the Student Center building, room 523, or by calling (906)217-4049.

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# Bay College Annual Security Report and Fire Safety Report for Year 2022

Bay College has a proud history of providing a safe learning environment for its students and employees. A wide variety of policies and procedures have been developed over the years to ensure the health and safety of students, employees, and visitors to the campuses.

In addition, numerous federal and state laws have been adopted dealing with student and employee safety. The Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act requires that specific policies, procedures, and information be provided to ensure the health and safety of persons concerned with campus life. The Higher Education Opportunities Act of 2008 requires that the Annual report include the Fire Safety Report.

## REPORTING CRIMINAL INCIDENTS AND OTHER EMERGENCIES

Bay College does not do criminal investigations. All students, employees, and guests should promptly and accurately report criminal incidents, accidents and other emergencies to local law enforcement, including the state police, by dialing 911. They should also report to a CSA as soon as possible, in the event a Timely Warning is necessary. The preferred receivers for these reports are:

- Compliance and Security Coordinator
- Exec Director of Student Life and Security/Title IX Coordinator
- Director of IT

In the event of a non-emergency, an internal incident report form, available at [www.baycollege.edu](http://www.baycollege.edu) Student Life->Health and Safety->Reporting, should be filled out.

<https://publicdocs.maxient.com/incidentreport.php?BayCollege>

## LAW ENFORCEMENT/SECURITY

Bay College does not have a campus police/security force; however, we encourage crimes to be reported to local law enforcement or the state police, and to a designated Campus Security Authority (CSA), to ensure inclusion in the annual crime statistics and to aid in providing timely warning notices to the community when appropriate.

### ESCANABA CAMPUS

Bay College Campuses fall within the jurisdiction of the following agencies:

Escanaba Public Safety                      911/906-786-5911

Delta County Sheriff Dept      911/906-786-3633

Michigan State Police/Gladstone Post      911/906-428-4412

## WEST CAMPUS

Michigan State Police/Iron Mt Post      911/906-774-2122

Dickenson County Sheriff Dept      911/906-774-6262

Iron Mountain Police Dept      911/906-774-1234

These agencies enforce all laws of the State of Michigan, as well as ordinances of the cities of Escanaba and Iron Mountain, and have powers of arrest, and criminal investigation on all Bay College property.

## WRITTEN MEMORANDUMS OF UNDERSTANDING WITH LOCAL AND STATE POLICE

Bay College currently has no active written agreements or Memorandums of Understanding (MOU) with the Escanaba Department of Public Safety (EPSD), Michigan State Police, or any other law enforcement agency for the investigation of alleged criminal incidents or for other calls for service on Bay College's Main Campus. This also holds true for the Iron Mountain Police Department and other Dickenson County law enforcement agencies for the Bay West Campus.

Local law enforcement may or may not notify College Authorities when responding/having responded to calls or crimes on Bay College campuses. They are, however, encouraged to do so.

## CAMPUS SECURITY AUTHORITIES (CSA)

### Bay College/Escanaba

- Vice President of Student Services      906-786-4116      Student Center bldg., room 519
- Director of Admissions      906-217-4086      Student Center bldg., room 511
- Director of IT      906-217-4026      Catherine Bonifas bldg., room 202A
- Compliance and Security      906-217-4300      Catherine Bonifas bldg., room 202
- Exec. Director of Student Life & Security      906-217-4031      Student Center bldg., room 512
- Athletic Director/Coach Men's Basketball      906-217-4134      Phys. Ed. Center, room 323
- Coach Women's Basketball      906-217-4185      Phys. Ed. Center, room 325
- Coach Baseball/Sports      906-217-4295      Phys. Ed. Center, room 324
- Coach Cross Country      906-217-4186      Phys. Ed. Center, room 322
- Human Resources Director      906-217-4036      Student Center bold, room 523B

- Maintenance Tech 906-217-4147 Maintenance bldg., room 1104
- Director of Accessibility/  
Special Populations 906-217-4017 HUB, room 811
- Retention Program Mgr. 906-217-4175 HUB, room 828
- Director of Trio SSS 906-217-4209 HUB, room 812
- Trio Academic Specialist 906-217-4136 HUB, room 813
- Asst Director Trio SSS 906-217-4135 HUB, room 817
- DE & EC Coordinator 906-217-4301 HUB, room 825
- SI Supplemental Instr. 906-217-4175
- Digital Tech Coordinator 906-217-4088 HUB, room 864
- Librarian 906-217-4076 HUB, room 851
- Library Admin Asst 906-217-4069 HUB, room 863
- Manager of Training  
Workforce Coord 906-217-4224 Joseph Heirman University Center, room 945
- Residential Assts/RA's Contact Dave Laur at 906-217-4031 for a list of  
Names and contact numbers
  
- Student Group or  
Organization Advisor 906-217-4252 Catherine Bonifas building, room 200A
- Student Group or  
Organization Advisor 906-217-4056 Besse Health & Technology, room 402D
- Student Group or  
Organization Advisor 906-217-4083 Besse Health & Technology, room 400C
  
- Student Group or  
Organization Advisor 906-217-4104 Joseph Heirman University Center, room 926
- Student Group or  
Organization Advisor 906-217-4142 Joseph Heirman University Center, room 916
- Student Group or  
Organization Advisor 906-217-4059 Besse Health & Technology, room 422B
- Student Group or  
Organization Advisor 906-217-4119 Math & Science building, room 101
- Student Group or  
Organization Advisor 906-217-4029 Catherine Bonifas building, room 226
- Student Group or  
Organization Advisor 906-217-4007 Math & Science building, room 105
- Student Group or  
Organization Advisor 906-217-4259 Catherine Bonifas building, room 207

#### Bay College Iron Mountain, West Campus

- Technical Support Coord 906-302-3023 West Campus, room 249
- Academic Support Coord 906-302-3004 West Campus, room 205
- West Campus Support 906-302-3010 West Campus, room 217

#### Student Services

- Enrollment Facilitator      906-302-3002      West Campus, room 203
- Building Maintenance      906-302-3022      West Campus, room 161  
  Manager
- Exec. Dir. West Campus      906-302-3012      West Campus, room 219

## VOLUNTARY CONFIDENTIAL REPORTING PROCEDURES

If you are the victim of a crime and do not want to pursue action within the College system or the criminal justice system, you may want to consider making a confidential report. You can file a report on the details of the incident without revealing your identity. However, you cannot report the incident to a campus security authority (CSA) because they are designated as mandatory reporters. If you approach a CSA and identify that you intend to remain anonymous they will help you navigate to the online reporting tool where you can report anonymously and/or they can provide you with counseling contact information. The purpose of a confidential report is to comply with your wish to keep the matter confidential, while taking steps to ensure the future safety of yourself and others. With such information, the College can keep an accurate record of the number of incidents involving students, determine where there is a pattern of crime with the regard to a particular location, method, or assailant, and alert the campus community to potential danger. Reports filed in this manner are counted and disclosed in the annual crime statistics for the institution. You can file an anonymous report from the College's website. Navigate to [www.baycollege.edu](http://www.baycollege.edu) and navigate to Student Life->Health and Safety->Reporting, and select a report. The direct link to the general incident report is provided below.

<https://publicdocs.maxient.com/incidentreport.php?BayCollege>

## CONFIDENTIAL REPORTING (PASTORAL AND PROFESSIONAL COUNSELORS)

As a result of the negotiated rulemaking process which followed the signing into law, the 1998 amendment to 20 U.S.C. Section 1092(f), clarification was given to those considered to be campus security authorities. Campus "Pastoral Counselors" and Campus "Professional Counselors", when acting as such, are not considered to be a campus security authority and are not required to report crimes for the inclusion into the annual disclosure of crime statistics. As a matter of policy, they are encouraged; if and when they deem appropriate, to inform persons being counseled of the procedures to report crimes on a voluntary basis for inclusion into the annual crime statistics.

The rulemaking committee defines counselors as:

Pastoral Counselor:

An employee of an institution, who is associated with a religious order or denomination, recognized by that religious order or denomination as someone who provides confidential counseling and who is functioning within the scope of that recognition as a pastoral counselor.

Professional Counselor:

An employee of an institution, whose official responsibilities include providing psychological counseling to members of the institution's community and who is functioning within the scope of their license or certification.

## BUILDING ACCESS POLICY

### Policy 1040.5 Access Control

Employees may be issued keys for access to offices, labs, classrooms, etc..., based on need. Employees may be issued keys to buildings based on need. Keys are issued by the Operations department. Lost or stolen keys will be replaced at the employees' expense. Employees cannot transfer keys. Keys must be turned in when no longer needed.

The College will maintain normal operating hours, during which buildings, classrooms, and open-access areas will be accessible to students, employees, and visitors. Key inventory will be maintained by the Operations department. Key issuance and returns will be handled by Operations for:

- Employees (FT, PT, Temp) – Operations Dept
- Student Employees – Operations Dept
- Lease Holders – Operations Dept
- Apartments – Exec. Director of Student Life & Campus Security
- Physical Plant – Operations Dept
- Contractors – Operations Dept

College buildings shall be locked during non-business hours and access shall be restricted to those individuals with a need to have after-hours access. All requests for after-hour access will be sent to [accesscontrol@baycollege.edu](mailto:accesscontrol@baycollege.edu). Employees requiring after-hours access will complete a Campus Access Agreement form, available on the MyBay site, under the Employees tab. The form must be approved by their supervisor. Building access requires a building security code and building key, or digital access for buildings equipped with digital door locks. Codes are programmed and issued by the Operations Department. Employees with building access will receive training on how to arm and disarm the alarm systems.

Key and alarm assignments will be recorded in the College's Enterprise Resource Planning (ERP) software.

All students and employees will be issued a Bay College ID card. This card may be used for access to buildings equipped with digital locks. This card may serve as a photo ID if no other identification is available.

## CAMPUS SAFETY/SECURITY/CRIME PREVENTION

Though Bay College does not employ a campus police or security force, the Escanaba and Iron Mountain Campuses are secure, and personnel are available to assist students, visitors and staff should the need



arise. In the event of an emergency, staff members are trained to enact a response from proper resources, whether it be law enforcement, medical, fire or other. Additionally, each building is monitored by an Immediate Response Team (IRT) member. Multiple IRT's are on campus daily. Because of Bay College's nursing and EMT programs, there are medically trained personnel on campus at various times.

Bay College operates no off-campus student organization facilities and therefore has no security responsibilities associated with these types of facilities. Bay College personnel have a positive working relationship with local and state law enforcement, who not only provide service to the college, but also attend classes, show up for special events and at times, provide training for the campus community.

Campus lighting is another important part of Bay College's commitment to security and safety on both campuses. Lighting problems and inefficiencies are addressed/updated as needed and strategically placed to aid in creating a safe environment for students. Landscaping on both campuses is maintained by trimming shrubbery and trees to enhance safety and security. Members of Facilities and Compliance continuously survey both campuses in order to address issues involving lighting and landscaping.

All campus staff, students, and visitors, are urged to report any unsafe conditions they see to Facilities Management (906)217-4080.

## [SURVEILLANCE CAMERAS](#)

Bay College employs the use of indoor and outdoor surveillance cameras on both the main and west campuses. These cameras are audited regularly and updated as needed.

## [STUDENT HOUSING](#)

Bay College has On Campus student housing on its Main Escanaba Campus. Student housing is monitored by Student RA's who live on site. The RA's report to the Executive Director of Student Life & Campus Security/Title IX Coordinator. Operations staff issues keys, maintains the housing facility and any needs of repair are directed to them. Escanaba Public Safety patrols the Bay Colleges Escanaba Campus property and responds to calls at Campus Housing.

Regular On Campus Student Housing was closed for renovation starting August 23, 2021, and for the remainder of the 2021 calendar year. Bay College temporarily leased/rented residential space in a local motel for the duration of the renovation to student housing. The additional residential space rented/leased was: The Super 8 by Wyndham, at 2415 N Lincoln Rd, Escanaba MI, contiguous to Bays main campus. (on campus) The Super 8 fire alarm system is monitored by an off-site private entity. The hotels common areas and residential spaces are sprinklered with smoke detection systems.

### [Student Housing Safety](#)

Resident students are advised to:

- Keep rooms and exterior doors locked at all times
- Do not lend keys to anyone
- Report lost or stolen keys to Campus Operations and Executive Director of Student Life & Campus Security immediately
- Do not prop doors open

- Report all security-related maintenance problems: locks, doors, windows, exterior lights in need of replacement, shrubbery in need of trimming or other unsafe condition should be reported to Housing RA's.
- Keep valuables out of sight and locked up
- Bicycles can be registered with Escanaba Public Safety Dept. This will aid in its recovery if stolen. Keep your bicycle locked up at all times when not using it.
- In case of an emergency or to report a crime, call 911.

### Future Improvements to Student Housing Safety

As an improvement to student safety, the student housing apartment keyed entry system will be replaced with card reader access, making entrance to an apartment only accessible to the person(s) assigned an I.D. card to that apartment starting in the fall of 2023, Latch guards were added for Fall 2022 to the doors to prevent the "carding" of doors. Also in the planning is additional lighting and security cameras to student housing.

### Workplace Safety

Employees are encouraged to:

- Keep personal items, purses, backpacks, etc..., locked up
- Keep track of keys, badges etc..., do not loan them out
- Secure your work area/office when no one is in it
- Report suspicious people to a CSA, Compliance and Safety, or an instructor
- Do not leave your computer logged on
- In an emergency, call 911

Bay College introduces students to safety awareness and crime prevention during the mandatory student orientation. Ongoing crime prevention awareness for students and employees is provided through trainings and written publications, as well as videos. Throughout a student's time on campus, ad hoc initiatives on crime prevention are provided. These sessions teach students how to build awareness and develop an understanding of their limitations and comfort. In addition, the Student Handbook covers rules and guidelines for safety as well as Bay College policy 802-Workplace Violence Prevention. Lastly, bulletin boards and digital signage are used to convey crime prevention messages. Bay College provides in-person training to all faculty and staff on crime prevention and security awareness that focuses on being accountable to yourself and others around you. Faculty are taught methods to protect themselves and their students in a classroom setting and are encouraged to pass that knowledge onto their students.

### DISTRIBUTION OF CAMPUS SAFETY ALERTS AND TIMELY WARNINGS

In an effort to provide prompt notice to the Bay College community, a reported crime, that has occurred on Bay Campus geography, and in the judgement of the Exec. Dir of Student Life and Security, or the Compliance and Security Coordinator's office, may pose a serious or continuing threat to students, employees, and guests, a campus Timely Warning Notice may be issued. These notices may be reports of on-campus Clery crimes reported to the office of the Compliance and Security Coordinator or Campus

CSA's, or those in proximity to campus that are reported by Escanaba Public Safety, or other local law enforcement

Timely Warning Notices will be distributed as soon as pertinent information is available, in a manner that is timely, that withholds the names of victims as confidential, and with the goal of aiding in the prevention of similar crimes or occurrences. Exec. Dir of Student Life and Security or his designees, or the Compliance and Safety Coordinator, are responsible for the content and distribution of Timely Warning Notices.

Timely Warning Notices are primarily distributed via OMNILERT, and go to all students and employees on campus. Timely Warning Notices may go out by way of campus email, private email (if given), text messaging, voice messaging and signage, so as to reach students, employees, and visitors to Bays campuses.

Campus Timely Warnings are typically issued for the following Uniform Crime Reporting (UCR)/National Incident Based Reporting System (NIBRS) crime classifications:

- Murder/Non-Negligent Manslaughter
- Aggravated Assault (cases involving assaults among known parties, such as two room-mate fighting which results in an aggravated injury will be evaluated on a case-by-case basis to determine if the individual is believed to be an ongoing threat to the larger Bay College community)
- Robbery involving force or violence (cases including pick pocketing and purse snatching will typically not result in the issuance of a Timely Warning Notice, but will be assessed on a case-by-case basis)
- Sexual Assault (considered on a case-by-case basis depending on the facts of the case, when and where the incident occurred and when it was reported) In cases involving sexual assault, they are often reported long after the incident occurred, this there is no ability to distribute a "timely" warning notice to the community. All cases of sexual assault, including stranger and non-stranger/acquaintance cases, will be assessed for potential issuance of a Campus Timely Warning Notice.
- Major incidents of Arson
- Other Clery crimes as determined necessary by the Executive Director of Student Life & Campus Security or the Compliance and Safety Coordinator's office or designee.

Typically, alerts are not issued for any incidents reported that are older than ten (10) days from the date of occurrence, as such delay in reporting has not afforded the college an opportunity to react or respond in a timely manner.

Timely Warnings may be issued for incidents that have occurred off campus. These will be assessed on a case-by-case basis.

Campus officials not subject to the timely reporting requirement are those with significant counseling responsibilities who were providing confidential assistance to a crime victim. At Bay College, this would

only apply to professional counselors and pastoral counselors who are performing that specific function and role as their primary employment with the college

A Public Safety Advisory may be given when circumstances do not require a Timely Warning Notice, but, it is believed, awareness would be beneficial for students, employees, and the public.

## EMERGENCY NOTIFICATIONS

Notifications of a campus-wide emergency or a disaster will be made to the campus community by means of the campus ALERTUS system. The ALERTUS notification system is integrated into the Campus OMNILERT system. Alerts will go out by using one or more of the following communications channels:

- Campus wide voicemail
- Campus wide email (private email also if it was given)
- Local radio or TV stations that have given their contact information
- Public address system announcements
- Person to person in academic and administration buildings through faculty, administrators, IRT's, physical plant employees or building coordinators
- Person to person at Resident Housing by RA's
- Text alerts
- Messaging on monitors located throughout campus
- Message marquees located throughout campus
- Outdoor loudspeakers on campus

The notification will include the nature of the incident, description of the incident or persons, location of the incident, instructions, or actions to be taken, and the name of the entity sending the notification.

### Policy 1040.3 Timely Warning or Emergency Notification

- a. Depending on the particular circumstances of the incident, especially in most situations that could post an immediate threat to the community and individuals, the College may also post an electronic notice on the College web site at: <http://www.baycollege.edu> and notify local media, providing the campus community with more immediate notification. In such instances, a copy of the notice is distributed to each Escanaba campus student apartment.
- b. Personal email and cell phone information provided at the time of employment or academic enrollment will be used in the event of an emergency. All employees and students will automatically be enrolled in the College's emergency notification system(s).

Anyone with information necessitating a notification should report the circumstances to a campus security authority (CSA).

## PREPARING THE ANNUAL DISCLOSURE OF CRIME STATISTICS

The Annual Security Report (ASR) is prepared by the Compliance and Security Coordinator. Data gathering takes place throughout the academic year in coordination with Deans, Division Chairs, Student Services personnel, Athletic Coaches and Campus Security Authorities (CSA's). Local law enforcement is contacted during the year to request crime stats they have gathered in relation to Bay

## SEXUAL MISCONDUCT-DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, OR STALKING

Sexual misconduct is not acceptable at Bay College and is contrary to the commitment of this college to provide an effective learning and employment environment. Unwelcomed sexual advances, whether verbal, physical, or online are prohibited. Bay College students and employees are individually responsible to ensure such misconduct does not occur. Incidents of sexual misconduct must be reported to the Title IX Coordinator and/or Title IX Deputy Coordinators. Complaints will be investigated in accordance with established procedures. Bay College will endeavor to maintain the confidentiality of the complainant. Retaliation against any person for having filed a complaint of sexual misconduct or for having assisted in the investigation of a complaint will not be tolerated. Discipline imposed upon students for violation of this policy may include suspension or expulsion, depending upon the nature and severity of the offense. Discipline imposed upon an employee for violation of this policy may include warning, written reprimand, transfer, suspension, or dismissal depending upon the nature and severity of the offense. When an employee is covered by a collective bargaining agreement, discipline shall be assessed according to the procedures and standards contained therein.

If you are a victim of a sexual assault at Bay College, your first priority should be to get to a place of safety. You should then obtain necessary medical treatment. The College strongly advocates that a victim of sexual assault reports the incident in a timely manner. Time is a critical factor for evidence collection and preservation. An assault should be reported directly to a local law enforcement officer and/or to a campus security authority. Filing a report with local law enforcement will not obligate the victim to prosecute, nor will it subject the victim to scrutiny or judgmental opinions from officers. Filing a police report will ensure that a victim of sexual assault receives the necessary medical treatment and tests, at no expense to the victim, provides the opportunity for collection of evidence helpful in prosecution, which cannot be obtained later (ideally a victim of sexual assault should not wash, douche, use the toilet, or change clothing prior to a medical/legal exam) and assure the victim has access to free confidential counseling from counselors specifically trained in the area of sexual assault crisis intervention.

The victim of a sexual assault may choose the investigation be pursued through the criminal justice system and the College's formal Student Disciplinary Process, or only the latter. A College representative will guide the victim through the available options and support the victim in their decision and provide a referral for counseling services available to the victim. The victim may choose to decline notifying such authorities.

College disciplinary proceedings for students, as well as special guidelines for cases involving sexual misconduct, are detailed in the College Catalog and detailed through Board of Trustees policies found

online. The victim (Complainant) and the accused (Respondent) will be informed of the outcome of the hearing. A student found guilty of violating the College Noni-discrimination and Anti-Harassment policy 1060 could be criminally prosecuted in the state courts and may be suspended or expelled from the institution after an alleged sexual assault, if such changes are reasonably available.

## SEXUAL MISCONDUCT AND ANTI-HARASSMENT POLICIES

### 1045 Criminal Sexual Assault Policy

It shall be the policy of the Bay de Noc Community College Board of Trustees to make available to students and employees' information which will contribute to a safe learning environment. To that end, Bay de Noc Community College will treat all criminal offenses and sexual assaults as matters of the highest concern and seriousness.

Procedure:

1045.1 Statistics shall be published annually on occurrences of offenses on campus according to the definitions in the Uniform Crime Reporting System.

1045.2 Educational materials and programming on the prevention of sexual assault including date/acquaintance rape shall be provided to students on an annual basis.

1045.3 Victims of sexual assault will be informed of student organizations, counseling centers and community crisis centers that provide assistance and counseling.

1045.4 Victims shall be encouraged to report the alleged assault to local law enforcement authorities with full and prompt cooperation from college personnel.

1045.5 Victims will not be coerced by college personnel to refrain from reporting the assault to local authorities; or to report the sexual assault as a lesser offense; or to hesitate to communicate a sexual assault to another person.

1045.6 Victims may feel free to pursue all remedies or services without academic penalty by the college.

1045.7 Victims shall be notified of options for, and available assistance, in changing academic and living situations, after an alleged assault, if requested and if such changes are reasonably available.

1045.8 Victims shall have the same rights of representation as the college provides to the accused in disciplinary proceedings.

1045.9 To the extent possible, the victim will be made aware of state or federal laws regarding mandatory testing of sexual assault suspects for communicable diseases, including notice of testing results.

1045.10 College personnel will not suggest that a victim refrain from reporting or underreport a sexual assault, that a victim is responsible for the assault, or the victim was contributorily negligent or assumed risk for the assault. College personnel may not suggest that it shall incur unwarranted publicity if the sexual assault is reported.

1045.11 College personnel will cooperate fully with local law enforcement and medical personnel in obtaining, securing, and maintaining evidence related to the assault.

1045.12 Since the college does not have available law enforcement or medical assistance units, College officials will make reasonable efforts to ensure that the victim is made aware of laws regarding mandatory testing of sexual assault suspects for communicable diseases, including notice of the results of the testing. In addition, College personnel will make reasonable efforts to prevent unnecessary or unwanted contact between the victim and alleged assailant while on campus.

#### 1060 Non-discrimination and Anti-harassment Policy

Bay de Noc Community College Board of Trustees is committed to providing an educational and employment environment, free from discrimination and/or harassment, on the basis of race, color, national origin, religion, sex, sexual orientation, gender identity, age, disability, or other protected status. Accordingly, discrimination and /or harassment, on the basis of race, color, national origin, religion, sex, gender identity, age, disability, or other protected status, is prohibited at Bay de Noc Community College.

The prohibition contained within this Policy extends to gender and sex-based discrimination, which, by way of example, can include acts of sexual harassment, sexual assault, domestic violence, and stalking. This policy is intended to allow the College to 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.

The prohibitions contained within this Policy extends to the entire campus community, including but not limited to, the College's administration of its admission, financial aid, employment, and academic policies, as well as college programs and activities. This Policy applies to all employment practices, including recruitment, selection, promotion, transfer, and employee training and development. The College also does not permit any person or entity using its facilities for commercial purposes to engage in unlawful discrimination/harassment. This Policy is intended to be consistent with the provisions of applicable state and federal laws and other college policies. All Board Members, Officers, Employees and Students are responsible for ensuring a work and educational environment free from prohibited discrimination/harassment. Board Members, Officers, Employees and Students have an obligation to report violations of this Policy. Failure to report a violation of this Policy could result in discipline; up to and including termination of employment or expulsion.

The Bay de Noc Community College Board of Trustees also expressly prohibits retaliation against any Board Member, Officer, Employee or Student who alleges that they were the victim of discrimination/harassment; provides information in the course of an investigation into claims of discrimination/harassment; or opposes a discriminatory practice which is prohibited by this Policy. No Board Member, Officer, Employee or Student bringing a complaint, providing information for an investigation, or participating in any proceeding under this Policy shall be subjected to adverse employment or educational consequences based upon such involvement, or be the subject of other retaliation.

## PROCEDURE POLICIES

### 1060.7 Grievance Procedure

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

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 shall implement appropriate supportive measures. In addition, the Title IX Coordinator shall initiate an investigation of the allegations. However, if the Title IX Coordinator thinks the formal complaint appropriate for the informal resolution process, upon the consent of both parties, the Title IX Coordinator may instead refer the matter to the informal resolution process.

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

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

The Respondent is no longer enrolled or employed at the College.

Specific circumstances prevent the College from gathering sufficient evidence to reach a determination as to the formal complaint or the allegations therein.

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

### 1060.8 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.

#### 1060.9 Emergency Removal

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 risk analysis is performed by the Title IX Coordinator in conjunction with the Behavioral Assessment 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.

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

#### 1060.10 Temporary Delays

The general timeframes for resolution 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 shall be provided to all parties and their advisors.

#### 1060.11 Evidentiary Standard

Responsibility under this Policy will be determined based upon a preponderance of evidence standard which means that the conclusion is based on facts that are more likely true than not.

#### 1060.12 Written Notice of Complaint

The Title IX Coordinator shall 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 a 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.

- A notice that each party has the right to an advisor of their choice;
- A statement explaining each parties' right to inspect and review evidence gathered during investigation;
- A statement that false statements are prohibited by College Policy and may result in discipline; and
- A list of potential sanctions upon a finding of responsibility.

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

#### 1060.13 Informal Resolution

At any time prior to a substantive determination regarding the allegations contained in the Formal Complaint, and subject to the consent of the parties and the approval of the Title IX Coordinator, the College permits informal resolutions processes in cases in which a formal complaint has been filed with the Title IX Coordinator. The Informal Resolution Process is available in matters involving a student Complainant and a student Respondent. The informal process is not available in matters involving a student and an employee.

The informal resolution process is a voluntary, remedies-based process designed to provide parties with an option to resolve disputes with other students in a forum that is separate and distinct from the formal grievance process under the Title IX Sexual Harassment policy. Informal resolution will be led by a trained individual with no conflict of interest.

The College may facilitate the informal resolution process prior to conducting a hearing. Before the informal resolution process is used, both parties must provide voluntary, written consent to the informal resolution process and must receive written notice disclosing: the allegations, the requirements of the informal resolution process and any consequences resulting from participating in the informal resolution process. At any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the formal complaint.

#### 1060.14 Formal Resolution Process

Should the matter not be resolved through Informal Resolution, the Title IX Coordinator shall appoint an Investigator Hearing Decision Maker and Appeal Officer. The role of each is discussed below.

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

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

The respondent is not required to prove consent. The Complainant is not required to prove the absence of consent.

Both inculpatory and exculpatory evidence shall be considered by the Investigator, Hearing Decision maker, and Appeal Officer. 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.

## 1060.15 Investigation

The Title IX Coordinator or Deputy Coordinator will assign trained investigator(s) to investigate the complaint.

The investigation shall 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 personnel files, and gathering and examining other relevant documents or evidence, and any other action(s) the investigator deems necessary to completing the investigation.

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

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

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

Investigators shall not access, consider, disclose or otherwise use a party's records that are maintained by a physician, psychiatrist, psychologist or other recognized professional or paraprofessional acting in professional capacity and are made/maintained in that capacity without voluntary written consent.

Note: Consent for Minor under FERPA is required from a parent.

To complete the investigation, the investigator will make a final determination as to whether each allegation contained within the Formal Complaint occurred, and if they occurred, whether the conduct violates College Policy.

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

- Summarize the Investigatory process;
- Summarize the facts gathered during the investigation
- Summarize any response to the facts provided by a party;
- State the investigators finding of facts;
- State the investigators conclusions

In the event that 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 shall 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.

#### 1060.16 Hearing

A Hearing will be set for no earlier than ten (10) days from the Complainant and Respondent receiving the finalized investigation report.

Prior to commencing the Hearing process the Decision Maker shall disclose any conflict of interest between them and either party, and in the event of any conflict, a qualified, trained and unbiased replacement shall be appointed. A party objecting to the Decision Maker 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.

Upon notice from the Title IX Coordinator that an investigation report has been finalized, the Hearing Decision Maker shall set a hearing date, time and place for the Hearing. Once a Hearing date, time and place have been determined, the Hearing Decision Maker shall provide written notice of the Hearing date, time and place to all interested parties. The notice of the Hearing must be provided to all interested parties at least ten (10) business days before the date and time of the scheduled Hearing.

Either party may request that the Hearing be conducted with each party in separate rooms, in which case the Hearing shall be conducted using technology allowing all parties to see and hear each other. The Grievance Hearing shall be closed to the public in order to protect the confidential nature of the proceedings. Any student or employee requiring accommodations for this Hearing shall make the request for such accommodations to the Director of the Office of Accessibility at least five (5) business days prior to the Hearing. In the event that an essential accommodation cannot be provided by the College by the date of the Hearing, the Hearing shall be rescheduled with the respective date to be no more that one week later. The Hearing Decision Maker 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 Complainant or Respondent.

No party shall be permitted to make an audio recording of the proceeding. The Hearing shall be transcribed via a Court Report retained by the College. The transcript of the Hearing shall be made available to the parties, their Advisor, the Appeal Officer, and shall be kept by the Title IX Coordinator.

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

The Hearing will proceed in the following order:

1. Hearing Decision Maker's explanation of the procedure and rules;
2. Statement of the investigator's findings and conclusion;

3. Complainants' opening statement (limited to 15 minutes);
4. Respondent's opening statement (limited to 15 minutes)
5. Presentation of the Complainant's witnesses and evidence;
6. Presentation of the Respondent's witnesses and evidence;
7. Complainant's closing statement (limited to 15 minutes)
8. Respondent's closing statement (limited to 15 minutes)

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

During cross examination, parties and Advisors shall conduct themselves in a respectful, non-abusive and no- intimidating manner. Advisors shall not be entitled to object to relevancy issues during the hearing.

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

During the presentation of evidence, the Decision Maker is permitted to ask for clarification from witnesses.

Decision Makers shall make a relevancy determination regarding each question asked during cross examination before the question is answered and shall explain why it is not relevant.

Upon conclusion of the Hearing, the Decision Maker will make a determination based on a preponderance of evidence, as to whether the alleged conduct occurred or did not occur, and if decided that the conduct occurred, whether it constituted a violation for the Policy. In reviewing the decision of the investigator, the Decision Maker may substitute its assessment for the findings, conclusion, and decision of the investigator.

The Decision Maker shall not rely upon any statement from any party or any witness who does not participate in the Hearing and shall not draw any inference from, as to responsibility from such a statement.

The Decision Maker shall provide a written report of their findings and determinations in writing to all parties, their Advisor, and the Title IX Coordinator within ten (10) days after the hearing. The written report shall contain the following information:

- Identification of allegations potentially constituting sexual harassment;
- Description of procedural steps (from filing complaint through determination);
- Findings of fact supporting determination;
- Conclusion regarding the application of the Policy to the facts;
- Statement of the rationale for results as to each allegation;
- Statement of whether remedies are designed to restore/preserve equal access to the education program/activity
- Appeal instructions; and
- Date that the Written Determination becomes final (day appeal decided, and if no appeal, day after filing appeal).

### 1060.17 Appeal

An appeal must be filed within ten (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.

Appeals may be submitted on the following basis:

- Procedural irregularity that affected the outcome of the matter;
- New evidence or witness(es) that were not reasonably available at the time of determination regarding responsibility or dismissal was made which could affect the outcome of the matter;
- The existence of an alleged conflict of interest or bias that affected the outcome of the matter.

Within five (5) days of the receipt of an appeal, the Title IX Coordinator shall provide Notice of the Appeal to all Parties. The Title IX Coordinator, shall also appoint an Appeal Officer, who shall not be the investigator or Hearing Decision Maker. The Appeal Officer shall make a determination regarding the appeal based upon the Investigatory Report, the Hearing Report, the written appeal, and the response to the written appeal.

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

The non-appealing party shall have ten (10) days to provide a response to the appeal.

Within ten (10) days of receipt of the response to the appeal, the Appeal Officer shall issue a written decision simultaneously to all parties, their advisors, and the Title IX Coordinator, regarding the Appeal Decision. The written Appeal Decision shall articulate the basis on which the Appeal Decision was reached. Upon issuance of the Appeal Decision, the Grievance Process shall be considered concluded and all sanctions imposed, and remedies provided, shall take effect.

### 1060.18 Reasonable Accommodations

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 that is accessible to students and employees with disabilities.

### 1060.19 English Language Learners

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 who are English Language Learners

### 1060.20 Potential Sanctions

Sanctions will be imposed upon 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) shall 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, for a Respondent if the Respondent is found responsible through the Grievance Procedure. Potential sanctions for students found by the College to have violated this Policy may include, but are not limited to:

- **Censure**-a written notice warning to the Respondent to avoid a recurrence of any conduct what violates College Policy.
- **Disciplinary Probation**-a specified period of time, 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 Experiences**-learning opportunities, including but not limited to, community service, drug and alcohol education, and written paper, designated to be completed by the student. In addition, 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.
- **Loss of Privileges**-denial of services, privileges, and benefits, which 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.
- **Bans, Deactivations and Holds**-restriction of access to college services, activities, facilities and registration.
- **Restitution**-monetary 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.
- **No Contact**-The Respondent, Complainant, or both, are instructed not to have contact with the other, directly, or indirectly.
- **Deferred Suspension**-a designated period of time during which a student is given the opportunity to demonstrate the ability to abide by the College's articulated behavioral expectations.
- **Suspension**- the removal of a student for a defined period of time, for a maximum of six (6) consecutive semesters, 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.
- **Expulsion**-the permanent dismissal from the College, administrative withdrawal from classes and loss of all college privileges.

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

- **Corrective Plan of Action**-based upon the severity of the violation, an employee found in violation of this Policy, may be issued a corrective plan of action.

- **Training**-Any employee found in violation of this Policy may 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.
- **No Contact**-The employee may be directed to have no direct and/or indirect contact with the complainant. This includes, but is not limited to, contact in person, by use of phone, through electronic means, or through a third party.
- **Verbal Warning**-A verbal warning may be issued to the employee directing that the employee not engage in behavior prohibited by this Policy. The verbal warning will be documented and placed in the employee's personnel file.
- **Written Warning**-A written warning may be issued to the employee directing the employee not to engage in behavior prohibited by this policy.
- **Suspension**-The employee may be suspended with or without pay for a period of time.
- **Discharge**-The employee may be terminated from employment with the College.

Potential Sanctions for third parties found in violation of this Policy may include, but are not limited to:

- **Loss of Privileges**-The individual and/or entity represented by the individual, may be denied privileges such as access to the College Campus, and participation in College activities.
- **Termination of Business Relationship**-Any violation of this Policy by an individual employed with and/or representing a third party may result in the termination of any business relationship between the College and the Third Party.

## POTENTIAL SOURCES OF SUPPORT

Potential sources of support for individuals who have been subjected to discrimination/harassment in violation of this Policy include, but are not limited to, the following:

### Escanaba Campus

Tri-County Safe Harbor 24 hour crisis line (906)789-1166

Campus Mental Health Counselor, Michael Dupont (906)217-4140; [dupontmj@excite.com](mailto:dupontmj@excite.com)

OSF Medical Group (906)786-5707

### Iron Mountain Campus

The Caring House 24 hour crisis line (906)774-1112

Mental Health Counselor, Mark Young (906)776-4357; [mark@resolvingconcerns.com](mailto:mark@resolvingconcerns.com)

Dickenson County Healthcare System (906)774-1313

The College does not endorse any single potential source for support.



## DEFINITIONS

Domestic Violence: A felony or misdemeanor crime of violence committed-

- a) By current former spouse or intimate partner of the victim;
- b) By a person with whom the victim shares a child in common;
- c) By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
- d) By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or
- e) By any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

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 (this includes online dating)-

- a) The existence of such a relationship shall be 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
- b) For the purposes of this definition, dating violence includes, but is not limited to, sexual or physical abuse or the threat of abuse. Dating Violence does not include acts covered under the definition of domestic abuse.

Sexual Assault: An offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI's Uniform Crime Reporting (UCR) program. Per the National Incident-Based Reporting System user manual form, the FBI UCR program, a sex offense is "any sexual act directed against another person without the consent of the victim, including instances where the victim is incapable of giving consent."

- Rape: The penetration, no matter how slight, of the victim's vagina or anus, with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.
- Fondling: The touching of the private parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age, or because of his/her temporary or permanent mental incapacity.
- Incest: Sexual intercourse between persons who are related to each other within the degrees where marriage is prohibited by law.
- Statutory Rape: Sexual intercourse with a person who is under the statutory age of consent.

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

- A) Fear for the person's safety or the safety of others; or
- B) Suffer substantial emotional distress. For the purposes of this definition-

- i. Course of conduct means two or more acts, including, but not limited to, acts 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.
- ii. Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim
- iii. Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.
- iv.

Consent: Consent is established between persons before engaging in any type of sexual activity. It is active and mutual participation during any sexual activity. Those involved are fully conscious and aware in the decision-making process. Communication is clear between both parties in any type of intimate relationship and there exists a clear and concise intent to act. Consent is not a sexual act as a result of force, coercion or threats, engaging in any sexual activity when one party is unable to give consent due to being physically helpless, mentally incapable due to drugs or alcohol, or mentally disabled, given by silence or when an individual is passed out, or engaging in sexual activity with someone who is not of sufficient age.

In Michigan, consent is not an element of criminal sexual conduct that prosecutors are required to disprove beyond a reasonable doubt. Rather, it is an affirmative defense available for defendants who are charged with committing criminal sexual conduct under some of the provided for circumstance. For instance, it may be used to negate the elements of "force or coercion." According to Michigan's standard criminal jury instructions, a person consents to a sexual act by agreeing to it freely and willingly, without being forced or coerced. It is not necessary to show that the complainant resisted the defendant to prove that this crime was committed. Nor is it necessary to show that the complainant did anything to lessen the damage to him/herself (Mich, CJI@d 20.27)

Age of Consent: Age of consent in the State of Michigan is 16 years.

## MISSING STUDENT NOTIFICATION POLICY

In addition to registering a general emergency contact, students residing in on-campus housing are advised that they have the option to identify confidentially, an individual to be contacted by Bay College in the event the student is determined to be missing for more than 24 hours. If a student has identified such an individual, Bay College will notify that individual no later than 24 hours after the student is determined to be missing. On-Campus student residents are also advised that once determined missing for 24 hours, local law enforcement will be notified within 24 hours. A student who wishes to identify an emergency contact can do so through the Bay College's Registrar's Office at (906)217-4266.

A student's confidential contact information will be accessible only by authorized campus officials and law enforcement during the investigation. If anyone believes that a resident student is missing, they should immediately contact the Bay College Compliance and Security Coordinators Office and the Exec. Director of Student Life & Campus Security. The Vice President of Student Services will be notified and a preliminary investigation will begin. If it is determined that the student is missing for 24 hours, Escanaba Public Safety will be notified as well as other local law enforcement entities for assistance in locating the student within 24 hours, regardless if the student has a registered confidential contact, is above the age

of 18 or is emancipated. If the student is under 18 years of age and is not emancipated, Bay College will notify the student's parents or legal guardian and any other designated contact person within 24 hours.

## TRAINING AND EDUCATIONAL PROGRAMS FOR STUDENTS

Bay College uses a campaign-type strategy for training. All students are to complete an online training that will provide base level definitions, examples, strategies for harm reduction, tools to intervene as a bystander and how to help friends who are affected. This training is augmented through postings, programs, and multimedia. Below are examples of the training:

All students are expected to complete the Sexual Assault Prevention for College Students and AlcoholEdu for College online training courses through Vector Solutions (formerly EverFi). The two versions of Sexual Assault Prevention are distributed to students depending on if they are collegiate athletes or not.

- Sexual Assault Prevention for Community College Students –This course is distributed to all students who are not Bay College student athletes. The course covers a multitude of topics, including, exploring values, identities, and relationships, understanding one's own identities, sexual harassment and stalking, consent, coercion, and bystander intervention, and reporting options and responding to a survivor.
- Sexual Assault Prevention for Athletes – This course is distributed to all students who are Bay College student athletes. The course covers a multitude of topics, including athletic leadership, positive relationships and strong communities, and uniting against sexual and intimate partner violence.
- AlcoholEdu for College – This course is distributed to all students. The course covers a multitude of topics, including expectations and relationships, how alcohol affects the brain and body, and how it can affect one's role in a community.

Various posters that explore healthy relationships, gender norms in relationships, social norming regarding alcohol and sex, and dating violence, are spread across campus.

Tri-County Safe Harbor (Delta County) and The Caring House (Dickenson County) have been partnered with to offer the Clothesline Project, a program where participants can decorate t-shirts, to display, to show support for victims of domestic violence as well as share their own stories. Tri-County Safe Harbor and the Caring House also provide programs on dating violence on each campus.

## TRAINING AND EDUCATIONAL PROGRAMS FOR EMPLOYEES

Bay College uses a campaign-type strategy for training. All Faculty and Staff members are given a basic overview of definitions of Title IX, examples of violations and an understanding of what a "Responsible Employee" is in a College-wide training setting during our bi-annual training in August and January each year. In addition to this, all employees are expected to complete an online training that provides base level definitions, examples, expectations as a responsible employee/mandatory reporter, and how to report incidents in a timely manner. Below are examples of the training in more detail:

All employees are required to complete online Title IX training focused on Anti-Harassment and Discrimination Prevention through Vector Solutions (formerly EverFi). There are two versions of this training, one for employees who have a supervisory role and one for those who do not.

- Preventing Harassment & Discrimination: Supervisors + Clery Act and Title IX.
- Preventing Harassment & Discrimination: Non-supervisors + Clery Act and Title IX

Employees are expected to receive this training on an annual basis. Progress of completion will be tracked by the Human Resources department to ensure expectations are being met.

In addition to online training for employees, the college's Board of Trustees was provided Title IX training which focused on definitions of Title IX, examples of violations, and an understanding of what a "mandatory reporter" is.

Bay College recognizes alcohol misuse negatively impact the community, personal well-being, and academic achievement. Therefore, our position on alcohol is one of education and accountability. Students are expected to make wise and healthy decisions about alcohol use, including the choice not to drink. Students whose behaviors diminish the success or safety of themselves, or others, will be held accountable.

The College's position statement on alcohol serves as a guide for programs and policies regarding alcohol. One set of programs are those that educate students about specific behaviors that promote their academic success and personal development and safeguard the well-being of the community. Practicing the following behaviors will reduce students risks (academic, social, physical, legal, personal)

## POLICY ON ALCOHOLIC BEVERAGES & ILLEGAL DRUGS

The possession, sale, or the furnishing of alcohol and/or illegal drugs on the College campus is governed by Bay College's Alcohol Policy and Michigan state law. Laws regarding the possession, sale, consumption or furnishing of alcohol is controlled by the Michigan Liquor Commission. However, enforcement of alcohol laws on-campus is the primary responsibility of local law enforcement. Bay College's campuses have been designated "Drug free" and only under certain circumstances is the consumption of alcohol permitted. The possession, sale, manufacture or distribution of any controlled substance is illegal under both state and federal laws. Such laws are strictly enforced by local law enforcement agencies. Violators are subject to, criminal prosecution, fine and imprisonment, and College disciplinary action, up to and including permanent separation from the College. It is unlawful to sell, furnish or provide alcohol to a person under the age of 21. The possession of alcohol by anyone under 21 years of age in a public place or a place open to the public is illegal. It is also a violation of Bay College's Alcohol Policy for anyone to consume or possess alcohol in any public or private area of campus without prior College approval. Organizations or groups violating alcohol/substance policies or laws may be subject to sanctions by the College.

## LOCAL, STATE & FEDERAL SANCTIONS

### Legal Sanctions-Laws Governing Alcohol

The State of Michigan sets 21 as the minimum age to purchase or possess any alcoholic beverage. Specific ordinances regarding violations of alcohol laws, including driving while intoxicated, are available from local law enforcement.

Penalties for violation of the minimum age alcohol laws include the following:

1. Persons under 21 found possessing alcohol may be given a maximum fine up to \$100, community service, substance abuse screening, substance abuse prevention or treatment and rehabilitation.
2. Anyone convicted of fraudulently using a driver's license to buy or attempt to buy alcohol may have his/her driver's license suspended for 90 days and /or be imprisoned for up to 93 days.

## ALCOHOL AND SUBSTANCE ABUSE PREVENTION/EDUCATION

Bay College recognizes alcohol misuse negatively impact the community, personal well-being, and academic achievement. Therefore, our position on alcohol is one of education and accountability. Students are expected to make wise and healthy decisions about alcohol use, including the choice not to drink. Students whose behaviors diminish the success or safety of themselves, or others, will be held accountable.

The College's position statement on alcohol serves as a guide for programs and policies regarding alcohol. One set of programs are those that educate students about specific behaviors that promote their academic success and personal development and safeguard the well-being of the community. Practicing the following behaviors will reduce students risks (academic, social, physical, legal, personal)

### Prevention Programs

College policy prohibits the illicit use of drugs and the abuse of alcohol by students and employees. The college's program related to the prevention of drug use and abuse includes dissemination of informational materials, counseling services, referrals and college disciplinary actions.

**Counseling Services:** A licensed mental health counselor provides limited services for students and can refer students to external local resources. Employees can utilize the Employee Assistance Program (EAP) offered at both campuses.

**Referral Services;** A licensed mental health counselor will make appropriate referrals to local service agencies.

**College Disciplinary Actions:** Office of Vice President of Operations, Behavioral Assessment Team, Human Resources, and Title IX Coordinator and Deputy Coordinators.

## EMERGENCY RESPONSE AND EVACUATION PROCEDURES

Bay College provides students and employees with three active participation drills per academic year. Two of the drills are intended to mimic evacuation procedures and one is a lock-down exercise. In addition, a manual and ongoing training on emergency response procedures and evacuation protocols is

provided. Lockdown training is taught and refreshed annually. As required by policy, employees are required to practice what they learn once per term per classroom and/or office, with students and/or co-workers. The RAVE Panic Button app is used as an Emergency Notification system between employees and emergency/911 dispatch. The college also uses the Alertus system for emergency mass notifications. Lock-down exercises are coordinated with Dickinson and Delta County emergency response employees.

Emergency protocols mimic local K-12 protocols in an effort to reinforce what students have already learned in previous years. The Emergency Response Guide is provided to both students and employees on the MyBay portal. Students navigate to Current Students->Forms, Docs, Policies and employees navigate to Employees->Newsletters-General info. The direct links are listed below:

Students:

[https://mybay.baycollege.edu/ICS/Current Students/Forms Docs Policies/](https://mybay.baycollege.edu/ICS/Current%20Students/Forms%20Docs%20Policies/) ->Requires Login

Employees:

<https://mybay.baycollege.edu/ICS/Employees/Handouts.inz> -> Requires Login

## Bay College Fire Safety Annual Compliance Report for 2021

### Overview

The Higher Education Opportunity Act (Public Law 110-215) became law in August, 2008, requiring all United States academic institutions to produce an annual fire safety report outlining fire safety practices, standards, and all fire-related on-campus statistics related to student housing. The following public disclosure report details all information required by this law as it relates to Bay College as outlined in the initial regulation; subsequent yearly reports will comply with the Act as amended and published October 29, 2009.

### Bay College Escanaba Campus Housing Fire Safety Equipment

Bay College's main campus has 21, four-person apartments and 8, two-person apartments that can contain 100 students. These are individual apartments with each having their own entrance. These apartments are not sprinklered but 1 fire extinguisher and 4 smoke detectors are placed in each student apartment. The apartments are also monitored by Residence Assistants (RA). There are no fire drills for these apartments.

Anyone found discharging fire extinguishers needlessly or tampering with smoke detectors will face serious disciplinary action by the College as well as possible action by state and federal officials. Violations could result in termination of campus residence (and/or expulsion from Bay College)

#### PLANS FOR FUTURE IMPROVEMENTS IN FIRE SAFETY

The College continues to assess and upgrade fire safety equipment as an ongoing process. Future improvements will be made as needed as part of the ongoing assessment, budget, and strategic planning process.

## Specific Fire Prevention Related Policies and Programs

### Fire Safety Education, Training, and Fire Drills

All residents of the apartments receive the student housing handbook, which contain the following rules and regulations regarding fire safety:

Evacuation – As these are individual student apartments and not dormitories, included in the student handbook are instructions for student(s) to evacuate the apartment in case of fire, call 911, and notify other residents in surrounding apartments.

Combustibles – Halogen lamps, lava lamps, propane, air gas cylinders, candles, oil lamps, burning incense, or any other open flame device or combustible material are not allowed in the apartment. Paper materials must be kept to a minimum. Real Christmas trees are not allowed. The use of/possession of fireworks, other explosives and potentially harmful chemicals is also prohibited in the student apartment and in its immediate vicinity.

Electrical Equipment-Electrical equipment such as space heaters, electric burners, air conditioners and sun lamps cannot be used in student housing for safety reasons. All lights and appliances must be UL approved for indoor use.

Explosives and Ammunition – Ammunition, fireworks, gasoline and other combustible or explosive items are not permitted.

Smoking – Bay College became a smoke-free campus in January 2010. Student Housing became a smoke free environment as of August 1, 2010. Students and guests are prohibited from smoking within the Student Housing community. Residents found in violation of the smoking policy may face disciplinary action including the possible cancellation of their housing assignment and removal from Student Housing.

Fire drills on Bays Main and West Campuses are completed twice a year by Operations. During these drills, the campuses are completely evacuated to the specified areas on campus.

### Policy 1025 Tobacco Free Environment

It shall be the policy of the Bay de Noc Community College Board of Trustees to provide a healthy, comfortable and productive environment for students, faculty, and staff, in compliance with Act. No. 198 of the Public Acts of 1986. Bay De Noc Community College shall be free of the use of all forms of tobacco products, including cigarettes, electronic cigarettes, cigars and cigarillos, hookah-smoked

products, pipes, oral tobacco and nasal tobacco, as well as any product intended to mimic tobacco products, contain tobacco flavoring, or deliver nicotine other than for the purpose of cessation.

## Reporting Fires/Inclusion in the Fire Statistics

If a fire occurs in a Bay College -owned, -rented, -leased, or otherwise controlled building, community members should immediately notify the local fire department by calling 911. Fires should immediately afterward, be reported to Operations, the Compliance and Safety Coordinator, or a CSA.

If a member of the Bay College community finds evidence of a fire that has been extinguished, and the person is not sure whether it has been previously reported, the community member should immediately notify Operations, the Compliance and Safety Coordinator, or the Exec. Director of Student Life & Campus Security/Title IX Coordinator, to investigate the incident.

## POLICY 1040.1 Weapons Policy

Except as allowed by Federal and State Law, students, employees and guests are prohibited from possessing, using, discharging and /or carrying weapons in any setting that is under the control or supervision of the College. This includes but is not limited to, property leased, owned, or contracted for by the College, a College sponsored event, or a College owned vehicle. This prohibition does not apply to officers duly sworn to and in good standing with public law enforcement agencies. 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. Weapons: are defined as any instruments or implements which are capable of inflicting bodily injury, and shall include but not be limited to the following:

- Any gun, rifle, firearm, BB gun, pellet gun, or other device (including starter gun) 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.
- Any striking instrument, to include clubs, iron bar, brass knuckles, blackjack or bludgeon (excluding Athletic Department equipment-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 and electrical current, impulse, wave, or beam may be directed, which current, impulse, wave, or beam is designed to incapacitate temporarily, injure or kill.

Firearm: means a weapon from which a dangerous projectile may be propelled by an explosive, or by gas or air. Firearm does not include a smooth bore rifle or handgun designed and manufactured exclusively for propelling by a spring, or by gas or air, BB's not exceeding .177 caliber.

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

Pistol: means 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 procedure. Self-defense spray or foam device: means a device to which all of the following apply: (a) The device is capable of carrying, and ejects, releases, or emits 1 of the following: (i) Not more than 35 grams of any combination of orthochlorobenzalmalonitrile and inert ingredients; (ii) 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).

## POLICY 1040.4 Security Training and Emergency Response

- The College shall have an Emergency Response Team, led by the Vice President of Operations, and shall develop and maintain the College's Emergency Response Guide.
- Members of the emergency response team shall receive, at minimum, annual training.
- The emergency response team shall periodically conduct a test of its emergency response system.
- All employees will receive information and/or security training annually. In addition, institutional training provided to employees will be practiced by employees. Instructors will conduct a per term per class lockdown or shelter in place scenario with their students, and leaders in non-academic areas will conduct a per term lockdown or shelter in place scenario with their staff. These practice scenarios will be scheduled by the instructors and/or department leaders at their discretion and should not require alarms or distress others.

## POLICY 1040.6 Safety on Campus

- a. College students, employees, and visitors will comply with all required safety procedures and training. All college employees, students, and visitors are expected to use good safety and health practices as dictated by job, location, and circumstances.
- b. College employees working in or around moving or electrically hazardous equipment should not wear loose fitting clothing, necklaces, watches, rings, bracelets, scarves, or any other type of clothing or jewelry that could become entangled in or catch on such equipment or cause electrical shock.
- c. College students, employees, and visitors will comply with the use of safety equipment, including personal protective equipment (PPE), standard operating procedures for the use of chemicals, and understanding Safety Data Sheets (SDS).
- d. All employees working with equipment will follow the procedures in policy 603 Lockout Procedures Policy.
- e. All employees are required to wear industrial safety glasses when involved in work, which could cause an eye injury. The industrial safety glasses must be worn whenever an employee is:
  - i. In the College garages.
  - ii. Welding, hammering, sawing, cutting, digging, or handling materials or chemicals.
  - iii. In close proximity to the above listed activities.
  - iv. Whenever the job duties involve a danger of eye injury.
  - v. Instructors shall wear safety glasses and are responsible for making sure students and visitors wear safety glasses when eye hazard exists in shops and labs. The College will

provide safety glasses for all employees and visitors. In the event of full-time employee needs prescription safety glasses, the College will provide \$300 toward the purchase of same. This \$300 payment will not be paid more than once every four years.

- f. The Operations department shall conduct periodic surveys of the campus facilities and grounds to identify security issues such as landscaping, locks, alarms, lighting and communications.
- g. Nothing can block hallways, walkways, or exits. Three (3) feet of clearance must be maintained by fire exits and electrical panels.
- h. Assistance should be elicited when lifting or lowering items that are heavy or on high shelves.
- i. No more than one filing drawer at a time can be open.
- j. Equipment that could become hazardous if accidentally turned on should be unplugged when not in use.
- k. Combustible items are prohibited in offices, apartments, classrooms, and common areas with the exception of academic areas for which combustibles are an integral part of the program or appropriate chemical storage facilities. Combustibles can include burning candles, oil lamps, incense, live Christmas trees, fireworks, gasoline, or any other flammable or harmful chemicals.
- l. Tampering with fire safety equipment, including smoke detectors, is prohibited.

## Contacts for Fire

Residents should immediately contact 911, and Campus Security Authorities (CSA) in the event of a fire. Escanaba Public Safety is responsible for any fire response on campus.

## Fire Safety Report Statistics for On Campus Apartments

There were no students in on campus apartments for a portion of the 2022 calendar year due to being closed for renovation.

REPORTS:	2020	2021	2022
Number of fires- Unintentional	0	0	0
Number of fires- Intentional	0	0	0
Number of fires- Undetermined fire	0	0	0
Number of deaths caused by fire	0	0	0
Number of injuries caused by fire	0	0	0
Value of property damaged by fire	0	0	0

## Campus Crime Statistics for Years 2020, 2021, and 2022

Escanaba Campus

### Criminal Offenses

	On Campus	Non-Campus	Public Property	On Campus Residential Only



Drug Law Violation	0	0	0	0	0	0	0	0	0	0	0	0
Liquor Law Violation	0	0	0	0	0	0	0	0	0	0	0	0

### Disciplinary Actions

Referrals	On Campus			Non-Campus			Public Property			On Campus Residential Only		
	2020	2021	2022	2020	2021	2022	2020	2021	2022	2020	2021	2022
Weapons Law Violation	1	0	0	0	0	0	0	0	0	1	0	0
Drug Law Violation	6	1	9	0	0	0	0	0	0	5	1	9
Liquor Law Violation	26	9	5	0	0	0	0	0	0	26	9	5

### Unfounded Crimes

There were no unfounded crimes reported for the years 2020, 2021, and 2022.

### Hate Crimes

There was one reported aggravated assault with race bias in 2020.

There were no reported hate crimes for the years 2021, and 2022.



Stalking	0	0	0	0	0	0	0	0	0
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#### Arrests

Arrests	On Campus			Non-Campus			Public Property		
	2020	2021	2022	2020	2021	2022	2020	2021	2022
Weapons Law Violation	0	0	0	0	0	0	0	0	0
Drug Law Violation	0	0	0	0	0	0	0	0	0
Liquor Law Violation	0	0	0	0	0	0	0	0	0

#### Disciplinary Actions

Referrals for Disciplinary Action	On Campus			Non-Campus			Public Property		
	2020	2021	2022	2020	2021	2022	2020	2021	2022
Weapons Law Violation	0	0	0	0	0	0	0	0	0
Drug Law Violation	0	0	0	0	0	0	0	0	0
Liquor Law Violation	0	0	0	0	0	0	0	0	0

#### Unfounded Crimes

There were no unfounded crimes for the years 2020, 2021, and 2022.

#### Hate Crimes

There were no reported hate crimes for the years 2020, 2021, and 2022.