

**ALPENA COMMUNITY COLLEGE
POLICIES & PROCEDURES MANUAL**

7000 Series — Safety

This manual is a publication of the sources of Board of Trustees authority, Board-approved policies and Administrative procedures. It will continue to be updated, revised, and amended based on the actions of the Board of Trustees regarding new and revised policies and changes in administrative procedure, job descriptions and contract language.

Office of Administrative Services
Office of the Board of Trustees
Alpena Community College
Alpena, MI 49707

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SERIES 7000 — SAFETY POLICIES	2
7001 Policy on Appointment of Safety Policies and Procedures Compliance Committee	3
7002 Policy on Preparation of Annual Security Report and Disclosure of Crime Statistics	4
7003 Policy on Crime Reporting and Relationship with Local Law Enforcement	5
7004 Policy on Access and Security of Campus Buildings and Grounds	6
7005 Timely Warning Policy.....	7
7006 Policy on Emergency Response and Evacuation Procedures	8
7007 Policy on Sex Offender Registration	9
7008 Policy on Crime Prevention and Security Awareness Programs, Including Sexual Assault and Sexual Violence	10
7009 Sexual Misconduct Policy.....	11
7010 Alcohol and Drug Prevention Policy	24
7011 Missing Student Policy	25
7012 Policy on Preparation of Annual Fire Safety Report and Fire Log.....	26
ADMINISTRATIVE PROCEDURES FOR POLICIES	28
3514A Sexual Harassment Reporting Procedures	29
3514B Sexual Assault Reporting Procedure	30
7510 Alcoholic Beverages Procedures (On Campus).....	31
ADMINISTRATIVE PROCEDURES AND OTHERS	32
5605 Bomb Threat Procedures.....	33
5610 Alpena Community College Inclement Weather Procedure.....	34

SERIES 7000 — SAFETY POLICIES

7001 Policy on Appointment of Safety Policies and Procedures Compliance Committee

Adopted by the Alpena Community College Board of Trustees on April 16, 2014

The College is committed to enhancing the safety and security of our campus communities. The College seeks to protect the security of property and persons through cooperation with law enforcement agencies, development of policies and procedures which educate the College community regarding safety issues, and prevention and awareness programs designed to cultivate a caring population of involved people who report suspicious and unlawful behavior to the police and to designated College officials.

The College has adopted a series of policies and procedures, including those set forth in Series 7000 of the Alpena Community College Board of Trustees Policies and Procedures, which are designed to address issues of safety and security and to comply with federal and state laws and regulations, including but not limited to the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act as well as the Annual Fire Safety Report as required by the Higher Education Opportunity Act and the Violence Against Women Reauthorization Act of 2013.

To ensure that the College policies and procedures continue to comply with developing laws and regulations relating to campus safety and security, the President shall appoint a Safety Policies and Procedures Compliance Committee which shall regularly review such policies, develop procedures and other supplementary information to support the implementation of such policies, and recommend revisions to the policies and procedures in consultation with College legal counsel.

7002 Policy on Preparation of Annual Security Report and Disclosure of Crime Statistics

Adopted by the Alpena Community College Board of Trustees on April 16, 2014

The Vice President for Administration and Finance is responsible for the preparation of Alpena Community College's Annual Security Report to comply with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act (The Clery Act) as well as the Violence Against Women Reauthorization Act of 2013 (VAWA). The full text of this report can be located on our web site at www.alpenacc.edu.

The Clery Act, as amended by VAWA, requires the College to disclose the following categories of reported crime statistics, as those categories are defined by law: (i) criminal offenses; (ii) hate crimes where the offender's actions were motivated by bias on the basis of actual or perceived race, gender, religion, national origin, sexual orientation, gender identity, ethnicity, or disability; (iii) arrests and referrals for disciplinary action for violation of weapons, drug, and liquor laws; and (iv) incidents of domestic violence, dating violence, sexual assault, and stalking.

Alpena Community College does not have a security force employed on any campus. In preparing the Annual Security Report, the College works in cooperation with the local law enforcement agencies surrounding our main Alpena campus and our Oscoda/Huron Shores campus to obtain information on reported crimes occurring on campus, in student housing facilities, on public property within or immediately adjacent to the campus, and in other geographic locations to the extent required by law.

The crime, arrest and referral statistics which are disclosed in the College's Annual Security Report include those reported to local law enforcement agencies, as well as the following campus officials: Vice President for Administration and Finance, Vice President of Academic and Student Affairs, Associate Vice President of Academic and Student Affairs, Director of Human Resources, Athletic Director, Title IX Coordinator, and Director of Facilities Management. In addition, a procedure is in place to capture statistics reported to the management company for College Park Apartments.

Each year, notification of the availability of the Annual Report is made to all students, faculty, and staff who have opted into in the College's school messenger system or provided an email account. A copy of the report may also be obtained at the office of the Director of Human Resources, Van Lare Hall Room 102, or by calling (989) 358-7211.

7003 Policy on Crime Reporting and Relationship with Local Law Enforcement

Adopted by the Alpena Community College Board of Trustees on April 16, 2014

Alpena Community College encourages its students, faculty, staff, and guests to report all crimes and public safety incidents in an accurate and timely manner. Although Alpena Community College does not employ a security force on any campus, it maintains a close working relationship with the City of Alpena Police Department, the Oscoda Township Police Department, the Alpena County Sheriff's Department, the Iosco County Sheriff's Department, and the Michigan State Police. There is no written memorandum of understanding or agreement between Alpena Community College and any of these law enforcement authorities.

To report a crime (emergency) on any campus, dial 911.

To report a crime (non-emergency) on the Alpena campus, contact:

City of Alpena Police Department
(989) 354-1800

Alpena County Sheriff's Department
(989) 354-9830

Michigan State Police – Alpena Post
(989) 354-4101

To report a crime (non-emergency) on the Oscoda/Huron Shores campus, contact:

Oscoda Township Police Department
(989) 739-9113

Iosco County Sheriff's Department
(989) 362-6164

In addition, you are encouraged to report any crime or public safety incident to any of the following College officials:

1. Vice President for Administration and Finance — (989) 358-7368
2. Vice President of Academic and Student Affairs — (989) 358-7458
3. Associate Vice President of Academic and Student Affairs — (989) 358-7442
4. Director of Human Resources — (989) 358-7211
5. Athletic Director — (989) 358-7263
6. Title IX Coordinator — (989) 358-7211
7. Director of Facilities Management — (989) 358-7202

7004 Policy on Access and Security of Campus Buildings and Grounds

Adopted by the Alpena Community College Board of Trustees on April 16, 2014

Alpena Community College publishes hours of operation for campus buildings in its catalog, as well as on its website. During published hours of operation, College buildings are open to the general public. Campus buildings are closed and locked during the hours of 10:30 p.m. to 6:00 a.m. and rooms with special equipment are also locked at other times. Access to closed or locked buildings and rooms is permissible only by authorized persons possessing legally issued keys or access cards. Persons not in possession of legally issued keys or access cards will not be allowed to remain unless accompanied by an authorized person or written authorization from appropriate personnel. Custodial staff monitors access to campus facilities. Student and staff parking areas are posted and lighted. Parking permits are issued to students and staff.

The College has adopted procedures for access to locked buildings and rooms (Procedure 5602) and for key requests (Procedure 5603). A campus Safety Committee has been established to review and examine security issues and make recommendations to the President regarding such security matters as lighting, locks, alarms and communications. The President, in consultation with the Safety Committee, is authorized to adopt such other or additional procedures, rules or regulations as may be appropriate to implement the intent of this policy.

The on-campus student housing facility, College Park Apartments, consists of 16 four-person units, and are privately owned and managed by Stratford Group, Ltd., 422 W. Baldwin Street, Alpena, MI, (989) 354-2424. Tenants are issued keys by Stratford Group, Ltd. to their individual apartments.

7005 Timely Warning Policy

Adopted by the Alpena Community College Board of Trustees on April 16, 2014

In the event that a situation arises, either on or off campus, that, in the judgment of the President or his/her designee, in consultation with local law enforcement, constitutes an ongoing or continuing threat, a campus wide “timely warning” will be issued. The warning will be issued through the College’s school messenger system to those students, faculty, and staff who have elected to opt into the system. In addition, a warning will be posted on the College website at www.alpenacc.edu.

Anyone with information warranting a timely warning should report the circumstances to the Director of Human Resources, by phone (989) 358-7211, or to local law enforcement. Names of victims shall not be included in any timely warning.

7006 Policy on Emergency Response and Evacuation Procedures

Adopted by the Alpena Community College Board of Trustees on April 16, 2014

In the event of an emergency or dangerous situation that poses an immediate threat to the health or safety of some or all members of the College community, notification of the emergency or dangerous situation will be given through voice and text messages to phones and e-mail messages via the College's school messenger system. Notification will also be given through the College's website, public address system, and various media outlets, if appropriate. Members of the College community must provide a personal email account and/or a cell phone number to the Registrar in order to receive notifications via the College school messenger system. For more information on the school messenger system, please contact the Registrar's Office, Van Lare Hall Room 108, or (989) 358-7353.

The College's Emergency Management Team consists of the Vice President for Administration and Finance, Director of Facilities Management, Director of Public Information, Associate Vice President of Academic and Student Affairs, and the President. The Vice President of Academic and Student Affairs and Director of Human Resources are alternate members of the Emergency Management Team. One or more members of the Emergency Management Team will consult with local law enforcement to determine whether an emergency or dangerous situation exists. If confirmed, one or more members of the Emergency Management Team will determine the content of the message to be sent, and will use some or all of the systems described above to communicate the threat to the College community or to the appropriate segment of the community, if the threat is limited to a particular building or segment of the population.

One or more members of the Emergency Management Team will, without delay and taking into account the safety of the community, initiate the notification system, unless issuing a notification will, in the judgment of local law enforcement, compromise the efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency.

The Emergency Procedures Manual for both the Alpena Campus and the Huron Shores Campus is made available to College students and staff on the website. Students receive information about evacuation procedures during orientation, and building-specific evacuation maps are posted in strategic locations in all campus buildings.

The College conducts at least one announced or unannounced drill and exercise each year, and conducts follow-through activities designed for assessment and evaluation of its emergency and evacuation plans and capabilities. The College will publish a summary of its emergency response and evacuation procedures in conjunction with at least one drill or exercise each calendar year.

7007 Policy on Sex Offender Registration

Adopted by the Alpena Community College Board of Trustees on April 16, 2014

Federal law requires institutions of higher education to issue a statement advising the campus community where law enforcement information provided by a state concerning registered sex offenders may be obtained. It also requires sex offenders already required to register in a state to provide notice of each institution of higher education in that state at which the person is employed, carries a vocation, or is a student. Accordingly, Alpena Community College is providing a link to the Michigan State Police's Public Sex Offender Registry.

In the state of Michigan, convicted sex offenders must register with the Public Sex Offender Registry maintained by the Michigan State Police. The Michigan State Police Public Sex Offender Registry can be found at: <http://www.mipsor.state.mi.us/>

7008 Policy on Crime Prevention and Security Awareness Programs, Including Sexual Assault and Sexual Violence

Adopted by the Alpena Community College Board of Trustees on April 16, 2014

It is the policy of Alpena Community College to provide every student and employee with information on crime prevention and security awareness. This includes information on awareness of personal safety and security, as well as awareness, avoidance and prevention of theft, vandalism, sexual assault and sexual violence, including, rape, acquaintance rape, dating violence, domestic violence, and stalking. This information is provided in a brochure entitled “Prevention and Awareness of Crimes, Sexual Violence and Sexual Assault”, which is available on the college website and in printed form in the following offices:

Office of Title IX Coordinator - Van Lare Hall, Room 102

Office of Academic and Student Affairs - Van Lare Hall, Room 109

Each year, during orientation, the above information is provided to new students. New employees shall receive this information upon hiring, as well as periodically throughout their employment.

ACC’s Emergency Procedures also contains additional information on crime prevention, and is made available to students and staff.

At least once during each academic year, local law enforcement authorities, in cooperation with the College, present a session for students and employees, which provides additional information on crime prevention, awareness, avoidance and risk reduction and includes information on sexual assault and sexual violence, including dating violence, domestic violence and stalking.

Ongoing prevention and awareness campaigns may also be disseminated through security alert posters, displays, videos, website links, and articles in the campus newsletter, *The Splinter*.

7009 Sexual Misconduct Policy

Adopted by the Alpena Community College Board of Trustees on April 16, 2014

I. Policy Summary.

The College is firmly committed to maintaining a campus environment free from sexual harassment and sexual violence, including domestic violence, dating violence and sexual assault, collectively referred to in this Policy as “Sexual Misconduct.”

Sexual Misconduct diminishes individual dignity, jeopardizes the welfare of our students and employees and impedes access to educational, social, and employment opportunities. Sexual misconduct violates our institutional values of Respect, Integrity, Accountability and Excellence. Sexual Misconduct is expressly prohibited by College policy as well as by law.

This policy provides information regarding the College’s prevention and education efforts related to Sexual Misconduct. The Policy also explains how the College will proceed once it is made aware of reported sexual misconduct in keeping with our institutional values and to meet our legal obligations under *Title IX, the Jeanne Clery Act, the Violence Against Women Reauthorization Act*, and other applicable law.

II. Definitions.

A. Consent as referenced in this *Policy* means:

1. Consent is *informed*. Consent consists of an affirmative, conscious decision by each participant to engage in mutually agreed-upon sexual activity. Consent to some form of sexual activity does not imply consent to other forms of sexual activity.
2. Consent is *voluntary*. It is given without coercion, force, threats, or intimidation; it is a positive cooperation in the act or expression of intent to engage in the act pursuant to an exercise of free will.
3. Consent is given when the person is *not impaired or incapacitated*. A person cannot consent if s/he is unconscious or coming in and out of consciousness. A person cannot consent if s/he is under the threat of violence, bodily injury or other forms of coercion, or has a mental disorder, developmental disability, or physical disability that would impair his/her understanding of the act.
 - (a) Incapacitation is the physical and/or mental inability to make informed, rational judgments. States of incapacitation include, but are not limited to, unconsciousness, sleep and blackouts.
 - (b) Where alcohol or drugs are involved, incapacitation is distinct from drunkenness or intoxication, and is defined with respect to how the alcohol or other drugs consumed impacts a person’s decision-making capacity, awareness of consequences, and ability to make fully informed judgments. The factors to be considered include whether the accused knew, or a reasonable person in the position of the accused should have known, that the complainant was impaired or incapacitated.

B. Sexual Harassment

1. Sexual harassment is a form of discrimination based on sex. Sexual violence is a form of sexual harassment. Sexual harassment may include incidents between any members of the College community, including faculty and other academic appointees, staff, coaches, residents and interns, students, student employees (when acting within the course and scope of employment), and non-student or non-employee participants in College programs, such as vendors, contractors, visitors, and patients. Sexual harassment may occur in hierarchical relationships or between peers, or between persons of the same sex or opposite sex. In determining whether the reported conduct constitutes sexual harassment, consideration shall be given to the record of the conduct as a whole and to the totality of the circumstances, including the context in which the conduct occurred. Sexual harassment, including sexual violence, is not tolerated by the College. The College will respond promptly to all reports of sexual harassment among employees, students, and College visitors.

2. Definition of Sexual Harassment-Michigan. Sexual harassment is defined in the Michigan Civil Rights Act as follows:

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct or communications of a sexual nature when:

- (a) Submission to such a conduct or communication is made a term or condition either explicitly or implicitly to obtain employment, public accommodations or public services, educational, or housing.
- (b) Submission to or rejection of such conduct or communication by an individual is used as a factor in decisions affecting such individual's employment, public accommodations or public services, education or housing.
- (c) Such conduct or communication has the purpose or effect of substantially interfering with an individual's employment, public accommodations or public services, education or housing, or creating an intimidating, hostile, or offensive employment, public accommodations, public services, education, or housing environment.

For the purpose of the above regulation, the College interprets unwelcome to mean:

- (a) Conduct or communication that a reasonable person in a similar circumstance would consider unwelcome.
 - (b) Conduct or communication that continues after notice is given that the conduct or communication is unwelcome.
3. Conduct Guidelines:

“Sexual Harassment” has a specific legal definition, which is stated in this section. Not all conduct or speech which a person might find inappropriate constitutes sexual harassment; neither do occasional compliments or remarks of a socially acceptable nature. Rather, the law forbids behavior on the basis of sex that is so objectively offensive as to substantially interfere with an individual's employment, public

accommodations or public services, education or housing. However, to avoid any misunderstandings about what might constitute sexual harassment, the following guidelines are provided for behavior which is not appropriate.

- (a) Physical
 - i. Any unwanted and offensive physical contact of a sexual nature, including unnecessary touching, patting, hugging, brushing the body, impeding or blocking movement
 - ii. Unwanted sexual gestures or pantomiming sexual acts
 - iii. Leering or ogling

- (b) Verbal/Auditory
 - i. Sexual advances or propositions
 - ii. Sexually explicit, suggestive or abusive talk
 - iii. Sexually explicit jokes, teasing or anecdotes (including jokes and comments about a person's body parts, types or conditions)
 - iv. Remarks of a sexual nature about a person's body, sexual performance, activity or prowess
 - v. Sexually suggestive or insulting sounds, including whistling
 - vi. Continuing to express interest after being informed the interest is unwelcome

- (c) Visual
 - i. Display of sexually-oriented graphic pictures, posters or other visual material
 - ii. Displaying or transmitting any sexually explicit material via e-mail or the Internet

C. Sexual Violence

Sexual Violence is defined as physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent. This includes: sexual assault, domestic violence; dating violence; and stalking.

D. Dating Violence

The term "dating violence" means violence committed by a person—

1. who is or has been in a social relationship of a romantic or intimate nature with the victim; and
2. where the existence of such a relationship shall be determined based on a consideration of the following factors:
 - (a) The length of the relationship.
 - (b) The type of relationship.
 - (c) The frequency of interaction between the persons involved in the relationship.

E. Domestic Violence

The term “domestic violence” includes felony or misdemeanor crimes of violence committed by a current or former spouse 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, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of Michigan, 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 Michigan.

F. Stalking

The term “stalking” means engaging in a course of conduct directed at a specific person that would cause a reasonable person to—

- (A) fear for his or her safety or the safety of others; or
- (B) suffer substantial emotional distress

G. Sexual assault

Offense classified as a forcible or non-forcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation. Sexual assault includes the following offenses, which are defined by the Uniform Crime Reporting Handbook published by the U.S. Department of Justice:

Forcible

- Forcible Rape
- Attempts to Commit Forcible Rape
- Forcible Sodomy
- Forcible Fondling
- Sexual Assault with an object

Non-Forcible

- Statutory Rape
- Incest

III. Policy Text.

A. General

Every member of the College community should be aware that the College prohibits sexual harassment and sexual violence, and that such behavior violates both law and College policy. The College will respond promptly and effectively to reports of sexual harassment and sexual violence and will take appropriate action to prevent, to correct, and when necessary, to discipline behavior that violates this *Policy*.

B. Prohibited Acts

This *Policy* prohibits sexual harassment and sexual violence as defined in Section II of this *Policy*.

C. Consensual Relationships

This *Policy* covers unwelcome conduct of a sexual nature. Consensual romantic relationships between members of the College community are subject to other College policies. While romantic relationships may begin as consensual, they may evolve into situations that lead to charges of sexual harassment or sexual violence, subject to this *Policy*.

D. Retaliation

This *Policy* also prohibits retaliation against a person who reports sexual harassment or sexual violence, assists someone with a report of sexual harassment or sexual violence, or participates in any manner in an investigation or resolution of a sexual harassment or sexual violence report. Retaliation includes threats, intimidation, reprisals, and/or adverse actions related to employment or education.

E. Dissemination of the Policy, Educational Programs, and Employee Training

As part of the College's commitment to providing a working and learning environment protected from sexual harassment and sexual violence, this *Policy* shall be disseminated widely to the College community through publications, websites, new employee orientations, student orientations, and other appropriate channels of communication. Educational materials shall be available to all members of the College community to promote compliance with this *Policy* and familiarity with reporting procedures.

Education and awareness programs/materials shall include information on risk reduction to recognize warning signs of abusive behavior and how to avoid potential attacks, as well as safe and positive options for bystander intervention that may be carried out by an individual to prevent harm or intervene when there is a risk of domestic violence, dating violence, sexual assault or stalking against a person other than the individual. In addition, the College shall designate employees responsible for handling reports of sexual harassment and sexual violence and provide training to those designated employees at least annually.

F. Reporting of Sexual Harassment or Sexual Violence

Any member of the College community may report conduct that may constitute sexual harassment or sexual violence under this *Policy* to any supervisor, manager, or Title IX Compliance Coordinator. In addition, supervisors, managers, and other designated employees are responsible for taking whatever action is necessary to prevent and address sexual harassment or sexual violence and to report it promptly to the Title IX Compliance Coordinator (Sexual Harassment Officer) or other appropriate official designated to review and investigate sexual harassment and sexual violence complaints.

Complainants should be advised of reporting procedures, including written information about:

1. to whom the alleged offense should be reported;
2. options regarding reporting to law enforcement, and to be assisted by campus authorities in notifying law enforcement authorities if the complainant so chooses, or to decline to notify law enforcement authorities;
3. rights of victims and institutional responsibilities regarding orders of protection, no contact orders, restraining orders, or similar lawful orders issued by criminal or civil courts; and

4. the importance of preserving evidence as may be necessary to the proof of criminal domestic violence, dating violence, sexual assault, or stalking, or in obtaining a protection order;

G. Response to Reports of Sexual Harassment or Sexual Violence

The College shall provide a prompt and effective response to reports of sexual harassment or sexual violence in accordance with Section V. Procedures.

A prompt and effective response may include Early Resolution, Formal Investigation, and/or targeted training or educational programs. Upon findings of sexual harassment or sexual violence, the College may offer remedies to the individual or individuals harmed by the harassment and/or violence consistent with applicable complaint resolution and grievance procedures. Such remedies may include counseling, an opportunity to repeat course work without penalty, changes to student housing assignments, or other appropriate interventions.

Any member of the College community who is found to have engaged in sexual harassment or sexual violence is subject to disciplinary action up to and including dismissal in accordance with the applicable College disciplinary procedure or policy. Generally, disciplinary action will be recommended when the conduct is sufficiently severe, persistent, or pervasive that it alters the conditions of employment or limits the opportunity to participate in or benefit from educational programs.

Any manager, supervisor, or designated employee responsible for reporting or responding to sexual harassment or sexual violence who knew about the incident and took no action to stop it or failed to report the prohibited act also may be subject to disciplinary action. Conduct by an employee that is sexual harassment or sexual violence or retaliation in violation of this Policy is considered to be outside the normal course and scope of employment.

H. Intentionally False Reports

Individuals who make reports that are later found to have been intentionally false or made maliciously without regard for truth may be subject to disciplinary action. This provision does not apply to reports made in good faith, even if the facts alleged in the report cannot be substantiated by an investigation.

I. Free Speech and Academic Freedom

The faculty and other academic appointees, staff, and students of the College enjoy significant constitutionally-guaranteed free speech protections. This *Policy* is intended to protect members of the College community from discrimination, not to regulate protected speech. This *Policy* shall be implemented in a manner that recognizes the importance of these rights. However, freedom of speech and academic freedom are not limitless and do not protect speech or expressive conduct that violates federal or state anti-discrimination laws.

IV. Implementation/Revisions.

A. Implementation of the Policy

The Vice-President for Administration and Finance, the Vice-President of Academic and Student Affairs, the Associate Vice-President of Academic and Student Affairs, and the Director of Human Resources are the Responsible Officers for this policy and have the authority to implement the policy and to develop procedures or other supplementary information to support the implementation of this policy. Responsible Officers may apply appropriate and consistent interpretations to clarify the policy provided that the interpretations do not result in substantive changes to the underlying policy.

B. Noncompliance with the Policy

Noncompliance with the policy is managed in accordance with the Policies on Student Conduct and Discipline, and the Employee Handbook, as applicable, and collective bargaining agreements.

V. Procedures.

A. Procedures for Reporting and Responding to Reports of Sexual Harassment or Sexual Violence

Reports of sexual harassment or sexual violence should be brought forward as soon as possible after the alleged conduct occurs. While there is no stated timeframe for reporting, prompt reporting will better enable the College to investigate the acts, determine the issues, and provide an appropriate remedy and/or action.

All incidents should be reported even if a significant amount of time has passed. However, delay in reporting may impede the College's ability to conduct an investigation and/or effect appropriate remedial actions. The College will respond to reports of sexual harassment or sexual violence to the greatest extent possible, taking into account the amount of time that has passed since the alleged conduct occurred.

All members of the College community are encouraged to contact the Title IX Compliance Coordinator if they observe or encounter conduct that may be subject to the *Policy*. This includes conduct by employees, students, or third parties.

Reports of sexual harassment by or against students may be brought to the Associate Vice-President of Academic and Student Affairs or the Title IX Compliance Coordinator. Reports may also be made or to any manager, supervisor, or other designated employee responsible for responding to reports of sexual harassment.

If the person to whom harassment normally would be reported is the individual accused of harassment, reports may be made to another manager, supervisor, human resources coordinator, or designated employee. Managers, supervisors, and designated employees shall be required to notify the Title IX Compliance Coordinator or other appropriate official designated to review and investigate sexual harassment complaints when a report is received by them.

1. Making Reports of Sexual Harassment or Sexual Violence

For reports of sexual violence, including domestic violence, dating violence, sexual assault, or stalking, whether the offense occurred on or off campus, complainants shall be advised of procedures to follow, including information in writing about:

- (a) to whom the alleged offense should be reported.
- (b) options regarding law enforcement and campus authorities, including notification of the complainant's option to notify law enforcement authorities, including on-campus and local police; be assisted by campus authorities in notifying law enforcement authorities if the complainant so chooses; or to decline to notify such authorities.

- (c) the rights of complainants and of the College's responsibilities regarding orders of protection, no contact orders, restraining orders, or similar lawful orders issued by criminal or civil courts.
- (d) the importance of preserving evidence as may be necessary to the proof of criminal domestic violence, dating violence, sexual assault, or stalking, or in obtaining a protection order.
- (e) Written notification to students or employees about existing counseling, health, mental health, victim advocacy, legal assistance, and other services available for victims both on-campus and in the community.
- (f) Written notification to victims about options for, and available assistance in, changing academic, living, transportation, and working situations, if requested by the complainant and if reasonably available, regardless of whether the victim chooses to report the crime to campus police or local law enforcement.

If a student or employee reports to the College that the student or employee has been a victim of domestic violence, dating violence, sexual assault, or stalking, whether the offense occurred on-campus or off-campus or any Campus location, the student or employee shall be provided with a written explanation of the student or employee's rights and options.

2. Options for Resolution

Individuals making reports of sexual harassment or sexual violence shall be informed about options for resolving potential violations of the *Policy*. These options shall include procedures for Early Resolution, procedures for Formal Investigation, and filing complaints or grievances under applicable College complaint resolution or grievance procedures.

Individuals making reports also shall be informed about policies applying to confidentiality of reports under this *Policy* (see G. below). The College shall respond to the extent possible to reports of sexual harassment and sexual violence brought anonymously or brought by third parties not directly involved in the asserted offenses. However, the response to such reports may be limited if information contained in the report cannot be verified by independent facts.

Individuals bringing reports of sexual harassment and sexual violence shall be informed about the range of possible outcomes of the report, including interim protections, remedies for the individual harmed by the incident, and disciplinary actions that might be taken against the accused as a result of the report, including information about the procedures leading to such outcomes.

An individual who is subjected to retaliation (e.g., threats, intimidation, reprisals, or adverse employment or educational actions) for having made a report of sexual harassment or sexual violence in good faith, who assisted someone with a report of sexual harassment or sexual violence, or who participated in any manner in an investigation or resolution of a report of sexual harassment or sexual violence, may make a report of retaliation under these procedures. The report of retaliation shall be treated as a report of sexual harassment or sexual violence and will be subject to the same procedures.

3. Procedures for Early Resolution

The goal of Early Resolution is to resolve concerns at the earliest stage possible, with the cooperation of all parties involved. Early Resolution options may be utilized when the parties desire to resolve the situation cooperatively and/or when a Formal Investigation is not likely to lead to a satisfactory outcome. Early Resolution may include an inquiry into the facts, but typically does not include a formal investigation.

Means for Early Resolution shall be flexible and encompass a full range of possible appropriate outcomes. Early Resolution includes options such as mediating an agreement between the parties, separating the parties, referring the parties to counseling programs, negotiating an agreement for disciplinary action, conducting targeted educational and training programs, or providing remedies for the individual harmed by the offense.

Early Resolution also includes options such as discussions with the parties, making recommendations for resolution, and conducting a follow-up review after a period of time to assure that the resolution has been implemented effectively. Early Resolution may be appropriate for responding to anonymous reports and/or third party reports. Steps taken to encourage Early Resolution and agreements reached through Early Resolution efforts should be documented.

While the College encourages Early Resolution of a complaint, the College does not require that parties participate in Early Resolution prior to the College's decision to initiate a formal investigation. A Complainant has the right to end the Early Resolution stage at any point and begin the Formal Investigation stage at any point.

Some reports of sexual harassment and sexual violence are not appropriate for mediation (such as when the facts are in dispute in reports of serious misconduct, or when reports involve sexual violence or individuals with a pattern of inappropriate behavior or allege criminal acts such as stalking, sexual assault or physical assault) but may require a formal investigation at the discretion of the Title IX Compliance Coordinator or other appropriate official designated to review and investigate sexual harassment complaints. *In cases involving allegations of sexual assault, mediation is not appropriate even on a voluntary basis and will not be used to resolve sexual assault complaints.*

4. Procedures for Formal Investigation

In response to reports of sexual harassment or sexual violence in cases where Early Resolution is inappropriate or in cases where Early Resolution is unsuccessful, the College may conduct a Formal Investigation. In such cases, the individual making the report shall be encouraged to file a written request for Formal Investigation. The wishes of the individual making the request shall be considered, but are not determinative, in the decision to initiate a Formal Investigation of a report of sexual harassment or sexual violence. In cases where there is no written request, the Title IX Compliance Coordinator or other appropriate official designated to review and investigate sexual harassment complaints, in consultation with the administration, may initiate a Formal Investigation after making a preliminary inquiry into the facts.

In cases where a complainant states he or she does not want to pursue a Formal Investigation, the Title IX Compliance Coordinator should inform the complainant that the ability to investigate may be limited. In determining whether to go forward with a Formal Investigation, the Title IX Compliance Coordinator may consider: 1) the seriousness of the allegation, 2) in the case of a student complainant, the age of the

student, 3) whether there have been other complaints or reports against the accused, and 4) the rights of the accused individual to receive information about the complainant and the allegations if formal proceedings with sanctions may result. Even if a complainant does not want to pursue an investigation, under some circumstances, the Title IX Compliance Coordinator may have an obligation to investigate, such as when there is a risk to the campus community if the accused remains on campus. The complainant should be made aware of this independent obligation to investigate the complaint.

- (a) In order to provide a prompt, fair, and impartial investigation and resolution, any Formal Investigation of reports of sexual harassment and/or sexual violence shall incorporate the following standards:
 - i. The individual(s) accused of conduct violating the *Policy* shall be provided a copy of the written request for Formal Investigation or otherwise given a full and complete written statement of the allegations, and a copy of the *Policy*.
 - ii. The individual(s) conducting the investigation shall be familiar with the *Policy* and have training or experience in conducting investigations. For cases involving allegations of sexual violence, the individual(s) conducting the investigation must receive annual training on issues related to sexual violence. Such training includes how to conduct an investigation and hearing process that protects the safety of the complainants and promotes accountability.
- (b) If the alleged conduct is also the subject of a criminal investigation, the College may not wait for the conclusion of the criminal investigation to begin an investigation pursuant to this *Policy*. However, the College may need to delay temporarily the fact-finding portion of a sexual harassment investigation while the police are gathering evidence. Once notified that the police department has completed its gathering of evidence (not the ultimate outcome of the investigation or the filing of any criminal charges), the College must promptly resume and complete its fact-finding for the sexual harassment investigation.
- (c) The investigation generally shall include interviews with the parties if available, interviews with other witnesses as needed, and a review of relevant documents as appropriate. Disclosure of facts to parties and witnesses shall be limited to what is reasonably necessary to conduct a fair and thorough investigation.
- (d) The investigator shall apply a preponderance of evidence standard (“more likely than not”) in determining whether or not there has been a violation of this *Policy*.
- (e) Upon request, the complainant and the accused may each have a representative present when he or she is interviewed, and at any subsequent proceeding or related meeting. Other witnesses may have a representative present at the discretion of the investigator or as required by applicable College policy or collective bargaining agreement.
- (f) At any time during the investigation, the investigator may recommend that interim protections or remedies for the parties or witnesses be provided by appropriate College officials. These protections or remedies may include separating the parties, placing limitations on contact between the parties, or making alternative working or student housing arrangements. Failure to comply with the terms of interim protections may be considered a separate violation of this *Policy*.

- (g) The investigation shall be completed as promptly as possible and in most cases within 60 working days of the date the request for formal investigation was filed. This deadline may be extended on approval by a College official designated by the President.
- (h) Generally, an investigation should result in a written report that at a minimum includes a statement of the allegations and issues, the positions of the parties, a summary of the evidence, findings of fact, and a determination by the investigator as to whether this Policy has been violated. The report also may contain a recommendation for actions to resolve the complaint, including educational programs, remedies for the complainant, and a referral to disciplinary procedures as appropriate. The report shall be submitted to a designated official with authority to implement the actions necessary to resolve the complaint. The report may be used as evidence in other related procedures, such as subsequent complaints, grievances and/or disciplinary actions.
- (i) The complainant and the accused will be simultaneously informed in writing of
 - i. The outcome of any College disciplinary proceeding that arises from an allegation of domestic violence, dating violence, sexual assault or stalking;
 - ii. The procedures for appealing the results of the proceeding;
 - iii. Any change to the results that occur prior to the time that such results become final; and
 - iv. When results become final.
- (j) The complainant shall be informed if there were findings made that the *Policy* was or was not violated and of actions taken to resolve the complaint, if any, that are directly related to the complainant, such as an order that the accused not contact the complainant. In accordance with College's policies protecting individuals' privacy, the complainant may generally be notified that the matter has been referred for disciplinary action, but shall not be informed of the details of the recommended disciplinary action without the consent of the accused.
- (k) The complainant and the accused may request a copy of the investigative report pursuant to College policy governing privacy and access to personal information. However, the report shall be redacted to protect the privacy of personal and confidential information regarding all individuals other than the individual requesting the report in accordance with College policy.

B. Complaints or Grievances Involving Allegations of Sexual Harassment or Sexual Violence

An individual who believes he or she has been subjected to sexual harassment or sexual violence may file a complaint or grievance pursuant to any applicable complaint resolution or grievance procedure provided in the Student Handbook or any applicable collective bargaining agreement. Such complaint or grievance may be filed either instead of or in addition to making a report of sexual harassment to the Title IX Compliance Coordinator (Sexual Harassment Officer) or other appropriate official designated to review and investigate sexual harassment and sexual violence complaints under this *Policy*. A complaint

or grievance alleging sexual harassment or sexual violence must meet all the requirements under the applicable complaint resolution or grievance procedure, including time limits for filing.

If a complaint or grievance alleging sexual harassment or sexual violence is filed in addition to a report made to the Title IX Compliance Coordinator or other appropriate official designated to review and investigate sexual harassment complaints under this *Policy*, the Early Resolution or Formal Investigation shall constitute the first step or steps of the applicable complaint resolution or grievance procedure.

C. Written Notification to Complainant

Once a complaint or grievance is filed, the following *written* notifications must be given to the complainant:

1. Notification about existing counseling, health, mental health, victim advocacy, legal assistance, and other services available for victims both on-campus, if any, and in the community
2. Notification to complainants about options for, and available assistance in, changing academic, living, transportation, and working situations, if requested by the complainant and if reasonably available, regardless of whether the complainant chooses to report the crime to campus police or local law enforcement.

If the report to the College involves allegations of domestic violence, dating violence, sexual assault, or stalking, whether the offense occurred on or off campus or any College location, the complainant shall be provided with a written explanation of rights and options.

D. Remedies and Referral to Disciplinary Procedures

Findings of violations of the *Policy* may be considered in determining remedies for individuals harmed by the sexual harassment or sexual violence and shall be referred to applicable disciplinary procedures. Procedures under this *Policy* shall be coordinated with applicable complaint resolution, grievance, and disciplinary procedures to avoid duplication in the fact-finding process whenever possible. Violations of the *Policy* may include engaging in sexual harassment or sexual violence, retaliating against a complainant reporting sexual harassment or sexual violence, violating interim protections, and filing intentionally false charges of sexual harassment or sexual violence. Investigative reports made pursuant to this *Policy* may be used as evidence in subsequent complaint resolution, grievance, and disciplinary proceedings as permitted by the applicable procedures.

E. Privacy

The College shall protect the privacy of individuals involved in a report of sexual harassment or sexual violence to the extent permitted by law and College *Policy*. A report of sexual harassment or sexual violence may result in the gathering of extremely sensitive information about individuals in the Campus community. While such information is considered confidential, College policy or applicable law regarding access to public records and disclosure of personal information may require disclosure of certain information concerning a report of sexual harassment or sexual violence. In such cases, every effort shall be made to redact the records in order to protect the privacy of individuals. An individual who has made a report of sexual harassment or sexual violence may be advised of sanctions imposed against the accused when the individual needs to be aware of the sanction in order for it to be fully effective (such as restrictions on communication or contact with the individual who made the report). In addition, when the offense involves a crime of violence or a non-forcible sex

offense, the Family Educational Rights and Privacy Act permits disclosure to the complainant of the final results of a disciplinary proceeding against the alleged accused, regardless of whether the College concluded that a violation was committed.

F. Confidentiality of Reports of Sexual Harassment and Sexual Violence

Reports of sexual harassment and sexual violence are not generally confidential due to the duties required by law and policy to respond to such reports. College employees, such as the Title IX Compliance Coordinator, managers, supervisors, and other designated employees have an obligation to respond to reports of sexual harassment or sexual violence, even if the individual making the report requests that no action be taken. An individual's requests regarding the confidentiality of reports of sexual harassment or sexual violence will be considered in determining an appropriate response; however, such requests will be considered in the dual contexts of the College's legal obligation to ensure a working and learning environment free from sexual harassment and sexual violence and the due process rights of the accused to be informed of the allegations and their source.

Licensed counselors and pastors are considered Confidential Resources and are not required to disclose reports made to them. Individuals who consult with Confidential Resources shall be advised that their discussions in these settings are not considered reports of sexual harassment or sexual violence and that without additional action by the individual, the discussions will not result in any action by the College to resolve their concerns.

G. Retention of Records Regarding Reports of Sexual Harassment and Sexual Violence

The office of the Title IX Compliance Coordinator is responsible for maintaining records relating to sexual harassment and sexual violence reports, investigations, and resolutions. Records shall be maintained in accordance with College records policies, generally five years after the date the complaint is resolved or five years after the termination of employment, whichever is later. Records may be maintained longer at the discretion of the Title IX Compliance Coordinator in cases where the parties have a continuing affiliation with the College. All records pertaining to pending litigation or a request for records shall be maintained in accordance with instructions from legal counsel.

7010 Alcohol and Drug Prevention Policy

Adopted by the Alpena Community College Board of Trustees on April 16, 2014

It is the policy of Alpena Community College to prevent the unlawful possession, use, or distribution of illicit drugs and alcohol by all students and employees on College premises or as part of its activities and to foster a campus environment free of drug and alcohol abuse.

Federal and state laws regarding the possession, use and distribution of alcohol and drugs are enforced by local and state law enforcement authorities. Alpena Community College supports such enforcement. Violators are subject to criminal prosecution and criminal sanctions. A description of applicable legal sanctions under local, state and federal laws is available on the College website.

Alpena Community College prohibits the possession, use, or sale of alcohol in any public or private area of campus, unless approval has been obtained in advance in accordance with the College's Administrative Procedure 7510.

Michigan law prohibits the possession or consumption of alcohol by anyone under the age of 21. In addition, it is illegal under Michigan law to sell, furnish, or provide alcohol to a person under the age of 21. These laws are enforced by local and state police authorities and the College supports such enforcement. Violators are subject to criminal sanctions.

Any violations of law or policy regarding alcohol or illicit drugs will also be treated as a separate disciplinary matter by the College and may result in disciplinary action, up to and including dismissal or discharge under the College's Student Code of Conduct and/or Employment policies.

The College provides informational materials regarding drug and alcohol abuse to students and employees, including information regarding the health risks associated with the use of alcohol and illegal drugs, and information regarding counseling, treatment, rehabilitation services available in the community and employee assistance programs. Such information may be obtained through the Office of Human Resources or the Office of Academic and Student Affairs and on the college website at www.alpenacc.edu.

In accordance with applicable laws, including the Drug-Free Schools and Communities Act, this Policy is subject to biennial review by the Safety Policies and Procedures Compliance Committee.

7011 Missing Student Policy

Adopted by the Alpena Community College Board of Trustees on April 16, 2014

If a member of the College community has reason to believe that a student who resides in College Park Apartments is missing, he or she should **immediately** notify the City of Alpena Police Department at (989) 354-1800.

If any College official receives a report that a student who resides in College Park Apartments is missing and the student is determined to have been missing for more than 24 hours, the College official shall immediately notify one or more member(s) of the College's Emergency Management Team, who shall have no more than 24 hours after receiving the report to notify the City of Alpena Police Department.

If the missing student who resides in College Park Apartments is under the age of 18 and is not an emancipated individual, the College will notify the student's parent or legal guardian immediately after the College has determined that the student has been missing for 24 hours.

In addition to registering a general emergency contact, students residing in College Park Apartments shall have the option to identify confidentially an individual to be contacted by the College in the event the student is determined to be missing for more than 24 hours. If a student has identified such an individual, the College will notify that individual no later than 24 hours after the student is determined to be missing. A student residing in College Park Apartments who wishes to identify a confidential contact can do so by contacting the Registrar's Office. A student's confidential contact information will be accessible only by authorized campus officials and law enforcement in the course of the investigation.

7012 Policy on Preparation of Annual Fire Safety Report and Fire Log

Adopted by the Alpena Community College Board of Trustees on April 16, 2014

The on-campus student housing facility, College Park Apartments, consists of 16 four-person units, and are privately owned and managed by Stratford Group, Ltd., 422 W. Baldwin Street, Alpena, MI, (989) 354-2424.

Each year, Alpena Community College, in consultation with the Stratford Group, Ltd., shall prepare and publish an Annual Fire Safety Report for College Park Apartments, which shall include the following information:

- A description of its fire safety system.
- The number of fire drills held during the previous calendar year.
- Rules on portable electrical appliances, smoking and open flames.
- Evacuation procedures in the case of a fire.
- Description of fire safety education and training programs provided to the tenants, including procedures that tenants should follow in the case of a fire.
- Names and contact information for College personnel that tenants should report that a fire occurred.
- Plans for future improvements in fire safety, if necessary.
- Fire statistics for the previous year, including the number of fires and the cause of each, the number of persons who received fire-related injuries, the number of deaths resulting from fire, and the value of property damaged by fire.

In addition, Alpena Community College shall maintain a fire log for College Park Apartments, which shall include the date and time, nature, and general location of each fire reported to College officials.

ADMINISTRATIVE PROCEDURES FOR POLICIES

3514A Sexual Harassment Reporting Procedures

Refer to Policy 7009, Sexual Misconduct Policy, for the procedures for reporting sexual harassment.

Issued: April 16, 2014

3514B Sexual Assault Reporting Procedure

Refer to Policy 7009, Sexual Misconduct Policy, for the procedures for reporting sexual harassment.

Issued: April 16, 2014

7510 Alcoholic Beverages Procedures (On Campus)

Use during College-sponsored activities:

1. Alcoholic beverages are not to be served or sold at any student event on campus.
2. The Executive Council will act in an advisory capacity to the College administration and review all requests to serve alcoholic beverages on the campus or at College-sponsored activities.
3. The servicing of alcoholic beverages must be incidental to the nature of the event, whether the program is social, cultural, or educational.
4. At all events, where alcohol is served, food of some kind and non-alcoholic beverages must be available.
5. No one under the legal drinking age may dispense, serve, or consume alcoholic beverages.
6. No one will be allowed to leave the building or area with any unconsumed alcohol in his/her possession.
7. The State of Michigan Liquor Control Commission regulation prohibits anyone from bringing his/her own alcoholic beverage to any event for which a 24-hour license has been issued.

Issued: August 22, 1997. Revised June 2014.

ADMINISTRATIVE PROCEDURES AND OTHERS

5605 Bomb Threat Procedures

1. Incident notification - **BE CALM.** Use check sheet and get as much information as possible.
2. Taking action:
 - A. Call 911
 1. Indicate type of incident.
 2. Tell them location of Incident Command Team.
 - B. Evacuate Building - (Building Emergency)
 1. Assist handicap to evacuate building.
 2. Staff looks for suspicious items before leaving building.
 3. Search building to ensure everyone has left building.
 - C. Designated staff assist police in search of building.
 - D. All clear is given by Incident Command Team leader **ONLY.**

Issued: August 22, 1997

5610 Alpena Community College Inclement Weather Procedure

1. The President will make the decision on College closure prior to 5:45 a.m.

The announcement, to be relayed through the fan out and broadcast on local stations, will be one of the following:

- A. ACC will be closed, no staff or students to report.
 - B. ACC opening will be delayed until 10:00 a.m.
 - C. ACC classes are cancelled; offices will be open at 10:00 a.m.
 - D. In the event that daytime weather conditions lead to a shutdown decision after the college is already open, (weather conditions will be evaluated at 11:00 a.m. and 3:00 p.m.) one of the following announcements will be relayed to staff by the Office of Public Information via voice mail and also broadcast to local stations:
 1. All ACC classes starting at or after ____ will be cancelled. Offices remain open.
 2. All ACC classes starting at or after ____ will be cancelled and the College is closed as of .
2. The director of the Huron Shores campus will make the decision to close and will contact the President and the Director of Public Information.
 3. In the President's absence, the decision to close will be made by the Vice President for Administration & Finance.