

**ALPENA COMMUNITY COLLEGE
POLICIES & PROCEDURES MANUAL AND
THE BOARD OF TRUSTEES POLICIES & PROCEDURES MANUAL**

7000 — 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

7001 Policy on Appointment of Cleary/Title IX Task Force

*Adopted by the Alpena Community College Board of Trustees on April 16, 2014.
Amended: June 18, 2015.*

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 (“Clery Act”), Title IX of the Education Amendments of 1972 (“Title IX”), 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 Cleary/Title IX Task Force 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
Amended: June 18, 2015.*

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 Instruction, Dean of Students, 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.

In the event a reported crime is investigated by sworn or commissioned law enforcement personnel, and such law enforcement personnel determine the report to be false or baseless, and thus, "unfounded," the College is not required to include such report in its crime statistics.

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
Amended: June 18, 2015.*

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 Instruction — (989) 358-7458
3. Dean of Students — (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, Dean of Students, and the President. The Vice President of Instruction 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
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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 “Campus Guide for Prevention and Response to Sexual Misconduct: Know Your Rights- Protect Yourself,” 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.

The College shall also provide a publication entitled “Rights and Options: What Every Student Should Know About Sexual Harassment, Sexual Violence, Dating Violence and Stalking.” This publication shall contain definitions of key terms related to Sexual Misconduct, in accordance with Policy 7009, as well as reporting options and procedures to be followed by victims of alleged sexual misconduct, descriptions of resources and interim measures available to victims of sexual misconduct, information regarding investigation of reports of sexual misconduct and disciplinary action which may be imposed by the College in cases of dating violence, domestic violence, sexual assault, or stalking.

The Clery/Title IX Task Force, in cooperation with local law enforcement and other community resources shall present programs to prevent dating violence, domestic violence, sexual assault and stalking. Such programs shall include both primary prevention and awareness programs directly and incoming students and new employees and ongoing prevention and awareness campaigns directed at students and employees. Such programs shall be presented at least once during each academic year, and shall include information on crime prevention, awareness, avoidance, risk reduction and safe and positive options for bystander intervention..

ACC’s Emergency Procedures also contains additional information on crime prevention, and is made available to students and staff. 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
Amended: June 18, 2015*

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, sexual assault and sexual exploitation, 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.

The College strives to eliminate Sexual Misconduct through primary prevention and awareness programming, education, training, clear policies and procedures.

This 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 Clery Act, the Violence against Women Reauthorization Act, and other applicable law. The procedures are designed to prevent the recurrence of Sexual Misconduct, remedy its effects, promote safety and deter individuals from future Sexual Misconduct.

II. Definitions.

- A. **ACC or College** means Alpena Community College.
- B. **Awareness Programs** means community-wide or audience-specific programming, initiatives and strategies that increase audience knowledge and information and resources to prevent violence, promote safety and reduce perpetration.
- C. **Bystander Intervention** means safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault or stalking.
- D. **Clery Act** means the federal Jeanne Clery Disclosures of Campus Security Policy and Campus Crime Statistics Act.
- E. **Complainant** means a person allegedly subjected to either Sexual Misconduct or Retaliation in violation of this Policy.
- F. **Complaint** means a brief written statement of facts sufficient to put a reasonable person on notice of an alleged violation of this Policy.
- G. **Confidential Resources** means those people or entities that are not required, either by law or by policy, to report an allegation of Sexual Misconduct to the Title IX Coordinator and that also provide confidential counseling and support services to people impacted by

alleged acts of Sexual Misconduct, whether or not that person chooses to file a Complaint, file criminal charges, or otherwise participate in any processes referenced in this Policy or its Procedures.

H. **Consent** means a voluntary and affirmative mutually understandable communication of willingness to participate in particular sexual activity or behavior, expressed either by words or clear unambiguous action. Additional information regarding consent can be found in Section III of this Policy.

I. **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.

Dating Violence includes but is not limited to sexual or physical abuse or the threat of such abuse. Dating Violence does not include acts covered under the definition of Domestic Violence.

J. **Determination** means a written report prepared at the end of an investigation into an alleged violation of this Policy that includes a conclusion as to whether or not a violation of this Policy occurred and the rationale for the conclusion.

K. **Domestic Violence** means a felony or misdemeanor crime of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse, 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.

L. **Impact Statement** means a brief written statement prepared after the Determination by either a Complainant or a Respondent regarding how the violation of this Policy has affected that person and that is used to assist in determining appropriate sanctions, interventions, or accommodations.

M. **Incapacitation** means a person lacks the ability for self-care or to understand the nature of that person's conduct.

N. **Interim Measures** means those support services, accommodations, and interventions that are available prior to Determination with the intent to mitigate the effects of the alleged

- misconduct and otherwise promote the safety of a Complainant, a Respondent, or Member of the College Community experiencing the effects of Sexual Misconduct.
- O. **Intimidation** means to unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack.
- P. **Member of the College Community** means ACC students, faculty, staff, and certain third parties including, but not limited to, guests, contractors, consultants, and their employees.
- Q. **Respondent** means a person accused of violating this Policy.
- R. **Responsible Employee** means a person:
- Who has the duty to take action to redress Sexual Misconduct;
 - Who has the duty of reporting incidents of Sexual Misconduct or any other misconduct by students; or
 - Whom a student reasonably believes has this authority or duty.
- S. **Rape** means the penetration, no matter how slight, of the vagina or anus with any body part or object or oral penetration by a sex organ of another person, without the consent of the victim.
- T. **Retaliation** means an adverse action taken against a person because that person:
- Complained of Sexual Misconduct or Retaliation in good faith;
 - Cooperated in an investigation under this Policy or its Procedures; or
 - Participated in proceedings brought under this Policy or its Procedures.
- U. **Sanctioning Official** means the person at ACC responsible for determining the appropriate sanctions for a specific violation of this Policy.
- V. **Sexual Assault** means an offense that meets the definition of rape, fondling, incest or statutory rape under the uniform crime reporting (UCR) system of the Federal Bureau of Investigation (FBI). Sexual Assault includes, but is not limited to:
- Rape, as defined above
 - Intentional touching, without the Complainant's consent, of a person's intimate body parts, or any materials, such as clothing, covering the immediate area of a person's intimate body parts, including, but not limited to, that person's breasts, buttocks, groin, or mouth, for the purposes of sexual arousal or gratification, a sexual purpose, or in a sexual manner for revenge, to inflict humiliation, or out of anger;

- Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law
- Sexual intercourse with a Complainant who is under the statutory age of consent.

In Michigan, sexual assault is generally punished by the detailed statutory scheme of the Criminal Sexual Conduct Act (CSC Act), MCL 750.520a et seq. The term "sexual assault" is defined as assault with intent to commit criminal sexual conduct. Further, "sexual assault" is also defined as an act, attempted act, or conspiracy to engage in an act of criminal conduct as defined in the CSC Act, or an offense under a law of the United States, another state, or a foreign country or tribal or military law that is substantially similar to such an offense. See MCL 600.2157a; MCL 600.2950a.

W Sexual Exploitation means conduct involving a person taking, or attempting to take, non-consensual or abusive sexual advantage of a Complainant when such conduct would not otherwise be defined as sexual harassment or sexual assault including, but not limited to, prostitution, sexual voyeurism, taking pictures of a sexual nature or circulating such pictures without the Complainant's consent or exceeding the boundaries of that consent.

X. Sexual Harassment

1. 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.

2. Sexual harassment is a form of discrimination based on sex. Sexual violence is a form of sexual harassment.
3. 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.

4. Sexual harassment may occur in hierarchical relationships or between peers, or between persons of the same sex or opposite sex.
5. 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.
6. 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.
7. 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

Y. **Stalking** means a course of conduct directed at a specific Complainant that would cause a reasonable person to fear for that person's own or someone else's safety, or to suffer substantial emotional distress. Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling. The term "stalking" means engaging in a course of conduct directed at a specific person that would cause a reasonable person to (1) fear for his or her safety or the safety of others; or (2) suffer substantial emotional distress. For purposes of this definition,

a) *Course of conduct* means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.

b) *Reasonable person* means a reasonable person under similar circumstances and with similar identities to the victim.

c) *Substantial emotional distress* means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

In Michigan, stalking is "the willful course of conduct involving repeated or continuing harassment of another individual that would cause a reasonable person to feel terrorized, frightened, intimidated, threatened, harassed, or molested and that actually causes the victim to feel terrorized, frightened, intimidated, threatened, harassed, or molested." MCL 750.411h (1)(d).

Z. **Student** means a person who has enrolled at ACC, either full-time or part-time. Students also include people who have been admitted to ACC and who, before their first attendance, participate in activities intended only for prospective students (e.g., orientation, leadership activities, camps, athletic training and practices).

AA. **Third Party Complainant** means a person or entity with information that a violation of this Policy may have occurred, that files a Complaint on behalf of Complainant, with the intent to stand in the place of the Complainant, and that is not otherwise a Complainant.

III. Policy Text

A. General.

Every Member of the College Community should be aware that the College prohibits acts of Sexual Misconduct and Retaliation. The College will respond promptly and effectively to reports of violation of this Policy and will take appropriate action to prevent, to correct, and when necessary, to discipline behavior that violates this Policy.

B. Prohibited Conduct

1. Sexual Misconduct, as defined by this Policy, includes, but is not limited to, the following:
 - (a) Dating Violence;
 - (b) Domestic Violence and Intimate Partner Violence;
 - (c) Sexual Assault;
 - (d) Sexual Exploitation;
 - (e) Sexual Harassment; and
 - (f) Stalking
2. Retaliation
 - (a) This Policy prohibits Retaliation of any nature taken by any Member of the College Community against another Member of the College Community.
 - (b) An allegation of Retaliation will be treated as a separate allegation of a violation under this Policy.
3. Location of Sexual Misconduct
 - (a) On-campus. This Policy prohibits acts of Sexual Misconduct anywhere on-Campus. For this purpose, on-Campus includes College Park Apartments and any ACC-owned, ACC-leased or ACC-controlled property.
 - (b) Off-campus. This Policy prohibits acts of Sexual Misconduct occurring off-Campus if the Sexual Misconduct affects an ACC student or employee's participation in an ACC activity. This includes, but is not limited to Sexual Misconduct which:
 - (i) Affects the individual's participation in an ACC activity including the living, learning, and working environments;

- (ii) Occurs during ACC-sponsored activities (e.g., field trips, social or educational functions, athletic competitions, student recruitment activities, internships, and service learning experiences);
- (iii) Occurs during the activities of organizations affiliated with ACC, including, but not limited to, the activities of registered student organizations;
- (iv) Occurs during ACC-affiliated travel;
- (v) Occurs during the application for admission to a program or selection for employment; or
- (vi) Poses a threat to a student or employee

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.

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. It is the responsibility of the person who wants to engage in sexual activity to ensure that the other person has consented to engage in the sexual activity.
3. Lack of protest or resistance, or silence does not constitute consent
4. Consent is voluntary. It is given without coercion, force, threats, or intimidation; it is an affirmative cooperation in the act or expression of intent to engage in the act pursuant to an exercise of free will.
5. 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

6. Consent may be revoked or withdrawn at any time.

D. Dissemination of the Policy, Education and Awareness Programs

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.

E. Reporting of Sexual Harassment or Sexual Violence

1. Reports of alleged Sexual Misconduct or Retaliation may be made by a:

- (a) Complainant
- (b) Third Party Complainant; or
- (c) Responsible Employee

2. Mandatory Reporting by Responsible Employees.

- (a) Responsible Employees are required to promptly report allegations of Sexual Misconduct to the Title IX Coordinator, or the Dean of Students, or the designee of either such person, except as provided in subparagraph (c). below.
- (b) All ACC employees are Responsible Employees unless a specific exception applies.
- (c) Exceptions. The following people are not Responsible Employees:
 - i. People acting in the role of, or employed by, a Confidential Resource, only to the extent that they are serving in that role;

- ii. Office professional staff serving in an administrative support role for a Confidential Resource, only to the extent they are serving in that role;
 - iii. Direct supervisors of a person acting as a Confidential Resource, only to the extent information shared regarding an alleged incident of Sexual Misconduct is shared for the purposes of providing support services concurrently or prospectively;
 - iv. Faculty members directly supervising students in a practicum course, only to the extent information shared regarding an alleged incident of Sexual Misconduct is shared for the purposes of providing mental or physical health services concurrently or prospectively.
- (d) Responsible Employees are not required to report allegations of Sexual Misconduct when the Responsible Employee learns about the allegation during a public awareness or activism event, or other public forum at which a Member of the College Community discloses experiences with Sexual Misconduct. Examples of these types of events or forums include, but are not limited to, “Take Back the Night” programs, candlelight vigils, survivor “speak-outs” and protests.
- (e) Responsible Employees are required to share information regarding the alleged Sexual Misconduct known to them, including the names of the individuals involved in the alleged Sexual Misconduct, if known, with the Title IX Coordinator, Dean of Students or designee.
- (f) Responsible Employees, other than the Title IX Coordinator, Deputy Title IX Coordinator or their designees, should not investigate any allegations of Sexual Misconduct or seek to obtain more information than the individual making the disclosure wishes to share.
- (g) Responsible Employees should inform people with whom they are discussing allegations of Sexual Misconduct that:
- i. They are Responsible Employees;
 - ii. They have a duty to report the alleged Sexual Misconduct to the Title IX Coordinator or Dean of Students; and
 - iii. There are Confidential Resources available.
- (h) A Responsible Employee who knew of an act of Sexual Misconduct and failed to report the prohibited act also may be subject to disciplinary action.

F. **Response to Reports of Sexual Harassment or Sexual Violence**

1. The College shall provide a prompt and effective response to reports of sexual harassment or sexual violence in accordance with Section V. Procedures. The Title IX Coordinator has responsibility for overseeing the College's response to all allegations of Sexual Misconduct, and identifying and addressing any patterns or systemic problems uncovered during the review of these allegations. The Title IX Coordinator has the responsibility for taking steps to ensure compliance with College policies regarding allegations of Sexual Misconduct. The Title IX Coordinator or Deputy Title IX Coordinator must receive all allegations of Sexual Misconduct that are reported under this Policy. The contact information for the Title IX Coordinator and Deputy Title IX Coordinator are set forth below:

Carolyn Daoust, Director of Human Resources & Title IX Coordinator

Office: Van Lare Hall Room 102

Phone: 989-358-7211

E-mail: daoustc@alpenacc.edu

Nancy Seguin, Dean of Students & Deputy Title IX Coordinator

Office: Van Lare Hall Room 108

Phone: 989-358-7212

HUSH Phone: 989-358-7442

E-mail: seguinn@alpenacc.edu

2. Upon receiving notice of a report or allegation of Sexual Misconduct, the Title IX Coordinator, Deputy Title IX Coordinator, or Designee, shall make an initial contact with the alleged victim to provide notice of the victim's rights and options including the following:
 - (a) How to file a Complaint with the ACC Office of Civil Rights
 - (b) The option to notify law enforcement authorities, including 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) Existing counseling, health, mental health, victim advocacy, legal assistance, and other services available for victims both on-campus and in the community.
- (f) 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.

The Title IX Coordinator or designee shall provide the alleged victim with written notice of this policy, the availability of the policy on the College website and shall also provide a copy or website link to the Publication “Rights and Options: What Every Student Should Know About Sexual Harassment, Sexual Violence, Dating Violence, Domestic Violence, And Stalking.”

G. Timeliness of Reporting

To promote timely and effective review, allegations of Sexual Misconduct or Retaliation should be reported to the Title IX Coordinator, or designee, as soon as possible. The Title IX Coordinator, or designee, may initiate an investigation into an allegation of Sexual Misconduct made at any time. However, a delay in reporting an allegation may make it more difficult, or impossible, to gather relevant and reliable information.

H. Evidence Preservation

A Complainant who may wish to file criminal charges or obtain a personal protective order should:

- (a) Consider having a forensic examination by a trained medical professional for the purposes of preserving evidence; and
- (b) Refrain from changing clothes, showering, or otherwise altering Complainant’s physical state after an incident until consulting with a medical or law enforcement professional regarding how to best preserve the evidence.

Completion of a forensic examination by a trained medical professional is not a prerequisite to filing a Complaint. It is important to preserve evidence, including the results of a forensic examination by a trained medical professional, which may assist in proving that the alleged Sexual Misconduct or related criminal offense occurred or it may otherwise be helpful in obtaining a personal protection order.

I. Privacy

- 1. All Members of the College Community who participate in a process under this Policy or its Procedures are expected to keep private any

information obtained in the process to the best of their ability. Under some circumstances, an employee or student who fails to keep private, to the best of that person's ability, information received during that person's involvement in a process under this Policy or its Procedures could face sanctions if disclosure of that information constitutes:

- (a) Sexual Harassment;
- (b) Retaliation;
- (c) Violation of a law, regulation, or policy regarding the disclosure of confidential employment or education records: or
- (d) Violation of a generally applicable law, regulation, or ACC policy

2. The private nature of information provided to the Title IX Coordinator, Deputy Title IX Coordinator and any investigator will be accorded the utmost respect. All employees and persons involved in the process of investigating allegations of Sexual Misconduct may disclose information received under the following circumstances:

- (a) To the extent provided by this Policy and its Procedures;
- (b) To the extent necessary to:
 - (i) Eliminate the alleged Sexual Misconduct;
 - (ii) Remedy the effects of the alleged Sexual Misconduct;
 - (iii) Complete an investigation under this Policy; or
 - (iv) Complete any sanctioning processes under this Policy; or
- (c) To the extent required by law, including, but not limited to
 - (i) The Michigan Freedom of Information Act;
 - (ii) The Michigan Bullard-Plawecki Employee Right to Know Act;
 - (iii) The Family Educational Rights and Privacy Act ("FERPA");

- (iv) A valid subpoena, search warrant or other lawfully-issued court order; or
 - (v) Valid order to respond to any inquiry or complaint from, or filed with, a governmental administrative agency.
3. The College has federal reporting obligations under the Clery Act, including the obligation to provide statistics of certain reported crimes. ACC will not include a Complainant's name or other identifying information in publicly available reports or timely warnings, as proscribed by the Clery Act.
 4. The College may need to report an incident to local law enforcement under certain circumstances including, but not limited to, an incident where there is a clear and imminent danger, an incident involving a weapon, an incident involving a minor, or an incident warranting the undertaking of security or safety measures for the protection of the Complainant or Members of the College Community.

J. Interim Measures

1. When a Member of the College Community experiences an act of alleged Sexual Misconduct or Retaliation, ACC may institute Interim Measures regard less of whether a Complaint has been filed or the Complainant wishes to participate in this Policy or its Procedures' processes.
2. The Title IX Coordinator, or designee, will coordinate Interim Measures with the appropriate ACC Personnel and community resources. Privacy will be maintained as much as reasonably possible when Interim Measures are provided.
3. The specific Interim Measures provided will be determined on a case-by-case basis.
4. Interim Measures may be modified as necessary to remedy the effects of the alleged Sexual Misconduct or Retaliation and to promote safety.
5. Examples of interim protective measures include, but are not limited to: an order of no-contact, housing relocation, adjustment of course schedules, a leave of absence, or reassignment to a different supervisor or position. These remedies may be applied to one, both, or multiple parties involved.
6. Violations of the interim measures may lead to additional disciplinary action. Protective measures imposed may be temporary pending the results of an investigation or may become permanent as determined by the College.

K. Education and Training

In order to provide a prompt, fair, and impartial investigation and resolution, 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.

L. Parties' Rights

1. **Complainant's Rights.** During any process defined under this Policy or its Procedures, a Complainant has the right to:
 - (a) Have a support person or advisor of the Complainant's choice accompany the Complainant during any stage of the process.
 - (b) The support person or advisor may not be permitted to ask or answer questions, or otherwise speak or advocate on behalf of the Complainant.
 - (c) The support person may be asked to leave any meeting if the support person becomes disruptive or otherwise interferes with the process.
 - (d) Participate or decline to participate in the process. However, even if a Complainant declines to participate, the College may, in some instances, continue to investigate the matter and issue a Determination based on available information in accordance with this Policy.
 - (e) Consult with any of the resources otherwise available at any time. A list of confidential and non- confidential resources can be found in the ACC Publication "Rights and Options: What Every Student Should Know About Sexual Harassment, Sexual Violence, Dating Violence, Domestic Violence, And Stalking."
 - (f) Be treated with sensitivity, dignity and respect.
 - (g) Request Interim Measures.
 - (h) Be kept reasonably informed regarding the status of the Complaint.
 - (i) Not have Complainant's past sexual history discussed during this process unless such history is relevant to the Complaint.

2. **Respondent's Rights.** During any process defined under this Policy or its Procedures, a Respondent has the right to:
 - (a) Have a support person or advisor of the Respondent's choice accompany the Respondent during any stage of the process.
 - (b) The support person or advisor may not be permitted to ask or answer questions, or otherwise speak or advocate on behalf of the Complainant.
 - (c) The support person may be asked to leave any meeting if the support person becomes disruptive or otherwise interferes with the process.
 - (d) Participate or decline to participate in the process. However, even if a Respondent declines to participate, the College may, in some instances, continue to investigate the matter and issue a Determination based on available information in accordance with this Policy.
 - (e) Consult with any of the resources otherwise available at any time. A list of confidential and non-confidential resources can be found in the ACC Publication "Rights and Options: What Every Student Should Know About Sexual Harassment, Sexual Violence, Dating Violence, Domestic Violence, And Stalking."
 - (f) Be treated with sensitivity, dignity and respect.
 - (g) Request Interim Measures.
 - (h) Be kept reasonably informed regarding the status of the Complaint.
 - (i) Not have Respondent's past sexual history discussed during this process unless such history is relevant to the Complaint.
3. **Third Party Complainants.** Any of the protections and rights extended to a Complainant in this Policy or its Procedures are equally applicable to a Third Party Complainant.

M. Concurrent Criminal Complaints

1. The Complainant has the right to pursue charges or file a concurrent complaint with local law enforcement or any other state or federal agencies.
2. ACC has a legal obligation to investigate alleged violations of this Policy independent of any criminal investigations carried out by law enforcement.

3. ACC will not necessarily wait for the conclusion of a criminal investigation or for criminal judicial proceeding to begin before it commences its own independent investigation into the alleged violations of this Policy.
4. ACC will request available evidence from law enforcement conducting any parallel criminal investigation.
5. ACC will comply with reasonable requests by law enforcement for cooperation in their criminal investigation as follows:
 - (a) At the request of law enforcement, ACC may temporarily delay its investigation into an alleged violation of this Policy while law enforcement gathers evidence for a reasonable amount of time.
 - (b) After a temporary and reasonable delay to allow for law enforcement to gather evidence, ACC will promptly resume its investigation under this Policy and its Procedures.
 - (c) Interim measures may be instituted or continued while law enforcement gathers evidence, regardless of whether or not ACC has temporarily delayed its investigation into an alleged violation of this Policy.

N. Time Frames

1. The College will resolve allegations of Sexual Misconduct and Retaliation in a reasonable, prompt, and equitable manner.
2. The College endeavors to issue a Determination and, if applicable, any sanctions within sixty (60) days of written notification to the Complainant that the College will undertake an investigation of an alleged violation of this Policy. However, all time frames expressed in this Policy and its Procedures are meant to be guidelines and not rigid requirements.
3. Factors that may affect the length of time necessary to completely resolve an allegation of Sexual Misconduct or Retaliation include, but are not limited to: the complexity of the allegations; the availability of the Complainant, the Respondent, and witnesses; the reluctance of the Complainant to file a Complaint; the effect of concurrent criminal investigations; intervening closures of the College; the necessity to provide for rights under any applicable collective bargaining agreement; and any other unforeseeable circumstances.
4. In the event the College determines it requires additional time beyond the time frames set forth in this Policy or its Procedures to fully and properly carry out its responsibilities under this Policy or its Procedures, it will

provide simultaneous written notice to the Complainant, the Respondent, and the Title IX Coordinator, or designee, notifying them of the anticipated length of the delay and general nature of the circumstances causing the delay.

O. Preliminary Inquiry

1. Upon actual or constructive notice of an alleged violation of this Policy, and prior to initiating an investigation, the Title IX Coordinator, or designee, will undertake a preliminary inquiry to determine if the alleged conduct, considered in a light most favorable to the Complainant, could constitute a violation of this Policy.
2. If the alleged conduct, considered in the light most favorable to the Complainant, could constitute a violation of this Policy, the Title IX Coordinator, or designee, will:
 - (a) Initiate an investigation under this Policy; and
 - (b) Provide the Complainant with written notification regarding the decision to begin an investigation.
3. If the alleged conduct, considered in the light most favorable to the Complainant, could not constitute a violation of this Policy, the Title IX Coordinator, or designee, will provide the Complainant written notification regarding the decision not to investigate the alleged violation of this Policy. In such event, the Title IX Coordinator or designee may suggest other measures to address the alleged conduct.

P. Consideration of Confidentiality

1. The Title IX Coordinator, or designee, will respectfully consider all requests by a Complainant:
 - (a) That Complainant's identifying information not be shared;
 - (b) That the alleged Sexual Misconduct or Retaliation to not be investigated under this Policy or to otherwise not participate in an investigation under this Policy.
2. A request made pursuant to section Q.1 of this Policy severely limits the College's ability to investigate the allegations and pursue sanctions against a Respondent, if warranted. Therefore, there may be circumstances in which the Title IX Coordinator, or designee, cannot honor a Complainant's request for confidentiality in light of the College's obligation to provide a safe and non-discriminatory environment for all Members of the College Community.

3. The Title IX Coordinator, or designee, will consider the following factors in determining whether or not the Complainant's request pursuant to section Q.1 of this Policy can be honored:
 - (a) The risk that the Respondent will commit additional acts of Sexual Misconduct or other violence, such as:
 - (b) Whether there have been other allegations of Sexual Misconduct committed by same Respondent;
 - (c) Whether the Respondent has a history of arrests or records indicating a history of Sexual Misconduct or other violence;
 - (d) Whether the Respondent threatened further Sexual Misconduct or other violence against the Complainant or others; or
 - (e) Whether the alleged Sexual Misconduct was committed by multiple Respondents;
 - (f) Whether the alleged Sexual Misconduct was perpetrated with a weapon;
 - (g) Whether the Complainant was a minor at the time of the alleged Sexual Misconduct;
 - (h) Whether the Title IX Coordinator, or designee, possesses other means to obtain relevant evidence of the Sexual Misconduct (e.g., security cameras or personnel, physical evidence); or
 - (i) Whether the Complainant's allegation reveals a pattern of perpetration (e.g., via illicit use of drugs or alcohol) at a given location or by a particular group.

4. If the Title IX Coordinator, or designee, cannot honor a Complainant's request pursuant to section Q.1 of this Policy, the Title IX Coordinator, or designee, will inform Complainant in writing prior to initiating an investigation:
 - (a) That the Title IX Coordinator, or designee, cannot honor the Complainant's request;
 - (b) About the steps that will be taken to maintain the Complainant's privacy; and
 - (c) About the additional resources and accommodations available to the Complainant, if any.
 - (d) A request pursuant to section Q.1 of this Policy does not limit a Complainant's ability to access confidential resources or

otherwise receive accommodations to mitigate the effects of the alleged Sexual Misconduct.

- Q. **Standard of Proof.** All allegations of Sexual Misconduct and Retaliation must be proven by a preponderance of the evidence, which means that, in the investigator's judgment, it is more likely than not that the alleged conduct occurred and that such conduct is a violation of this Policy.
- R. **Withdrawals, Resignations, & Graduation.** If a Respondent ceases enrollment or employment with the College before final conclusion of all processes under this Policy or its Procedures, the College will continue those processes, to the extent it is able, whether or not the Respondent elects to continued participation.
- S. **Conflicts of Interest.**
1. If the Complainant or the Respondent believes that the investigator assigned to the Complaint has a conflict of interest or is impermissibly biased in the matter, the Complainant or the Respondent may request an alternative investigator. This request must be made in writing to the Title IX Coordinator within seven (7) days of when the Complainant or Respondent knew or should have known of the alleged conflict of interest or impermissible bias.
 2. The written request must contain sufficient information and details to establish that the investigator has a conflict of interest or impermissible bias.
 3. An investigator may seek to recuse oneself from an investigation if the investigator believes there may be a conflict of interest that prevents the investigator from being unbiased in carrying out the investigation. A request to recuse oneself must be made in writing to the Title IX Coordinator and state the basis for the request. The Title IX Coordinator will grant or deny this request in writing.
 4. It is within the Title IX Coordinator's discretion to:
 - (a) Appoint an alternative investigator;
 - (b) Direct the investigator to fairly address the conflict of interest or impermissible bias during the investigation; or
 - (c) Reject the request on the grounds that no conflict of interest or impermissible bias was demonstrated.
 5. In the event that the Title IX Coordinator has a conflict of interest or is impermissibly biased, the President, or designee, shall appoint an alternate person to serve in the role of the Title IX Coordinator for that particular matter; such alternate may include the Deputy Title IX Coordinator or another College official having the requisite training, legal counsel for the College or a retained, neutral, outside third-party.

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

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 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.

U. Limited Amnesty for Alcohol Violations

The College considers reporting of Sexual Misconduct to be of paramount importance and seeks to remove barriers to such reporting. Accordingly, if a person comes forward with a good faith report of Sexual Misconduct in a situation which also involves a violation of a College policy regarding alcohol, the College will not pursue disciplinary measures for the alcohol violation against such person, but may require participation in community service, education or awareness activities as an alternative to disciplinary measures. This policy does not apply to any person who is found to be responsible for an act of Sexual Misconduct. The purpose of this provision is to encourage incident reporting, hold perpetrators accountable, and support the health and safety of victims and the entire campus community.

IV. PROCEDURE

A. Role of Title IX Coordinator and Designated Investigator

1. The Title IX Coordinator is the College Official in charge of the ACC Office of Civil Rights (ACC-OCR) which is responsible for and any investigation required or permitted by this Policy. The investigation may be conducted by the Title IX Coordinator, Deputy Coordinator or designee, who may interview people, inspect documentary evidence, and review other evidence that may be available.
2. The Complainant and Respondent will be separately interviewed, unless either refuses to participate. It is within the discretion of the investigator to interview a Complainant, Respondent, or any witness, multiple times. It is within the College's discretion to determine which evidence it will consider or witnesses to interview.
3. Within five (5) calendar days of being interviewed by a designated official of the ACC-OCR, the Complainant or the Respondent may supplement their oral statement with a written statement provided to the investigator.
4. A Complainant, Respondent, and any witnesses interviewed may provide ACC-OCR with evidence, documentary or otherwise, that the person

deems relevant to the investigation. ACC-OCR will not return evidence it receives or collects.

5. ACC-OCR is permitted to independently obtain any evidence available to it.

B. **Investigatory Process**

1. **Initiating an Investigation.**

Upon the direction of the Title IX Coordinator, or designee, the ACC-OCR will undertake a prompt and equitable investigation of an alleged violation of this Policy.

2. **Complaint**

- (a) ACC-OCR will request that the Complainant prepare a Complaint, if not already prepared.
- (b) Third Party Complainant may prepare or file a Complaint on behalf of a Complainant.
- (c) If ACC-OCR is investigating an allegation of a violation of this Policy without a Complainant's active participation, ACC-OCR will draft the Complaint.
- (d) Under certain circumstances, ACC-OCR may draft a Complaint on behalf of a Complainant and have the Complainant endorse it.

3. **Notice to Respondent**

- (a) Within twenty-one (21) days of receiving a Complaint endorsed by Complainant and the determination by the Title IX Coordinator, or designee, that ACC-OCR will undertake an investigation of an alleged violation of this Policy, ACC-OCR will provide, or cause to be provided, written notice to Respondent:
 - i. Of the general nature of the allegations;
 - ii. A request to meet with the investigator; and
 - iii. Notice that if Respondent does not elect to participate in the investigation, ACC-OCR will carry out its investigation based on available information and that the Respondent may still be subject to sanctions pursuant to this Policy and its Procedures.
- (b) Any notices to faculty or staff will also comport with any

requirements of the applicable collective bargaining agreement, if any, regarding notice of investigations that may lead to discipline.

- (c) A copy of this notice may also be sent to the following:
 - i. If the Respondent is faculty, a copy of the written notice may also be provided to the Vice President for Academic Affairs, the President and the Faculty Council President.
 - ii. If the Respondent is staff, a copy of the written notice may be sent to the President, the appropriate Vice-President and the President of the collective bargaining unit, if applicable.
 - iii. If the Respondent is the President, a copy of the written notice may be sent to the Chair of the Board of Trustees and the Legal Counsel for the College;
 - iv. If the Respondent is a student, a copy of the written notice may be sent to the Office of Student Affairs;
 - v. If the Respondent is a student athlete, a copy of the written notice may be sent to the Athletic Department; and
 - vi. If the Respondent is a Contractor, Guest, Volunteer, etc., a copy of the written notice may be sent to other appropriate people.

C. Determination

- 1. Each Determination will contain, at a minimum:
 - (a) An overview of the investigation undertaken;
 - (b) A summary of all evidence and testimony reviewed and considered;
 - (c) Findings of fact based on the available evidence and testimony;
 - (d) A conclusion as to whether or not a violation of this Policy occurred, or if insufficient evidence exists to make such a conclusion;
 - (e) The rationale and analysis in support of the findings and conclusion;

- (f) Recommended sanctions to eliminate the Sexual Misconduct, prevent its recurrence, and remedy its effects: and
 - (g) Notice of any appeal rights
2. Upon the conclusion of its investigation into an allegation of a violation of this Policy, the Complainant and the Respondent will be given the opportunity to review those portions of the Determination included pursuant to sections IV.C.1.(a) and IV.C.1(b) of these Procedures.
- (a) ACC-OCR will provide simultaneous written notice to the Complainant and the Respondent that this information is available for review. This information will be available for review for at least three (3) days. This information will be reviewed in person and under the supervision of an ACC-OCR representative.
 - (b) The Complainant and the Respondent will have at least two (2) days after reviewing this information to provide written comments to the investigator regarding the information to be included in the Determination.
 - (c) ACC-OCR will issue a Determination signed by the investigator after the Complainant and the Respondent have had the opportunity to exercise their rights pursuant to section IV.C.2 of these Procedures.
- D. **Distribution.** The Determination will be made available to the following simultaneously:
- 1. Complainant;
 - 2. Respondent;
 - 3. The Sanctioning Official; and
 - 4. Any other ACC Official the Title IX Coordinator, or designee, deems appropriate.
 - 5. The Determination will be distributed to the Complainant and Respondent in hardcopy via either personal delivery or certified mail, return receipt requested, at the last known address of the recipient.
 - 6. The Determination shall be redacted to protect the privacy of personal and confidential information regarding all individuals.

E. Sanctions

1. Generally

- (a) If a Respondent is found to have violated this Policy, the College will initiate the appropriate sanctioning process to eliminate the misconduct, prevent its recurrence, and deter individuals from similar future behavior.
- (b) The Sanctioning Official shall be responsible for implementing any sanctions or otherwise ensuring sanctions are implemented.
- (c) Even if the Respondent is found not to have violated the Policy, the College may direct in writing that the Respondent cease behavior that, if continued would constitute Sexual Misconduct.
- (d) Upon determining the appropriate sanction, the Sanctioning Official will simultaneously inform the Complainant, Respondent, and Title IX Coordinator, or designee, in writing of the terms and conditions of the sanction to be imposed.
- (e) The Complainant and the Respondent must be afforded equitable rights under any process used to determine an appropriate sanction.

2. If the Respondent is a Student:

- (a) Sanctioning Official. The Dean of Students, or designee, shall serve as the Sanctioning Official.
- (b) Possible Sanctions
 - i. Reprimand: A written reprimand, including the possibility of more severe disciplinary sanctions in the event of the finding of a subsequent violation of ACC regulations within a stated period of time.
 - ii. Campus Restrictions: Limitations on the times and/or places where a Respondent may be present on-Campus.
 - iii. Removal from or relocation within College Park Apartments, if approved by the owner of such apartments.
 - iv. Educational Programs: Participation in educational programs, such as training, workshops, seminars, or other educational activities.

- v. Revocation of ACC Privileges: Revocation of ACC privileges, such as participation in extra-curricular activities, for a definite or indefinite period of time.
 - vi. Disciplinary Probation: Subjection to a period of critical examination and evaluation of behavior.
 - vii. No Contact Orders: Prohibition on all forms of contact with certain people.
 - viii. Suspension: Exclusion from classes and other privileges or activities as set forth for a definite period of time.
 - ix. Dismissal: Permanent termination of student status.
- (c) Impact Statements
- i. Within five (5) days of being given notice of the Determination, the Complainant or Respondent may submit an Impact Statement to the Title IX Coordinator, or designee.
 - ii. The Title IX Coordinator, or designee, will provide the Impact Statements, if any, to the Sanctioning Official.
 - iii. In the event that neither the Respondent nor the Complainant submits an Impact Statement, the Title IX Coordinator, or designee, will inform the Sanctioning Official that no Impact Statement was submitted.
 - iv. The Sanctioning Official shall determine the appropriate sanction after receiving the Impact Statement or receiving notice from the Title IX Coordinator, or designee, that no Impact Statement was submitted.
- (d) Time Frame. Generally, the Sanctioning Official will determine a sanction within ten (10) days of being given notice that the Determination is available for distribution.
3. If the Respondent is Faculty or Staff
- (a) Sanctioning Official. The Sanctioning Official shall be the Vice President for Academic Affairs or the Vice President for Administration and Finance, or their designee as applicable. If the Respondent is a Vice President, the Sanctioning Official shall be the President. If the Respondent is the President, the Sanctioning Official shall be the Board of Trustees.
 - (b) Possible Sanctions

- i. **Written Reprimand:** Written documentation of a failure to abide by ACC policy or procedures maintained in the employee's personnel file.
 - ii. **Educational Programs:** Participation in educational programs, such as training, workshops, seminars, or other educational activities.
 - iii. **Revocation of ACC Privileges:** Revocation of ACC privileges, such as participation in extra-curricular or volunteer activities, for a definite or indefinite period of time.
 - iv. **Campus Restrictions:** Limitations on the times and/or places where a Respondent may be present on campus.
 - v. **No Contact Orders:** Prohibition on all forms of contact with certain people.
 - vi. **Suspension:** Exclusion from work, with or without pay, and other related activities as set forth for a definite period of time.
 - vii. **Termination:** Permanent separation of the employment relationship
- (c) **Time Frame.** Generally, the Sanctioning Official will determine a sanction within ten (10) days of being given the Determination unless the terms of the applicable collective bargaining agreement require otherwise.
4. If the Respondent is a Contractor, Guest, Volunteer, etc.
- (a) **Sanctioning Official.** The Sanctioning Official shall be the Vice-President for Administration and Finance or his designee.
 - (b) **Possible Sanctions**
 - i) **Trespass Warning:** Notice that future visits to campus may result in a ticket or arrest for trespassing.
 - ii) **Campus Restrictions:** Limitations on the times and/or places where a Respondent may be present on campus.
 - iii) **No Contact Orders:** Prohibition on all forms of contact with certain people while on campus.
 - iv) **Relationship Termination:** Termination of the relationship (e.g. contractual, volunteer, sponsorship, athletic booster, etc.) between the Respondent and the College.

(c) Time Frame. Generally, the Sanctioning Official will determine a sanction within ten (10) days of being given the Determination unless the terms of an applicable contract requires otherwise.

5. Pendency During Appeals. No final disciplinary action based on the findings and conclusions of the Determination shall be taken against the Respondent during any appeal process, although Interim Measures may be instituted or continued until all appeals are exhausted.

F. Additional Remedies, Interventions, and Accommodations

1. Regardless of the nature of the Respondent's relationship with the College, or any sanctions imposed pursuant to these Procedures, additional remedies, interventions, and accommodations may be available to a Complainant, including a Third Party Complainant, Member of the College Community, either individually or collectively.
2. The Title IX Coordinator, or designee, will coordinate additional remedies, interventions, and accommodations, if any.
3. Additional remedies, interventions, and accommodations, if any, will be determined on a case-by-case basis.
4. Possible additional remedies, interventions, and accommodations include, but are not limited to, the following:
 - (a) Residential reassignments;
 - (b) Changes to employment assignments;
 - (c) Changes to academic assignments;
 - (d) Physical or mental health related accommodations;
 - (e) Counseling;
 - (f) Evaluation of policies or procedures; and
 - (g) Educational programs or forums.

V. Appeal Procedures

A. Appeal of the Determination

1. All Complainants, including a Third Party Complainant, and Respondents may appeal a Determination subject to the provisions of this Policy and its Procedures.

2. Grounds for Appeal. A Complainant or a Respondent may only appeal a Determination on the grounds that:
 - (a) There has been the discovery of new information or evidence that:
 - i. Would have a material bearing on the final Determination.
 - ii. The person appealing establishes by a preponderance of evidence in the written appeal that such information or evidence was reasonably unavailable at the time the Determination was issued; or
 - (b) The investigator was personally biased in the investigation, and
 - (c) The Determination was improperly influenced based on such personal bias; and
 - (d) The person appealing establishes by a preponderance of evidence in the written appeal that:
 - i. The issue of personal bias was raised during the course of the investigation (if the person knew or should have known of the alleged personal bias), and
 - ii. The investigator failed to fairly address the alleged personal bias in (or before) Determination or that the findings of fact, recommendations, or conclusions demonstrate an improper bias.
3. Timeliness. An appeal of a Determination must be made in writing to the President, and delivered to the office of the President within seven (7) days of receipt of the notice of the availability of the Determination that is being appealed.
4. Initial Review. Within fourteen (14) days of receiving a written appeal, the President, or designee, shall make an initial determination regarding whether or not the content of the written appeal, if taken as true, establishes by a preponderance of the evidence sufficient grounds for an appeal pursuant to section V.A.2 of these Procedures.
 - (a) If there are insufficient grounds for an appeal, the President, or designee, shall provide the Complainant, the Respondent, and the Title IX Coordinator with concurrent written notice that the appeal has been denied and dismissed.

(b) If there are sufficient grounds for an appeal, the President, or designee, shall provide the Complainant, the Respondent, and the Title IX Coordinator, or designee, with concurrent written notice that the President, or his designee, will conduct the appeal. If the President was the Respondent, the determination of the Board of Trustees is final.

(c) There is no appeal from this decision.

5. Conduct of the Appeal

(a) Within 7 days of receiving notice that appeal will be conducted, the appealing party may submit a written statement explaining the reason for appeal. This statement shall be provided to the other party and to the Title IX Coordinator.

(b) All other parties and the Title IX Coordinator shall have fourteen days to respond to the appealing party's statement. The Title IX Coordinator may agree to re-open the investigation in light of new evidence, in which case the appeal does not go forward.

6. Decision on Appeal

The President or designee will determine if the reasons for appeal are supported by a preponderance of the evidence. The President or the designee conducting the appeal shall make a decision of one of the following:

(a) Because of new evidence the Title IX Investigator should re-open the investigation.

(b) The investigation should be reviewed by a third party due to personal bias on the part of the Title IX Coordinator or Investigator, or

(c) The Determination is affirmed.

B. Appeal of the Sanction

1. If the Respondent is a Student:

(a) Grounds for Appeal.

i. The grounds for an appeal of a sanction are only that the terms or conditions of the sanction are fundamentally inappropriate or disproportionate based on the Determination.

ii. Under no circumstances may a sanction be reduced below any minimums established by this Policy or its Procedures.

- iii. An appeal, if any, from the Sanctioning Official's decision regarding the appropriate sanctions is limited only to the terms and conditions of any sanction and may not be used as a collateral attack on the findings and conclusions contained within the Determination.
 - (b) Timeliness. An appeal of the sanction must be made in writing to the President within seven (7) days of notice of the sanction
 - (c) The President or President's designee shall determine the appeal and the decision shall be final and binding.
2. If the Respondent is Faculty or Staff
- (a) Grounds for Appeal. The grounds for an appeal of a sanction are determined by the terms of the collective bargaining agreement or employee handbook covering the terms and conditions of the Respondent's employment.
 - (b) An appeal, if any, from the Sanctioning Official's decision regarding the appropriate sanctions and interventions is limited only to the terms and conditions of any sanctions or interventions and may not be used as a collateral attack of the findings and conclusions contained within the Determination.
 - (c) Appeal Procedures
 - i. The procedures by which a Complainant or a Respondent may appeal a sanction are determined by the terms of the collective bargaining agreement, employee handbook or contract covering the terms and conditions of the Respondent's employment.
 - ii. The appeal procedures, if any, will be simultaneously communicated in writing to the Complainant, the Respondent, and the Title IX Coordinator, or designee.
 - iii. All appeals must be carried out in a prompt and equitable manner, including equal opportunity for both the Complainant and the Respondent to challenge a sanction.
 - iv. All appeals must be carried out in a manner consistent with, and not in contravention of, this Policy and its Procedures.
 - v. Outcome. The outcome of any appeal will be simultaneously communicated in writing to the Complainant, the Respondent, and the Title IX Coordinator, or designee.

VI. Final Notifications

Upon exhaustion of all appeals, or if no appeals are filed in a timely manner, and upon notification to the Title IX Coordinator, or designee, of the status of the appeals, the Title IX Coordinator, or designee, shall provide simultaneous written notice to the Complainant and Respondent that the Determination and sanction, if any, are final.

7010 Alcohol and Drug Prevention Policy

Adopted by the Alpena Community College Board of Trustees on April 16, 2014. Amended with correction of Administrative Procedure 7510 on August 21, 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

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.