Dear Campus Community Member:

Thank you for taking the time to read this publication. The safety and security of our campus community is a priority at Alpena Community College. This report is packed with helpful information about maintaining a safe and secure environment for everyone who lives, works, studies and visits here.

This report is part of our on-going effort to inform you of the safety programs and services available to the College community, the crimes that are reported to our local police agencies and campus security authorities, and the steps you can take to maintain a safe and secure campus. It also is provided as our compliance document as called for under the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (The Clery Act), as well as the Annual Fire Safety Report as required by the Higher Education Opportunity Act.

We encourage every member of the campus community to become familiar with the policies and procedures found in this report, which are designed to deter crime and enhance safety for all of us. These policies and procedures can also be found on the College website (www.alpenacc.edu) under the Safety menu. The website also contains other important information, such as any “timely warnings” or “emergency notifications” which are issued by the College.

In keeping with our commitment to your safety, the College continues to take innovative measures to enhance the safety and security of our campuses. These measures include:

- Establishing a Clery/Title IX Task Force to assist in developing and implementing policies, procedures and programs which enhance safety awareness and compliance;
- Partnering with the City of Alpena Police Department to arrange for the presence of a designated police officer on campus during specific hours, who also serves as a law enforcement resource and member of the Clery/Title IX Task Force; and
- Providing an online safety training program for students and employees through SafeColleges, a national company whose award-winning web-based training programs are specifically designed for higher education.

We encourage our faculty, students, staff and visitors to keep our campus safe by reporting suspicious and unlawful behavior immediately to our local law enforcement agencies and to designated campus security authorities. Stay alert, stay informed and stay safe.

Sincerely,

Dr. Donald MacMaster, President
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Introduction

This handbook is intended to be used by Alpena Community College students, staff, faculty and visitors. It provides useful information and references for issues relating to campus safety. It is organized into the following major sections:

- The Contacts & Resources section lists Emergency Services and provides numbers for safety, security, and medical; counseling; health, mental health, substance abuse; transportation; and other community and college resources;
- The Crime Reporting and Statistics section lists the names and contact information of all Campus Security Authorities (CSA’s). You may contact any CSA to report a crime or safety concern. This section also includes statistics of crimes reported on and near campus in the past three years;
- The Definitions section contains the definitions of all terms used in the Annual Security Report, including definitions of crimes, as required by federal regulation. This section also includes Maps of each College campus to illustrate the area which is considered “on campus” for Clery reporting purposes;
- The Annual Fire Safety Report includes fire statistics for on-campus student housing facilities, description of fire safety systems in College Park Apartments, rules and regulations regarding portable appliances, as well as additional fire safety information;
- The Campus Safety Tips section offers some risk reduction techniques, and tips to stay safe;
- The Campus Safety Procedures and Information section highlights and summarizes important safety procedures and policies, including procedures that all students and employees should know regarding Emergency Notification, Timely Warnings, Alcohol Emergencies, Sexual Misconduct, including sexual assault, sexual harassment, dating violence, domestic violence and stalking. This section also summarizes the prevention and awareness programs offered by the College;
- The Alpena Community College Policies section contains a verbatim reproduction of full college policies relating to safety and security issues (known as the 7000 Series of Policies). These policies are also found on the College website under the Safety tab on the home page;
- The Annual Disclosure on Alcohol and Drug Prevention is a section which contains the College’s annual disclosure, as required by federal law. This Disclosure contains important information regarding College policies, legal sanctions, and health risks of drugs and alcohol;
- The State Laws Section contains additional information about applicable State Laws, including information regarding the Sex Offenders Registry;

This handbook is published each year by October 1 to meet the requirement of the Jeanne Clery Act, as summarized below. Additional copies of this report can be obtained by calling (989) 358-7351. This report can be viewed online at http://discover.alpenacc.edu/acc_asr.pdf
Summary of the Jeanne Clery Act

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (20 USC § 1092(f)) is commonly known as the Jeanne Clery Act or the Clery Act. It is a federal law that was originally passed in 1990 and has been updated in the years that followed. Most recently, the Act was amended by the Violence Against Women Amendments (VAWA) in 2013, which added requirements for colleges and universities to adopt and implement policies to address sexual assault, domestic violence, dating violence and stalking.

Campus Crime Data

The Jeanne Clery Act requires all colleges and universities who receive federal funding to share information about crime on campus and their efforts to improve campus safety as well as inform the public of crime in or around campus. This information is made publicly accessible through the college's annual security report.

Support for Victims

Under the Act, institutions must provide survivors of sexual assault, domestic violence, dating violence, and stalking with options such as changes to academic, transportation, or living, or working situations, and assistance in notifying local law enforcement, if the student or employee chooses to do so. It also provides rights to both parties in a campus disciplinary process.

Policies & Procedures

Colleges and universities must outline specific policies and procedures within their annual security reports, including those related to disseminating timely warnings and emergency notifications, options for survivors of sexual assault, domestic violence, dating violence, and stalking, and campus crime reporting processes.
Contacts and Resources

Police
- Michigan State Police – Alpena .......................................................... 989-354-4101
- Alpena City Police .............................................................................. 989-354-1800
- Alpena County Sheriff’s Office .......................................................... 989-354-9830
- Oscoda Township Police..................................................................... 989-739-9113
- Iosco County Sheriff’s Office ............................................................. 989-362-6164

Emergencies: Dial 911

Hospitals
MidMichigan Medical Center
1501 West Chisholm Street, Alpena, MI
Main Switchboard................................. 989-356-7000
Emergency Room........................................ 989-356-7252

Tawas St. Joseph Hospital
200 Hemlock Street, Tawas City, MI ............. 989-362-9301

Community Agencies
- Hope Shores Alliance - Alpena........................................................... 989-356-2560
- Hope Shores Alliance- Oscoda ........................................................... 989-739-0144
- Hope Shores Alliance- 24 hour ........................................................... 800-396-9129
- Legal Services ..................................................................................... 989-356-9081
- Department of Human Services ................................................................ 989-354-7200
- Community Mental Health ................................................................. 989-356-2161

Personal Protection Orders (PPOs)
Hope Shores Alliance can provide assistance in obtaining PPOs. See phone listings above or call the Circuit Court for the appropriate county listed below:
- Alpena County .................................................................................... 989-354-9573
- Iosco County ....................................................................................... 989-362-3497
- Montmorency County ......................................................................... 989-785-8022
- Alcona County .................................................................................... 989-724-9410
- Presque Isle County ............................................................................... 989-734-3288

Sexual Harassment/Misconduct (Includes dating violence, domestic violence, and stalking as well as discrimination and harassment on the basis of sex.) The Title IX Coordinator or a deputy coordinator will meet with a complainant to explain College procedures and the process for filing a complaint, and will assist, if desired, in notifying law enforcement.

Students report to:
Nancy Seguin, Dean of Students (Deputy Title IX Coordinator)
Office: Van Lare Hall Room 102; Email: seguinn@alpenacc.edu
Phone: 989-358-7212
Employees report to:
Carolyn Daoust, Director of Human Resources, Title IX Coordinator
Office: Van Lare Hall Room 102
Phone: 989-358-7211
Email: daoustc@alpenacc.edu

College Publications Available Online:

Online Resources
- Michigan Coalition to End Domestic and Sexual Violence — www.mcedsv.org
- The United State Department of Justice Protecting Students from Sexual Assault — https://www.justice.gov/ovw/protecting-students-sexual-assault
- Let’s End Campus Sexual Assault - A Resource Handbook for Campus Sexual Assault Survivors, Friends and Family

Drug and Alcohol Programs
Students requiring or requesting information about alcohol and drug abuse treatment should contact the Office of Academic and Student Affairs (VLH 109; 358-7219), or one of the following local agencies and programs:
- Alcoholics Anonymous, Alpena .........................................................989-354-2728
- Alcoholics Anonymous, Oscoda/Huron Shores .................................866-227-0015
- Au Sable Valley Comm Mental Health, Oscoda/Huron Shores.............989-362-8636
- Catholic Human Services, Alpena ....................................................989-356-6385
- Northeast Michigan Community Mental Health Svcs, Alpena ............989-356-2161
- Sunrise Centre, Alpena .....................................................................989-356-6649
- Turning Point Counseling, Oscoda/Huron Shores ..............................989-747-0420
- Peer Recovery Support Services .......................................................989-732-1791
- Youpickrecovery.org
- Recovery Yoga....................................................................................989-464-1833
- Women for Sobriety ........................................................................989-356-6649
- Safe Spaces Family Recovery Network .........................................248-408-8333

Employees requiring information about alcohol and drug abuse treatment should contact the Office of Human Resources Department (VLH 102, 358-7351), one of the local agencies and programs above, or The Employee Assistance Program (EAP) at 800-316-2796; or go online at:
www.mutualofomaha.com/eap
Crime Reporting and Statistics

Crime Reporting

Alpena Community College encourages its students, faculty, staff, and guests to report crime, suspicious activity, or emergency situations to Campus Security Authorities and to the appropriate law enforcement agency in a timely manner.

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 campus, contact:

- Oscoda Township Police Department ................................................. 989-739-9113
- Iosco County Sheriff’s Department .................................................... 989-362-6164

In addition, the College encourages its students, faculty, staff and guests to report any crime or safety concern to the following College officials:

If the situation involves a student, report to:

Nancy Seguin, Dean of Students (Deputy Title IX Coordinator) Office: Van Lare Hall Room 109C
Phone: 989-358-7212
Email: seguinn@alpenacc.edu

If the situation involves an employee, report to:

Carolyn Daoust, Director of Human Resources, Title IX Coordinator Office: Van Lare Hall Room 102
Phone: 989-358-7211
Email: daoustc@alpenacc.edu

The College has also designated certain individuals as Campus Security Authorities (CSA’s). The function of a CSA is to report to proper College officials all information they receive concerning reports of crimes, as required by the Clery Act. The names and contact information for all Campus Safety Authorities is found on the following page and also available on the College website under the Safety menu on the home page.

Campus Security Authorities (August 2019)

Alpena Community College has designated the following individuals as “Campus Security Authorities” or CSAs. The function of a CSA is to report to proper College officials all information they receive concerning reports of crimes as required by the Clery Act.
Crime Statistics

Alpena Community College prepares this report to comply with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act, as amended by the Violence Against Women Reauthorization Act. The full text of this report can be located on the ACC website at:

http://discover.alpenacc.edu/acc_asr.pdf

This report is prepared in cooperation with the Alpena City Police Department and other law enforcement agencies surrounding the Alpena campus, the Oscoda Township Police and other law enforcement agencies surrounding the Oscoda Campus, as well as other police agencies having jurisdiction over off-campus locations, which are used by the college for remote classrooms and student activities.

Campus crime, arrest and referral statistics include those reported to the Alpena City Police, other law enforcement agencies and designated campus officials considered to be “Campus Security Authorities” (CSAs). CSAs include, but are not limited to, directors, deans, department heads, advisors to student organizations, athletics coaches and others as defined by the College.

Each year, an email notification is made to all enrolled students, faculty and staff that provide the website address to access this report. Copies of this report may also be obtained at Office of the Clery Act Coordinator, 110 Van Lare Hall, or by calling Jaimie LaBrecque at 989-358-7351.

All prospective students and employees are informed in application packets of the report’s existence and the website address where it can be found.

As required by the Clery Act, Alpena Community College reports crime statistics in the following three required categories:

- “On-campus” includes buildings and properties owned or controlled by the College that are reasonably contiguous to one another and directly support or relate to the College’s educational mission;
- “Public Property” includes property owned by a public entity, such as a city or state government, which is within the campus or immediately adjacent to and accessible from the campus;
- “Non-Campus Property” encompasses buildings and property owned or controlled by officially recognized student organizations, as well as buildings and property located off campus, but owned or controlled by the College, frequented by students and used in support of or relationship to the College’s educational purposes.

In addition, the College Park Apartments are counted in the column for “On Campus,” but are also reported in a separately designated column. Maps of both campuses are included in this report.
## Crime Statistics Tables by Year

### Alpena Campus

#### 2018

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<th>Non-Campus</th>
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#### 2017

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#### 2016

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Hate Crimes

Alpena Community College reports all crimes which are classified as “hate crimes.” A hate crime is a criminal act involving one or more of the crimes listed in the tables above or the crimes of theft, simple assault, intimidation, vandalism, or any other crime involving bodily injury where it appears the crime was motivated by bias against any person or group of persons, or the property of any person or group of persons because of the ethnicity, race, national origin, religion, gender, sexual orientation, gender identity or disability of the person or group.

The following statistics reflect the Hate Crimes reported on each campus for the preceding 3 years.

Alpena Campus — Hate Crimes Reported

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### Oscoda Campus — Hate Crimes Reported

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Alpena Community College Annual Security Report 2019, pg. 15
Definitions

Aggravated Assault — An unlawful attack by one person upon another wherein the offender uses a weapon or displays it in a threatening manner, or the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration, or loss of consciousness. This also includes assault with disease (as in cases when the offender is aware that he/she is infected with a deadly disease and deliberately attempts to inflict the disease by biting, spitting, etc.).

Arson — To unlawfully and intentionally damage, or attempt to damage, any real or personal property by fire or incendiary device.

Bias — A preformed negative opinion or attitude toward a group of persons based on their race, religion, disability, sexual orientation, ethnicity, national origin or gender identity.

Bias Crime — A criminal offense committed against a person or property which is motivated, in whole or in part, by the offender’s bias against a race, religion, disability, sexual orientation, or ethnicity, national origin or gender identity; also known as Hate Crime. Note: Even if the offender was mistaken in his/her perception that the victim was a member of the group he or she was acting against, the offense is still a bias crime because the offender was motivated by bias against the group.

Burglary — The unlawful entry into a building or other structure with the intent to commit a felony or a theft.

Consent — The affirmative, unambiguous, and voluntary agreement to engage in a specific sexual activity during a sexual encounter. Consent must be informed, voluntary, and mutual, and can be withdrawn at any time. There is no consent when there is force, expressed or implied, or when coercion, intimidation, threats, or duress is used. Whether a person has taken advantage of a position of influence over another person may be a factor in determining consent. Silence or absence of resistance does not imply consent. Past consent to sexual activity with a person does not imply ongoing future consent with that person or consent to that same sexual activity with another person.

If a person is mentally or physically incapacitated or impaired so that such person cannot understand the fact, nature, or extent of the sexual situation, there is no consent; this includes impairment or incapacitation due to alcohol or drug consumption that meets this standard or being asleep or unconscious.

Although the term “consent” is not defined by Michigan statute, the Michigan Court of Appeals has held that a willing, non-coerced act of sexual intercourse between persons of sufficient age who are neither mentally defective or incapacitated nor physically helpless is not criminal sexual conduct. See People v Jansson, 116 Mich App 674, 682 (1982). In addition, MCL 750.520i provides that a victim need not resist the actor in prosecutions under Michigan’s criminal sexual conduct statutes.

Dating Violence — The term “dating violence” means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party’s statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For the purposes of this definition—

(A) Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
(B) Dating violence does not include acts covered under the definition of domestic violence.

The term “dating violence” is not defined by Michigan law, but the Michigan Domestic and Sexual Violence Prevention and Treatment Board defines “dating violence” as a pattern of assaultive and controlling behaviors that one person uses against another in order to gain or maintain power and control in the relationship. The abuser intentionally behaves in ways that cause fear, degradation and humiliation to control the other person. Forms of abuse can be physical, sexual, emotional and psychological.

**Domestic Violence** — The term “domestic violence” includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabited.

In Michigan, MCL 400.1501 and MCL 768.27b each define domestic violence as “the occurrence of any of the following acts by a person that is not an act of self-defense: (i) causing or attempting to cause physical or mental harm to a family or household member; (ii) placing a family or household member in fear of physical or mental harm; (iii) causing or attempting to cause a family or household member to engage in involuntary sexual activity by force, threat of force, or duress; (iv) engaging in activity toward a family or household member that would cause a reasonable person to feel terrorized, frightened, intimidated, threatened, harassed, or molested.”

**Disability Bias** — A preformed negative opinion or attitude toward a group of persons based on their physical or mental impairments or challenges, whether such disability is temporary or permanent, congenital or acquired by heredity, accident, injury, advanced age, or illness.

**Drug Abuse Violations** — Violations of federal, state and local laws relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs. The relevant substances include: opium or cocaine and their derivatives (morphine, heroin, codeine); marijuana; synthetic narcotics (demerol, methadone); and dangerous non-narcotic drugs (barbiturates, Benzedrine).

**Ethnicity/National Origin Bias** — A preformed negative opinion or attitude toward a group of persons of the same race or national origin who share common or similar traits, languages, customs, and traditions, e.g., Arabs, Hispanics.

**Fondling** — The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.

**Hate Crime** — see Bias Crime.

**Hate Group** — An organization whose primary purpose is to promote animosity, hostility, and malice against persons belonging to a race, religion, disability, sexual orientation, ethnicity or national origin which differs from that of the members of the organization, e.g., the Ku Klux Klan, American Nazi Party.

**Incest** — Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

**Larceny** — The unlawful taking, carrying, leading, or riding away of property from the possession, or constructive possession, of another person.
Liquor Law Violations* — The violation of laws or ordinances prohibiting: the manufacture, sale, transporting, furnishing, possessing of intoxicating liquor; maintaining unlawful drinking places; bootlegging; operating a still; furnishing liquor to a minor or intemperate person; using a vehicle for illegal transportation of liquor; drinking on a train or public conveyance; and all attempts to commit any of the aforementioned. (Drunkenness and driving under the influence are not included in this definition.)

Motor Vehicle Theft — The theft of a motor vehicle. Note: A “motor vehicle” is a self-propelled vehicle that runs on the surface of land and not on rails, and which includes automobiles, buses, recreational vehicles, trucks, motorcycles, motor scooters, trail bikes, mopeds, snowmobiles and golf carts.

Murder and Non-negligent Manslaughter — The willful (non-negligent) killing of one human being by another.

Negligent Manslaughter — The killing of another person through negligence.

Non-Campus Property — Off-campus property that is owned or managed by a recognized student organization, such as fraternities, sororities and cooperatives. Additionally, this includes incidents reported at remote campus locations on property owned or leased by Alpena Community College.

On-Campus Property — the property Alpena Community College owns or uses.

Public Property — the streets, sidewalks and public parking facilities that adjoin campus property.

Rape — The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.

Racial Bias — A preformed negative opinion or attitude toward a group of persons who possess common physical characteristics, e.g., color of skin, eyes, and/or hair; facial features; etc., genetically transmitted by descent and heredity which distinguish them as a distinct division of humankind, e.g., Asians, Blacks, Whites.

Religious Bias — A preformed negative opinion or attitude toward a group of persons who share the same religious beliefs regarding the origin and purpose of the universe and the existence or nonexistence of a supreme being, e.g., Catholics, Jews, Protestants, Atheists.

Robbery — The taking, or attempting to take, anything of value under confrontational circumstances from the control, custody, or care of another person by force or threat of force or violence and/or by putting the victim in fear of immediate harm.

Sexual Assault — 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).

In Michigan, this type of conduct 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.

Sexual-Orientation Bias — A preformed negative opinion or attitude toward a group of persons based
on their sexual attraction toward, and responsiveness to, members of their own sex or members of the opposite sex, e.g., gays, lesbians, heterosexuals.

**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. 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).

**Statutory Rape** — Sexual intercourse with a person who is under the statutory age of consent. (In Michigan, the statutory age of consent is 16. The age is increased to 18 when an authority figure is involved.)

**Weapon Law Violations*** — The violation of laws or ordinances dealing with weapon offenses, regulatory in nature, such as: manufacture, sale, or possession of deadly weapons; carrying deadly weapons, concealed or openly; furnishing deadly weapons to minors; aliens possessing deadly weapons; and all attempts to commit any of the aforementioned.

Definitions from the Department of Justice, except the violations* definitions which are from the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act.
Maps

Alpena extended campus
Alpena main campus
Oscoda main campus
Annual Fire Safety Report

Alpena Community College is required to maintain and does maintain a written fire log that records, by date reported, any fire that occurs in College Park Apartments, which is the only on-campus student housing facility. The address of College Park Apartments is 675 Johnson Street, Alpena, Michigan 49707. College Park Apartments are located on the Alpena campus. Until 2017, College Park Apartments were separately owned and managed by The Stratford Group Ltd. Alpena Community College purchased College Park Apartments in 2017.

Reporting a Fire

Any fire should be reported to the Director of Student Activities/Campus Housing, whose contact information is listed below:

Cindy DeRocher
Phone: 989-358-7394
derochec@alpenacc.edu

A fire may also be reported to any College Park Apartment Resident Assistant, or to the persons and phone numbers as listed below:

**2019/2020 College Park Apartment Resident Assistants:**

Nathaniel Reihl  989-339-1103  reilhn@myacc.alpenacc.edu
Kara Dunson  231-350-0881  dunsonk@myacc.alpenacc.edu
Elissa Nash  989-306-1117  nashe@myacc.alpenacc.edu
Kyle Weishaar  586-960-6010  weishaak@myacc.alpenacc.edu

**Dean of Students:** Nancy Seguin  989-358-7212
**ACC Emergency Maintenance:** 989-464-1184
**Emergency, Police, Fire, Medical:** 911

What is a Fire?

For purposes of the Annual Fire Safety Report, a fire is defined as any instance of open flame or other burning in a place not intended to contain the burning or in an uncontrolled manner.

The following are examples of fires that are required to be reported:

- Small trash can fire
- A burning roof of an apartment
- A fire in a microwave
- Evidence that a fire has occurred, e.g., a singed electrical cord

The following are examples of instances that are not considered fires and not required to be reported:

- Burnt popcorn or food where there is no flame
- Smoke without any flame
Fire Log

The law requires that the College must make an annual report to the campus community on the fires recorded in the fire log. A summary of the Fire Log is included below:

Housing Facility Name: College Park Apartments
Housing Facility Address: 675 Johnson Street, Alpena, Michigan 49707

<table>
<thead>
<tr>
<th>Year</th>
<th>Number of Fires Reported</th>
<th>Category of Fire</th>
<th>Cause of Fire</th>
<th>Fire-Related Injuries</th>
<th>Fire Related Deaths</th>
<th>Property Damage</th>
<th>Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>2018</td>
<td>0</td>
<td>N/A</td>
<td>N/A</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>N/A</td>
</tr>
<tr>
<td>2017</td>
<td>2</td>
<td>Kitchen</td>
<td>Cooking</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>Fire extinguished</td>
</tr>
<tr>
<td>2016</td>
<td>0</td>
<td>N/A</td>
<td>N/A</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>N/A</td>
</tr>
</tbody>
</table>

Fire Safety Systems at College Park Apartments

Each apartment at College Park Apartments is equipped with six smoke detectors, one in each bedroom, one upstairs in the common hallway and one downstairs in the living room.

Each apartment is equipped with 2 fire extinguishers, window ladder and carbon monoxide detectors.

Fire Drills at College Park Apartments in 2018

Date of Drill: Saturday, August 25, 2018
Time of Exercise: 4:31 p.m.
Location of Exercise: College Park Apartments located on the Main Campus

Safety Committee Participants/Organizers: Cindy DeRocher, and College Park Apartment Resident Assistants, Blake Wineman, Drake Willowbee, Oliver Douglas, and Shauna Michalski.

A. Purpose

The purpose of the exercise was to inform the 2018 new tenants of the procedure and to test the ability of College Park Apartments residents to evacuate the apartments in a timely and safe manner.

The residents were given advance notification that a fire drill was going to occur. First, all the tenants were gathered into the Besser Tech Commons area and given a review of all fire safety equipment in each apartment. Including smoke detector locations, carbon monoxide detectors, 2 fire extinguishers and a window ladder. The fire evacuation procedure was announced then the students were dismissed to return to their apartment and await the air horn sound for the drill.

B. Results/Outcome

At 4:31 p.m., Shauna Michalski, and Oliver Douglas used air horns to signal the residents to evacuate the building. Cindy DeRocher, Blake Wineman, and Drake Willowbee counted the number of evacuees. The evacuees gathered near the volleyball nets as a safe meeting point. It was determined that 63 residents and 18 visitors had safely evacuated the apartments within 2 minutes. There was one resident on crutches. He easily made it to the volleyball court. Cindy DeRocher took a roll count for each apartment by show of hands. Total time from the sound of horn to all accounted for was 3 minutes and 26 seconds.
Cindy made a couple of recommendations after the drill. Cindy advised the evacuees to gather right on the volleyball court with their roommates and to stay clear of the drive where emergency vehicles would be entering. She said it was a good idea for the tenants to close their bedroom doors before evacuating the building to help contain the fire. Also, she said that in a real fire if someone is hurt or missing report to an RA or emergency personnel immediately.

**Fire Safety Rules**

All residents of College Park Apartments sign an Agreement to follow the rules and regulations set forth in the CPA Handbook. The rules include the following:

**Flammables.** At no time may any flammable/incendiary/combustible items be stored or used in or around living areas.

**Open Flames.** Open flames are not allowed and may include but are not limited to: burned/burning candles, incense, and potpourri pots. If candles have never been burned or the wicks are cut out they are permissible. All residents residing in a suite where burnt candles/incense are present in a common area will be documented for this policy violation regardless of ownership.

**Combustibles.** Gun powder, laboratory chemicals, acid, gasoline, oil, kerosene, propane, charcoal, turpentine and other combustibles, fireworks, oil-burning lamps, or other items which may easily catch fire or accelerate a fire are not allowed.

**Bicycles, Mopeds, and Motorcycles.** Bicycles and mopeds are to be stored in the racks outside the building. No motorcycles, mopeds, or gasoline-operated machines of any type are allowed inside buildings; if found, these will be removed at the owner’s expense. Any damage caused by or expenses incurred because of use, storage or placement of the bike, moped or motorcycle will be the responsibility of the owner.

**Live Plants.** Live wreaths, pine or evergreen trees, and branches are prohibited due to the fire hazard. Potted plants are allowed as long as they are well cared for.

**Electronics.** All electronics must be UL approved for indoor use.

**Hanging Decorations.** Nothing may be hung or attached to the ceiling, fire alarms, smoke detectors or blocking any doorway.

**Fire Safety Equipment.** Firefighting equipment is in each kitchen and the CPA laundry room. Causing a fire, tampering with (putting tape over or stuffing with toilet paper, etc.) a smoke detector, or any firefighting equipment, are violations of the lease agreement, the ACC Student Code of Conduct, and state law. The individual(s) involved may be prosecuted.

**Smoke and Carbon Monoxide Detectors.** Detectors are in each bedroom, hallway, and living room. Know the sound of your detector and vacate the building if the alarm sounds. Alert other apartments and call 911. If your alarm chirps, a sign of needed maintenance contact your CAPS immediately.

**Smoking.** ACC is a tobacco-free campus. As such no tobacco products may be used on campus. Students wishing to smoke may do so in their personal vehicle or off campus. This includes smokeless tobacco, hookah, and e-cigarettes. Spittoons, hookah pipes, and tobacco tins are not allowed in CPA and may be confiscated.
Policies for Fire Safety Training and Education Programs

Alpena Community College provides a mandatory orientation session for all residents of College Park Apartments, which includes information and education on fire safety.

Plans for Further Improvements in Fire Safety

Alpena Community College plans to pursue the following improvements in fire safety in cooperation

- Conduct at least one fire drill annually
- Mandatory Meeting for all residents annually

Fire Prevention and Risk Reduction Techniques

Prevention

Fires can be prevented from starting if you take some simple precautions:

- Assign a non-impaired “event monitor”
- Clean up immediately after parties and take all trash outside
- Do not overload electrical outlets
- Follow all fire safety policies in the CPA Handbook

Protection

You can also protect yourself from becoming trapped in a fire situation by following some important suggestions:

- MAKE A PLAN — You can make a plan for your own fire safety and protection as soon as you get home. Use the following checklist:
  - Check to make sure your smoke alarms are working; change the batteries when necessary
  - Find all possible exits from your room or residence
  - Make a fire escape route plan that includes two escape routes
  - Practice your fire escape route plan
  - Perform a “home inspection” for fire and safety hazards
  - Tell your roommates about your plan

- GETTING OUT — If you get caught in a fire situation, survival is your top priority. You should:
  1. Feel the door handle. If the door handle is hot, don’t open it. Go to a window and call for help. If the handle is not hot, open cautiously. Check for smoke or fire before going out.
  2. Get out of the building before phoning for help. Don’t take time to phone before leaving. Get out and then call 911.
  3. Don’t look for other people or gather up your stuff. Knock on doors as you leave. Yell “FIRE!” as you leave. Don’t hesitate or stray from your path as you leave.
  4. Crawl low to the floor. Thick smoke can make it impossible to see. Toxic chemicals from smoke can be deadly in minutes.
  5. Close the door behind you. You may help keep the fire from spreading. You may protect your possessions from fire and smoke damage.
Campus Safety Tips

Crime Prevention

The incidence of crime at Alpena Community College is very low. However, it is always wise to be aware of the potential for crime and exercise reasonable precautions to protect your safety and the safety of others. The following safety tips are provided to help keep you safe on campus, at home, and while traveling to and from campus.

Computer and Identity Information Safety

Protect your computer and mobile devices:

- Use a password or PIN to lock portable devices, and never leave them unattended. They are very easy to steal.
- Use up-to-date anti-virus and anti-spyware software.
- Use passwords wisely.
- Use a different strong password for each online account.
- Never share your password with others.
- Never use another person’s password.
- Be wary of peer-to-peer file sharing, which can open your computer to infection.
- Never respond to an email request for private personal information, such as your social security number, password, or credit card number; no legitimate company will request information in this way.
- Lock your screen or log out before you walk away from any publicly accessible computer.
- Consider engraving valuables with your name and driver’s license number. Thieves may leave items marked behind as they are difficult to pawn or sell.

Driving and Vehicle Safety

- Have your keys in hand before you reach your vehicle.
- Check the interior of your vehicle before entering it.
- If you have a flat tire in a questionable area, drive on it until you reach a safe, well-lit area.
- When parking your vehicle at night, select a spot that is well lit.
- Make a habit of keeping car doors locked.
- Program emergency contact numbers into your phone for quick access.
- While driving, be sure to create a safety buffer zone when stopping of at least one car length so that you can drive away if needed.
- Refuel before dropping below ¼ tank of gas to avoid the need to stop at an unsafe location for gas at an unsafe time.
- Never enter a car with a stranger. If being forced into a vehicle, fight as though your life depends on it.
- When having your car serviced, provide them only your car key (not your home key), and remove any portable garage door openers so your code to the garage door cannot be accessed.
**Keeping Safe on Campus**

- Do not leave personal belongings unattended.
- Keep backpack, purse, laptop in plain view.
- Lock bicycles. Bicycles can be registered with Alpena City Police.
- Walk on designated walkways that are well lit and well-traveled.
- Walk confidently and assertively. Be alert and aware of your surroundings.
- Purses should be carried close to the body and secured under one arm.
- Do not ever hitchhike.
- Avoid shortcuts through parks, vacant lots, and other deserted places.

**Keeping Safe at Home**

- Make a habit of keeping your doors locked.
- Require photo identification and business licenses of persons you call for service before allowing them into your home.
- Do not let strangers into your home, even if stranger says it is an emergency. Offer to call police for them instead.
- Don’t hesitate to call 911 if you are dealing with a suspicious person who causes you concern.
- Set exterior lights on timers or light sensors so they illuminate your home at night.

**General Personal Safety Techniques**

- Be aware of your surroundings. Knowing where you are and who is around you may help you to find a way to get out of a bad situation.
- Try to avoid isolated areas. It is more difficult to get help if no one is around.
- Walk with purpose. Even if you don’t know where you are going, act like you do.
- Trust your instincts. If a situation or location feels unsafe or uncomfortable, it probably isn’t the best place to be.
- Try not to load yourself down with packages or bags as this can make you appear more vulnerable.
- Make sure your cell phone is with you and charged and that you have cab money.
- Don't allow yourself to be isolated with someone you don’t trust or someone you don’t know.
- Avoid putting music headphones in both ears so that you can be more aware of your surroundings, especially if you are walking alone.
- When you go to a social gathering, go with a group of friends. Arrive together, check in with each other throughout the evening, and leave together. Knowing where you are and who is around you may help you to find a way out of a bad situation.
- Have a code word with your friends so that if you don’t feel comfortable you can call them and communicate your discomfort without the person you are with knowing. Your friends can then come to get you or make up an excuse for you to leave.
Campus Safety Procedures and Information

Emergency Notification and Response

The campus community will be notified upon confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees on campus. This would include, for example, bomb threats, armed intruders, explosions, outbreak of meningitis, etc.

In the event of an emergency, an alert will be posted at the top of the ACC home page. Other methods may also be used to provide notification, include media announcements and public address system.

Students can also opt in to the SchoolMessenger system to receive notification via text or email (see below). For more information about emergency notification, see ACC Policy 7006.

Timely Warnings

When the College has knowledge of crime that must be reported under the Clery Act, that in the judgment of the President or his designee constitutes an ongoing or continuing threat to the campus community, a “timely warning” will be issued to aid in the prevention of similar crimes. The timely warning will be posted on the Alpena Community College website and will also be communicated through the SchoolMessenger system. Other methods may also be used to provide notification.

Anyone with information warranting a timely warning should report the circumstances to any Campus Security Authority. For more information about timely warnings see ACC Policy 7005.

SchoolMessenger

Alpena Community College has signed on with SchoolMessenger, a service that provides alert notification services for emergency broadcasts, weather delays and cancellations, and course instructor cancellations, to you via SMS text messaging and email.

You can opt-in anytime by texting OPTIN to the number 68453; you'll know you were successful if you receive the following message: “You are registered to receive approx. 3 msg/mo. Text STOP to quit, HELP for help.”

Emergency Management Response Plan

Alpena Community College has an Emergency Management Team which works in cooperation with law enforcement to develop a comprehensive Emergency Management Response Plan, as provided in Policy 7006.

The Emergency Procedures for both the Alpena Campus and the Oscoda Campus are available 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.
Missing Student Notification Protocol

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 College has made a determination, in consultation with the police, that the student has been missing for 24 hours. A student residing in College Park Apartments who wishes to identify a confidential contact can do so by contacting the Registrar’s Office.

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.

If someone has concern that a student resident is missing, this concern should be reported to the City of Alpena Police and the Dean of Students.

Hate Crimes

A crime reported to local police agencies or to a campus security authority that manifests evidence that the victim was intentionally selected because of the perpetrator’s bias against the victim. For the purposes of this section, the categories of bias include the victim’s actual or perceived race, religion, gender, gender identity, sexual orientation, ethnicity, national origin, and disability.

Reporting Bias Incidents

Alpena Community College is committed to the success of all our students, staff and faculty and seeks to create an environment that fosters respect for every individual.

If you witness or experience conduct that discriminates, stereotypes, excludes, harasses or harms anyone in our community based on their identity (such as race, color, ethnicity, national origin, sex, gender identity or expression, sexual orientation, disability, age or religion), please report it to a Campus Security Authority. You may also report it directly to law enforcement.

Handling Alcohol Emergencies

A potentially dangerous situation exists whenever an individual consumes too much alcohol. A high-blood alcohol concentration can result in mental confusion, unpredictable behavior, unconsciousness or death. The degree of danger depends on the person’s size, what and how much the person drank, over what time period, if the person took drugs besides alcohol, and other circumstances.

What To Do In An Alcohol Emergency

- Don’t assume a person will sleep it off! People may pass out before all the alcohol or other drugs reach the brain. The heart and lungs can slow to the point of stopping.
- Stay with the person. Turn and keep the person on his/her side to prevent choking on vomit.
- Call 911 immediately if the person:
  - Does not respond when you shake or shout.
  - Has pale, bluish-gray, cold or clammy skin.
  - Has slow, irregular or shallow breathing (less than 8 breaths per minute).
  - Used alcohol with other drugs (especially depressants like OxyContin or Xanax).
Medical Amnesty

To better ensure that minors at medical risk as a result of alcohol intoxication will receive prompt, appropriate medical attention, the medical amnesty law removes perceived barriers to seeking help. A minor will be exempt from prosecution if, after consuming alcohol, he/she voluntarily presents him/herself or initiates contact with law enforcement or medical services for the purpose of obtaining medical assistance for a legitimate health care concern.

Hazardous Materials Emergencies

The most important thing you can do to help in a hazardous material emergency is be prepared. As part of your routine operation, you should know the hazards associated with the materials that you work with and what immediate steps to take if you or a co-worker are exposed. You also should know the locations of fire extinguishers, first aid kits, and protective equipment.

For small spills in your work area, perform cleanup if:

- You have received appropriate training for the materials involved.
- You have access to the necessary personal protective equipment.
- You have access to the necessary equipment to clean up the materials.

Contact the Director of Facilities or any member of the Emergency Management Team immediately to provide as much information as you can, including:

- Exact location of the incident and its surroundings.
- Name of the material spilled and the amount.
- Report any injuries.

Preventing and Reporting Sexual Misconduct

Alpena Community College is firmly committed to maintaining a campus environment free from sexual discrimination, sexual harassment and sexual violence, including domestic violence, dating violence, sexual assault and sexual exploitation, collectively referred to by ACC Policy 7009 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. Please read Policy 7009 for complete information.

Sexual Assault

Sexual assault is any form of unwanted sexual contact obtained without consent and/or obtained through the use of force, threat of force, intimidation, or coercion. On college campuses, perpetrators of sexual assault or other forms of sexual violence most frequently assault those they know. Alcohol is the most common tool used by perpetrators of sexual violence. For further information and full definitions, please see the “Definitions” section of this publication and Policy 7009 on Sexual Misconduct.
Stalking

Stalking is a crime. Stalking is defined as any unwanted contact between a stalker and their target which directly or indirectly communicates a threat or places the victim in fear. Some stalking behaviors include following a person; repeated and unwanted phone calls; making repeated and unwanted contact by email or on social media sites like Facebook; or leaving gifts for their targets. Stalking is not flattery it is a stalker’s attempt to control and exert power over their victims. For further information and full definitions, please see the “Definitions” section of this publication and Policy 7009 on Sexual Misconduct.

Dating Violence

Acquaintance rape or date rape is the most common form of rape on college campuses. The same criminal laws apply whether the rapist is an acquaintance or a stranger. Regardless of the relationship, rape is never excusable. For further information and full definitions, please see the “Definitions” section of this publication and Policy 7009 on Sexual Misconduct.

Protect Yourself:

• Set sexual limits and communicate them clearly.
• Trust your instincts.
• Exercise control over your environment.
• Avoid excess use of alcohol.
• Do not leave your drink unattended
• Recognize that dating does not give you the right to abuse or violate another person.

Domestic Violence

Domestic violence means the occurrence of any of the following acts by a person that is not an act of self-defense: causing or attempting to cause physical or mental harm to a family or household member; placing a family or household member in fear of physical or mental harm; causing or attempting to cause a family or household member to engage in involuntary sexual activity by force, threat of force, or duress; and/or engaging in activity toward a family or household member that would cause a reasonable person to feel terrorized, frightened, intimidated, threatened, harassed, or molested.

“Family or household member” includes any of the following:

• A spouse or former spouse.
• Individual with whom the person has or has had a dating relationship.
• An individual with whom the person is or has engaged in a sexual relationship.
• An individual to whom the person is related or was formerly related by marriage.
• An individual with whom the person has a child in common.
• The minor child of an individual described in the above bullet points.
• To abuse or violate another person.

For further information, please see the “Definitions” section of this publication and Alpena Community College Policy 7009 on Sexual Misconduct.
ACC Complaint Procedure for Sexual Misconduct

In 2014, Alpena Community College adopted a new policy on Sexual Misconduct, including sexual harassment, sexual violence, dating violence, domestic violence, and stalking. The policy was revised on June 16, 2015. The procedures for reporting and responding to reports of sexual harassment or sexual violence are found in ACC Board Policy 7009, Sexual Misconduct. All students and employees should be familiar with the Policy and the procedure for reporting instances of Sexual Misconduct. A few of the highlights of the ACC Policy and Procedure are noted below:

- The Policy explains the rights and options available to those who report a violation of the Sexual Misconduct Policy.
- The Policy clarifies that all employees are required to report knowledge of Sexual Misconduct unless an exception applies as defined in the Policy.
- The Policy explains how to file a report of Sexual Misconduct, or a disciplinary complaint, and where to locate the forms for reporting.
- The Policy defines the specific steps involved in any investigation or disciplinary proceeding, including time-lines and decision-making process.
- The Policy lists all of the possible sanctions that may be imposed by the College upon determination of a violation of the Policy.
- The Policy includes information about how the College will protect the confidentiality of victims and other necessary parties. The Policy explains that most College employees are not permitted to maintain confidentiality, but can assist in arranging for consultation with a confidential resource in the community.
- The Policy clarifies that the required reporting of annual crime statistics under the Clery Act does not include of personally identifiable information.
- The Policy defines the term “Confidential Resources” so that a person making a report of Sexual Misconduct is aware whether or not the person to whom the report is made is permitted to maintain confidentiality.
- The Policy describes the range of protective measures or “interim measures” available to an accuser and an accused following an allegation of Sexual Misconduct, which may include changes to class schedules, living situations, working situations or transportation, if reasonably available.
- The Policy mandates annual training of all officials conducting investigations.
- The Policy provides that the accuser and accused have the same opportunities to be accompanied by an “advisor of choice” at any proceeding or meeting.
- The accuser and the accused are both entitled to the same opportunities during a disciplinary proceeding.
- The complainant and the accused will be informed in writing of the outcome of any College disciplinary proceedings arising out of complaints of sexual misconduct.
- In determining whether a violation of the Sexual Misconduct Policy occurred, the College will apply a “preponderance of the evidence” standard. This is a lesser burden of proof than the “beyond a reasonable doubt” standard used in criminal cases.
- The Policy includes a provision for limited amnesty which permits the College to require participation in community service, education or awareness activities as an alternative to disciplinary measures in situation where 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.
Additional forms and information can be found on the College website at the following links:

- Sexual Misconduct Reporting Form
  https://discover.alpenacc.edu/safety/docs/sexual_misconduct_reporting_form.pdf
  https://discover.alpenacc.edu/safety/docs/rights_and_options.pdf
- “Quick Guide for Responding to Sexual Misconduct
  https://discover.alpenacc.edu/safety/docs/sexual_misconduct_quick_guide.pdf
- “Let’s End Campus Sexual Assault- A Resource Hand book for Sexual Assault Survivors, Friends and Family”

**What To Do If A Sexual Assault Occurs**

**Seek Medical Attention**

If you or someone you know has safety concerns or needs medical attention, call 911 or go to a local emergency room immediately. Seek medical attention quickly to determine any physical injury, treat or prevent sexually transmitted disease and obtain a rape exam.

**Preserve the Evidence**

Avoid bathing, showering, urinating, brushing your teeth, washing your hands, changing clothes, eating or drinking until evidence is collected. Don’t clean up or move items where the assault occurred. Write down the details. Keep copies of any electronic communication or information which may provide evidence of the event, such as phone and text messages, photographs, videos, etc.

**Report a Crime**

Sexual assault and domestic violence are crimes. Victims are encouraged, but not required, to report these crimes to the police. If you choose, College officials will assist you in notifying the police.

**Report to College Officials**

Reports of sexual misconduct involving a student or employee should be made to the College officials listed in the Sexual Misconduct Policy. The College has an obligation to investigate reports of sexual violence and take prompt and appropriate action. If a victim does not want to come forward, it will limit the College’s ability to act.

College officials are not confidential resources and are not permitted to guaranty that information disclosed to them can be maintained in strict confidence, due to the legal obligations of the college; however, such disclosures will be handled with respect and sensitivity for the privacy of those involved. If you wish to disclose details of an act of sexual misconduct in confidence, the College can arrange for you to talk to a confidential resource in the community, such as an advocate from Hope Shores Alliance. Please contact the Title IX Coordinator and explain that you wish to speak to someone in confidence about a matter involving sexual misconduct.
Obtain Support Services

Support and services are available through your local domestic violence/sexual assault safe shelter and supportive services program (Hope Shores Alliance) and other community resources listed on the college website under the “resources and links” section of the Safety Menu.

Bystander Intervention

The term “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. Bystander intervention includes recognizing situations of potential harm, understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking action to intervene.

Alpena Community College expects all members of the campus community to take reasonable and prudent actions to prevent or stop an act of sexual misconduct.

If you see someone in danger of being assaulted:

- Step in and offer assistance. Ask if the person needs help. NOTE: Before stepping in, make sure to evaluate the risk. If it means putting yourself in danger, call 911 instead.
- Don’t leave. If you remain at the scene and are a witness, the perpetrator is less likely to do anything.
- If you know the perpetrator, tell the person you do not approve of their actions. Ask the person to leave the potential victim alone.

Be a friend:

- When you go to a party, go with a group of friends. Arrive together, check in with each other frequently and leave together.
- Have a buddy system. Don’t be afraid to let a friend know if you are worried about her/his safety.
- If you see someone who is intoxicated, offer to call a cab.

The 3 Ds- Direct, Delegate, Distract

- **Direct** – Directly intervening, in the moment, to prevent a problem situation from happening.
  - Example: You see a young woman who looks drunk, leaving a party with a man who is treating her roughly. A direct approach might be to go up to her and say, ‘Hey, I’m a little bit concerned. Do you need a ride?’
- **Delegate** – Seeking help from another individual, often someone who is authorized to represent others, such as a police officer or campus official.
  - Example: If you are not comfortable or believe it is not safe to approach a situation directly, you can diffuse a situation by locating the friends of the person who might be in danger or contacting the police.
- **Distract** – Interrupting the situation without directly confronting the offender.
  - Example: You create a distraction, such as saying to the woman that her friends are going home and they are looking for her; then offering to take her to them.
Rules for Bystander Intervention:

- Do NOT put yourself at risk.
- Do NOT make the situation worse.
- More TIPS:
  - Intervene at the earliest point possible.
  - Look for early warning signs of trouble!
  - Intervening does not necessarily mean confronting.
  - Ask for help!

If someone you know has been assaulted:

- Listen. Be there. Don’t be judgmental.
- Be patient. Remember, it will take your friend some time to deal with the crime.
- Help to empower your friend or family member. Sexual assault is a crime that takes away an individual’s power, it is important not to compound this experience by putting pressure on your friend or family member to do things that they are not ready to do yet.
- Encourage your friend to report the assault to law enforcement or an appropriate College official.
- If your friend is willing to seek medical attention or report the assault, offer to accompany them wherever they need to go (hospital, police station, home, etc.)

Prevention and Awareness Campaigns

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

Ongoing prevention and awareness campaigns which are offered for students and employees include the following:

- Beginning in 2018, the College requires all students and employees to complete online training modules through SafeColleges and obtain certificates of completion on the following subjects:
  - Alcohol Awareness
  - Bystander Intervention
  - Campus SaVE Act- Sexual Violence Awareness
  - Creating a Respectful Campus for LGBTQ+ Students
  - Drug Awareness and Abuse
  - Intimate Partner Violence
• The College plans events and activities in cooperation with Hope Shores Alliance, Inc. during April of each year during Sexual Assault Awareness Month, with a focus on prevention and awareness of Sexual Violence, including dating violence, domestic violence and stalking.

• The College presents materials and information on the Sexual Misconduct Policy and Reporting Requirements for all Faculty and Staff.

• The College has appointed a multi-disciplinary Clery/Title IX Task Force, which includes representatives from college administrators, faculty, staff, students, community resources, law enforcement and legal counsel. The Task Force meets several times each year to review policies and continue the development prevention and awareness programming.

• The College hosts a required informational session annually for all college athletes, including a review of the Sexual Misconduct Policy as well as Bystander Intervention Information and Strategies.

Training for Campus Security Authorities

The College conducts an annual training workshop which is required for all Campus Security Authorities (CSAs.) The training materials can be accessed online through the College Blackboard platform. CSAs are required to take an online test and are required to achieve a score of 80% for certification. CSAs are also required to attend a mandatory interactive meeting to review, analyze and discuss situations which may be reported to them and how to respond.

Workplace Violence and Threats

Alpena Community College is committed to maintaining an environment that is safe and free from violence and will not tolerate violent and threatening behavior. All members of the college community share this responsibility and are expected to maintain a safe and secure climate through behavior that does not involve acts of violence, threats or aggression.

Acts of violence and aggression include verbal or physical actions that create fear or apprehension of bodily harm or threaten the safety of a supervisor, co-worker, faculty member, student, and a member of the general public or the college community at large. Examples of such behavior include on or off-duty or off-premises acts that adversely affect the College:

• Any act which is physically assaulting
• Behavior or actions that would be interpreted by a reasonable person as carrying a potential for violence and/or acts of aggression
• Any act that threatens harm to another person or damage to property
• Domestic violence
• Stalking

Acts of violence cannot be predicted with absolute certainty, although we can minimize the risk to everyone when behaviors that are observed are reported to appropriate authorities.

Incidents involving an employee should be reported to the Director of Human Resources. Any incident involving a student should be reported to the Dean of Students. A report may also be made to any Campus Security Authority.

Students and employees are also required to complete online training through SafeColleges in preparedness for and prevention of violent crimes, including active shooter incidents.
College Policies

7001 POLICY ON APPOINTMENT OF CLERY/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 Clery/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.
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:

<table>
<thead>
<tr>
<th>City of Alpena Police Department</th>
<th>Alpena County Sheriff’s Department</th>
</tr>
</thead>
<tbody>
<tr>
<td>(989) 354-1800</td>
<td>(989) 354-9830</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Michigan State Police – Alpena Post</th>
</tr>
</thead>
<tbody>
<tr>
<td>(989) 354-4101</td>
</tr>
</tbody>
</table>

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

<table>
<thead>
<tr>
<th>Oscoda Township Police Department</th>
<th>Iosco County Sheriff’s Department</th>
</tr>
</thead>
<tbody>
<tr>
<td>(989) 739-9113</td>
<td>(989) 362-6164</td>
</tr>
</tbody>
</table>

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 — 989-358-7212
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 email 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
Amended: June 18, 2015.

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.


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 email 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. 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.

(c) 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.

(d) 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.

(e) 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.

(f) 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.

(g) 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
  Email: daoustc@alpenacc.edu

- **Nancy Seguin, Dean of Students & Deputy Title IX Coordinator**
  Office: Van Lare Hall Room 109
  Phone: 989-358-7212
  HUSH Phone: 989-358-7442
  Email: 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");
A valid subpoena, search warrant or other lawfully-issued court order; or

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 is contained in the College’s Alcohol and Drug Prevention Annual Disclosure which 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 Clery/Title IX Task Force.
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.
Annual Disclosure on Alcohol and Drug Prevention

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.

The College complies with the Drug-Free Workplace Act of 1988 and the Drug-Free Schools and Communities Act of 1989, as amended, in part by providing this annual disclosure to students and employees regarding the use of drugs and alcohol.

Standards of Conduct

The unlawful possession, use, or distribution of illicit drugs and alcohol by College students while involved in a College-related activity on or off campus, or by a College employee in the course of their employment is strictly prohibited and subject to all applicable federal, state and local laws, as well as College disciplinary sanctions. In addition, while engaging in off-campus activity, College-related or not, all students and employees are expected to follow all federal, state and local laws relating to drugs and alcohol.

Disciplinary Sanctions

Students who violate the College’s prohibitions against alcohol and drugs are subject to disciplinary action up to and including termination of their enrollment at the College and referral of their violation to proper authorities for prosecution. Employees who violate the prohibitions against alcohol and drugs are subject to disciplinary action up to and including immediate termination of their employment and referral of their violation to proper authorities for prosecution.

Parental Notification

The Family Education Rights and Privacy Act (FERPA) allows an institution of higher education to disclose to parents or legal guardians of a student under the age of 21, information involving a violation of federal, state, local law or a rule or policy of the institution governing the use or possession of alcohol and/or other drugs. As such, the College may inform parents or guardians of a student under the age of 21 when the student is found to have violated federal, state, local law or a rule or policy of the College governing the use or possession of alcohol and/or other drugs.

Legal Sanctions - Drugs (Federal)

Federal law considers the illegal use, possession, or delivery of drugs to be a serious offense. A full description of federal sanctions for various drug offenses can be found at:

https://www.campusdrugprevention.gov/content/drug-scheduling-and-penalties

Legal Sanctions - Marijuana

Michigan laws regarding medical and recreational use of marijuana are in conflict with Federal laws governing controlled substances. The College receives Federal funding and is required to follow Federal law. The College complies with Drug-Free Workplace Act (41 U.S.C. 701) and The Drug Free Schools and Communities Act (20 U.S.C. 1145). Under these laws, the use, possession, or cultivation of
marijuana in any form and for any purpose by anyone while on College property, including the College Park Apartments, regardless of whether he or she is a licensed/registered patient or caregiver under the MMMA, is a violation of College policy and is strictly prohibited

**Legal Sanctions - Alcohol (State of Michigan and Local)**

Michigan law considers the illegal use, possession, or delivery of alcohol to be a serious offense.

Below are a number of alcohol-related offenses and their possible legal sanctions. NOTE - this is not intended to be an exhaustive or complete list of all possible legal sanctions.

<table>
<thead>
<tr>
<th>Violation</th>
<th>First Offense</th>
<th>Second/Subsequent Offense</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hosting Party w/Minors Drinking and/or Controlled Substances - MCL 750.141a</td>
<td>Misdemeanor, 30 days in jail, or fine of not more than $1000</td>
<td>Misdemeanor, 90 days in jail, or fine of not more than $1000, or both</td>
</tr>
<tr>
<td>Sell or Furnish Alcohol to Minors - MCL 436.1701(1)</td>
<td>Misdemeanor, 60 days in jail, and $1000 fine</td>
<td>Misdemeanor, 90 days in jail, and/or $2500 fine and may be ordered to perform community service; license suspension by Secretary of State</td>
</tr>
<tr>
<td>Sell or Furnish Alcohol to Minors - City of Alpena Ord 54-3</td>
<td>Misdemeanor, 60 days in jail, and/or $1000 fine</td>
<td>Misdemeanor, 90 days in jail, and/or $2500 fine and may be ordered to perform community service</td>
</tr>
<tr>
<td>Sell or Furnish Alcohol to Minors Causing Death-1701(2) 436.1701(2)</td>
<td>Felony, 10 years, and/or $5000 fine</td>
<td>Felony, 10 years, and/or $5000 fine</td>
</tr>
<tr>
<td>Transportation or Possession of Alcohol by a person under 21 in a Motor Vehicle – MCL 257.624b</td>
<td>Misdemeanor, substance abuse screening, community service, impoundment of motor vehicle up to 30 days. Notification to Parent if under 18</td>
<td>Misdemeanor substance abuse counseling, community service, loss of motor vehicle up to 30 days.</td>
</tr>
<tr>
<td>Purchase/Possession/ Consumption of Alcohol by Minor - MCL 436.1703</td>
<td>Civil Infraction (ONE TIME ONLY), fine up to $100, substance abuse treatment, community service; substance abuse screening to assess at own expense</td>
<td>Misdemeanor, fine up to $200, substance abuse treatment, community service, and license sanctions up to one year; up to 30 days jail</td>
</tr>
<tr>
<td>Purchase/Possession/ Consumption of Alcohol by Minor - City of Alpena Ord 54-3</td>
<td>Misdemeanor, fine up to $100, substance abuse treatment, community service; substance abuse screening to assess at own expense</td>
<td>Misdemeanor, fine up to $200, substance abuse treatment, community service, and license sanctions up to one year; up to 30 days jail</td>
</tr>
<tr>
<td>Drunk and Disorderly Person - MCL 750.167</td>
<td>Misdemeanor, fine up to $500 and up to 90 days jail</td>
<td>Misdemeanor, fine up to $500, up to 90 days jail</td>
</tr>
<tr>
<td>Drunk and Disorderly Person - City of Alpena Ord 54-2</td>
<td>Misdemeanor, fine up to $500 and up to 90 days jail</td>
<td>Misdemeanor, fine up to $500, up to 90 days jail</td>
</tr>
<tr>
<td>Fraudulent Identification Used to Purchase Alcohol - MCL 436.1703(2)</td>
<td>Misdemeanor, fine and suspension of license for 90 days, up to 93 days in jail</td>
<td>Misdemeanor, fine and suspension of license for 90 days, up to 93 days in jail</td>
</tr>
<tr>
<td>Minor Driving With Any Presence of Alcohol Resulting from The Consumption of Alcoholic Liquor – MCL 257.625(6)</td>
<td>Misdemeanor, fine up to $250 and/or 360 hours of community service, licensing sanctions</td>
<td>Misdemeanor, fine up to $500 and/or 60 days of community service, up to 93 days jail, licensing sanctions</td>
</tr>
</tbody>
</table>
Operating While Intoxicated - MCL 257.625(1)
Misdemeanor, fine up to $500 and/or 360 hours community service, licensing sanctions, up to 93 days jail
Additional penalties if person under 16 occupies vehicle
Misdemeanor (if 2nd offense), fine up to $1,000 and 5 days – 1-year jail and/or 30-90 days community service, motor vehicle immobilization, licensing sanctions
Felony (if Jr d + offense), fine up to $5,000 and 1 - 5 years jail and/or probation with 30 days – 1-year jail and 360 hours community service, vehicle immobilization, licensing sanctions

* MCL 436.1109 provides that a “minor” is anyone under the age of 21.

**Students and employees should also be aware that civil liability may be incurred when the sale, furnishing, or assistance in procuring alcoholic beverages to an intoxicated person is found to have caused or contributed to property damage or personal injury or death of a person. Such liability may arise independently of any College sanctions or prosecution under local, state, or federal law.

*** Legal consequences/penalties may change from time to time

**Legal Sanctions - Medical Amnesty**

Although Michigan law prohibits a minor (person under the age of 21) from purchasing, consuming, or possessing alcohol, and from having any bodily alcohol content, there exists an exemption from criminal prosecution for the following:

- A minor who, after consuming alcohol, voluntarily presented himself or herself to a health facility or agency for treatment or observation, including medical examination and treatment for any condition as a result of sexual assault.
- Any minor who accompanied another minor who, after consuming alcohol, voluntarily presented himself or herself to a health facility or agency for treatment or observation, including medical examination and treatment for any condition as a result of sexual assault.
- Any minor who initiated contact with law enforcement or emergency medical services personnel for the purpose of obtaining medical assistance in connection with a legitimate health care concern.

Students should note however, that although Michigan law provides “amnesty” from prosecution, the College reserves the right to impose disciplinary sanctions for violations of College alcohol and drug policy.
Legal Sanctions - Drugs (State of Michigan and Local)

Michigan law considers the illegal use, possession, or delivery of drugs to be a serious offense. Below are a number of drug-related offenses and their possible legal consequences.

NOTE - this is not intended to be an exhaustive or complete list of all possible legal sanctions.

<table>
<thead>
<tr>
<th>Drug</th>
<th>Use/Offense</th>
<th>Possession</th>
<th>Possession with Intent to Deliver</th>
</tr>
</thead>
<tbody>
<tr>
<td>Marijuana</td>
<td>Michigan laws regarding possession and use of marijuana are not cited here because they are in conflict with Federal laws. As a recipient of Federal funds, Alpena Community College complies with Federal law. Under Federal law, marijuana is a controlled substance and the use or possession of any amount is illegal. See section “Legal Sanctions- Marijuana” above.</td>
<td>Michigan laws regarding possession and use of marijuana are not cited here because they are in conflict with Federal laws. As a recipient of Federal funds, Alpena Community College complies with Federal law. Under Federal law, marijuana is a controlled substance and the use or possession of any amount is illegal. See section “Legal Sanctions- Marijuana” above.</td>
<td>Felony, 45 kilograms or more, or 200 plants or more, not more than $10,000,000 fine and/or 15 years in Jail 5-44 kilograms or 20-199 plants, not more than $500,000 fine and/or 7 years in Jail 1-4 kilograms or less than 20 plants, not more than $20,000 fine and/or 4 years in Jail Possible licensing sanctions</td>
</tr>
<tr>
<td>Cocaine, Heroin,</td>
<td>Misdemeanor, fine up to $2,000 and/or 1 year in jail, possible licensing sanctions</td>
<td>Felony, 1000 grams or more, fine up to $1M and/or life in jail 450-999 grams, fine up to $500,000 and/or 30 years jail 50-449 grams, fine up to $250,000 and/or 20 years jail Less than 50 grams, fine up to $25,000 and/or 4 years jail Possible licensing sanctions</td>
<td>Felony, 1000 grams or more, fine up to $1M and/or life in jail 450-999 grams, fine up to $500,000 and/or 30 years jail 50-449 grams, fine up to $250,000 and/or 20 years jail Less than 50 grams, fine up to $25,000 and/or 20 years jail Possible licensing sanctions</td>
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<tr>
<td>Most Schedule 1, 2</td>
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<td>Narcotics</td>
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<tr>
<td>Schedule 3</td>
<td>Misdemeanor, fine up to $1,000-$2,000 and/or not more than 1-year jail, possible licensing sanctions</td>
<td>Felony, fine up to $2,000 and/or 2 years jail, possible licensing sanctions</td>
<td>Felony, fine up to $10,000 and/or 7 years jail, possible licensing sanctions</td>
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<tr>
<td>Examples include:</td>
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<td>hydrocodone,</td>
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<tr>
<td>oxycontin, suboxone</td>
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<tr>
<td>Schedule 4</td>
<td>Misdemeanor, fine up to $1,000 and/or 1-year jail, possible licensing sanctions</td>
<td>Felony, fine up to $2,000 and/or 2 years jail, possible licensing sanctions</td>
<td>Felony, fine up to $2,000 and/or 4 years jail, possible licensing sanctions</td>
</tr>
<tr>
<td>Example: Xanax</td>
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</tr>
</tbody>
</table>
Schedule 5
Examples include:
Robitussin, over-the-counter medications containing codeine

<table>
<thead>
<tr>
<th>Schedule 5</th>
<th>Misdemeanor, fine up to $500 and/or 6 months jail, possible licensing sanctions</th>
<th>Misdemeanor, fine up to $2,000 and/or 1-year jail, possible licensing sanctions</th>
<th>Felony, fine up to $2,000 and/or 2 years jail, possible licensing sanctions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sale or Offer to Sell Drug Paraphernalia</td>
<td>Misdemeanor, fine up to $5,000 and/or 90 days jail, possible licensing sanctions</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sale or Offer to Sell Drug Paraphernalia to Minor</td>
<td>Misdemeanor, fine up to $7,500 and/or 1-year jail, possible licensing sanctions</td>
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</tr>
<tr>
<td>Sale, Possession, or Use of Drug Paraphernalia – City of Alpena Ord 54-6</td>
<td>Misdemeanor, fine between $50-$500 and/or jail up to 90 days for each offense</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sale, Possession or Use of Tobacco Products by Person Under Age 18 – City of Alpena Ord 54-10</td>
<td>Misdemeanor, fine up to $100, and/or jail up to 90 days</td>
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<td></td>
</tr>
</tbody>
</table>

*Students and employees should also be aware that civil liability may be incurred when the sale, furnishing, or assistance in procuring illegal drugs to an individual is found to have caused or contributed to property damage or personal injury or death of a person. Such liability may arise independently of any College sanctions or prosecution under local, state, or federal law.

**Legal consequences/penalties may change from time to time.

Health Risks

Alcohol and drug use causes physical and emotional dependence, interferes with memory, sensation, and perception, and in some cases may cause permanent brain damage or sudden death.

Alcohol

Alcohol consumption has acute effects on the body and causes a number of marked changes in behavior. Even low doses may significantly impair judgment and coordination. Alcohol causes a loss of concentration and judgment, slowed reflexes, disorientation leading to higher risk of accidents and problem behavior, and can be highly addictive to some persons. Excessive alcohol consumption can lead to blackouts or death.

Long term effects of alcohol consumption may include liver damage, especially cirrhosis (scarring of the liver); heart disease, including congestive heart failure; ulcers and gastritis; malnutrition; cancer of the mouth, esophagus or stomach; brain damage and possible psychosis; and fetal alcohol effect and fetal alcohol syndrome in infants of drinking mothers.

Marijuana

Marijuana contains THC, a chemical which alters the sensory activities of the brain, including long-term memory capabilities, comprehension, altered sense of time, decreased motivation, and reduced ability to
perform tasks requiring concentration and coordination. Marijuana smoke contains more cancer-causing agents than tobacco.

Cocaine/Crack

Cocaine and crack are highly addictive and may lead to heart attacks, strokes, and long-term brain damage. Other physical effects include dilated pupils, increased pulse rate, elevated blood pressure, insomnia, loss of appetite, tactile hallucinations, paranoia, and seizures. Continued use can produce violent behavior and psychosis.

Methamphetamine/Amphetamines

Methamphetamine is a central nervous system stimulant of the amphetamine family. Like cocaine and crack, methamphetamines are highly addictive “uppers” that produce extreme alertness and elation, along with a variety of severe adverse reactions. The body metabolizes methamphetamine more slowly; the effects may last as much as ten times longer. Methamphetamine users can experience sustained, severe mood and thought disturbances and serious physical effects, including sudden death.

Narcotics

Narcotics such as heroin, methadone, oxycodone, codeine, morphine, and opium initially produce a feeling of euphoria that often is followed by drowsiness, nausea, and vomiting. An overdose may produce shallow breathing, clammy skin, convulsions, coma, and death. Tolerance to narcotics develops rapidly and dependence is likely. The use of contaminated syringes may result in diseases such as AIDS, endocarditis, and hepatitis.

Ecstasy

“Designer drugs” such as Ecstasy are related to amphetamines in that they have mild stimulant properties but are mostly euphoriants. They can cause nausea, blurred vision, chills or sweating, and faintness.

Psychological effects include anxiety, depression, and paranoia. As little as one dose can cause severe neurochemical brain damage. Narcotic designer drugs can cause symptoms such as uncontrollable tremors, drooling, impaired speech, paralysis, and irreversible brain damage.

GHB/Rohypnol

Often known as “date rape” drugs, GHB and Rohypnol initially produce a feeling of intoxication similar to alcohol (the user feels relaxed, sociable, affectionate and playful, and uninhibited) followed by a feeling of drowsiness. Higher doses can lead to a sleep from which the user cannot be woken. The effects can last from 4-24 hours. Both GHB and Rohypnol present a serious overdose threat. Since they are depressants, both drugs can be fatal when mixed with alcohol. Symptoms of overdose can include intense drowsiness, unconsciousness or coma, muscle spasms, disorientation, vomiting, and slowed or stopped breathing (fatalities usually occur from respiratory failure).

Inhalants

Inhalants are readily available and inexpensive. More than 1000 common household products can be used to get high. Examples of organic solvents (carbon compounds) include gasoline, lighter fluid and butane lighter fuel, spray paint, paint thinner, rubber-cement, hair spray, nail polish, and many cleaning
fluids. Nitrite compounds (amyl nitrite, butyl nitrite) act mainly as vasodilators. Nitrous oxide (laughing gas) is packaged in small metal cartridges (called whippets) which are often used to make whipped cream. Inhalants irritate breathing passages, provoking severe coughing, painful inflammation, and nosebleeds. Inhalants may not produce a pleasant high and result in mental confusion, hallucinations, and paranoia. They may also result in respiratory depression leading to unconsciousness, coma, permanent brain damage, or death. The danger is extremely great if inhalants are used in conjunction with other nervous system depressants, such as alcohol or barbiturates. Even first-time users run the risk of sudden sniffing death (SSD). The risk of SSD is higher if the abuser engages in strenuous physical activity or is suddenly startled.

Steroids

Steroids are manufactured testosterone-like drugs used to increase muscle mass, strength, and endurance. The liver and the cardiovascular and reproductive systems are most seriously affected by steroid use. Psychological effects include very aggressive behavior (“roid rage”), severe mood swings, manic episodes, and depression.

For more information regarding the health risks associated with alcohol and drug use, please visit:

- National Institute on Alcohol Abuse and Alcoholism: https://www.niaaa.nih.gov/
- National Institute on Drug Abuse: https://www.drugabuse.gov/

Drug and Alcohol Programs

Students requiring or requesting information about alcohol and drug abuse treatment should contact the Dean of Students (VLH 109; 358-7212), or one of the following local agencies and programs:

- Alcoholics Anonymous, Alpena: (989) 354-2728
- Alcoholics Anonymous, Oscoda/Huron Shores: (866) 227-0015
- Au Sable Valley Comm Mental Health, Oscoda/Huron Shores: (989) 362-8636
- Catholic Human Services, Alpena: (989) 356-6385
- Northeast Michigan Community Mental Health Services, Alpena: (989) 356-2161
- Sunrise Centre, Alpena: (989) 356-6649
- Turning Point Counseling, Oscoda/Huron Shores: (989) 747-0420
- Peer Recovery Support Services: (989) 732-1791
- Youpickrecovery.org
- Recovery Yoga: (989) 464-1833
- Women for Sobriety: (989) 356-6649
- Safe Spaces Family Recovery Network: (248) 408-8333

Employees requiring information about alcohol and drug abuse treatment should contact the Office of Human Resources Department (VLH 102; 358-7351), one of the local agencies and programs above, or the Employee Assistance Program (EAP) at (800) 316-2796 or go online at:

https://www.mutualofomaha.com/eap/

Last Reviewed: January 17, 2019
State Laws

Sex Offender Registry

In the State of Michigan, convicted sex offenders must register with the Sex Offender and Crimes Against Minors Registry maintained by the State Police. The Sex Offenders Registration Act (SORA), MCL 28.721 et seq., directs the Michigan State Police to develop and maintain a public registry and provides guidelines on the type of offender information available to the public. The registration requirements of the Sex Offenders Registration Act are intended to provide the people of this state with an appropriate, comprehensive, and effective means to monitor those persons who pose a potential danger.

Offenders remain on the registry for 15 years, 25 years, or life, depending on their tier level. After registering, offenders must report to a law enforcement agency (the city/township police department, county sheriff, or the nearest MSP post to the address where the offender resides) to verify their address.

SORA requires sex offenders to provide information to local law enforcement if the offender is working, volunteering or attending an institution of higher learning.

In accordance with the Wetterling Act, Megan’s Law, and the Campus Sex Crimes Prevention Act of 2000, it is now mandatory that all registered sex offenders report to the law enforcement agency having jurisdiction in which the institution of higher learning is located.

The Michigan Public Sex Offenders Registry can be accessed at www.mipsor.state.mi.us/

State of Michigan Statutory Definitions

Please refer to the Definitions section of this publication for the definitions of the following terms under state statute, in addition to the federal definitions:

Domestic Violence, Sexual Assault, Stalking

Additional Statements and Disclosures

Pastoral and Professional Counselors- Information on Voluntary Confidential Reporting

Alpena Community College does not currently employ any individuals in the capacity of professional or pastoral counselor and does not have any procedures which encourage professional or pastoral counselors, at their discretion, to inform those they counsel of procedures for reporting crimes voluntarily and confidentially for inclusion the institution’s annual security report and web-based report to the Department of Education.

Student Organizations- Monitoring of Non-Campus Locations

There are no student organizations which are officially recognized by the college which have non-campus housing facilities or other non-campus locations. The college does not have any policy regarding the monitoring, through local police agencies, of criminal activity by students at non-campus locations of student organizations.
Statement Regarding Disclosure of Results of Disciplinary Proceedings to Crime Victim

Upon written request, the College will disclose to the alleged victim of a crime of violence (as that term is defined in Section 16 of Title 18, United States Code), or a non-forcible sex offense, the report on the results of any disciplinary proceeding conducted by the college against a student who is the alleged perpetrator of such crime or offense. If the alleged victim is deceased as a result of such crime or offense, the next of kin of such victim shall be treated as the alleged victim for purposes of this paragraph.

Title IX- Nondiscrimination on the Basis of Sex

The College is required not to discriminate, and does not discriminate, on the basis of sex in its education programs, activities, employment, or admission policies pursuant to Title IX of the Education Amendments of 1972.

Equal Opportunity

The College is an equal opportunity employer and is committed to recruit, employ, and promote personnel without regard to race, color, sex, age, religion, marital status, national origin, citizenship status, genetic information, marital status, familial status, height, weight or disability in compliance with federal and state statutes and regulations that pertain to non-discrimination in employment.

The Human Resources Office administers the College’s Equal Opportunity policies and practices. Contact that office with any concerns related to any form of prohibited discrimination. The College’s EEO statement is published on the College website at www.alpenacc.edu.
The College Institutional Statement on Non-Discrimination

The College policies and practices for admission, employment and activities comply with requirements of Title VII of the Civil Rights Act of 1964, Title IX of the Education Amendment of 1972, Section 504 of the Rehabilitation Act of 1973 as amended, the Age Discrimination in Employment Act of 1967 (ADEA), the Americans with Disability Act (ADA) of 1990 and the ADA Amendments Act of 2010; Title II of the Genetic Information Nondiscrimination Act of 2008. The College does not discriminate on the basis of race, color, religion, national origin, gender, sex, age or disability. The College practices and policies also comply with the Michigan Persons with Disabilities Civil Rights Act (PDCRA) and the Michigan Elliott-Larson Civil Rights Act (ELCRA) which prohibits discrimination in hiring based on age, height, weight and marital status and familial status in addition to race, color, religion, sex (which includes pregnancy) and national origin. For more information, contact the Title IX, Section 504, the Age Discrimination Act and Title II coordinator:

Carolyn Daoust
Title IV Coordinator/Director of Human Resources VLH 102
989-358-7211
Email: daoustc@alpenacc.edu