



BAY MILLS
Community College

**Annual Security Report
For 2016**



Revised 10/10/2016

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INTRODUCTION

Bay Mills Community College (BMCC) is committed to campus security and safety and recognizes this as an important issue in higher education. The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act of 1990 (20 USC §1092(f)), as amended by the Violence Against Women Reauthorization Act (Clery Act), was enacted to provide students nationwide with a safe environment in which to learn and to ensure that students, parents, employees and visitors are well informed about campus security.

BMCC prepares and publishes this Annual Security Report to comply with the Clery Act. This report includes three (3) years of statistics for certain types of crimes that were reported to have occurred on campus, in or on off-campus buildings or property owned by BMCC and public property within or immediately adjacent to the campus. This report also contains critical campus safety information, such as emergency response and preparedness, crime prevention, and crime reporting.

The Clery Act

The Clery Act is a federal law that requires colleges and universities to disclose certain timely and annual information about campus crime and security policies. All public and private post-secondary educational institutions participating in federal student aid programs are subject to the Act. The Clery Act was named after 19 year old Jeanne Clery, who was raped and murdered in her Lehigh University residence hall in 1986. Jeanne's parents lobbied Congress to enact the law when they discovered students at Lehigh hadn't been notified about 38 violent crimes that had occurred on campus in the three years prior to Clery's murder.

The Clery Act was amended several times since its enactment. A requirement was added in 1992 that schools afford the victims of campus sexual assault certain basic rights, and was amended again in 1998 to expand the reporting requirements. Amendments in 2000 and 2008 added provisions dealing with registered sex offender notification, campus emergency response and a provision to protect crime victims, "whistleblowers" and others from retaliation. In 2013, the Violence Against Women Reauthorization Act (VAWA) added additional requirements to colleges and universities which resulted in the reporting of incidents involving stalking, domestic violence, and dating violence.

How the Report is Disseminated

The Clery Act requires BMCC to notify current and prospective students, faculty and staff of the availability of this report, no later than October 1, 2016. An annual e-mail notification is sent to all enrolled students, faculty and staff providing the website address to access this report. The report may be retrieved from the college's website at http://www.bmcc.edu/sites/default/files/uploaded/bmcc_2016_annual_security_report.pdf. Printed copies of the report are available upon request at the Receptionist's desk in the Administration Building.

Prospective students are notified of the availability of the report in a letter as part of the admissions process. Prospective employees are notified of the availability of the report in the form of an electronic link on the college web site indicated on the posted position description.

QUICK REFERENCE RESOURCES

EMERGENCY SERVICES
DIAL 9-1-1
FOR POLICE, FIRE OR MEDICAL EMERGENCIES

SAFETY AND SECURITY			
Bay Mills Police Department			Bay Mills Emergency Connection-Ambulance
Emergency	911		Emergency
Non Emergency	(906) 248-2644		Non Emergency (906) 248-2021
Fire Department			Bay Mills Utility Authority (906) 248-8173
Emergency	911		Mike Baragwanath (cell) (906) 440-9227
Non Emergency			Bay Mills Public Works (906) 248-8171
Superior Township	(906) 248-3312		Mike Carrick Sr. (cell) (906) 322-0845
Bay Mills Township	(906) 437-5437		
DTE Gas Leak Emergencies	(800) 947-5000		Cloverland Electric 1-800-562-4953
Michigan Road Conditions	(800) 381-8477		
COMMUNITY AND HEALTH RELATED RESOURCES			
Bay Mills Community College (BMCC)			(906) 248-3354/ (800) 844-2622
Bay Mills Victim Assistance Program			(906) 248-8312
Bay Mills Behavioral Health Services			(906) 248-3204
Community Social Service Referral Line			211
Diane Peppler Resource Center			(906) 635-0566
Ellen Marshall Memorial Health Center			(906) 248-8322
Hiawatha Behavioral Health			(800) 839-9443
War Memorial Hospital			(906) 635-4460
NATIONAL HOTLINE RESOURCES			
Abuse Hotline			(800) 472-2121
Alcohol and Drug Information 24 hrs day			(800) 729-6686
Poison Control Hotline			(800) 222-1222
Suicide Prevention Hotline			(800) 273-8255

CLERY ACT REQUIRED CRIME STATISTICS

Understanding the Crime Statistic Tables

Crime statistics presented in the tables are the total number of crimes or suspected crimes occurring at the specified locations and reported to either college or local law enforcement officials during the calendar year (January 1 through December 31). Crimes or suspected crimes reported to both college and law enforcement officials are counted only once. Crimes are classified and counted based on the records of calls for service, complaints and investigations. The crime statistics disclose reported offenses, not the findings of a court, coroner or jury or the decision of a prosecutor.

The crimes included in the table are those crimes mandated by the Clery Act. As stipulated by the Clery Act, crimes are classified based on the Federal Bureau of Investigation's (FBI's) Uniform Crime Reporting Handbook (UCR). Hate crimes are classified according to the FBI's Uniform Crime Reporting Hate Crime Data Collection Guidelines and Training Guide for Hate Crime Data Collection. Per the Clery Act, the definitions for sex offenses are from the FBI's National Incident- Based Reporting System while the definitions of all other crimes are from the UCR.

Definitions of Criminal Offenses

Aggravated assault is an unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm. (It is not necessary that injury result from an aggravated assault when a gun, knife, or other weapon is used which could and probably would result in serious potential injury if the crime were successfully completed).

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

Burglary is the unlawful entry of a structure to commit a felony or a theft. For reporting purposes, this definition includes: unlawful entry with intent to commit larceny or felony; breaking and entering with intent to commit a larceny; housebreaking; safe cracking; and all attempts to commit any of the aforementioned.

Dating violence is violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim and the existence of such relationship shall be based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

Domestic violence is 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 or intimate partner; by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred, by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

Drug abuse violations are defined as violations of 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, methadones); and dangerous non-narcotic drugs (barbiturates, benzedrine).

Hate crimes are committed against a person or property which is motivated, in whole or in part, by the offender's bias. Bias is a preformed negative opinion or attitude toward a group of persons based on their race, gender, gender identity, religion, disability, sexual orientation, ethnicity, national origin, or disability.

Liquor law violations are defined as the violation of laws or ordinance prohibiting: the manufacture, sale, transporting, furnishing, possessing of intoxicating liquor; maintaining unlawful drinking places; bootlegging; operating a still; furnishing liquor to minor or intemperate person; using a vehicle for illegal transportation of liquor; drinking on a train or public conveyance; all attempts to commit any of the aforementioned. (Drunkenness and driving under the influence are not included in this definition.)

Motor vehicle theft is the theft or attempted theft of a motor vehicle. Motor vehicle theft is classified as all cases where automobiles are taken by persons not having lawful access even though the vehicles are later abandoned. This includes joy riding.

Murder and non-negligent manslaughter is the willful (nonnegligent) killing of one human being by another.

Negligent manslaughter is the killing of another person through gross negligence.

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

Sex offenses are defined as any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.

- **Rape** is 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. This definition includes any gender of victim or perpetrator.
- **Fondling** is 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.
- **Incest** is sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- **Statutory rape** is sexual intercourse with a person who is under the statutory age of consent.

Stalking is engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others or to suffer substantial emotional distress.

Weapons violations are defined as 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; all attempts to commit any of the aforementioned.

Consent is a knowing, voluntary, and mutually understood decision among all participants to engage in sexual activity. **There Is No Consent If:** (1) coercion, intimidation, threats, and/or force are used; (2) If a person is mentally or physically incapable or incapacitated or impaired so that the person cannot understand the fact, nature, or extent of the sexual situation; (3) If the incapacitation or impairment is due to alcohol or drug consumption, or being asleep or unconscious; (4) If a person administers a drug intoxicant, or other similar substance to render another person impaired or physically helpless; or, (5) If the person is a minor under the age of 18. Please note in federal prosecutions, lack of consent is not an element of the offense and the prosecution does not have to prove lack of consent or of victim resistance. In addition, there is no spousal immunity and corroboration of the victim's testimony is not required.

Definitions of Geography

The Clery Act stipulates that statistical information for offenses reported by the college must be broken down into specific categories indicating where the crime was reported to have occurred. The Clery Act defines these locations as follows:

On-Campus Buildings or Property

1. Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution's educational purposes, including residence halls*; and
2. Any building or property that is within or reasonably contiguous to the area identified in the above paragraph, that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes (such as a food or other retail vendor).
3. Bay Mills Community College has no residence halls.
4. Bay Mills Community College has the following on-campus buildings and property:
 - a. *Main campus located at 12214W. Lakeshore Drive, Brimley, MI 49715.
 - b. *East Campus located at 2736 W M-28 Dafer Township, MI 49724
 - c. *Waishkey Bay Farm located at 10135 W Mills Rd. Brimley, MI 49715
 - d. **West Campus located at 1797 S Iroquois, Brimley, MI 49715

**Located within the exterior boundaries of the Bay Mills Indian Community reservation.*

*** Located on land subject to state jurisdiction.*

Non-Campus Buildings or Property*

1. Any building or property owned or controlled by a student organization that is officially recognized by the institution; or
2. Any building or property owned or controlled by an institution that is used in direct support of or in relation to the institution's educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution.

*Bay Mills Community College does not have any non-campus buildings or property.

Public Buildings or Property

All public property that is within the same reasonably contiguous geographic area of the institution, such as a sidewalk, a street, other thoroughfare, or parking facility, and is adjacent to a facility owned or controlled by the institution if the facility is used in direct support of or in

a manner related to the institution's purpose.

Special Unique Jurisdictional Issues for Sexual Offenses

DID YOU KNOW THAT YOU CAN BE FEDERALLY PROSECUTED FOR COMMITTING A SEXUAL OFFENSE ON THE BAY MILLS COMMUNITY COLLEGE CAMPUS OR WITHIN THE BAY MILLS INDIAN COMMUNITY RESERVATION?

The On Campus buildings of the Bay Mills Community College, with the exception of the West Campus site, are located within the exterior boundaries of the Bay Mills Indian Community reservation. Therefore, they are considered to be within "Indian Country" for federal prosecution purposes. If a sexual crime is committed on the campus of the Bay Mills Community College or within the Bay Mills Indian Community reservation, the matter will be prosecuted in federal court regardless of native status. The federal laws apply to all persons who are on the Bay Mills Community College campus and the Bay Mills Indian Community reservation.

The federal statutes covering sexual abuse are in Chapter 109A, 18 U.S.C. §§2241 to 2245. The Federal Bureau of Investigation has investigative jurisdiction. The Office of the U.S. Attorney for the Western District of Michigan is assigned to prosecute criminal violations in the U.S. District Court for the Western District of Michigan. Title 18, Chapter 109A applies in Indian country to offenses committed by non-Indians against Indians, 18 U.S.C. §1152, and to felonious offenses committed by Indians, 18 U.S.C. §1153, as amended. Sexual offenses committed by Indians in Indian country are prosecutable only under 18 U.S.C. § 1153, and only if they are felonies under Chapter 109A. If a person is convicted of violating a federal crime in Indian Country, they will serve their sentence under federal jurisdiction including federal prison.

The federal definition of sexual assault is Aggravated Sexual Abuse (18 U.S.C. §2241) which states, in part, that:

- (a) By Force or Threat.-Whoever...knowingly causes another person to engage in a sexual act-(1) by using force against that other person; or (2) by threatening or placing that other person in fear that any person will be subjected to death, serious bodily injury, or kidnapping; or attempts to do so, shall be fined under this title, imprisoned for any term of years or life, or both.
- (b) By Other Means.-Whoever...knowingly-(1) renders another person unconscious and thereby engages in a sexual act with that other person; or (2) administers to another person by force or threat of force, or without the knowledge or permission of that person, a drug, intoxicant, or other similar substance and thereby-(A) substantially impairs the ability of that other person to appraise or control conduct; and (B) engages in a sexual act with that other person; or attempts to do so, shall be fined under this title, imprisoned for any term of years or life, or both.
- (c) With Children.-Whoever crosses a State line with intent to engage in a sexual act with a person who has not attained the age of 12 years ... knowingly engages in a sexual act with another person who has not attained the age of 12 years, or knowingly engages in a sexual act under the circumstances described

in subsections (a) and (b) with another person who has attained the age of 12 years but has not attained the age of 16 years (and is at least 4 years younger than the person so engaging), or attempts to do so, shall be fined under this title and imprisoned for not less than 30 years or for life. If the defendant has previously been convicted of another Federal offense under this subsection, or of a State offense that would have been an offense under either such provision had the offense occurred in a Federal prison, unless the death penalty is imposed, the defendant shall be sentenced to life in prison.

(d) State of Mind Proof Requirement.-In a prosecution under subsection (c) of this section, the Government need not prove that the defendant knew that the other person engaging in the sexual act had not attained the age of 12 years

Other applicable federal statutes which apply to “Indian Lands”, include, but are not limited to: (1) Obscenity crimes; (2) Child pornography and the sexual exploitation of children crimes; (3) Interstate Stalking under 18 U.S.C. 2261A which includes entering or leaving Indian Country “with intent to kill, injure, harass, or intimidate another person”; **(4) Interstate Domestic Violence** under 18 U.S.C. 2261 which includes entering or leaving Indian Country “with the intent to kill, injure, harass, or intimidate a spouse, intimate partner, or dating partner, and who, in the course of or as a result of such travel, commits or attempts to commit a crime of violence against that spouse, intimate partner, or dating partner”; and, **(5) Interstate Violation of a Protective Order** under 18 U.S.C. 2262 which includes entering or leaving Indian Country “with the intent to engage in conduct that violates the portion of a protection order that prohibits or provides protection against violence, threats, or harassment against, contact or communication with, or physical proximity to, another person”.

Another unique fact concerning jurisdiction is that if a member of a US federally recognized Indian Tribe commits a sexual offense, or any criminal offense, within the exterior boundaries of the Bay Mills Indian Community reservation, that person is subject to both U.S. federal jurisdiction and Bay Mills Tribal jurisdiction and it is not double jeopardy to be tried, convicted, and sentenced in both courts. An Indian who is of Canadian status will be treated for criminal jurisdictional purposes as a non-Indian.

The On Campus buildings located at the West Campus of the Bay Mills Community College, are not located within the exterior boundaries of the Bay Mills Indian Community reservation. Therefore, they are not considered to be within “Indian Country” for federal prosecution purposes. If a sexual crime, or any crime, is committed on the West Campus of the Bay Mills Community College, the matter will be prosecuted in state court. Michigan laws covering sexual offenses include: Criminal Sexual Conduct; Dating Violence; Domestic Violence; Stalking; and, Sexual Harassment.

Crime Statistics for 2013, 2014, and 2015

Crime Statistics	On-Campus			Public Property			Unfounded Crimes
	2013	2014	2015	2013	2014	2015	2015
Criminal Offenses							
a. Murder/non-negligent manslaughter	0	0	0	0	0	0	0
b. Negligent manslaughter	0	0	0	0	0	0	0
c. Robbery	0	0	0	0	0	0	0
d. Aggravated assault	0	0	0	0	0	0	0
e. Burglary	0	0	0	0	0	0	0
f. Motor vehicle theft	0	0	0	0	0	0	0
g. Arson	0	0	0	0	0	0	0
h. Sexual Offenses: Total	0	0	0	0	0	0	0
<input type="checkbox"/> Rape*	0	0	0	0	0	0	0
<input type="checkbox"/> Fondling	0	0	0	0	0	0	0
<input type="checkbox"/> Incest	0	0	0	0	0	0	0
<input type="checkbox"/> Statutory rape	0	0	0	0	0	0	0
VAWA Offenses							
a. Domestic violence**	-	0	0	-	0	0	0
b. Dating violence**	-	0	0	-	0	0	0
c. Stalking**	-	0	0	-	0	0	0
Arrests							
a. Weapons: carrying,	0	0	0	0	0	0	0
b. Drug abuse violations	0	0	0	0	0	0	0
c. Liquor law violations	0	0	0	0	0	0	0
Disciplinary Actions							
a. Weapons: carrying,	0	0	0	0	0	0	0
b. Drug abuse violations	0	0	0	0	0	0	0
c. Liquor law violations	0	0	0	0	0	0	0

*Sodomy and sexual assault with an object are included in the rape category.

**These categories were new for the 2013 reporting period and were not required to be reported in this manner in 2012.

Note: Bay Mills Community College does not have any on-campus student housing facilities or non-campus buildings or property.

Hate Crimes – On-Campus and Public Property

There were no hate crimes reported to college or law enforcement officials in calendar years 2013, 2014, and 2015.

BMCC HAD NO REPORTED CRIMES FOR THE PAST THREE YEARS!!!

CAMPUS SAFETY

Bay Mills Community College is committed to the safety and welfare of our students, faculty, staff, and visitors. The information contained in this section is intended to inform and educate you, the college community, about critical campus safety information, such as crime prevention, crime reporting, and emergency response and preparedness. All administration, faculty, staff, and students should become familiar with the initial response to an emergency situation. For most people, this first response may be as simple as summoning assistance, evacuating the area or assisting another member of the college community.

Since every situation is unique, the policies and procedures in this document are intended to serve as a guide. Students, administration, faculty, and staff should become familiar with these guidelines so all can react safely in the event of an emergency.

Campus Police/Security and Crime Statistics

Bay Mills Community College does not have a campus police department or security personnel. Therefore, the college does not maintain a daily crime log. The college obtains its crime statistic information from the Bay Mills Police Department.

Law Enforcement Authority

The Bay Mills Police Department (BMPD) is the law enforcement agency serving Bay Mills Community College. Law enforcement officers are trained and within one year of appointment, have successfully completed the approved Basic Police Training Course conducted at the Federal Police Academy or a similar course substantially meeting or exceeding the level of training provided by said Academy.

It is the duty and responsibility of each law enforcement officer to protect the general public and assist any person in need, to report and investigate all violations of any law coming to his/her notice or reported for attention, to arrest all persons observed violating the laws or committing offenses under tribal law, to obey promptly all orders of the Tribal Court of the Bay Mills Indian Community, to prevent violations of the law and the committing of offenses under the ordinances of the Tribe or the laws of the United States, to use only necessary force in making an arrest, search or seizure, and to promptly notify his/her commanding officer of all arrests made by him/her and to submit proper arrest records and investigative reports in accordance with established department procedures.

Law enforcement officers work in conjunction with other tribal, state, and federal authorities for the protection of the community. Dispatch is available 24 hours a day.

Accurate and Timely Reporting of Criminal Offenses

Prompt and accurate reporting of criminal offenses aids in providing a timely response and timely warning notices to the community when appropriate, and assists in compiling accurate crime statistics. Community members, students, faculty, staff, and guests are strongly encouraged to report all crimes, public safety related incidents, and suspicious activity in an accurate and timely manner to the Bay Mills Police Department and college Administration.

Prompt reporting of criminal activity enables the college and local law enforcement officials to more effectively protect the safety of the entire community. No matter how insignificant an incident might seem, the information you provide may be helpful to the college and/or local law enforcement officials.

How to Report a Crime to Local Law Enforcement Agencies

If the crime is of an emergency nature, call 9-1-1. If the crime is not of an emergency nature, contact the Bay Mills Police Department (BMPD) at 248-3244. Dispatchers are available at these telephone numbers 24 hours a day. In response to a call, BMPD will take the required action, dispatching an officer or asking the complainant to report to BMPD to file an incident report.

After a report of criminal activity, the BMPD will assign investigative staff to the case. The department generally notifies the college when it is investigating an incident on the campus. At the end of each calendar year, the department provides the college with statistical information about crimes occurring on campus and reported to them. The information is included in the college's annual disclosure of crime statistics.

In the event of a serious crime, the BMPD will report to the Federal Bureau of Investigation to conduct joint investigations.

How to Report a Crime to the College

If you are a victim of a crime, or if you feel threatened by suspicious activity, your first priority should be to get to a safe place. If you encounter a crime scene (as in the case when your car has been broken into) you may be in danger because the perpetrator may still be in close proximity. Do not enter the crime scene! Go to a safe place and call 9-1-1 or BMPD at 248-3244.

Suspicious activity or strangers observed on the grounds of the college, in the parking lots, or inside buildings should be reported to Wade Teeple (Off Campus and Non-Credit Program Coordinator/Cashier). Wade is located in the Administration Building, near the Financial Aid Office – 248-8421.

Confidential Crime Reporting

A student's privacy concerns are weighed against the needs of the college and BMPD to respond to certain incidents and crimes. To the greatest extent possible, all reports will remain private. However, information may be shared with appropriate departments and agencies under a need-to-know basis when it pertains to investigative needs and safety concerns of the campus community.

Pastoral Counselors and Professional Counselors

Pastoral Counselors and Professional Counselors, when acting as such, are not considered to be a campus security authority and are not required to report crimes for inclusion into the annual disclosure of crime statistics.

- A *Pastoral Counselor* is defined as an employee of an institution who is associated with a religious order or denomination, recognized by that religious order or denomination as someone who provides confidential counseling and who is functioning within the scope of that recognition as a pastoral counselor.
- A *Professional Counselor* is defined as an employee of an institution whose official responsibilities include providing psychological counseling to members of the institution's community and who is functioning within the scope of his or her license or certification.

BMCC does not currently employ pastoral counselors or professional counselors.

Legally Mandated Reporting

There are instances when the college official taking the report of a crime may be legally mandated to report the incident to law enforcement officials.

- Educational administrators, teachers, counselors and clergy are required by law to make a report anytime they become aware of any abuse being perpetrated on a minor child.
- If during the course of receiving a criminal report, the college officials become aware that there is an imminent threat to someone's safety, he/she must take appropriate steps to protect that person which may include making a report to appropriate law enforcement officials.

Access to and Security of Campus Facilities

Bay Mills Community College (BMCC) is a public institution and is accessible to the public during normal building hours. Building hours may vary. Emergencies may necessitate changes or alterations to any posted schedules. Buildings will be secured according to schedules developed by the department responsible for the building.

During non-business hours, buildings are locked and access is permitted only with proper authorization and by key.

BMCC does not have any residence halls.

Security Considerations

Exterior campus lighting is essential in creating a safe campus environment. Parking lots and campus building exteriors are lighted throughout the night. Exterior lighting receives periodic inspections to identify any unreported lighting failures.

The college has several security cameras and recently posted signs that the property is under surveillance, which is designed to prevent crime on campus and collect information to assist with investigations of incidents.

BMCC maintenance maintains the college building and grounds with a concern for safety and security. Inspections of campus facilities are conducted regularly, and repairs are made as quickly as possible. All members of the campus community are encouraged to report safety hazards, such as broken locks and windows to the President's Office.

BMCC added a safety drop box at the front reception desk of the Administrative Building with forms to be completed that describes the safety concern and location. These forms are reviewed daily and action to alleviate the concern will be determined and scheduled.

Keys must be secured at all times. Assigned keys should remain in the care, custody and control of the authorized person and not given to other individuals.

Law enforcement officers of the Bay Mills Police Department also conduct patrols of the BMCC campus.

Firearms and Other Dangerous Weapons

Possession of firearms and other dangerous weapons is prohibited. Weapons will be confiscated. Other dangerous weapons include, but are not limited to, explosives of any kind, brass knuckles, clubs, knives with blades longer than four inches (other than kitchen knives), and switchblade knives. Violations of this policy will be reported to the Bay Mills Police Department.

Emergency Response and Evacuation Procedures

Bay Mills Community College is committed to the safety and welfare of our students, faculty, staff and guests. For this reason we have adopted The BMCC Emergency Preparedness and Response Guide for 2015 which can be found at the President's office and also online at <http://www.bmcc.edu/about-bmcc/governance-administration/college-policies>. The information contained in this Guide is intended to inform and educate you, the college community, about emergency procedures, fire detection and prevention, medical emergencies and other types of hazardous situations.

This Guide describes the role and responsibilities of students and administration in the event of an emergency or dangerous situation involving an immediate threat. The Guide also includes the order of succession to initiate emergency action guidelines, a list of emergency contacts, notification methods during an emergency, emergency response exercises and training, and emergency protocols. Students, faculty and staff should become familiar with these guidelines so all can react safely in the event of an emergency. Also, the emergency procedures are summarized below.

How to Report an Emergency

Emergency police, fire and medical services for Bay Mills Indian Community are dispatched from a combined reservation/county 9-1-1 service center. To summon emergency assistance:

Dial 9-1-1

The campus community is encouraged to call 9-1-1 to report any situation on-campus that could constitute a significant emergency or dangerous situation involving an immediate or on-going threat to the campus. Dialing 9-1-1 is also the best way to help expedite an emergency notification to alert the rest of the campus community of the threat.

Response Procedures for an Emergency or Dangerous Situation

When a serious threat or disaster to the campus community occurs, the Bay Mills Police Department (BMPD) will respond and may obtain assistance from other local, state, and federal agencies.

BMCC will, upon confirmation of an ongoing significant emergency or dangerous situation that poses an imminent threat to the safety of campus community members, immediately issue emergency notifications to the campus community. While it is impossible to predict every significant emergency or dangerous situation that may occur on campus, the following situations are examples that may warrant an emergency notification:

- Fire and Evacuation
- Bomb Threat
- Hostile Intruder/Active Shooter
- Chemical Spills
- Utility Failure and Natural Disaster

BMCC officials shall use their best, reasonable judgment in all other situations to determine whether an emergency notification is warranted. Situations that may create business or academic interruptions, but do not pose a health or safety risk, do not necessitate an emergency notification. College communications will facilitate notifications about such situations with coordination of involved departments as appropriate. Examples of such situations include: snow closures, temporary building closures, or power outages.

When there are snow closures, BMCC provides notice through their website at

www.bmcc.edu, T.V. news channels (9&10 and 7&4), and radio stations (FM - 99.5, 101.3, and 105.5, AM – 1230, 1400). Students, faculty, and staff are advised to check for snow closings and when BMCC is open, to use their own judgement to determine whether it is safe to drive in winter road conditions.

Confirming a Significant Emergency or Dangerous Situation

When a serious incident occurs that causes an immediate threat to the campus, first responders on the scene are generally BMPD law enforcement officers. The BMCC authorized officials will work in close collaboration with the officers to gather and assess information related events that may pose an immediate threat or hazard.

BMCC will, upon confirmation of a significant emergency or dangerous situation that poses an imminent threat to the safety of campus community members, immediately issue emergency notifications to the campus community, unless the notification will, or is likely to:

- Compromise the efforts of first responders
- Compromise efforts to assist the victim
- Compromise efforts to contain the emergency

Authorized Officials

During or in the time leading up to an emergency that threatens life, safety, or security, it will be necessary for notification to be provided to the BMCC campus community with speed and accuracy. Conditions may not allow time for responders or other officials to seek approval to send notification messages.

BMCC has designated specific campus officials to serve as authorized officials who are empowered to authorize the issuance of emergency notifications. Each authorized official is expected to act within his/her realm of responsibility and authorize emergency notification when experience and prudence indicate that emergency conditions warrant such actions be taken.

It is important to draw a distinction between the authorization of an emergency notification and the issuance of a notification. Authorizing a notification involves:

- Making a determination that notification is necessary,
- Formulating message content,
- Selecting the appropriate segment of the campus to receive notification, and
- Choosing the appropriate communication tool(s).

In contrast, issuing a notification is the physical act of using a communication tool to send a notification message to the population. Authorized officials likely will have not received training for all of the emergency notification systems, nor is this necessary. Upon authorization of an emergency notification, the authorized official will either issue the notification him/herself or contact an individual who is trained to operate the system to send it.

The following individuals are the authorized officials at BMCC (in the order listed below). Such authority is delegated to the highest ranked official available:

1. Mickey Parish, President
2. Samantha Cameron, Vice President for Academic Affairs
3. Kathy Adair, Director of Development
4. Laura Postma, Vice President for Business and Finance
5. Chet Kasper, Director of Technology
6. Debra Wilson, Dean of Student Services

7. Sherri Schofield, Registrar/Institutional Information Systems Manager

Notifying the Campus

Decisions concerning whether to issue a notification will be made on a case-by-case basis using the following criteria:

- Nature of the situation
- Continuing danger to the campus community
- Possible risk of compromising law enforcement efforts

The authorized official, will, without delay, and taking into account the safety of the campus community, determine the content of the notification and initiate the notification system, unless issuing a notification will, in the professional judgment of responsible authorities, compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency.

The release of all subsequent information is collaborated upon by first responders and college administration and is released as the situation unfolds.

Notification Methods

During an emergency, BMCC will use the following means and methods of communication:

- Sovereign Communication radio stations: FM - 99.5, 101.3, 105.5 and AM – 1230, 1400
- Websites: www.bmcc.edu and www.facebook.com/BayMillsCommunityCollege
- T.V. News Channels: 9&10 & 7&4
- Text Alerts available through TV 9&10
- Email Alerts will be sent to administration and students during an emergency.

Procedures for Evacuation in Emergency or Dangerous Situations

In the event of an emergency or dangerous situation, the Authorized Official will direct students, faculty, staff, and guests to evacuate a building, several buildings, a portion of the campus, or the entire campus. The campus community will be asked to follow building and campus evacuation protocols and to obey directions from law enforcement officers.

Certain events, may require the campus community to take shelter in place/safe shelter when evacuation is not an option. Refuge is sought in an interior room with few or no windows. It may be necessary to shelter in place following the intentional or accidental release of chemical, biological, or radiological contaminants into the environment. Shelter in place may also be necessary in the event of a hostile intruder on campus.

Shelter in place procedures will be initiated through the various notification systems used by BMCC.

Drills and Exercises

The emergency response and evacuation procedures will be exercised and tested at least annually. BMCC employees will receive training at the time of hire and as needed when changes are made.

The test may be announced or unannounced, but it must be conducted at a time when most of the students, faculty, and staff are expected to be present on campus. BMCC will document each test, including the date, time, and whether it was announced or unannounced.

COMMUNICATION ABOUT CAMPUS CRIME

Timely Warnings

As required by the Clery Act, the college must notify the campus community of an “immediate threat” which is further defined as an “imminent or impending threat”. A Timely Warning is required when any “Clery crime” is committed on college property that poses an immediate threat, or that poses a continuing threat to the college community. Bay Mills Community College (BMCC) will issue a timely warning when it receives a report of a crime that represents a serious or continuing threat to the safety of members of the campus community. Clery crimes include criminal homicide, sexual assaults, robbery, aggravated assault, burglary, motor vehicle theft, arson, and certain liquor law violations and drug offenses. An example of an immediate threat would be a sexual assault that just occurred on college property, committed by an unknown suspect who is not in police custody.

Initiating Timely Warnings

BMCC has designated specific campus officials who are empowered to authorize the issuance of timely warnings. Such authority is delegated to the highest ranked official available:

1. Mickey Parish, President
2. Samantha Cameron, Vice President for Academic Affairs
3. Kathy Adair, Director of Development
4. Laura Postma, Vice President for Business and Finance
5. Chet Kasper, Director of Technology
6. Debra Wilson, Dean of Student Services
7. Sherri Schofield, Registrar/Institutional Information Systems Manager

The authorized official, in conjunction with various campus offices, will distribute timely warning announcements when there appears to be a threat to the safety and security of persons on campus for the following crimes:

- Aggravated assault
- Arson
- Burglary
- Negligent manslaughter
- Motor vehicle theft
- Murder/non-negligent manslaughter
- Robbery
- Sexual offenses
- Domestic violence, dating violence, and stalking
- Violations of liquor law, drug law, or weapons possession law
- Any other crime in which the victim was chosen on the basis of race, gender, gender identity, religion, disability, sexual orientation, ethnicity, or national origin.

Decisions concerning whether to issue a timely warning will be made on a case-by-case basis using the following criteria:

- Nature of the crime
- Continuing danger to the campus community
- Possible risk of compromising law enforcement efforts

If the threat is sudden and serious, a warning will be issued immediately and will be continually updated until the threat is contained or neutralized. If a threat is less immediate, the warning will be fully developed and distributed after that point in time.

Crimes that could constitute a continuing threat include, but are not limited to:

- Serial crimes that target certain campus populations such as sex crimes or race-based crimes in which the perpetrator has not been apprehended, and
- Ongoing criminal activity in which there is no apparent connection between perpetrator and victim.

Crimes that would not constitute a continuing threat include, but are not limited to:

- Crimes in which the perpetrator has been apprehended, thereby eliminating the threat, and
- Crimes in which an identified perpetrator targets specific individuals to the exclusion of others, such as domestic violence.

Warning Content

The warning contains sufficient information about the nature of the threat to allow members of the campus to take protective action:

- A succinct statement of the incident
- Possible connection to previous incidents if applicable
- Date, time, and location of the warning
- Description and drawing of the suspect, if available
- Risk reduction and safety tips
- Other relevant and important information

In some cases, BMCC may need to keep some facts confidential to avoid compromising an ongoing investigation.

Notification Methods

The following methods may be used to notify the campus community of crimes and emergencies on campus:

- Radio Stations: FM - 99.5, 101.3, 105.5 and AM – 1230, 1400
- Websites: www.bmcc.edu and www.facebook.com/BayMillsCommunityCollege
- T.V. News Channels: 9&10 & 7&4
- Text Alerts available through TV 9&10
- Email Alerts to students, faculty, and staff
- Verbal Announcement within each classroom
- Posted Notice on exterior doors of each campus building or on campus doors.

How to Report a Criminal Offense

Reporting a crime or notifying law enforcement of suspicious activity helps to protect Bay Mills Community College (BMCC) property and the campus community.

For emergencies dial 9-1-1. Reports may also be made to the Bay Mills Police Department (BMPD) at 248-3244. For any suspicious activity or circumstance which could cause an emergency situation and necessitate the need of an emergency alert to campus, contact BMPD first, then college administration.

To report a crime on campus, the campus community should contact any of the following:

- Wade Teeple, Off Campus and Non-Credit Program Coordinator (906) 248-8421
- Mickey Parish, President (906-248-8400)
- Samantha Cameron, Vice President for Academic Affairs (906-248-8429)
- Kathy Adair, Director of Development (906-248-8404)
- Debra Wilson, Dean of Student Services (906-248-8442)
- Kelly Bedell, Student Support Services Specialist (906-248-8432)
- Diane Sliger, TRiO-SSS Director (906-248-8476)

For off-campus options, you may refer to the local law enforcement department with appropriate jurisdictional authority.

Limited Voluntary Confidential Reporting

BMCC encourages anyone who is the victim or witness to any crime to promptly report the incident to the college, tribal, or other local law enforcement agency. Depending on the type of crime and campus location, your desire for confidentiality may be subject to any requirements of that jurisdiction. Anonymous reports may be filed for statistical reporting purposes. A student's privacy concerns are weighed against the needs of BMCC to respond to certain incidents and crimes. To the greatest extent possible, all reports will remain private.

In compelling situations, BMCC reserves the right to take reasonable action in response to any crime report, and information may be shared with appropriate departments and agencies under a need-to-know basis when it pertains to investigative needs and safety concerns of the campus community. All reports submitted on a confidential or anonymous basis are evaluated for purposes of issuing a campus-wide "timely warning" as well as inclusion in the annual crime statistics.

Alternatives to Immediately Filing a Police Report

- Report the crime at a later date.
- Make a complaint to college administration. Such a complaint may be used for actions which include, but are not limited to, on-campus disciplinary proceedings.
- Make an anonymous report.
- Contact a referral agency for help, such as the Bay Mills Victim Assistance (Journey to Healing) Program or Diane Pepler Resource Center.

Security Awareness and Crime Prevention Programs

A common theme of all awareness and crime prevention programs is to encourage students and employees to be aware of their responsibility for their own security and the security of others.

Personal Security Tips

BMCC recommends the following measures to safeguard your personal security:

- Be aware of your surroundings. Watch for any situations that might encourage unsafe or criminal behavior.
- Be cautious when walking alone at night or working alone in campus buildings.
- Never leave valuables unattended.
- Never open locked exterior doors for strangers. Never prop open doors when no one is monitoring the door.
- Always lock your vehicle doors and don't leave private property in a visible area.

Crime Prevention and Security Programs

Emergency preparedness and response training: at least annually

Conduct training and drills of the emergency response and evacuation procedures.

Informational Correspondence: annually

BMCC sends faculty, staff, and students a notice about the availability of the Annual Security Report, which contains critical campus safety information, such as emergency response, crime prevention, crime reporting, and crime statistics for the past three years.

The BMCC Student Handbook is updated yearly and contains important information about student conduct and the types of violations that will result in disciplinary action. It also includes a description of sanctioned violations, such as firearms and weapons, illegal substances, and sexual harassment.

Campus lighting checks: ongoing

Parking lots and campus building exteriors are lighted throughout the night. Exterior lighting receives periodic inspections to identify any unreported lighting failures.

Security cameras and posted signs that the property is under surveillance: ongoing

The college has several security cameras and recently posted signs that the property is under surveillance, which is designed to prevent crime on campus and collect information to assist with investigations of incidents.

Maintenance of building and grounds with a concern for safety and security: ongoing

Inspections of campus facilities are conducted regularly, and repairs are made as quickly as possible. All members of the campus community are encouraged to report safety hazards, such as broken locks and windows to the President's Office.

Safety drop box to report safety concerns: ongoing

A safety drop box is located near the front reception desk of the Administrative Building with forms to be completed that describes the safety concern and location. These forms are reviewed daily and action to alleviate the concern will be determined and scheduled.

Patrols of BMCC campus by BMPD: ongoing

The presence of Bay Mills Police Department law enforcement officers, who occasionally patrol the campus of BMCC, prevents and deters crime.

Addressing Criminal Activity Off-Campus

BMCC cooperates with law enforcement agencies to monitor any off-campus criminal activity that may jeopardize the safety and security of the college community. Bay Mills Police Department (BMPD) provides timely notification to college officials of safety or security risks in the community and when appropriate, the college will employ its emergency notification and security advisory procedures to alert students, faculty and staff to the risk that exists. BMPD also informs college officials of any criminal activity occurring in the community that involves BMCC students. BMCC does not have any recognized student organizations in off-campus locations.

ALCOHOL AND DRUGS

BMCC is concerned about the academic success of students and the safety of all members of the campus community and is committed to maintaining an academic and social environment conducive to the intellectual and personal development of students.

Alcohol/Drug Free Campus Policy

BMCC Policy on Alcohol and Illegal Drugs

All persons entering BMCC must comply with the Alcohol/Drug Free Campus Policy as required by Public Law 101-226, "The Drug-Free Schools and Communities Act Amendments of 1989." No student or employee may bring, possess, sell or drink alcoholic beverages on college premises or at college functions, which includes student field trips or other off campus events. Bay Mills Community College also strictly prohibits the unlawful or unauthorized manufacture, distribution, dispensation, possession, sale, or use of illegal controlled substances on campus, in classes, and at off campus college-sponsored events including field trips. Illegal controlled substances include stimulants, depressants, narcotics or hallucinogenic drugs, including marijuana in any form, LSD, speed, methamphetamine, cocaine, heroin, opiates, and other mind-altering drugs that have not been lawfully prescribed by a medical doctor. Drugs prescribed by a physician must be in the original container in which they were received from the pharmacist.

Consequences for Violating the BMCC Alcohol and Drug Free Policy

The Drug-Free School and Communities Act Amendments of 1989 require clear and consistent sanctions for violation of this policy. Any person found to be possessing, using, selling or distributing such drugs or alcohol will be subject to disciplinary action, which could include prosecution for violation of tribal or federal law. A student or employee found to be under the influence of or in possession of any alcoholic beverage or any illegal drug while on BMCC's campus is subject to immediate appropriate discipline up to dismissal, and the matter shall be investigated by BMCC personnel and may be referred to law enforcement. BMCC encourages employees and students to voluntarily seek help with alcohol and/or drug problems. Separate publications regarding drug or alcohol use/abuse are available through the Office of Student Services.

Referral to Law Enforcement for Alcohol and Controlled Substance Violations

In Michigan and within the Bay Mills Indian Community, it is illegal for anyone under the age of 21 to consume or be in possession of alcohol and also for anyone to sell, furnish or provide alcohol to a person under the age of 21. Anyone in violation of these laws is subject to criminal prosecution. Any student found to be under the influence of an alcoholic beverage or any other intoxicating substance, which is a threat to him or herself or others, shall be reported to the Bay Mills Police Department for appropriate intervention and legal action. Any guest of a student using an intoxicating substance, or is under the influence of any illegal drug, or in possession of any alcoholic beverage or any illegal drug while on campus, may be immediately escorted off campus, and may be reported to the appropriate legal authority. Possible legal sanctions for alcohol and drug violations are listed below.

Legal Consequences for Alcohol Law Violations

Non-Natives and Canadian Status Indians

Non-natives and Canadian Status Indians who commit misdemeanor alcohol offenses within the exterior boundaries of the Bay Mills Indian Community reservation, including the BMCC campus, will be prosecuted in Michigan State Court.

LEGAL CONSEQUENCES OF ALCOHOL VIOLATIONS FOR NON-NATIVES					
MICHIGAN State Court Jurisdiction for non-natives (includes Canadian Status Indians)					
CHARGE	POSSIBLE JAIL TIME	POSSIBLE FINE	DRIVERS LICENSE SANCTION	POSSIBLE SA TREATMENT ORDERED	POSSIBLE OTHER SANCTIONS
Minor in Possession (MIP) State	1 st None	\$100	None	May be ordered	Community Service
	2 nd 30 days	\$200	30 day suspend 60 day restrict		Community Service
	3 rd 60 days	\$500	60 day suspend 305 day restrict		Community Service
OWI State/ OWPD State Operating While Intoxicated/ Operating With Any Presence Schedule 1 Drug or Cocaine	1 st 93 days	\$100-500 Driver Resp Fee OWI \$1000 2 yrs OWPD \$500 2 yrs	30 day suspend 150 day restrict 6 points		360 hours Community Service Vehicle Immobilize Ignition interlock
	2 nd 5 days to 1 yr	\$200-1000 Driver Resp Fee \$1000 2 yrs	1 yr revoke minimum Priors 5 yr revoke 6 points		30-90 days Community Service Vehicle Immobilize License Plate Confiscate Vehicle forfeiture
	3 rd 1-5 yrs Probation with 30 days to 1 yr in jail	\$500-\$5000 Driver Resp Fee \$1000 2 yrs	Revoke and deny if 2 convict. w/in 7 yrs or 3 w/in 10 yr 1 yr revoke minimum 6 points		60-180 days Community Service Vehicle Immobilize License Plate Confiscate Vehicle forfeiture Vehicle registration denial
	FELONY				
OWI State Operating While Impaired	1 st 93 days	\$300 Driver Resp Fee OWI \$500 2 yrs	90 day restrict 4 points		360 hours Community Service Vehicle Immobilize Ignition interlock
	2 nd 5 days to 1 yr	\$200-1000 Driver Resp Fee \$500 2 yrs	1 yr revoke Priors 5 yr revoke 4 points		30-90 days Community Service Vehicle Immobilize License Plate Confiscate Vehicle forfeiture
	3 rd 1-5 yrs Probation with 30 days to 1 yr in jail	\$500-\$5000 Driver Resp Fee \$500 2 yrs	Revoke and deny if 2 convict. w/in 7 yrs or 3 w/in 10 yr 1 yr revoke minimum 4 points		60-180 days Community Service Vehicle Immobilize License Plate Confiscate Vehicle forfeiture Vehicle registration denial
OWI State High BAC (+.017)	1 st 180 days	\$200-700 Driver Resp Fee \$1000 2 yrs	1 yr suspend Eligible restricted after 45 days if ignition interlock on car 6 points		360 hours Community Service Vehicle Immobilize Ignition interlock Plate confiscation if vehicle not have interlock
OUIL UNDER 21 Zero Tolerance	1 st None	\$250 Driver Resp Fee \$500 2 yrs	30 day restrict 4 points		360 hours Community Service
	2 nd 93 days	\$500 Driver Resp Fee \$500 2 yrs	90 day suspend Priors 1 yr revoke 4 points		60 days Community Service
Fraudulent ID	93 days	\$100			

Legal Consequences for Alcohol Law Violations

Members of U.S. federally recognized Indian Tribes

Members of U.S. federally recognized Indian Tribes who commit misdemeanor alcohol offenses within the exterior boundaries of the Bay Mills Indian Community reservation, including the BMCC campus, will be prosecuted in the Bay Mills Tribal Court.

LEGAL CONSEQUENCES OF ALCOHOL VIOLATIONS					
Bay Mills Tribal Court Jurisdiction for members of federally recognized Tribes					
CHARGE	POSSIBLE JAIL TIME	POSSIBLE FINE	DRIVERS LICENSE SANCTION	POSSIBLE SA TREATMENT ORDERED	POSSIBLE OTHER SANCTIONS
Minor in Possession (MIP) Tribal	90 days	\$1000		May be ordered	Court discretion-SA treatment, Community Service
OUIL Tribal Driving Under Influence Intoxicating Liquor OR Controlled Substance	1 st 90 days	\$500	See state chart for license sanctions, all convictions are reported to the State	May be ordered and/or May be referred to Drug Courtt	90 days Community Service
	2 nd 180 days	\$1000			90 days Community Service
	3 rd 1 yr	\$2500			180 days Community Service
OUIL UNDER 21	1 st None	\$250			45 days Community Service
	2 nd None	\$500			60 days Community Service
OWI	1 st 60 days	\$300			30 days Community Service
	2 nd 90 days	\$750	60 days Community Service		
	3 rd 120 days	\$1250	180 days Community Service		
Fraudulent ID	90 days	\$1000			Court discretion-SA treatment, Community Service

Legal Consequences for Controlled Substance Violations

Michigan Law Governing Marijuana

The Bay Mills Community College is located within the exterior boundaries of the Bay Mills Indian Community reservation and is subject to Tribal and federal laws. The Michigan Medical Marijuana Act (MMA) conflicts with federal criminal laws governing controlled substances, as well as federal laws requiring institutions receiving federal funds, by grant or contract, to maintain drug-free campuses and workplaces. The Bay Mills Community College receives federal funding that would be in jeopardy if those federal laws did not take precedence over state law. In addition, since the college is located on “Indian Lands”, federal controlled substance laws apply to all persons. Thus, the use, possession or cultivation of marijuana in any form and for any purpose violates federal law and the BMCC Alcohol and Drug policy, is strictly prohibited at BMCC, and will be referred to law enforcement.

Jurisdiction for Enforcing Controlled Substance Violations

The Bay Mills Community College is located within the exterior boundaries of the Bay Mills Indian Community reservation which is considered to be “Indian Land” for federal jurisdictional purposes. Therefore, all persons who enter the Bay Mills reservation are subject to federal laws regarding Controlled Substances. The federal law governing controlled substances can be found at 21 U.S.C. §841 et. seq. In addition, members of U.S. federally recognized tribes are also subject to Bay Mills Tribal jurisdiction. It is not double jeopardy to be tried and convicted in both the Bay Mills Tribal Court and the U.S. Federal Court for a drug offense. Some possible legal sanctions are listed below.

Federal Drug Laws

21 U.S.C. §841(a) makes it “unlawful for any person knowingly or intentionally-(1) to manufacture, distribute, or dispense, or possess with intent to manufacture, distribute, or dispense, a controlled substance; or (2) to create, distribute, or dispense, or possess with intent to distribute or dispense, a counterfeit substance. The penalties are listed in 21 U.S.C. §841(b) with the type and quantity of the substance determining the appropriate sentence. The Federal statutes provide for greatly enhanced penalties if distribution, possession or manufacturing of controlled substances occurs on or within close proximity of schools or colleges (21 U.S.C. §860) and/or if distribution is made to a person under 21 years of age (21 U.S.C. §859).

21 U.S.C. §844 makes it “unlawful for any person knowingly or intentionally to possess a controlled substance unless such substance was obtained directly, or pursuant to a valid prescription or order...knowingly or intentionally to possess any list I chemical...knowingly or intentionally purchase at retail during a 30 day period more than 9 grams of ephedrine base, pseudoephedrine base, or phenylpropanolamine base...” The first offense has a maximum sentence of 1 year imprisonment and a minimum \$1,000 fine. Also, persons convicted of possession or distribution of controlled substances can be barred from receiving benefits from any and all Federal programs including student grants and loans, except some long-term drug treatment programs. (21 U.S.C Section 862). There are enhanced penalties for subsequent violations. Such penalties may include confiscation of property.

Bay Mills Tribal Drug Laws

The Bay Mills Tribal laws apply to all members of U.S. federally recognized Tribes. Under the Bay Mills Tribal Code Section 641 it is “unlawful for any person to possess or use, without a valid prescription from a medical doctor, a controlled substance...” or to “, intentionally smell or inhale fumes of any chemical agent”. The legal penalty is imprisonment for a maximum of 6 months and a maximum fine of \$2,500. The penalty is doubled to 1 year in jail and a \$5000 fine if a person is convicted of manufacturing, delivering or possessing with intent to manufacture or deliver without a pharmacist’s license any drug which is controlled under the Controlled Substance Act of 1970 (Bay Mills Tribal Code Section 640). In addition, substance abuse treatment may be ordered.

Policy on Tobacco

Bay Mills Community College believes in offering a healthy, safe, and clean campus environment to its students, employees, and visitors. In accordance with this policy, smoking cigarettes, E- cigarettes, and the use of chewing tobacco is not permitted in any campus buildings.

Drug and Alcohol-Abuse Education Programs

For Students:

The BMCC Student Support Services staff functions to assist students by educating, anticipating, and intervening in situations where substance use/abuse may negatively influence student performance. The student support services staff conduct substance abuse assessments and evaluation referrals. Students who are concerned about their own alcohol use and/or about that of others are encouraged to contact the TRiO SSS staff or the Student Support Services Specialist, who are trained in motivational interviewing. Referrals for appropriate treatment and/or education can be made.

For Employees:

BMCC recognizes that alcohol and drug abuse and addiction are treatable illnesses, and realizes early intervention and support improves the success of rehabilitation. To support its employees, BMCC:

1. Encourages employees to seek help if they are concerned that they or their family members may have a drug and/or alcohol problem;
2. Encourages employees to utilize the services of qualified professionals in the community to assess the seriousness of suspected drug or alcohol problems and identify appropriate sources of help;
3. Allows the use of accumulated leave time while seeking treatment for alcohol and drug problems.

Treatment for substance use disorders (e.g., alcohol dependence, alcohol abuse, alcoholism, drug abuse, etc.) may be covered by the employee health insurance plan, subject to applicable deductibles and co-pays. The ultimate financial responsibility for recommended treatment belongs to the employee.

Health Risks Associated with Excessive Drinking

Excessive drinking includes binge drinking, heavy drinking, drinking by pregnant women or by people under 21. Binge drinking is defined as consuming 4 or more drinks during a single occasion for women or 5 or more drinks for men. Heavy drinking is defined as consuming 8 or more drinks per week for women or 15 or more per week for men.

Excessive drinking increases the risks that the following can occur:

- **Physical injury: Increased risk that you could be injured or killed by:**
 - (1) **Violence**-murder, assault, suicide, sexual assault;
 - (2) **Injuries**-car accidents, falls, drownings, and burns;
 - (3) **Alcohol poisoning** from high blood alcohol levels;
 - (4) **Risky sexual behaviors**-unprotected sex, sexually transmitted diseases including HIV, and unplanned pregnancies.
 - (5) Alcohol is a factor, for example, in about 60% of fatal burn injuries, drownings, and homicides; 50% of severe trauma injuries and sexual assaults; and 40% of fatal motor vehicle crashes, suicides, and fatal falls.
- **Health problems:** Increased risk of chronic diseases such as liver disease, heart disease, stroke, brain damage, poor management of diabetes, and other conditions. Also sleep disorders, mental health problems- depression and anxiety, bleeding from

the stomach, sexually transmitted infections from unsafe sex, learning and memory problems and several types of cancer.

- **Birth defects.** Drinking during pregnancy can cause permanent brain and body damage in the baby which is called fetal alcohol spectrum disorder(s). Also, stillbirth and miscarriage can occur.
- **Alcohol use disorders.** An alcohol use disorder is a medical condition that doctors can diagnose when a patient's excessive drinking causes physical dependency, distress or harm.
- **Legal Problems.** Minor in Possession charges; Drunk driving charges; Disorderly Conduct or Assault charges.
- **Personal Problems.** Lost job; lost driver's license; relationship problems; lost productivity; dropping out of school; incarceration, and, homelessness.

*Information obtained from <http://rethinkingdrinking.niaaa.nih.gov/How-much-is-too-much/Whats-the-harm/What-Are-The-Risks.aspx>.

Reducing Risks

- **Don't Drink.** Make a decision to not drink.
- **Drink moderately.** Stay within low risk drinking limits.
- **Don't binge drink.** Don't drink more than 4 or 5 drinks at once.
- **Be safe.** Take steps to be safe when you drink.
 - If you Drink Don't Drive-walk, use a cab, have a designated driver.
 - Use protection for sex and don't engage in risky sexual behaviors.
 - Don't walk in dangerous areas, get in a car with a drunk driver, swim, drive machinery or boats, or go with strangers you do not know.
 - Say no to drugs or any other risky behaviors.
- **Get Educated on the effects of Alcohol.** Numerous educational websites include <http://www.cdc.gov/alcohol/fact-sheets/alcohol-use.htm> **and** <http://rethinkingdrinking.niaaa.nih.gov> **and** <https://www.niaaa.nih.gov/alcohol-health/overview-alcohol-consumption/alcohol-facts-and-statistics>.

Health Risks Associated With Abuse Of Alcohol And Use Of Controlled Substances

Classification	Drug name	DEA Schedule	Common or brand	Dependence Potential		Acute effects	Health risks and effects of long term use	Overdose effects
				Physical	Psycho-logical			
ALCOHOL	Ethanol	N/A	Beer Wine Distilled Liquor	High High High	High High High	Lowered Inhibitions Impaired Judgment, Vision Loss of Motor Skills, Coordination Slurred Speech	Hypertension Liver Damage Heart Disease Toxic Psychosis Brain Damage Addiction Severe Withdrawal	Coma Death
NARCOTICS	Opium Morphine Codeine Heroin Meperidine Other Fentanyl Vicodin	II, III, V II, III, V I II II II II	Paregoric, Dover S Power Morphine Tylenol W/Codeine, Robitussin Heroin Demerol< Pethadol Dilaudid, Lentine, Percodan Apache, China girl Lortab, Ioracet	High High High High High High High High	High High High High High High High High	Euphoria, Drowsiness Respiratory Depression Constricted Pupils Nausea, Vomit Pain Relief Constipation Confusion	Loss of Appetite Constipation Risk of AIDS/HIV from IV Drug Use Pregnancy- Miscarriage, low birth weight, neonatal withdrawal Elder-Increased drug interactions	Shallow Perspiration Clammy Skin Coma Convulsions Possible Death May be toxic if Mixed with Alcohol
DEPRESSANTS	Chloral Hydrate Barbiturates GABA Gamma Butyrolactone Glutethimide Ketamine Methaqualone Tranquilizers Benzodiazepine s	 II, III, IV I III IV IV	² Noctec, Somnos ² Nembutal, Phonobarbital Seconal, Tuinol Date Rape Drug Liquid Ecstasy Cherrymeth GBL Doriden Special K Optimil, Parest, Quaalude, Sopor Equanil, Valium, Tranxene, Serax, Xanax, Rohyphal, Dalmane, Dormate, Placidyl, Valmid	Moderate High Moderate High Unknown High Unknown High Moderate High	Moderate High High Unknown High Unknown High High High	Slurred Speech Disorientation Drunken Behavior Euphoria Lowered Inhibitions Loss of Motor Skills Blackouts Relaxation, Depression Hallucinations	Addiction with Withdrawal Toxic Psychosis Weak Rapid Pulse Hallucinations Nausea Seizures Insomnia Anxiety Tremors Dizziness Loss of Peripheral Vision	Shallow Perspiration Clammy Skin Blackout Coma Possible Death May be Toxic if Mixed with Alcohol
STIMULANTS	Cocaine Amphetamine Phenmetrazine Methylphenida te Other Methylenedioxy- Methamphetamine	II II II I II	Cocaine Hydrochloride ² Benzedrine, Biphetamine, Desoxy, Dexedrine ² Preludin ² Ritalin Cylert, Didrex, Pre- Sate, Sanorex, Voranil Ecstasy, MDMA, Molly Crank, Meth, Crystal, Fire, Glass	Possible Possible Possible Possible Possible Low High	High High High High High High High	Feeling of well being Excitation, euphoria Increased alertness Increased blood pressure and pulse Insomnia Appetite loss	Delusions Hallucinations (Toxic psychosis) Possible organ and tissue damage	Agitation Temperature increase Hallucinations Convulsions Heart attack Stroke High blood pressure Loss of Consciousness Seizures
HALLUCINO-GENICS	LSD Mescaline Psilocybin MDMA PCP	I I I I I, II	Acid, Lysergic Acid Peyote/Buttons, Mescalitor Magic Mushrooms Molly, Ecstasy Angel Dust, Crystal, Cernylan (Veterinary)	Low Low Low Unknown Unknown Unknown	Unknown Unknown Unknown Unknown Unknown Unknown	Dilated pupils Increased blood pressure, Pulse Delusional/Hallucina tions, Distorted perception of time/space/reality, Rapid emotional swings, Raised blood pressure/body temperature/heart rate	Hallucinogens, Especially LSD, may intensify Existing Psychosis Possible Violent Behavior	Intense Bad Trips Frightening flashbacks Psychosis Paranoia Mood swings Possible Sudden Death Permanent brain damage
INHALANTS	Airplane Glue Lighter Fluid Aerosols Spray Paints Paint Thinner Gasoline Poppers		*Toluene * Naphalene * Chloropluorocarbon * Petroleum Distillate * Petroleum Distillate * Petroleum Distillate * Amyl/butyl Nitrite * Active Ingredient	Unknown Unknown Unknown Unknown Unknown Unknown	Unknown Unknown Unknown Unknown Unknown Unknown	Slurred Speech Drunken behavior Impaired Judgment Poor Coordination	Hallucinations Possible Damage to Bone Marrow, Kidneys, Liver, Heart, Brain, Eyes	Unconsciousness Coma Possible Toxic Reaction Possible Sudden Death
CANNABIS	Marijuana Hashish Hash Oil	I	Grass, Pot, Weed Hash	Low Low Low	Moderate Moderate Moderate	Tachycardia, Reddened eyes, Euphoria, Altered Time/Space perception, Profound Humor, Short term memory loss, Increased appetite	Cardiovascular damage as with smoking tobacco	Insomnia, Hyperactivity, Panic attacks, Paranoia, Possible toxic reaction
SYNTHETIC CANNABINOIDS	K2, Spice	I	K2, Spice, Black Mamba, Bliss, Bombay Blue, Fake Weed, Fire, Skunk, Smacked	Unknown	Unknown	Increased heart rate, vomiting, agitation, confusion, hallucinations, anxiety, paranoia.	Unknown	Increased emergency room visits, Heart attack, Coma, Possible death

PREVENTING AND RESPONDING TO DOMESTIC AND DATING VIOLENCE, SEXUAL ASSAULT, AND STALKING

Bay Mills Community College (BMCC) will not tolerate domestic violence, dating violence, sexual assault, stalking, or other forms of sexual misconduct. Offenders may be subject to appropriate campus adjudication processes, disciplinary action, and/or criminal proceedings in tribal, federal or state court.

DID YOU KNOW THAT IF YOU ARE A
VICTIM OF VIOLENCE OR SEXUAL ASSAULT,
THAT YOU CAN FILE BOTH
A POLICE REPORT AND A REPORT WITH THE COLLEGE?

BMCC utilizes procedures that provide prompt, fair, and impartial investigation and resolution in cases involving domestic violence, dating violence, sexual assault, and stalking. BMCC has revised, adopted and posted its official BMCC Sexual Misconduct Policy for students to comply with the Title IX and the Clery Act(s). BMCC has posted the BMCC Sexual Misconduct Policy on its newly revised website at <http://www.bmcc.edu/about-bmcc/about-bmcc/current-initiatives>. In addition, there are posters posted throughout campus educating students about their Title IX and Clery Act rights and whom to contact if their rights are violated. The provisions of the BMCC Sexual Misconduct Policy solely governs the disciplinary proceeding used by BMCC in the event of a violation.

BMCC is committed to providing crisis intervention measures for students, faculty, and staff, as well as appropriate administrative response for the complainant and respondent; referring individuals to criminal authorities; and educating and promoting discussion on interpersonal abuse and violence issues.

BMCC also prohibits retaliation by its faculty, staff, students, or agents against a person who exercises his or her rights or responsibilities under any provision federal or state law, including Title IX and the Violence Against Women Reauthorization Act (VAWA), or this policy.

Prevention Efforts

Educational Programs

BMCC has chosen the EverFi company for online Title IX and Clery Act training for faculty, staff and students. There are three separate training Programs-Haven for Faculty and Staff; Haven Plus for older and nontraditional students; and, Haven for younger first time students. The completion of the training is mandatory for all staff, faculty, adjunct faculty, and students.

BMCC provides comprehensive prevention and awareness education to all incoming students, staff and faculty on domestic violence, dating violence, sexual assault and stalking. The primary prevention program includes an online training program covering the issues of bystander education information, information on consent, applicable state and local laws and campus policies, and risk reduction strategies for individuals and communities.

Upon arrival on campus, students complete the online training program Haven or Haven

Plus, that addresses alcohol and sexual assault issues, dating violence, domestic violence and stalking. All incoming students receive an email containing information on how to register for and complete the training program. Periodic follow up by BMCC staff ensures that all students complete the training.

All faculty, staff, and adjunct faculty also complete an online educational course that includes:

- primary prevention information addressing sexual assault, dating violence, domestic violence, and stalking
- bystander intervention education
- sexual harassment information, including workplace harassment
- definition of consent and relevant information on consent in the state of Michigan
- State law pertaining to dating and domestic violence, sexual assault, and stalking
- information on risk reduction
- information on resources available on campus to address these issues
- information on campus expectations and values

Students are also encouraged to provide suggestions to improve campus awareness of the problems associated with sexual offenses. Recommendations may be referred to appropriate administration officials, including the President of the College, the Vice President of Academics or Student Services. All suggestions are welcome.

In addition, the Bay Mills Indian Community Journey to Healing Program provides services to the greater community, including BMCC students, faculty, and staff. The program provides advocacy services for victims of domestic violence, dating violence, stalking, and sexual assault. The program also has funds available for emergency transportation, housing, and other crime victim's needs. The counselor and behavioral health coordinator offer group sessions for youth on feelings, self-esteem, anger management, violence and substance abuse, etc. Additional program offerings include retreats, a healing garden, talking circles, sweats, traditional medicine and healing and other such activities. Community awareness and public service campaigns regularly educate the community on programs and services available.

Physical Violence, Domestic Violence, Dating Violence and Sexual Assault

Violence of any kind is prohibited. This includes but is not limited to:

- Physical Violence
- Domestic Violence
- Dating Violence
- Sexual assault and rape
- Child Abuse or Neglect

Procedures for Reporting a Sexual Assault or Other Sexual Offense

Consider Filing a Police Report

A report to the police can empower the complainant by exercising her/his legal rights and can aid in the protection of others. BMCC staff will encourage the complainant to file a police report and will assist the complainant in notifying the police if requested. The police will then advise the complainant of the legal process. Any person who is the victim of a sexual assault is urged to be careful to preserve evidence of the sexual assault for use by any criminal investigator or police officer in the prosecution of the offense and to follow all instructions given to him or her by any police officer investigating the alleged crime.

There may be consequences to waiting to file a police report. Early reports may improve the preparation of a viable prosecution. Filing a police report immediately following the incident does not force the complainant to file charges and prosecute the respondent. However, it does aid in the preservation of valuable evidence if the complainant decides to pursue charges at a later date.

For emergencies dial 9-1-1 or call the Bay Mills Police Department (BMPD) at 248-3244. Any student, administrator, faculty member or other employee of BMCC who witnesses or is a victim of any sex related offense, including any such offense involving a child, is requested to immediately report such incident to BMPD, or dial 9-1-1 and request assistance.

Campus Reporting Alternatives to Immediately Filing a Police Report

1. Report the crime at a later date.
2. Make an anonymous report to the police (a report that notifies the police that a domestic violence, dating violence, sexual assault, or stalking incident has occurred, but gives no names or identification).
3. Make a complaint to the Title IX coordinator. Such a complaint may be used for actions which include, but are not limited to, on-campus administrative and/or disciplinary proceedings. The Title IX Coordinator Holly Powless is available on weekdays, during regular office hours, to coordinate a fair and equitable response to reports of sexual misconduct and is located at the BMIC Tribal Office Building at 12140 W. Lakeshore Drive, Brimley, MI 49715, Hpowless@bmcc.edu, (906) 248-8123.
4. Make a report to any BMCC staff or faculty member or contact college administration, which include, but are not limited to:
 - Mickey Parish, President (906-248-8400)
 - Samantha Cameron, Vice President for Academic Affairs (906-248-8429)
 - Kathy Adair, Director of Development (906-248-8404)
 - Debra Wilson, Dean of Student Services (906-248-8442)
 - Kelly Bedell, Student Support Services Specialist (906-248-8432)
 - Diane Sliger, TRiO-SSS Director (906-248-8476)
 - Wade Teeple, Off Campus and Non-Credit Program Coordinator (906) 248-8421
5. Contact a referral agency for help, such as the Bay Mills Journey to Healing Program or Diane Pepler Resource Center. A victim of sexual assault is encouraged to use the services of the Bay Mills Journey to Healing Program, whose telephone number is 248-8312.

Students should report incidents of rape, acquaintance (or “date”) rape, or other forcible and non-forcible sex offenses to which they are witness or of which they are a victim to BMCC staff. In addition to criminal procedures and prosecution, all BMCC students are protected by federal law and procedures under Title IX.

Bay Mills Community College, as a recipient of federal funds, is required to comply with Title IX of the Higher Education Amendments of 1972, 20 U.S.C. §1681 et seq. (“Title IX”), which prohibits discrimination on the basis of gender in educational programs or activities. This policy prohibits all forms of sexual or gender-based discrimination, harassment, or misconduct, including sexual violence, sexual assault, stalking, and intimate partner violence. Misconduct of this nature is contrary to Bay Mills Community College’s institutional values and prohibited by state, tribal and federal law.

Complainants and third-party witnesses are encouraged to report sexual harassment, sexual violence and intimate partner violence as soon as possible in order to maximize the College's ability to respond promptly and effectively. The College does not, however, limit the time frame for reporting. If the Suspect/Respondent is not a member of the Bay Mills Community College community, the College will still seek to meet its Title IX and Clery Act obligations by taking steps to end the harassment, prevent its recurrence, and address its effects, but its ability to take disciplinary action against the Respondent may be limited.

An incident does not have to occur on campus to be reported to the College. Off-campus conduct that is likely to have a substantial effect on the Complainant's on-campus life and activities or poses a threat or danger to members of the Bay Mills Community College community may also be addressed under this policy.

Reporting Principles

A guiding principle in the reporting of domestic violence, dating violence, sexual assault, and stalking is to avoid possible re-victimizing of the complainant by forcing the individual into any plan of action. It is recommended that a person who has experienced domestic violence, dating violence, sexual assault, or stalking consider each of the following:

1. Getting to a safe place.
2. Avoiding the destruction of evidence by bathing, douching, changing clothes, or cleaning up in any way. Preserve evidence in a paper bag for possible future action. Also, keep copies of emails, text messages, and voice messages.
3. Pursuing medical treatment. Post-assault medical care can be performed at a local emergency room. Many hospitals have a specialized examiner who can complete an exam for victims of sexual violence. Such an exam can help the victim receive an appropriate medical assessment and treatment, and can preserve evidence for possible future action.
4. Pursuing counseling services with the Bay Mills Journey to Healing Program or other agency, such as the Diane Pepler Resource Center. Calling someone that is known and trusted, such as a friend or counselor, and discussing with this person the assault can help to evaluate the trauma to sort out next steps.
5. Making a police report. You can initiate a campus and/or criminal complaint. You may obtain assistance from campus authorities in this notification.
6. Making a report to student support services staff.
7. Making an anonymous report. An anonymous report to the police notifies them that an act of sexual violence has occurred but gives no names or identification.

The BMCC Sexual Misconduct Policy

The following are the procedures to be followed in accordance with the BMCC Sexual Misconduct Policy provided by BMCC to students and staff of the College:

This policy applies to conduct occurring on all College property or at College-sanctioned events or programs that take place off campus, including internship programs. In situations in which both the Complainant and Suspect/Respondent are members of the College community, this policy will apply regardless of the location of the incident. In particular, off campus conduct that is likely to have a substantial adverse effect on, or poses a threat of danger to, any employee or student of the College community or Bay Mills Community College is covered under this policy.

All College proceedings are conducted in compliance with the requirements of FERPA, the Clery Act, Title IX, and state, tribal and federal law. No information shall be released from such proceedings except as required or permitted by law and College policy.

Any individual who reports sexual harassment, sexual violence, stalking or intimate partner violence can be assured that all reports will be investigated and resolved in a prompt, fair and impartial process, from the initial investigation to the final result, by an official who receives annual training on issues related to dating violence, domestic violence, sexual assault, and stalking and who is trained on how to conduct an investigation and hearing process. A Complainant, a Suspect/Respondent and all individuals involved can expect to be treated with dignity and respect. In every report under this policy, the College will make an immediate assessment of any risk of harm to the Complainant or to the broader campus community and will take steps necessary to address those risks. In addition, the report will be assessed, investigated, and a disciplinary hearing held with due process accorded to each party.

The College's policy, definitions and burden of proof may differ from Federal or Tribal criminal law. The burden of proof in a hearing under this policy is proof by a preponderance of evidence. This is a lesser standard than the criminal proof beyond a reasonable doubt. A Complainant may both seek recourse under this policy and/or pursue criminal action. Neither law enforcement's determination whether or not to prosecute a Suspect/Respondent, nor the outcome of any criminal prosecution, are determinative of whether a violation of this policy has occurred. Proceedings under this policy may be carried out prior to, simultaneously with, or following civil or criminal proceedings off campus.

Both parties are entitled to have the same opportunities for having others present during the disciplinary proceeding brought concerning the alleged offense.

The victim and the perpetrator shall each be provided a statement indicating the outcome of any disciplinary proceeding brought against the alleged perpetrator of a sexual offense.

Either party may appeal the final outcome in writing to the Dean of Student Services or designee (the "Appeals Officer"). The appeal will be conducted in an impartial manner by an impartial decision-maker. The appeal must be filed in writing within five (5) business days of receiving the written outcome. The appeal shall consist of a plain, concise and complete written statement outlining the grounds for appeal and all relevant information to substantiate the basis for the appeal. The Complainant and/or Suspect/Respondent may appeal only the parts of final outcome directly relating to him/her. Dissatisfaction with the outcome of the hearing is not grounds for appeal.

Academic Accommodations

In all cases, BMCC will take appropriate steps designed to mitigate the effects of the alleged dating violence, domestic violence, sexual assault, and stalking, prevent its recurrence, and make accommodations for the students involved. This may include academic, and work accommodations, increased monitoring, supervision, or security at locations or in connection with activities where the alleged misconduct occurred, and training and educational materials for the campus community. If there is reason for concern about possible retaliation or harm, the college will take protective measures in consultation with the affected students.

Additionally, the college may provide interim measures to protect the safety of a complainant who reports a sexual assault. Interim measures will be implemented at the discretion of the College. Potential interim measures, which may be applied to the Complainant and/or the Suspect/Respondent, include:

- i. Access to counseling services and assistance in setting up initial appointment, both on and off campus
- ii. Imposition of campus “Stay-Away Letter”
- iii. Rescheduling of exams and assignments (in conjunction with appropriate faculty)
- iv. Providing alternative course completion options (with the agreement of the appropriate faculty)
- v. Change in class schedule, including the ability to take an “incomplete,” drop a course without penalty or transfer sections (with the agreement of the appropriate faculty)
- vi. Change in work schedule or job assignment
- vii. Limit an individual or organization’s access to certain College facilities or activities pending resolution of the matter
- viii. Voluntary leave of absence
- ix. Providing an escort to ensure safe movement between classes and activities
- x. Providing referrals to medical services
- xi. Providing academic support services, such as tutoring
- xii. Interim suspension or College-imposed leave
- xiii. Any other remedy that can be tailored to the involved individuals to achieve the goals of this policy.

Complainants may request accommodations even in cases where a complainant has requested that no investigation be undertaken or the complainant or respondent has declined to participate in BMCC disciplinary proceedings or the criminal process. The Dean of Students or Vice President of Academic Affairs can arrange these accommodations. Generally, alternative class arrangements depend on scheduling considerations and the availability of equivalent courses. BMCC will maintain the confidentiality of any accommodations or protective measures provided to the victim.

Interim Suspension or Separation

Where the report of sexual harassment, sexual violence, stalking or intimate partner violence poses a substantial and immediate threat of harm to the safety or well-being of an individual, members of the campus community, or the performance of normal College functions, the College may place a student or student organization on interim suspension or impose leave for an employee. Pending resolution of the report, the individual or organization may be denied access to campus, campus facilities and/or all other College activities or privileges for which the student might otherwise be eligible, as the College determines appropriate. When interim suspension or leave is imposed, the College will make reasonable efforts to complete the investigation and resolution within an expedited time frame.

Disciplinary Sanctions

If a finding is made following a disciplinary hearing that a sexual offense has been committed, BMCC may impose the following sanctions:

For any student found to have committed a sexual offense, sanctions that may be imposed under the BMCC Sexual Misconduct Policy include:

- i. Warning: Notice, in writing, that continuation or repetition of prohibited conduct may be cause for additional disciplinary action.

- ii. Censure: A written reprimand for violating the College policy. This conduct status specifies a period of time during which the student's or organization's good standing with the College may be in jeopardy. The student is officially warned that continuation or repetition of prohibited conduct may be cause for additional conduct action including probation, suspension, or expulsion from the College.
- iii. Disciplinary Probation: Exclusion from participation in privileged activities for a specified period of time (privileged activities may include, but are not limited to, elected or appointed offices, student research, athletics, some student employment, and study abroad). Additional restrictions or conditions may also be imposed. Violations of the terms of disciplinary probation or any other College policy violations may result in further disciplinary action.
- iv. Restitution: Repayment to the College or to an affected party for damages resulting from a violation of this Code. To enforce this sanction, the College reserves the right to withhold its transcripts and degrees or to deny a student participation in graduation ceremonies and privileged events.
- v. Suspension: Exclusion from College premises, attending classes, and other privileges or activities for a specified period of time, as set forth in the suspension notice. Notice of this action will remain in the student's conduct file. Conditions for readmission may be specified in the suspension notice.
- vi. Expulsion: Permanent termination of student status and exclusion from College premises, privileges, and activities. This action will be permanently recorded on the student's academic transcript.
- vii. Revocation of Admission and/or Degree: Admission to, or a degree awarded by, the College may be revoked for fraud, misrepresentation in obtaining the degree or violation of College policies, the Student Code of Conduct or for other serious violations committed by a student prior to enrollment or graduation.
- viii. Withholding Degree: The College may withhold awarding a degree otherwise earned until the completion of the process set forth in this Code, including the completion of all sanctions imposed, if any.

Other sanctions may be imposed instead of, or in addition to, those specified here. Service, education or research projects may also be assigned. More than one of the sanctions listed above may be imposed for any single violation.

For any employee of BMCC found to have committed a sexual offense, suspension or termination from employment, including, but not limited to, being removed from the campus and not being granted permission to return to the campus for any reason.

Safety Tips and Risk Reduction

How to be an Active Bystander

Bystanders play a critical role in the prevention of sexual and relationship violence. They are individuals who observe violence or witness the conditions that perpetuate violence. They are not directly involved but have the choice to intervene, speak up, or do something about it. We want to promote a culture of community accountability where bystanders are actively engaged in the prevention of violence without causing further harm. We may not always know what to do even if we want to help.

Below is a list of some ways to be an active bystander. If you or someone else is in immediate danger, dial 9-1-1. This could be when a person is yelling at or being physically abusive

towards another and it is not safe for you to interrupt.

- Watch out for your friends and fellow students/employees. If you see someone who looks like they could be in trouble or need help, ask if they are ok.
- Confront people who seclude, hit on, try to make out with, or have sex with people who are incapacitated by alcohol or drugs.
- Speak up when someone discusses plans to take advantage of another person.
- Believe someone who discloses sexual assault, abusive behavior, or experience with stalking.
- Refer people to on or off campus resources for support in health, counseling, or with legal assistance.

(Bystander intervention strategies adapted from Stanford University)

Personal Safety Tips

With no intent to victim blame and recognizing that only rapists are responsible for rape, the following are some strategies to reduce one's risk of sexual assault or harassment.

- **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.
- **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.
- **Trust your instincts**. If you feel unsafe in any situation, go with your gut. If you see something suspicious, contact law enforcement immediately by dialing 9-1-1.
- **Don't leave your drink unattended** while talking, dancing, using the restroom, or making a phone call. If you've left your drink alone, get a new one.
- **Don't accept drinks from people you don't know or trust**. If you choose to accept a drink, go with the person to the bar to order it, watch it being poured, and carry it yourself. At parties, don't drink from the punch bowls or other large, common open containers.
- **Watch out for your friends, and vice versa**. If a friend seems out of it, is way too intoxicated for the amount of alcohol they've had, or is acting out of character, get him or her to a safe place immediately.
- **If you suspect you or a friend has been drugged, contact law enforcement immediately by dialing 9-1-1**. Be explicit with doctors so they can give you the correct tests (you will need a urine test and possibly others).

If you need to get out of an uncomfortable or scary situation here are some things that you can try:

- **Remember that being in this situation is not your fault.** You did not do anything wrong, it is the person who is making you uncomfortable that is to blame.
- **Be true to yourself.** Don't feel obligated to do anything you don't want to do. "I don't want to" is always a good enough reason. Do what is right for you and what you are comfortable with.
- **Have a code word with your friends or family** 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 or family can then come to get you or make up an excuse for you to leave.
- **Lie.** If you don't want to hurt the person's feelings it is better to lie and make up a reason to leave than to stay and be uncomfortable, scared, or worse. Some excuses you could use are: needing to take care of a friend or family member, not feeling well, having somewhere else that you need to be, etc.
- **Try to think of an escape route.** How would you try to get out of the room? Where are the doors? Windows? Are there people around who might be able to help you? Is there an emergency phone nearby?
- If you and/or the other person have been drinking, you can say that you would rather wait until you both have your full judgment before doing anything you may regret later.

Sex Offender Registration

Bay Mills Indian Community has established a Sex Offender Registry Code whereby anyone convicted of a sex offense must register with the Bay Mills Police Department. BMPD also participates in the national sex offender registry, pursuant to the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14071 (j)).

Public Access to Sex Offender Information

The Dru Sjodin National Sex Offender Public Website (NSOPW) is an unprecedented public safety resource that provides the public with access to sex offender data nationwide. NSOPW is a partnership between the U.S. Department of Justice and state, territorial, and tribal governments, working together for the safety of adults and children.

The NSOPW, which can be accessed at <https://www.nsopw.gov/>, is the only U.S. government Website that links public state, territorial, and tribal sex offender registries from one national search site. Parents, employees, faculty, and staff can utilize the Website's search tool to identify location information on sex offenders residing, working, and attending school not only in their own neighborhoods but in other nearby states and communities. In addition, the website provides visitors with information about sexual abuse and how to protect themselves and loved ones from potential victimization.

SAFETY AND HEALTH RELATED RESOURCES

Bay Mills Community College/ Student Services

12214 W Lakeshore Drive
Brimley, MI 49715
906-248-8442

Bay Mills Police Department

12449 W Lakeshore Drive
Brimley, MI 49715
(906) 248-3244

Call 911 if Emergency

Bay Mills Tribal Court

12449 W Lakeshore Drive
Brimley, MI 49715
Hours 8-4:30 M-F
(906) 248-3244

Bay Mills Victim Assistance/ Journey to Healing Program

12124 W Lakeshore Drive
Brimley, MI 49715
Hours 8-4:30, M-F
(906) 248-8312

Bay Mills Health Center

12124 W Lakeshore Drive
Brimley, MI 49715
Hours 7:30-6, M-F
(906) 248-3204

Diane Peppler Resource Center/Serving Domestic Violence and Sexual Assault

PO Box 698
Sault Ste. Marie, MI 49783
<http://dprcenter.org/>

24 Hour Hotline

(906) 635-0566

(800) 882-1515

Sault Tribe Advocacy Resource Center (ARC)/Comprehensive Services Crime Victims

2769 Ashmun Street
Sault Ste. Marie, MI 49783
(906) 632-1808

Hiawatha Behavioral Health

3865 S. Mackinac Trail
Sault Ste. Marie, MI 49783
(906) 632-2805
24 Hour crisis line
(800) 839-9443

Community Social Service Referral Line

<http://www.211.org/> or
Dial 2-1-1

War Memorial Hospital

(906) 635-4460

Cover photo: Dwight “Bucko” Teeple, Bay Mills Member

The Board Regents of the Bay Mills Community College

Stacey Walden, Chairperson; Arlen Kuzmik, Vice Chairperson; Bryan Newland, Treasurer; Randy Touchtone, Secretary; Levi Carrick Sr., Member; Cathy Abramson, Member; Kimberly Vargo, Member; L. John Lufkins, Member; Jannan Cotto, Member; Albert Bertram, Ex-Officio Member; and, Student Body President/Elected Annually, Ex-Officio Member.

Bay Mills Community College (BMCC) and its Board of Regents is committed to providing a non-discriminatory and harassment-free educational and working environment for all members of the Bay Mills Community College, including students, faculty, administrators, staff, and visitors. It is the policy of Bay Mills Community College that no person shall be discriminated against, excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, including harassment, in employment and admissions, in education, or in any program or activity for which the College is responsible, on the basis of race, color, national origin, ancestry, sex, gender, gender identification, sexual orientation, disability, age, religion, medical condition, veteran status, marital status or any other characteristic protected by institutional policy or tribal or federal law. The following person has been designated to handle complaints regarding sex discrimination and all other matters of discrimination: Holly Powless, Title IX Coordinator, 12140 W. Lakeshore Drive, Brimley, MI 49715, (906) 248-8123, hpowless@bmcc.edu.



BAY MILLS
Community College

12214 W. Lakeshore Dr. Brimley MI 49715
Hours: Mon-Fri 8-4:30pm | 1.906.248.3354