



**BAY MILLS**  
Community College

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**BIENNIAL REPORT  
OF  
INSTITUTIONAL COMPLIANCE  
WITH THE DRUG-FREE SCHOOLS AND CAMPUSES ACT  
PERIOD OF REVIEW: JANUARY 2022-DECEMBER 2023  
BAY MILLS COMMUNITY COLLEGE**

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**Bay Mills Community College  
Drug-Free Schools and Campuses Regulations  
Alcohol and Other Drug Prevention Certification**

The undersigned certifies that Bay Mills Community College has adopted and implemented an alcohol and other drug prevention program for its students and employees that, at a minimum, include-

**1. The Clery Safety Report is distributed annually via email to each employee and student. The report also contains the following substance abuse information:**

Standards of conduct that prohibit the unlawful possession, use, or distribution of illicit drugs and alcohol by students and employees on its property or as part of its activities;

- A description of the applicable legal sanctions for the unlawful possession or distribution of illicit drugs and alcohol;
- A description of the health risks associated with the use of illicit drugs and the abuse of alcohol;
- A description of drug or alcohol counseling and treatment programs that are available to employees or students;
- A statement that BMCC will impose disciplinary sanctions on students and employees for alcohol and illegal drug violations; and,
- A disciplinary sanction may include completing an appropriate rehabilitation program, expulsion, termination from employment, and referral to the police department.

**2. A biennial review by the institution of its alcohol and other drug prevention comprehensive program to:**

- Determine its effectiveness and implement changes to its alcohol and drug prevention policies if needed.
- Ensure consistent enforcement of related disciplinary sanctions.

*Duane A. Bedell*

Date: October 21, 2024

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President Duane A. Bedell  
Bay Mills Community College

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## INTRODUCTION

The Drug-Free Schools and Communities Act (DFSCA) Regulations (34 CFR Part 86) require that institutions of higher learning (IHE) adopt, implement, and evaluate policies and programs to prevent the misuse or abuse of alcohol and use or distribution of illicit drugs, both by college students and employees both on its premises and as a part of any of its activities. At a minimum, each institution of higher education must annually distribute the following in writing to all students and employees:

- Standards of conduct prohibiting students and employees' unlawful possession, use, or distribution of illicit drugs and alcohol.
- A description of the legal sanctions for the unlawful possession or distribution of illicit drugs and alcohol.
- A description of any drug or alcohol counseling, treatment, or rehabilitation programs available to employees or students.
- A statement that the institution will impose sanctions on students and employees who violate the standards of conduct. The sanctions may include expulsion from school or termination of employment and referral for prosecution.

The law further requires that the institution conduct a biennial review of its program with the following objectives:

- (1) determine the effectiveness of the policy and implement changes if they are needed; and,
- (2) ensure consistent enforcement of sanctions.

The biennial review must also include:

- (1) the number of reported drug- and alcohol-related violations and fatalities occurring on the campus or as part of their activities; and
- (2) the number and type of sanctions the IHEs impose on students or employees due to such violations or fatalities.

Bay Mills Community College (BMCC) acknowledges its legal obligation to conduct a biennial review of compliance with the Drug-Free Schools and Communities Act.

This document intends to comply with the legal requirements set forth by the DFSCA and discuss prevention and education-related programs, initiatives, and activities related to BMCC's Alcohol and Other Drug Prevention Program for the 2019-2020 and 2020 2021 academic years.

## **BIENNIAL REVIEW PROCESS**

BMCC assigned Holly Powless, BMCC policy analyst, to review BMCC compliance with the DFSCA. The Administration Department then reviewed the report. The following campus departments and offices provided information for this report:

- Administration
- Human Resources
- Student Success Center
- TRIO

The biennial reviewed the following documents:

- Clery Act Annual Security Report(s) 2020 and 2021
- CSI Annual Report(s)
- BMCC Student Handbook
- BMCC Personnel Manual

## **BAY MILLS COMMUNITY COLLEGE**

### **BIENNIAL REVIEW OF POLICIES AND PROCEDURES**

#### **Policy**

The Drug-Free Schools and Campus Regulations (34 CFR Part 86) require that each participating institution of higher learning (IHE) certify that it has developed and implemented a drug and alcohol abuse education and prevention program. The program must prevent the unlawful possession, use, and distribution of drugs and alcohol on campus and at recognized events and activities.

#### **Procedure**

The areas responsible for Bay Mills Community College's Alcohol and Drug Prevention programs are the Administration and the Human Resources (H.R.) Department(s) and the Office of the Dean of Students. These areas will work collaboratively with campus departments to comply with the Drug-Free Schools and Communities Act (DFSCA).

#### **Policy**

On an annual basis, the IHE must distribute written information about its drug and alcohol abuse prevention program (DAAPP) to all students, faculty, and staff. The distribution plan provides the material to students who enroll at a date after the initial distribution and employees hired at different times

The information must include:

1. A written statement about its standards of conduct that prohibit the unlawful possession, use, or distribution of illicit drugs and alcohol by students and employees;
2. A written description of the legal sanctions for the unlawful possession or distribution of illicit drugs and alcohol;

3. A description of the health risks associated with the use of illicit drugs and the abuse of alcohol;
4. A description of any drug or alcohol counseling, treatment, or rehabilitation or re-entry programs that are available to employees or students; and,
5. A statement that the IHE will impose sanctions on students for violations of the institution's codes of conduct and a description of such sanctions.

### **Procedure**

The responsible areas will work together to ensure that the policies, legal and conduct sanctions, health risks, counseling, rehabilitation, and treatment options are up to date, contained within the Annual Security Report, and available on the College website. This information is also annually distributed on October 1 to all students and employees. In addition, new students must complete mandatory online training regarding alcohol abuse. Likewise, all new hires are assigned compulsory training on the Drug-Free School Act.

### **Policy**

Determine the effectiveness of the policy and implement changes to the Alcohol and Drug program if needed.

### **Procedure**

Update the Annual Security Report yearly to reflect changes in Federal, State, and Tribal laws and any new information on substance abuse issues. Collect data from various departments regarding policy violations and enforcement.

### **Policy**

Ensure consistent enforcement of sanctions.

### **Procedure**

Students are held accountable for policy violations and consistently receive sanctions and educational stipulations corresponding to specific breaches. Monitor for violations and ensure the policy is enforced.

### **Policy**

Ensure that biennial reviews are timely conducted and thoroughly documented.

### **Procedure**

The Administration Department will thoroughly review the College's alcohol and drug program every two years on odd-numbered years. Each review will be completed and filed **by December 31** of the biennial review year.

## **NOTIFICATION PROCESS**

### **Compliance with Drug-Free Schools and Communities Act**

Bay Mills Community College continues to fulfill all requirements of the Drug-Free Schools and Communities Act. During the 2022-2024 Biennial Review period, BMCC annually distributed its Annual Security Report (Clery Report) on October 1 via email with a .pdf attachment. The Clery Report contains the following alcohol related information:

#### **ALCOHOL AND DRUG-FREE CAMPUS POLICY**

- Consequences for Violating Alcohol and Drug-Free Policy
- Referral to Law Enforcement for Under Age Alcohol and Controlled Substance Violations
- Michigan Law Governing Marijuana
- Jurisdiction for Enforcing Controlled Substance Violations
- Federal Drug Laws
- Bay Mills Tribal Drug Laws
- Legal Consequences for Alcohol Law Violations/Non-Natives and Canadian Status Indians
- Legal Consequences for Alcohol Law Violations/Members of U.S. Federally Recognized Indian Tribes
- Policy on Tobacco
- Drug and Alcohol-Abuse Education Programs for Students and employees.
- Health Risks Associated with Excessive Drinking
- Health Risks Associated with Abuse of Alcohol and Use of Controlled Substances

The 2024 BMCC Annual Security Report was updated to reflect Tribal law and state law changes regarding marijuana and alcohol violations. BMCC is located within the exterior boundaries of the Bay Mills Indian Community reservation. Tribal law protects the Bay Mills Community College by prohibiting marijuana usage on its campus.

The 2024 BMCC Annual Security Report was updated to reflect changes in Michigan Minor in Possession law and explain unique jurisdictional issues surrounding BMCC. The Alcohol section was also revised to eliminate redundancy and edit language.

## **BMCC POLICIES AND PROCEDURES**

### **ALCOHOL/DRUG-FREE CAMPUS ACT**

#### **BMCC STUDENT POLICY**

The BMCC Student Handbook states:

#### ***ALCOHOL/DRUG-FREE CAMPUS POLICY***<sup>1</sup>

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 person may bring, keep or drink alcoholic beverages on college premises or at college functions. Possession of stimulants, depressants, narcotics, or hallucinogenic drugs, including marijuana and other agents having potential for abuse, is strictly prohibited. Medications prescribed by a physician must be in the original pharmacy container. Individuals who possess, use or distribute such drugs or alcohol are subject to disciplinary action, including prosecution for violation of tribal, state, or federal law (see Student Conduct Code for Bay Mills Community College Substance Abuse Prevention Policy).

#### ***SOCIAL CODE OF CONDUCT***<sup>2</sup>

Bay Mills Community College promotes the integration of traditional Native American values in all educational programs. The seven (7) sacred teachings encourage seeking the virtues of wisdom, love, respect, bravery, honesty, humility, and truth. Likewise, students should behave as mature individuals in keeping with the teachings and conduct themselves accordingly.

The following violations will result in disciplinary actions:

- Possession of any firearms, other weapons, or explosives on campus;
- Assaulting, threatening, harassing, or endangering the health or safety of others;
- Unwelcome sexual advances, requests for sexual favors, or verbal or physical conduct of a sexual nature that unreasonably interferes with another and creates an intimidating, hostile, or offensive environment;
- Theft or damage to public or private property;
- Unauthorized presence in or use of college facilities or equipment;
- Use of tobacco, except in authorized areas or for ceremonial purposes;
- Refusing to comply with college officials performing their duties;
- **Use, possession, or being under the influence of an illegal drug or alcoholic beverage while on college premises or at off-campus sponsored events or field trips.**

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<sup>1</sup> BMCC Student Handbook, pp. 5-6

<sup>2</sup> BMCC Student Handbook, pp. 39-40



Any person possessing firearms, other weapons, or explosives on campus, or those threatening the health, welfare, or safety of students, staff, instructors, or others may be banned from BMCC by the President. This ban is permanent and not appealable under the standard student grievance procedures. The excluded individual will only be allowed to return when directed by a competent authority.

## **SOCIAL CONDUCT DISCIPLINARY SANCTIONS**

BMCC may impose any or all of the sanctions below for violation of the Student Code of Conduct.

- Warning.
- Written reprimand.
- Restitution for damages.
- Mandatory participation in an approved alcohol/drug abuse treatment program.
- Probation.
- Suspension.
- Dismissal.
- Referral for prosecution.

## **DUE PROCESS RIGHTS**

- BMCC will provide a student with written notice of violation(s) and the possible disciplinary sanctions.
- Students can request and receive a hearing.
- Students have the right to adjudicate the charge(s) and disciplinary sanction(s).
- Students may appeal the disciplinary results.
- Students may continue in good standing until completion of the appeals process, if the safety of others is unaffected.
- See Student Handbook for a detailed description of the appeals procedure

## **BMCC EMPLOYEE POLICY**

### **POLICY 300.809 DRUGS, NARCOTICS, AND ALCOHOL<sup>3</sup>**

#### **Policy:**

It is the policy of BMCC to maintain a workplace that is free from the effects of drug and alcohol abuse.

#### **Procedure:**

- (1) Employees are prohibited from the illegal use, sale, dispensing, distribution, possession, or manufacture of illicit drugs, controlled substances, narcotics, or alcoholic beverages on BMCC premises or work sites. (See BUSINESS ENTERTAINING, Policy 403.) In addition, BMCC prohibits off-premises abuse of alcohol and controlled substances, as well as the possession, use, or sale of

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<sup>3</sup> BMCC Personnel Manual, pp. 97-98.

illegal drugs, when these activities adversely affect job performance, job safety, or BMCC's reputation in the community.

- (2) BMCC will not hire, subject to state or local law restrictions, alcoholics or drug abusers whose current use of those substances prevents them from performing their jobs or which would constitute a direct threat to the property or safety of others. Whenever applicants for employment are to be tested for the presence of illegal drugs or alcohol, they are to be informed in advance.
- (3) Employees will be subject to disciplinary action, up to and including termination, for violations of this policy. Violations include, but are not limited to, possessing illegal or controlled substances and narcotics or alcoholic beverages at work; being under the influence of those substances while working; using them while working; or dispensing, distributing, or illegally manufacturing or selling them on BMCC premises and work sites.
- (4) Employees subject to the Drug-Free Workplace Act who are convicted of any criminal drug violation occurring in the workplace must report the conviction to the President's Office within five days, and the President's Office will take appropriate action as required by law.
- (5) Employees, their possessions, and BMCC-issued equipment and containers under their control are subject to search and surveillance at all times while on BMCC premises or work sites or while conducting BMCC business. (See Security, Policy 606.)
- (6) Employees may be asked to take a test at any time to determine the presence of drugs, narcotics, or alcohol unless the tests are prohibited by law. Employees that agree to take the test must sign a consent form authorizing the test and BMCC's use of the test results for purposes of administering its discipline policy. It is a violation of this policy to refuse consent for these purposes or to test positive for alcohol or illegal drugs. Policy violations will result in discipline and may result in termination. Tests that are paid for by BMCC are the property of BMCC, and the examination records will be treated as confidential and held in separate medical files. However, records of specific examinations will be made available, if required by law or regulation, to the employee, persons designated and authorized by the employee, public agencies, relevant insurance companies, or the employee's doctor.
- (7) Supervisors should report immediately to the President's Office any action by an employee who demonstrates an unusual pattern of behavior. The President's Office will determine whether the employee should be examined by a physician or clinic and/or tested for drugs and alcohol. Employees believed to be under the influence of drugs, narcotics, or alcohol will be required to leave the premises. Tribal Law Enforcement should be notified to arrange safe transit.
- (8) Employees must report their use of over-the-counter or prescribed medications to the President's Office if the use might impair their ability to perform their job safely and effectively. A determination will then be made as to whether the

employee should be able to perform the essential functions of the job safely and properly. (See Medical Procedures, Policy 203.)

- (9) Employees who are experiencing work-related or personal problems resulting from drug, narcotic, or alcohol abuse or dependency may request or be required to seek counseling help. Participation in counseling, including BMCC-sponsored or required counseling, is confidential and should not influence performance appraisals. Job performance, not the fact that an employee seeks counseling, is to be the basis of all performance appraisals. (See Performance Appraisals, Policy 302.)
- (10) Any employee who is abusing drugs or alcohol may be granted a leave of absence to undertake rehabilitation treatment. (See Leaves of Absence, Policy 703.) The employee will not be permitted to return to work until certification is presented to the President's Office that the employee is capable of performing his job. Failure to cooperate with an agreed-upon treatment plan may result in discipline, up to and including termination. Participation in a treatment program does not insulate an employee from the imposition of discipline for violations of this or other BMCC policies.
- (11) BMCC will, to the extent feasible, provide continuing awareness programs about the harmful effects of drug and alcohol abuse.

## **EDUCATIONAL PROGRAMS**

Bay Mills Community College has purchased online training for both employees and students on the subjects of Alcohol Awareness, Title IX issues, the Drug-Free Schools and Communities Act, and other federal laws.

### **FOR STUDENTS**

#### **Online training program**

Currently, all students (on-campus and online) must annually take and complete an online computer training course called Alcohol Awareness for students. The SafeColleges Online Programs administers the course. This course provides college students with an awareness of alcohol-related issues like the college drinking scene, the harmful effects of drinking, when and how to get help, and how to protect themselves and others.<sup>4</sup>

#### **Orientation**

All new students must attend new student orientation, which reviews various laws, school policies, sanctions, and other information. New students also learn about the mandatory online training programs.

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<sup>4</sup> <https://www.safecolleges.com/courses/alcohol-awareness-for-students/>

## **Substance Free Activities**

BMCC provides a healthy and stable support structure for students in addition to their regular academic routine. Various BMCC departments offer a variety of substance-free programs to promote health and wellness. The concept is that by providing multiple healthy activities, students will choose these activities over unhealthy or inappropriate ones. In addition, BMCC monitors student participation and evaluates effectiveness. The Human Resources Department has also begun providing employees with healthy activities such as the employee wellness newsletter, Fresh Start Mondays and surveys. Finally, all employees monitor the campus environment to ensure that it is drug and alcohol-free.

BMCC promotes the concept of making choices that promote health, wellness, and fun for all students on campus. The goal of the activities is to provide appropriate outlets for student involvement that are substance-free. Cost-free cultural activities are also held throughout the school year, emphasizing Native American culture (i.e. seasonal feasts, guest speakers, movies, craft nights, and cultural trips). In addition, field trips are made to other colleges for students interested in continuing their studies.

## **Campus Recreation**

The College provides programs, services, and facilities that encourage personal development and learning experiences through enjoyable sports and recreational opportunities.

The Mukwa Health and Fitness Center has cardio and fitness and strength equipment. It also supports multi-purpose fitness classrooms and locker rooms with showers. The fitness center is open 24 hours, seven days a week for members via a fingerprint scanner that will open the front door anytime. College and university students from BMCC and LSSU who can prove current enrollment are eligible for a membership fee of \$20.00/semester (fall/spring/summer).

The fitness center also offers group training in the areas of Functional Training, Qigong, Yoga, group hikes in the area, a community share bike program, a winter equipment loan program, a bicycle loan program and fitness programs for elders.

## **Student Referrals**

Students with ongoing substance abuse concerns are provided with off-site referrals to community providers who specialize in treating addictions or provide more intensive treatment programs. BMCC refers students who may have a substance abuse problem. The Bay Mills Behavioral Health Center and other providers can treat significant substance abuse addictions that requires long-term, intensive, or multi-disciplinary treatment and/or detoxification. Referred students are given an assessment, and then specific services are provided based on the results. Students are responsible for paying the cost of substance abuse treatment.

## **FOR EMPLOYEES**

### **Online training program**

The Human Resources (HR) Director ensures that all employees (staff, faculty, employees, adjunct instructors) receive annual online computer training on the subject of the Drug-Free Workplace Act (Full Course) administered by the SafeColleges Online Training program. According to the SafeCollege website,

The goal of this course is to provide employees with an understanding of drug and alcohol abuse in the workplace. This course will review the Drug-Free Workplace Act, recognizing the signs of substance abuse and addiction, and knowing your role in fighting substance abuse on the job. This version is designed for college and university staff.<sup>5</sup>

### **Notification of Drug and Alcohol Policies**

BMCC also provides annual notification of its drug and alcohol policies through distribution of its Annual Security Report (Clery Report) via email on October 1. The report is updated annually to educate its readers of the changes in law and how it pertains to the BMCC campus.

All employees have online access to the BMCC Personnel Manual, which contains the employee policy on drugs, alcohol, and narcotics. All employees are disciplined under the Manual.

### **Substance Free Activities**

BMCC has started an employee wellness program which produces a monthly employee wellness newsletter, has periodic walking fitness challenges, and other activities to provide employees with healthy substance free activities and information. In addition, employees model substance free behavior when they accompany students on cultural and other field trips and activities.

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<sup>5</sup> <https://bmcc-mi.safecolleges.com>

## ALCOHOL AND DRUG VIOLATIONS STATISTICS

### Crime Statistics for 2021, 2022, and 2023<sup>6</sup>

Crime Statistics	On-Campus			Public Property			Unfounded Crimes
	2021	2022	2023	2021	2022	2023	2023
<b>Criminal Offenses</b>							
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
<b>VAWA Offenses</b>							
a. Domestic violence	0	0	0	0	0	0	0
b. Dating violence	0	0	0	0	0	0	0
c. Stalking	0	0	0	0	0	0	0
<b>Arrests</b>							
a. Weapons: carry, possession, etc.	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
<b>Disciplinary Actions</b>							
a. Weapons: carry, possess, etc.	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.

**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 2021, 2022, and 2023.

<sup>6</sup>Bay Mills Community College 2024 Annual Security Report, p. 11.

## **CHANGES IMPLEMENTED BASED UPON 2022-2023 BIENNIAL REVIEW EVALUATION**

**Recommendation:** Update the legal section of the BMCC Annual Security Report to reflect new changes marijuana law and alcohol laws.

**Action:** Legal section updated to reflect current tribal, state, and federal law.

**Recommendation:** Update the drug and alcohol section of the BMCC Annual Security Report to reflect new and emerging trends in different drugs.

**Action:** Other sections updated to present current information on drug and alcohol issues.

**Recommendation:** Survey, sample, and choose a new software vendor to present federal compliance information, including the issues of substance abuse.

**Action:** Software vendors and programs are reviewed and tested by the policy analyst and H.R. Director. A software vendor is chosen, administrator training received, and new online training programs were introduced for both students and employees for the 2023-2024 semester. In 2024, the software vendor updated their training programs to reflect changes in federal laws and regulations.

**Recommendation:** Perform Biennial Review Evaluation for BMCC regarding the Drug-Free Schools and Campuses Act and report results.

**Action:** Survey, compile, and present BMCC's compliance efforts with the Drug-Free Schools and Campuses Act.

## **RECOMMENDED CHANGES TO IMPLEMENT FOR THE 2024-2025 BIENNIAL REVIEW PERIOD**

### **EDUCATIONAL SOFTWARE TRAINING**

#### **Review other software vendors for mandatory annual training**

**Student Educational Software Training:** Mandatory annual software training on Alcohol use/abuse to empower students to make healthy and responsible choices.

**Employee Training:** Mandatory annual software training sessions on the Drug Free Workplace Act and the Drug-Free Schools and Campuses Act. Facilitate alcohol and illegal drugs informational sessions for various departments and offices across campus to raise awareness about the Drug Free Workplace act; no alcohol or drugs on-campus or on school field trips policy; and, enforcing/reporting drug and alcohol violations.