



BAY MILLS
Community College

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ANNUAL SECURITY REPORT



2020

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INTRODUCTION

Message from the College President



Michael C. Parish
BMCC President

Bay Mills Community College (BMCC), and its Board of Regents, is committed to providing a safe, non-discriminatory and harassment-free educational and working environment for all of its members, including students, faculty, administrators, staff, and visitors. Safety is our number one priority.

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 prepared and published this 2020 Annual Security Report to comply with the Clery Act. This report contains 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. Finally, this report also addresses the issue of compliance with the Drug-Free Schools and Communities Act and the issue of substance abuse.

Effective campus safety is the combined responsibility of the entire BMCC community. Accordingly, we encourage all students, staff, and visitors to create and maintain a safe and secure educational campus environment by being active, knowledgeable participants in their own personal safety and that of others.

Read this report and all of its useful information. Stay alert and informed. Report all suspicious activity and offensive behavior to any of our staff or faculty. Your active response will help keep our campus safe!!!

We wish you the best in your time here at Bay Mills Community College!

Sincerely,

Michael C. Parish
President

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, 2020. An annual e-mail notification is sent to all enrolled students, faculty and staff with the report attached. The report may also be downloaded from the college's Right To Know website at <http://www.bmcc.edu/right-know>. Printed copies of the report are available upon request at the Title IX Coordinator's office, Room 256, in the Michael C. Parish 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 announcement.

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) 248-3244		Non Emergency
			(906) 248-2021
Fire Department			Bay Mills Water Problems
Emergency	911		(906) 248-8179
Non Emergency			Bay Mills Public Works
Superior Township	(906) 248-3312		(906) 248-8170
Bay Mills Township	(906) 437-3473		
DTE Gas Leak Emergencies		(800) 947-5000	Cloverland Electric
Michigan Road Conditions		(800) 381-8477	1-800-562-4953
			(906) 635-6800
			BMCC Maintenance
			Richard Schofield
			(906) 322-7519
COMMUNITY AND HEALTH RELATED RESOURCES			
Bay Mills Community College (BMCC)			(906) 248-3354
Bay Mills Victim Assistance Program			(906) 248-3204
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) 248-5527
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. Nor are the names of the victims or perpetrators listed in the statistics.

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. BMCC will use all of the following crime definitions as the federal government has primary jurisdiction over prosecution of those offenses.

Definitions

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.

Business day. Monday through Friday, excluding any day when the institution is closed.

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

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, or by any other person against an adult or youth victim who is protected from that

person's acts under the domestic or family violence laws of 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).

Federal Bureau of Investigation's (FBI) Uniform Crime Reporting (UCR) program. A nationwide, cooperative statistical effort in which city, university and college, county, State, Tribal, and federal law enforcement agencies voluntarily report data on crimes brought to their attention. The UCR program also serves as the basis for the definitions of crimes in Appendix A to this subpart and the requirements for classifying crimes in this subpart.

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

Hierarchy Rule. A requirement in the FBI's UCR program that, for purposes of reporting crimes in that system, when more than one criminal offense was committed during a single incident, only the most serious offense be counted.

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.

Referred for campus disciplinary action. The referral of any person to any campus official who initiates a disciplinary action of which a record is kept and which may result in the imposition of a sanction.

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.

Sexual assault. An offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI's UCR program and defined as follows:

- **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. For the purposes of this definition—(A) *Course of conduct* means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property; (B) *Reasonable person* means a reasonable person under similar circumstances and with similar identities to the victim; and, (C) *Substantial emotional distress* means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

Test. Regularly scheduled drills, exercises, and appropriate follow-through activities, designed for assessment and evaluation of emergency plans and capabilities.

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; possession of deadly weapons by convicted felons; and, all attempts to commit any of the aforementioned.

Definitions of Clery Geography

For the purposes of collecting crime statistics for submission to the Department of Education and inclusion in this institution's annual security report, Clery geography includes:

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. Therefore, the regulatory requirements of 34 CFR §668.46(h) regarding missing student notification procedures do not apply.
4. Bay Mills Community College has the following on-campus buildings and property:
 - a. *Main campus located at 12214 W. Lakeshore Drive, Brimley, MI 49715.
 - b. *East Campus located at 2736 W. M-28 Dafter Township, MI 49724
(up to 10/01/2020; thereafter, this location will no longer be used by BMCC)
 - 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;

There are no noncampus locations of student organizations officially recognized by BMCC.

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 property.

All public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus, or immediately adjacent to and accessible from the campus.

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 (BMCC), with the exception of the West Campus site and Waishkey Bay Farm, are located within the exterior boundaries of the Bay Mills Indian Community reservation and are considered to be within "Indian Country" for federal prosecution purposes. If a sexual crime is committed on the BMCC campus 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”.

Dual Federal and Tribal Jurisdiction

Another unique fact concerning "Indian Country" 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 BMCC On Campus buildings and land located at the Waishkey Bay Farm and the West Campus, 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 any crime is committed at the BMCC Waishkey Bay Farm or the West Campus, 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. All other matters will be covered under the Michigan criminal statutes.

Crime Statistics for 2017, 2018, and 2019

Crime Statistics	On-Campus			Public Property			Unfounded Crimes
	2017	2018	2019	2017	2018	2019	2019
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	0	0
b. Dating violence	0	0	0	0	0	0	0
c. Stalking	0	0	0	0	0	0	0
Arrests							
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
Disciplinary Actions							
a. Weapons: carry, possessing, 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 the three most recent calendar years of 2017, 2018, and 2019.

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. 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 statistics information from the Bay Mills Police Department.

Law Enforcement Authority

The Bay Mills Police Department (BMPD) is the law enforcement agency serving the Bay Mills Community College. The BMPD is the first agency called when emergency assistance is needed. Law enforcement officers work in conjunction with other tribal, state, and federal authorities for the protection of the college and the Bay Mills community. Dispatch and law enforcement are available 24 hours a day.

Accurate and Timely Reporting of Criminal Activity

Prompt and accurate reporting of criminal activity aids in providing a timely response and timely warning notices to the BMCC 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 any college employee.

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.

Confidentiality and Crime Reporting

A student's privacy concerns are weighed against the needs of the college and BMPD in responding 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. The Family Educational Rights and Privacy Act (FERPA) law allows information disclosure for public safety reasons. BMCC may disclose personally identifiable information from education records, without student consent, to appropriate parties, including parents of an eligible student, in connection with a health or safety emergency. Under this FERPA provision, BMCC may notify parents when there is a health or safety emergency involving their son or daughter, even if the parents do not claim the student as a dependent.

How to Report an Emergency or Crime to Emergency Responders

Emergency police, fire and medical services for the 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.

Reports may also be made to the Bay Mills Police Department (BMPD) at 248-3244.

Go to a safe place and then call 9-1-1. If you are a crime victim 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 (i.e. breaking or entering) you may be in danger because the perpetrator may still be in close proximity. Do not enter the crime scene!

How to Report an Emergency or Crime to the College

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 and then any BMCC employee. The BMCC employee shall then immediately report the situation to any member of the college administration department. For off-campus situations, you may call 911 and refer to the local law enforcement department with appropriate jurisdictional authority.

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 staff and students should cooperate fully with all directions from the law enforcement officers and assist them if needed.

BMCC will immediately issue emergency notifications to the campus community upon confirmation of an ongoing significant emergency or dangerous situation that poses an imminent threat to the safety of campus community members,. The following examples 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 will not necessitate an emergency notification. College communications will facilitate notifications about such non-emergent situations with coordination of involved departments as appropriate. Examples of such situations include: snow closures, temporary building closures, or power outages.

Firearms and Other Dangerous Weapons

Possession of firearms and other dangerous weapons is prohibited on campus. 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.

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.

Legally Mandated Reporting

There are instances when a 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.

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.

Snow Closures

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 and to use their own judgement to determine whether it is safe to drive in winter road conditions.

COMMUNICATION ABOUT CAMPUS CRIME

Timely Warnings

The Clery Act requires the college to notify the campus community of an “immediate threat” 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 or continuing threat to the safety of the college community.

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 and/or Duane Bedell, President Designee (after 1/1/21)
2. Samantha Cameron, Vice President for Academic Affairs
3. Kathy Adair, Director of Development
4. Laura Postma, Vice President for Business and Finance
5. Steve Yanni, Land Grant Director
6. Chet Kasper, Director of Technology
7. Debra Wilson, Dean of Student Services
8. 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
- Hate crimes. 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 will contain 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; 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 or PA announcement
- Posted Notice on exterior doors of each campus building or on campus doors.

Emergency Response and Evacuation Procedures

Bay Mills Community College has adopted The BMCC Emergency Preparedness and Response Guide which can be found at the President's office and also online at <http://www.bmcc.edu/about-bmcc/governance-administration/college-policies>. The Guide will inform you about emergency procedures, fire detection and prevention, medical emergencies and other types of hazardous situations. This Guide also describes the role and responsibilities of students and administration in the event of an emergency or dangerous situation involving an immediate threat. Students, faculty and staff should become familiar with these guidelines so all can react safely in the event of an emergency.

Evacuation Procedures 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 should be 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.

BMCC staff have participated in active shooter training along with the BMPD and other agencies. Students should seek out a BMCC employee for assistance in the event of a dangerous situation.

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.

Campus Security

Bay Mills Community College (BMCC) is a public institution and is accessible to the public during normal business hours. Building hours may vary. BMCC employees are onsite during regular business hours. 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 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.

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 lit 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 interior and exterior security cameras. BMCC has posted signs that the property is under surveillance. The cameras were 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.

- **Bay Mills Police Department (BMPD) Ongoing Patrols of BMCC campus**

BMPD officers occasionally patrol the BMCC campus thereby preventing and deterring crime, especially after business hours when the college is closed.

- **Key Control.** Electronic keys are issued to employees, must be secured at all times, and not given to other individuals. Master keys are also maintained by the Campus Security person in a secure location.

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 of the risk that exists. BMCC does not have any recognized student organizations in off-campus locations.

ALCOHOL AND DRUG FREE CAMPUS POLICY

BMCC is concerned about the academic success of students, 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.

All persons entering BMCC grounds 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 use alcoholic beverages on college premises or at college functions, including student field trips or other off campus events.

BMCC 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.

**IN SUM, ALCOHOL AND ILLEGAL DRUGS ARE PROHIBITED
ON THE BMCC CAMPUS!!!**

Consequences for Violating the BMCC Alcohol and Drug Free Policy

The Drug-Free School and Communities Act Amendments of 1989 requires 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 illegal drugs while on BMCC's campus will be subject to immediate appropriate discipline.

The matter will 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. The Office of Student Services has information about substance abuse and can provide referrals.

Referral to Law Enforcement for Under Age 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 may be subject to

a civil infraction citation and/or criminal prosecution depending on native status.

Any student found to be under the influence of an alcoholic beverage or any other intoxicating substance, and/or is a threat to him or herself or others, shall be reported to the Bay Mills Police Department for investigation. Any guest of a student using an intoxicating substance, or who is under the influence of any illegal drug, or in possession of any alcoholic beverage or any illegal drug while on campus, may be reported to the Bay Mills Police Department and asked to leave the campus.

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 (MMMA) 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 is located on "Indian Lands" and federal laws apply to all persons. Thus, the use or possession of marijuana on the Bay Mills Community College campus is strictly prohibited because it violates federal and tribal laws and also the BMCC Alcohol and Drug policy. Violations will be referred to the Bay Mills Police Department.

Jurisdiction for Enforcing Controlled Substance Violations

The Bay Mills Community College is on "Indian Land" for federal and tribal jurisdictional purposes. Therefore, all persons who enter the Bay Mills reservation are subject to federal and tribal 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 which has its own restrictions. 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.

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. **Federal law has 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).**

In addition, 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 long-term drug treatment programs. (21 U.S.C Section 862). There are enhanced penalties for subsequent violations. However, penalties may be ameliorated by participation in an approved substance abuse treatment program.

Bay Mills Tribal Drug Laws

Bay Mills Tribal laws apply to all members of U.S. federally recognized Tribes. Under the Bay Mills Tribal Code Section 641(A) "It shall be unlawful for any person to possess or use, without a valid prescription from a medical doctor, a controlled substance, as defined by the Controlled Substance Act of 1970, as amended from time to time (21Section 801 et. Seq.)

and any substance listed in schedule 1 (MCL 333.372) or schedule 2 (MCL 333.7214) of the Michigan Uniform Controlled Substance Act, as they may from time to time be amended. Possession or use of marijuana is not prohibited by this subsection." The Bay Mills Tribal Code Section 641 was recently amended to permit possession or use of marijuana with certain restrictions.

Bay Mills Tribal Code Section 641(J) states "Marijuana products may not be consumed, possessed, or used within, in or on, or within five hundred (500) feet of, the real property comprising a public or private elementary, vocational, or secondary school, or a public or private college, junior college, or university, or a playground, or housing facility owned by a public housing authority, or within one hundred (100) feet of a public or private park, or other community recreational area."

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)	Civil Infraction-Possible fine				Community Service
Operating While Visibly Impaired (OWVI) Misdemeanor	1 st Up to 93 days	\$0-300 Driver Resp Fee OWI \$500 2 yrs.	90 day restricted or 180 days if impaired by controlled substance 4 points	Possible	Up to 360 hours Community Service, Vehicle Immobilization
Operating While Intoxicated (OWI) or Operating W/Any Presence of Sched. 1 Drug or Cocaine (OWPD) Misdemeanor	1 st Up to 93 days	\$100-500 Driver Resp Fee OWI \$1000 2 yrs. OWPD \$500 2 yrs.	30 day suspend followed by 150 day restricted 6 points	Possible	Up to 360 hours Community Service, Possible Vehicle Immobilization, Possible Ignition interlock
OWI High BAC (+.017) Misdemeanor	1 st Up to 180 days	\$200-700 fine + Driver Resp Fee, \$1000 each yr.	Mandatory 1 yr. suspension, may be eligible for restricted after 45 days only if ignition interlock installed 6 points	Possible	Up to 360 hours Community Service, Possible plate confiscation and vehicle immobilize if operate w/o ignition interlock
Zero Tolerance (under age 21) Prohibits any level alcohol while driving Misdemeanor	1 st	\$0-250 fine Driver Resp Fee \$500 2 yrs.	30 day restricted 4 points	Possible	Up to 360 hours Community Service
Person under 21 transport/possess alcohol in vehicle	N/A	Up to \$100 fine	1 st No action against drivers license; 2 nd 30 day suspend and 60 day restricted 2 points	May order alcohol screening	Community Service, vehicle may be impounded up to 30 days
Fraudulent ID to purchase alcohol	Up to 93 days	Up to \$100 fine	90 day suspension	N/A	N/A

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 Misdemeanor	90 days	Up to \$1000		May be ordered	Community Service possible
Operating While Visibly Impaired (OWVI) Misdemeanor	Up to 60 days	Up to \$300	Reported to state. See chart on previous page for sanctions	May be ordered	Community Service up to 30 days
Driving under intoxicating liquor or controlled substance Misdemeanor	Up to 90 days	Up to \$500	Reported to state. See chart on previous page for sanctions	May be ordered	Community Service up to 45 days
Zero Tolerance (under age 21) Prohibits any level alcohol while driving Misdemeanor	1st	Up to \$250	Reported to state. See chart on previous page for sanctions	May be ordered	Up to 45 days of community service
Open Intoxicants in vehicle Misdemeanor	Up to 90 days	Up to \$500 Could include both jail and fine	Reported to state. See chart on previous page for sanctions	N/A	N/A
Possession of a controlled substance Misdemeanor	Up to 6 months	Up to \$2500 Could include both	N/A	May be ordered	Probation may be ordered
Manufacture or sale of a controlled substance Misdemeanor	Up to 1 year	Up to \$5000 Could include both jail and fine	N/A	May be ordered	Probation 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 or in college owned vehicles.

Drug and Alcohol-Abuse Education Programs

For Students:

The BMCC Student Support Services staff assists students by educating, anticipating, and intervening in situations where substance use/abuse may negatively influence student performance. Students who are concerned about their own alcohol use and/or that of others are encouraged to contact the Student Support Services Specialists or TRIO staff. Referrals for appropriate treatment and/or education can be made. Also, students may contact the Bay Mills Behavioral Health Department for assistance in the matter.

BMCC has also partnered with the SafeColleges company to offer computer education training on Alcohol usage for students. All BMCC students are required to complete the Alcohol training module before the end of each semester. The mandatory training is provided to students free of charge. BMCC monitors completion of the training through an online database maintained by SafeColleges.

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 about a substance abuse policy.
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 abuse is covered by the employee health insurance plan, subject to applicable deductibles and co-pays. The ultimate financial responsibility for substance abuse treatment belongs to the employee. The Bay Mills Health Center has a substance abuse treatment program for everyone including employees, students and the community at large. For help, call 906-248-3204. The receptionist will coordinate services and an appointment for you.

In addition, all employees must complete the Drug Free Workplace training module offered by SafeColleges within the first thirty days of hire. The BMCC Human Resources Department documents which employees complete the training through an online database and also training certificates are placed in employee files.

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 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. Convictions may impact future employment, licenses for professions, etc.
- **Personal Problems.** Lost job; lost driver's license; relationship problems; lost productivity; dropping out of school; incarceration, and, homelessness.

*Information obtained from <https://www.rethinkingdrinking.niaaa.nih.gov/>

Reducing Risks

- **Don't Drink.** Make a decision to not drink alcohol.
- **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** <https://www.niaaa.nih.gov/alcohol-health/overview-alcohol-consumption/alcohol-facts-and-statistics>.

Education

- See chart on next page for a snapshot view of the health risks of substance abuse.

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	Psychological			
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 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, Iorcet	High High 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, Phonobarbitol 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, Desoxyn, 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
HALLUCINOGENICS	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	Unknown	Unknown	Increased heart rate, vomiting, agitation, confusion, hallucinations,	Unknown	Increased emergency room visits, Heart attack, Coma

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

Violence of any type is prohibited at BMCC including but not limited to:

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

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?**

The provisions of the BMCC Title IX Sexual Harassment Policy governs the disciplinary procedures in cases involving dating violence, domestic violence, sexual assault, and stalking. BMCC can also use the student code of conduct and employee discipline procedures to cover offensive or criminal behavior not covered by the Title IX policy. During 2019 and 2020 to date, there have been no reported Title IX complaints or violations.

Prior to 08/14/2020 the superseded BMCC Sexual Misconduct Policy was written in accordance with the then appropriate federal regulations. That policy covered the time period from 10/01/2019 to 08/14/2020 and its provisions are detailed in Appendix A of this report.

The BMCC Title IX Sexual Harassment Policy (from 08/14/2020 to present 10/01/2020 and beyond)

An entirely new Title IX policy was written and implemented on 08/14/2020 to comply with newly revised federal regulatory changes. The new 500.201 Title IX Sexual Harassment Policy was adopted by the BMCC Board of Regents on 09/18/2020 and specifically covers:

- N. “Sexual Harassment,”** for the purposes of this policy, means conduct on the basis of sex that constitutes one or more of the following:
1. **Quid pro quo sexual harassment:** When a BMCC employee conditions the provision of a college aid, benefit, or service on an individual’s participation in unwelcome sexual conduct; or,
 2. **Unwelcome conduct** determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to a BMCC Education Program or Activity; or,
 3. **Sexual assault** as defined in the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (“Clery Act,” specifically 20 U.S.C. 1092(f)(6)(A)(v)). Sexual assault means an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation including:
 - a. **Rape** is defined as the carnal knowledge of a person, without the consent of the person, including instances where the person is incapable of giving consent

because of age or because of temporary or permanent mental or physical incapacity;

- b. **Sodomy** is oral or anal sexual intercourse with another person, without the consent of the person, including instances where the person is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity;
 - c. **Sexual Assault with An Object**, defined as the use of an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, without the consent of the person, including instances where the person is incapable of giving consent because of his/her youth or because of age or because of temporary or permanent mental or physical incapacity;
 - d. **Fondling**, defined as the touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the person, including instances where the victim is incapable of giving consent because of his/her youth or because of age or because of temporary or permanent mental or physical incapacity;
 - e. **Incest**, defined as nonforcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law;
 - f. **Statutory Rape**, defined as nonforcible sexual intercourse with a person who is under the statutory age of consent.
4. **Dating violence** as defined in Violence Against Women Act ("VAWA, specifically 34 U.S.C. 12291(a)(10)). Dating violence means violence committed by a person (i) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (ii) where the existence of such a relationship shall be determined based on the consideration of the following factors: the length of the relationship, the type of the relationship, and the frequency of interaction between the persons involved in the relationship.
5. **Domestic violence** as defined in VAWA (34 U.S.C. 12291(a)(8)). Domestic violence includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitation 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, or by any other person against an adult or youth victim who is protected from that person's act under the domestic or family laws of the jurisdiction.
6. **Stalking** as defined in VAWA (34 U.S.C. 12291(a)(30)). Stalking means engaging in a course of conduct directed at a specific person that would cause a reasonable person to (i) fear for their own safety or the safety of others; or, (ii) suffer substantial emotional distress....

In addition, the issue of consent is addressed by the following definition obtained from federal criminal statutes:

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.
- (5) If the person is a minor under the age of 18.

Please note that 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.

The new regulatory changes limited the definition of what a Title IX violation is, added in due process requirements for both parties, and added a hearing panel to decide complaints. Compliance with the Title IX Policy does not violate the Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g; 34 CFR Part 99). The following are excerpt(s) from the policy highlighting major issues:

II. SCOPE OF POLICY

- A. This policy has been adopted to comply with Title IX laws and regulations. This policy governs BMCC's responses to complaints of Title IX defined Sexual Harassment in accordance with the US Department of Education regulations (34 C.F.R. Sec. 106 et seq.).
- B. This policy applies to all persons associated with the Bay Mills Community College community, including students, employees, and third parties who are engaged in any college program or activity, or who are otherwise interacting with BMCC, including but not limited to: volunteers, vendors, contractors, visitors and guests. Any individual who is found responsible of violating this policy may face disciplinary sanctions up to and including expulsion from BMCC or termination of employment.
- C. This policy is intended to protect individuals who have been affected by sexual discrimination, sexual harassment, sexual violence, stalking or intimate partner violence, whether as a Complainant or a Respondent and to provide fair and equitable due process for the investigation and resolution of such reports.
- D. Title IX applies to persons in the United States in an institution's education program or activities (including employment). This Title IX Sexual Harassment Policy applies when:
 - 1. BMCC has actual knowledge of sexual harassment as defined by this policy.
 - 2. The sexual harassment occurred within BMCC's Education Programs or Activities.
 - 3. The sexual harassment is against a person in the United States.
 - 4. At the time of filing a Formal Complaint, a Complainant must be participating in, or attempting to participate in a BMCC Education Program or Activity with which the formal complaint is filed.
- E. Misconduct complaints that do not meet the definition of Title IX Sexual Harassment, under this policy, may be subject to other College policies, including but not limited to: the 400.400 Student Handbook provisions; the 300.808 BMCC Personnel Manual provisions; and, the 500.105 Code of Conduct for Visitors, Volunteers, and Guests.
- F. A Complainant is encouraged to report misconduct regardless of where the incident occurred, or who committed it. Even if BMCC does not have jurisdiction over the Respondent, BMCC will nonetheless take prompt action to provide for the safety and well-being of the Complainant and the

broader campus community under this and other college policies...

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VII. BMCC TITLE IX OFFICE RESPONSE(S) TO ALLEGED PROHIBITED CONDUCT

A. INFORMATION PROVIDED TO COMPLAINANTS

When the BMCC Title IX office learns about possible prohibited conduct, it will promptly contact the complainant to:

1. Provide information about supportive measures, including information about:
 - a. Supportive measures and resources within BMCC and in the community that are available with or without the filing of a formal complaint.
 - b. How to request supportive measures, including changes to academic, transportation, and working situations or protective measures.
 - c. BMCC's services related to no-contact orders, orders for protection, or similar lawful orders.
 - d. How BMCC will maintain the confidentiality of supportive measures provided to the complainant.
 - e. An invitation to the complainant to discuss supportive measures and share their wishes with respect to supportive measures with the BMCC Title IX office.
2. Provide information about the various processes offered by BMCC to address prohibited conduct.
3. Explain the process for filing a formal complaint or requesting an informal problem-solving process.
4. Provide information about how BMCC will complete publicly available record keeping, including Clery Act reporting and disclosures, without the inclusion of personally identifying information about the complainant.
5. Provide written notification about the importance of preserving evidence that may assist in a legal or campus disciplinary proceeding or may be helpful in obtaining a protective order.
6. Provide information about the complainant's right to seek medical treatment, as appropriate.
7. Provide written information to the complainant about their right to contact law enforcement, to decline to contact law enforcement; to be assisted by campus representative in contacting law enforcement, and to seek a protective order, as appropriate.
8. When a complainant does not respond to the communication from the BMCC Title IX office providing the information described above, the BMCC Title IX office will generally presume that the complainant does not want to initiate a grievance process or an informal problem-solving process...

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B. SUPPORTIVE MEASURES FOR BOTH PARTIES

1. BMCC will provide supportive measures designed to restore or preserve equal access to BMCC's educational programs and activities, protect the safety of all parties or the educational environment, and/or deter prohibited conduct. Supportive measures are non-

disciplinary, non-punitive individualized services provided to a party that do not unreasonably burden another party. They are offered to individuals as appropriate and reasonably available. Supportive measures may include the following:

- a. Counseling and support services.
 - b. Academic or course-related adjustments, such as extensions of deadlines.
 - c. Modifications of work or class schedules.
 - d. Campus escort services.
 - e. Restrictions on contact between the parties.
 - f. Changes in work locations.
 - g. Leaves of absence.
 - h. Increased security and monitoring of certain areas of campus.
 - i. Assistance in making a report to law enforcement or obtaining a protective order.
2. Supportive measures may be implemented because an individual has requested them, the BMCC Title IX office has recommended them, or a department has identified a need for them. Supportive measures are available regardless of whether complainant files a formal complaint with the BMCC Title IX office or pursues any of the processes made available under this policy.
 3. A party may seek these supportive measures by contacting the BMCC Title IX office, which is responsible for coordinating the effective implementation of supportive measures. Local victim-survivor advocacy offices may also be able to assist complainants in requesting supportive measures from the Title IX office.
 4. The BMCC Title IX office will consult departments or individuals with the ability to provide the requested accommodations to determine which accommodations and protective measures to take depending on the circumstances.
 5. BMCC will maintain the confidentiality of any supportive measures to the maximum extent possible.
 6. The BMCC Title IX office will document and maintain records that it has taken reasonable measures designed to restore or preserve equal access to BMCC's education program or activity where appropriate and will maintain records of any supportive measures taken...

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B. BMCC TITLE IX OFFICE DETERMINATION ABOUT FURTHER RESPONSIVE ACTION

In addition to contacting a complainant upon learning about possible prohibited conduct, the BMCC Title IX office will take one of the following three actions.

1. Initiate a grievance process.

The BMCC Title IX office will initiate a grievance process when the complainant has filed a formal complaint requesting that BMCC investigate alleged prohibited conduct or when the Title IX Coordinator has signed a formal complaint.

- a. In cases involving a student respondent, the Title IX Coordinator will sign a formal complaint when an investigation is needed to comply with legal anti-discrimination requirements or when campus safety is threatened. In determining whether campus safety is threatened, the Title IX coordinator will consider the following factors: whether the respondent is alleged to have used a weapon or force while committing the

prohibited conduct and whether the respondent has been alleged or found to have committed prohibited conduct against other complainant(s).

- b. In cases involving an employee or third-party respondent, the Title IX Coordinator will sign a formal complaint when: 1) an investigation is needed to comply with legal anti-discrimination requirements; 2) campus safety is threatened; or 3) an investigation is otherwise deemed to be the most appropriate and effective response.

2. Initiate an informal problem-solving process.

The BMCC Title IX office may initiate an informal problem-solving process to address alleged concerns and prevent prohibited conduct in cases where no formal complaint is filed or signed. For example, an informal problem-solving process may be appropriate in cases: 1) with an anonymous complaint; 2) where the alleged conduct does not rise to the level of prohibited conduct; 3) where the complainant does not want to initiate a grievance process and an informal problem-solving process may effectively deter future prohibited conduct; or, 4) where the alleged conduct is likely covered by academic freedom or free speech protections.

3. Take no further action beyond offering supportive measures.

In certain cases where a complainant does not want an informal problem-solving or grievance process, or when the BMCC Title IX office does not have sufficient information to effectively initiate such a process, the BMCC Title IX office may decide not to take any action beyond offering supportive services to the complainant.

IX. THE GRIEVANCE PROCESS

The BMCC Title IX office will initiate the grievance process when a formal complaint alleging prohibited conduct in violation of this policy is filed by a complainant or signed by the Title IX Coordinator.

A. STANDARD OF PROOF

BMCC's grievance process applies the preponderance of the evidence standard when determining whether this policy has been violated. "Preponderance of the evidence" means that it is more likely than not that a Respondent is responsible for violating this Title IX Sexual Harassment Policy.

B. ELEMENTS OF THE GRIEVANCE PROCESS

The grievance process includes the following key elements:

1. The Title IX Coordinator, Title IX Investigator(s), decision makers and individuals designated to facilitate informal resolution processes who 1) do not have a conflict of interest or bias for or against complainants or respondents generally or individual complainants or respondents specifically; and, 2) are trained in accordance with this policy and applicable laws.
2. A burden of proof that rests on BMCC.
3. A burden of gathering evidence sufficient to reach a determination on responsibility and disciplinary sanctions, if any, that rests on BMCC.
4. An equal opportunity for the parties to present witnesses, including fact and expert

- witnesses, and other inculpatory and exculpatory evidence.
5. A presumption that a respondent is not responsible for the alleged prohibited conduct until a determination on responsibility and disciplinary sanctions, if any, is made at the conclusion of the grievance process.
 6. An objective evaluation of all relevant evidence, including both inculpatory and exculpatory evidence.
 - a. Relevant evidence is information pertinent to proving whether facts material to the allegations are more or less likely to be true.
 - b. Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not considered relevant, unless such questions on evidence: 1) are offered to prove that someone other than the respondent committed the conduct alleged by the complainant; or 2) concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent.
 7. No consideration of information protected under a legally recognized privilege, or questions seeking disclosure of this information, unless that party provides voluntary, written consent.
 8. No access to or consideration of a party's records that were made or maintained by a physician, psychiatrist, psychologist, or other professional in connection with the provisions of treatment to the party, unless that party provides voluntary, written consent.
 9. Credibility determinations, where applicable, that are not based on an individual's status as a complainant, respondent, or witness.

C. PARTY AND WITNESS PARTICIPATION IN THE GRIEVANCE PROCESS

1. Parties will be provided with written notice of the date, time, location, participants, and purpose of all meetings during the grievance process at which the party is expected or invited, with sufficient time for the party to prepare to participate.
2. Parties and witnesses are not required to participate in a grievance process under this policy. When a party or witness refuses to provide relevant information during a grievance process, the grievance process may proceed. However, a determination on responsibility and disciplinary sanctions, if any, will be based only on the information available.
3. Individuals who knowingly or intentionally file a false formal complaint or provide false or misleading information during a grievance process may be subject to disciplinary action up to and including termination of employment or expulsion. Disciplinary action is not warranted where an individual provides information in good faith, even if the information is ultimately not substantiated. An individual provides information in good faith when that individual reasonably believes that the information they have provided is accurate.
4. Concerns that an individual has knowingly or intentionally provided false or misleading information will be addressed by the following offices: 1) for concerns that students allegedly engaged in this misconduct, the campus office responsible for investigating and adjudicating potential Student Conduct Code violations other than prohibited misconduct covered in this policy; 2) for concerns that an employee allegedly engaged in this misconduct, the employee's supervisor or human resources employees; and 3) for concerns that third parties allegedly engaged in this misconduct, BMCC official responsible for retaining or overseeing the third party.

D. ADVISOR PARTICIPATION IN THE GRIEVANCE PROCESS

A party may be accompanied to meetings and hearings in the grievance process by an advisor of their choice and a support person who cannot be a fact witness in the case. In limited circumstances, other individuals may be permitted to attend these meetings to support a party for good reason, such as to accommodate a disability, at the discretion of BMCC member conducting the meeting. When a party does not have an advisor present at a live hearing, BMCC will provide an advisor to conduct cross-examination on behalf of that party. A party may choose to have this advisor fulfill any and all additional functions permitted for advisors...

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E. REMOVAL OF A RESPONDENT FROM THEIR COLLEGE ROLE DURING A GRIEVANCE PROCESS

1. **Students Respondents.** A student respondent may be removed from their College role as an interim measure during a grievance process in two circumstances.

First, BMCC may undertake emergency removal of a student respondent for reasons arising from the alleged prohibited conduct when BMCC 1) undertakes an individualized safety and risk analysis; 2) concludes that there is an immediate threat to the physical health or safety of any student or other individual arising from the alleged prohibited conduct; and, 3) provides the respondent with notice and an opportunity to challenge the decision immediately following the removal.

Second, BMCC may impose an interim disciplinary suspension on a student respondent in accordance with the BMCC Student Conduct Code for reasons not arising from the alleged prohibited conduct.

2. **Employee Respondents.** Designated BMCC Administrative personnel, at their discretion, may take interim measures such as changing a respondent's work responsibilities or work location or placing them on administrative paid or unpaid leave during the grievance process. Such action may be appropriate where there is a legitimate concern that without interim measures: 1) the respondent will engage in prohibited conduct or retaliation while the grievance process is ongoing; or 2) the respondent would be unduly disruptive to the College community, its members, or to College activities or programs.
3. **Non-student and non-employee respondents.** College members who are neither students or employees may be removed from their College role or a College program as an interim measure during a grievance process at the discretion of the BMCC Administration.

XI. TRAINING

- A. Individuals who conduct BMCC's grievance process will receive training on:

1. The definitions of Title IX based prohibited conduct,
2. The scope of BMCC's education programs and activities.
3. How to conduct an investigation and grievance process including hearings, appeals, and informal resolution processes, where applicable.

4. How to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest and bias.
 5. Technology to be used at a live hearing, where applicable.
 6. Issues of relevance of questions and evidence, including when questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant.
 7. Issues of relevance to create an investigative report that fairly summarizes relevant evidence, where applicable.
- B. Individuals who conduct BMCC's Title IX grievance process (including Title IX Coordinators, investigators, decision-makers, College Authorities, Appellate Officers, and any person who facilitates an informal resolution process) will also be trained on issues related to prohibited conduct and on how to conduct a grievance process that protects the safety of victims and promotes accountability.

M. HEARING

1. Hearing

- a. If there is no informal resolution, the parties will be provided a live hearing. The hearing will be scheduled no earlier than ten calendar days after the parties receive the final investigation report and proposed informal resolution, if one is proposed. The parties will be permitted to submit a written response to the final investigation report to the decision maker(s).
- b. **Hearing format.** BMCC may conduct live hearings with all parties physically present in the same geographical location or with any or all parties, witnesses, and other participants appearing virtually, with technology enabling participants to simultaneously see and hear each other. At the request of any party, the parties will be located in separate rooms during the hearing with technology enabling the decision maker(s) and parties to simultaneously see and hear the party or the witness answering questions.
- c. **Access to evidence at the hearing.** BMCC will make all evidence directly related to the allegations available to the parties at any hearing.
- d. **Advisor and support person.** Each party may be accompanied to the hearing by:
 - 1) one advisor of their choice; and,
 - 2) a support person who cannot be a fact witness in the case. Support persons may participate in the hearing in a non-speaking capacity. Advisors are permitted to present information and conduct direct and cross-examination during the hearing. If a party does not have an advisor present at the hearing, BMCC will provide that party, free of charge, with an advisor of BMCC's choice, to conduct cross-examination on behalf of that party. A party's advisor may appear and conduct cross-examination even when the party whom they are advising does not appear. Where neither party nor that party's advisor of choice appears, a College provided advisor must still cross-examine any other appearing party "on behalf of" the non-appearing party, so that consideration of the appearing party's statements can be made.
- e. **Cross-examination.** Cross-examination at the live hearing will be conducted directly, orally, and in real time by the party's advisor and never by the party personally. Each party's advisor is permitted to ask the other party and any witnesses all relevant questions and follow-up questions, including questions that challenge credibility. Only relevant cross-examination may be asked of a party or witness. Before a complainant,

respondent, or witness answers a cross-examination question (or other question), the decision maker(s) will first determine whether the question is relevant and explain any decision to exclude a question as not relevant.

- f. **Failure to submit to cross-examination-applicable only to Title IX based prohibited conduct formal complaints.** If a party or witness does not submit to cross-examination at the live hearing, the decision maker(s) will not rely on any statement of that party or witness in reaching a determination on responsibility or on disciplinary sanctions, if any. The decision maker(s) will not draw an inference about the determination on responsibility or on disciplinary sanctions, if any, based solely on a party's or witness's absence from the live hearing or refusal to answer cross-examination or other questions.
- g. **Recording or transcript.** BMCC will create an audio or audiovisual recording, or transcript of any live hearing or refusal to answer cross-examination or other questions.

2. Determination on responsibility and disciplinary sanctions, if any

Both parties will be: 1) simultaneously provided with the hearing decision maker(s) written decision on responsibility; and, 2) simultaneously provided with BMCC Authority's decision on disciplinary sanctions, if any. Together, these written decisions on responsibility and disciplinary sanctions will constitute the "Written Determination" that may be appealed by either party.

3. The Written Determination will include:

- a. Identification of the allegations of prohibited conduct.
- b. A description of the procedural steps taken from the receipt of the formal complaint through the determination on responsibility and disciplinary sanctions, including lists of any notifications sent to the parties, any interviews with parties and witnesses, any site visits, the methods used to gather other evidence, and the hearings held.
- c. Findings of fact supporting the determination.
- d. Conclusions regarding the application of this policy to the facts.
- e. A statement of, and rationale for, the determination on responsibility and disciplinary sanctions.
- f. A statement of, and rationale for, any disciplinary sanctions that will be imposed on the respondent, and whether BMCC will provide remedies to the complainant.
- g. BMCC's procedures and permissible bases for the parties to appeal the determination of the result of the appeal.

N. DISCIPLINARY SANCTIONS, REMEDIES, AND OTHER RESPONSIVE ACTIONS

1. The role of the BMCC College Authorities in determining, and monitoring compliance with disciplinary sanctions and other responsive actions.

- a. The responsible College Authority will decide which disciplinary sanctions and other responsive actions are to be implemented, if any.
- b. Disciplinary sanctions will not be imposed on the respondent until 1) the date on which an appeal would no longer be considered timely, if an appeal is not filed; or 2) the date that the parties are provided with the written determination of the result of the appeal, if an appeal is filed.

- c. The responsible College Authority will monitor compliance with any disciplinary sanctions or other responsive actions and address any compliance failures by the respondent.
- d. Where a student respondent is also a third party or employee, the BMCC Title IX office will determine the appropriate College authority to determine disciplinary sanctions and other responsive actions in those non-student roles. In making this determination, the BMCC Title IX office will consider case specific factors, including the context in which the alleged prohibited conduct occurred (e.g. whether it occurred in an employment or academic context) and the respondent's primary affiliation.

2. Disciplinary sanctions and other responsive actions-general information

- a. Responsive action is intended to eliminate prohibited conduct, prevent its recurrence, and promote accountability supporting BMCC's educational mission and legal obligations. Responsive action may include disciplinary, rehabilitative (including educational), restorative, and monitoring components.
- b. Disciplinary sanctions in cases with student respondents may include the following:
 - An oral or written warning.
 - Probation.
 - Required compliance with work assignments, community service assignments, or other discretionary assignments.
 - Restitution.
 - Restriction of privileges.
 - Suspension or expulsion from BMCC.
 - Withholding of a diploma or degree.
 - Revocation of admission or a degree.
- c. Responsive action in cases with employee respondents (including student employees) may include any one or a combination of the following:
 - Coaching or education.
 - Mentoring.
 - Changes to work duties or locations.
 - Monitoring to ensure that prohibited conduct is not occurring.
 - Probation progressive disciplinary action.
 - Transfer of position.
 - Removal of administrative appointment.
 - Demotion.
 - Salary reduction.
 - Suspension.
 - Termination of employment.
- d. Responsive action in cases with third-party respondents may include restrictions on a third-party respondent's: 1) participation in College programs or activities; 2) attendance at College events; or 3) ability to enter campus spaces, among other things.
- e. The following factors will be considered in determining the appropriate responsive

action to address a determination of responsibility for prohibited conduct:

- i. The severity, persistence, or pervasiveness of the prohibited conduct.
- ii. The nature of the prohibited conduct.
- iii. Whether the prohibited conduct threatened physical safety.
- iv. Any incidents or prior misconduct by a respondent, including the respondent's disciplinary history, at BMCC or elsewhere.
- v. The impact of the prohibited conduct on other members of BMCC community.
- vi. An assessment of a respondent's potential for development, including whether the respondent has accepted responsibility for the prohibited conduct.
- vii. The maintenance of a safe, nondiscriminatory, and respectful work and learning environment.
- viii. Any other mitigating, aggravating, or compelling factors...
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O. APPEALS

1. Any party may initiate the appeal process when they receive a Written Decision. Appeals must be submitted to the designated appellate officer in writing within ten business days of receipt of the Written Decision. Appeals received after ten business days will be denied. Written Decisions that are not appealed within ten business days are final.
2. When a timely appeal is received, the other party will be sent a copy of the appeal and provided an opportunity to respond. A response to an appeal must be submitted in writing within ten business days from the party's receipt of the appeal.
3. Appeals are not intended to allow for a second review of the same information provided during the investigation, and the appellate officer will not substitute their judgment for that of the hearing decision-maker(s). Appeals are limited to the following grounds:
 - a. A procedural irregularity that affected the outcome of the matter.
 - b. New evidence that was not reasonably available at the time the determination was made that could affect the outcome of the matter.
 - c. A decision on responsibility that was not based on substantial information. Substantial information means relevant information that a reasonable person might accept as adequate to support a conclusion. In making this determination, the Appellate Officer must respect the credibility determinations of the hearing panel and must not substitute the Officer's judgment for that of the hearing body.
 - d. The sanction was grossly disproportionate to the offense.
 - e. The Title IX Coordinator, investigator(s), decision-maker(s), and/or College authority had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome to the matter.
4. In most cases, the appellate review is limited to review of the Written Determination and the appeal and response documents submitted by the parties. However, the Appellate Officer may, at their discretion, request and review the entire grievance process record.
5. The Appellate Officer will provide a written decision on the appeal to the parties. The

Appellate Officer may: 1) affirm the written determination; 2) overturn the written determination; or 3) remand the case to remedy procedural errors or consider new evidence. The Appellate Officer will issue a final decision within 30 calendar days of receipt of all appeal and response documents.

To see all of the changes in the new Title IX Policy, BMCC has posted the BMCC Title IX Sexual Harassment Policy on its website at <https://www.bmcc.edu/about-bmcc/governance-administration/college-policies>. 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.

A BMCC officer, employee, or agent may not retaliate, intimidate, threaten, coerce, or otherwise discriminate against any individual for exercising their rights or responsibilities under any provision of federal or state law, including the Clery Act, Title IX and the Violence Against Women Reauthorization Act (VAWA).

Prevention Efforts

Educational Programs

BMCC provides prevention and awareness education to all incoming students, staff and faculty on domestic violence, dating violence, sexual assault and stalking. BMCC has chosen the SafeColleges company for online Title IX and Clery Act training. There are separate mandatory training programs for students and employees. The training content is re-evaluated yearly and training vendors are periodically replaced to ensure a variety and freshness of training.

At the semester start, all students and employees receive an email containing information on how to register for and complete the training programs. Students have three training modules to complete: Title IX training, Bystander Training, and Alcohol Use. Students may access the training at <https://bmccstudents-mi.safecolleges.com/login>. Likewise, the BMCC HR Director has mandatory assigned training for all employees which includes Title IX Training and the Drug Free Workplace training. BMCC staff periodically follow up on students and employees to ensure that they complete the training.

The online educational courses address the following topics:

- Primary prevention information addressing sexual assault, dating violence, domestic violence, and stalking.
- The role of alcohol use in sexual assault cases.
- Bystander intervention education.
- Sexual harassment information, including workplace harassment.
- Definition of consent and relevant information on consent.
- 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 Title IX issues and all suggestions are welcome.

Reporting a Crime of Dating Violence, Domestic Violence, Sexual Assault or Stalking

If you are a victim File a Police Report!!!

Reporting offenses holds offenders accountable for their actions and may prevent further crimes against you or other victims. BMCC staff will encourage the complainant to file a police report and will assist the complainant in notifying the police if needed. The police will then assist the complainant and investigate the matter so that the perpetrator can be prosecuted.

For emergencies dial 9-1-1 or call the Bay Mills Police Department (BMPD) at 248-3244. All individuals who witness or are a victim of any sex related offense, including any such offense involving a child, are requested to immediately report such incident to BMPD, or dial 9-1-1 and request assistance.

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. A person who has experienced domestic violence, dating violence, sexual assault, or stalking should consider each of the following:

1. Getting to a safe place.
2. Filing a police report. You can file both a police report and a Title IX report. BMCC staff can assist you in doing so.
3. Preserving Evidence. Avoid the destruction of evidence. Do not bathe, douche, change clothes, or clean up in any way. Preserve evidence in a paper bag for possible future action. Also, keep copies of emails, text messages, and voice messages. A victim of a sexual assault is urged to be careful to preserve evidence of the assault for use in the prosecution of the offense. Immediate reporting of the incident will greatly enhance the investigation. There may be consequences for waiting to file a police report. Immediate reports improve the preparation of a viable prosecution. Filing a police report immediately following an incident aids in the preservation of valuable evidence.
4. Pursue 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.
5. Obtain a personal protection order from Bay Mills Tribal Court or other appropriate jurisdiction. BMCC will assist the victim with supportive measures to help enforce the court order. BMCC does assist victims with honoring the terms of a personal protection order.
6. Pursue counseling services with the Bay Mills Journey to Healing Program or another agency, such as the Diane Pepler Resource Center. Calling someone that is known and trusted, such as a friend or counselor, can help to evaluate the trauma to sort out next steps.

Alternatives to Filing a Police Report

1. Report the crime at a later date.
4. 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).

5. Contact an agency for help, such as the Bay Mills Journey to Healing Program or Diane Peppler Resource Center. Sexual assault victims are encouraged to use the services of the Bay Mills Journey to Healing Program, whose telephone number is 248-8312.
7. Make a complaint to the Title IX coordinator. Students should report incidents of rape, acquaintance (or “date”) rape, or other forcible and non-forcible sex offenses to which they are a victim of to the BMCC Title IX coordinator or to a college administrator who has authority to implement supportive measures.

All BMCC students are protected by federal law and procedures under Title IX. When a student or employee reports to BMCC that they have been a victim of dating violence, domestic violence, sexual assault or stalking, BMCC will provide the victim with:

- a copy of the BMCC Title IX Sexual Harassment Policy,
- a written notification of their rights and options under the Title IX Policy;
- written notification about services available in the community and college to assist them;
- written notice of supportive services available to them and how to obtain them, including the fact that any services provided will be confidential, and
- offering of immediate assistance in the form of supportive measures.

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 BMCC **Title IX Coordinator** is Holly Powless who is available on weekdays, during regular business hours. She is located in the BMCC Administration Building-Room 256 at 12214 W. Lakeshore Drive, Brimley, MI 49715, hpowless@bmcc.edu, (906) 248-8430.

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-Situational Awareness

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).
- **Don't go alone with a stranger** you just met at a party or similar gathering where alcohol is served.

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?
- **Wait until sober to decide.** 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) 248-8810

Bay Mills Victim Assistance/ Journey to Healing Program

12124 W Lakeshore Drive
Brimley, MI 49715
Hours 8-4:30, M-F
(906) 248-3204

Bay Mills Health Center

12124 W Lakeshore Drive
Brimley, MI 49715
Hours 7:30-6, M-F
(906) 248-5527
<https://www.baymillshealthcenter.com/>

Bay Mills Behavioral Health

12124 W Lakeshore Drive
Brimley, MI 49715
Hours 7:30-6, M-F
(906) 248-3204
<https://www.baymillshealthcenter.com/behavioral-health>

Diane Pepler 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

APPENDIX A

Provisions of the superseded BMCC Sexual Misconduct Policy (from 10/01/2019 to 08/14/2020)

The BMCC Sexual Misconduct Policy establishes procedures to be followed in the event of a sexual misconduct incident. 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/respondent 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 victim/complainant who reports any type sexual misconduct. Interim measures will be implemented at the discretion of the College and/or request of the victim/complainant. All accommodations or protective measures provided to the victim/complainant shall be maintained as confidential to the greatest extent possible.

Potential interim measures, which may be applied to the Complainant and/or the Suspect/Respondent, include:

1. Access to counseling services and assistance in setting up initial appointment, both on and off campus
2. Imposition of campus "Stay-Away Letter"
3. Rescheduling of exams and assignments (in conjunction with appropriate faculty)
4. Providing alternative course completion options (with the agreement of the appropriate faculty)
5. 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)
6. Change in work schedule or job assignment
7. Limit an individual or organization's access to certain College facilities or activities pending resolution of the matter
8. Voluntary leave of absence
9. Providing an escort to ensure safe movement between classes and activities
10. Providing referrals to medical services
11. Providing academic support services, such as tutoring
12. Interim suspension or College-imposed leave
13. 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

For any student found to have committed a sexual offense, after an administrative hearing, BMCC may impose the following sanctions under the BMCC Sexual Misconduct Policy:

1. **Warning:** Notice, in writing, that continuation or repetition of prohibited conduct may be cause for additional disciplinary action.
2. **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.
3. **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.
4. **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.
5. **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.
6. **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.
7. **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.

8. 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.

Report was completed on September 30, 2020 and distributed to students and staff via email on 10/01/2020.

The Board Regents of the Bay Mills Community College

Bryan Newland, Chairperson; Jordan Shananaquet, Vice Chairperson; Gail Glezen, Treasurer; Beverly Carrick, Secretary; Brenda Bjork, Member; DJ Hoffman, Member; L. John Lufkins, Member; Rachel Burt, Member; Theresa M. Pelcher, Member; and, Ex-Officio Member: Student Body President/Elected Annually.

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, 12214 W. Lakeshore Drive-Room 276, Brimley, MI 49715, (906) 248-8430, hpowless@bmcc.edu.

Cover photo by photographer "Chet Kasper" who is the BMC IT Director.



BAY MILLS
Community College

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