

TO: All Bay College Employees and Students

FROM: Security & Clery Compliance Officer

DATE: October 1, 2021

Thank you for taking the time to read this important publication. This document contains helpful information about the safety and security on both Bay College Main Campus in Escanaba and Bay College West Campus in Iron Mountain.

The College prepares a combined Annual Security Report and Fire Safety Report to comply with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act and the Higher Education Opportunities Act of 2008. The full text of this report is available on our web site at <http://www.baycollege.edu> or by clicking on Student Life -> Health and Safety -> Reporting and click on Annual Security Report under the Resources list. The combined Annual Security Report and the Annual Fire Safety Report is prepared in cooperation with local law enforcement agencies serving our campuses, the Director of Student Life, the Vice President of Student Services, the Title IX Coordinator and Deputy Coordinators, Campus Security Authorities, and Human Resources. Each entity provides updated information on their educational efforts and programs to comply with the Act.

Campus crime, arrest, and referral statistics include those reported to designated campus officials and local law enforcement agencies for the Bay College Clery Geography.

A printed copy of the report may also be obtained on campus. On the Escanaba campus, the report can be obtained in the Security and Clery Compliance officer's office, Catherine Bonifas building room 202. On the West campus, the report may be obtained in the office of the Campus Administrator Bay College West located on the second-floor room 215.

All prospective employees may obtain a copy from the Human Resources office on the Escanaba campus in the Student Center building, room 511 or by calling (906) 217-4049.

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Bay College Annual Security Report and Fire Safety Report for Year 2020

Bay College has a proud history of providing a safe learning environment for its students and employees. A wide variety of policies and procedures have been developed over the years to ensure the health and safety of students, employees, and visitors to the campuses.

In addition, numerous federal and state laws have been adopted dealing with student and employee safety. The Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act requires that specific policies, procedures, and information be provided to ensure the health and safety of persons concerned with campus life. The Higher Education Opportunities Act of 2008 requires that the Annual report include the Fire Safety Report.

Reporting Criminal Incidents and Other Emergencies

All students, employees, and guests should promptly report criminal incidents, accidents, and other emergencies by dialing 911 or in the event of a non-emergency by filling out an internal incident report form available on the Campus Safety page of the main website. You can file a report from the College's website. Navigate to www.baycollege.edu and navigate to Student Life -> Health and Safety -> Reporting and select a report. The direct link to the general incident report is provided below.

<https://publicdocs.maxient.com/incidentreport.php?BayCollege>

Bay College does not have a campus police force; however, crimes should be reported to a designated campus security authority to ensure inclusion in the annual crime statistics and to aid in providing timely warning notices to the community, when appropriate. Bay College maintains a Daily Crime/Incident Log on its campuses for public information and can be accessed in person by visiting the campus main reception areas.

The following individuals are designated as campus security authorities (CSA) and are available to assist with reporting in the event of a criminal incident, accidents, other emergencies, or fire. CSA's receive regular annual training.

Campus Security Authorities (CSA)

Bay College in Escanaba

Name	Title	Phone	Location
Travis Blume	Vice President of Student Services	906-217-4116	Student Center building, room 519
Jessica LaMarch	Director of Admissions	906-217-4086	Student Center building, room 511
Justin Izzard	Exec Director of IT and Security	906-217-4026	Catherine Bonifas building, room 202A
Marc Maycunich	Security & Clery Compliance Officer	906-217-4300	Catherine Bonifas building, room 202
Dave Laur	Director of Student Life	906-217-4031	Student Center building, room 512
Matt Johnson	Athletic Director/ Coach Men's Basketball	906-217-4134	Physical Education Complex, room 323

Matt Gregory	Coach Women's Basketball	906-217-4185	Physical Education Center, room 325
Mike Pankow	Coach Baseball/Sports Information Director	906-217-4295	Physical Education Center, room 324
James Murtha	Coach Cross-Country	906-217-4186	Physical Education Center, room 322
Beth Berube	Human Resources Director	906-217-4036	Student Center building, room 523B
Mitch Gagnon	Maintenance Tech	906-217-4147	Maintenance building, room 1104
Jessica Manier	Director of Accessibility/Special Populations	906-217-4017	HUB, room 811
Heidi Charon	Retention Program Manager	906-217-4175	HUB, room 828
Amy Gibbs	Director of TRIO SSS	906-217-4209	HUB, room 812
Matt Stewart	Trio Academic Specialist	906-217-4136	HUB, room 813
Erica Mead	Asst Director TRIO SSS	906-217-4135	HUB, room 817
Ashley Rogers	Placement & Tutoring Specialist	906-217-4301	HUB, room 825
Various	SI- Supplemental Instructors	906-217-4175	Contact - Heidi Charon
Shawn Curtin	Digital Technology Coordinator	906-217-4088	HUB, room 864
Mariel Carter	Librarian	906-217-4076	HUB, room 851
Martanna Schroeder	Library Administrative Assistant	906-217-4069	HUB, room 863
Renee Lundberg	Manager of Training/Workforce Development	906-217-4224	Joseph Heirman University center, room 945
Various	Residential Assistants (RA)		Contact - Dave Laur at 906-217-4031 for a list of names and contact numbers
Kristine Granger	Student Group or Organization Advisor	906-217-4252	Catherine Bonifas building, room 200A
Karl Linderoth	Student Group or Organization Advisor	906-217-4056	Besse Health & Technology, room 402D
Mark Highum	Student Group or Organization Advisor	906-217-4083	Besse Health & Technology, room 400C
Brent Madalinski	Student Group or Organization Advisor	906-217-4104	Joseph Heirman University Center, room 926
Amy Anderson	Student Group or Organization Advisor	906-217-4142	Joseph Heirman University Center, room 916
Jennifer Farnsworth	Student Group or Organization Advisor	906-217-4059	Besse Health & Technology, room 422B

Joe Shaw	Student Group or Organization Advisor	906-217-4119	Math & Science building, room 101
Amber Kinonen	Student Group or Organization Advisor	906-217-4029	Catherine Bonifas building, room 226
Spencer Slade	Student Group or Organization Advisor	906-217-4007	Math & Science building, room 105
Penney Parmet	Student Group or Organization Advisor	906-217-4259	Catherine Bonifas Building, room 207

Bay College in Iron Mountain, West Campus

Name	Title	Phone	Location
Steven Laszloffy	Technical Support Coordinator	906-302-3023	West Campus, room 249
Sarah Davey	Academic Support Coordinator	906-302-3004	West Campus, room 205
Jason Sullivan	West Campus Director of Student Services	906- 302-3010	West Campus, room 217
Linda Varda	Enrollment Facilitator	906-302-3002	West Campus, room 203
Pat Bazan	Building Maintenance Manager	906-302-3022	West Campus, room 161
Gina Wollner	Dean West Campus	906-302-3012	West Campus, room 219

Distribution of Campus Safety Alerts & Timely Warnings

In the event that a situation arises, either on or off campus, that, in the judgment of a Campus Security Authority, constitutes an ongoing or continuing threat, a campus wide timely warning or emergency notification may be issued. The notification may be issued through the college e-mail system, text messaging, and/or the Alertus emergency notification system. Notifications may be sent to students, staff, and/or faculty.

Policy 1040.3 Timely Warning or Emergency Notification:

- a. Depending on the particular circumstances of the incident, especially in all situations that could pose an immediate threat to the community and individuals, the College may also post an electronic notice on the College web site at: <http://www.baycollege.edu> and notify local media, providing the campus community with more immediate notification. In such instances, a copy of the notice is distributed to each Escanaba campus student apartment.
- b. Personal email and cell phone information provided at the time of employment or academic enrollment will be used in the event of an emergency. All employees and students will automatically be enrolled in the College’s emergency notification system(s).

Anyone with information necessitating a notification should report the circumstances to a campus security authority (CSA).

Preparing the Annual Disclosure of Crime Statistics

The Annual Security Report (ASR) is prepared by the Security and Clery Compliance Officer. Data gathering takes place throughout the academic year in coordination with Deans, Division Chairs, Student Services personnel, Athletic Coaches, Campus Security Authorities (CSAs), and Responsible Employees (REs). Local law enforcement is contacted via email and phone throughout the year, while law enforcement from remote locations (such as field trips locations) are contacted shortly after the visit occurs. Crime statistics are entered into the Department of Education’s system and dissemination of the ASR occurs on or before October 1st of the following year (unless otherwise stated). The ASR being released in 2021 contains the crime statistics from the calendar year of 2020. The ASR is sent to current students and employees in

an email. Perspective students and employees have access to the ASR through a link on the student academic application and the application for employment. Printed copies are also available at the main entrances of both campus locations.

Confidential Reporting Procedures

If you are the victim of a crime and do not want to pursue action within the College system or the criminal justice system, you may want to consider making a confidential report. You can file a report on the details of the incident without revealing your identity, however you cannot report the incident to a campus security authority (CSA) because they are designated as mandatory reporters. If you approach a CSA and identify that you intend to remain anonymous they will help you navigate to the online reporting tool where you can report anonymously and/or they can provide you with counseling contact information. The purpose of a confidential report is to comply with your wish to keep the matter confidential, while taking steps to ensure the future safety of yourself and others. With such information, the College can keep an accurate record of the number of incidents involving students, determine where there is a pattern of crime with regard to a particular location, method, or assailant, and alert the campus community to potential danger. Reports filed in this manner are counted and disclosed in the annual crime statistics for the institution. You can file an anonymous report from the College's website. Navigate to www.baycollege.edu and navigate to Student Life -> Health and Safety -> Reporting and select a report. The direct link to the general incident report is provided below.

<https://publicdocs.maxient.com/incidentreport.php?BayCollege>

Confidential Reporting (Counselors)

As a result of the negotiated rulemaking process which followed the signing into law, the 1998 amendments to 20 U.S.C. Section 1092 (f), clarification was given to those considered to be campus security authorities. Campus "Pastoral Counselors" and Campus "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. As a matter of policy, they are encouraged; if and when they deem appropriate, to inform persons being counseled of the procedures to report crimes on a voluntary basis for inclusion into the annual crime statistics.

The rulemaking committee defines counselors as:

Pastoral Counselor:

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.

Professional Counselor:

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.

Unfounded Crimes

If a reported crime is investigated by law enforcement authorities and found to be false or baseless, the crime is *unfounded*. Only sworn or commissioned law enforcement personnel may unfound a crime. Unfounded crimes are reported in the annual crime statistics.

Access Policy

Policy 1040.5 Access Control

- A. Employees may be issued keys for access to offices, labs, classrooms, etc. Employees may be issued keys to buildings. Keys are issued by the Operations department. Lost or stolen keys will be replaced at the employees' expense. Employees cannot transfer keys, keys must be turned in when no longer needed.
- B. The College will maintain normal operating hours, during which buildings, classrooms, and open-access areas will be accessible to students, employees, and visitors. Key inventory will be maintained by the Operations department. Key issuance and returns will be handled by:

Type of Issuance	Responsible Department
Employees (FT,PT,Temp)	Operations Department
Student Employees	Operations Department
Lease Holders	Operations Department
Apartments	Director of Student Life
Physical Plant	Operations Department
Contractors	Operations Department

- C. College buildings shall be locked during non-business hours and access shall be restricted to those individuals with a need to have after-hours access. All requests for after-hours access will be sent to accesscontrol@baycollege.edu. Employees requiring after-hours access will complete a Campus Access Agreement form, available on myBay under the Employees tab. The form must be approved by their supervisor. Building access requires a building security code and building key, or digital access for buildings equipped with digital door locks. Codes are programmed and issued by the Operations Department. Employees with building access will receive training on how to arm and disarm the alarm systems.
- D. Key and alarm assignments will be recorded in the College's Enterprise Resource Planning (ERP) software.
- E. All students and employees will be issued a Bay College ID card. This card may be used for access to buildings equipped with digital locks. This card may serve as a photo ID if no other identification is available.

Campus Security

Though Bay College does not employ a campus police force, the Escanaba and Iron Mountain Campuses are secure, and personnel are available to assist should the need arise. In the event of an emergency, staff members are trained to contact local law enforcement. Additionally, each building is monitored by an Immediate Response Team (IRT) member. These personnel are on duty with radio contact. Backups IRTs are identified as well. Bay College operates no off-campus housing or off-campus student organization facilities and therefore has no security associated with these types of facilities. Bay College personnel have a positive working relationship with local and state law enforcement for investigations and case determination.

Security Awareness and Crime Prevention Programs

Bay College introduces students to security awareness and crime prevention during the mandatory student orientation. Ongoing crime prevention awareness for students and employees is provided through drills and written publications as well as videos. Throughout a student's time on campus ad hoc initiatives on crime prevention are provided, these sessions teach students how to build awareness and develop an understanding of their limitations and comfort. In addition, the Student Handbook covers rules and guidelines for safety as well as Bay College policy 802 – Workplace Violence Prevention. Lastly, bulletin boards and digital signage are used to convey crime prevention messages. Bay

College provides in-person training to all faculty and staff on crime prevention and security awareness that focuses on being accountable to yourself and others around you. Faculty are taught methods to protect themselves and their students in a classroom setting and are encouraged to pass that knowledge onto their students.

Sexual Misconduct - Domestic Violence, Dating Violence, Sexual Assault, or Stalking

Sexual misconduct is not acceptable at Bay College and is contrary to the commitment of this college to provide an effective learning and employment environment. Unwelcomed sexual advances, whether verbal, physical, or online are prohibited. Bay College students and employees are individually responsible to ensure such misconduct does not occur. Incidents of sexual misconduct must be reported to the Title IX Coordinator and/or Title IX Deputy Coordinators. Complaints will be investigated in accordance with established procedures. Bay College will endeavor to maintain the confidentiality of the complainant. Retaliation against any person for having filed a complaint of sexual misconduct or for having assisted in the investigation of a complaint will not be tolerated. Discipline imposed upon students for violation of this policy may include suspension or expulsion, depending upon the nature and severity of the offense. Discipline imposed upon an employee for violation of this policy may include warning, written reprimand, transfer, suspension, or dismissal depending upon the nature and severity of the offense. When an employee is covered by a collective bargaining agreement, discipline shall be assessed according to the procedures and standards contained therein.

If you are a victim of a sexual assault at Bay College, your first priority should be to get to a place of safety. You should then obtain necessary medical treatment. The College strongly advocates that a victim of sexual assault reports the incident in a timely manner. Time is a critical factor for evidence collection and preservation. An assault should be reported directly to a local law enforcement officer and/or to a campus security authority. Filing a report with local law enforcement will not obligate the victim to prosecute, nor will it subject the victim to scrutiny or judgmental opinions from officers. Filing a police report will ensure that a victim of sexual assault receives the necessary medical treatment and tests, at no expense to the victim, provides the opportunity for collection of evidence helpful in prosecution, which cannot be obtained later (ideally a victim of sexual assault should not wash, douche, use the toilet, or change clothing prior to a medical/legal exam) and assure the victim has access to free confidential counseling from counselors specifically trained in the area of sexual assault crisis intervention.

The victim of a sexual assault may choose the investigation be pursued through the criminal justice system and the College's formal Student Disciplinary Process, or only the latter. A College representative will guide the victim through the available options and support the victim in his or her decision and provide a referral for counseling services available to the victim. The victim may choose to decline notifying such authorities.

College disciplinary proceedings for students, as well as special guidelines for cases involving sexual misconduct, are detailed in the *College Catalog* and detailed through Board of Trustees policies found online. The victim and the accused are each entitled to have another person present during a disciplinary proceeding. Both the victim and the accused will be informed of the outcome of the hearing. A student found guilty of violating the College *Non-discrimination and Anti-Harassment* policy 1060 could be criminally prosecuted in the state courts and may be suspended or expelled from the College for the first offense. Student victims have the option to change their academic and/or on-campus living situations after an alleged sexual assault, if such changes are reasonably available.

Sexual Misconduct and Anti-Harassment Policies

1045 Criminal Sexual Assault Policy

It shall be the policy of the Bay de Noc Community College Board of Trustees to make available to students and employees' information which will contribute to a safe learning environment. To that end, Bay de Noc Community College will treat all criminal offenses and sexual assaults as matters of the highest concern and seriousness.

Procedure:

1045.1 Statistics shall be published annually on occurrences of offenses on campus according to the definitions in the Uniform Crime Reporting System.

1045.2 Educational materials and programming on the prevention of sexual assault including date/acquaintance rape shall be provided to students on an annual basis.

1045.3 Victims of sexual assault will be informed of student organizations, counseling centers and community crisis centers that provide assistance and counseling.

1045.4 Victims shall be encouraged to report the alleged assault to local law enforcement authorities with full and prompt cooperation from college personnel.

1045.5 Victims will not be coerced by college personnel to refrain from reporting the assault to local authorities; or to report the sexual assault as a lesser offense; or to hesitate to communicate a sexual assault to another person.

1045.6 Victims may feel free to pursue all remedies or services without academic penalty by the college.

1045.7 Victims shall be notified of options for and available assistance in changing academic and living situations after an alleged assault if requested and if such changes are reasonably available.

1045.8 Victim shall have the same rights of representation as the college provides to the accused in disciplinary proceedings.

1045.9 To the extent possible, the victim will be made aware of state or federal laws regarding mandatory testing of sexual assault suspects for communicable diseases, including notice of testing results.

1045.10 College personnel will not suggest that a victim refrain from reporting or underreport a sexual assault, that a victim is responsible for the assault, or the victim was contributorily negligent or assumed risk for the assault. College personnel may not suggest that it shall incur unwarranted publicity if the sexual assault is reported.

1045.11 College personnel will cooperate fully with local law enforcement and medical personnel in obtaining, securing, and maintaining evidence related to the assault. 1045.12 Since the College does not have available law enforcement or medical assistance units, College officials will make reasonable efforts to ensure that the victim is made aware of laws regarding mandatory testing of sexual assault suspects for communicable diseases, including notice of the results of the testing. In addition, College personnel will make reasonable efforts to prevent unnecessary or unwanted contact between the victim and alleged assailant while on campus.

1060 Non-discrimination and Anti-harassment Policy

Bay de Noc Community College Board of Trustees is committed to providing an educational and employment environment free from discrimination and/or harassment on the basis of race, color, national origin, religion, sex, sexual orientation, gender identity, age, disability, or other protected status. Accordingly, discrimination and/or harassment on the basis of race, color, national origin, religion, sex, gender identity, age, disability, or other protected status is prohibited at Bay de Noc Community College.

The prohibition contained within this Policy extends to gender and sex-based discrimination, which by way of example, can include acts of sexual harassment, sexual assault, domestic violence, dating violence, and stalking. This Policy is intended to allow the College to respond promptly and supportively to persons alleged to be victimized by sexual harassment, resolve allegations of sexual harassment promptly and accurately under a predictable, fair grievance process that provides due process protections to alleged victims and alleged perpetrators of sexual harassment, and effectively implement remedies for victims.

The prohibitions contained within this Policy extends to the entire campus community, including but not limited to, the College's administration of its admission, financial aid, employment, and academic policies, as well as college programs and activities. This Policy applies to all employment practices, including recruitment, selection, promotion, transfer, and employee training and development. The College also does not permit any person or entity using its facilities for commercial purposes to engage in unlawful discrimination/harassment. This Policy is intended to be consistent with the provisions of applicable state and federal laws and other college policies. All Board Members, Officers, Employees and Students are responsible for ensuring a work and educational environment free from prohibited discrimination/harassment. Board Members, Officers, Employees and Students have an obligation to report violations of this Policy. Failure to report a violation of this Policy could result in discipline; up to and including termination of employment or expulsion.

The Bay de Noc Community College Board of Trustees also expressly prohibits retaliation against any Board Member, Officer, Employee or Student who alleges that they were the victim of discrimination/harassment; provides information in the course of an investigation into claims of discrimination/harassment; or opposes a discriminatory practice which is prohibited by this Policy. No Board Member, Officer, Employee or Student bringing a complaint, providing information for an investigation, or participating in any proceeding under this Policy shall be subjected to adverse employment or educational consequences based upon such involvement or be the subject of other retaliation.

Procedure Policies:

1060.7 Grievance Procedure:

Any student, employee, or third-party who believes that they have been subject to discrimination and/or harassment, as defined above, or in violation of this Policy or state and federal law, may file a complaint with a Title IX Coordinator or Deputy Coordinator.

A complaint under this Policy may be filed against the College, against an employee of the College, against a student of the College, against a Third Party, or against a group.

A complaint may be filed against more than one respondent or by more than one complainant against one or more respondents so long as the allegations of sexual harassment arise out of the same facts or circumstances and are so intertwined that the allegations directly relate to all of the parties.

Any complainant who believes that they have been subject to sexual harassment may also file a complaint with local law enforcement.

Upon receipt of a formal complaint, the Title IX Coordinator will then conduct an initial assessment for the sole purpose of determining whether the alleged conduct, if substantiated, would constitute Sexual Harassment under this Policy. Following the initial assessment, the Title IX Coordinator may take any of the following steps:

If the allegations forming the basis of the formal complaint would, if substantiated, constitute Sexual Harassment as defined in this Policy, the Title IX Coordinator shall implement appropriate supportive measures. In addition, the Title IX Coordinator shall initiate an investigation of the allegations. However, if the Title IX Coordinator thinks the formal complaint appropriate for the informal resolution process, upon the consent of both parties, the Title IX Coordinator may instead refer the matter to the informal resolution process.

If the allegations forming the basis of the formal complaint would not, if substantiated, constitute Sexual Harassment as defined in this Policy, the Title IX Coordinator shall dismiss the complaint as a Title IX Complaint. Title IX Coordinator may also refer the allegations for resolution under other Policies.

In addition, at any time prior to the hearing, the College may dismiss a formal complaint if:

The Respondent is no longer enrolled or employed at the College.

Specific circumstances prevent the College from gathering sufficient evidence to reach a determination as to the formal complaint or the allegations therein.

Upon dismissal, the Title IX Coordinator shall promptly send written notice of the dismissal and reason(s) therefore simultaneously to the parties via electronic format. Both parties will have equal right to appeal the dismissal.

1060.8 Advisor

Either Party may be assisted during their process by an advisor of their choice. If necessary, the College may provide a party with an advisor without charge. The role of the advisor is narrow in scope: the advisor may attend any interview or meeting connected with the grievance process, but the advisor may not actively participate in interviews and may not serve as a proxy for the party. The advisor may attend the hearing and may conduct cross-examination of the other party and any witnesses at the hearing; otherwise the advisor may not actively participate in the hearing.

1060.9 Emergency Removal

The College may summarily remove an individual from an educational program or activity on an emergency basis, after undertaking an individualized safety/risk assessment, and upon the determination that the individual poses an immediate threat to the physical health or safety of any student or other individual (including themselves, the Respondent, the Complainant or any other individual).

The risk analysis is performed by the Title IX Coordinator in conjunction with the Behavioral Assessment Team.

When an emergency removal is imposed, the student will be given notice of the action and the option to request to meet with the Title IX Coordinator prior to such action/removal being imposed, or as soon thereafter as reasonably possible, to show cause why the action/removal should not be implemented or should be modified.

This meeting is not a hearing on the merits of the allegation(s), but rather is an administrative process intended to determine solely whether the emergency removal is appropriate.

When the meeting is not requested (in a timely manner), objections to the emergency removal will be deemed waived.

1060.10 Temporary Delays

The general timeframes for resolution outlined in this Policy may be temporarily delayed or extended if the Title IX Coordinator finds that good cause exists for the delay or extension. Written notice of the delay/extension shall be provided to all parties and their advisors.

1060.11 Evidentiary Standard

Responsibility under this Policy will be determined based upon a preponderance of evidence standard which means that the conclusion is based on facts that are more likely true than not.

1060.12 Written Notice of Complaint

The Title IX Coordinator shall send a written notice to each party of the allegations. The written notice will contain the

following information:

1. A brief explanation of the Grievance Process (Informal and Formal) and a copy of this Policy;
2. A statement of the alleged conduct that might constitute sexual harassment with sufficient detail for respondent to prepare response. At a minimum this should include the date, time, location and parties involved in the conduct addressed by the allegations;
3. A statement that Respondent is presumed not responsible unless and until a determination of responsibility is reached at the conclusion of the process;
4. Notice that each party has the right to an advisor of their choice;
5. A statement explaining each parties' right to inspect and review evidence gathered during investigation;
6. A statement that false statements are prohibited by College Policy and may result in discipline; and
7. A list of potential sanctions upon a finding of responsibility.

A new notice will be sent during the investigation if new allegations are discovered that will be addressed in the Grievance Process.

1060.13 Informal Resolution

At any time prior to a substantive determination regarding the allegations contained in the Formal Complaint, and subject to the consent of the parties and the approval of the Title IX Coordinator, the College permits informal resolutions processes in cases in which a formal complaint has been filed with the Title IX Coordinator. The Informal Resolution Process is available in matters involving a student Complainant and a student Respondent. The informal process is not available in matters involving a student and an employee.

The informal resolution process is a voluntary, remedies-based process designed to provide parties with an option to resolve disputes with other students in a forum that is separate and distinct from the formal grievance process under the Title IX Sexual Harassment policy. Informal resolution will be led by a trained individual with no conflict of interest.

The College may facilitate the informal resolution process prior to conducting a hearing. Before the informal resolution process is used, both parties must provide voluntary, written consent to the informal resolution process and must receive written notice disclosing: the allegations, the requirements of the informal resolution process and any consequences resulting from participating in the informal resolution process. At any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the formal complaint.

1060.14 Formal Resolution Process

Should the matter not be resolved through Informal Resolution, the Title IX Coordinator shall appoint an Investigator, Hearing Decision Maker and Appeal Officer. The role of each is discussed below.

Respondents shall be presumed not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the Formal Resolution Process.

It is the College's burden to establish that the Conduct did occur as alleged and that the conduct, if it occurred, violates College Policy.

The Respondent is not required to prove consent. The Complainant is not required to prove the absence of consent.

Both inculpatory and exculpatory evidence shall be considered by the Investigator, Hearing Decision Maker, and Appeal Officer. Inculpatory evidence is evidence that shows, or tends to show, a person's involvement in an act, or evidence that can establish responsibility. Exculpatory evidence is evidence favorable to exonerates an individual from responsibility.

1060.15 Investigation

The Title IX Coordinator or Deputy Coordinator will assign trained investigator(s) to investigate the complaint.

The investigation shall include interviewing: the complainant, the respondent, and any witnesses identified. Both the complainant and the respondent are entitled to identify witnesses, including expert witnesses, to be interviewed in the investigation.

The investigation will also include reviewing any appropriate documentation and/or policies, reviewing law enforcement investigation documents, if applicable, reviewing student and/or personnel files, and gathering and examining other relevant documents or evidence, and any other action(s) the investigator deems necessary to completing the investigation.

The Complainant and the Respondent have the right to have an advisor present during any interview(s) or other meetings associated with the Grievance Process. The advisor shall not participate in the interview process and must remain silent during this phase of the Grievance Process.

Prior to commencing the investigation, the investigator(s) shall disclose any conflict of interest between them and either party, and in the event of any conflict, a qualified and trained unbiased replacement shall be appointed. A party objecting to the investigator on the basis of a conflict of interest must raise the objection during this phase of the Grievance Process, otherwise, the objection is deemed waived.

Notices of interviews or meetings sent to parties and witness shall include the date, time, location, participants and purpose of the interview or meeting. The notice must be provided sufficiently in advance to allow the party or witness to prepare.

Investigators shall not access, consider, disclose or otherwise use a party's records that are maintained by a physician, psychiatrist, psychologist or other recognized professional or paraprofessional acting in professional capacity and are made/maintained in that capacity without voluntary written consent. Note: Consent for Minor under FERPA is required from Parent.

To complete the investigation, the investigator will make a final determination as to whether each allegation contained within the Formal Complaint occurred, and if they occurred, whether the conduct violates College Policy.

The investigator will document in writing their findings and determination in an Investigation Report. Ten (10) days before the Investigation Report is completed, the Investigator shall provide access to all evidence directly related to the allegations to the Parties and their advisors. Parties may provide a written response to the evidence no later than ten (10) days after being provided access. Within twenty (20) days after parties are provided access to evidence the Investigator shall issue the Investigatory Report which Shall:

1. Summarize the Investigatory process;
2. Summarize the facts gathered during the investigation;
3. Summarize any response to the facts provided by a party;
4. State the investigators finding of facts;
5. State the investigators conclusions.

In the event that the College learns of discrimination/harassment in the absence of a direct complaint being filed by the student, such as from a member of the local community, social networking sites, or the media, the College shall investigate or otherwise determine what occurred. If an investigation reveals that sexual violence created a hostile environment, the College will take prompt and effective steps reasonably calculated to end the sexual violence, eliminate the hostile environment, prevent its recurrence, and, as appropriate, remedy its effects.

1060.16 Hearing

A Hearing will be set for no earlier than ten (10) days from the Complainant and Respondent receiving the finalized

investigation report.

Prior to commencing the Hearing process the Decision-Maker shall disclose any conflict of interest between them and either party, and in the event of any conflict, a qualified and trained unbiased replacement shall be appointed. A party objecting to the Decision-Maker on the basis of a conflict of interest must raise the objection during this phase of the Grievance Process, otherwise, the objection is deemed waived.

Upon notice from the Title IX Coordinator that an investigation report has been finalized, the Hearing Decision Maker shall set a hearing date, time, and place for the Hearing. Once a Hearing date, time and place has been determined, the Hearing Decision Maker shall provide written notice of the Hearing date, time and place to all interested Parties. The notice of the Hearing must be provided to all interested parties at least ten (10) business days before the date and time of the scheduled Hearing.

Either party may request that the Hearing be conducted with each party in separation rooms, in which case the Hearing shall be conducted using technology allowing all parties to see and hear each other. The Grievance Hearing shall be closed to the public in order to protect the confidential nature of the proceedings. Any student or employee requiring accommodations for this Hearing shall make the request for such accommodations to the Director of the Office of Accessibility at least five (5) business days prior to the Hearing. In the event that an essential accommodation cannot be provided by the College by the date of the Hearing, the Hearing shall be rescheduled with the respective date to be no more than one week later. The Hearing Decision Maker will be responsible for ensuring that procedural matters are followed.

Deviations from prescribed procedures will not necessarily invalidate a decision or proceeding unless the deviation causes significant prejudice to a Complainant or Respondent.

No party shall be permitted to make an audio recording of the proceeding. The Hearing shall be transcribed via a Court Report retained by the College. The transcript of the Hearing shall be made available to the parties, their Advisor, the Appeal Officer, and shall be kept by the Title IX Coordinator.

During the Hearing both Advisors for both Complainant and Respondent shall be present but shall not be permitted to participate in the process except for the limited purpose of conducting cross-examination of the other party and witnesses.

The Hearing will proceed in the following order:

1. Hearing Decision Marker's explanation of the Procedure and Rules;
2. Statement of the Investigator's Findings and Conclusion;
3. Complainant's Opening Statement (limited to 15 minutes);
4. Respondent's Opening Statement (limited to 15 minutes);
5. Presentation of the Complainant's witnesses and evidence;
6. Presentation of the Respondent's witnesses and evidence;
7. Complainant's Closing Statement (limited to 15 minutes);
8. Respondent's Closing Statement (limited to 15 minutes).

During the presentation of evidence, each party shall have the opportunity to call witnesses (including experts) on their behalf after which the opposing party through their Advisor shall have the opportunity to question the witness.

During cross-examination parties and Advisors shall conducting themselves in a respectful, non-abusive and non-intimidating manner. Advisors shall not be entitled to object to relevancy issues during the hearing.

In the judgement of the Decision Maker, each party may be granted a short recess for the purpose of conferring with their Advisor.

During the presentation of evidence, the Decision Maker is permitted to ask for clarification from witnesses.

Decision Makers shall make a relevancy determination regarding each question asked during cross-examination before the question is answered and shall explain why it is not relevant.

Upon conclusion of the Hearing, the Decision Maker will make a determination based a preponderance of evidence as to whether the alleged conduct occurred or did not occur, and if the conduct occurred whether the conduct constituted a violation for the Policy. In reviewing the decision of the investigator, the Decision Maker may substitute its assessment for the findings, conclusion, and decision of the investigator.

The Decision Maker shall not rely upon any statement from any party or any witness who does not participate in the Hearing and shall not draw any inference from as to responsibility from such a statement.

The Decision Maker shall provide a written report of their findings and determinations in writing to all parties, their Advisors, and the Title IX Coordinator within ten (10) days after the hearing. The written report shall contain the following information:

1. Identification of allegations potentially constituting sexual harassment;
2. Description of procedural steps (from filing complaint through determination);
3. Findings of fact supporting determination;
4. Conclusion regarding the application of the Policy to the facts;
5. Statement of and rational for results as to each allegation;
6. Statement of and rational for sanction/remedies to be implemented;
7. Statement of whether remedies are designed to restore/preserve equal access to the education program/activity;
8. Appeal Instructions; and
9. Date that the Written Determination becomes final (day appeal decided and if no appeal day after filing appeal).

1060.17 Appeal

An appeal must be filed within 10 (ten) days of the decision being appealed by submitting a written statement as to the basis and reason for the appeal to the Title IX Coordinator.

Appeals may be submitted on the following basis: (1) procedural irregularity that affected the outcome of the matter; (2) new evidence or witness(s) that were not reasonably available at the time determination regarding responsibility or dismissal was made which could affect the outcome of the matter; (3) the existence of an alleged conflict of interest or bias that affected the outcome of the matter.

Within five (5) days of the receipt of an Appeal, the Title IX Coordinator shall provide Notice of the Appeal to all Parties. The Title IX Coordinator shall also appoint an Appeal Officer, who shall not be the investigator or Hearing Decision Maker, to make a determination regarding the appeal based upon the Investigatory Report, the Hearing Report, the written appeal, and the response to the written appeal.

Prior to commencing the Appeal process the Appeal Officer shall disclose any conflict of interest between them and either party, and in the event of any conflict, a qualified and trained unbiased replacement shall be appointed. A party objecting to the Appeal Officer on the basis of a conflict of interest must raise the objection during his phase of the Grievance Process, otherwise, the objection is deemed waived.

The non-appealing party shall have ten (10) days to provide a response to the appeal.

Within ten (10) days of receipt of the response to the appeal the Appeal Officer shall issue a written decision simultaneously to all parties, their advisors and the Title IX Coordinator regarding the Appeal Decision. The written Appeal Decision shall articulate the basis on which the Appeal Decision was reached. Upon issuance of the Appeal Decision the Grievance Process shall be considered concluded and all sanctions imposed, and remedies provided, shall take effective.

1060.18 Reasonable Accommodations

The College will take reasonable steps to ensure that any reporting forms, information, or training about sexual discrimination/harassment will be provided in a manner that is accessible to students and employees with disabilities.

1060.19 English Language Learners

The College will take reasonable steps to ensure that any reporting forms, information, or training about sexual discrimination/harassment will be provided in a manner accessible to students who are English language learners.

1060.20 Potential Sanctions

Sanctions will be imposed upon a finding that a student or employee has violated this Policy. A student or employee who fails to complete the sanction will be considered to have committed another violation of this Policy. Violations involving impairment from the voluntary use of alcohol and/or use of drugs, (other than medically necessary) shall be considered an aggravating, and not a mitigating, factor in sanctioning. All sanctions become part of a student's file or employee's personnel file. The College may withhold awarding a degree, or any other academic achievement, otherwise earned, for a Respondent if the Respondent is found responsible through the Grievance Procedure. Potential sanctions for students found by the College to have violated this Policy may include, but are not limited to:

Censure: Censure is a written notice warning to the Respondent to avoid a recurrence of any conduct that violates College Policy.

Disciplinary Probation: Disciplinary probation is a specified period of time, a minimum of one semester, requiring the student to avoid a recurrence of any conduct that violates any College Policy that may result in additional college sanctions including suspension or expulsion.

Educational Experiences: Educational experiences are learning opportunities, including but not limited to, community service, drug and alcohol education, and written papers, designated to be completed by the student. In addition, an alcohol and drug assessment and/or behavioral health assessment may be required to be completed by a qualified medical or mental health professional and released to an appropriate college official.

Loss of Privileges: Loss of privileges is a denial of services, privileges, and benefits which may impact participation in extracurricular activities, residence in college housing, college employment, leadership within student organizations and academic activities, for a designated period of time.

Bans, Deactivations and Holds: Bans, deactivations and holds are restriction of access to college services, activities, facilities and registration.

Restitution: Restitution is monetary reimbursement to the College and/or a member of the College community or others to cover the cost of damage, injury, or loss of community or personal property as a result of a violation.

No Contact: The Respondent, Complainant, or both are instructed to not have direct or indirect contact with the other party. This includes but is not limited to contact in person, through electronic means, or through a third party.

Deferred Suspension: Deferred suspension is a designated period of time during which a student is given the opportunity to demonstrate the ability to abide by the College articulated behavioral expectations.

Suspension: Suspension is removal of a student for a defined period of time, for a maximum of six consecutive semesters, during which a student loses all college privileges including, but not limited to, facilities, programs, privileges, classes, and premises. Students who do not attend the College for three or more successive semesters excluding

summer sessions must submit an application for readmission to the College.

Expulsion: Expulsion is permanent dismissal from the College, administrative withdrawal from classes and loss of all college privileges.

Potential sanctions for employees found by the College to have violated this Policy may include, but are not limited to:

Corrective Plan of Action: Based upon the severity of the violation, an employee found to have violated this Policy may be issued a corrective plan of action which directs the employee.

Training: Any employee found to have violated this Policy may be required to participate in Sexual Harassment Awareness training, including, but not limited to obtaining education regarding this Policy and the laws prohibiting sexual harassment/discrimination.

No Contact: The employee may be directed to have no direct and/or indirect contact with the complainant. This includes but is not limited to contact in person, through electronic means, or through a third party.

Verbal Warning: A verbal warning may be issued to the employee directing that the employee not engage in behavior prohibited by this Policy. The verbal warning will be documented and placed in the employee's personnel file.

Written Warning: A written warning may be issued to the employee directing that the employee not engage in behavior prohibited by this Policy. The written warning will be placed in the employee's personnel file.

Suspension: The employee may be suspended with or without pay for a period of time.

Discharge: The employee may be terminated from their employment from the College.

Potential sanctions for third-parties found by the College to have violated this policy may include, but are not limited to:

Loss of Privileges: The individual and/or entity represented by the individual, may be denied privileges such as access to the College Campus, participation in college activities.

Termination of Business Relationship: Any violation of this Policy by an individual employed with and/or representing a third party may result in the termination of any business relationship between the College and the Third Party.

Potential Sources of Support

Potential sources of support for individuals who have been subjected to discrimination/harassment in violation of this Policy include, but are not limited to the following:

Escanaba Campus:

Tri-County Safe Harbor 24-hour crisis line (906) 789-1166

Campus Mental Health Counselor, Michael Dupont (906) 217-4140; dupontmj@excite.com

OSF Medical Group (906) 786-5707 19

Iron Mountain Campus:

The Caring House 24-hour crisis line (906) 774-1112

Mental Health Counselor, Mark Young (906) 776-4357, mark@resolvingconcerns.com

Dickinson County Healthcare System (906) 774-1313

The College does not endorse any single potential source for support.

Training and Educational Programs for Students

Bay College uses a campaign-type strategy for training. All students are to complete an online training that will provide base level definitions, examples, strategies for harm reduction, tools to intervene as a bystander, and how to help friends who are affected. This training is augmented through postings, programs, and multimedia. Below are examples of the training in more detail:

1. All students are expected to complete the Think About It online training course through EverFi. The two versions of Think About It are distributed to students depending on the age of the student.
 - a) Think About It for traditional students – This course is distributed to all students up to age 23. The course covers a multitude of topics, including the “hook up” culture, defining healthy and abusive relationships, and how to help a friend in an unhealthy relationship. The course explores the relationship between alcohol and decision making, and provides harm-reduction strategies for consuming alcohol in responsible ways. The course goes farther in exploring self-medicating through drugs and alcohol, and looking at the connection between alcohol and sexual violence. Sexual violence is then explored, including definitions of consent, sexual coercion, and sexual violence. Participants then learn about bystander intervention, and simple ways then can intervene in situations that are safe and easy to do. The course then explains sexual harassment.
 - b) Think About It for adult learners – this course is distributed to all students 24 years old and up. Topics covered include cultural attitudes around sexual discrimination and misconduct, terminology, understanding and recognizing what sexual harassment and misconduct are, and what Bay College’s policy is regarding these topics. The course also speaks to healthy relationships and factors to consider in order to make positive choices around relationships and helping friends.
2. A video that offers an easy way of understanding consent is shown before each Campus Activities Board sponsored movie.
3. Various posters that explore healthy relationships, gender norms in relationships, social norming regarding alcohol and sex, and dating violence are spread across campus.
4. Tri-County Safe Harbor (Delta County) and The Caring House (Dickinson County) have been partnered with to offer the Clothesline Project, a program where participants can decorate t-shirts to display to show support for victims of domestic violence as well as share their own stories. Tri-County Safe Harbor and the Caring House also provide programs on dating violence on each campus.

Missing Student Notification Policy

Students who reside in on-campus housing are encouraged to provide an emergency contact and/or a missing person’s contact. These contacts do not have to be the same. The contact information will be confidentially collected and stored. If a student is determined missing for 24 hours, the College will notify the appropriate law enforcement agency and if the missing student is under 18 years of age, and not an emancipated individual, the College and/or law enforcement will notify a custodial parent or guardian. If a member of the College community believes that a student who resides in on-campus housing is missing, it should be reported to a Campus Security Authority so that appropriate action can be taken. This procedure does not preclude implementing action in less than 24 hours if the circumstances warrant.

Training and Educational Programs for Employees

Bay College uses a campaign-type strategy for training. All Faculty and Staff members are given a basic overview of definitions of Title IX, examples of violations and an understanding of what a “Responsible Employee” is in a College-wide training setting during our bi-annual in August and January each year. In addition to this, all employees are expected to complete an online training that provides base level definitions, examples, expectations as a responsible employee/mandatory reporter, and how to report incidents in a timely manner. Below are examples of the training in more detail:

1. All employees are required to complete online Title IX training focused on Anti-Harassment and Discrimination Prevention through EverFi. There will be two versions of this training – one for employees who have a supervisory role and one for those who do not.
 - a) “Intersections” – Supervisor Anti-Harassment (Supervisors)
 - b) “Intersections” – Preventing Discrimination and Harassment (Non-Supervisors)

Employees are expected to receive this training on an annual basis and progress of completion will be tracked by the Human Resources department to ensure expectations are being met.

2. In addition to online training for employees, the college’s Board of Trustee’s was provided Title IX training which focused on definitions of Title IX, examples of violations, and an understanding of what a “mandatory reporter” is.

Definitions

Domestic Violence: A felony or misdemeanor crime of violence committed—

- a) By current or former spouse or intimate partner of the victim;
- b) By a person with whom the victim shares a child in common;
- c) By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
- d) 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
- e) 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.

Dating Violence: Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim (this includes online dating)—

- a) The existence of such a 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.
- b) For the purposes of this definition, dating violence includes but is not limited to, sexual or physical abuse or the threat of abuse. Dating Violence does not include acts covered under the definition of domestic abuse.

Sexual Assault: An offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI’s Uniform Crime Reporting (UCR) program. Per the National Incident-Based reporting System User manual from the FBI UCR program, a sex offense is “any sexual act directed against another person without the consent of the victim, including instances where the victim is incapable of giving consent.”

- Rape: The penetration, no matter how slight, of the victim’s 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.
- Fondling: The touching of the private 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: Sexual intercourse between persons who are related to each other within the degrees where marriage is prohibited by law.
- Statutory Rape: Sexual intercourse with a person who is under the statutory age of consent.

Stalking: Engaging in a course of conduct directed at a specific person that would cause a reasonable person to—

- a) Fear for the person’s safety or the safety of others; or
- b) Suffer substantial emotional distress. For the purposes of this definition—
 - i. Course of conduct means two or more acts, including, but not limited to, acts 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.
- ii. Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.
 - iii. Substantial emotional distress means significant mental suffering or anguish that may but does not necessarily, require medical or other professional treatment or counseling.

Consent: Consent is established between persons before engaging in any type of sexual activity. It is active and mutual participation during any sexual activity. Those involved are fully conscious and aware in the decision-making process. Communication is clear between both parties in any type of intimate relationship and there exists a clear and concise intent to act. Consent **is not** a sexual act as a result of force, coercion or threats, engaging in any sexual activity when one party is unable to give consent due to being physically helpless, mentally incapable due to drugs or alcohol, or mentally disabled, given by silence or when an individual is passed out, or engaging in sexual activity with someone who is not of sufficient age.

In Michigan, consent is not an element of criminal sexual conduct that prosecutors are required to disprove beyond a reasonable doubt. Rather, it is an affirmative defense available for defendants who are charged with committing criminal sexual conduct under some of the provided for circumstance. For instance, it may be used to negate the elements of "force or coercion." According to Michigan's standard criminal jury instructions, a person consents to a sexual act by agreeing to it freely and willingly, without being forced or coerced. It is not necessary to show that the complainant resisted the defendant to prove that this crime was committed. Nor is it necessary to show that the complainant did anything to lessen to damage to him/herself (Mich, CJI@d 20.27).

Sex Offender Registration

In accordance to the "Campus Sex Crimes Prevention Act" of 2000, which amends the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act, the Jeanne Clery Act and the Family Educational Rights and Privacy Act of 1974, Bay College is providing a link to the Michigan State Police Sex Offender Registry. This act requires institutions of higher education to issue a statement advising the campus community where law enforcement information provided by a State concerning registered sex offenders may be obtained. It also requires sex offenders already required to register in a State to provide notice of each institution of higher education in that State at which the person is employed, carries a vocation, or is a student. In the State of Michigan, convicted sex offenders must register with the Sex Offender and Crimes Against Minors Registry maintained by the State Police.

The [Sex Offenders Registration Act](#), MCL 28.721et seq., directs the Michigan State Police to develop and maintain a public registry and provides guidelines on the type of offender information available to the public. The registration requirements of the Sex Offenders Registration Act are intended to provide the people of this state with an appropriate, comprehensive, and effective means to monitor those persons who pose such a potential danger.

In accordance with the Wetterling Act, Megan's Law and the Campus Sex Crimes Prevention Act of 2000, it is now mandatory that all registered sex offenders report to the law enforcement agency having jurisdiction in which the institution of higher learning is located. The Michigan Public Sex Offenders Registry can be accessed at <http://www.mipsor.state.mi.us/>

Bay College Policy 4013: Enrolled Students Listed on the sex offenders Registry

It is the policy of Bay de Noc Community College that all enrolled students, and/or students seeking admission, who have been convicted of a crime requiring registration on the sex offender's registry, participate in an individualized assessment for the purpose of determining whether the student poses a threat to the health, welfare and safety of the campus community and its constituents.

PROCEDURE:

1. The Vice President of Student Services will be responsible for determining whether the continued presence of any enrolled or potential student, who is a registered sex offender, poses a serious threat to the well-being or safety of College personnel, students, or to the property or operation of the College and its functions. The President of the College may further designate any other College official to administer this policy as appropriate.
2. Any Student, or potential student, at Bay College is required to disclose their status as a registered sex offender to the Vice President of Student Services. Students applying to Bay College are required to provide this notice at same time as they are submitting their application for admission. Enrolled students are required to provide this notice within ten days after the publication of this procedure on the College's Website. Any student, or potential student, failing to provide notice of their status as a registered sex offender to the College constitutes a violation of the Student Code of Conduct, and the student is subject to discipline, up to and including expulsion from the College.
3. After providing notice of their status as a registered sex offender, such student is required to meet with the Vice President of Student Services, members of the Behavioral Assessment Team (BAT), and other Bay College Employees as needed (at the discretion of the Vice President of Student Services). This meeting will occur within thirty (30) days after such notification. During the meeting, the following information is required to be provided:
 - A. Nature of the offense for which he/she has been convicted.
 - B. Justification, including written verification, for consideration of admission or continued enrollment.
 - C. Parole officer contact information and conditions of parole, if applicable. It is the student's burden to provide the above information. The Vice President of Student Services, working from the advice of the other members of the committee, will make an admission and/or continued enrollment decision after meeting with the student. Criteria used to determine attendance will include, but not be limited to:
 - i. Publicly available police and court reports, including the terms of any sentencing;
 - ii. A documented pattern of behavior versus a single incident;
 - iii. Documentation provided by and/on behalf of the student, or person seeking admission or continued enrollment (e.g., parole officer reports, judicial/law enforcement recommendations, personal recommendations).
4. If continuation enrollment is denied, the convicted sex offender who became an enrolled student prior to the College's notification of the individual's convicted sex offender status will receive a certified letter at the home address listed in the student information system. The written notification will require the individual to initiate an appeal of the Dean of Enrollment Management's decision within ten (10) calendar days from the date of mailing of the notification by the College in order to receive consideration to remain enrolled. The individual will remain provisionally enrolled and permitted to take classes pending the outcome of the appeal process. Failure by the convicted sex offender to follow the appeals process within ten (10) calendar days of notification from the College will result in written notice of administrative withdrawal of all current and future classes at the College, and forfeiture of the individual's right to appeal.
5. The Appeal Process shall be as follows:

All appeals from the denial of continued enrollment must be submitted in writing to the Vice President of Student Services within ten (10) calendar days from the date of mailing of the notification of denial of continued enrollment. The Vice President of Student Services shall submit the appeal within two (2) business days to the Appeal's Committee Chairperson. A written appeal of the denial of continued enrollment must state the following:

Policy on Alcoholic Beverages & Illegal Drugs

The possession, sale, or the furnishing of alcohol and/or illegal drugs on the College campus is governed by Bay College's Alcohol Policy and Michigan state law. Laws regarding the possession, sale, consumption or furnishing of alcohol is controlled by the Michigan Liquor Commission. However, enforcement of alcohol laws on-campus is the primary responsibility of local law enforcement. Bay College's campuses have been designated "Drug free" and only under certain circumstances is the consumption of alcohol permitted. The possession, sale, manufacture or distribution of any controlled substance is illegal under both state and federal laws. Such laws are strictly enforced by local law enforcement agencies. Violators are subject to College disciplinary action, criminal prosecution, fine and imprisonment. It is unlawful to sell, furnish or provide alcohol to a person under the age of 21. The possession of alcohol by anyone under 21 years of age in a public place or a place open to the public is illegal. It is also a violation of Bay College's Alcohol Policy for anyone to consume or possess alcohol in any public or private area of campus without prior College approval. Organizations or groups violating alcohol/substance policies or laws may be subject to sanctions by the College.

Alcohol & Substance Abuse Information

Prevention Programs

College policy prohibits the illicit use of drugs and the abuse of alcohol by students and employees. The college's program related to the prevention of drug use and abuse includes dissemination of informational materials, counseling services, referrals and college disciplinary actions.

Counseling Services: A licensed mental health counselor provides limited services for students and can refer students to external local resources. Employees can utilize the Employee Assistance Program (EAP) offered at both campuses.

Referral Services: A licensed mental health counselor will make appropriate referrals to local service agencies.

College Disciplinary Actions: Office of Vice President of Operations, Behavioral Assessment Team, Human Resources, and Title IX Coordinator and Deputy Coordinators.

Local, State & Federal Legal Sanctions

Legal Sanctions – Laws Governing Alcohol

The State of Michigan sets 21 as the minimum age to purchase or possess any alcoholic beverage. Specific ordinances regarding violations of alcohol laws, including driving while intoxicated, are available from local law enforcement.

Penalties for violation of the minimum age alcohol laws include the following:

1. Persons under age 21 found possessing alcohol may be given a maximum fine up to \$100, community service, substance abuse screening, substance abuse prevention or treatment and rehabilitation.
2. Anyone convicted of fraudulently using a driver's license to buy or attempt to buy alcohol may have his/her driver's license suspended for 90 days and/or be imprisoned for up to 93 days.

Emergency Response and Evacuation Procedures

Bay College provides students and employees with three active participation drills per academic year. Two of the drills are intended to mimic evacuation procedures and one is a lock-down exercise. In addition, a manual and ongoing training on emergency response procedures and evacuation protocols is provided. Lockdown training is taught and refreshed annually. As required by policy, employees are required to practice what they learn once per term per classroom and/or office, with students and/or co-workers. The RAVE Panic Button app is used as an Emergency Notification system between employees and emergency/911 dispatch. The college also uses the Alertus system for emergency mass notifications. Lock-down exercises are coordinated with Dickinson and Delta County emergency response employees.

Emergency protocols mimic local K-12 protocols in an effort to reinforce what students have already learned in previous years. The Emergency Response Guide is provided to both students and employees on the myBay portal. Students navigate to Current Students -> Forms, Docs, Policies and employees navigate to Employees -> Newsletters-General Info. The direct links are listed below:

Students:

https://mybay.baycollege.edu/ICS/Current_Students/Forms_Docs_Policies/ -> Requires Login

Employees:

<https://mybay.baycollege.edu/ICS/Employees/Handouts.jnz> -> Requires Login

Campus Crime Statistics for Years 2018, 2019, and 2020

Escanaba Campus

Criminal Offenses

Criminal Offense	On Campus			Non-Campus			Public Property			On Campus Residential Only		
	2018	2019	2020	2018	2019	2020	2018	2019	2020	2018	2019	2020
Murder/Non-Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0
Manslaughter by Negligence	0	0	0	0	0	0	0	0	0	0	0	0
Sex Offenses												
Rape	1	0	1	0	0	0	0	0	0	1	0	0
Fondling	0	0	0	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	1	0	0	0	0	0	0	0	0	0
Burglary	0	0	1	0	0	0	0	0	0	0	0	1
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0	0	0	0

VAWA Offenses

VAWA Crimes	On Campus			Non-Campus			Public Property			On Campus Residential Only		
	2018	2019	2020	2018	2019	2020	2018	2019	2020	2018	2019	2020
Domestic Violence	1	0	0	0	0	0	0	0	0	0	0	0
Dating Violence	0	0	0	0	0	0	0	0	0	0	0	0
Stalking	1	5	2	0	0	0	0	0	0	0	1	0

Arrests

Arrests	On Campus			Non-Campus			Public Property			On Campus Residential Only		
	2018	2019	2020	2018	2019	2020	2018	2019	2020	2018	2019	2020
Weapons Law Violation	0	0	0	0	0	0	0	0	0	0	0	0
Drug Law Violation	0	0	0	0	0	0	0	0	0	0	0	0
Liquor Law Violation	1	0	0	0	0	0	0	0	0	1	0	0

Disciplinary Actions

Referrals	On Campus			Non-Campus			Public Property			On Campus Residential Only		
	2018	2019	2020	2018	2019	2020	2018	2019	2020	2018	2019	2020
Weapons Law Violation	0	0	1	0	0	0	0	0		0	0	1
Drug Law Violation	24	1	6	0	0	0	0	0	0	22	0	5
Liquor Law Violation	30	18	26	1	0	0	0	0	0	30	18	26

Unfounded Crimes

There were no unfounded crimes reported for the years 2018, 2019, and 2020.

Hate Crimes

There was one reported aggravated assault with race bias in 2020.

There were no reported hate crimes for the years 2018, 2019.

Campus Crime Statistics for Years 2018, 2019, and 2020

Iron Mountain (West) Campus

Criminal Offenses

Criminal Offense	On Campus			Non-Campus			Public Property		
	2018	2019	2020	2018	2019	2020	2018	2019	2020
Murder/Non-Negligent Manslaughter	0	0	0	0	0	0	0	0	0
Manslaughter by Negligence	0	0	0	0	0	0	0	0	0
Sex Offenses									
Rape	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0

VAWA Offenses

VAWA Crimes	On Campus			Non-Campus			Public Property		
	2018	2019	2020	2018	2019	2020	2018	2019	2020
Domestic Violence	0	0	0	0	0	0	0	0	0
Dating Violence	0	0	0	0	0	0	0	0	0
Stalking	0	0	0	0	0	0	0	0	0

Arrests

Arrests	On Campus			Non-Campus			Public Property		
	2018	2019	2020	2018	2019	2020	2018	2019	2020
Weapons Law Violation	0	0	0	0	0	0	0	0	0
Drug Law Violation	0	0	0	0	0	0	0	0	0
Liquor Law Violation	0	0	0	0	0	0	0	0	0

Disciplinary Actions - On Campus

Referrals for Disciplinary Action	On Campus			Non-Campus			Public Property		
	2018	2019	2020	2018	2019	2020	2018	2019	2020
Weapons Law Violation	0	0	0	0	1	0	0	0	0
Drug Law Violation	0	1	0	0	0	0	0	0	0
Liquor Law Violation	0	0	0	0	0	0	0	0	0

Unfounded Crimes

There were no unfounded crimes reported for the years 2018, 2019, and 2020.

Hate Crimes

There were no reported hate crimes for the years 2018, 2019, and 2020

Bay College Fire Safety Annual Compliance Report for 2020

Overview

The Higher Education Opportunity Act (Public Law 110-315) became law in August, 2008, requiring all United States academic institutions to produce an annual fire safety report outlining fire safety practices, standards, and all fire-related on-campus statistics related to student housing. The following public disclosure report details all information required by this law as it relates to Bay College as outlined in the initial regulation; subsequent yearly reports will comply with the Act as amended and published October 29, 2009.

Bay College Escanaba Campus Housing Fire Safety Equipment

Bay College's main campus has 21 four-person apartments and 8 two-person apartments that can contain 100 students. One fire extinguisher and 4 smoke detectors are placed in each student apartment halls. The apartments are also monitored by Residence Assistants (RA).

Fire Safety Education, Training, and Fire Drills

All residents of the apartments receive the student housing handbook, which contain the following rules and regulations regarding fire safety:

Evacuation – As these are individual student apartments and not dormitories included in the student handbook are instructions for student to evacuate the apartment.

Combustibles -- Halogen lamps, lava lamps, propane, air gas cylinders, candles, oil lamps, burning incense, or any other open flame device or combustible material are not allowed in the apartment. Paper materials must be kept to a minimum. Real Christmas trees are not allowed. The use of possession of fireworks, other explosives and potentially harmful chemicals is also prohibited in the student apartment and in its immediate vicinity.

Firearms, Explosives and Weapons – Firearms, paintball/air-soft guns, bow and arrows, ammunition, fireworks, gasoline and other combustible or explosive items are not permitted in violations.

Smoking – Bay College became a smoke-free campus in January 2010. Student Housing became a smoke free environment as of as of August 1, 2010. Students and guests are prohibited from smoking within the Student Housing community. Residents found in violation of the smoking policy may face disciplinary action including the possible cancellation of their housing assignment and removal from Student Housing.

Specific Fire Prevention Related Policies and Programs

Policy 1025 Tobacco Free Environment

It shall be the policy of the Bay de Noc Community College Board of Trustees to provide a healthy, comfortable, and productive environment for students, faculty, and staff, in compliance with Act. No. 198 of the Public Acts of 1986. Bay de Noc Community College shall be free of the use of all forms of tobacco products, including cigarettes, electronic cigarettes, cigars and cigarillos, hookah-smoked products, pipes, oral tobacco and nasal tobacco, as well as any product intended to mimic tobacco products, contain tobacco flavoring, or deliver nicotine other than for the purpose of cessation.

Policy 1040.1 Weapons Policy

Except as allowed by Federal and State law, students, employees and guests are prohibited from possessing, using, discharging and/or carrying weapons in any setting that is under the control or supervision of the College, including, but not limited to, property leased, owned, or contracted for by the College, a College sponsored event, or a College owned vehicle. This prohibition does not apply to officers duly sworn to and in good standing with public law enforcement agencies. Any student or employee in violation of this policy will be subject to discipline, up to, and including expulsion and/or termination as may be applicable depending on the circumstances. Any guest in violation of this policy shall be subject to ejection as a trespasser. Weapons: are defined as any instruments or implements which are capable of inflicting bodily injury, and shall include but not be limited to the following:

- Any gun, rifle, firearm, BB gun, pellet gun, or other device (including starter gun) which is designed to or may readily be converted to expel a projectile by any means.
- Any bomb, grenade, rocket or other destructive device which includes explosives, incendiaries or poison gas.
- Any knife with a blade longer than three inches, razor, or other cutting instrument.
- Any striking instrument, to include clubs, iron bar, brass knuckles, blackjack or bludgeon (excluding Athletic Department equipment—i.e., baseball bats).
- Any Martial Arts weapons, to include nunchakus, tonfas, staffs, and throwing stars.
- Any bow and arrow combination.
- Fireworks
- Any portable device or weapon from which an electrical current, impulse, wave, or beam may be directed, which current, impulse, wave, or beam is designed to incapacitate temporarily, injure, or kill.

Firearm: means a weapon from which a dangerous projectile may be propelled by an explosive, or by gas or air. Firearm does not include a smooth bore rifle or handgun designed and manufactured exclusively for propelling by a spring, or by gas or air, BBs not exceeding .177 caliber.

Minor: means any individual of less than 18 years of age.

Pistol: means a firearm, loaded or unloaded, 26 inches or less in length, or any firearm, loaded or unloaded, that by its construction and appearance conceals it as a firearm.

A self-defense spray or foam device are not considered weapons subject to this procedure. Self-defense spray or foam device: means a device to which all of the following apply: (a) The device is capable of carrying, and ejects, releases, or emits 1 of the following: (i) Not more than 35 grams of any combination of orthochlorobenzalmalononitrile and inert ingredients; (ii) A solution containing not more than 10% oleoresin capsicum; (b) The device does not eject, release, or emit any gas or substance that will temporarily or permanently disable, incapacitate, injure, or harm a person with whom the gas or substance comes in contact, other than the substance described in (a).

Policy 1040.4 Security Training and Emergency Response

- a. The College shall have an Emergency Response Team, led by the Vice President of Operations, and shall develop and maintain the College's Emergency Response Guide.
- b. Members of the emergency response team shall receive, at minimum, annual training.
- c. The emergency response team shall periodically conduct a test of its emergency response system.
- d. All employees will receive information and/or security training annually. In addition, institutional training provided to employees will be practiced by employees. Instructors will conduct a per term per class lockdown or shelter in place scenario with their students, and leaders in non-academic areas will conduct a per term lockdown or shelter in place scenario with their staff. These practice scenarios will be scheduled by the instructors and/or department leaders at their discretion and should not require alarms or distress others.

Policy 1040.6 Safety on Campus

- a. College students, employees, and visitors will comply with all required safety procedures and training. All college employees, students, and visitors are expected to use good safety and health practices as dictated by job, location, and circumstances.
- b. College employees working in or around moving or electrically hazardous equipment should not wear loose fitting clothing, necklaces, watches, rings, bracelets, scarves, or any other type of clothing or jewelry that could become entangled in or catch on such equipment or cause electrical shock.
- c. College students, employees, and visitors will comply with the use of safety equipment, including personal protective equipment (PPE), standard operating procedures for the use of chemicals, and understanding Safety Data Sheets (SDS).
- d. All employees working with equipment will follow the procedures in policy 603 Lockout Procedures Policy.
- e. All employees are required to wear industrial safety glasses when involved in work, which could cause an eye injury. The industrial safety glasses must be worn whenever an employee is:
 - i. In the College garages.
 - ii. Welding, hammering, sawing, cutting, digging, or handling materials or chemicals.
 - iii. In close proximity to the above listed activities.
 - iv. Whenever the job duties involve a danger of eye injury.
 - v. Instructors shall wear safety glasses and are responsible for making sure students and visitors wear safety glasses when eye hazard exists in shops and labs. The College will provide safety glasses for all employees and visitors. In the event a full-time employee needs prescription safety glasses, the College will provide \$300 toward the purchase of same. This \$300 payment will not be paid more than once every four years.
- f. The Operations department shall conduct periodic surveys of the campus facilities and grounds to identify security issues such as landscaping, locks, alarms, lighting, and communications.
- g. Nothing can block hallways, walkways, or exits. Three (3) feet of clear access must be maintained by fire exits and electrical panels.
- h. Assistance should be elicited when lifting or lowering items that are heavy or on high shelves.
- i. No more than one filing drawer at a time can be open. Page 7
- j. Equipment that could become hazardous if accidentally turned on should be unplugged when not in use.
- k. Combustible items are prohibited in offices, apartments, classrooms, and common areas with the exception of academic areas for which combustibles are an integral part of the program or appropriate chemical storage facilities. Combustibles can include burning candles, oil lamps, incense, live Christmas trees, fireworks, gasoline, or any other flammable or harmful chemicals.
- l. Tampering with fire safety equipment, including smoke detectors, is prohibited.

Contacts for Fire

Residents should immediately contact 911 in the event of a fire and the campus security authorities (CSA) previously listed in the event of a fire.

Fire Safety Report Statistics for on campus apartments

REPORTS:	2018	2019	2020
Number of fires- Unintentional	0	0	0
Number of fires- Intentional	0	0	0
Number of fires- Undetermined fire	0	0	0
Number of deaths caused by fire	0	0	0
Number of injuries caused by fire	0	0	0

Value of property damaged by fire	0	0	0
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General Information

The College prepares an Annual Security Report and the Annual Fire Safety Report to comply with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act and the Higher Education Opportunities Act of 2008. The full text of this report is available on our web site at <http://www.baycollege.edu> by clicking on campus safety. The Annual Security Report and the Annual Fire Safety Report is prepared in cooperation with the local law enforcement agency serving our campuses and several college departments. Each entity provides updated information on their educational efforts and programs to comply with the Act.

Campus crime, arrest, and referral statistics include those reported to designated campus security authorities and local law enforcement agencies for the Bay College Clery Geography.

A printed copy of the report may also be obtained on campus. On the Escanaba campus, the report can be obtained in the Vice President of Operations office, Catherine Bonifas building room 202A. On the West campus, the report may be obtained in the office of the Vice President for Bay College West located on the second-floor room 215.

All prospective employees may obtain a copy from the Human Resources office on the Escanaba campus in the Student Center building or by calling (906) 217-4049.