

Alpena Community College

2024

Annual Security Report & Annual Fire Safety Report

ALPENA
COMMUNITY COLLEGE

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ALPENA

COMMUNITY COLLEGE

Dear Campus Community Member:

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

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

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

- Enhancing the physical safety of campus buildings through the use of new technology and building upgrades;
- Continuing the Clery/Title IX Task Force to assist in developing and implementing policies, procedures and programs which enhance safety awareness and compliance;
- Entering into an Agreement with the Alpena County Sheriff’s Department to provide the services of a designated Deputy to serve as a campus security officer.
- Providing an online safety training program for students and employees through Vector LMS (formerly *SafeColleges*), a national company whose award- winning web- based training programs are specifically designed for higher education.
- Providing access to free, professional, and confidential mental health counseling services for students through a grant program.

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

Sincerely,



Dr. Donald MacMaster President

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Introduction

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

- The Contacts & Resources section lists Emergency Services and provides numbers for safety, security, and medical; counseling; health, mental health, substance abuse; transportation; and other community and college resources;
- The Crime Reporting and Statistics section lists the names and contact information of all Campus Security Authorities (CSA's). You may contact any CSA to report a crime or safety concern. This section also includes statistics of crimes reported on and near campus in the past 3 years;
- The Definitions section contains the definitions of all terms used in the Annual Security Report, including definitions of crimes, as required by federal regulation. This section also includes Maps of each College campus to illustrate the area which is considered "on campus" for Clery reporting purposes;
- The Annual Fire Safety Report includes fire statistics for on-campus student housing facilities, description of fire safety systems in College Park Apartments, rules, and regulations regarding portable appliances, as well as additional fire safety information;
- The Campus Safety Tips section offers some risk reduction techniques, and tips to stay safe;
- The Campus Safety Procedures and Information section highlights and summarizes important safety procedures and policies, including procedures that all students and employees should know regarding Emergency Notification, Timely Warnings, Alcohol Emergencies, Sexual Misconduct, including sexual assault, sexual harassment, dating violence, domestic violence and stalking. This section also summarizes the prevention and awareness programs offered by the College;
- The Alpena Community College Policies section contains a verbatim reproduction of full college policies relating to safety and security issues (known as the 7000 Series of Policies). These policies are also found on the College website under the Safety tab on the home page;
- The Annual Disclosure on Alcohol and Drug Prevention is a section which contains the College's annual disclosure, as required by federal law. This Disclosure contains important information regarding College policies, legal sanctions, and health risks of drugs and alcohol;
- The State Laws Section contains additional information about applicable State Laws, including information regarding the Sex Offenders Registry;

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

Summary of the Jeanne Clery Act

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

Campus Crime Data

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

Support for Victims

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

Policies and Procedures

Colleges and universities must outline specific policies and procedures within their annual security reports, including those related to disseminating timely warnings and emergency notifications, options for survivors of sexual assault, domestic violence, dating violence, and stalking, and campus crime reporting processes. Alpena Community College has adopted certain policies and procedures in compliance with the Clery Act. College policies related to the Clery Act are set forth in this report in their entirety and are also easily accessed on the college website at the following link:

https://discover.alpenacc.edu/faculty_staff/human_resources/policies_and_procedures.php

Note Regarding Update to Nondiscrimination and Title IX Procedures

As of the date of this publication, Alpena Community College is in the process of adopting a new Title IX Policy 7009A which amends the College's Sexual Misconduct Policy 7009 with respect to Title IX Complaints of Sex Discrimination and Sex-Based Harassment. This amendment is intended to comply with the amendments to the Title IX Regulations which were announced by the U.S. Department of Education and became effective on August 1, 2024. The College Board of Trustees approved Policy 7009A at the first reading held on September 18, 2024. A second reading is required and will be conducted at the October 2024 board meeting. The proposed new policy is available for review at:

https://container.alpenacc.edu/board/2024-09-18_board_meeting_agenda.pdf

The new policy will be published on the College website when it is formally approved. The College's revised Policy 1014 Nondiscrimination Policy was approved on September 18, 2024 and is posted on the College website at the Policies and Procedures link set forth above.

Contacts and Resources

Campus Safety Officer

Deputy Mike Lash.....989-358-7222

Email: security@alpenacc.edu

Police

- Michigan State Police – Alpena.....989-354-4101
- Alpena City Police989-354-1800
- Alpena County Sheriff’s Office989-354-9830
- Oscoda Township Police.....989-739-9113
- Iosco County Sheriff’s Office989-362-6164

Emergencies: Dial 911

Hospitals

MyMichigan Medical Center

1501 West Chisholm Street, Alpena, MI

Main Switchboard..... 989-356-7000

Emergency Room..... 989-356-7252

Ascension St. Joseph Hospital

200 Hemlock Street, Tawas City, MI 989-362-3411

Community Agencies

- Hope Shores Alliance - Alpena.....989-356-2560
- Hope Shores Alliance- Oscoda989-739-0144
- Hope Shores Alliance- 24 hour.....800-396-9129
- Legal Services989-356-9081
- Department of Health and Human Services (MDHHS-Alpena).....989-354-7200
- Community Mental Health (Alpena)989-356-2161
- Community Mental Health (AuSable Valley)989-362-0727

Personal Protection Orders (PPOs)

Hope Shores Alliance can provide assistance in obtaining PPOs. See phone listings above or call the Circuit Court for the appropriate county listed below:

- Alpena County989-354-9573
- Iosco County989-846-6200
- Montmorency County989-785-8022
- Alcona County989-724-9410
- Presque Isle County989-734-3288

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

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

Mental Health Counseling for Students:

Through a partnership with Carey M. Schiller, LMSW, and with funding provided by the Strengthening Institutions Program Grant, Alpena Community College is pleased to provide mental health counseling services to our students. Appointment requests can be submitted online through ACC website or:

Email: counselinginfo@alpenacc.edu
Phone: 989-358-7245

College Publications Available Online:

- Campus Guide for Prevention and Response to Sexual Misconduct: Know Your Rights - Protect Yourself — http://discover.alpenacc.edu/safety/docs/acc_sexual_misconduct_brochure.pdf
- Sexual Misconduct Reporting Form — http://discover.alpenacc.edu/safety/docs/sexual_misconduct_reporting_form.pdf
- Quick Guide for Responding to Sexual Misconduct — https://discover.alpenacc.edu/safety/docs/sexual_misconduct_quick_guide.pdf

Online Resources

- Michigan Coalition to End Domestic and Sexual Violence — www.mcedsv.org
- Department of Human Services Resource Directory — www.michigan.gov/domesticviolence
- U.S Dept. of Health and Human Services- Office on Women’s Health <https://www.womenshealth.gov/relationships-and-safety/sexual-assault-and-rape>
- State of Michigan “Let’s End Campus Sexual Assault” website <https://www.michigan.gov/campussexualassault>

Drug and Alcohol Programs

Students requiring or requesting information about alcohol and drug abuse treatment should contact the Office of Academic and Student Affairs (VLH 109; 358-7219), or one of the following local agencies and programs:

- Alcoholics Anonymous, Alpena 989-354-2728
- Alcoholics Anonymous, Oscoda/Huron Shores 866-227-0015
- Au Sable Valley Comm Mental Health, Oscoda/Huron Shores 989-362-8636
- Catholic Human Services, Alpena 989-356-6385
- Northeast Michigan Community Mental Health Svcs, Alpena 989-356-2161
- Sunrise Centre, Alpena 989-356-6649
- Turning Point Counseling, Oscoda/Huron Shores 989-747-0420
- Peer Recovery Support Services 989-732-1791
- Youpickrecovery.org 989-732-1791

- Recovery Yoga.....989-464-1833
- Women for Sobriety.....989-356-6649
- Safe Spaces Family Recovery Network.....248-408-8333

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

Crime Reporting and Statistics

Crime Reporting

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

To report a crime (emergency) on any campus, dial 911.

To report a crime (non-emergency) on the Alpena campus, contact:

Campus Safety Officer:

Deputy Mike Lash.....989-358-7222

Email: security@alpenacc.edu

or

Law Enforcement Agencies:

- City of Alpena Police Department989-354-1800
- Alpena County Sheriff’s Department989-354-9830
- Michigan State Police – Alpena Post.....989-354-4101

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

- Oscoda Township Police Department.....989-739-9113
- Iosco County Sheriff’s Department989-362-6164

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

If the situation involves a student, report to:

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

If the situation involves an employee, report to:

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

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

Campus Security Authorities (September 2024)

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

Title	Name	Office Number	E-mail Address
College President			
President	Dr. Donald MacMaster	989-358-7246	macmastd@alpenacc.edu
College Vice Presidents			
VP of Instruction	Dr. Paige Gordier	989-358-7458	gordierp@alpenacc.edu
VP Administration & Finance	Dr. Nicholas Brege	989-358-7368	bregen@alpenacc.edu
College Deans			
Dean of Students	Nancy Seguin	989-358-7212	seguinn@alpenacc.edu
College Directors			
Director of Human Resources/Title IX Coordinator	Melissa Guy	989-358-7211	guym@alpenacc.edu
Director of Facilities	Kurt Konieczny	989-358-7202	konieczk @alpenacc.edu
Director of Student Activities/Campus Housing	Cindy DeRocher	989-358-7394	derochec@alpenacc.edu
Director of Nursing	Kelli Leask	989-358-7426	leaskk@alpenacc.edu
Director of Admissions	Mike Kollien	989-358-7339	kollienm@alpenacc.edu
Director of the Wellness Center	Noel Curtis	989-358-7391	curtism@alpenacc.edu
Director of WCCT/Dean of Workforce Development	Dawn Stone	989-358-7293	stonedawn@alpenacc.edu
Director of the Oscoda Campus	Marvin Pichla	989-358-7442	pichlam@alpenacc.edu
Athletics-Coaches			
Athletic Director	Allen Telgenhof	989-358-7263	telgenha@alpenacc.edu
Women's Basketball Head Coach	Karl Momrik	989-255-6397	momrikkh@alpenacc.edu
Women's Basketball Assistant Coach			

Title	Name	Office Number	E-mail Address
Men's Basketball Head Coach	Bobby Allen	989-358-7218	allenb@alpenacc.edu
Men's Basketball Assistant Coach	Nicholas Failla	586-354-3600	faillan@alpenacc.edu
Men's Baseball Head Coach	Rob Enslin	616-885-3688	enslenr@alpenacc.edu
Men's Baseball Assistant Coach	Daniel Sage	810-310-1666	saged@alpenacc.edu
Volleyball	Courtney Holmes	989-464-0202	holmesc@alpenacc.edu
Volleyball-Asst. Coach	Allison Precord	989-884-1701	precorda@alpenacc.edu
Cross Country Head Coach	Mark Jacobs	989-354-2378	jacobsm@alpenacc.edu
Cross Country Assistant Coach	Duncan Ross	989-351-9922	rossd@alpenacc.edu
Athletic Trainer	Maria Kowalski-Lindahl	989-657-6735	kowalskim37@gmail.com
Softball Head Coach	Drew Ornelas	989-506-2150	
Softball Assistant Coach			
Advisors to Student Groups			
Phi Theta Kappa	Rob Mills	989-358-7208	millsr@alpenacc.edu
Student Leadership Commission	Cindy DeRocher	989-358-7394	derochec@alpenacc.edu
Student Nurses Association	Bonnie Schopfer	989-358-7332	schopfeb@alpenacc.edu
Sigma Zeta	Dan Rothe	989-358-7305	rothed@alpenacc.edu
Manufacturing Technology	Andrew Paad	989-358-7421	paada@alpenacc.edu
ACC Agriculture	Andrew Paad	989-358-7241	paada@alpenacc.edu
Lumberjack Outdoor	Alex Gorton	989-358-7289	gortona@alpenacc.edu
Beta Club	Matt Gallarno	989-358-7290	gallarnm@alpenacc.edu
ACC Athletic Club	Allen Telgenhof	989-358-7330	telgenha@alpenacc.edu
Student Services Personnel			
Professional Staff Academic Counselor	Jewel Lancaster	989-358-7277	lancastj@alpenacc.edu

Title	Name	Office Number	E-mail Address
Tutor Coordinator	Colleen Jacobs	989-358-7270	jacobsc@alpenacc.edu
Student Success Strategist	Monika Ehrlich	989-358-7408	ehrlm@alpenacc.edu
CTE Programs/Dual Enrollment Liaison	Darrin Lightner	989-358-7357	lightned@alpenacc.edu
Student Services Coordinator-Oscoda Campus	Patrice Billiel	989-358-7445	billielp@alpenacc.edu
Campus Services Coordinator for the Oscoda Campus	Cora Dykes	989-358-7295	dykesc@alpenacc.edu
Academic and Students Affairs Secretary	Jackie Witter	989-358-7219	witterj@alpenacc.edu
Health Fitness/Activities Technician	Sharlene Kozlowski	989-358-7409	kozlowss@alpenacc.edu
College Park Apartment Resident Assistants			
Campus Housing - R.A.	Robert Williams	810-620-2727	williamsr35561@myacc.alpenacc.edu
Campus Housing - R.A.	Abigail Platt	231-631-3415	platta@myacc.alpenacc.edu
Campus Housing - R.A.	Karesten Roberts	810-285-0040	robertsk35489@myacc.alpenacc.edu
Campus Housing - R.A.	Lillian Adams	989-915-5043	adamsl34867@myacc.alpenacc.edu
Campus Security			
Police Office - Alpena Co. Deputy	Mike Lash	989-358-7222	lashm@alpenacc.edu

Crime Statistics

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

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

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

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

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

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

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

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

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

Crime Statistics Tables by Year

Alpena Crime Statistics — 2023

Offense	On-Campus	Non-Campus	Public Property	On-Campus College Park Apartments
Murder/Non-negligent manslaughter	0	0	0	0
Negligent manslaughter	0	0	0	0
Rape	0	0	0	0
Fondling	0	0	0	0
Incest	0	0	0	0
Statutory Rape	0	0	0	0
Robbery	0	0	0	0
Aggravated assault	0	0	0	0
Burglary	0	0	0	0
Motor vehicle theft	0	0	0	0
Arson	0	0	0	0
Weapon Law Arrests	0	0	0	0
Weapon Law Violations Referred for Disciplinary Action	0	0	0	0
Drug Law Arrests	0	0	0	0
Drug Law Violations Referred for Disciplinary Action	0	0	0	0
Liquor Law Arrests	0	0	0	0
Liquor Law Violations Referred for Disciplinary Action	0	0	0	0
Domestic Violence	0	0	0	0
Dating Violence	0	0	0	0
Stalking	1	0	0	0

Alpena Crime Statistics — 2022

Offense	On-Campus	Non-Campus	Public Property	On-Campus College Park Apartments
Murder/Non-negligent manslaughter	0	0	0	0
Negligent manslaughter	0	0	0	0
Rape	0	0	0	0
Fondling	0	0	0	0
Incest	0	0	0	0
Statutory Rape	0	0	0	0
Robbery	0	0	0	0
Aggravated assault	0	0	0	0
Burglary	0	0	0	0
Motor vehicle theft	0	0	0	0
Arson	0	0	0	0
Weapon Law Arrests	0	0	0	0
Weapon Law Violations Referred for Disciplinary Action	0	0	0	0
Drug Law Arrests	0	0	0	0
Drug Law Violations Referred for Disciplinary Action	0	0	0	0
Liquor Law Arrests	0	0	0	0

Liquor Law Violations Referred for Disciplinary Action	0	0	0	0
Domestic Violence	0	0	0	0
Dating Violence	1	0	0	0
Stalking	2	0	0	0

Alpena Crime Statistics — 2021

Offense	On-Campus	Non-Campus	Public Property	On-Campus College Park Apartments
Murder/Non-negligent manslaughter	0	0	0	0
Negligent manslaughter	0	0	0	0
Rape	0	0	0	0
Fondling	0	0	0	0
Incest	0	0	0	0
Statutory Rape	0	0	0	0
Robbery	0	0	0	0
Aggravated assault	0	0	0	0
Burglary	0	0	0	0
Motor vehicle theft	0	0	0	0
Arson	0	0	0	0
Weapon Law Arrests	0	0	0	0
Weapon Law Violations Referred for Disciplinary Action	0	0	0	0
Drug Law Arrests	1	0	0	0
Drug Law Violations Referred for Disciplinary Action	0	0	0	0
Liquor Law Arrests	0	0	0	0
Liquor Law Violations Referred for Disciplinary Action	0	0	0	0
Domestic Violence	0	0	0	0
Dating Violence	0	0	0	0
Stalking	0	0	0	0

Oscoda Campus Crime Statistics — 2023

Offense	On-Campus	Non-Campus	Public Property
Murder/Non-negligent manslaughter	0	0	0
Negligent manslaughter	0	0	0
Rape	0	0	0
Fondling	0	0	0
Incest	0	0	0
Statutory Rape	0	0	0
Robbery	0	0	0
Aggravated assault	0	0	0
Burglary	0	0	0
Motor vehicle theft	0	0	0
Arson	0	0	0
Weapon Law Arrests	0	0	0
Weapon Law Violations Referred for Disciplinary Action	0	0	0
Drug Law Arrests	0	0	0
Drug Law Violations Referred for Disciplinary Action	0	0	0
Liquor Law Arrests	0	0	0
Liquor Law Violations Referred for Disciplinary Action	0	0	0
Domestic Violence	0	0	0
Dating Violence	0	0	0
Stalking	0	0	0

Oscoda Campus Crime Statistics — 2022

Offense	On-Campus	Non-Campus	Public Property
Murder/Non-negligent manslaughter	0	0	0
Negligent manslaughter	0	0	0
Rape	0	0	0
Fondling	0	0	0
Incest	0	0	0
Statutory Rape	0	0	0
Robbery	0	0	0
Aggravated assault	0	0	0
Burglary	0	0	0
Motor vehicle theft	0	0	0
Arson	0	0	0
Weapon Law Arrests	0	0	0
Weapon Law Violations Referred for Disciplinary Action	0	0	0

Drug Law Arrests	0	0	0
Drug Law Violations Referred for Disciplinary Action	0	0	0
Liquor Law Arrests	0	0	0
Liquor Law Violations Referred for Disciplinary Action	0	0	0
Domestic Violence	0	0	0
Dating Violence	0	0	0
Stalking	0	0	0

Oscoda Campus Crime Statistics — 2021

Offense	On-Campus	Non-Campus	Public Property
Murder/Non-negligent manslaughter	0	0	0
Negligent manslaughter	0	0	0
Rape	0	0	0
Fondling	0	0	0
Incest	0	0	0
Statutory Rape	0	0	0
Robbery	0	0	0
Aggravated assault	0	0	0
Burglary	0	0	0
Motor vehicle theft	0	0	0
Arson	0	0	0
Weapon Law Arrests	0	0	0
Weapon Law Violations Referred for Disciplinary Action	0	0	0
Drug Law Arrests	0	0	0
Drug Law Violations Referred for Disciplinary Action	0	0	0
Liquor Law Arrests	0	0	0
Liquor Law Violations Referred for Disciplinary Action	0	0	0
Domestic Violence	0	0	0
Dating Violence	0	0	0
Stalking	0	0	0

Hate Crimes (Bias Crimes)

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

The following statistics reflect the Bias/Hate Crimes reported on each campus for the preceding three years.

Alpena Campus Bias (Hate) Crimes Reported — 2023

<u>Offense</u>	<u>Race</u>	<u>Religion</u>	<u>Sexual Orientation</u>	<u>Gender</u>	<u>Gender Identity</u>	<u>Disability</u>	<u>Ethnicity</u>	<u>National Origin</u>
Murder/Non-negligent manslaughter	0	0	0	0	0	0	0	0
Negligent manslaughter	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0
Aggravated assault	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0
Motor vehicle theft	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0
Weapon Law Arrests	0	0	0	0	0	0	0	0
Weapon Law Violations Referred for Disciplinary Action	0	0	0	0	0	0	0	0
Drug Law Arrests	0	0	0	0	0	0	0	0
Drug Law Violations Referred for Disciplinary Action	0	0	0	0	0	0	0	0
Liquor Law Arrests	0	0	0	0	0	0	0	0
Liquor Law Violations Referred for Disciplinary Action	0	0	0	0	0	0	0	0
Domestic Violence	0	0	0	0	0	0	0	0
Dating Violence	0	0	0	0	0	0	0	0
Stalking	0	0	0	0	0	0	0	0
Larceny/Theft	0	0	0	0	0	0	0	0
Simple Assault	0	0	0	0	0	0	0	0
Intimidation	0	0	0	0	0	0	0	0
Destruction/Damage/Vandalism	0	0	0	0	0	0	0	0

Alpena Campus Bias (Hate) Crimes Reported — 2022

<u>Offense</u>	<u>Race</u>	<u>Religion</u>	<u>Sexual Orientation</u>	<u>Gender</u>	<u>Gender Identity</u>	<u>Disability</u>	<u>Ethnicity</u>	<u>National Origin</u>
Murder/Non-negligent manslaughter	0	0	0	0	0	0	0	0
Negligent manslaughter	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0
Aggravated assault	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0
Motor vehicle theft	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0
Weapon Law Arrests	0	0	0	0	0	0	0	0
Weapon Law Violations Referred for Disciplinary Action	0	0	0	0	0	0	0	0
Drug Law Arrests	0	0	0	0	0	0	0	0
Drug Law Violations Referred for Disciplinary Action	0	0	0	0	0	0	0	0
Liquor Law Arrests	0	0	0	0	0	0	0	0
Liquor Law Violations Referred for Disciplinary Action	0	0	0	0	0	0	0	0
Domestic Violence	0	0	0	0	0	0	0	0
Dating Violence	0	0	0	0	0	0	0	0
Stalking	0	0	0	0	0	0	0	0
Larceny/Theft	0	0	0	0	0	0	0	0
Simple Assault	0	0	0	0	0	0	0	0
Intimidation	0	0	0	0	0	0	0	0
Destruction/Damage/Vandalism	0	0	0	0	0	0	0	0

Alpena Campus Bias (Hate) Crimes Reported — 2021

<u>Offense</u>	<u>Race</u>	<u>Religion</u>	<u>Sexual Orientation</u>	<u>Gender</u>	<u>Gender Identity</u>	<u>Disability</u>	<u>Ethnicity</u>	<u>National Origin</u>
Murder/Non-negligent manslaughter	0	0	0	0	0	0	0	0
Negligent manslaughter	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0
Aggravated assault	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0
Motor vehicle theft	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0
Weapon Law Arrests	0	0	0	0	0	0	0	0
Weapon Law Violations Referred for Disciplinary Action	0	0	0	0	0	0	0	0
Drug Law Arrests	0	0	0	0	0	0	0	0
Drug Law Violations Referred for Disciplinary Action	0	0	0	0	0	0	0	0
Liquor Law Arrests	0	0	0	0	0	0	0	0
Liquor Law Violations Referred for Disciplinary Action	0	0	0	0	0	0	0	0
Domestic Violence	0	0	0	0	0	0	0	0
Dating Violence	0	0	0	0	0	0	0	0
Stalking	0	0	0	0	0	0	0	0
Larceny/Theft	0	0	0	0	0	0	0	0
Simple Assault	0	0	0	0	0	0	0	0
Intimidation	0	0	0	0	0	0	0	0
Destruction/Damage/Vandalism	0	0	0	0	0	0	0	0

Oscoda Campus Bias (Hate) Crimes Reported — 2023

Offense	Race	Religion	Sexual Orientation	Gender	Gender Identity	Disability	Ethnicity	National Origin
Murder/Non-negligent manslaughter	0	0	0	0	0	0	0	0
Negligent manslaughter	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0
Aggravated assault	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0
Motor vehicle theft	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0
Weapon Law Arrests	0	0	0	0	0	0	0	0
Weapon Law Violations Referred for Disciplinary Action	0	0	0	0	0	0	0	0
Drug Law Arrests	0	0	0	0	0	0	0	0
Drug Law Violations Referred for Disciplinary Action	0	0	0	0	0	0	0	0
Liquor Law Arrests	0	0	0	0	0	0	0	0
Liquor Law Violations Referred for Disciplinary Action	0	0	0	0	0	0	0	0
Domestic Violence	0	0	0	0	0	0	0	0
Dating Violence	0	0	0	0	0	0	0	0
Stalking	0	0	0	0	0	0	0	0
Larceny/Theft	0	0	0	0	0	0	0	0
Simple Assault	0	0	0	0	0	0	0	0
Intimidation	0	0	0	0	0	0	0	0
Destruction/Damage/Vandalism	0	0	0	0	0	0	0	0

Oscoda Campus Bias (Hate) Crimes Reported — 2022

Offense	Race	Religion	Sexual Orientation	Gender	Gender Identity	Disability	Ethnicity	National Origin
Murder/Non-negligent manslaughter	0	0	0	0	0	0	0	0
Negligent manslaughter	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0
Aggravated assault	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0
Motor vehicle theft	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0
Weapon Law Arrests	0	0	0	0	0	0	0	0
Weapon Law Violations Referred for Disciplinary Action	0	0	0	0	0	0	0	0
Drug Law Arrests	0	0	0	0	0	0	0	0
Drug Law Violations Referred for Disciplinary Action	0	0	0	0	0	0	0	0
Liquor Law Arrests	0	0	0	0	0	0	0	0
Liquor Law Violations Referred for Disciplinary Action	0	0	0	0	0	0	0	0
Domestic Violence	0	0	0	0	0	0	0	0
Dating Violence	0	0	0	0	0	0	0	0
Stalking	0	0	0	0	0	0	0	0
Larceny/Theft	0	0	0	0	0	0	0	0
Simple Assault	0	0	0	0	0	0	0	0
Intimidation	0	0	0	0	0	0	0	0
Destruction/Damage/Vandalism	0	0	0	0	0	0	0	0

Oscoda Campus Bias (Hate) Crimes Reported — 2021

Offense	Race	Religion	Sexual Orientation	Gender	Gender Identity	Disability	Ethnicity	National Origin
Murder/Non-negligent manslaughter	0	0	0	0	0	0	0	0
Negligent manslaughter	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0
Aggravated assault	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0
Motor vehicle theft	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0
Weapon Law Arrests	0	0	0	0	0	0	0	0
Weapon Law Violations Referred for Disciplinary Action	0	0	0	0	0	0	0	0
Drug Law Arrests	0	0	0	0	0	0	0	0
Drug Law Violations Referred for Disciplinary Action	0	0	0	0	0	0	0	0
Liquor Law Arrests	0	0	0	0	0	0	0	0
Liquor Law Violations Referred for Disciplinary Action	0	0	0	0	0	0	0	0
Domestic Violence	0	0	0	0	0	0	0	0
Dating Violence	0	0	0	0	0	0	0	0
Stalking	0	0	0	0	0	0	0	0
Larceny/Theft	0	0	0	0	0	0	0	0
Simple Assault	0	0	0	0	0	0	0	0
Intimidation	0	0	0	0	0	0	0	0
Destruction/Damage/Vandalism	0	0	0	0	0	0	0	0

Definitions

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

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

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

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

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

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

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

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

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

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

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

Domestic Violence — The term “domestic violence” includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has 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 law 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 the person’s acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

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

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

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

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

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

Hate Crime — see Bias Crime.

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

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

Larceny — The unlawful taking, carrying, leading, or riding away of property from the possession, or constructive possession, of another person.

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

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

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

Negligent Manslaughter — The killing of another person through negligence.

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

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

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

Rape — The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim. This offense includes the rape of both males and females.

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

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

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

Sex Offenses — Any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.

Sexual Assault — An offense classified as a forcible or nonforcible sex offense under the uniform crime reporting (UCR) system of the Federal Bureau of Investigation (FBI).

In Michigan, this type of conduct is generally punished by the detailed statutory scheme of the Criminal

Sexual Conduct Act (CSC Act), MCL 750.520a *et seq.* The term “sexual assault” is defined as assault with intent to commit criminal sexual conduct. Further, “sexual assault” is also defined as an act, attempted act, or conspiracy to engage in an act of criminal conduct as defined in the CSC Act, or an offense under a law of the United States, another state, or a foreign country or tribal or military law that is substantially similar to such an offense. See MCL 600.2157a; MCL 600.2950a.

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

Stalking — The term “stalking” means engaging in a course of conduct directed at a specific person that would cause a reasonable person to (A) fear for his or her safety or the safety of others; or (B) suffer substantial emotional distress. For purposes of this definition,

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

In Michigan, stalking is “the willful course of conduct involving repeated or continuing harassment of another individual that would cause a reasonable person to feel terrorized, frightened, intimidated, threatened, harassed, or molested and that actually causes the victim to feel terrorized, frightened, intimidated, threatened, harassed, or molested.” MCL 750.411h(1)(d).

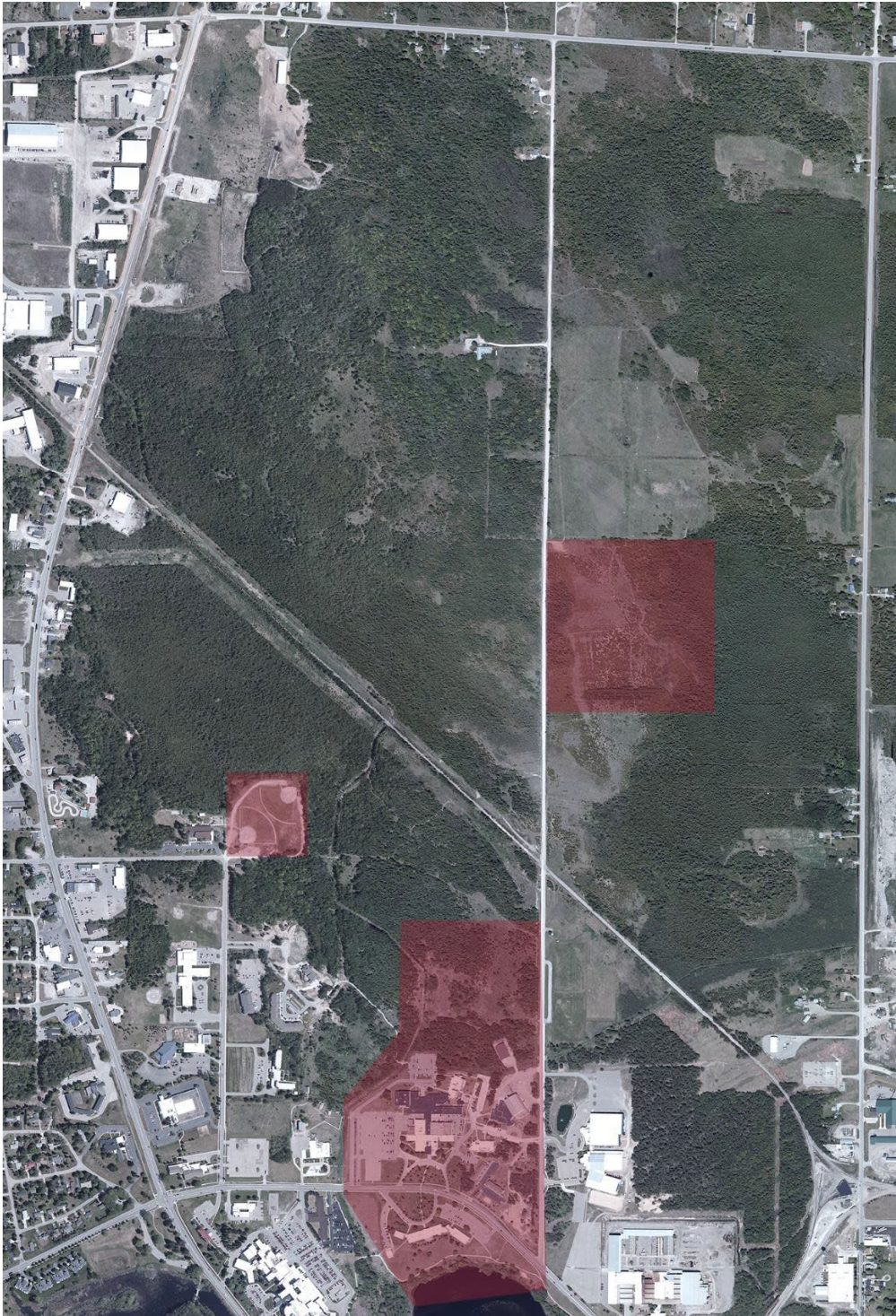
Statutory Rape — Sexual intercourse with a person who is under the statutory age of consent. (In Michigan, the statutory age of consent is 16. The age is increased to 18 when an authority figure is involved.)

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

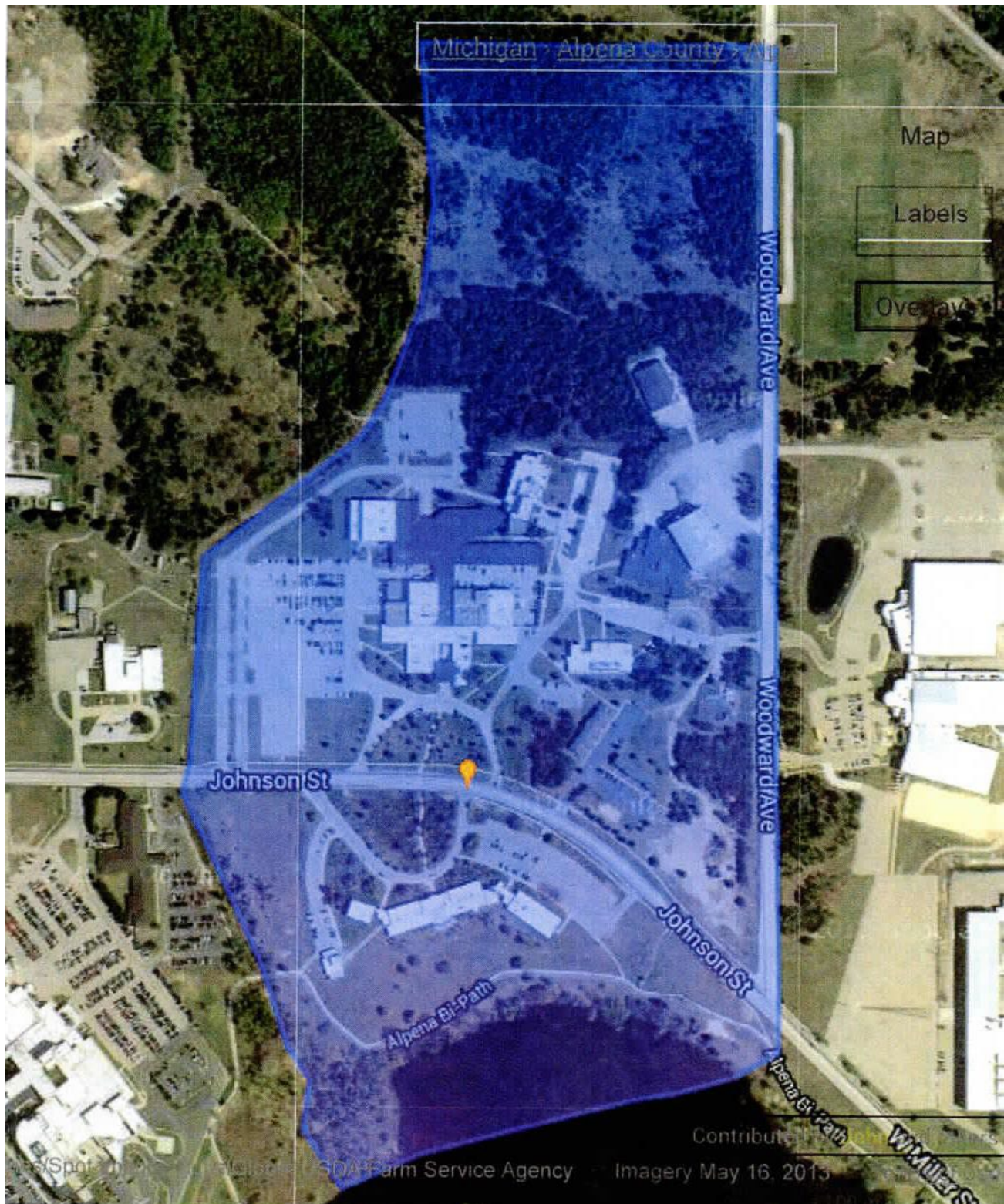
Definitions from the Dept. of Justice, except the definition of rape, stalking and weapon law violations, which are from the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act.

Maps

Alpena extended campus



Alpena main campus



Oscoda main campus



Annual Fire Safety Report

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

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

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

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

2024/2025 College Park Apartment Resident Assistants:

Robert Williams	810-620-2727	williamsr35561@myacc.alpenacc.edu
Abigail Platt	231-631-3415	platta@myacc.alpenacc.edu
Karesten Roberts	810-285-0040	robertsk35489@myacc.alpenacc.edu
Lillian Adams	989-915-5043	adamsl34867@myacc.alpenacc.edu

Dean of Students: Nancy Seguin 989-358-7212

ACC Emergency Maintenance: 989-464-1184

Emergency, Police, Fire, Medical: 911

What is a Fire?

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

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

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

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

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

Fire Log

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

Housing Facility Name: College Park Apartments

Housing Facility Address: 675 Johnson Street, Alpena, Michigan 49707

CHECK TABLE FOR ANY CHANGES TO 2020

Year	Number of Fires Reported	Category of Fire	Cause of Fire	Fire-Related Injuries	Fire Related Deaths	Property Damage	Action
2023	0	N/A	N/A	0	0	0	N/A
2022	0	N/A	N/A	0	0	0	N/A
2021	0	N/A	N/A	0	0	0	N/A

Fire Safety Systems at College Park Apartments

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

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

Fire Drills at College Park Apartments in 2023

A fire drill was conducted at College Park Apartments (CPA) located on the Main Campus on August 26, 2023 , beginning at 3:00 p.m. A report was prepared by Cindy DeRocher, Director of Student Life, and is set forth below:

Part I of Fire Drill Training

Students met in Granum Theater for a CPA safety meeting. Including introduction of the CPA staff.

Cindy DeRocher, Director of Housing

Resident Advisors (R.A.s) Paige Wooden, True Beeman, Emily Jackson, Daddy Hill

54 students attended the presentation. Apartments 7, and a few individual students were missing.

Students were grouped by room and by adjacent apartment to get to know each other.

Review Safety Procedures in student handbook. Final segment covering fire safety equipment

1. Smoke detectors, fire extinguishers, and second floor ladder.
2. Penalties for misuse.

3. Evacuation Process, to meet at volleyball court.

Part II of Fire Drill-Evacuation

Students were told to go to their apartments and that we would do a mock fire drill. An air horn would sound, and they would leave their apartment, shut the door, and meet at the volleyball court for an apartment roll call. Paige Wooden sounded the air horn and Daddy Hill timed the event organized the roll call at the volleyball court.

4:04 Air horn sounded it took 4 minute 30 seconds for ALL students to meet at volleyball court.

4:15 All apartments were accounted and time was allowed for questions.

54 students participated.

Fire Safety Rules

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

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

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

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

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

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

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

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

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

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

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

Policies for Fire Safety Training and Education Programs

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

Plans for Further Improvements in Fire Safety

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

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

Fire Prevention and Risk Reduction Techniques

Prevention

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

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

Protection

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

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

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

Campus Safety Procedures and Information

Emergency Notification and Response

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

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

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

Timely Warnings

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

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

SchoolMessenger

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

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

Emergency Management Response Plan

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

The Alpena Community College Emergency Procedures Manual was updated on July 23,2019 and is posted on the college website.

https://discover.alpenacc.edu/policies/acc_emergency_procedures_manual.pdf

Students receive information about evacuation procedures during orientation, and building- specific evacuation maps are posted in strategic locations in all campus buildings.

The College conducts at least one announced or unannounced drill and exercise each year and conducts

follow-through activities designed for assessment and evaluation of its emergency and evacuation plans and capabilities.

The Emergency Management Committee met 2023 to evaluate its emergency and evacuation plans and capabilities.

Missing Student Notification Protocol

Students residing in College Park Apartments shall have the option to identify, confidentially, an individual to be contacted by the College in the event the student is determined to be missing for more than 24 hours. If a student has identified such an individual, the College will notify that individual no later than 24 hours after the College has made a determination, in consultation with the police, that the student has been missing for 24 hours. A student residing in College Park Apartments who wishes to identify a confidential contact can do so by contacting the Registrar's Office.

If the missing student who resides in College Park Apartments is under the age of 18 and is not an emancipated individual, the College will notify the student's parent or legal guardian immediately after the College has determined that the student has been missing for 24 hours.

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

Hate Crimes (Bias Crimes)

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

Reporting Bias Incidents

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

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

Handling Alcohol & Drug Emergencies

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

What to Do in An Alcohol or Drug Emergency

- Do not assume a person will sleep it off! People may pass out before all the alcohol or other drugs reach the brain. The heart and lungs can slow to the point of stopping.
- Stay with the person. Turn and keep the person on his/her side to prevent choking on vomit.
- Call 911 immediately if the person:

- Does not respond when you shake or shout.
- Has pale, bluish-gray, cold or clammy skin.
- Has slow, irregular or shallow breathing (less than 8 breaths per minute).
- Used alcohol with other drugs (especially depressants like OxyContin or Xanax).

Medical Amnesty

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

Hazardous Materials Emergencies

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

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

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

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

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

Preventing and Reporting Sexual Misconduct

Alpena Community College is firmly committed to maintaining a campus environment free from sexual discrimination, sexual harassment, and sexual violence, including domestic violence, dating violence, sexual assault, and sexual exploitation, collectively referred to by ACC Policy 7009 as “Sexual Misconduct.” Sexual Misconduct diminishes individual dignity, jeopardizes the welfare of our students and employees and impedes access to educational, social, and employment opportunities. Sexual Misconduct violates our institutional values of Respect, Integrity, Accountability and Excellence. Sexual Misconduct is expressly prohibited by College policy, as well as by law. Please read Policy 7009 for complete information.

Please note that complaints of Title IX Sex-Based Harassment and Sex Discrimination will be handled in accordance with Policy 7009A which amends Policy 7009. Policy 7009 is pending final approval by the Alpena Community College Board of Trustees.

Sexual Assault

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

Stalking

Stalking is a crime. Stalking is defined as engaging in a course of conduct directed at a person that would cause a reasonable person to fear for the person’s safety or the safety of others or suffer substantial emotional distress. Some stalking behaviors include following a person; repeated and unwanted phone calls; making repeated and unwanted contact by email or on social media sites like Facebook; or leaving gifts for their targets. Stalking is not flattery it is a stalker’s attempt to control and exert power over their victims. For further information and full definitions, please see the “Definitions” section of this publication and Policy 7009 on Sexual Misconduct.

Dating Violence

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

Protect Yourself:

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

Domestic Violence

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

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

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

For further information, please see the “Definitions” section of this publication and Alpena Community College Policy 7009 on Sexual Misconduct, as amended by Policy 7009A, where applicable.

ACC Complaint Procedure for Sexual Misconduct

In 2014, Alpena Community College adopted a new policy on Sexual Misconduct, including sexual harassment, sexual violence, dating violence, domestic violence, and stalking. The policy was revised on June 16, 2015.

On May 19, 2020, after 2 ½ year proposed rule-making process, the Department of Education published new regulations governing sexual harassment under Title IX. The new rules took effect August 14, 2020 and are mandatory for all recipients of federal funds from the Department.

In compliance with the new regulations, ACC substantially revised its existing Policy 7009- Sexual Misconduct. The revised Policy was approved by the Board of Trustees on August 13, 2020, at the second reading. The revised Policy is included in its entirety in this Annual Security Report.

On April 19, 2024, the Department of Education published amendments to the Title IX Regulations related to Sex-Based Harassment and Sex Discrimination. In accordance with these amendments, which became effective on August 1, 2024, Alpena Community College revised its “Policy 1014- Nondiscrimination” to conform to the federal amendments. Alpena Community College also proposed Policy 7009A to amend Policy 7009 with respect to the Policy and Grievance Procedures related to reports of Sex-Based Harassment and Sex Discrimination under the Title IX Amendments. Policy 7009A is pending final approval by the Alpena Community College Board of Trustees, as of the date of the publication of this report.

Any person seeking more information or seeking to report an incident of Sexual Misconduct including but not limited to Sex-Based Harassment and Sex Discrimination is advised to notify the Title IX Coordinator.

Melissa Guy, Title IX Coordinator
Alpena Community College
102 Van Lare Hall
665 Johnson Street Street
Alpena, MI 49707
Phone: 989.358.7211
Email: guym@alpenacc.edu.

What to Do If A Sexual Assault Occurs

Seek Medical Attention

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

Preserve the Evidence

Avoid bathing, showering, urinating, brushing your teeth, washing your hands, changing clothes, eating, or drinking until evidence is collected. Do not clean up or move items where the assault occurred. Write

down the details. Keep copies of any electronic communication or information which may provide evidence of the event, such as phone and text messages, photographs, videos, etc.

Report a Crime

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

Report to College Officials

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

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

Obtain Support Services

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

Bystander Intervention

The term "bystander intervention" means safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault, or stalking. Bystander intervention includes recognizing situations of potential harm, understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking action to intervene.

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

If you see someone in danger of being assaulted:

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

Be a friend:

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

The 3 Ds- Direct, Delegate, Distract

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

Rules for Bystander Intervention:

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

If someone you know has been assaulted:

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

Prevention and Awareness Campaigns

It is the policy of Alpena Community College to provide every student and employee with information on crime prevention and security awareness. This includes information on awareness of personal safety and security, as well as awareness, avoidance and prevention of theft, vandalism, sexual assault and

sexual violence, including, rape, acquaintance rape, dating violence, domestic violence, and stalking.

This information is provided in a brochure entitled **“Campus Guide for Prevention and Response to Sexual Misconduct: Know Your Rights- Protect Yourself,”** which is available on the College website and in printed form in the following offices: Office of Title IX Coordinator - Van Lare Hall, Room 102; Office of Academic and Student Affairs - Van Lare Hall, Room 109.

Each year, during orientation, the above information is provided to new students. New employees shall receive this information upon hiring, as well as periodically throughout their employment. ACC’s Emergency Procedures also contain additional information on crime prevention and is made available to students and staff.

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

- The College requires all new employees to complete online training modules through Vector LMS, Higher Education Edition (formerly known as SafeColleges) and obtain certificates of completion on a variety of subjects. These include subjects related to issues relevant to Sexual Misconduct.
- The College provides online training modules to students through Vector LMS.
- Residents of College Park Apartments and all student athletes are required to complete the following Vector LMS Modules:
 - Alcohol Awareness
 - Bystander Intervention
 - Campus SaVE Act- Sexual Violence Awareness
 - Creating a Respectful Campus for LGBTQ+ Students
 - Drug Awareness and Abuse
 - Intimate Partner Violence
- The College plans events and activities in cooperation with Hope Shores Alliance, Inc. during April of each year during Sexual Assault Awareness Month, with a focus on prevention and awareness of Sexual Violence, including dating violence, domestic violence, and stalking.
- The College presents materials and information on the Sexual Misconduct Policy and Reporting Requirements for all Faculty and Staff. An informational session was conducted on August 23, 2020 to review the changes to the Sexual Misconduct Policy 7009 which became effective on August 14, 2020.
- The College has appointed a multi-disciplinary Clery/Title IX Task Force, which includes representatives from college administrators, faculty, staff, students, community resources, law enforcement and legal counsel. The Task Force meets several times each year to review policies and continue the development prevention and awareness programming.

Training for Campus Security Authorities

The College conducts an annual training workshop which is required for all Campus Security

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

A mandatory training meeting for all CSA's was conducted by the College's attorney and was held on the following dates in 2023 and 2024.

Friday, August 25, 2023

Friday, August 23, 2024

Workplace Violence and Threats

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

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

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

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

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

On August 24, 2021, various members of the Clery Task Force and the Emergency Management Team met with officials from the Alpena City Police, Alpena Fire Department and Emergency Medical Services to discuss implementation of procedures in response to threats of violence, self-harm or acts of aggression, including the complications presented in situations where drugs and/or alcohol are involved.

Other Security Measures and Training

Alpena Community College provides additional programming and training for staff in a variety of areas to enhance the safety and the security of the campus community. Some examples are discussed below:

1. All staff were required to complete 2020 Kevin Mitnick Security Awareness training described below:

This fully interactive course takes you through three modules: Social Engineering Red Flags,

Common Threats and Your Role*. Recognizing the tricks and techniques hackers are using against you and your organization is critical to staying safe. Join Sparr0w (a hacker) and Kevin Mitnick (Chief Hacking Officer at KnowBe4) as they share their insider knowledge and take you behind the scenes to show you how the bad guys do what they do. Along the way, you'll become familiar with the signs of danger you should look for and the steps you can take to avoid becoming a victim of cybercrime. Additionally, you will practice your security awareness skills through a number of engaging scenarios. *Abridged for inclusion in the 45-minute course.

2. All new staff members are required to complete the following Vector LMS (formerly known as SafeColleges) training modules at the time of hire:
 - Bloodborne Pathogen Exposure Prevention 1
 - Cybersecurity Overview
 - Discrimination Awareness in the Workplace 1
 - Email and Messaging Safety
 - FERPA: Confidentiality of Records
 - General Ethics in the Workplace
 - Sexual Harassment: Staff to Staff
 - Coronavirus Awareness
 - Coronavirus: Cleaning and Disinfecting your workplace
 - Coronavirus: Managing Stress and Anxiety
 - Pandemic Flu
 -

In addition, the following modules are required to be renewed by all staff annually:

- Bloodborne Pathogen Exposure Prevention 1
- FERPA: Confidentiality of Records

Beginning in 2024, all Alpena College Employees are required to complete a newly updated Vector Training Module on Title IX, entitled “***Building Supportive Communities, Clery Act and Title IX***”

The Title IX Coordinator and College Attorney attended new Title IX 2024 Regulations Training for Community Colleges on July 30, 2024, in compliance with new federal regulations.

College Policies

7001 Policy on Appointment of Clery/Title IX Task Force

Adopted by the Alpena Community College Board of Trustees on April 16, 2014. Amended: June 18, 2015; December 19, 2019.

The College is committed to enhancing the safety and security of our campus communities. The College seeks to protect the security of property and persons through cooperation with law enforcement agencies, development of policies and procedures which educate the College community regarding safety issues, and prevention and awareness programs designed to cultivate a caring population of involved people who report suspicious and unlawful behavior to the police and to designated College officials.

The College has adopted a series of policies and procedures, including those set forth in Series 7000 of the Alpena Community College Board of Trustees Policies and Procedures, which are designed to address issues of safety and security and to comply with federal and state laws and regulations, including but not limited to the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (“Clery Act”), Title IX of the Education Amendments of 1972 (“Title IX”), and the Violence Against Women Reauthorization Act of 2013.

To ensure that the College policies and procedures continue to comply with developing laws and regulations relating to campus safety and security, the President shall appoint a Clery/Title IX Task Force which shall regularly review such policies, develop procedures and other supplementary information to support the implementation of such policies, and recommend revisions to the policies and procedures in consultation with College legal counsel.

7002 Policy on Preparation of Annual Security Report and Disclosure of Crime Statistics

Adopted by the Alpena Community College Board of Trustees on April 16, 2014. Amended: June 18, 2015; December 19, 2019.

The Vice President for Administration and Finance is responsible for the preparation of Alpena Community College's Annual Security Report to comply with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act (The Clery Act) as well as the Violence Against Women Reauthorization Act of 2013 (VAWA). The full text of this report can be located on our web site at www.alpenacc.edu.

The Clery Act, as amended by VAWA, requires the College to disclose the following categories of reported crime statistics, as those categories are defined by law: (i) criminal offenses; (ii) hate crimes where the offender's actions were motivated by bias on the basis of actual or perceived race, gender, religion, national origin, sexual orientation, gender identity, ethnicity, or disability; (iii) arrests and referrals for disciplinary action for violation of weapons, drug, and liquor laws; and (iv) incidents of domestic violence, dating violence, sexual assault, and stalking.

Alpena Community College does not have a security force employed on any campus. In preparing the Annual Security Report, the College works in cooperation with the local law enforcement agencies surrounding our main Alpena campus and our Oscoda/Huron Shores campus to obtain information on reported crimes occurring on campus, in student housing facilities, on public property within or immediately adjacent to the campus, and in other geographic locations to the extent required by law.

The crime, arrest and referral statistics which are disclosed in the College's Annual Security Report include those reported to local law enforcement agencies, as well as those reported to Campus Security Authorities and to officials at those public school locations where the College conducts classes.

In the event a reported crime is investigated by sworn or commissioned law enforcement personnel, and such law enforcement personnel determine the report to be false or baseless, and thus, "unfounded," the College is not required to include such report in its crime statistics.

Each year, notification of the availability of the Annual Report is made to all students, faculty, and staff who have opted into in the College's school messenger system or provided an email account. A copy of the report may also be obtained at the office of the Director of Public Information, Besser Technical Center 125F, or by calling (989) 358-7215.

7003 Policy on Crime Reporting and Relationship with Local Law Enforcement

Adopted by the Alpena Community College Board of Trustees on April 16, 2014. Amended: June 18, 2015; December 19, 2019.

Alpena Community College encourages its students, faculty, staff, and guests to report all crimes and public safety incidents in an accurate and timely manner. Although Alpena Community College does not employ a security force on any campus, it maintains a close working relationship with the City of Alpena Police Department, the Oscoda Township Police Department, the Alpena County Sheriff's Department, the Iosco County Sheriff's Department, and the Michigan State Police. Alpena Community College and the City of Alpena are parties to an Agreement for Enhanced Law Enforcement Coverage effective January 1, 2019, to provide one or more certified police officers to the ACC Alpena Campus on a part-time basis. A Daily Crime Log shall be maintained by the College on and after January 1, 2019, in accordance with 7013 Policy on Maintaining Daily Crime Log.

To report a crime (emergency) on any campus, dial 911.

To report a crime (non-emergency) on the Alpena campus, contact:

- City of Alpena Police Department: (989) 354-1800
- Alpena County Sheriff's Department: (989) 354-9830
- Michigan State Police – Alpena Post: (989) 354-4101

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

- Oscoda Township Police Department: (989) 739-9113
- Iosco County Sheriff's Department: (989) 362-6164

In addition, you are encouraged to report any crime or public safety incident to any of the following College officials:

- Vice President for Administration and Finance: 989-358-7368
- Vice President of Instruction: 989-358-7458
- Dean of Students: 989-358-7212
- Director of Human Resources: 989-358-7211
- Athletic Director: 989-358-7263
- Title IX Coordinator: 989-358-7211
- Director of Facilities Management: 989-358-7202
- Director of Student Life and Campus Housing: 989-358-7394

7004 Policy on Access and Security of Campus Buildings and Grounds

Adopted by the Alpena Community College Board of Trustees on April 16, 2014. Amended: December 19, 2019

Alpena Community College publishes hours of operation for campus buildings in its catalog, as well as on its website. During published hours of operation, College buildings are open to the general public. Campus buildings are closed and locked during the hours of 10:30 p.m. to 6:00 a.m. and rooms with special equipment are also locked at other times. Access to closed or locked buildings and rooms is permissible only by authorized persons possessing legally issued keys or access cards. Persons not in possession of legally issued keys or access cards will not be allowed to remain unless accompanied by an authorized person or written authorization from appropriate personnel. Custodial staff monitors access to campus facilities. Student and staff parking areas are posted and lighted. Parking permits are issued to students and staff.

The College has adopted procedures for access to locked buildings and rooms (Procedure 5602) and for key requests (Procedure 5603). A campus Safety Committee has been established to review and examine security issues and make recommendations to the President regarding such security matters as lighting, locks, alarms, and communications. The President, in consultation with the Safety Committee, is authorized to adopt such other or additional procedures, rules or regulations as may be appropriate to implement the intent of this policy.

The on-campus student housing facility, College Park Apartments, consists of 16 four-person units, and are owned and managed by Alpena Community College. Tenants are issued keys to their individual apartments. The College also maintains security cameras near the entrances to the apartment buildings.

7005 Timely Warning Policy

Adopted by the Alpena Community College Board of Trustees on April 16, 2014. Amended: December 19, 2019.

In the event that a situation arises, either on or off campus, that, in the judgment of the President or his/her designee, in consultation with local law enforcement, constitutes an ongoing or continuing threat, a campus wide “timely warning” will be issued. The warning will be issued through the College’s school messenger system to those students, faculty, and staff who have elected to opt into the system. In addition, a warning will be posted on the College website at www.alpenacc.edu.

Timely warnings must be issued for any Clery Act Crime that is reported to campus security authorities and that is considered by the institution to represent a serious or continuing threat to students and employees. The timely warning shall be issued in a manner that is reasonably likely to reach the entire campus community.

Timely warnings may also be issued in situations where, in the judgment of the President, or his designee, there is a situation which does not constitute a Clery Act Crime but raises a reasonable concern regarding the safety of students or employees.

Anyone with information warranting a timely warning should report the circumstances to the Director of Public Information at (989) 358-7215 or the Vice President for Administration and Finance at (989) 358-7368. Names of victims shall not be included in any timely warning.

7006 Policy on Emergency Response and Evacuation Procedures

Adopted by the Alpena Community College Board of Trustees on April 16, 2014. Amended: December 19, 2019.

In the event of an emergency or dangerous situation that poses an immediate threat to the health or safety of some or all members of the College community, notification of the emergency or dangerous situation will be given through voice and text messages to phones and e-mail messages via the College's school messenger system. Notification will also be given through the College's website, public address system, and various media outlets, if appropriate. Members of the College community must provide a personal email account and/or a cell phone number to the Registrar in order to receive notifications via the College school messenger system. For more information on the school messenger system, please contact the Registrar's Office, Van Lare Hall Room 108, or (989) 358-7353.

The College's Emergency Management Team consists of the President, Vice President for Administration and Finance, Director of Facilities Management, Director of Public Information, Dean of Students, Vice President of Instruction, and Director of Human Resources. One or more members of the Emergency Management Team will consult with local law enforcement to determine whether an emergency or dangerous situation exists. If confirmed, one or more members of the Emergency Management Team will determine the content of the message to be sent, and will use some or all of the systems described above to communicate the threat to the College community or to the appropriate segment of the community, if the threat is limited to a particular building or segment of the population.

One or more members of the Emergency Management Team will, without delay and taking into account the safety of the community, initiate the notification system, unless issuing a notification will, in the judgment of local law enforcement, compromise the efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency.

The Emergency Procedures Manual for both the Alpena Campus and the Huron Shores Campus is made available to College students and staff on the website. Students receive information about evacuation procedures during orientation, and building-specific evacuation maps are posted in strategic locations in all campus buildings.

The College conducts at least one announced or unannounced drill and exercise each year and conducts follow-through activities designed for assessment and evaluation of its emergency and evacuation plans and capabilities. The College will publish a summary of its emergency response and evacuation procedures in conjunction with at least one drill or exercise each calendar year.

7007 Policy on Sex Offender Registration

Adopted by the Alpena Community College Board of Trustees on April 16, 2014. Amended: December 19, 2019.

Federal law requires institutions of higher education to issue a statement advising the campus community where law enforcement information provided by a state concerning registered sex offenders may be obtained. It also requires sex offenders already required to register in a state to provide notice of each institution of higher education in that state at which the person is employed, carries on a vocation, volunteers services or is a student. Accordingly, Alpena Community College is providing a link to the Michigan State Police's Public Sex Offender Registry.

In the state of Michigan, convicted sex offenders must register with the Public Sex Offender Registry maintained by the Michigan State Police. The Michigan State Police Public Sex Offender Registry can be found at: <http://www.mipsor.state.mi.us/>

7008 Policy on Crime Prevention and Security Awareness Programs, Including Sexual Assault and Sexual Violence

Adopted by the Alpena Community College Board of Trustees on April 16, 2014. Amended: June 18, 2015; December 19, 2019.

It is the policy of Alpena Community College to provide every student and employee with information on crime prevention and security awareness. This includes information on awareness of personal safety and security, as well as awareness, avoidance and prevention of theft, vandalism, sexual assault and sexual violence, including, rape, acquaintance rape, dating violence, domestic violence, and stalking. This information is provided in a brochure entitled “Campus Guide for Prevention and Response to Sexual Misconduct: Know Your Rights- Protect Yourself,” which is available on the college website and in printed form in the following offices:

Office of Title IX Coordinator - Van Lare Hall, Room 102

Office of Academic and Student Affairs - Van Lare Hall, Room 109

Each year, during orientation, the above information is provided to new students. New employees shall receive this information upon hiring, as well as periodically throughout their employment.

The College shall also provide a publication entitled “Rights and Options: What Every Student Should Know About Sexual Harassment, Sexual Violence, Dating Violence and Stalking.” This publication shall contain definitions of key terms related to Sexual Misconduct, in accordance with Policy 7009, as well as reporting options and procedures to be followed by victims of alleged sexual misconduct, descriptions of resources and interim measures available to victims of sexual misconduct, information regarding investigation of reports of sexual misconduct and disciplinary action which may be imposed by the College in cases of dating violence, domestic violence, sexual assault, or stalking.

The College shall provide programs to prevent dating violence, domestic violence sexual assault and stalking. The primary method of presenting such programs shall be through a web-based training program which can be accessed by students and employees at their convenience. The College shall notify all students and employees of the training modules which they are required to complete.

The Clery/Title IX Task Force, in cooperation with local law enforcement and other community resources shall also present programs to prevent dating violence, domestic violence, sexual assault and stalking. Such programs shall include both primary prevention and awareness programs directly and incoming students and new employees and ongoing prevention and awareness campaigns directed at students and employees. Such programs shall be presented at least once during each academic year, and shall include information on crime prevention, awareness, avoidance, risk reduction and safe and positive options for bystander intervention.

ACC’s Emergency Procedures also contains additional information on crime prevention and is made available to students and staff. Ongoing prevention and awareness campaigns may also be disseminated through security alert posters, displays, videos, website links, and articles in the campus newsletter, *The Splinter*.

7009 Sexual Misconduct Policy

NOTE: THIS POLICY IS SUBJECT TO AMENDMENT BY POLICY 7009A WHICH IS PENDING FINAL APPROVAL BY THE ALPENA COMMUNITY COLLEGE BOARD OF TRUSTEES. UPON APPROVAL, POLICY 7009A WILL BE PUBLISHED ON THE COLLEGE WEBSITE.

*Adopted by the Alpena Community College Board of Trustees on April 16, 2014.
Amended: June 18, 2015; December 19, 2019; and August 13, 2020.*

I. Policy Summary

The College supports its educational mission by fostering and maintaining a campus environment based on civility, dignity, diversity, inclusivity, equality, freedom, honesty, and safety. Consistent with these values, the College is committed to providing a safe and non-discriminatory learning, living, and working environment. The College does not discriminate on the basis of sex or gender in any of its education or employment programs and activities.

The College prohibits sexual harassment and sexual violence, including domestic violence, dating violence, sexual assault, retaliation, discrimination on the basis of sex or gender and sexual exploitation, collectively referred to in this Policy as “Sexual Misconduct.” In this Policy, Sexual Misconduct may also sometimes be referred to as “Prohibited Conduct.”

Sexual Misconduct diminishes individual dignity, jeopardizes the welfare of our students and employees and impedes access to educational, social, and employment opportunities. Sexual misconduct violates our institutional values of Respect, Integrity, Accountability and Excellence. Sexual Misconduct is expressly prohibited by College policy as well as by law.

The College strives to eliminate Sexual Misconduct through primary prevention and awareness programming, education, training, clear policies, and procedures.

This Policy also explains how the College will proceed once it is made aware of reported Sexual Misconduct in keeping with our institutional values and to meet our legal obligations under Title IX of the Education Amendments of 1972 (Title IX), the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistic Act (Clery Act), the Violence against Women Reauthorization Act of 2013 (VAWA), and other applicable law and regulations.

The procedures established under this Policy are designed to prevent the recurrence of Sexual Misconduct, remedy its effects, promote safety, and deter individuals from future Sexual Misconduct.

Sexual Harassment is a specific form of Sexual Misconduct as defined in this Policy. Federal law known as “Title IX” prohibits discrimination on the basis of sex in education. Sexual Harassment is a form of prohibited sex discrimination under Title IX and Michigan law.

Sexual Harassment may include incidents between any members of the College community, including faculty and other academic appointees, staff, coaches, interns, students, student employees and non-student or non-employee participants in College programs, such as vendors, contractors, visitors and guests. Sexual Harassment may occur in hierarchical relationships or between peers, or between persons of the same sex or opposite sex. In determining whether the

reported conduct constitutes Sexual Harassment, consideration shall be given to the record of the conduct as a whole and to the totality of the circumstances, including the context in which the conduct occurred.

Sexual Harassment is not tolerated by the College. When the College has actual knowledge of an allegation or report of Sexual Harassment, the College will respond promptly in the manner set forth in this Policy.

Federal regulations (34 CFR Part 106) include specific definitions and requirements for public colleges related to alleged violations of Title IX. These regulations are intended to ensure that a college responds to alleged incidents of Sexual Harassment in a way that supports the alleged victim and treats both parties fairly. It is the purpose and intent of this Policy to comply with such regulations, by adopting a specific Title IX Grievance Process and related procedures that apply to alleged violations of Title IX.

This Policy also addresses other procedures to address and respond to other forms of Sexual Misconduct where the facts and circumstances, as alleged, if true, would not constitute Title IX Sexual Harassment, but could constitute Sex Discrimination or other form of Sexual Misconduct.

II. To Whom This Policy and Procedures Apply

This Policy applies to all “Members of the College Community”, which includes all College students, faculty, staff, trustees and certain third parties including, but not limited to, guests, visitors, contractors, consultants, and their employees.

III. Prohibited Conduct

Every Member of the College Community should be aware that the College prohibits acts of Sexual Harassment, Sex Discrimination, and other forms of Sexual Misconduct. The College will respond promptly and effectively to reports of violation of this Policy and will take appropriate action to prevent, to correct, and when necessary, to discipline behavior that violates this Policy. Prohibited conduct includes all of the following:

- A. Sexual Harassment as defined by federal law commonly known as Title IX (20 U.S.C 168, including 34 CFR part 106.) This Policy refers to such conduct as “Title IX Sexual Harassment” which is conduct on the basis of sex that satisfies one or more of the following:
 1. An employee of the College conditioning an educational aid benefit or service on an individual’s participation in unwelcome sexual conduct (known as Quid Pro Quo Sexual Harassment.)
 2. Unwelcome conduct on the basis of sex that is determined by a reasonable person to be so severe, pervasive and objectively offensive that it effectively denies a person equal access to the College’s education program or activity (known as Hostile Environment Sexual Harassment.)
 3. “Sexual Assault” as defined by the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act), “Dating Violence”, “Domestic Violence” or “Stalking” as defined in 34 U.S. Code 12291 (See Definitions under Section XVI of this Policy.

- B. Sexual Harassment under Michigan law, defined in the Elliot Larson Civil Rights Act as unwelcome sexual advances, requests for sexual favors, and/or other verbal or physical conduct or communication of a sexual nature when:
1. Submission to such conduct or communication is made a term or condition, either explicitly or implicitly, to obtain employment, public accommodations or public services, education, or housing;
 2. Submission to or rejection of such conduct or communication is used as a factor in decisions affecting an individual's employment, public accommodations or public services, education, or housing;
 3. Or such conduct or communication substantially interferes with an individual's employment, public accommodations or public service, education, or housing.
- C. Sex Discrimination or Discrimination on the Basis of Sex, which includes discrimination on the basis of sexual orientation and gender identity, in violation of federal or Michigan law. Sex Discrimination can be manifested by unequal access to educational programs and activities on the basis of sex, unequal treatment on the basis of sex in the course of conducting those programs and activities, or, the existence of a program or activity that has a disparate impact on participation, improperly based on the sex of the participants.
- D. Retaliation of any nature taken by any Member of the College Community against another Member of the College Community. Retaliation means conduct which intimidates, threatens, coerces, or discriminates an individual for the purpose of interfering with any right or privilege secured by Title IX or because the individual has made a report, complaint, testified, assisted or participated or refused to participate in an investigation, proceeding or hearing under this Policy. An allegation of Retaliation will be treated as a separate allegation of a violation under this Policy. An exercise of rights protected under the First Amendment does not constitute retaliation.
- E. Violation of any "No Contact" Orders or other Supportive Measures designed to remedy or mitigate claims of Sexual Misconduct.
- F. Sexual Exploitation, which includes any act or acts committed through non-consensual abuse or exploitation of another person's sexuality for the purpose of sexual gratification, financial gain, personal benefit or advantage. Examples of sexual exploitation include, but are not limited to:
1. observing another individual's nudity or sexual activity or allowing another to observe consensual sexual activity without the knowledge and consent of all parties involved;
 2. non-consensual streaming of images, photography, video, or audio recording of sexual activity or nudity, or distribution of such without the knowledge and consent of all parties involved;
 3. prostituting another individual;
 4. exposing another's genitals in non-consensual circumstances;
 5. knowingly exposing another individual to a sexually transmitted disease or virus without that individual's knowledge; inducing incapacitation for the purpose of making another person vulnerable to non-consensual sexual activity.

G. Unwelcome Conduct of a Sexual Nature or on the Basis of Sex, which would not otherwise be defined as Sexual Harassment but which is objectively offensive to a reasonable person, and which continues after a person who is subjected to such conduct has expressed that the conduct is unwanted and offensive. Such conduct may include but is not limited to the following:

1. Physical:

(a) Any unwanted and offensive physical contact of a sexual nature, including unnecessary touching, patting, hugging, brushing the body, impeding or blocking movement

(b) Unwanted sexual gestures or pantomiming sexual acts

(c) Leering or ogling

2. Verbal/Auditory

(a) Sexual advances or propositions

(b) Sexually explicit, suggestive, or abusive talk, sexually explicit jokes, teasing or anecdotes (including jokes and comments about a person's body parts, types or conditions)

(c) Remarks of a sexual nature about a person's body, sexual performance, activity, or prowess

(d) Continuing to express interest after being informed the interest is unwelcome

3. Visual

(a) Display of sexually oriented graphic pictures, posters, or other visual material

(b) Displaying or transmitting any sexually explicit material via e-mail or the Internet

IV. Location of Prohibited Conduct

A. On-campus. This Policy prohibits acts of Sexual Misconduct anywhere on-Campus. For this purpose, on-Campus includes College Park Apartments and any ACC-owned, ACC-leased, or ACC-controlled property.

B. Off-campus. This Policy prohibits acts of Sexual Misconduct occurring off-Campus, subject to the provisions of sub-paragraph C, below, if the Sexual Misconduct affects an ACC student or employee's participation in an ACC activity. This includes, but is not limited to, Sexual Misconduct which:

1. Affects the individual's participation in an ACC activity including the living, learning, and working environments;

2. Occurs during ACC-sponsored activities (e.g., field trips, social or educational functions, athletic competitions, student recruitment activities, internships, and service or learning experiences);

3. Occurs during the activities of organizations affiliated with ACC, including, but not limited to, the activities of registered student organizations;

4. Occurs during ACC-affiliated travel;

5. Occurs during the application for admission to a program or selection for employment; or
6. Poses a threat to a student or employee.

C. Title IX Jurisdiction. The College only has jurisdiction over allegations of Title IX Sexual Harassment when all the following are true:

1. The alleged conduct occurred in the Education Program and Activities of ACC, which is defined as locations, events, and circumstances over which ACC exercises substantial control over both the Respondent and the context in which the sexual harassment or discrimination occurs.
2. ACC has control over the Respondent at the time of the Complaint.
3. The alleged conduct occurs against a Complainant who is in the United States.

Despite the foregoing jurisdictional requirement related to Title IX Sexual Harassment, the College may have obligations to report alleged conduct or take other action in response to such alleged conduct for purposes other than response to alleged violations of Title IX (e.g., Reporting under the Clery Act, or action in response to allegations of Sexual Harassment under Michigan Law or other allegations of Sexual Misconduct which do not constitute Title IX Sexual Harassment.)

V. Title IX Coordinator

The Title IX Coordinator is the official designated by the College to ensure compliance with Title IX and with this Policy. The Title IX Coordinator has the primary responsibility for coordinating and overseeing the efforts of the College regarding programming, training, investigation and education of the College Community designed to prevent Sexual Harassment, Sex Discrimination and other forms of Sexual Misconduct and to respond to, resolve and remediate prohibited conduct under this policy. The Title IX Coordinator may designate appropriate, trained personnel to assist in carrying out these duties.

The Title IX Coordinator also is the coordinating member of the Clery/Title IX Task Force. The Clery/Title IX Task Force is appointed by the College President, pursuant to Board Policy 7001, to review, recommend and develop policies and procedures, in consultation with College legal counsel, addressing issues of safety and security and to comply with federal and state laws and regulations including but not limited to the Clery Act, Title IX, and the Violence Against Women Reauthorization Act of 2013.

The Title IX Coordinator is responsible for overseeing a prompt and equitable grievance procedure for claims of Sex Discrimination and specific formal grievance process to adjudicate Sexual Harassment, as set forth in the Procedures section of this Policy, as well as procedures for other forms of Sexual Misconduct.

The name, office address, telephone number and email address of the Title IX Coordinator shall be prominently posted on the College website and in each handbook or catalog provided to applicants for admission or employment. This contact information shall be provided to all students, employees, applicants for admission and employment and all unions and professional organizations holding collective bargaining agreements with the College. All communication and reports under this Policy should be directed to the Title IX Coordinator, through such contact information. At the time of adoption of this Policy, such contact information is as follows, which

may be changed, provided that notice of such change is given in the manner and to the persons set forth above:

Title IX Coordinator: Melissa Guy
Alpena Community College
102 Van Lare Hall
Alpena, MI 49707
Phone: 989.358.7211
Email: guym@alpenacc.edu

VI. Consent and Consensual Relationships

- A. Consensual Relationships. This Policy covers unwelcome conduct of a sexual nature. Consensual sexual relationships between Members of the College Community are subject to other College policies. While romantic and sexual relationships may begin as consensual, they may evolve into situations that lead to charges of sexual harassment or sexual violence, subject to this Policy.
- B. Consent. Consent as referenced in this Policy means informed, voluntary consent which is subject to the following provisions:
1. Consent is informed. Consent consists of an affirmative, conscious decision by each participant to engage in mutually agreed-upon sexual activity. Consent to some form of sexual activity does not imply consent to other forms of sexual activity.
 2. It is the responsibility of a person who wants to engage in sexual activity with another person to ensure that the other person has consented to engage in the sexual activity.
 3. Lack of protest or resistance, or silence does not constitute consent.
 4. Consent is voluntary. It is given without coercion, force, threats, or intimidation; it is an affirmative cooperation in the act or expression of intent to engage in the act pursuant to an exercise of free will.
 5. Consent is given when the person is not impaired or incapacitated. A person cannot consent if s/he is unconscious or coming in and out of consciousness. A person cannot consent if s/he is under the threat of violence, bodily injury, or other forms of coercion, or has a mental disorder, developmental disability, or physical disability that would impair his/her understanding of the act, as described below:
 - (a) Incapacitation is the physical and/or mental inability to make informed, rational judgments. States of incapacitation include, but are not limited to, unconsciousness, sleep, and blackouts.
 - (b) Where alcohol or drugs are involved, incapacitation is distinct from drunkenness or intoxication, and is defined with respect to how the alcohol or other drugs consumed impacts a person's decision-making capacity, awareness of consequences, and ability to make fully informed judgments. The factors to be considered include whether the accused knew, or a reasonable person in the position of the accused should have known, that the complainant was impaired or incapacitated.
 6. Consent may be revoked or withdrawn at any time.

- C. Consensual Relationships Between College Employees and Students. College employees are prohibited from having consensual sexual relationships with a current college student, if the Employee has any teaching, evaluative, or other supervisory authority over the student. If a consensual relationship exists or develops between a College Employee and a person who is a current student or becomes a student, the Employee shall immediately report the relationship to the Title IX Coordinator and shall assure that the Employee has no teaching, evaluative or other supervisory authority over such student. Faculty are strongly discouraged from having consensual sexual relationships with students to avoid any potential breach of professional ethics and potential conflicts of interest.

VII. Dissemination of the Policy, Education and Awareness Programs

As part of the College's commitment to providing a working and learning environment protected from Sexual Harassment, Sex Discrimination and other Sexual Misconduct, this Policy shall be disseminated widely to the College community through publications, websites, new employee orientations, student orientations, and other appropriate channels of communication. Educational materials shall be available to all members of the College community to promote compliance with this Policy and familiarity with reporting procedures.

Education and awareness programs/materials shall include information on risk reduction to recognize warning signs of abusive behavior and how to avoid potential attacks, as well as safe and positive options for bystander intervention.

VIII. Reporting of Sexual Harassment or Sexual Misconduct

- A. Who May Report. Reports of alleged Sexual Misconduct may be made to the Office of the Title IX Coordinator by a:

1. Complainant, as defined in Section XVI.
2. Responsible Employee, as defined in Section VIII B., below
3. Third Party Reporter, including Campus Security Authority, as defined by the Clery Act.

B. Mandatory Reporting by Responsible Employees

1. Responsible Employees are required to promptly report allegations of Sexual Harassment and other forms of Sexual Misconduct to the Title IX Coordinator or the designee of such person, except as provided in subparagraph B. 3, below.
2. All ACC employees are Responsible Employees unless a specific exception applies.
3. Exceptions. The following people are not Responsible Employees:
 - (a) People acting in the role of, or employed by, a Confidential Resource, only to the extent that they are serving in that role;
 - (b) Office professional staff serving in an administrative support role for a Confidential Resource, only to the extent they are serving in that role;
 - (c) Direct supervisors of a person acting as a Confidential Resource, only to the extent information shared regarding an alleged incident of Sexual Misconduct is shared for the purposes of providing support services concurrently or prospectively;

- (d) Faculty members directly supervising students in a practicum course, only to the extent information shared regarding an alleged incident of Sexual Misconduct is shared for the purposes of providing mental or physical health services concurrently or prospectively.
4. Responsible Employees are not required to report allegations of Sexual Misconduct when the Responsible Employee learns about the allegation during a public awareness or activism event, or other public forum at which a Member of the College Community discloses experiences with Sexual Misconduct. Examples of these types of events or forums include, but are not limited to, “Take Back the Night” programs, candlelight vigils, survivor “speak-outs” and protests.
 5. Responsible Employees are required to share information regarding the alleged Sexual Misconduct known to them, including the names of the individuals involved in the alleged Sexual Misconduct, if known, with the Title IX Coordinator, or designee.
 6. Responsible Employees, other than the Title IX Coordinator, or designees, should not investigate any allegations of Sexual Misconduct or seek to obtain more information than the individual making the disclosure wishes to share.
 7. Responsible Employees should inform people with whom they are discussing allegations of Sexual Misconduct that:
 - (a) They are Responsible Employees;
 - (b) They have a duty to report the alleged Sexual Misconduct to the Title IX Coordinator; and
 - (c) There are Confidential Resources available.
 8. A Responsible Employee who knew of an act of Sexual Misconduct and failed to report the prohibited act also may be subject to disciplinary action.
- C. Reports by Students to the Title IX Coordinator. Students are encouraged to report alleged Sexual Misconduct directly to the Title IX Coordinator.
- D. Reports by Students to Other College Officials. The Title IX Coordinator is the primary reporting pathway for all claims of Sex Discrimination, Sexual Harassment, and other forms of Sexual Misconduct. However, the College recognizes that there are times at which reports of Sexual Misconduct may be made to a College Official other than the Title IX Coordinator, such as the Dean of Students or Director of Housing or a Campus Security Authority. Such College Officials must immediately convey such reports to the Title IX Coordinator so that the appropriate response procedures may be carried out under the direction of the Title IX Coordinator and Supportive Measures offered.
- E. How to File a Report of Sexual Misconduct. Reports, Complaints and Notices of alleged violations of this policy may be made to the Title IX Coordinator in any of the following ways at any time, including non-business hours.
1. Fill out the Sexual Misconduct Reporting form found at https://discover.alpenacc.edu/safety/docs/sexual_misconduct_reporting_form.pdf and email, mail or deliver the form to the Title IX Coordinator using the contact information found in Section V. of this Policy. This form may be used to report any type of Sexual

Misconduct under this policy including alleged Sex Discrimination, Sexual Harassment, Retaliation or Other Sexual Misconduct.

2. Provide verbal notice to the Title IX Coordinator by calling the phone number listed in Section V. and speaking to the Title IX Coordinator or leaving a voice message that you wish to report an incident of Sexual Misconduct and providing verbal information about the incident, including your contact information.
3. File a Formal Complaint of Sexual Harassment with the Title IX Coordinator. A Formal Complaint is a document filed and/or signed by the Complainant (or signed by the Title IX Coordinator) alleging Title IX Sexual Harassment. A Formal Complaint may be filed in person, by mail or email, using the contact information provided in Section V. of this Policy. If the Title IX Coordinator receives a written notice that does not meet this standard, the Title IX Coordinator will contact the Complainant to verify their intent to file a Formal Complaint of Sexual Harassment and provide assistance to the Complainant if needed to properly file the Formal Complaint.

- F. Anonymous Reports. Anonymous reports can be made through any of the means set forth in Section E.1 or E.2 above. The information contained in the anonymous report may necessitate a need for the College to investigate. However, without a known Complainant or reporter, the College is limited in its ability to obtain information necessary to properly respond to the Complaint and Supportive Measures.
- G. Reports Alleging Misconduct by the Title IX Coordinator. In the event a College Official receives a report which involves alleged Sexual Misconduct by the Title IX Coordinator, such report shall be referred to the Vice-President for Administration and Finance, who in consultation with legal counsel and the President, shall designate a person other than the Title IX Coordinator, having the requisite training, to review and respond to the report in the manner required by this Policy.
- H. Timeliness of Reporting. To promote timely and effective review, allegations of Sexual Misconduct should be reported to the Title IX Coordinator, or designee, as soon as possible. A report of Sexual Misconduct may be made at any time, however, a delay in reporting an allegation may make it more difficult, or impossible, to gather relevant and reliable information.
- I. Limited Amnesty for Alcohol Violations. The College considers reporting of Sexual Misconduct to be of paramount importance and seeks to remove barriers to such reporting. Accordingly, if a person comes forward with a good faith report of Sexual Misconduct in a situation which also involves a violation of a College policy regarding alcohol, the College will not pursue disciplinary measures for the alcohol violation against such person, but may require participation in community service, education or awareness activities as an alternative to disciplinary measures. This policy does not apply to any person who is found to be responsible for an act of Sexual Misconduct

IX. Response to Reports of Sexual Harassment, Sex Discrimination or Sexual Misconduct

- A. Responsibility of Title IX Coordinator. The College shall provide a prompt and effective response to reports of Sexual Harassment, Sex Discrimination, or other Sexual Misconduct in accordance with this Policy. The Title IX Coordinator has responsibility for overseeing the

College's response to all allegations of Sexual Misconduct and identifying and addressing any patterns or systemic problems uncovered during the review of these allegations. The Title IX Coordinator has the responsibility for taking steps to ensure compliance with College policies and procedures regarding allegations of Sexual Misconduct.

- B. Initial Contact with Complainant and Initial Assessment. Upon receiving notice of a report or allegation of Sexual Misconduct, the Title IX Coordinator, or Designee, shall make an initial contact with the alleged victim (Complainant) to make an initial assessment regarding the appropriate next steps. During this initial assessment, the Title IX Coordinator or Designee will provide the following information and take the following action:
1. If the report is a claim of Sexual Harassment, or the Title IX Coordinator reasonably believes that the reported facts could constitute a claim of Sexual Harassment, the Title IX Coordinator, or Designee will:
 - (a) Offer Supportive Measures as described in Paragraph D. of this Section and provide information regarding such measures.
 - (b) Notify the Complainant of his/her right to file a Formal Complaint if a Formal Complaint has not been filed.
 - (c) Notify the Complainant of his/her right to an Advisor, as provided in Section X. A.
 - (d) Provide information regarding the Formal Grievance Process for Complaints of Sexual Harassment, including the following:
 - (i) The presumption that the Respondent is not responsible for alleged Sexual Harassment unless and until the Respondent is determined to be responsible based on a preponderance of the evidence.
 - (ii) Information regarding the investigation process which will be conducted as outlined in the Procedures defined in this Policy. (Section XII)
 - (iii) The right of both parties to receive a copy of the Investigative Report and the right to obtain all evidence obtained as part of the Investigation which is directly related to the reported Sexual Harassment.
 - (iv) The Title IX Hearing Process as set forth in the Procedures defined in this Policy, including the right to present evidence and witnesses and the right of each party, through their Advisors, to cross-examine witnesses.
 - (v) The right to a written determination by an impartial Decision-Maker and the right to appeal such determination.
 - (vi) The right to appeal a Dismissal of the Formal Complaint.
 - (vii) The right of the parties to opt out of the Formal Grievance Process at any time after the filing of a Formal Complaint and to seek an Informal Resolution of the Complaint, except where the Complaint involves an allegation of Sexual Harassment by a College Employee, in which case Informal Resolution is not permitted. Both the Complainant and Respondent must consent in writing to opt out of the Formal Grievance Process and seek Informal Resolution. Either party may subsequently reinstate the Formal Grievance Process if no Informal Resolution is reached.

- (e) Determine if the individual wishes to file a Formal Complaint and offer assistance if desired by the individual. If the Complainant elects not to file a Formal Complaint, he or she can change that decision at a later date.
 - (f) If there is no Formal Complaint filed, the Title IX Coordinator shall determine whether it appears there is a sufficient basis for the Title IX Coordinator to file a Formal Complaint of Sexual Harassment.
 - (g) If the Complainant does not wish to pursue a Formal Complaint or does not desire an Investigation to take place, the Complainant may make such request to the Title IX Coordinator, who will evaluate that request in light of the College's duty to comply with state and federal law and the duty to protect the safety and security of the campus community. The College may be compelled to take action to investigate or otherwise respond to alleged Sexual Misconduct regardless of the Complainant's wishes.
 - (h) In making the determination to file a Formal Complaint against the wishes of the Complainant, the Title IX Coordinator shall also consider the effect of the non-participation by the Complainant and the College's ability to pursue the Formal Grievance Process fairly and effectively. The Complainant retains all rights of a Complainant under this Policy regardless of his or her level of participation.
 - (i) If the conduct alleged, if true, could constitute Title IX Sexual Harassment, a formal Complaint is required before the parties can elect to opt out of the Grievance Procedure and elect the Informal Procedure.
2. If the reported Sexual Misconduct does not involve a claim of Sexual Harassment and the Title IX Coordinator does not reasonably anticipate that a claim of Sexual Harassment could be made, based on the information reported, the Title IX Coordinator, or Designee, will:
- (a) Offer Supportive Measures as described in Paragraph D. of this Section and provide information regarding such measures.
 - (b) Notify the Complainant of his/her right to file a Formal Complaint of Sexual Misconduct other than Sexual Harassment if a Formal Complaint has not been filed.
 - (c) Notify the Complainant of his/her right to have an Advisor, as provided in Section X. A.
 - (d) Notify the Complainant of his or her right to seek an Informal Resolution of the matter, without filing a Formal Complaint, as set forth in Section XIII.
3. If the reported Sexual Misconduct involves a claim of Sex Discrimination, the Title IX Coordinator, or Designee, will:
- (a) Notify the Complainant of the rights under subsection 2 above.
 - (b) Notify the Complainant of the Grievance Procedure for Sex Discrimination under the Section XIV of this Policy.
 - (c) Take appropriate action to prevent and mitigate any adverse effects on the Complainant.

4. The Title IX Coordinator or Designee will notify the Complainant of the College's Prohibition on Retaliation and will advise the Complainant that any attempts intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any rights under Title IX, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing constitutes retaliation which is prohibited and should be reported to the Title IX Coordinator. Intimidation, threats, coercion, or discrimination, including charges against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or formal complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by title IX or this Policy, constitutes retaliation.
 5. The Title IX Coordinator or Designee shall provide Complainant with written notice of this policy, the availability of the policy on the College website and shall also provide a copy or website link to College publications which summarize the rights and options of persons who allege a violation of the Sexual Misconduct Policy as well as the rights and options of those persons who are alleged to have violated the Policy.
- C. Notification of Additional Information in cases of Sexual Assault, Domestic Violence and Stalking. In addition to providing the information in Paragraph B, above, if the report of Sexual Misconduct involves an allegation of Sexual Assault, Dating Violence, Domestic Violence or Stalking, the Title IX Coordinator shall also notify the alleged victim (Complainant) of the following information, rights and options:
1. The option to notify law enforcement authorities, including local police; be assisted by campus authorities in notifying law enforcement authorities if the complainant so chooses; or to decline to notify such authorities.
 2. The right to seek orders of protection, no contact orders, restraining orders, or similar lawful orders issued by criminal or civil courts.
 3. The importance of preserving evidence as may be necessary to the proof of criminal domestic violence, dating violence, sexual assault, or stalking, or in obtaining a protection order.
 4. Existing counseling, health, mental health, victim advocacy, legal assistance, and other services available for victims both on-campus and in the community.
 5. Options for, and available assistance in, changing academic, living, transportation, and working situations, if requested by the complainant and if reasonably available, regardless of whether the victim chooses to report the crime to campus police or local law enforcement.
- D. Supportive Measures. When a Member of the College Community experiences an act of alleged Sexual Misconduct, ACC shall offer Supportive Measures regardless of whether a Complaint has been filed and regardless of whether the Complainant wishes to participate in this process provided by this Policy. The Title IX Coordinator, or Designee, will coordinate Supportive Measures with the appropriate ACC Personnel and community resources. Privacy will be maintained as much as reasonably possible when Supportive Measures are provided. The specific Supportive Measures provided will be determined on a case-by-case basis. Supportive Measures may be modified as necessary to remedy the effects of the alleged

Sexual Misconduct and to promote safety. Examples of Supportive Measures include, but are not limited to:

1. Referral to confidential resources, including counseling and other mental health services, and the Employee Assistance Program for employees, and community-based service providers;
2. class schedule modifications, withdrawals, or leaves of absence;
3. altering housing arrangements;
4. increased security and monitoring of certain areas of the campus;
5. student financial aid counseling;
6. education to the community or community subgroup(s);
7. altering work arrangements for employees or student-employees including reassignment to a different supervisor;
8. safety planning including safety escorts;
9. providing transportation accommodations;
10. implementing contact limitations (no contact orders) between the parties;
11. academic support, extensions of deadlines, or other course/program-related adjustments;
12. Issuing Timely Warnings, per the Clery Act;
13. any other actions deemed appropriate by the Title IX Coordinator.

These remedies may be applied to one, both, or multiple parties involved. Violations of the interim measures may lead to additional disciplinary action. Protective measures imposed may be temporary pending the results of an investigation or may become permanent as determined by the College.

E. Determination of Process Following Initial Assessment. Following the Initial Assessment, the Process for handling the reported Sexual Misconduct shall be determined by the Title IX Coordinator, as follows:

1. Dismissal (Mandatory). If a Formal Complaint is filed by the Complainant alleging Title IX Sexual Harassment, the Title IX Coordinator shall determine whether the facts as alleged, if proven, would constitute Title IX Sexual Harassment. If, at any time, the Title IX Coordinator determines they would not, or do not fall within the College's Title IX jurisdiction, the Formal Complaint must be Dismissed. The Title IX Coordinator may offer other policy options to the Complainant or may proceed with further action for other forms of Sexual Misconduct, which may include further investigation, determinations and resolutions provided by the Policy. A Dismissal of a Formal Complaint is subject to Appeal as set forth in the Procedures.

2. Dismissal (Discretionary). The Title IX Coordinator may, but is not required to, dismiss the Formal Complaint or any allegations therein if, at any time during the investigation or hearing, a Complainant would like to withdraw the Formal Complaint or any allegations in the Complaint; or if the Respondent is no longer enrolled as a student or employed, or specific circumstances prevent the College from gathering evidence sufficient to reach a determination as to the Formal Complaint or the allegations contained in the Formal Complaint.
3. Formal Title IX Grievance Process. If a Formal Complaint is filed by the Complainant alleging Title IX Sexual Harassment, the Title IX Coordinator shall initiate the Formal Grievance Process, all in accordance with the Procedures Section XII of this Policy. Such Process shall include:
 - (a) Notice of Investigation
 - (b) Investigation
 - (c) Report of Investigation
 - (d) Hearing with Cross-Examination
 - (e) Determination of Responsibility
 - (f) Determination of Sanctions
 - (g) Rights of Appeal
4. Informal Resolution. If a Formal Complaint is filed alleging Title IX Sexual Harassment, and the Complaint does not involve allegations against a College employee, the Title IX Coordinator shall offer the parties the option for Informal Resolution, which may be selected by mutual, voluntary written consent of the parties at any time. The process for Informal Resolution may include any of the alternatives set forth in the Procedures Section XIII of this Policy. If there is no Formal Complaint and the reported conduct involves alleged Sexual Misconduct other than Title IX Sexual Misconduct, either party may seek Informal Resolution without the necessity of filing a Formal Complaint.
5. Investigation and Determination of Alleged Sexual Misconduct other than Title IX Sexual Harassment. If the alleged violation of the Sexual Misconduct Policy does not involve allegations of Title IX Sexual Harassment, the Title IX Coordinator may proceed to investigate the allegations and make a written finding as to whether a violation occurred without a requirement of a hearing, provided that such investigation shall follow the procedures set forth in this policy for Sexual Misconduct other than Title IX Sexual Harassment. If the alleged Sexual Misconduct involves a claim of Sex Discrimination, the Title IX Coordinator will follow the Grievance Procedure for Sex Discrimination Complaints set forth in the Procedures Section of this Policy.

F. Privacy Considerations.

1. The sensitive nature of information provided to the Title IX Coordinator, and any investigator, will be accorded the utmost respect. However, the parties are advised that, unless expressly protected by this Policy or applicable law, the information obtained during the investigation is not confidential. Prior to the completion of the investigative report, the Title IX Investigator must send to each party and to that party's advisor, if

- any, the evidence subject to inspection and review and give each party equal opportunity to refer to such evidence during the hearing.
2. The College will not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence. This provision in no way immunizes a party from abusing the right to “discuss allegations under investigation for example, by discussing those allegations in a manner that exposes that party to liability for defamation or related privacy torts, or in a manner that constitutes unlawful retaliation.
 3. All employees and persons involved in the process of investigating allegations must keep confidential the identity of any individual who has made a report or complaint of sex discrimination, including any individual who has made a report or filed a formal complaint of sexual harassment, any complainant, any individual who has been reported to be the perpetrator of sex discrimination, any respondent, and any witness, except as may be permitted by the FERPA statute, 20 U.S.C. 1232g, or FERPA regulations, 34 CFR part 99, or as required by law, or to carry out the purposes of 34 CFR part 106, including the conduct of any investigation, hearing, or judicial proceeding arising thereunder. Employees and persons involved in investigating allegations of Sexual Misconduct may disclose information received under the following circumstances:
 - (a) To the extent provided by this Policy and its Procedures;
 - (b) To the extent necessary to:
 - (i) Eliminate the alleged Sexual Misconduct;
 - (ii) Remedy the effects of the alleged Sexual Misconduct;
 - (iii) Complete an investigation under this Policy; or
 - (iv) Complete any sanctioning processes under this Policy; or
 - (c) To the extent required by law, including, but not limited to:
 - (i) The Michigan Freedom of Information Act;
 - (ii) The Michigan Bullard-Plawecki Employee Right to Know Act;
 - (iii) The Family Educational Rights and Privacy Act ("FERPA");
 - (iv) A valid subpoena, search warrant or other lawfully issued court order; or
 - (v) Valid order to respond to any inquiry or complaint from or filed with a governmental administrative agency.
 4. The College has federal reporting obligations under the Clery Act, including the obligation to provide statistics of certain reported crimes. ACC will not include a Complainant's name or other identifying information in publicly available reports or timely warnings, as prescribed by the Clery Act.
 5. The College may need to report an incident to local law enforcement under certain circumstances including, but not limited to, an incident where there is a clear and imminent danger, an incident involving a weapon, an incident involving a minor, or an incident warranting the undertaking of security or safety measures for the protection of the Complainant or Members of the College Community.

6. The College cannot access, consider, disclose or otherwise use a party's records that are made or maintained by a physician, psychiatrist, psychologist or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity or assisting in that capacity and which are made and maintained in connection the provision of any treatment to the party, unless the College obtains that party's voluntary written consent.

X. Rights and Responsibilities of Parties

A. Right of Parties in All Claims of Sexual Misconduct.

1. *Advisors.* The Parties may each have an Advisor of their choice with them for all meetings and interviews conducted under this Policy. The Advisor may be a friend, mentor, family member, attorney, or any other individual a party chooses to advise, support, and/or consult with them throughout the resolution process. A party may also choose to attend any interview, discussion, or meeting without an Advisor. Advisors are subject to the following provisions:
 - (a) Advisors should help the parties prepare for each meeting and are expected to advise ethically, with integrity, and in good faith. Advisors are not to interrupt the meeting and are primarily present for support and consultation with the Party. If unable to comply with expectations, Advisors may be asked to leave.
 - (b) All Advisors are subject to ACC policies and procedures and are expected to advise their advisees without disrupting proceedings. Advisors may not present statements or arguments or conduct direct examination. Advisees may consult with their Advisors as requested and may do so privately as needed.
 - (c) Parties may share any information directly with their Advisors, to facilitate the Advisor's participation in the process. Upon request, the Title IX Coordinator can provide a consent form to authorize ACC to share information directly with the Advisor. Advisors are expected to maintain the privacy of any documentation, exhibits or other information shared with them in accordance with the provisions of this Policy.
 - (d) Advisors who are participating in a Sexual Harassment Hearing are subject to the additional provisions of Section B. 1. Below.
2. Both parties have the right to be treated with sensitivity, dignity, and respect.
3. Both parties have the right to request Supportive Measures.
4. Both parties have the right to a process conducted by persons who are impartial and unbiased.

B. Rights of Parties in Claims of Sexual Harassment

In addition to the rights set forth in Section A. above, the parties to a claim of Sexual Harassment have the following rights:

1. If a Formal Complaint of Title IX Sexual Harassment is filed, the Title IX Coordinator will also offer to assign a trained Advisor for any party if the party so chooses. If the

- parties choose an Advisor from the pool available from the College, the Advisor will be trained by the College and will be familiar with this Policy and the Procedures hereunder. In addition to the provisions of Section A. 1. above, Advisors involved in a Formal Complaint of Sexual Harassment are subject to the following:
- (a) Advisors may request to meet with the Title IX Coordinator, or Designee, in advance of portions of the Formal Grievance process to allow Advisors to clarify and understand their role, as well as the relevant Policies and Procedures.
 - (b) One party's choice to select an attorney to serve as their Advisor does not obligate the College to provide an attorney for the other Party.
 - (c) Choosing an Advisor who is also a witness creates potential for bias and conflict-of-interest. An Advisor who is also a witness can anticipate that issues of potential bias will be explored by the hearing Decision-maker(s).
 - (d) At a hearing, Parties must have an Advisor to conduct cross-examination. If a Party does not have an Advisor for a hearing, the Title IX Coordinator or Designee will appoint a trained Advisor for the limited purpose of conducting any cross-examination. A party is not permitted to conduct cross-examination on his or her own behalf.
 - (e) Advisors may not speak on behalf of the Party they advise except during the cross-examination portion of the hearing proceeding.
2. Both parties have an equal opportunity to review the Investigative Report and the right to obtain all evidence obtained as part of the Investigation which is directly related to the reported Sexual Harassment.
 3. Respondent has the right to be presumed not responsible for alleged Sexual Harassment unless and until the Respondent is determined to be responsible based on a preponderance of the evidence.
 4. When a Formal Complaint of Sexual Harassment has been filed, both parties have the right to participate in or not participate in the Title IX Hearing Process as set forth in the Procedures defined in this Policy, including the right to present evidence and witnesses and the right of each party, through their Advisors, to cross-examine witnesses.
 5. Both parties have the right to a written determination by an impartial Decision-Maker and the right to appeal such determination.
 6. Both parties have the right to appeal a Dismissal of the Formal Complaint.
 7. Both parties have the right to opt out of the Formal Grievance Process at any time after the filing of a Formal Complaint and to seek an Informal Resolution of the Complaint, except where the Complaint involves an allegation of Sexual Harassment of a student by a College Employee, in which case Informal Resolution is not permitted. Both the Complainant and Respondent must consent in writing to opt out of the Formal Grievance Process and seek Informal Resolution. Either party may subsequently reinstate the Formal Grievance Process if no Informal Resolution is reached.

8. Complainant has the right not to have questions or evidence presented regarding the Complainant's prior sexual behavior or sexual predisposition, unless offered to prove that someone other than the Respondent committed the alleged conduct, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.

C. Concurrent Criminal Complaints

1. The Complainant has the right to pursue charges or file a concurrent complaint with local law enforcement or any other state or federal agencies.
2. Depending upon the facts alleged, ACC may have legal obligation to investigate alleged violations of this Policy independent of any criminal investigations carried out by law enforcement.
3. ACC will not necessarily wait for the conclusion of a criminal investigation or for criminal judicial proceeding to begin before it commences its own independent investigation into the alleged violations of this Policy if such investigation is deemed to be necessary.
4. ACC will request available evidence from law enforcement conducting any parallel criminal investigation.
5. ACC will comply with reasonable requests by law enforcement for cooperation in their criminal investigation as follows:
 - (a) At the request of law enforcement, ACC may temporarily delay its investigation into an alleged violation of this Policy while law enforcement gathers evidence for a limited amount of time.
 - (b) After a temporary and reasonable delay to allow for law enforcement to gather evidence, ACC will promptly resume its investigation, to the extent necessary under this Policy and its Procedures.
 - (c) Supportive measures may be instituted or continued while law enforcement gathers evidence, regardless of whether or not ACC has temporarily delayed its investigation into an alleged violation of this Policy.

XI. Additional Responsibilities of College

A. Time Frames

1. The College will resolve allegations of Sexual Misconduct in a reasonable, prompt, and equitable manner.
2. The College endeavors to issue a Determination and, if applicable, any sanctions within ninety (90) days of written notification to the parties that the College will undertake an investigation of an alleged violation of this Policy. However, all time frames expressed in this Policy and its Procedures are meant to be guidelines and not rigid requirements. In Sexual Harassment cases involving a Live Hearing, the time for completion of the process may be extended if necessary, in order to obtain the services of a trained, impartial Decision-Maker.

3. Factors that may affect the length of time necessary to completely resolve an allegation of Sexual Misconduct include, but are not limited to: the complexity of the allegations; the availability of the Complainant, the Respondent, and witnesses; the reluctance of the Complainant to file a Complaint; the effect of concurrent criminal investigations; intervening closures of the College; the necessity to provide for rights under any applicable collective bargaining agreement; and any other unforeseeable circumstances.
 4. In the event the College determines it requires additional time beyond the time frames set forth in this Policy or its Procedures to fully and properly carry out its responsibilities under this Policy or its Procedures, it will provide simultaneous written notice to the Complainant, the Respondent, and the Title IX Coordinator, or Designee, notifying them of the anticipated length of the delay and general nature of the circumstances causing the delay.
- B. Standard of Proof. All allegations of Sexual Misconduct must be proven by a preponderance of the evidence, which means that, in the opinion of the Decision-Maker, it is more likely than not that the alleged conduct occurred and that such conduct is a violation of this Policy.
- C. Training of Personnel. The Title IX Coordinator shall receive training at least annually and as needed to carry out the responsibilities of the position. In addition, the Title IX Coordinator, and all persons serving as Investigators, Hearing Officers, Decision-Makers on Responsibility, Decision-Makers on Sanctions, Appeal-Decision Makers, Informal Resolution Facilitators, or otherwise participating on behalf of the College in the Formal Grievance Process for Sexual Harassment, shall receive annual training on the following topics, as appropriate for their roles. All materials used in the training of such personnel shall be available on the College website in their entirety.
1. The definition of Sexual Harassment under Title IX as used in this Policy
 2. The Policy and Procedures of the College regarding Sexual Misconduct in general and Sexual Harassment in particular.
 3. The scope of the College's education program or activity as it relates to Title IX
 4. How to conduct an investigation and grievance process, including hearing, appeals, and informal resolution process, as applicable
 5. How to serve impartially, including avoiding prejudgment of the facts at issue, conflicts of interest and bias
 6. How to use any technology involved in a live hearing
 7. How to determine questions of relevance, including how to apply the rape shield protections to protect Complainants
 8. How to apply the presumption that the Respondent is not responsible for the alleged conduct until a determination of responsibility is made at the conclusion of the grievance process
 9. How to implement appropriate and situation-specific remedies

10. How to determine appropriate sanctions in reference to all forms of harassment, discrimination, and/or retaliation allegations

D. Retention of Records Regarding Reports of Sexual Misconduct. The Title IX Compliance Coordinator is responsible for maintaining records relating to sexual harassment and sexual violence reports, investigations, and resolutions. Records shall be maintained in accordance with College records policies. Records and evidence relating to claims of Sexual Harassment shall be retained for at least seven (7) years from the last date of the Determination and any appeal of the Determination. Records may be maintained longer at the discretion of the Title IX Coordinator in cases where the parties have a continuing affiliation with the College. All records pertaining to pending litigation or a request for records shall be maintained in accordance with instructions from legal counsel.

XII. Title IX Sexual Harassment Grievance Procedure

The College shall provide a consistent transparent grievance process for resolving Formal Complaints of Title IX Sexual Harassment which shall comply with this Policy, the procedures set forth in this Section and Title IX.

A. Formal Complaint

1. The grievance process for a claim of Title IX Sexual Harassment is initiated by the filing of a Formal Complaint, which may be filed by a Complainant or signed by the Title IX Coordinator, alleging Sexual Harassment against a Respondent and requesting that the College investigate the allegation of Sexual Harassment. At the time of filing a Formal Complaint, the Complainant must be participating in or attempting to participate in the Education Program or Activity of the College, as defined in this Policy.
2. A Formal Complaint may be filed with the Title IX Coordinator in person, by mail or by electronic mail, by using the contact information listed in Section V of this Policy, or by any other method prescribed by the College. The Formal Complaint must contain the signature or digital signature of either the Complainant or the Title IX Coordinator and must be dated. If filed by a Complainant, it must contain the contact information for the Complainant. When the Title IX Coordinator signs the Formal Complaint, the Title IX Coordinator does not become the Complainant and is not a party during the grievance process and must comply with all requirements that Title IX personnel be free from conflict and bias.
3. A Formal Complaint shall set forth the specific facts alleged in sufficient detail to inform the Respondent of the basis for the Complaint.

B. Review of Formal Complaint and Assignment of Investigator.

1. The Title IX Coordinator, or Designee, shall review the Formal Complaint to assure it is signed and filed in accordance with the foregoing procedure and includes the specific allegations required. If it is procedurally deficient, the Title IX Coordinator shall contact the Complainant and advise of what information is needed to properly complete the Complaint before commencing an investigation. If the Formal Complaint fails to allege facts which, if true, could constitute Sexual Harassment, the Complaint shall be dismissed as set forth in Section IX. E.

If the Complaint is not dismissed, the Title IX Coordinator shall assign an Investigator, who may be the Title IX Coordinator, to perform the investigation. The Investigator shall, in consultation with the Title IX Coordinator, develop a plan of investigation, including the known witnesses to be interviewed and the information to be gathered, as more fully described in Paragraph D. below

2. Impartiality and Avoidance of Conflicts of Interest.
 - (a) If the Complainant or the Respondent believes that the investigator assigned to the Complaint has a conflict of interest or is impermissibly biased in the matter, the Complainant or the Respondent may request an alternative investigator. This request must be made in writing to the Title IX Coordinator within seven (7) days of when the Complainant or Respondent knew or should have known of the alleged conflict of interest or impermissible bias.
 - (b) The written request must contain sufficient information and details to establish that the investigator has a conflict of interest or impermissible bias.
 - (c) An investigator may seek to recuse oneself from an investigation if the investigator believes there may be a conflict of interest that prevents the investigator from being unbiased in carrying out the investigation. A request to recuse oneself must be made in writing to the Title IX Coordinator and state the basis for the request. The Title IX Coordinator will grant or deny this request in writing.
3. It is within the Title IX Coordinator's discretion to:
 - (a) Appoint an alternative investigator;
 - (b) Direct the investigator to fairly address the conflict of interest or impermissible bias during the investigation; or
 - (c) Reject the request on the grounds that no conflict of interest or impermissible bias was demonstrated.
4. In the event that the Title IX Coordinator has a conflict of interest or is impermissibly biased, the President, or Designee, shall appoint an alternate person to serve in the role of the Title IX Coordinator for that particular matter; such alternate may be another College official having the requisite training, legal counsel for the College or a retained, neutral, outside third-party.

C. Notice of Investigation (NOI)

1. Prior to commencing the Investigation, the Title IX Coordinator, or Designee, shall provide a Notice of Investigation (NOI) to both the Complainant and Respondent. Such Notice of Investigation shall contain the following information:
 - (a) Notice of the allegations of sexual harassment potentially constituting sexual harassment as including sufficient details known at the time and with sufficient time to prepare a response before any initial interview
 - (b) A statement that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process

- (c) Notice that the parties may have an advisor of their choice, who may be an attorney. The Notice will also provide information regarding the College policies related to the role and conduct of Advisors
 - (d) A statement about the College Policy on Retaliation
 - (e) The name and contact information of the Investigator
 - (f) Information about how to notify the Title IX Coordinator of any conflict of interest claimed by any party
 - (g) An instruction to preserve evidence that is directly related to the allegations
 - (h) A statement that College Policy prohibits knowingly making false statements including knowingly submitting false information during the resolution process
 - (i) Information about the College's Sexual Misconduct Policy and how to access it online.
 - (j) A request to meet with the investigator to be interviewed
 - (k) Notice that if Respondent does not elect to participate in the investigation, ACC will carry out its investigation based on available information and that the Respondent may still be subject to sanctions pursuant to this Policy and its Procedures.
2. The Notice of Investigation shall also notify the parties that the parties may choose to resolve the Complaint through a process of Informal Resolution if both parties consent in writing to use such a process, provided that, at any time prior to reaching a Resolution, either party has the right to withdraw from the Informal Resolution Process and resume the Formal Grievance Process. This offer of Informal Resolution is not permitted if the Complaint contains allegations of Sexual Harassment by a College Employee against a student.
 3. The Notice of Investigation may be amended as the investigation process continues if additional information becomes available regarding the addition or dismissal of allegations.
 4. The Notice of Investigation will be made in writing and delivered by at least one of the following methods:
 - (a) Hand-delivery in person
 - (b) Mailed to the local address of a party as contained in the College's records by first class U.S. mail
 - (c) Sent by electronic mail to the ACC email account of the party
 Delivery is presumed completed and effective on the date of delivery in person or via email, and on the day following mailing in the case of U.S. mail
 5. A Notice of Investigation of faculty or staff will also comport with any requirements of the applicable collective bargaining agreement, if any, regarding notice of investigations that may lead to discipline.

D. Investigation

1. The Title IX Coordinator is the College Official in charge of any investigation required or permitted by this Policy. The investigation shall be conducted by the Investigator assigned by the Title IX Coordinator (which may be the Title IX Coordinator) under the supervision of the Title IX Coordinator.
2. The Investigator will develop a plan of investigation, approved by the Title IX Coordinator, which includes the following, all of which will be updated throughout the course of the investigation:
 - (a) The alleged misconduct and the specific College policies which are implicated, based on the Initial Assessment
 - (b) A list of the known witnesses which the Investigator seeks to interview and the evidence which the Investigator seeks to review.
 - (c) A plan for the intended investigation time frame
3. The Investigator shall interview the parties and other witnesses, as available, inspect documentary evidence, and review other evidence that may be available which the Investigator deems relevant and necessary for a complete and thorough investigation.
4. The Complainant and Respondent will be separately interviewed, unless refuses to participate.
5. The Investigator will send written notice to the parties of any investigative interviews, meeting, or hearings. There is no requirement that such written notice be sent to any party in advance of the interview, unless the participation of the party is needed, in which case the Investigator shall provide the party with written notice of the time, date and location of the meeting, as well as any other persons who are expected to be in attendance and the purpose of the meeting.
6. The parties shall have an equal opportunity to provide the Investigator with information regarding facts and expert witnesses and other inculpatory and exculpatory evidence.
7. The burden of gathering evidence is on the College, not the parties.
8. The Investigator may independently obtain any evidence available which the Investigator believes is relevant to the allegations and necessary to a thorough investigation.
9. The Investigator shall provide the parties with the same opportunity to be present and to have others present during any proceeding, including the right to be accompanied by an Advisor of the party's choice. This does not mean that the Investigator must allow either party to be present during the interview of another witness; but if one party is permitted to be present, the other party has the same opportunity.
10. The College shall not issue any "gag order" or restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence.
11. The Investigator shall send the parties, and their advisors, evidence directly related to the allegations, in electronic form or hard copy with at least 10 days for the parties to respond.

12. The Investigator shall provide both parties an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a formal complaint, including the evidence upon which the recipient does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a party or other source.
13. The Investigator may establish restrictions regarding the extent to which the advisor may participate in the proceedings, as long as the restrictions apply equally to both parties.
14. The Investigator shall not access, consider, disclose, or otherwise use a party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party, unless the recipient obtains that party's voluntary, written consent.
15. Either party may provide written statements to the Investigator responding to any information produced during the Investigation and/or suggesting witnesses, documents, and questions to the Investigator. It is within the Investigator's discretion to determine whether to conduct additional investigation, or ask the questions suggested by a party, based on factors such as the availability of witnesses, the relevance of the evidence sought to be produced and whether further information is needed to conduct a fair and thorough investigation.

E. Investigation Report

1. The Investigator shall prepare an Investigation Report, fairly summarizing all the evidence directly related to the Investigation. The Investigation Report shall contain, at a minimum:
 - (a) An overview of the investigation undertaken
 - (b) A summary of all evidence and testimony reviewed and considered
2. Prior to finalizing such report, the Investigator shall deliver a draft of the Investigation Report to both parties and their Advisors, via electronic mail or hard copy.
3. To the extent that a party has not already received a copy of any evidence directly related to allegations, the Investigator shall deliver a copy of such evidence, via electronic mail or hard copy to the parties and their Advisors. Delivery shall be effective on the date of email or personal delivery to each party.
4. Each party shall have an opportunity for at least 10 days following delivery of the Draft Investigation Report to make any comments or response in writing to the Investigator. Such comments and responses shall be considered by the Investigator prior to issuing the Final Investigation Report. The parties may elect to waive the 10-day comment period or any portion thereof.
5. Following the consideration of any written comments or responses submitted by the parties, the Investigator shall finalize the Investigation report which shall be delivered by email or personal delivery or U.S. Mail to:

- (a) The Title IX Coordinator
 - (b) The Complainant
 - (c) The Respondent
 - (d) The Advisors for both parties
6. Delivery of the Final Investigation Report shall be deemed complete upon the date of email, hand-delivery or mailing by first class mail.
 7. Following the delivery of the Draft Report, and at all times after that, the Investigator shall make available to the parties for inspection any original evidence directly related to the allegations, if such evidence is in the possession of the Investigator or the College.

F. Live Hearing

1. *Notice of Hearing.* Upon receipt of the Final Investigation report, the Title IX Coordinator shall send notice to both parties and their advisors that a Live Hearing will be conducted for the purpose of presenting evidence to a Decision-Maker to determine whether the Respondent is responsible for Sexual Harassment, as alleged in the Formal Complaint. The Notice of Hearing shall contain the following information:
 - (a) Date and Time of the hearing, which shall be not less than 10 days following the effective date of delivery of the Final Investigation Report.
 - (b) The place of hearing if the hearing will be conducted in person with the parties present at the same geographic location.
 - (c) If the hearing will be conducted through the use of video conference technology, the Notice shall contain the instructions for accessing any technology that will be used and for requesting any accommodation at least 5 days prior to the hearing.
 - (d) The Name of the Decision-Maker and notice that any objections to such Decision-Maker on the basis of bias or prejudice must be presented in writing to the Title IX Coordinator at least 5 days prior to the hearing.
 - (e) The names of all witnesses who may be called to present evidence at the hearing.
 - (f) Notification that the parties continue to have the right to elect the Option of Informal Resolution, provided both parties consent in writing.
2. *Selection of Hearing Decision-Maker.* The Decision-Maker may be any of the following individuals, and shall be selected by the Title IX Coordinator, in consultation with legal counsel for the college, subject to right of both parties to object to such Decision-Maker on the basis of bias or prejudice. Only Decision-Makers having received the training required by this Policy shall be selected. No person who served as the Title IX Coordinator or Investigator in the matter may serve as a Decision-Maker in that matter.
 - (a) If the Respondent is a College Employee, the Decision-Maker shall be a person who is not a college employee, having the knowledge, training and experience to conduct a hearing and render a decision in matters involving Title IX Sexual Harassment.
 - (b) If the Respondent is a Student, the Decision-Maker may be the Dean of Students, or Designee, provided that the Decision-Maker shall have the right to consult with legal

counsel for the College on any evidentiary or procedural issues arising during the Hearing. If the Dean of Students is the Decision-Maker as to the issue of Responsibility, the Dean of Students shall also decide the issue of sanctions.

- (c) If the Respondent is a Student, the Decision-Maker may be an outside resource who is not a college employee, having the knowledge, training and experience to conduct a hearing and render a decision in matters involving Title IX Sexual Harassment.
 - (d) If the Respondent is a Student, the Decision-Maker may be a panel of 3 people, provided that all such persons have received training as Decision-Makers. One person on the panel shall be selected as the Hearing Officer, who may consult with college legal counsel on any evidentiary or procedural issue arising during the hearing.
3. Conduct of Hearing
- (a) *Assistance by Advisors.* Both parties may have an Advisor to assist them at the Hearing and in preparing for the hearing. Advisors are subject to the provisions of this Policy as set forth in Section X. A. as well as other reasonable rules established by the Decision-Maker or Hearing Officer.
 - (b) *Presentation of Report by Title IX Coordinator/Investigator.* The Title IX Coordinator/Investigator shall present the Investigation Report and provide information regarding the information that is and is not contested.
 - (c) *Presentation of Witnesses and Evidence.* The witnesses shall be subject to questioning by the Decision-Maker and cross-examination by the Advisors for the parties. The Decision-Maker shall determine the order of presentation of the evidence. Both parties and the Title IX Coordinator/Investigator shall have the opportunity to present witnesses and evidence. The burden of proving Responsibility shall be on the College, not on the parties.
 - (d) *Cross-Examination by Advisors.* Each Party must have an Advisor at the hearing in order to conduct cross examination. If a Party does not have an Advisor, the College shall appoint an Advisor for the purpose of conducting cross-examination. The Advisor may be but is not required to be an attorney.
 - (e) *Relevant Questions.* At the live hearing, the decision-maker(s) must permit each party's advisor to ask the other party and any witnesses all relevant questions and follow-up questions, including those challenging credibility.
 - (f) *Decision on Relevance by Decision-Maker.* Only relevant cross-examination and other questions may be asked of a party or witness. Before a complainant, respondent, or witness answers a cross-examination or other question, the decision-maker(s) must first determine whether the question is relevant and explain any decision to exclude a question as not relevant.
 - (g) *Absence of Party or Witness.* If a party or witness does not appear at the hearing, the hearing may continue in the absence of the party or witness. The hearing may be adjourned or rescheduled for compelling reasons at the discretion of the Decision-Maker.
 - (h) *No Consideration of Statements not Subject to Cross-Examination.* If a party or witness does not appear or does not submit to cross-examination, the statements of that party or witness may not be considered by the Decision-Maker.

- (i) *No Inference Based on Failure to Appear or Submit to Cross-Examination.* The Decision-Maker shall not be permitted to draw any inference regarding responsibility based solely on the absence of a party or witness or the refusal to answer questions on cross-examination.
- (j) *Presence of Parties, Advisors and Witnesses.* The parties and their Advisors are permitted to be present during the presentation of all evidence and witnesses. Parties and Advisors are not permitted to be present during any deliberation if the Decision-Maker is a panel. Other witnesses shall only be permitted to be present when they are presenting evidence or being cross-examined, unless the Decision-Maker allows their presence for other reasons, after an opportunity for both parties to object to such presence.
- (k) *Recording of Hearing.* The College will create an audio or audiovisual recording, or transcript, of the live hearing and make it available to the parties for inspection and review. If the Decision-Maker on Sanctions is a different person than the Hearing Decision-Maker, the recording shall also be provided to the Decision-Maker on Sanctions.

G. Determination of Responsibility

1. Within a reasonable time following the Hearing, the Decision-Maker will issue a written Determination of Responsibility, which shall include the following:
 - (a) Identification of the allegations potentially constituting sexual harassment
 - (b) A description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held
 - (c) Findings of fact supporting the determination
 - (d) Conclusions regarding the application of the College's Policy to the facts
 - (e) A statement of, and rationale for, the result as to each allegation, including a determination regarding whether the Respondent is determined, by a preponderance of the evidence, to be responsible for Sexual Harassment.
 - (f) A Determination as to whether the Respondent has engaged in any other Sexual Misconduct alleged, or violation of College Policy or Code of Conduct, other than Sexual Misconduct, which is or may be subject to discipline.
 - (g) Whether remedies designed to restore or preserve equal access to the College's education program or activity have been or will be provided by the College and whether further remedies are recommended.
 - (h) Notification to each party of their right to appeal the Determination in accordance with College Policy for the following reasons:
 - (i) Procedural Irregularity the affected the outcome of the matter
 - (ii) Newly discovered evidence that could affect the outcome of the matter
 - (iii) Bias or Conflict of Interest by the Title IX Coordinator, Investigator or other Personnel that could affect the outcome of the matter

2. The written Determination of Responsibility shall be delivered by the Decision-Maker simultaneously to the Parties with a copy to the Title IX Coordinator and the Investigator.

H. Determination of Sanctions.

1. If the Determination of Responsibility includes a finding that the Respondent was determined to be responsible for Sexual Harassment or other form of Sexual Misconduct or other violation of College Policy, the matter shall proceed to a Determination of Sanctions, provided that if an appeal is filed by either party, the College may, but is not required to, defer the Determination of Sanctions until the outcome of the appeal. Alternatively, if the College proceeds to a Determination of Sanctions while an appeal of the Determination of Responsibility is pending, provided that the Respondent will have the opportunity following the Determination of Sanctions to appeal the Determination of Sanctions and the Determination of Responsibility.
2. *Purpose and Effect of Sanctions.* If a Respondent is found responsible for Sexual Harassment or other Sexual Misconduct or violation of Policy, the College will initiate the appropriate sanctioning process to eliminate the misconduct, prevent its recurrence, deter individuals from similar future behavior and discipline the Respondent. The Sanctioning Official shall be responsible for implementing any sanctions or otherwise ensuring sanctions are implemented.
3. *Sanctioning Official.* The person who shall make the Determination of Sanctions (Sanctioning Official) shall be one of the following:
 - (a) If the Respondent is a student, the Determination of Sanctions shall be made by the Dean of Students, or Designee.
 - (b) If the Respondent is a college employee, the Determination of Sanctions shall be made by either the Vice-President for Administration and Finance or the Vice-President for Academic Affairs, as appropriate.
 - (c) If the Respondent is a Vice President, the Sanctioning Official shall be the President. If the Respondent is the President, the Sanctioning Official shall be the Board of Trustees.
 - (d) If the Respondent is a contractor or other person over whom the College exercises control, the Sanctioning Official shall be the Vice-President for Administration and Finance, or Designee.
4. *Impact Statements*
 - (a) Within five (5) days of being given notice of the Determination, the Complainant or Respondent may submit an Impact Statement to the Title IX Coordinator, or Designee.
 - (b) The Title IX Coordinator, or Designee, will provide the Impact Statements, if any, to the Sanctioning Official.
 - (c) In the event that neither the Respondent nor the Complainant submits an Impact Statement, the Title IX Coordinator, or Designee, will inform the Sanctioning Official that no Impact Statement was submitted.

- (d) The Sanctioning Official shall determine the appropriate sanction after receiving the Impact Statement or receiving notice from the Title IX Coordinator, or Designee, that no Impact Statement was submitted.
5. Upon determining the appropriate sanction, the Sanctioning Official will simultaneously inform the Complainant, Respondent, and Title IX Coordinator, or Designee, in writing of the terms and conditions of the sanction to be imposed.
6. The Complainant and the Respondent must be afforded equitable rights under any process used to determine an appropriate sanction. Appropriate considerations in determining sanctions include the following:
 - (a) The nature and severity of the Prohibited Conduct
 - (b) The impact of the Prohibited Conduct on others
 - (c) The circumstances surrounding the Prohibited Conduct
 - (d) The Respondent's disciplinary history
 - (e) The action required to end the Sexual Misconduct, prevent the recurrence of Sexual Misconduct, and remedy the effects of the Sexual Misconduct.
7. If the Respondent is a student, possible sanctions may include, but shall not be limited to, one or more of the following:
 - (a) *Reprimand*: A written reprimand, including the possibility of more severe disciplinary sanctions in the event of the finding of a subsequent violation of ACC regulations within a stated period of time.
 - (b) *Campus Restrictions*: Limitations on the times and/or places where a Respondent may be present on-Campus.
 - (c) *Removal from College Housing*. Removal from or relocation within College Park Apartments.
 - (d) *Educational Programs*: Mandatory participation in educational programs intended to correct the misconduct, such as training, workshops, seminars, or other educational activities.
 - (e) *Revocation of ACC Privileges*: Revocation of ACC privileges, such as participation in extra-curricular activities, for a definite or indefinite period of time.
 - (f) *Disciplinary Probation*: Subjection to a period of critical examination and evaluation of behavior.
 - (g) *No Contact Orders*: Prohibition on all forms of contact with certain people.
 - (h) *Suspension*: Exclusion from classes and other privileges or activities as set forth for a definite period of time.
 - (i) *Dismissal*: Permanent termination of student status.
8. If the Respondent is an employee, possible sanctions may include, but are not limited to, one or more of the following:

- (a) *Written Reprimand*: Written documentation of a failure to abide by ACC policy or procedures maintained in the employee's personnel file.
 - (b) *Performance Improvement Plan*
 - (c) *Recommendation for Counseling*
 - (d) *Educational Programs*: Required completion of program or activity intended to correct misconduct such as training, workshops, seminars, or other educational activities.
 - (e) *Revocation of ACC Privileges*: Revocation of ACC privileges or responsibilities for leadership roles, for a definite or indefinite period of time.
 - (f) *Campus Restrictions*: Limitations on the times and/or places where a Respondent may be present on campus.
 - (g) *No Contact Orders*: Prohibition on all forms of contact with the Complainant or other specified persons.
 - (h) *Suspension*: Exclusion from work, with or without pay, and other related activities as set forth for a definite period of time.
 - (i) *Termination*: Permanent separation of the employment relationship
9. *Time Frame*. Generally, the Sanctioning Official will determine a sanction within ten (10) days of being given the Determination of Responsibility unless the terms of the applicable collective bargaining agreement require otherwise.
10. *Pendency During Appeals*. No final disciplinary action based on the findings and conclusions of the Determination shall be taken against the Respondent during any appeal process, although Interim Measures may be instituted or continued until all appeals are exhausted.

I. Additional Remedies, Interventions, and Accommodations

Regardless of the nature of the Respondent's relationship with the College, or any sanctions imposed pursuant to these Procedures, additional remedies, interventions, and accommodations may be available to a Complainant or other individuals affected, either collectively or individually. The Title IX Coordinator, or Designee, will coordinate additional remedies, interventions, and accommodations, if any. Additional remedies, interventions, and accommodations, if any, will be determined on a case-by-case basis. Possible additional remedies, interventions, and accommodations include, but are not limited to any of the Supportive Measures set forth in Section IX. D. of this Policy.

J. Appeal Procedures

1. *Appeal of the Determination of Responsibility or Appeal of a Dismissal*. Either party may appeal any Determination or Dismissal, subject to the provisions of this Policy and its Procedures. A Complainant or a Respondent may only appeal a Determination or Dismissal on one or more of the grounds set forth below:

- (a) Newly Discovered Evidence.
 - (i) There has been the discovery of new information or evidence that would have a material bearing on the final Determination.
 - (ii) The person appealing establishes by a preponderance of evidence in the written appeal that such information or evidence was reasonably unavailable at the time the Determination was issued.
 - (b) Bias or Conflict of Interest by Investigator or Decision-Maker.
 - (i) The Determination was improperly influenced based on such personal bias; and
 - (ii) The issue of personal bias was raised during the course of the investigation (if the person knew or should have known of the alleged personal bias), and
 - (iii) The investigator failed to fairly address the alleged personal bias in (or before) Determination or that the findings of fact, recommendations, or conclusions demonstrate an improper bias.
 - (c) Procedural Irregularity Affecting Outcome. To constitute grounds for appeal the Procedural Irregularity must have been raised during the hearing and must be shown to have had a substantial effect on the outcome.
2. *Timeliness.* An appeal of a Determination of Responsibility or Dismissal must be made in writing to the Appellate Decision-Maker, and delivered to the office of Title IX Coordinator within seven (7) days of receipt of the of the Determination that is being appealed.
 3. *Initial Review.* Within fourteen (14) days of receiving a written appeal, the Appellate Decision-Maker shall make an initial determination regarding whether or not the content of the written appeal, if taken as true, establishes sufficient grounds for an appeal as set forth in Section J. 1(a) -J.1(c) above. If the grounds for appeal are not sufficient, or the appeal is not timely, the Appellate Decision-Maker or Designee, shall provide the Complainant, the Respondent, and the Title IX Coordinator with concurrent written notice that the appeal has been denied and dismissed. There is no appeal from this decision.
 4. *Notice regarding Sufficiency of Grounds for Appeal* If there are sufficient grounds for an appeal, Decision-Maker shall provide the Complainant, the Respondent, and the Title IX Coordinator, or Designee, with concurrent written notice that sufficient grounds for an appeal have been stated and that each party and the Title IX Coordinator shall have 14 days to respond to the appeal in writing.
 5. *Decision on Appeal of the Determination of Responsibility.* The Decision-Maker shall determine if the reasons for appeal are supported by a preponderance of the evidence. The Decision-Maker may deny the Appeal and affirm the Determination or may grant the Appeal in whole or in part. The Determination on Appeal shall be in writing and shall contain the reasoning or rationale to support the Determination on Appeal. If the Appeal is granted, the Decision-Maker shall specify whether the matter is remanded in whole or part for any additional investigation or hearing.

6. *Appellate Decision-Maker.* The Decision-Maker on Appeal of the Determination of Responsibility or Appeal shall be one of the following:
 - (a) If the Appellant is a student, the Vice-President for Academic Affairs shall be the Appellate Decision-Maker, or the College shall have the right to select an impartial outside trained Appellate Decision-Maker.
 - (b) If the Appellant is an employee, the Decision-Maker shall be either the Vice-President for Administration and Finance or the Vice-President of Academic Affairs, or the College shall have the right to select an impartial, outside trained Appellate Decision-Maker

7. Appeal of the Sanction.
 - (a) If the Respondent is a Student
 - (i) The Respondent shall have the right to appeal any Sanction on the same grounds and in the same manner and to the same person provided in Paragraphs 1-6 above.
 - (ii) In addition, the Respondent may appeal the Sanction on the grounds that the Sanction is fundamentally unfair or disproportionate based on the Determination)
 - (iii) Under no circumstances may a sanction be reduced below any minimums established by this Policy or its Procedures.
 - (iv) An appeal, if any, from the Sanctioning Official's decision regarding the appropriate sanctions is limited only to the terms and conditions of any sanction and may not be used as a collateral attack on the findings and conclusions contained within the Determination.
 - (v) Timeliness. An appeal of the sanction must be made in writing to the Appeal Decision-Maker within seven (7) days of notice of the sanction.
 - (b) If the Respondent is Faculty or Staff
 - (i) Grounds for Appeal. In addition to the grounds for Appeal set forth in Section XII. J., the grounds for appeal are determined by the terms of the collective bargaining agreement or employee handbook covering the terms and conditions of the Respondent's employment.
 - (ii) An appeal, if any, from the Sanctioning Official's decision regarding the appropriate sanctions and interventions is limited only to the terms and conditions of any sanctions or interventions and may not be used as a collateral attack of the findings and conclusions contained within the Determination.
 - (iii) The procedures by which a Respondent may appeal a sanction are determined by the terms of the collective bargaining agreement, employee handbook or contract covering the terms and conditions of the Respondent's employment.
 - (iv) All appeals must be carried out in a prompt and equitable manner, including equal opportunity for both the Complainant and the Respondent to challenge a sanction.

- (v) All appeals must be carried out in a manner consistent with, and not in contravention of, this Policy and its Procedures.
- 8. *Outcome.* The outcome of any appeal will be simultaneously communicated in writing to the Complainant, the Respondent, and the Title IX Coordinator.
- 9. *Final Notifications.* Upon exhaustion of all appeals, or if no appeals are filed in a timely manner, and upon notification to the Title IX Coordinator, or Designee, of the status of the appeals, the Title IX Coordinator, or Designee, shall provide simultaneous written notice to the Complainant and Respondent that the Determination and sanction, if any, are final.

XIII. Informal Resolution Options

- A. The Title IX Coordinator may offer the parties the option to resolve the allegations through informal resolution which may include any form of informal means deemed appropriate by the Title IX Coordinator, including but not limited to mediation, facilitation or restorative justice, so long as both parties give voluntary, written consent to attempt informal resolution. Any person who facilitates the informal resolution must be well-trained.
- B. The College shall not require as a condition of enrollment or continuing enrollment, or employment or continuing employment, or enjoyment of any other right, waiver of the right to a formal investigation and adjudication of formal complaints of Sexual Harassment.
- C. The College shall not require the parties to participate in an informal resolution process.
- D. The College may not offer an informal resolution process in claims of Sexual Harassment unless a Formal Complaint is filed.
- E. Informal Resolution may be offered to the parties in an effort to resolve matters of alleged Sexual Misconduct other than Sexual Harassment without the necessity of filing a Complaint.
- F. Information Resolution may not be offered and may not be used to resolve allegations that a College employee sexually harassed a student.
- G. The informal resolution process may also be used for less complicated matters that can be quickly resolved to the satisfaction of both parties. An example of such a matter might be a single comment that the complainant deemed objectionable and either a clarification or an apology would resolve the matter. The informal process is completely voluntary, and both parties must agree to it. A complainant has the right in every case to insist on a formal investigation and findings.

XIV. Sex Discrimination Grievance Procedure

- A. *Complaint of Sex Discrimination.* The grievance process for a claim of Sex Discrimination is initiated by the filing of a Complaint with the Title IX Coordinator, which may also be referred to as a Grievance.

- B. An investigation shall be conducted by the Title IX Coordinator, or by an Investigator assigned by the Title IX Coordinator. The Investigation procedure consists of thorough investigations affording all interested persons an opportunity to submit information and documentation regarding the Complaint. Interested persons shall include the Grievant and the person(s) against whom the allegation(s) of discrimination have been made, and their respective representatives, if any.
- C. The investigation shall be completed and a written report of its results communicated to the Grievant and other interested parties, generally within sixty (60) calendar days of receipt of the written complaint. The report shall set forth the finding of the Title IX Coordinator as to whether the conduct complained of constitutes Sex Discrimination in violation of College Policies.
- D. The Grievant can request a reconsideration of the complaint if dissatisfied with the determination of the Title IX Coordinator. The request for reconsideration shall be made in writing within seven (7) calendar days of the Grievant's verified receipt of the written determination and shall be submitted by employees to the Title IX Coordinator, who shall submit request for re-consideration to the appropriate Vice-President. For complaints by an employee, the request shall be submitted to the Vice-President for Administration and Finance and for complaints involving Students, the request shall be submitted to the Vice-President for Academic Affairs. All information gathered by the Title IX Coordinator or Investigator shall be provided to the Vice-President for review, who shall have access to case specific and relevant information, inquire as necessary and appropriate into the case, and shall make a determination and inform the complainant of such within thirty (30) calendar days of receipt of the request for reconsideration.
- E. A person who is dissatisfied with the decision of the aforementioned Vice-President may appeal that determination in writing to the Office of the President within seven (7) calendar days of receiving said decision. The appeal shall set forth with particularity what remedy is being sought, how the process has been violated, and/or why the decision reached is incorrect. Within fourteen (14) calendar days of receipt of the appeal, the Office of the President shall review the decision to determine that there was compliance with stated procedures, that the process was fair and equitable, and that the outcome satisfies due process. A written determination shall be issued to the Grievant and other interested parties.
- F. The Grievant shall be informed of the right to file a complaint with the appropriate state or federal agency. The right of a person to a prompt and equitable resolution of a complaint submitted hereunder shall not be impaired by the person's pursuit of other external remedies. This process shall neither supersede nor preempt any existing contract governing conditions of employment at this institution.
- G. Anyone at any time may contact the U.S. Department of Education/Office for Civil Rights for information and/or assistance at (216)522-4970. If the grievance has not been satisfactorily settled, further appeal may be made to the Regional U.S. Department of Education, Office for Civil Rights, 600 Superior Avenue East, Bank One Center, Suite 750, Cleveland, OH 44114-2611.

- H. Inquiries concerning the nondiscriminatory policy may be directed to Director, Office for Civil Rights, U.S. Department of Education, 400 Maryland Avenue, SW, Washington, DC 20202.

Retaliation against any person who files a complaint of discrimination, participates in an investigation, or opposes a discriminatory employment or educational practice or policy is prohibited under college policy, and by state and federal law.

- I. If there is a finding that unlawful discrimination occurred, the College will determine appropriate corrective action. The College will take steps to prevent reoccurrence of any discrimination with remedies including discipline up to and including discharge for the Respondent. College will also provide remedies to the Grievant, as deemed appropriate.

Guests, contractors, and other persons who violate the policy are subject to corrective action, which may include removal from campus and termination of contractual agreements. The College may also decide to take action if a Respondent is found to have engaged in inappropriate workplace behavior. Disciplinary action will be determined in accordance with Human Resources practice and any applicable collective bargaining agreement. The Title IX Coordinator, in consultation with appropriate college officials, shall recommend appropriate corrective action and/or discipline.

This Procedure Replaces Procedure 1506 and shall also apply to all claims of Discrimination in violation of College Policy, whether such claim of unlawful Discrimination is made on the basis of sex or another protected category as defined in the College Institution Statement of Non-Discrimination.

XV. Other Sexual Misconduct Grievance Procedure

In the event of a report or complaint of Sexual Misconduct which does not constitute Sexual Harassment, the following procedure shall be used.

- A. Upon receiving the report, the Title IX Coordinator, or Designee, shall conduct an Initial Review and Assessment of the Report in the manner set forth in Section IX.B.2. to determine if the reported allegations, if true, constitute Sexual Misconduct, which is not Title IX Sexual Harassment.
- B. The Title IX Coordinator may offer the Grievant the option of informal resolution and shall also offer the Grievant the right to file a Complaint of Sexual Misconduct (other than Title IX Sexual Harassment.) If the Grievant does not wish to file a Complaint, the Title IX Coordinator or Designee may file a Complaint on behalf of the Grievant.
- C. The Title IX Coordinator or Designee shall offer Supportive Services as described in Section X. D.
- D. The Title IX Coordinator shall consider whether additional facts and information are necessary to make a determination as to whether a Policy violation has occurred and, if so, shall appoint an Investigator, who may be the Title IX Coordinator, to conduct an investigation in the same manner as described in Section XII. D., providing the parties with the same rights and notices as set forth therein.

- E. At the conclusion of the Investigation, the Investigator shall issue a written Investigation Report which shall contain the information defined in Section XII. E.
- F. The Investigator shall provide a copy of the Investigation Report to the Parties simultaneously and each party shall have 5 days to submit any comments or response in writing to the Investigator.
- G. After considering the Investigation Report and any responses to the report, the Title IX Investigator will issue a Final Report with written findings as to whether there was a violation of the Sexual Misconduct Policy other than Title IX Sexual Harassment. If so, the Title IX Coordinator, or Designee, shall recommend appropriate corrective measures to eliminate the Sexual Misconduct, prevent its recurrence, and remedy its effects, and shall include any recommendations regarding sanctions for consideration and review by the Sanctioning Official.
- H. The Final Report of the Title IX Coordinator shall be delivered to the Parties, simultaneously by email or U.S. Mail or in person. Each party shall have the right to submit an Impact Statement within 5 days to be considered by the Sanctioning Official.
- I. After considering any Impact Statement, the Sanctioning Official shall meet with the Respondent to Determine and Sanction which may include the same sanctions as set forth in Section XII.
- J. The Grievance Process for Sexual Misconduct Other than Title IX Sexual Harassment does not include a Live Hearing or right to cross-examination unless if the matter is resolved by Informal Resolution; however, the rights and notices to the parties shall otherwise be substantially the same as those set forth in Section XII for the Formal Grievance Procedure for Sexual Harassment. The Title IX Coordinator, or Designee, shall be the Decision-Maker in the Grievance Process.
- K. The Sanctioning Officials shall be the same as the Sanctioning Officials in Section IX.
H. (3)
- L. The parties shall have the same rights of appeal as provided in the Formal Grievance Process for Sexual Harassment, Section XII.

XVI. Definitions.

- A. **ACC or College** means Alpena Community College.
- B. **Actual Knowledge** means notice to the Title IX Coordinator or any college official with authority to institute correctional measures, as identified in this Policy.
- C. **Awareness Programs** means community-wide or audience-specific programming, initiatives and strategies that increase audience knowledge and information and resources to prevent violence, promote safety and reduce perpetration.
- D. **Bystander Intervention** means safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault, or stalking.

- E. **Clery Act** means the federal Jeanne Clery Disclosures of Campus Security Policy and Campus Crime Statistics Act.
- F. **Consent:** means a voluntary and affirmative mutually understandable communication of willingness to participate in particular sexual activity or behavior, expressed either by words or clear unambiguous action. Additional information regarding consent can be found in Section VI of this Policy
- G. **Complaint:** See Formal Complaint.
- H. **Complainant** means a person who is alleged to have been subject to Sexual Harassment. The term Complainant is used regardless of whether a Formal Complaint is filed. In referring to complaints of Sexual Misconduct other than Sexual Harassment, the term “complainant” or “grievant” may be used to describe the person make the complaint or grievance.
- I. **Confidential Resources** means those people or entities that are not required, either by law or by policy, to report an allegation of Sexual Harassment or Sexual Misconduct to the Title IX Coordinator and that also provide confidential counseling and support services to people impacted by alleged acts of Sexual Harassment or Sexual Misconduct, whether or not that person chooses to file a Formal Complaint, file criminal charges, or otherwise participate in any processes referenced in this Policy or its Procedures.
- J. **Dating Violence** means violence committed by a person —
1. Who is or has been in a social relationship of a romantic or intimate nature with the victim; and
 2. Where the existence of such a relationship shall be determined based on a consideration of the following factors:
 - (a) The length of the relationship.
 - (b) The type of relationship.
 - (c) The frequency of interaction between the persons involved in the relationship.Dating Violence includes but is not limited to sexual or physical abuse or the threat of such abuse. Dating Violence does not include acts covered under the definition of Domestic Violence.
- K. **Decision Maker(s)** means the person or persons appointed by the College to make Determination of Responsibility or a Determination of Sanctions as defined in this Policy. The Decision Maker may be a single individual or a majority of individuals on panel of not more than 3 people. All Decision Makers must be unbiased and free from conflict. All Decision Makers must receive training for Title IX Personnel. A Title IX Coordinator or Deputy Coordinator or other Title IX Personnel who has been involved in an investigation of a Formal Complaint shall not be appointed as a Decision Maker on such Formal Complaint.
- L. **Determination of Responsibility** means a written report prepared by the Decision Maker(s) at the end of an investigation into a Formal Complaint. A Determination of Responsibility must identify the section of this Policy or other Code of Conduct alleged

- to have been violated; describe the procedural steps taken from the receipt of the Formal Complaint through the Determination of Responsibility; including notice, interviews, site visits, methods used to gather other evidence and hearings held. The Determination of Responsibility must set forth findings of fact supporting the determination; conclusion applying the Policy and/or Code of Conduct to the facts; a statement of and rationale for the result as to each allegation, and the permissible basis for appeal, if any. The Determination of Responsibility must be provided to the parties simultaneously. If a Determination of Responsibility is made against a Respondent, remedies shall be established to restore and/or preserve the Complainant's access to the College's education program and activities.
- M. **Determination of Sanctions** means a written report prepared by the Decision Maker(s) following a Determination of Responsibility where the Determination of Responsibility found that a violation of this Policy or other Code of Conduct occurred. The Determination of Sanctions shall include all sanctions imposed on the Respondent and any remedies provided to the Complainant; and the permissible bases for appeal, if any.
- N. **Domestic Violence** means a felony or misdemeanor crime of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of Michigan, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of Michigan.
- O. **Formal Complaint (See Complaint)** A written document signed and filed by the Complainant or by the Title IX Coordinator alleging Sexual Harassment and requesting that the College investigate the allegations.
- P. **Grievance Procedure for Sexual Harassment** means the grievance procedure set forth under this Policy which shall treat the Complainant and Respondent equitably and shall include due process protections for the Respondent and which complies with the requirements of 34 CFR Part 106.45.
- Q. **Grievance Procedure for Sex Discrimination** means the grievance procedure set forth in this Policy for addressing complaints of Sex Discrimination.
- R. **Impact Statement** means a brief written statement prepared after the Determination of Responsibility by either a Complainant or a Respondent regarding how the violation of this Policy has affected that person and that is used to assist the Decision Maker(s) in determining the appropriate sanctions, interventions, or accommodations.
- S. **Incapacitation** means a person lacks the ability for self-care or to understand the nature of that person's conduct.
- T. **Intimidation** means to unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack.

- U. **Member of the College Community** means ACC students, faculty, staff, and certain third parties including, but not limited to, guests, contractors, consultants, and their employees.
- V. **Official with Authority (OWA)** means a College official having the authority to implement corrective measures for Sexual Harassment. The term Official with Authority includes the President, Vice-Presidents, Title IX Coordinator, Dean of Students.
- W. **Respondent** means a person who is named in a Formal Complaint and is alleged to have engaged in Sexual Harassment or other violation of this Policy.
- X. **Responsible Employee** means an employee of the College:
1. Who has the duty of reporting incidents of Sexual Misconduct or any other misconduct by students; or
 2. Whom a student reasonably believes has this authority or duty.
- Y. **Rape** means the penetration, no matter how slight, of the vagina or anus with any body part or object or oral penetration by a sex organ of another person, without the consent of the victim.
- Z. **Report** means a report made to the Title IX Coordinator's Office of Sexual Harassment or Other Sexual Misconduct prior to or without the filing of a Formal Complaint. A Report may be either verbal or written. In order for a report to require any action by the College, the Report must contain sufficient facts and information to put the Title IX Coordinator's Office on notice that conduct was reported to have occurred which, if true, could constitute a violation of this Policy.
- AA. **Retaliation** means conduct which intimidates, threatens, coerces, or discriminates against an individual for the purpose of interfering with any right or privilege secured by Title IX or because the individual has made a report, complaint, testified, assisted or participated or refused to participate in an investigation, proceeding or hearing under this Policy. An allegation of Retaliation will be treated as a separate allegation of a violation under this Policy. An exercise of rights protected under the First Amendment does not constitute retaliation.
- Charging an individual with Code of Conduct violations that do not involve Sexual Harassment but arise out of the same facts and circumstances as a report or Formal Complaint of Sexual Harassment, for the purpose of interfering with any right or privilege secured by Title IX constitutes retaliation.
- BB. **Sanctioning Official** means the person at ACC responsible for imposing or implementing sanctions or other disciplinary measures for violation of a Policy.
- CC. **Sexual Assault** means an offense that classified as a forcible or nonforcible sex offense under the uniform crime reporting (UCR) system of the Federal Bureau of Investigation (FBI). Sexual Assault includes, but is not limited to:

1. *Sex Offenses, Forcible*: Any sexual act directed against another person without the consent of the Complainant, including instances in which the Complainant is incapable of giving consent.
 - (a) Forcible Rape: (See Rape Definition)
 - (b) Forcible Sodomy:

Oral or anal sexual intercourse with another person forcibly, and/or against that person's will (non-consensually), or not forcibly or against the person's will in instances in which the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.
 - (c) Sexual Assault with an Object:

The use of an object or instrument to penetrate, however slightly, the genital or anal opening of the body of another person, forcibly, and/or against that person's will (non-consensually) or not forcibly or against the person's will in instances in which the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.
 - (d) Forcible Fondling:

The touching of the private body parts of another person (buttocks, groin, breasts) for the purpose of sexual gratification, forcibly and/or against that person's will (non-consensually) or not forcibly or against the person's will in instances in which the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.
2. *Sex Offenses, Non-forcible*:
 - (a) Incest:

Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by Michigan law.
 - (b) Statutory Rape:

Non-forcible sexual intercourse with a person who is under the statutory age of consent of Michigan

DD. Sexual Assault also includes Dating Violence, Domestic Violence and Stalking, as Defined in this Section.

Note: In Michigan, sexual assault is generally punished by the detailed statutory scheme of the Criminal Sexual Conduct Act (CSC Act), MCL 750.520a et seq. The term "sexual assault" is defined as assault with intent to commit criminal sexual conduct. Further, "sexual assault" is also defined as an act, attempted act, or conspiracy to engage in an act of criminal conduct as defined in the CSC Act, or an offense under a law of the United States, another state, or a foreign country or tribal or military law that is substantially similar to such an offense. See MCL 600.2157a; MCL 600.2950a.

EE. **Sexual Harassment**: See Definition in Section III of Policy

FF. **Stalking** means a course of conduct directed at a specific Complainant that would cause a reasonable person to fear for that person's own or someone else's safety, or to suffer

substantial emotional distress. Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling. The term "stalking" means engaging in a course of conduct directed at a specific person that would cause a reasonable person to (1) fear for his or her safety or the safety of others; or (2) suffer substantial emotional distress. For purposes of this definition,

1. *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.
2. *Reasonable person* means a reasonable person under similar circumstances and with similar identities to the victim.
3. *Substantial emotional distress* means significant mental suffering or anguish that may, but does not necessarily, *require* medical or other professional treatment or counseling.

In Michigan, stalking is “the willful course of conduct involving repeated or continuing harassment of another individual that would cause a reasonable person to feel terrorized, frightened, intimidated, threatened, harassed, or molested and that actually causes the victim to feel terrorized, frightened, intimidated, threatened, harassed, or molested.” MCL 750.41 1h (1)(d).

- GG. **Student** means a person who has enrolled at ACC, either full-time or part-time. Students also include people who have been admitted to ACC and who, before their first attendance, participate in activities intended only for prospective students (e.g., orientation, leadership activities, camps, athletic training, and practices).
- HH. **Supportive Measures** means non-disciplinary, non-punitive individualized support services, accommodations, and interventions that are appropriate and reasonably available, and without fee or charge to the Parties, to restore or preserve access to ACC’s education program or activity, including measures designed to mitigate the effects of the alleged misconduct and otherwise promote the safety of a Complainant, a Respondent, or Member of the College Community experiencing the effects of Sexual Misconduct.

7010 Alcohol and Drug Prevention Policy

Adopted by the Alpena Community College Board of Trustees on April 16, 2014. Amended with correction of Administrative Procedure 7510 on August 21, 2014; December 19, 2019; September 15, 2022.

- I. Policy Subsection:
7010 Drug and Alcohol Policy

- II. Policy Statement

It is the policy of Alpena Community College to prevent the possession, use, or distribution of illicit drugs, including marijuana, and alcohol by all students and employees on College premises or as part of its activities and to foster a campus environment free of drug and alcohol abuse. This policy is in compliance with the Drug-Free Workplace Act (41 U.S.C. 701) and the Drug Free Schools and Communities Act (20 U.S.C. 1145g).

This Policy covers the use, possession, distribution, purchase, sale, dispensation and/or manufacturing of alcohol, marijuana and controlled substances, as defined by state and federal law, (collectively referred to as “Covered Substances” as defined in this Policy) on College property, in College buildings or vehicles and/or in connection with any College activity, all of which is prohibited, unless an Exception is expressly provided in this Policy or other Policies or Procedure approved by the Board of Trustees.

Michigan law also prohibits the possession or consumption of alcohol by anyone under the age of 21. In addition, it is illegal under Michigan law to sell, furnish, or provide alcohol to a person under the age of 21. These laws, together with laws regarding the possession, use and distribution of alcohol and drugs are enforced by local and state police authorities and the College supports such enforcement. Violators are subject to criminal sanctions.

Any violations of law or policy by a College employee regarding alcohol or illicit drugs will also be treated as a separate disciplinary matter by the College and may result in disciplinary action, up to and including termination of employment under this Policy and/or other College Employment Policies.

All College employees must report actual or suspected violations of this policy to their immediate supervisor. The Director of Human Resources (or Designee) shall have responsibility for administering the testing program and making decisions regarding pre-employment, reasonable suspicion, and post-accident testing in accordance with procedures approved in connection with this Policy.

For students, including residents of College Park Apartments, violations shall be referred to the Dean of Students (or Designee) for disciplinary action in accordance with the Student Code of Conduct together with other applicable Codes of Conduct (e.g., Athletic Code of Conduct, Nursing Code of Conduct).

The College provides informational materials regarding drug and alcohol abuse to students and employees, including information regarding the health risks associated with the use of alcohol and illegal drugs, and information regarding counseling, treatment, rehabilitation services available in the community and employee assistance programs. Such information is contained in

the College's Alcohol and Drug Prevention Annual Disclosure which is sent to every student and employee annually and may be obtained through the Office of Human Resources or the Office of Academic and Student Affairs and on the college website at www.alpenacc.edu.

In accordance with applicable laws, including the Drug-Free Schools and Communities Act, this Policy is subject to biennial review by the Safety Policies and Procedures Compliance Committee.

III. Reason for Policy

Drug and alcohol use or abuse may pose a threat to the health and safety of Alpena Community College students, staff, and community members, and to the security of our equipment and facilities. The risks associated with the use or abuse of drugs or alcohol are numerous. These include physical and mental impairment as well as effects on professional and personal lives. Use or abuse of drugs, including marijuana in any form, or alcohol, can negatively impact job or academic performance and attendance and can jeopardize continued employment or status as a student or volunteer. This policy is designed to maintain a drug-free work and learning environment and to comply with the requirements of local, state and federal laws.

IV. Entities Affected by this Policy

Persons covered by this policy include employees, students, applicants for employment, persons engaged on the premises of the college as independent contractors, volunteers, vendors, and persons participating in or attending college-sponsored programs.

V. Who Should Read This Policy?

- Students
- Employees
- Applicants for employment
- Board of Trustees members
- Volunteers

VI. Related Documents

- Drug-Free Workplace Act
- Drug Free Schools and Communities Act
- Drug and Alcohol Abuse Prevention Program (DAAPP) Drug and Alcohol Biennial Review Document Employee Agreement to Submit to Medical Review Student Code of Conduct
- Other Codes of Conduct or Handbooks (Resident, Athlete, Scholarship etc)
- Employee Handbook
- Administrative Procedure 7510

VII. Contacts

Policy Owners:

- Director of Human Resources
- Dean of Students
- Director of Student Life and Campus Housing

VIII. Definitions

A. Covered substances: This policy covers the following substances:

1. Alcohol in any form.
2. Controlled or illegal drugs or substances (including hallucinogens, barbiturates, depressants, stimulants, cannabinoids, opioids, club drugs, dissociative drugs and any other compounds or drugs whose use, possession, or transfer is restricted or prohibited by law).
3. Marijuana in any form.
4. Any substance that influences a person in a way that jeopardizes the safety of the person or other persons or hinders the person's ability or any other person's ability to perform work responsibilities. This includes synthetic drugs.

B. Employee: Includes any person who receives employment compensation from the College including administrators, faculty, staff, adjunct employees, temporary employees, and student employees.

C. Student: The term "student" includes persons who have been issued a student number at Alpena Community College and are currently enrolled, or admitted and show intent to enroll, or withdrawn from a specific course or the College after allegedly violating the Student Code.

D. On Duty/Off Duty:

As used in this policy, the term "on duty" refers to:

- Any time period or circumstance when the employee is performing college business as required or assigned, regardless of the location of performing the work.

As used in this policy, the term "off duty" includes the following:

- Scheduled vacation time, sick time, personal time
- Any time period or circumstance when the employee is not scheduled to work, and is not actually performing work as required or assigned

An off-duty employee who is required to be available to perform work or undertake college duties, as needed, or in the event of an emergency, shall be considered off-duty unless or until such employee undertakes such duties. Such employees shall assure that an authorized designee is readily available to undertake such responsibilities if the employee is unable to do so.

IX. Exceptions

1. The legal use of prescribed drugs (other than medical marijuana which is prohibited by Federal law) is permitted, provided the medication is used in accordance with the prescribed instructions and the use does not endanger any individual or impair an

employee's ability to perform their responsibilities in a proper and safe manner. If the side effects of prescription medication may jeopardize an employee's ability to perform responsibilities safely, the employee shall consult with their supervisor. The supervisor shall consult with Human Resources to determine appropriate action.

2. Possession and use of any marijuana on college property or in any college vehicle is expressly prohibited. Use of marijuana by an employee on duty, whether on college property or not, is expressly prohibited. Legal marijuana use off campus, during non-work time and unrelated to any college event or activity is not prohibited unless it causes drowsiness or other side effects that impairs the ability of the student, employee, or volunteer to perform responsibilities or participate in the educational programs of the College properly and safely.
3. If approval has been obtained in accordance with College Administrative Procedure 7510 to serve alcohol at an event held at the College, the legal use or consumption of alcohol at such event by any student, employee or volunteer is permitted, unless the employee is directed by their supervisor that, due to the nature of their duties during the event, they may not consume alcohol. In all cases, alcohol consumption shall be limited to such use which does not impair the ability of the student, employee, or volunteer to perform responsibilities or participate in the educational programs of the College properly and safely. In all cases, students, employees and volunteers shall not operate a motor vehicle during or following an event at the College if they have a blood alcohol concentration (BAC) above the legal limit in the jurisdiction.
4. Legal use of alcohol off-campus is permitted for employees and volunteers while attending work-related conferences and social events (i.e., College sponsored events) unless the employee has been directed otherwise by their supervisor, provided that it does not impair the ability of the employee, or volunteer to perform responsibilities or participate in the educational programs of the College properly and safely, provided that employees and volunteers shall not operate a motor vehicle during such conferences and events if they have a blood alcohol concentration (BAC) which is above the legal limit in the jurisdiction.

X. Procedures

A. Recognition of symptoms of drug or alcohol use or abuse:

It is the responsibility of all employees and students to report prohibited use or abuse of drugs and alcohol. Reports regarding prohibited use or abuse of drugs or alcohol by a student (or the reasonable suspicion of such prohibited use or abuse) can be made to the Dean of Students (or Designee), Police, Director of Student Life and Housing, or to any Campus Safety Authority. College officials who receive reports of prohibited use or abuse of drugs or alcohol by a student shall immediately provide a copy of such report to the Dean of Students and to the Clery Coordinator.

Reports regarding prohibited use or abuse of drugs or alcohol by an employee (or the reasonable suspicion of such prohibited use or abuse) should be made to the supervisor for such employee if such supervisor is available. When the employee's supervisor is not available, the report should be made to the Director of Human Resources (or Designee.)

When a supervisor observes or is made aware of signs or symptoms of prohibited use or abuse of alcohol or drugs or observes or is made aware of work performance or behavior signs that could affect the safety of the individual or others, Human Resources must be contacted to determine the appropriate course of action.

All Supervisors, the Dean of Students, Director of Student Life and Housing and the Director of Human Resources (and all designees) shall receive annual training on the signs and symptoms of alcohol and drug use and abuse.

Signs and symptoms of drug or alcohol use or abuse may include:

1. Changes in temperament, speech pattern or coherence
2. Changes in physical condition, coordination, appearance, gait, balance
3. Increased absences
4. Increased errors in judgment or mistakes

Any report of suspected use or abuse of drugs or alcohol shall include specific objective information. Reports regarding employees shall be made using an approved form referred to as “Drug and Alcohol Reasonable Suspicion Report” in the manner described below.

B. Reasonable Suspicion Testing

If an employee is suspected of violating this policy or any other related policies, a “Drug and Alcohol Reasonable Suspicion Report” should be submitted to the Director of Human Resources (or Designee) by the employee’s supervisor, or by the reporting party, if the supervisor is unavailable. The College will initiate an investigation through Human Resources to determine the appropriate course of action.

If the Director of Human Resources (or Designee) has a reasonable suspicion based on a report or direct observation, and reasonable inferences drawn from such report and/or observation, that the employee is using or has used drugs or alcohol in violation of College Policy, the Director may authorize a reasonable suspicion test, which will be conducted by a designated clinic or hospital. Such testing may also include a preliminary breath test administered by a law enforcement officer. If the employee has not already signed an Agreement to Submit to Medical Review, the employee will be asked to sign such an Agreement. If the employee refuses to participate in, or fails to successfully complete testing, the refusal or failure may result in discipline up to and including termination.

While awaiting the results of the test, the employee will be placed on administrative leave. Employees will continue to receive pay until results are determined. If the results of the test are negative, the employee will be reinstated without loss of pay or benefits. If the results are positive for an employee, a meeting with the employee, a union representative (if applicable), supervisor, and Human Resources will take place to discuss the consequences.

C. Post-Accident Testing

Where there is any evidence or indication that that an employee may have caused or contributed to a work accident which resulted in bodily injury or significant property

damage, a post-accident drug and/or alcohol test may be required by the Director of Human Resources (or Designee.) Such testing may also include a preliminary breath test administered by a law enforcement officer. If the employee has not already signed an Agreement to Submit to Medical Review, the employee will be asked to sign such an Agreement. If the employee refuses to participate in, or fails to successfully complete testing, the refusal or failure may result in discipline up to and including termination.

D. Employee Disciplinary Action

Employees whose work performance is determined to be impaired as a result of use or abuse of drugs or alcohol (either on or off campus); or who use drugs or alcohol in violation of this Policy; or who have been convicted of violating any criminal drug or alcohol statute while on College property or while participating in College-sponsored programs off campus; or who otherwise violate this Policy are subject to disciplinary action.

The Director of Human Resources (or Designee) handles matters that require employee disciplinary action at Alpena Community College. The concept of progressive discipline will be utilized where appropriate, in the discretion of the Director of Human Resources, taking into consideration the severity of the incident, prior disciplinary action, etc.

The following corrective actions (sanctions) may be imposed by the College for a reported violation of our Drug and Alcohol Policy, provided that, corrective action shall in all cases be subject to the Zero Tolerance Policy stated below:

- **Verbal Notice:** The supervisor will meet with the employee to discuss the problem and the improvements that are expected. The supervisor will document the meeting.
- **Written Warning:** A formal, written reminder documenting the problem and expected improvements. A copy of the formal written notice is provided to the employee and placed in the Human Resource's employee file.
- **Suspension Without Pay:** A formal, written explanation of the problem and time off to emphasize the seriousness of the problem and that dramatic behavior change is needed immediately. A copy of the suspension without pay notice is provided to the employee and placed in the Human Resource's employee file.
- **Final Written Warning:** The College may, at its discretion, choose to impose a final written warning in lieu of suspension.
- **Termination:** When it has been determined that an employee is unable or unwilling to meet the conditions of employment at ACC, termination results.
- **Zero Tolerance:** Being intoxicated or impaired by alcohol or drugs while on duty or while operating employer-owned vehicles or equipment is considered Zero Tolerance Misconduct. This form of verified intentional misconduct constitutes grounds for immediate termination of employment at ACC.

E. Action to be taken for suspected use or abuse by students:

If a student is suspected of violating the drug and alcohol policy or the Student Code of Conduct (Illegal or Unauthorized Possession/Use of Alcohol and Drugs), the Dean of Students (or Designee) will perform a Code of Conduct investigation to determine the appropriate course of action. For progressive discipline, see Student Code of Conduct.

F. Action to be taken for suspected use or abuse by volunteer:

If a volunteer is found to be in violation of this policy, the volunteer may be prohibited from holding future volunteer responsibilities for the College and/or may be referred to law enforcement authorities.

G. Action to be taken for refusal of pre-employment drug-screening (if applicable):

Applicants who refuse to participate in drug screening will not be hired or be able to reapply. Applicants who test positive will not be hired or able to reapply, unless they provide documentation from a licensed physician indicating the medical necessity of the prohibited substance.

H. Actions to be taken for crimes involving drugs or alcohol:

The Director of Human Resources, in consultation with the President of the College, shall have the responsibility for determining the appropriate course of action for employees who are convicted of drug or alcohol offenses during their employment with ACC. An employee must notify Human Resources prior to the beginning of their next scheduled work shift of any misdemeanor or felony conviction involving drugs or alcohol. Conviction of a crime involving drugs or alcohol may not warrant disciplinary action if the crime does not involve on-duty conduct or constitute a violation of College Policy or affect the ability of the employee to perform their job duties in a safe manner. However, Human Resources shall take appropriate action and may require the employee to participate satisfactorily in an alcohol or drug abuse assistance or rehabilitation program approved by a federal, state or local health, law enforcement or other appropriate agency.

I. Confidentiality:

Information and records relating to positive test results, drug and alcohol dependencies and legitimate medical explanations shall be kept confidential to the extent required by law and maintained in secure files separate from normal personnel files. Such records and information may be disclosed among managers on a need-to-know basis and may also be disclosed when relevant to a grievance, charge, claim or other legal proceeding initiated by or on behalf of an employee or applicant.

J. Prevention and awareness:

In compliance with the Drug Free Schools and Communities Act, Alpena Community College publishes information regarding the College's educational programs related to drug and alcohol abuse prevention; sanctions for violations of federal, state, and local laws and College policy; a description of health risks associated with alcohol and other drug use; and a description of available treatment programs for Alpena Community College students and employees. A complete description of these topics, as provided in the College's annual notification to students and employees, is available online at:

https://discover.alpenacc.edu/safety/docs/acc_alcohol_and_drug_prevention_annual_disclosure.pdf.

K. Guests:

Guests who are found in violation of this policy will be asked to leave campus.

L. Biennial Review:

The Drug and Alcohol Subcommittee of the Clery/Title IX Task Force will conduct a Biennial Review and provide to the Clery/Title IX Task Force and to the President for review and approval.

XI. Forms:

- Drug and Alcohol Reasonable Suspicion Report
- Alcohol and Drug Testing Consent Authorization

XII. Effective Date:

September 15, 2022

XIII. Policy History

Amends Policy 7010 Alcohol and Drug Prevention Policy

This policy will be reviewed on an annual basis to ensure that it accurately reflects institutional policy, procedures, programs, and the campus safety plan.

Adopted April 16, 2014

Revised August 21, 2014

Revised December 19, 2019

Revised September 15, 2022

Next Review/Revision Date: June 2024

7011 Missing Student Policy

Adopted by the Alpena Community College Board of Trustees on April 16, 2014

If a member of the College community has reason to believe that a student who resides in College Park Apartments is missing, he or she should **immediately** notify the City of Alpena Police Department at (989) 354-1800.

If any College official receives a report that a student who resides in College Park Apartments is missing and the student is determined to have been missing for more than 24 hours, the College official shall immediately notify one or more member(s) of the College's Emergency Management Team, who shall have no more than 24 hours after receiving the report to notify the City of Alpena Police Department.

If the missing student who resides in College Park Apartments is under the age of 18 and is not an emancipated individual, the College will notify the student's parent or legal guardian immediately after the College has determined that the student has been missing for 24 hours.

In addition to registering a general emergency contact, students residing in College Park Apartments shall have the option to identify confidentially an individual to be contacted by the College in the event the student is determined to be missing for more than 24 hours. If a student has identified such an individual, the College will notify that individual no later than 24 hours after the student is determined to be missing. A student residing in College Park Apartments who wishes to identify a confidential contact can do so by contacting the Registrar's Office. A student's confidential contact information will be accessible only by authorized campus officials and law enforcement in the course of the investigation.

7012 Policy on Preparation of Annual Fire Safety Report and Fire Log

Adopted by the Alpena Community College Board of Trustees on April 16, 2014. Amended December 19, 2019.

The on-campus student housing facility, College Park Apartments, consists of 16 four-person units.

Each year, Alpena Community College shall prepare and publish an Annual Fire Safety Report for College Park Apartments, which shall include the following information:

- A description of its fire safety system.
- The number of fire drills held during the previous calendar year.
- Rules on portable electrical appliances, smoking and open flames.
- Evacuation procedures in the case of a fire.
- Description of fire safety education and training programs provided to the tenants, including procedures that tenants should follow in the case of a fire.
- Names and contact information for College personnel that tenants should report that a fire occurred.
- Plans for future improvements in fire safety, if necessary.
- Fire statistics for the previous year, including the number of fires and the cause of each, the number of persons who received fire-related injuries, the number of deaths resulting from fire, and the value of property damaged by fire.

In addition, Alpena Community College shall maintain a fire log for College Park Apartments, which shall include the date and time, nature, and general location of each fire reported to College officials.

7013 Policy on Maintaining Daily Crime Log

Adopted by the Alpena Community College Board of Trustees on December 19, 2019.

Effective January 1, 2019, Alpena Community College shall maintain a Daily Crime Log in either electronic format or paper format or both for the Alpena Campus. The Vice President for Administration and Finance shall designate an appropriate person or persons to maintain the Daily Crime Log in accordance with this policy and with federal law. Each crime or alleged crime which is reported to the police officer on campus, or to any other college security official shall be recorded in the daily crime log. The Daily Crime Report shall include;

- The date the crime was reported (A reported crime must be logged regardless of how much time has passed since it occurred.)
- The date and time the crime occurred
- The nature of the crime
- The general location of the crime
- The disposition of the reported crime, if known

An entry, an addition to an entry or a change in the disposition of a complaint must be recorded within two business days of the reporting of the information to the campus police or the campus security department.

If a reported crime is fully investigated by sworn or commissioned law enforcement personnel, and, based on the results of the investigation, they make a formal determination that the crime report is false or baseless, the log should indicate, as the disposition of the report, that the crime is “unfounded.” Only sworn or commissioned law enforcement authorities that investigate the crime can make this determination.

The Daily Crime Log for the most recent 60 -day period shall be accessible on-site in the Human Resources Office of the Alpena Campus or such other designated location that is available for inspection by the public free of charge, upon request during normal business hours.

The college shall notify students and employees of the availability of the Daily Crime Log, that nature of the information it contains and where it is. This may be accomplished by posting such notice on the Alpena Community College website or such other location where it is likely to be seen. Information that is older than 60 days shall be available within two business days of a request for public inspection.

Entries in the crime log should be used, along with additional information, to gather the statistics that are required for inclusion in the annual security report and the annual Web-based data collection.

Annual Disclosure on Alcohol and Drug Prevention

It is the policy of Alpena Community College to prevent the unlawful possession, use, or distribution of illicit drugs and alcohol by all students and employees on College premises or as part of its activities and to foster a campus environment free of drug and alcohol abuse.

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

Standards of Conduct

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

Disciplinary Sanctions

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

Parental Notification

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

Legal Sanctions - Drugs (Federal)

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

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

Legal Sanctions - Marijuana

Michigan laws regarding medical and recreational use of marijuana are in conflict with Federal laws governing controlled substances. The College receives Federal funding and is required to follow Federal law. The College complies with Drug-Free Workplace Act (41 U.S.C. 701) and The Drug Free Schools and Communities Act (20 U.S.C. 1145). Under these laws, the use, possession, or cultivation of

marijuana in any form and for any purpose by anyone while on College property, including the College Park Apartments, regardless of whether he or she is a licensed/registered patient or caregiver under the MMMA, is a violation of College policy and is strictly prohibited

Legal Sanctions - Alcohol (State of Michigan and Local)

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

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

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

Operating While Intoxicated - MCL 257.625(1)	Misdemeanor, fine up to \$500 and/or 360 hours community service, licensing sanctions, up to 93 days jail Additional penalties if person under 16 occupies vehicle	Misdemeanor (if 2nd offense), fine up to \$1,000 and 5 days – 1-year jail and/or 30-90 days community service, motor vehicle immobilization, licensing sanctions Felony (if Jr d + offense), fine up to \$5,000 and 1 - 5 years jail and/or probation with 30 days – 1-year jail and 360 hours community service, vehicle immobilization, licensing sanctions
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* MCL 436.1109 provides that a “minor” is anyone under the age of 21.

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

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

Legal Sanctions - Medical Amnesty

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

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

Students should note however, that although Michigan law provides “amnesty” from prosecution, the College reserves the right to impose disciplinary sanctions for violations of College alcohol and drug policy.

Legal Sanctions - Drugs (State of Michigan and Local)

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

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

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

Schedule 5 Examples include Robitussin, over-the- counter medications containing codeine	Misdemeanor, fine up to \$500 and/ or 6 months jail, possible licensing sanctions	Misdemeanor, fine up to \$2,000 and/ or 1-year jail, possible licensing sanctions	Felony, fine up to \$2,000 and/or 2 years jail, possible licensing sanctions
Sale or Offer to Sell Drug Paraphernalia	Misdemeanor, fine up to \$5,000 and/or 90 days jail, possible licensing sanctions		
Sale or Offer to Sell Drug Paraphernalia to Minor	Misdemeanor, fine up to \$7,500 and/or 1-year jail, possible licensing sanctions		
Sale, Possession, or Use of Drug Paraphernalia – City of Alpena Ord 54-6	Misdemeanor, fine between \$50-\$500 and/or jail up to 90 days for each offense		
Sale, Possession or Use of Tobacco Products by Person Under Age 18 – City of Alpena Ord 54-10	Misdemeanor, fine up to \$100, and/or jail up to 90 days		

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

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

Health Risks

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

Alcohol

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

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

Marijuana

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

Cocaine/Crack

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

Methamphetamine/Amphetamines

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

Narcotics

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

Ecstasy

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

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

GHB/Rohypnol

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

Inhalants

Inhalants are readily available and inexpensive. More than 1000 common household products can be

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

Steroids

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

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

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

Drug and Alcohol Programs

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

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

Employees requiring information about alcohol and drug abuse treatment should contact the Office of Human Resources Department (VLH 10 2; 358 -7351), one of the local agencies and programs above, or the Employee Assistance Program (EAP) at (800) 316-2796 or go online at:

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

Last Reviewed: January 17, 2019

State Laws

Sex Offender Registry

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

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

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

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

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

Additional Statements and Disclosures

Pastoral and Professional Counselors- Information on Voluntary Confidential Reporting

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

Student Organizations- Monitoring of Non-Campus Locations

There are no student organizations which are officially recognized by the college which have non-campus housing facilities or other non-campus locations. The college does not have any policy regarding the monitoring, through local police agencies, of criminal activity by students at non-campus locations **of student organizations.**

Statement Regarding Disclosure of Results of Disciplinary Proceedings to Crime Victim

Upon written request, the College will disclose to the alleged victim of a crime of violence (as that term is defined in Section 16 of Title 18, United States Code), or a non-forcible sex offense, the report on the results of any disciplinary proceeding conducted by the college against a student who is the alleged

perpetrator of such crime or offense. If the alleged victim is deceased as a result of such crime or offense, the next of kin of such victim shall be treated as the alleged victim for purposes of this paragraph.

Policy 1014 Nondiscrimination Policy

(As amended by the Alpena Community College Board of Trustees on October 18, 2024)

A. Title IX — Notice of Nondiscrimination on the Basis of Sex

Alpena Community College does not discriminate on the basis of sex and prohibits sex discrimination in any education program or activity that it operates, as required by Title IX and its regulations.

Inquiries about Title IX may be referred to the Title IX Coordinator for Alpena Community College, the U.S. Department of Education’s Office for Civil Rights, or both. The contact information for the Title IX Coordinator for Alpena Community College is as follows:

Melissa Guy, Title IX Coordinator
Alpena Community College
102 Van Lare Hall
665 Johnson Street
Alpena, MI 49707
Phone: 989.358.7211
Email: guym@alpenacc.edu

Alpena Community College’s nondiscrimination policy and grievance procedures can be found at the following links:

ACC’s nondiscrimination policy:

https://discover.alpenacc.edu/terms_and_policies/equal_employment.php

ACC’s grievance procedures:

https://container.alpenacc.edu/faculty_staff/acc_policies_&_procedures_manual.pdf

To report information about conduct that constitutes sex discrimination or make a complaint of sex discrimination under Title IX, please refer to Alpena Community Policy 7009.

The above Notice of Nondiscrimination shall be published on the website of Alpena Community College and in each handbook, catalog, announcement, bulletin, and application form which the College makes available to people entitled to notice, or which are otherwise used in connection with the recruitment of students or employees, provided that the College may instead include the following statement, if necessary due to the size of the publication:

“Alpena Community College prohibits sex discrimination in any education program or activity that it operates. Individuals may report concerns or questions to the Title IX Coordinator. The Notice of Nondiscrimination is located at www.alpenacc.edu.”

B. Equal Employment Opportunity

The College is an equal opportunity employer and is committed to recruit, employ, and promote personnel without regard to race, color, sex, age, religion, marital status, national origin, citizenship

status, genetic information, marital status, familial status, height, weight or disability in compliance with federal and state statutes and regulations that pertain to non-discrimination in employment.

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

C. The College Institutional Statement on Nondiscrimination

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