



Annual Security & Fire Safety Report For the Niles Campus 2019

In compliance with Jeanne Clery Disclosure of Campus Security
Policy and Campus Crime Statistics Act

Prepared by:
The Office of Institutional Research
with
The Office of Security & Conduct
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Preparing the Annual Disclosure of Crime Statistics

The Office of Institutional Research prepares the Annual Security and Fire Safety Report to comply with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act. The full text of this report can be found at [Annual Security Report 2019](#). This report is prepared in cooperation with the Campus Security Coordinator, the Director of Residence Life, the Director of Security & Conduct and local law enforcement.

Campus crime, arrest and referral statistics provided in this report are compiled from local law enforcement, designated campus officials as well as reports made to the college's "Cause for Concern Incident Reporting System" (also known as Maxient or Concerns Report) at [Concerns Report](#).

Each year an electronic announcement (internally known as a "wired announcement") is sent to all students, staff and faculty outlining that the report is available and where it can be found as well as an announcement through the mass communication system.

Reporting a Crime

Students, faculty, staff, community members and guests are encouraged to accurately report all crimes and public safety incidents in a timely manner to the Campus Security Coordinator or the Dowagiac Police Department when the victim of a crime elects to or is unable to make such a report. Reporting crimes to the Campus Security Coordinator will assure timely warning can be given to the campus community if needed and accurate statistics may be reported. To report a crime, individuals may contact the Campus Security Coordinator at 269-783-2970. If it is an emergency, call 911. For non-emergencies after hours call 269-445-1560. Reporters may also access the Concerns Form available on-line ([Concerns Report](#)) which provides a means for anonymous reporting if this is preferred. The college refers all reports of criminal activity to Dowagiac Police Department. If you are the victim of a crime and do not want to pursue action within the College system or the criminal justice system, you may still want to consider making a confidential report by filling out the Concerns Form available on-line ([Concerns Report](#)). The purpose of a confidential report is to comply with your wish to keep the matter confidential, while taking steps to enhance the future safety of yourself and others. With such information, the College can keep an accurate record of the number of incidents involving students, employees and visitors; determine where there is a pattern of crime with regard to a particular location, method, or assailant; and alert the campus community to potential danger. Reports filed in this manner are counted and disclosed in the annual crime statistics for the institution.

Niles Campus - On-site Assistance for Reporting a Crime or Other Emergency

Emergencies	911
Executive Director of the Niles Campus	269-687-5642

Off-site Assistance

Cass County Sheriff Department	Non-Emergency 269-683-1577
Michigan State Police	Non-Emergency 269-683-4411

Southwestern Michigan College contracts with Cass County Sheriff's Department as on campus law enforcement on the Niles campus. The Security Coordinator oversees these contracts.

Southwestern Michigan College has two phases of security at the Niles Campus. These include: 1. The Campus Security Coordinator, 2. Contractual agreement with a private security company and a contract with Cass County Sheriff's Department.

The Campus Security Coordinator and Cass County Sheriff's Department enforce college policies, Federal laws and Michigan State laws. The Coordinator maintains a close working relationship with the Cass County Sheriff's Department. The Campus Security Coordinator does not have power of arrest while the Cass County Sheriff's Department does. SMC works with the above listed agencies on investigations of crimes on the Niles Campus. SMC currently does not have an MOU with Cass County Sheriff's Department regarding the investigation of alleged criminal incident though there is a contractual arrangement described earlier.

Responses to a Report

Dispatchers are available at 269-683-1577 twenty four (24) hours a day to answer your calls. In response to a call, the Campus Security Coordinator and/or Cass County Sheriff's Department will take the required action, either dispatching an officer or asking the victim to report in person to file an incident report. All reported crimes will be concurrently investigated by the College and/or Cass County Sheriff's Department and may become a matter of public record. All incident reports are forwarded to the Director of Security for review and referral to the Director of Security & Conduct for potential action, as appropriate. Investigators will investigate a report when it is deemed appropriate. Additional information obtained via the investigation will be forwarded to the Office of Security & Conduct. If assistance is required from Cass County Sheriff's Department, the Campus Security Coordinator will contact the appropriate unit. If a sexual assault or rape should occur, staff on the scene, including the Campus Security Coordinator, will offer the victim a wide variety of services.

SMC maintains a daily crime log which is available to the public for viewing during normal business hours.

SMC, in the Fall of 2016, began a partnership with United Way to provide a location on it's Dowagiac campus for limited counseling services. The counselor is bound by professional and ethical standards to report immediate issues related to campus safety to security or law enforcement.

In addition, SMC does not have any officially recognized student organizations with off-campus locations. Therefore, we do not monitor or record criminal activities off-campus though local police agencies.

SMC will, upon written request, 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 SMC 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 the purposes of this paragraph.

Timely Notification

In the event that a situation arises on campus that in the judgment of the college President or designee is deemed to pose a security risk to the college community, timely warnings will be issued through the college mass communication system which provides instant communication via email, cell phone, and home phone. Students and employees of the college may also elect to receive notifications via text messages.

Timely Warning Notices shall be provided to students and employees in a manner that is timely, that withholds the names of victims as confidential, and with the intent to aid in the prevention of similar occurrences. The following Uniformed Crime Reporting (UCR) Program/National Incident Based Reporting System (NIBRS) crime classifications are typically reviewed for a Timely Warning Notice: major incidents of arson, aggravated assault, murder/non-negligent manslaughter, robbery, and sex offenses. Cases of aggravated assault and sex offenses are considered on a case-by-case basis, depending on when and where the incident occurred, when it was reported, and the amount of information known by SMC. The Director of Security & Conduct or designee reviews all reports, in consultation with the Chief of Staff and President, as described above, to determine if there is an ongoing threat to the community and if the distribution of Timely Warning Notice is warranted. Timely Warning Notices may also be posted for other crime classifications and locations, as deemed necessary. Timely Warning Notices are typically written and distributed by any of the following persons or designee: President, Chief of Staff or the Director of Security & Conduct.

Security of and Access to Campus Facilities

The Niles Campus instructional building is closed from 11:00 p.m. until 7:30 a.m. Monday through Thursday and all day on Fridays. The campus is closed weekends except during classes and special events. Buildings are locked and secured when either or both college campuses are officially closed. Other than posted hours, these buildings are secured and only accessible to appropriate and qualified college employees through keyed entrance.

Cass County Sheriff Department patrols facilities to ensure all areas are safe and secure.

SMC maintains campus facilities in a way that minimizes hazardous and unsafe conditions. Parking lots and walkways are illuminated with lighting. The Campus Security Coordinator works closely with Facilities Management to address burned out lights promptly as well as malfunctioning door locks or other physical conditions that enhance security.

Missing Student Resident Notification

For information on a missing student resident, see the Dowagiac Annual Security Report. The Niles campus does not have housing facilities.

Security Awareness & Crime Prevention Programs

Programs relating to security awareness and crime prevention are sponsored by various college departments throughout the year. The College Security Coordinator in conjunction with college personnel facilitates programs for student, parent, faculty, and new employee orientations, student organizations, community organizations, in addition to quarterly programs for Resident Life Advisors and residents providing a variety of educational strategies and tips on how to protect themselves from sexual assault, theft and other crimes. A common theme among the security awareness programs is to encourage students and employees to be responsible for their own security and the security of others.

Security Awareness & Crime Prevention Programs

The following is a listing of the most recent programs that were open to the campus community.

Program Name	Target Audience	Topic/Description	Annual Frequency
Active Violence/Lockdown Response Training/Drill	Employees	Active Violence/Lockdown Response Training/Drill	1
Emergency Notification & Lockdown Drill/Testing	Employees, Students	Emergency Notification & Lockdown Drill/Testing	2
Emergency Notification Drill/Testing	Employees, Students	Emergency Notification Drill/Testing	1
Emergency Lockdown Drill/Testing	Employees, Students	Emergency Lockdown Drill/Testing	1
Emergency Procedures	All Faculty	Emergency Procedures	1
Crisis Team Tabletop- Shelter In Place/Tornado	Employees, Students	Crisis Team Tabletop- Shelter In Place/Tornado	1

Prohibited Substances

Southwestern Michigan College and its Board of Trustees certify and pledge to make every effort to provide and maintain a drug free work place and learning environment for employees and students. This is in compliance with the Drug-Free Schools and Communities Act Amendment of 1989 (Public Law 101-226). For more information online, see [Drug and Alcohol Program](#).

Southwestern Michigan College recognizes that alcohol and drug misuse or abuse is a chronic progressive disease that can erode the foundation of SMC's goals and objectives. Further, it can diminish or disrupt the attainment of an individual's intellectual, social and emotional growth. Therefore, SMC is committed to providing a safe, healthy and sober environment. To this end,

the college annually distributes the Drug & Alcohol Abuse Prevention Program Notice and conducts a biennial review of the programs that inform the college community about the risks of alcohol and illegal drugs as well as the sanctions applied to violators of the college's policies related to illegal behavior related to prohibited substances.

Standards of Conduct

Southwestern Michigan College and its Board of Trustees prohibit the manufacture, distribution, possession, use of, and/or sale of any controlled substance and/or alcohol on the SMC campus or while engaged in any college activity. Violations of this policy by faculty, staff or students could result in disciplinary action up to and including termination or expulsion.

Legal Sanctions

There are legal sanctions under local, state and federal law, for the unlawful possession, use, or distribution of illicit drugs and alcohol as well as underage drinking. A violation under state law may result in a misdemeanor or felony conviction, depending on the nature of the offense, punishable by imprisonment, payment of fines, confiscation of real and personal property, or a combination of the three.

For further information on standards of conduct and legal sanctions, employees can refer to the Employee Handbook given at the time of employment. Students may reference the Student Handbook ([Student Code of Conduct](#).) The consumption, possession, use and sale of alcoholic beverages by students or their guests on campus, at any college sponsored function or by any group that is identified with the college is prohibited. Dowagiac Police Department will enforce Michigan underage drinking laws. Any student appearing on campus or at any college-sponsored function under the influence of intoxication will be subject to disciplinary action.

Drugs

The illegal consumption, possession, use and sale of any narcotic or unlawful drug will be grounds for disciplinary action and is prohibited at SMC. The Dowagiac Police Department will enforce Federal and Michigan drug laws.

Emergency Response and Evacuation Procedures

Each year the college updates its Emergency Preparedness and Response Plan (EPRP). This document can be found on the college's website: [Emergency Preparedness and Response Plan](#).

The purpose of the EPRP is to protect employees and students from serious injury, property loss, or loss of life, in the event of an actual or potential major disaster. A major disaster may include, but is not limited to, any of the following: fire, tornado, earthquake, bomb threat, or hazardous chemical spill. The EPRP discusses Emergency Operation Center activation, emergency communications as well as emergency protocols for fire and evacuation, medical emergency, bomb threat, hostile intruder/active shooter, utility failure and natural disaster, severe weather, earthquakes, shelter in place/safe shelter and suspicious package.

Authority to declare a college emergency rests with the college president or his appointee in consultation with the Cabinet (Chief of Staff, Vice President & Chief Business Officer, Vice President of Instruction, Vice President of Student Services, Vice President of Marketing & Enrollment Management.)

As one part of the general procedures, emergency warning will be given. The warning could come from following sources: commercial radio or television, internal paging system, mass

communication system, an external siren, building smoke detection or sprinkler system, web/internet, private citizen or local police. It is recommended that several sources be monitored to assist in determining when emergency situations exist since no one system can cover all circumstances.

SMC uses these systems to immediately notify the campus community, upon confirmation that a dangerous situation or emergency exists involving an immediate threat to the health or safety of students or staff on campus and when immediate action is required by the recipient.

If the President confirms that an emergency or dangerous situation exists that poses an immediate threat to some part or of all of the campus community, the Cabinet will collaborate to initiate the message, determine the recipients, decide if the emergency impacts a segment of the community, design the content of the warning and will use some or all of the above described systems to deliver that message. The Cabinet will, without delay and taking into account the safety of the community, determine the content of the notification and initiate the notification system, unless issuing a notification will, in the judgment of the first responders, compromise the efforts to assist a victim or to contain, respond to or otherwise mitigate the emergency. Follow up messages are sent to the SMC community using some or all of the communication methods described above as deemed appropriate.

System to Use	Primary Message Creator	Backup Message Creator	Authority for Approving and Sending Messages	Primary Message Sender	Backup Message Sender
Internal Paging System	President	Chief of Staff	President	Executive Director of Computing Services	Programmer
Rave System	President	Chief of Staff	President	Executive Director of Computing Services	Programmer
Website	President	Chief of Staff	President	Programmer	Executive Director of Computing Services
Email Messaging	President	Chief of Staff	President	Programmer	Executive Director of Computing Services
Local Media	President	Chief of Staff	President	Marketing	Executive Director of Computing Services

Students and employees automatically receive notifications via email or voice mail to all email addresses and phone numbers entered into the Banner system. Students may opt into the text

messaging service by visiting Student Service Center at the Dowagiac and/or Niles Campus. Employees need to complete the Employee Change Request Form in ORC for text opt in.

In the event the situation impacts the larger community outside of campus, the President or designee develops the information to be disclosed and Marketing, Enrollment & Media Relations disseminates the information to the larger community.

Tests of the internal paging system and Rave are conducted twice annually. These tests are announced and coordinated through the Coordinator of Security with cooperation of Computing Services department. Tests are scheduled and then announced to various stakeholders so that follow up on success is possible. Results of the tests are shared among departments to ensure the procedure is properly working. Descriptions, dates and times of the tests are filed with Computing Services and are available upon request.

The following are the Building Evacuation procedures that are outlined in the EPRP.

- Take only keys, wallets and essential belongings with you.
- If possible wear weather appropriate clothing.
- If you are the last one to exit your room close, and lock doors.
- Leave the building immediately.
- Do not investigate the source of the emergency.
- Walk, don't run, to the nearest exit.
- Use stairs, not elevators.
- Assist people with special needs.
- If there is no immediate danger, persons with disability/mobility limitations should shelter in place and 911 and Security (269) 782-1234 to report location and number of people needing assistance.
- If there is imminent danger and evacuation cannot be delayed, the person with a disability should be carried or helped from the building in the best and fastest manner (the person with the disability is the best authority as to how to be moved out of the building).
- If you are unable to evacuate, call 911 & Security (1234) and report your location.
- As you make your way out, encourage those you encounter to exit as well.
- Follow instructions of Security or other identified emergency personnel.
- Wait for instructions before returning to your building after an evacuation.

Sexual Misconduct

SMC does not discriminate on the basis of sex in its educational programs and sexual harassment and sexual violence are types of sex discrimination. Other acts can also be forms of sex-based discrimination and are also prohibited whether sexually based or not and include dating violence, domestic violence, and stalking. As a result, SMC issues this statement of policy to inform the community of our comprehensive plan addressing sexual misconduct, educational programs, and procedures that address sexual assault, domestic violence, dating violence, and stalking, whether the incident occurs on or off campus and when it is reported to a college official. In this context, SMC prohibits the offenses of domestic violence, dating violence, sexual assault and stalking and reaffirms its commitment to maintain a campus environment emphasizing the dignity and worth of all members of the college community.

For a complete copy of SMC's policy governing sexual misconduct, visit [Sexual Responsibility and Misconduct at SMC](#).

Definitions

There are numerous terms used by SMC in our policy and procedures.

Consent is defined by SMC as "...sexual permission. Consent can be given by word or action, but non-verbal consent is not as clear as talking about what you want sexually and what you don't. Consent to some form of sexual activity cannot be automatically taken as consent to another form of sexual activity. Silence—without actions demonstrating permission—cannot be assumed to show consent." (SMC Sexual Misconduct Policy, pg. 4).

Sexual Assault: "Sexual assault" means an offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI's Uniform Crime Reporting system. A sex offense is any act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.

Rape is defined as 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.

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

Incest is defined as non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

Statutory Rape is defined a non-forcible sexual intercourse with a person who is under the statutory age of consent.

See Appendix A for a summary of Michigan State definitions of criminal sexual conduct.

Domestic Violence: The term "domestic violence" means

- 1) Felony or misdemeanor crimes of violence committed—
 - a. By a current or former spouse or intimate partner of the victim;
 - b. By a person with whom the victim shares a child in common;
 - c. By a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner;
 - d. By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or
 - e. By any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.
- 2) For the purposes of complying with the requirements of this section and section 668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

In the State of Michigan, domestic violence is defined as follows (Act 389 of 1978, section 400.1501):

- (d) "Domestic violence" means 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.
- (e) "Family or household member" includes any of the following:
 - (i) A spouse or former spouse.

- (ii) An individual with whom the person resides or has resided.
- (iii) An individual with whom the person has or has had a dating relationship.
- (iv) An individual with whom the person is or has engaged in a sexual relationship.
- (v) An individual to whom the person is related or was formerly related by marriage.
- (vi) An individual with whom the person has a child in common.
- (vii) The minor child of an individual described in subparagraphs (i) to (vi).

Dating Violence: The term “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) The existence of such a relationship shall be based on the reporting party’s statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

For the purposes of this definition-

- 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.

For the purposes of complying with the requirements of this section and section 668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

Dating violence is covered under domestic violence in Michigan State law. Please note the definition of “dating relationship” in Act 389 of 1978, section 400.1501:

“(b) “Dating relationship” means frequent, intimate associations primarily characterized by the expectation of affectional involvement. Dating relationship does not include a causal relationship or an ordinary fraternization between 2 individuals in a business or social context.”¹

Stalking: The term “stalking” means

- 1) Engaging in a course of conduct directed at a specific person that would cause a reasonable person to—
 - a. fear for the person’s safety or the safety of others; or
 - b. Suffer substantial emotional distress.
- 2) For the purposes of this definition—
 - a. Course of conduct means two or more acts, including, but not limited to, acts which the stalker directly, indirectly, or through third parties, by any action, method, device, or means follows, monitors, observes, surveils, threatens, or communicates to or about, a person, or interferes with a person’s property.
 - b. Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.
 - c. Reasonable persons means a reasonable person under similar circumstances and with similar identities to the victim.
- 3) For the purposes of complying with the requirements of this section and section 668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

¹ ([http://www.legislature.mi.gov/\(S\(5d4ny0iufomd5idaopm1y4s\)\)/mileg.aspx?page=getObject&objectName=mcl-400-1501](http://www.legislature.mi.gov/(S(5d4ny0iufomd5idaopm1y4s))/mileg.aspx?page=getObject&objectName=mcl-400-1501))

Michigan State law defines stalking as (Act 328, section 750.411h): ²

- (a) "Course of conduct" means a pattern of conduct composed of a series of 2 or more separate noncontinuous acts evidencing a continuity of purpose.
- (b) "Emotional distress" means significant mental suffering or distress that may, but does not necessarily, require medical or other professional treatment or counseling.
- (c) "Harassment" means conduct directed toward a victim that includes, but is not limited to, repeated or continuing unconsented contact that would cause a reasonable individual to suffer emotional distress and that actually causes the victim to suffer emotional distress. Harassment does not include constitutionally protected activity or conduct that serves a legitimate purpose.
- (d) "Stalking" means a 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.
- (e) "Unconsented contact" means any contact with another individual that is initiated or continued without that individual's consent or in disregard of that individual's expressed desire that the contact be avoided or discontinued. Unconsented contact includes, but is not limited to, any of the following:
 - (i) Following or appearing within the sight of that individual.
 - (ii) Approaching or confronting that individual in a public place or on private property.
 - (iii) Appearing at that individual's workplace or residence.
 - (iv) Entering onto or remaining on property owned, leased, or occupied by that individual.
 - (v) Contacting that individual by telephone.
 - (vi) Sending mail or electronic communications to that individual.
 - (vii) Placing an object on, or delivering an object to, property owned, leased, or occupied by that individual.
- (f) "Victim" means an individual who is the target of a willful course of conduct involving repeated or continuing harassment.

Education and Prevention Programs

The College has developed comprehensive, intentional, and integrated programming, initiatives, strategies, and campaigns intended to end dating violence, domestic violence, sexual assault and stalking that:

- Are culturally relevant, inclusive of diverse communities and identities, sustainable, responsive to community needs, and informed by research, or assessed for value, effectiveness, or outcome; and
- Consider environmental risk and protective factors as they occur on the individual, relationship, institutional, community and societal levels.

Educational programming consists of primary prevention and awareness programs for all incoming students and new employees and ongoing awareness and prevention campaigns for students and employees that:

- 1) Identifies domestic violence, dating violence, sexual assault and stalking as prohibited conduct;

² [http://www.legislature.mi.gov/\(S\(ows5yc3sl1dtbpmmm4vidmfc\)\)/mileg.aspx?page=getObject&objectName=mcl-750-411h](http://www.legislature.mi.gov/(S(ows5yc3sl1dtbpmmm4vidmfc))/mileg.aspx?page=getObject&objectName=mcl-750-411h)

- 2) Defines using definitions provided both by the Department of Education as well as state law what behavior constitutes domestic violence, dating violence, sexual assault, and stalking;
- 3) Defines what behavior and actions constitute consent to sexual activity in the State of Michigan and/or using the definition of consent found in the Sexual Misconduct Policy;
- 4) Provides a description of safe and positive options for bystander intervention. 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;
- 5) Information on risk reduction. Risk reduction means options designed to decrease perpetration and bystander inaction, and to increase empowerment for victims in order to promote safety and to help individuals and communities address conditions that facilitate violence.
- 6) Provides an overview of information contained in the Annual Security and Fire Safety Report in compliance with the Clery Act.

The College has also developed an annual educational campaign³ consisting of presentations that include distribution of educational materials to new students; participating in and presenting information and materials during new employee orientation.

The College offered the following primary prevention and awareness programs for incoming students in 2018:

Name of Program	Date Held	Location Held	Which Prohibited Behavior Covered?
Annual Online Title IX Training	1/18/2018 & 9/18/2018	Online	DoV, DaV, SA, S
Bystander Intervention Social Media Campaign	9/18/2018	Social Media Outlets	DoV, DaV, SA, S
Consent is Sexy Poster Campaign	3/15/2018-12/31/2018	Campus Wide	DoV, DaV, SA, S

Note: DoV means Domestic Violence, DaV means Dating Violence, SA means Sexual Assault and S means Stalking

The College has developed the following primary prevention and awareness programs for all new employees.

³ Under the 2013 Reauthorization of the Violence Against Women Act, institutions must implement “primary prevention and awareness programs for **all incoming students and new employees**” **AND** “ongoing prevention and awareness campaigns **for students and employees**” that include a-f above under section B. While “campaign” is yet to be defined, examples of “primary prevention programs” as they relate to incoming students may be found here:

<http://www.ovw.usdoj.gov/docs/campus-minimum-standards-orientation.pdf>

Name of Program	Date Held	Location Held	Which Prohibited Behavior Covered?
Annual Online Title IX Training	1/18/2018 & 9/18/2018	Online	DoV, DaV, SA, S
Bystander Intervention Social Media Campaign	9/18/2018	Social Media Outlets	DoV, DaV, SA, S
Consent is Sexy Poster Campaign	3/15/2018-12/31/2018	Campus Wide	DoV, DaV, SA, S
Emergency Procedures	8/28/2018	Campus Wide	Dov, Dav, SA, S

Note: DoV means Domestic Violence, DaV means Dating Violence, SA means Sexual Assault and S means Stalking

The College has developed ongoing awareness and prevention programs for students:

Name of Program	Date Held	Location Held	Which Prohibited Behavior Covered?
Annual Online Title IX Training	1/18/2018 & 9/18/2018	Online	DoV, DaV, SA, S
Bystander Intervention Social Media Campaign	9/18/2018	Social Media Outlets	DoV, DaV, SA, S
Consent is Sexy Poster Campaign	3/15/2018-12/31/2018	Campus Wide	DoV, DaV, SA, S

Note: DoV means Domestic Violence, DaV means Dating Violence, SA means Sexual Assault and S means Stalking

The College has developed ongoing awareness and prevention programs for employees:

Name of Program	Date Held	Location Held	Complied with VAWA Section 304 B a-e?	Which Prohibited Behavior Covered?
Annual Online Title IX Training	1/18/2018 & 9/18/2018	Online	Yes	DoV, DaV, SA, S
Bystander Intervention Social Media Campaign	9/18/2018	Social Media Outlets	No	DoV, DaV, SA, S
Consent is Sexy Poster Campaign	3/15/2018-12/31/2018	Campus Wide	DoV, DaV, SA, S	Consent is Sexy Poster Campaign

Note: DoV means Domestic Violence, DaV means Dating Violence, SA means Sexual Assault and S means Stalking

Procedures for Reporting a Complaint

The College has procedures in place that serve to be sensitive to those who report sexual assault, domestic violence, dating violence, and stalking, including informing individuals about their right to file criminal charges as well as the availability of counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance and other services on and/or off campus as well as additional remedies to prevent contact between a complainant and an accused party, such as housing, academic, transportation and working accommodations, if reasonably available. The College will make such accommodations, if the victim requests them and if they are reasonably available, regardless of whether the victim chooses to report the crime to the Coordinator of Security or local law enforcement. Students and employees should contact Lyndon Parrish, Security & Conduct Director, Office of Security, 2104 Briegel Building or Jason Smith, Executive Director the Niles Campus, Room 110B, Niles Campus.

After an incident of sexual assault and domestic violence, the victim should consider seeking medical attention as soon as possible at Lakeland Community Hospital, 31 N St Joseph Ave, Niles, Michigan 49112. In Michigan, evidence may be collected even if you chose not to make a report to law enforcement.⁴ It is possible that the hospital may need the victim's name. It is important that a victim of sexual assault not bathe, douche, smoke, change clothing or clean the bed/linen/area where they were assaulted if the offense occurred within the past 120 hours so that evidence may be preserved that may assist in proving that the alleged criminal offense occurred/or is occurring or may be helpful in obtaining a protection order. In circumstances of sexual assault, if victims do not opt for forensic evidence collection, health care providers can still treat injuries and take steps to address concerns of pregnancy and/or sexually transmitted disease. Victims of sexual assault, domestic violence, stalking, and dating violence are encouraged to also preserve evidence by saving text messages, instant messages, social networking pages, other communications, and keeping pictures, logs or other copies of documents, if they have any, that would be useful to College hearing boards/investigators or police. Although the college strongly encourages all members of its community to report violations of this policy to law enforcement, it is the victim's choice whether or not to make such a report and victims have the right to decline involvement with the police. The College will assist any victim with notifying local police if they so desire. Cass County Sheriff's Department may be reached directly by calling 269-445-1560, in person at 321 M62, Cassopolis, Michigan. In addition, the Michigan State Police can be contacted by phone at 269-683-4411 or in person at 1000 Silverbrook Ave, Niles Michigan.

If you have been the victim of domestic violence, dating violence, sexual assault, or stalking, you should report the incident promptly to the Title IX Coordinator, (Chief of Staff, Brent Brewer, Security Office, 2104 Briegel Building, 58900 Cherry Grove Road, Dowagiac MI 49047 or at 269-782-1276 or email bbrewer01@swmich.edu) by calling, writing or coming into the office to report in person (if the victim so desires.)⁵ You may also fill out the college concerns form ([Concerns Report](#)). The College will provide resources, on campus, off campus or both, to persons who have been victims of sexual assault, domestic violence, dating violence, or stalking, and will apply appropriate disciplinary procedures to those who violate this policy. The

⁴ Under the Violence Against Women and Department of Justice Reauthorization Act of 2005, starting in 2009, states must certify that they do not "require a victim of sexual assault to participate in the criminal justice system or cooperate with law enforcement in order to be provided with a forensic medical exam, reimbursement for charges incurred on account of such an exam, or both."

⁵ The Title IX Coordinator is regarded as a "Responsible Employee" under Title IX and also a "Campus Security Authority" under the Clery Act. Statistical information less the victims identifying information will be provided to campus public safety or whomever at the institution compiles the annual crime statistics even if the victim chooses not to alert campus public safety personally.

procedures set forth below are intended to afford a prompt response to charges of sexual assault, domestic or dating violence, and stalking, to maintain confidentiality and fairness consistent with applicable legal requirements, and to impose appropriate sanctions on violators of this policy.

As time passes, evidence may dissipate or become lost or unavailable, thereby making investigation, possible prosecution, disciplinary proceedings, or obtaining protection from abuse orders related to the incident more difficult. If a victim chooses not to make a complaint regarding an incident, he or she nevertheless should consider speaking with Campus Security or other law enforcement to preserve evidence in the event that the victim changes her/his mind at a later date.

If a report of domestic violence, dating violence, sexual assault or stalking is reported to the College, the below are the procedures that the College will follow as well as a statement of the standard of evidence that will be used during any investigation on campus arising from such a report:

Incident Being Reported: Sexual Assault, Domestic Violence, Dating Violence or Stalking

Evidentiary Standard: Preponderance of the Evidence

- 1) Depending on when reported (immediate vs delayed report), institution will provide complainant with access to medical care.
- 2) Institution will assess immediate safety needs of complainant.
- 3) Institution will assist complainant with contacting local police if complainant requests and complainant will be provided with contact information for local police department.
- 4) Institution will provide complainant with referrals to on and off campus mental health & sexual assault advocate providers.
- 5) Institution will assess need to implement interim or long-term protective measures, such as housing changes, change in class schedule, and/or "No Contact" directive between both parties. This will occur whether or not the complainant wishes to proceed with an official report.
- 6) Institution will provide a "No trespass" directive to accused party if deemed appropriate.
- 7) Institution will provide assistance with applying for Protective Order.
- 8) Institution will provide a copy of the Sexual Misconduct Policy to complainant and inform the complainant regarding timeframes for inquiry, investigation and resolution.
- 9) Institution will inform the complainant of the outcome of the investigation, whether or not the accused will be administratively charged and what the outcome of the hearing is.
- 10) Institution will enforce the anti-retaliation policy and take immediate and separate action against parties that retaliate against a person for complaining of sex-based discrimination or for assisting in the investigation.

Assistance for Victims: Rights & Options

Regardless of whether a victim elects to pursue a criminal complaint or whether the offense is alleged to have occurred on or off campus, the college will assist victims of sexual assault, domestic violence, dating violence, and stalking and will provide each victim with a written explanation of their rights and options. The following are the rights of the complainant according to college policy:

- The right to investigation and appropriate resolution of all credible complaints of sexual misconduct made in good faith to college administrators;
- The right to be treated with respect by college officials;
- The right of both accuser and accused to have the same opportunity to have others present (in support or advisory roles) during the campus hearing process;
- The right not to be discouraged by college officials from reporting an assault to both on-campus and off campus authorities;

- The right to be informed of the outcome and sanction of any disciplinary hearing involving sexual assault;
- The right to be informed by college officials of options to notify proper law enforcement authorities, including on-campus and local police, and the option to be assisted by campus authorities in notifying such authorities, if the student so chooses. This also includes the right not to report, if this is the victim's desire;
- The right to be notified of available counseling, mental health or student services for victims of sexual assault, both on campus and in the community;
- The right to notification of and options for, and available assistance in, changing academic and living situations after an alleged sexual assault incident, if so requested by the victim and if such changes are reasonably available (no formal complaint, or investigation, campus or criminal, need occur before this option is available).

Accommodations may include:

- Change of an on-campus student's housing to a different on-campus location;
 - Assistance from college support staff in completing the relocation;
 - Arranging to dissolve a housing contract and pro-rating a refund;
 - Exam (paper, assignment) rescheduling;
 - Taking an incomplete in a class;
 - Transferring class sections;
 - Temporary withdrawal;
 - Alternative course completion options.
- The right not to have irrelevant prior sexual history admitted as evidence in a campus hearing;
 - The right not to have any complaint of sexual assault mediated (as opposed to adjudicated);
 - The right to make a victim-impact statement at the investigation and to have that statement considered by the investigator in determining its sanction;
 - The right to a campus no-contact order against another student who has engaged in or threatens to engage in stalking, threatening, harassing or other improper behavior that presents a danger to the welfare of the complaining student or others;
 - The right to have complaints of sexual misconduct responded to quickly and with sensitivity by the investigator.
 - The right to appeal the finding and sanction of the investigation, in accordance with the standards for appeal established by the institution;
 - The right to review all documentary evidence available regarding the complaint, subject to the privacy limitations imposed by state and federal law;
 - The right to be informed of the names of all witnesses who will be called to give testimony, except in cases where a witness' identity will not be revealed to the accused student for compelling safety reasons (this does not include the name of the alleged victim/complainant, which will always be revealed);
 - The right to preservation of privacy, to the extent possible and allowed by law;
 - The right to have the details of the investigation closed to the public;
 - The right to petition that any member of the conduct body be removed on the basis of demonstrated bias;
 - The right to bring a victim advocate or advisor to all phases of the investigation and campus conduct proceeding;
 - The right to ask the investigators to identify and question relevant witnesses, including expert witnesses;
 - The right to be fully informed of campus conduct rules and procedures as well as the nature and extent of all alleged violations contained within the complaint;
 - The right to have the college compel the presence of student, faculty and staff witnesses, and the opportunity (if desired) to ask questions, directly or indirectly, of witnesses (including the accused student), and the right to challenge documentary evidence.

- The right to have complaints heard by conduct and appeals officers who have received annual sexual misconduct training;
- The right to have college policies and procedures followed without material deviation;
- The right to be informed in advance of any public release of information regarding the complaint;
- The right not to have released to the public any personally identifiable information about the complainant, without his or her consent.

In Michigan, a victim of domestic violence, dating violence, sexual assault or stalking has the following rights:

- Be treated throughout the criminal justice process with fairness and respect for their dignity and privacy.
- Timely disposition of the case following the arrest of the accused.
- Receive an explanation of court procedures.
- Reasonable protection from the accused throughout the criminal justice process, including having a waiting area separate from the defendant and the defendant's relatives and witnesses (if practical), and to receive an explanation of procedures to follow if threatened or intimidated by the defendant.
- Be free from threats or acts of discharge from your employer because you are subpoenaed or requested by the prosecuting attorney to testify in court.
- Consult with the prosecuting attorney to give your views about the disposition of the case.
- Notice of:
 - Emergency and medical services from the investigating police agency.
 - The name of the person in the prosecutor's office with information about your case.
 - All scheduled court proceedings, including sentencing.
 - The defendant's release on bond or escape from custody while awaiting trial.
 - The address and telephone number of the probation department that is preparing the pre-sentence investigation report, if one is ordered by the judge.
 - Victim compensation benefits, including the address of the crime victims compensation board, and an explanation of eligibility requirements for compensation funds.
- Attend trial and all other court proceedings the accused has the right to attend (except possible sequestration during a trial before you testify).
- Confer with the prosecution before trial and before the jury is selected.
- Make an oral statement to a pre-sentence investigator, or to have a written impact statement included in the pre-sentence report.
- Make an oral or written statement to the court at sentencing.
- Your oral or written statement at sentencing is important.

(Taken from: [Michigan Crime Victim Rights, MSU, Sexual Assault Program website](#))

Further, SMC complies with Michigan law in recognizing orders of protection by complying with whatever the judge directs in the order. Any person who obtains an order of protection from Michigan or any other state should provide a copy to the Security Office and the Office of the Title IX Coordinator. A complainant may then meet with the Coordinator of Security to develop a Safety Action Plan, which is a plan for the Office of Security and the victim to reduce risk of harm while on campus or coming and going from campus. This plan may include, but is not limited to: escorts, special parking arrangements, providing a temporary cellphone, changing

classroom location or allowing a student to complete assignments from home, etc. The College cannot apply for a legal order of protection, no contact order or restraining order for a victim from the applicable jurisdiction(s). The victim is required to apply directly for these services through the court that has jurisdiction in their residence. Protection from abuse orders may be available by contacting Domestic and Sexual Assault Services (DASAS), PO Box 402, Three Rivers, Michigan, dasainfo@dasasmi.org, or 1-800-828-2023 (crisis line). The College may issue an institutional no contact order if deemed appropriate or at the request of the victim or accused. To the extent of the victim's cooperation and consent, college offices will work cooperatively to ensure that the complainant's health, physical safety, work and academic status are protected, pending the outcome of a formal college investigation of the complaint. For example, if reasonably available, a complainant may be offered changes to academic, living, or working situations in addition to counseling, health services, visa and immigration assistance and assistance in notifying appropriate local law enforcement. Additionally, personally identifiable information about the victim will be treated as confidential and only shared with persons with a specific need to know who are investigating/adjudicating the complaint or delivering resources or support services to the complainant (for example, publicly available record-keeping for purposes of Clery Act reporting and disclosures will be made without inclusion of identifying information about the victim, as defined in 42 USC 1395 (a) (20).) Further, the institution will maintain as confidential, any accommodations or protective measures provided to the victim to the extent that maintaining such confidentiality would not impair the ability of the institution to provide the accommodations or protective measures.

The College does not publish the name of crime victims nor house identifiable information regarding victims in the campus security department's Daily Crime Log or online. Victims may request that directory information on file be removed from public sources by contacting Lyndon Parrish, Director of Security & Conduct, 269-782-1321 or lparrish@swmich.edu.

Resources for Victims of Domestic Violence, Dating Violence, Sexual Assault & Stalking

On-campus Resources

Office of Security & Conduct	Briegel Building, Rm 2104	269-782-1321
Office of the Title IX Coordinator	Briegel Building, Rm 2104	269-782-1276
Visa and Immigration Assistance	Christine Amstutz Moore, Academic Advising & Resource Center, Briegel Building	269-782-1358

Off-campus Resources

Local Police	Cass County Sheriff Department	269-445-1560
	Michigan State Police	269-683-4411
Hospital	Lakeland Community Hospital, Niles, Mi	269-683-5510
Women's Services	Domestic and Sexual Abuse Services, Three Rivers, Mi	800-828-2023

Off-campus Resources

Rape Crisis Center	Domestic and Sexual Abuse Services, Three Rivers, Mi	800-828-2023
LGBTQ Alliance	OutCenter, Benton Harbor, Mi	269-925-8330
Domestic Violence Intake Center (Protective Orders)	Domestic and Sexual Abuse Services, Three Rivers, Mi	800-828-2023
Local County Courthouse	Cass County Courthouse, Law and Courts Building, 60296 M 62, Cassopolis, Mi	269-445-4452
Mental Health	Woodlands Behavioral Healthcare, 960 E State Street, Cassopolis, Mi	800-323-0335
Victim Advocacy	Domestic and Sexual Abuse Services, Three Rivers, Mi	800-828-2023
Legal Assistance	Domestic and Sexual Abuse Services, Three Rivers, Mi	800-828-2023

Other online resources available to persons who report being the victim of sexual assault, domestic violence, dating violence, or stalking, include:

[Rape, Abuse and Incest National Network](#)

[US Department of Justice, Office on Violence Against Women \(OVW\)](#)

[US Department of Education, Office of Civil Rights \(OCR\)](#)

How to Be an Active Bystander

Bystanders play a critical role in the prevention of sexual and relationship violence. They are “individuals who observe violence or witness the conditions that perpetuate violence. They are not directly involved but have the choice to intervene, speak up, or do something about it.”⁶ We want to promote a culture of community accountability where bystanders are actively engaged in the prevention of violence without causing further harm. We may not always know what to do even if we want to help. Below is a list⁷ of some ways to be an active bystander. If you or someone else is in immediate danger, dial 911. This could be when a person is yelling at or being physically abusive towards another and it is not safe for you to interrupt.

- 1) Watch out for your friends and fellow students/employees. If you see someone who looks like they could be in trouble or need help, ask if they are ok.
- 2) Confront people who seclude, hit on, try to make out with, or have sex with people who are incapacitated.
- 3) Speak up when someone discusses plans to take sexual advantage of another person.

⁶ Burn, S.M. (2009). A situational model of sexual assault prevention through bystander intervention. *Sex Roles*, 60, 779-792.

⁷ Bystander intervention strategies adapted from Stanford University’s Office of Sexual Assault & Relationship Abuse.

- 4) Believe someone who discloses sexual assault, abusive behavior, or experience with stalking.
- 5) Refer people to on or off campus resources listed in this document for support in health, counseling, or with legal assistance.

Risk Reduction

The following are some strategies to reduce one's risk of sexual assault or harassment (taken from Rape, Abuse, & Incest National Network, www.rainn.org)

- 1) **Be aware** of your surroundings. Knowing where you are and who is around you may help you to find a way to get out of a bad situation.
- 2) **Try to avoid isolated areas.** It is more difficult to get help if no one is around.
- 3) **Walk with purpose.** Even if you don't know where you are going, act like you do.
- 4) **Trust your instincts.** If a situation or location feels unsafe or uncomfortable, it probably isn't the best place to be.
- 5) **Try not to load yourself down** with packages or bags as this can make you appear more vulnerable.
- 6) **Make sure your cell phone is with you** and charged and that you have cab money.
- 7) **Don't allow yourself to be isolated** with someone you don't trust or someone you don't know.
- 8) **Avoid putting music headphones in both ears** so that you can be more aware of your surroundings, especially if you are walking alone.
- 9) **When you go to a social gathering, go with a group of friends.** Arrive together, check in with each other throughout the evening, and leave together. Knowing where you are and who is around you may help you to find a way out of a bad situation.
- 10) **Trust your instincts.** If you feel unsafe in any situation, go with your gut. If you see something suspicious, contact law enforcement immediately (local authorities can be reached by calling 911 in most areas of the U.S.).
- 11) **Don't leave your drink unattended** while talking, dancing, using the restroom, or making a phone call. If you've left your drink alone, just get a new one.
- 12) **Don't accept drinks from people you don't know or trust.** If you choose to accept a drink, go with the person to the bar to order it, watch it being poured, and carry it yourself. At parties, don't drink from the punch bowls or other large, common open containers.
- 13) **Watch out for your friends, and vice versa.** If a friend seems out of it, is way too intoxicated for the amount of alcohol they've had, or is acting out of character, get him or her to a safe place immediately.
- 14) **If you suspect you or a friend has been drugged, contact law enforcement immediately (local authorities can be reached by calling 911 in most areas of the U.S.).** Be explicit with doctors so they can give you the correct tests (you will need a urine test and possibly others).
- 15) If you need to get out of an uncomfortable or scary situation here are some things that you can try:
 - a. **Remember that being in this situation is not your fault.** You did not do anything wrong, it is the person who is making you uncomfortable that is to blame.
 - b. **Be true to yourself.** Don't feel obligated to do anything you don't want to do. "I don't want to" is always a good enough reason. Do what feels right to you and what you are comfortable with.
 - c. **Have a code word with your friends or family** so that if you don't feel comfortable you can call them and communicate your discomfort without the person you are with knowing. Your friends or family can then come to get you or make up an excuse for you to leave.
 - d. **Lie.** If you don't want to hurt the person's feelings it is better to lie and make up a reason to leave than to stay and be uncomfortable, scared, or worse. Some excuses

you could use are: needing to take care of a friend or family member, not feeling well, having somewhere else that you need to be, etc.

- 16) **Try to think of an escape route.** How would you try to get out of the room? Where are the doors? Windows? Are there people around who might be able to help you? Is there an emergency phone nearby?
- 17) **If you and/or the other person have been drinking,** you can say that you would rather wait until you both have your full judgment before doing anything you may regret later.

Adjudication of Violations

Whether or not criminal charges are filed, the college⁸ or a person may file a complaint under the Sexual Misconduct policy alleging that a student or employee violated the College's policy on sexual misconduct.

Violations that have a sexual component are adjudicated through the sexual misconduct process while those that are non-sexual are adjudicated through student conduct.

Sexual Misconduct Complaint Process

- 1) Assignment of an investigator. Investigation must be completed within 60 days.
- 2) Pre-investigation
- 3) Formal investigation
- 4) Investigation Meeting Details
- 5) Determination of Responsibility
- 6) Sanctioning
- 7) Appeals: appeal must be received in 5 business days. Appeals committee/officer must render a written decision within 7 business days of the hearing of the appeal.

Student Conduct Code Procedure

- 1) Any member of the college community may file complaints against a student for violations of the Student Code of Conduct. A complaint shall be prepared in writing through the [Concerns Report](#). Any complaints should be submitted as soon as possible after the event takes place, preferably within 10 days.
- 2) The college utilizes the college supplied e-mail system for all communications. Students are expected to check their college e-mail on a regular basis. When communication is sent to a student's e-mail account, it is considered delivered.
- 3) Charges of sexual misconduct will be handled according to the protocols of the Sexual Harassment, Section 504, and Title IX Grievance Procedures.
- 4) The Student Conduct Administrator may conduct an investigation to determine if the complaints have merit and/or if they can be disposed of administratively by mutual consent of the parties involved on a basis acceptable to the Student Conduct Administrator. Such disposition shall be final and there shall be no subsequent proceedings. If the complaints are not admitted and/or cannot be disposed of by mutual consent, the Student Conduct Administrator may later serve in the same matter as the Student Conduct Board or a member thereof. If the student admits violating institutional rules, but sanctions are not agreed to, subsequent process, including a hearing if necessary, shall be limited to determining the appropriate sanction(s).

⁸ Title IX states that if an institution knows or reasonably should know of sexual harassment, to include sexual violence, the institution has a duty to investigate. Consequently, whether a complainant chooses to cooperate or not should not be the deciding factor for whether or not disciplinary charges are brought against an accused party. If an investigation determines that it is more likely than not that the institution's sexual misconduct policy was violated, then the "College" may assume the role of the complainant.

- 5) In cases where the college is acting as the complainant, the Student Conduct Administrator may offer the accused student the option to accept responsibility and waive the official hearing. If the accused student accepts responsibility and the sanctions they will not have any options for appeals. If a student does not accept responsibility and the offered sanctions, they will then proceed to a Student Conduct Board hearing.
- 6) All complaints shall be presented to the accused student in written form. A time shall be set for a Student Conduct Board hearing, not less than three nor more than fifteen calendar days after the student has been notified. The maximum time limits for scheduling of Student Conduct Board hearings may be extended at the discretion of the Student Conduct Administrator in response to exigent circumstances.
- 7) Student Conduct Board hearings shall be conducted by a Student Conduct Board according to the following guidelines except as provided by Article IV.A.9 below:
 - a. Student Conduct Board hearings are normally conducted in private.
 - b. The complainant, accused student and their advisors, if any, shall be allowed to attend the entire portion of the Student Conduct Board hearing at which information is received (excluding deliberations). Admission of any other person to the Student Conduct Board hearing shall be at the discretion of the Student Conduct Board and/or the Student Conduct Administrator.
 - c. In Student Conduct Board hearings involving more than one accused student, the Student Conduct Administrator, at his or her discretion, may permit the Student Conduct Board hearings concerning each student to be conducted either separately or jointly.
 - d. The complainant and the accused student have the right to be assisted by an advisor they choose, at their own expense. The advisor must be a member of the College Community and may not be an attorney. The complainant and/or the accused student is responsible for presenting his or her own information unless the college acts as the complainant, and therefore, advisors are not permitted to speak or to participate directly in any Student Conduct Board hearing.
 - e. The complainant, the accused student and the Student Conduct Board may arrange for witnesses to present pertinent information to the Student Conduct Board. The college will try to arrange the attendance of witnesses who are members of the college community, if reasonably possible, and who are identified by the complainant and/or accused student at least two weekdays prior to the Student Conduct Board hearing. Witnesses will provide information to and answer questions from the Student Conduct Board. Questions may be suggested by the accused student and/or complainant to be answered by each other or by other witnesses. This will be conducted by the Student Conduct Board with such questions directed to the chairperson, rather than to the witness directly. This method is used to preserve the educational tone of the hearing and to avoid creation of an adversarial environment. Questions of whether potential information will be received shall be resolved at the discretion of the chairperson of the Student Conduct Board.
 - f. Pertinent records, exhibits, and written statements may be accepted as information for consideration by a Student Conduct Board at the discretion of the chairperson.
 - g. All procedural questions are subject to the final decision of the chairperson or the Student Conduct Administrator or designee.
 - h. After the portion of the Student Conduct Board hearing concludes, in which all pertinent information has been received, the Student Conduct Board shall determine (by majority of vote if the Student Conduct Board consists of more than one person) whether the accused student has violated each

section of the Student Code of Conduct which the student is charged with violating.

- i. The Student Conduct Board's determination shall be made on the basis of whether it is more likely than not that the accused student violated the Student Code of Conduct.
 - j. Formal rules of process, procedure, and/or technical rules of evidence, such as are applied in criminal or civil court, are not used in Student Code proceedings.
- 8) There shall be a single verbatim record, such as a tape recording, of all Student Conduct Board hearings before a Student Conduct Board (with the exception of violations solely of Housing Conduct found in Article III.3 which may not be recorded). Deliberations will not be recorded. The record will remain the property of the college.
 - 9) If an accused student, with notice, does not appear before a Student Conduct Board hearing, the information in support of the complaints shall be presented and considered even if the accused student is not present.
 - 10) The Student Conduct Board may accommodate concerns for the personal safety, well-being, and/or fears of confrontation of the complainant, accused student, and/or other witness during the hearing by providing separate facilities, by using a visual screen, and/or by permitting participation by telephone, videophone, closed circuit television, video conferencing, videotape, audio tape, written statement, or other means, where and as determined in the sole judgment of the Vice President of Instruction to be appropriate.

Reports of all domestic violence, dating violence, sexual assault and stalking made to the Security Office will automatically be referred to the Title IX Coordinator for investigation regardless of if the complainant chooses to pursue criminal charges.

The college disciplinary process is consistent with the institution's policy and will include a prompt, fair, and impartial investigation and resolution process transparent to the accuser and the accused. Usually, the resolution of complaints of sexual misconduct are completed within 60 days of the report, however the proceedings timeframe allows for extensions for good cause with notice to the accuser and the accused of the delay and the reason for the delay. Investigators and hearing board members are trained annually on the issues related to domestic violence, dating violence, sexual assault, and stalking and taught how to conduct an investigation and hearing process that protects the safety of the victim and promotes accountability. The Sexual Misconduct policy provides that:

- 1) The accuser and the accused student each have the opportunity to attend an investigation by a properly trained (annually trained in issues related to domestic violence, dating violence, sexual assault and stalking investigations) investigator that protects the safety of victims and promotes accountability;
- 2) The accuser and the accused will have timely notice for meetings at which the accuser or accused, or both, may be present;
- 3) The institution will allow for timely access to the accuser, the accused and appropriate officials to any information that will be used after the fact-finding investigation but during formal and informal disciplinary meeting and hearings;
- 4) The institutional disciplinary procedures will not be conducted by officials who have a conflict of interest or bias for or against the accuser or the accused;
- 5) The institution provides the accuser and accused the same opportunities to have others present during an institutional disciplinary proceeding. The accuser and the accused student each have the opportunity to be advised by a personal advisor of their choice, at their expense, at any stage of the process and to be accompanied by that advisor at any meeting or proceeding. An advisor may only consult and advise his or her advisee, but not speak for the advisee at any meeting or hearing;

- 6) A sexual misconduct decision is based on the preponderance of evidence standard, i.e. “more likely than not to have occurred” standard. In other words, the conduct process asks: “is it more likely than not that the accused student violated the college’s policies?”;
- 7) The accuser and the accused will be notified simultaneously in writing of the result of any disciplinary proceeding, as well as any changes to those result or disciplinary actions prior to the time that such results become final; and
- 8) The accuser and the accused each have the right to appeal the outcome of the hearing through the appeal process (see Student Handbook). Appeals should be received by the Chief of Staff within 5 business days after receipt of the outcome letter. The appeals committee/officer will respond within 7 business days. Accuser and accused will be notified simultaneously in writing, of any change to the result prior to the time that it becomes final and of the final result after the appeal is resolved.

A person alleging sexual assault, domestic violence, dating violence, or stalking may also utilize the complaint and investigatory procedures set forth in the college’s policy against Sexual Harassment in the Sexual Misconduct policy in order to remedy any hostile environment.⁹ All conduct proceedings against students, however, will be resolved through the Sexual Misconduct Policy (see section 3, Sexual Misconduct Definitions.)

When a complainant does not consent to the disclosure of his or her name or other identifiable information to the alleged perpetrator, the college’s ability to respond to the complaint may be limited.

Confidentiality

The college will protect the identity of persons who report having been victims of sexual assault, domestic violence, dating violence, or stalking to the fullest extent of the law and as previously mentioned in this document.

Sanctions and Protective Measures

In all cases, investigations that result in a finding of more likely than not that a violation of the Sexual Misconduct/Student Conduct policy occurred will lead to the initiation of disciplinary procedures against the accused individual. The following are the College sanctions that may be imposed upon those determined to have violated this policy:

- Any student found responsible for violating the policy on Non-Consensual or Forced Sexual Contact (where no intercourse has occurred) will likely receive a sanction ranging from probation to expulsion, depending on the severity of the incident, and taking into account any previous campus conduct code violations.
- Any student found responsible for violating the policy on Non-Consensual or Forced Sexual Intercourse will likely face a recommended sanction of suspension or expulsion.
- Any student found responsible for violating the policy on sexual exploitation or sexual harassment will likely receive a recommended sanction ranging from warning to expulsion, depending on the severity of the incident, and taking into account any previous campus conduct code violations.
- Student Conduct violations (non-sexual in nature) have the following sanctions: warning, probation, loss of privileges, fines, restitution, discretionary sanctions, residence hall suspension, residence hall expulsion, college suspension, college expulsion, revocation of admission and/or degree, withholding degree.

⁹ “Hostile Environment” is the term used by Title VII in employment law as it relates to action taken against a person in retaliation of a complaint of sexual harassment or for cooperating with a sexual harassment investigation. Under Title IX, the term used is “retaliation.” Institutions may choose to provide both terms for clarification although it is not required.

The College shall implement protective measures following the report of domestic violence, dating violence, sexual assault and/or stalking which may include either or both of the following actions: interim suspension and/or no contact order. For students, sexual assault, domestic violence, dating violence, and stalking are violations of the Student Code of Conduct & the Sexual/Gender-based Misconduct policy. Employees who violate this policy will be subject to discipline, up to and including termination of employment. Sexual assault, domestic violence, dating violence, and stalking are criminal acts which also may subject the perpetrator to criminal and civil penalties under federal and state law.

The Title IX Coordinator or their designee will determine whether interim interventions and protective measures should be implemented, and, if so, take steps to implement those protective measures as soon as possible. Examples of interim protective measures include, but are not limited to: a College order of no contact, residence hall relocation, adjustment of course schedules, a leave of absence, or reassignment to a different supervisor or position. These remedies may be applied to one, both, or multiple parties involved.¹⁰ Violations of the Title IX Coordinator's directives and/or protective measures will constitute related violations that 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 SMC.

Sex Offender Registration

The federal Campus Sex Crimes Prevention Act, enacted on October 28, 2000, requires institutions of higher education to issue a statement advising the campus community where law enforcement agency 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, as required under State law, 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.

In Michigan, convicted sex offenders must register with the Michigan Department of State Police. You can link to this information, which appears on the Michigan State Police website at [Michigan Public Sex Offender Registry](#).

Crime Statistics for 2016-2018*

Year	On-Campus Property	Public Property
2018	0	0
2017	0	0
2016	0	0

Year	On-Campus Property	Public Property
2018	0	0
2017	0	0
2016	0	0

¹⁰ Applicable law requires that, when taking such steps to separate the complainant and the accused, the College must minimize the burden on the complainant and thus should not, as a matter of course, remove the complainant from his or her job, classes or housing while allowing the accused to remain.

Year	On-Campus Property	Public Property
2018	0	0
2017	0	0
2016	0	0

Year	On-Campus Property	Public Property
2018	0	0
2017	0	0
2016	0	0

Year	On-Campus Property	Public Property
2018	0	0
2017	0	0
2016	0	0

Year	On-Campus Property	Public Property
2018	0	0
2017	0	0
2016	0	0

Year	On-Campus Property	Public Property
2018	0	0
2017	0	0
2016	0	0

Year	On-Campus Property	Public Property
2018	0	0
2017	0	0
2016	0	0

Year	On-Campus Property	Public Property
2018	0	0
2017	0	0
2016	0	0

Year	On-Campus Property	Public Property
2018	0	0
2017	0	0
2016	0	0

Year	On-Campus Property	Public Property
2018	0	0
2017	0	0
2016	0	0

Year	On-Campus Property	Public Property
2018	0	0
2017	0	0
2016	0	0

Year	On-Campus Property	Public Property
2018	0	0
2017	0	0
2016	0	0

Year	On-Campus Property	Public Property
2018	0	0
2017	0	0
2016	0	0

Year	On-Campus Property	Public Property
2018	0	0
2017	0	0
2016	0	0

Year	On-Campus Property	Public Property
2018	0	0
2017	0	0
2016	0	0

Year	On-Campus Property	Public Property
2018	0	0
2017	0	0
2016	0	0

Year	On-Campus Property	Public Property
2018	0	0
2017	0	0
2016	0	0

Year	On-Campus Property	Public Property
2018	0	0
2017	0	0
2016	0	0

*Please note: there is no non-campus property at SMC.

There were no reported hate crimes for the years 2016, 2017, and 2018.

There were no unfounded crimes for the years 2016, 2017, and 2018.

Fire Safety

For the Fire Safety Report, please see the Annual Security Report for the Dowagiac Campus. There is no residential housing at the Niles Campus of Southwestern Michigan College.

For questions/comments concerning this report, contact Dr. Angela Evans, Director of Institutional Research, aevans14@swmich.edu or 269-782-1323.

Appendix A

Definition of Criminal Sexual Conduct in the State of Michigan

CRIMINAL SEXUAL CONDUCT						
PENETRATION	OR	CONTACT	PLUS	CIRCUMSTANCES	EQUALS	DEGREE OF CSC
<p>Penetration of the genital or anal opening by the penis</p> <p>Oral contact with vulva or clitoris</p> <p>Oral contact with the penis</p> <p>Any intrusion, however slight, of any part of a person's body or of any object into the genital or anal openings of another person's body</p>		<p>Intentional touching of the victim's or actor's intimate parts</p> <p>Intentional touching of the clothing covering the immediate area of the victim's or actor's intimate parts</p> <p>Intimate parts=groin, genital area, inner thigh, buttock, breast</p> <p>For purposes of sexual arousal or gratification, done for sexual purpose or in a sexual manner for revenge, to inflict humiliation, or out of anger</p>		<ol style="list-style-type: none"> Victim is under 13 years of age Victim is 13, 14, or 15 and perpetrator is member of household Victim is 13, 14, or 15 and perpetrator coerces through position of authority Victim is 13, 14, or 15 and perpetrator is related by blood or affinity Involves commission of another felony Multiple actors and reason to know victim is mentally incapable, mentally incapacitated or physically helpless Multiple actors and force or coercion used Perpetrator armed with a weapon Perpetrator used force or coercion and victim suffers personal injury Victim suffers personal injury and perpetrator has reason to know victim is mentally incapable, mentally incapacitated or physically helpless Victim is mentally incapable, mentally disabled, mentally incapacitated or physically helpless and related by blood or affinity Victim is mentally incapable, mentally disabled, mentally incapacitated or physically helpless and perpetrator coerces victim through position of authority Victim is a prisoner/detainee or probationer and the perpetrator is an employee or volunteer in jail, prison, detention center or probation program Victim is 13, 14, or 15 Force or coercion is used Perpetrator has reason to know victim is mentally incapable, mentally incapacitated, or physically helpless Related by blood or affinity and circumstances not otherwise covered Victim is 13, 14, or 15 and the perpetrator is at least five years older Perpetrator is a mental health professional and occurs during or within 2 years after victim is client or patient 		<p>First Degree=sexual penetration + any one of circumstances 1 through 12</p> <p>Second Degree=sexual contact + any one of circumstances 1 through 13</p> <p>Third Degree=sexual penetration + any one of circumstances 14 through 17</p> <p>Fourth Degree=sexual contact + any one of circumstances 15 through 19</p>
<p>Mentally incapable=mental disease or defect that makes person temporarily or permanently incapable of appraising the nature of his/her conduct</p> <p>Mentally incapacitated=temporarily incapable of appraising or controlling his or her conduct due to narcotic, anesthetic or other substance administered without consent or due to any other act committed without his/her consent</p> <p>Mentally disabled=mental illness, mental disorder, or developmental disability</p> <p>Physically helpless=unconscious, asleep or for any other reason unable to communicate unwillingness to act</p> <p>Personal injury=bodily injury, disfigurement, mental anguish, chronic pain, pregnancy, disease, or loss of impairment of a sexual or reproductive organ</p> <p>Force or coercion=victim is overcome through physical force or physical violence; threats by actor to use force or violence; threats by actor to retaliate in the future; actor uses unethical or unacceptable medical exam or treatment; victim is overcome through concealment or by surprise</p>						<p>DEGREE OF CSC</p>

Information provided by the Office of Student Conduct, Sept 2014.