



# Glen Oaks Community College 2023 Annual Security Report

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[www.glenoaks.edu](http://www.glenoaks.edu)

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# Preparing and Reporting the Annual Disclosure of Crime Statistics

In 1990, Congress enacted the *Crime Awareness and Campus Security Act of 1990* (Title II of Public Law 101-542), which amended the *Higher Education Act of 1965 (HEA)*. This act required all postsecondary institutions participating in *HEA*'s Title IV student financial assistance programs to disclose campus crime statistics and security information. The act was amended in 1992, 1998, 2000 and 2008. The 1998 amendments renamed the law the *Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act* in memory of a student who was slain in her dorm room in 1986. It is generally referred to as the *Clery Act* and is in section 485(f) of the *HEA*.

On March 7, 2013, the *Violence Against Women Reauthorization Act of 2013 (VAWA)* (Public Law 113-14) was signed into law. *VAWA* includes amendments to the *Clery Act*. These changes require institutions to disclose statistics, policies and programs related to dating violence, domestic violence, sexual assault and stalking, among other changes. Specifically, these changes added or modified requirements related to:

- Disclosure of statistics of the number of dating violence, sexual assault, and stalking incidents;
- Disclosure of statistics of new categories of Hate Crimes;
- Implementation by institutions and disclosure of programs to prevent dating violence, domestic violence, sexual assault and stalking, including primary prevention and awareness programs for incoming students and employees; and ongoing prevention and awareness campaigns for students and employees;
- Disclosure of procedures victims should follow if a crime of dating violence, domestic violence, sexual assault or stalking has occurred; and
- Implementation by institutions and disclosure of procedures for institutional disciplinary action in cases of dating violence, domestic violence, sexual assault and stalking, including:
  - descriptions of each disciplinary proceeding used by the institution, the standard of evidence used during each disciplinary proceeding, possible sanctions imposed following the results of disciplinary proceedings, and the range of protective measures that the institution may offer a victim;
  - provisions to ensure that proceedings will be prompt, fair and impartial;
  - provisions that state that proceedings will be conducted by officials who receive annual training; and
  - ensuring equal opportunities for the accuser and accused to have others present during proceedings, including an advisor of their choice.

*Excerpt from: The Handbook for Campus Safety and Security Reporting: 2016 Edition; US Department of Education Office of Postsecondary Education*

In conjunction with the St. Joseph County 911 Dispatch Center and Campus Security Authorities (CSAs), statistics on all occurrences reported on Glen Oaks Community College's campus and their surrounding public areas are maintained. These statistics are published annually (by October of each year) by the College in compliance with the Federal Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act of 1998 (formerly the Crime Awareness and Campus Security Act of 1990).

Once the crime statistics are compiled and the report is complete, the Annual Security Report is placed on our website at: <https://www.glenoaks.edu/public-safety/>

Additionally, an email notification is made to all enrolled students, faculty, and staff about the availability of the report. Printed copies can be obtained by contacting Human Resources at (269) 294-4229.

Upon request, data is available in the Human Resources Office for the following criminal offenses which could be reported on the campus or to the St. Joseph County Sheriff's Office:

**Criminal Offenses Reported**

- Aggravated Assault
- Arson
- Burglary
- Criminal Homicide
- Motor Vehicle Theft
- Robbery
- Sexual Assault

**VAWA Offenses**

- Domestic Violence
- Dating Violence
- Stalking

**Arrests and Referrals for Disciplinary Action**

- Liquor Law Violations
- Drug Abuse Violations
- Weapons Carrying/Possessing

**Hate Crimes**

- Murder
- Robbery
- Aggravated Assault
- Sexual Assault
- Burglary
- Motor Vehicle Theft
- Arson
- Larceny – Theft
- Simple Assault
- Intimidation
- Destruction/Damage Vandalism of Property

The Human Resources Office will be responsible for monitoring crime statistics and submitting the annual crime report to the Department of Education.

# Definitions from the Uniform Crime Reporting Handbook

## *Criminal Offenses*

*Aggravated Assault*—An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm. (It is not necessary that injury result from an aggravated assault when a gun, knife, or other weapon is used which could and probably would result in serious personal injury if the crime was successfully completed.)

*Arson*—Any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property of another, etc.

*Burglary*—The unlawful entry of a structure to commit a felony or a theft. For reporting purposes, this definition includes unlawful entry with intent to commit a larceny or felony; breaking and entering with intent to commit a larceny; housebreaking; safecracking; and all attempts to commit any of the aforementioned.

*Criminal Homicide—Manslaughter by Negligence*—The killing of another person through gross negligence.

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

*Motor Vehicle Theft*—The theft or attempted theft of a motor vehicle.

*Robbery*—The taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.

*Sex Offenses* (Definitions from the National Incident-Based Reporting System Edition of the Uniform Crime Reporting Program)

### *Sex Offenses—Forcible*

*Forcible Rape*—The carnal knowledge of a person, forcibly and/or against that person's will, or not forcibly or against the person's will, where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.

*Forcible Sodomy*—Oral or anal sexual intercourse with another person, forcibly and/or against that person's will, or not forcibly against the person's will, where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.

*Sexual Assault with an Object*—The use of an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, forcibly and/or

against that person's will, or not forcibly or against the person's will, where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.

*Forcible Fondling*—The touching of the private body parts of another person for the purpose of sexual gratification, forcibly and/or against that person's will, or not forcibly or against the person's will, where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.

#### *Sex Offenses—Non-forcible*

*Incest*—Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

*Statutory Rape*—Non-forcible sexual intercourse with a person who is under the statutory age of consent.

#### ***VAWA Offenses***

*Domestic Violence* – Felony or misdemeanor crime of violence by: a.) a current or former spouse or intimate partner of the victim; b.) a person with whom the victim shares a child in common; c.) a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner; d.) a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies (under VAWA); or e.) 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.

*Dating Violence* – Violence committed by a person, who is or has been, in a social relationship of a romantic or intimate nature with the victim; and 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; and c.) the frequency of interaction between the persons involved in the relationship.

*Stalking* – Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others; or suffer substantial emotional distress.

#### ***Arrests And Referrals for Disciplinary Action***

*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.

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

*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.)

***Hate Crimes***—

Any of the aforementioned offenses and any other crime involving bodily injury that manifests evidence that the victim was intentionally selected because of the perpetrator's bias. The categories of bias are; race, gender, religion, sexual orientation, ethnicity/national origin and disability.

***Arrests-***

*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.

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

*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.)

Geographic location definitions from the U.S. Department of Education's Handbook for Campus Crime and Reporting:

**Campus:** Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to the institution's educational purposes. These buildings include residential halls, any building or property that is owned by the institution but controlled by another person, those frequently used by students and those that support institutional purposes such as a food or retail vendor.

**Non-campus:** Includes any building (or property) owned or controlled by student organizations officially recognized by the school; or any building or property owned or controlled by the school that is used in direct support of, or in relation to, the college's educational purposes, is frequently used by students, and is not within the same reasonable contiguous geographic area of the college.

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

The following statistics represent all official reports of these offenses on the Glen Oaks Community College campus and are reported in compliance with the Clery Act. They conform to the FBI Uniform Crime Reporting System.



# Crime Statistics for 2020, 2021, and 2022

OFFENSE	LOCATION	2020	2021	2022
<b>CRIMINAL HOMICIDE</b>	ON CAMPUS	0	0	0
	NONCAMPUS	0	0	0
	PUBLIC PROPERTY	0	0	0
	OPTIONAL TOTAL	0	0	0
<b>NEGLIGENT MANSLAUGHTER</b>	ON CAMPUS	0	0	0
	NONCAMPUS	0	0	0
	PUBLIC PROPERTY	0	0	0
	OPTIONAL TOTAL	0	0	0
<b>SEX OFFENSES, FORCIBLE</b>	ON CAMPUS	0	1	0
	NONCAMPUS	0	0	1
	PUBLIC PROPERTY	0	0	0
	OPTIONAL TOTAL	0	0	0
<b>SEX OFFENSES, NON-FORCIBLE</b>	ON CAMPUS	0	0	0
	NONCAMPUS	0	0	0
	PUBLIC PROPERTY	0	0	0
	OPTIONAL TOTAL	0	0	0
<b>ROBBERY</b>	ON CAMPUS	0	1	0
	NONCAMPUS	0	0	0
	PUBLIC PROPERTY	0	0	0
	OPTIONAL TOTAL	0	0	0
<b>AGGRAVATED ASSAULT</b>	ON CAMPUS	0	0	0
	NONCAMPUS	0	0	0
	PUBLIC PROPERTY	0	0	0
	OPTIONAL TOTAL	0	0	0
<b>BURGLARY</b>	ON CAMPUS	0	0	0
	NONCAMPUS	0	0	0
	PUBLIC PROPERTY	0	0	0
	OPTIONAL TOTAL	0	0	0
<b>MOTOR VEHICLE THEFT</b>	ON CAMPUS	0	0	0
	NONCAMPUS	0	0	0
	PUBLIC PROPERTY	0	0	0
	OPTIONAL TOTAL	0	0	0
<b>ARSON</b>	ON CAMPUS	0	0	0
	NONCAMPUS	0	0	0
	PUBLIC PROPERTY	0	0	0
	OPTIONAL TOTAL	0	0	0
<b>LIQUOR LAW ARRESTS</b>	ON CAMPUS	0	0	0
	NONCAMPUS	0	0	0
	PUBLIC PROPERTY	0	0	0
	OPTIONAL TOTAL	0	0	0
<b>LIQUOR LAW VIOLATIONS REFERRED FOR DISCIPLINARY ACTION</b>	ON CAMPUS	0	4	1
	NONCAMPUS	0	0	0
	PUBLIC PROPERTY	0	0	0
	OPTIONAL TOTAL	0	0	0

<b>DRUG LAW ARRESTS</b>	ON CAMPUS	0	0	0
	NONCAMPUS	0	0	0
	PUBLIC PROPERTY	0	0	0
	OPTIONAL TOTAL	0	0	0
<b>DRUG LAW VIOLATIONS REFERRED FOR DISCIPLINARY ACTION</b>	ON CAMPUS	0	1	0
	NONCAMPUS	0	0	0
	PUBLIC PROPERTY	0	0	0
	OPTIONAL TOTAL	0	0	0
<b>WEAPONS ARRESTS</b>	ON CAMPUS	0	0	0
	NONCAMPUS	0	0	0
	PUBLIC PROPERTY	0	0	0
	OPTIONAL TOTAL	0	0	0
<b>WEAPONS VIOLATIONS REFERRED FOR DISCIPLINARY ACTION</b>	ON CAMPUS	0	0	0
	NONCAMPUS	0	0	0
	PUBLIC PROPERTY	0	0	0
	OPTIONAL TOTAL	0	0	0
<b>DOMESTIC VIOLENCE INCIDENTS</b>	ON CAMPUS	0	0	0
	NONCAMPUS	0	0	0
	PUBLIC PROPERTY	0	0	0
	OPTIONAL TOTAL	0	0	0
<b>DATING VIOLENCE INCIDENTS</b>	ON CAMPUS	0	0	0
	NONCAMPUS	0	0	0
	PUBLIC PROPERTY	0	0	0
	OPTIONAL TOTAL	0	0	0
<b>STALKING INCIDENTS</b>	ON CAMPUS	0	0	0
	NONCAMPUS	0	0	0
	PUBLIC PROPERTY	0	0	0
	OPTIONAL TOTAL	0	0	0

# Campus Safety Contacts

## **Emergency Services (Police, Fire, health and Other Emergency Services)**

St. Joseph County Central Dispatch

9-1-1

## **Campus Security Office:**

Larry Diekman

Director of Buildings and Grounds

[ldiekman@glenoaks.edu](mailto:ldiekman@glenoaks.edu)

Located in the Maintenance Barn to the South of the Gym

**Office:** 269-294-4312 (Monday – Friday 7:00am – 4:00pm)

**After Hours:** 269-223-0263

## **Title IX Coordinators:**

Tonya Howden

VP of Student Services

[thowden@glenoaks.edu](mailto:thowden@glenoaks.edu)

269-294-4230

Jamie Yesh

Director of HR

[jyesh@glenoaks.edu](mailto:jyesh@glenoaks.edu)

269-294-4229

Candy Bohacz

HR Coordinator

[cbohacz@glenoaks.edu](mailto:cbohacz@glenoaks.edu)

269-294-4232

# Institutional Policies

## **Campus Security – Report Procedures (Policy 3.41 A)**

Glen Oaks will take the necessary action to protect the safety of students and employees and to deal with the occurrence. The head of our Campus Security Office is a sworn deputy with the St. Joseph County Sheriff's Department. The office is located in the Maintenance Barn, on the south side of the Gymnasium and is open from 7:00 AM – 4:00 PM Monday through Friday.

For emergency situations such as fire, medical emergency, or immediate threats to campus, individuals should call emergency services at 911. Once emergency services have been called, the incident should be reported via the NORA hotline at ext. 111.

For non-emergency campus security or safety issues, individuals should call Campus Security at (269) 294-4312. For security issues after hours or on weekends/holidays please call (269) 223-0263.

Non-Emergency concerns can also be reported through our online form located here: <https://www.glenoaks.edu/public-safety/feedback-report-a-concern/>

## **Campus Security - Access to Campus Facilities (Policy 3.41 B)**

The Glen Oaks building is open Monday through Thursday from 6:30 a.m. to 10:30 p.m.; Fridays (3<sup>rd</sup> week of August through April) from 6:30 a.m. to 4:00 p.m.; and Saturdays 7:30 a.m. to 4/5:00 p.m. The building is closed on Friday's when the college is operating on "summer hours" typically after the 1<sup>st</sup> week in May through the second week in August. When the building is closed and there is an event on campus, Maintenance will provide access to the appropriate area.

Glen Oaks facility, room, or space reservations for an event or a meeting can be made by contacting the President's Office.

## **Campus Security - Authority of Campus Safety (Policy 3.41 C)**

Designated Campus Security Personnel have the authority to confront the individual related to the occurrence, require identification, and, when necessary, contact the St. Joseph County Sheriff or Michigan State Police. Campus Security is available Monday through Friday from 6 p.m. to 12 midnight, Fridays from 4 p.m. to 12 midnight and Saturdays from 7:30 a.m. to 4/5:00 p.m.

When incidents occur on campus, an Incident Report must be completed and forwarded to the Human Resources Department.

## **Student Code of Conduct (Policy 3.42)**

The Student Code of Conduct applies to individuals from the point of admission to the College and thereafter, as long as the individual has a continuing educational interest in the College. The Code applies to high school partner programs, including but not limited to, dual enrollment and Early Middle College. Registered Student Clubs and Organizations are also held accountable to the Student Code of Conduct. The Student Code of Conduct shall also be applicable to a student's conduct even if the student withdraws from school while a disciplinary matter is pending.

The College Student Code shall apply to conduct that occurs on College premises, at College sponsored activities, and to off-campus conduct that adversely affects the College community and/or the pursuit of its objectives.

Students and visitors are subject to immediate removal from College property when, in the sole discretion of the President, or a representative, removal is necessary to protect the rights and safety of College students or employees.

Students may be suspended from College classes and/or activities pending due process procedures by the President or representative when, in the President's or representative's sole discretion, such action is necessary to protect the rights and safety of College students or employees.

Visitors are subject to criminal charges or civil liability for improper conduct on College property. In cases of noncompliance with the Student Code of Conduct, the College will impose sanctions that are consistent with the impact of the offense on the College community (See Article IV (C)). The college reserves the right to pursue criminal and/or civil action where warranted.

A student or Registered Student Club or Organization, who commits any of the following acts of misconduct, shall be subject to disciplinary action. GOCC's disciplinary proceedings may be instituted against a student charged with violation of a law, which is also a violation of the Student Code of Conduct. For example, if both violations result from the same factual situation, proceedings under the Student Code of Conduct may be carried out prior to, simultaneously with, or following civil or criminal proceedings.

A. Violations of the Code of Conduct

1. **Abuse of the Student Code Process** – Any interference of the Student Code of Conduct process including but not limited to:
  - a. Falsification, distortion, or misrepresentation of information during the Student Code of Conduct process.
  - b. Disruption or interference with the orderly conduct of a Judicial Board proceeding.
  - c. Attempting to discourage an individual's proper participation in, or use of, the Student Code process.
  - d. Attempting to influence the impartiality of a member of a Judicial Board member prior to, and/or during the course of, the Judicial Board Hearing.
  - e. Harassment (verbal or physical) and/or intimidation of a member of a Judicial Board prior to, during, and/or after a Judicial Board Hearing.
  - f. Failure to comply with the sanction(s) imposed under the Student Code of Conduct.
  - g. Influencing or attempting to influence another person to commit a violation of the Student Code process.
2. **Academic Dishonesty** - Cheating, plagiarism, academic negligence, and any other forms of academic dishonesty.
3. **Acts of dishonesty** including, but not limited to:
  - a. Misrepresentation of facts or furnishing false information to any College official, faculty member, staff, or office.
  - b. Forgery, alteration, or misuse of any College document, record, or instrument of identification.

- c. Perceived, attempted or actual Financial Aid fraud or corresponding behaviors that would allow a student to receive a monetary benefit for which they are not eligible.
  - d. Withholding material information from the college officials and/or processes.
- 4. **Alcohol** - Use, possession, manufacturing, distribution, or being under the influence of alcoholic beverages (except as expressly permitted by College regulations), or public intoxication.
- 5. **Bullying** - Systematic intentional behavior that includes, but is not limited to, repeated unwanted physical, verbal, or written acts which are hostile or offensive, targeted at an individual or group and creates an intimidating and/or threatening environment which produces a risk of psychological and/or physical harm. Bullying may manifest as cyber stalking or cyber bullying as well as excluding behaviors such as ignoring or dismissing individuals or groups. Hostile behaviors include, but are not limited to, inappropriate behaviors that are harmful or damaging to an individual and/or property. Behaviors that are intimidating, threatening, disruptive, humiliating, sarcastic, or vicious may also constitute hostile behavior. Offensive behaviors may include, but are not limited to, inappropriate behaviors such as abusive language, derogatory remarks, insults, or epithets. Other offensive behaviors may include the use of condescending, humiliating, or vulgar language, swearing, shouting or use of unsuitable language, use of obscene gestures, or mocking.
- 6. **Discrimination** - unlawful discrimination or related harassment on the basis of race, color, sex, age, religion, national origin, creed, ancestry, familial status, disability, marital status, height, weight, sex (sex or gender, affiliation, expression or orientation), political affiliation, veteran status, or any other characteristic covered by law.
- 7. **Disorderly Conduct** - Disorderly, lewd, indecent, or obscene conduct or expressions.
- 8. **Disrupting Normal Operations of the College** - Participating in an on-campus or off-campus demonstration, riot or activity that disrupts the normal operations of the College and/or infringes on the rights of other members of the College community; leading or inciting others to disrupt scheduled and/or normal activities within any campus building or area. Refer to Policy 3.44 Freedom of Expression Policy which promotes free exchange of ideas and safe and efficient operation of the College.
- 9. **Disruptive Behavior** - Disruption or obstruction of teaching, research, administration, disciplinary proceedings, or other College activities or functions, including its public service functions on or off campus, or of other authorized non-College activities when the conduct occurs on College premises.
- 10. **Drugs** - Use, possession, manufacturing, distribution, or being under the influence of marijuana, illegal drugs, narcotics, or other controlled substances except as expressly permitted by federal law. Possession of drug paraphernalia is also prohibited on campus.
- 11. **Failure to Comply with College Officials** - Failure to respond appropriately to reasonable and lawful requests with the directions of College officials or law enforcement officers acting in performance of their duties and/or failure to identify oneself to these persons when requested to do so.
- 12. **Failure to Engage in Responsible Social Conduct** – Failure to engage in conduct that reflects credit upon the College community.
- 13. **Failure to Pay** - Failure to pay fines, fees, or other debt to the college.

14. **Failure to Return College Property:** Failure to return college property loaned to the student.
15. **Firearms** - Possession of firearms (even if legally possessed), tasers, stun guns, explosives, weapons, or dangerous chemicals on College premises, or use of any such item in a manner that harms, threatens or causes fear to others. The definition of a weapon includes but is not limited to a pistol or other firearm, dagger, razor, knife, or any other dangerous or deadly weapon or instrument. College vehicles are covered by this policy at all times regardless of whether they are on College property.
16. **Gambling** - Encouraging, promoting, or participating in unauthorized gambling on GOCC premises or at GOCC-sponsored events or activities.
17. **Harassment** - Repeated, malicious mistreatment, verbal abuse or conduct that is threatening, intimidating, humiliating, insulting, isolating, or undermining another's reputation through verbal or non-verbal communications. Any verbal or physical conduct that shows hostility, intimidation, threat, or aversion toward another individual.
18. **Hazing** - An act which endangers the mental or physical health or safety of a student, or which destroys or removes public or private property, for the purpose of initiation, admission into, affiliation with, or as a condition for continued membership in, a group or organization. The express or implied consent of the victim will not be a defense. Apathy or acquiescence in the presence of hazing are not neutral acts; they are still violations of this rule.
19. **Obstruction** – Obstruction of the free flow of pedestrian or vehicular traffic on College premises or at College sponsored or supervised functions.
20. **Sexual Harassment, Sexual Misconduct and Retaliation** - Violations of the College's Sex/Gender-Based Discrimination and Harassment Policy. Conduct that does not rise to the level of a Title IX violation (conduct that is not severe or pervasive and is not sexual assault as defined by the Clery Act) may be processed via the Student Code of Conduct. Sexual harassment includes, but is not limited to:
  - a. Intentional touching of a sexual nature, repeated/unwelcomed advances, or comments of a sexual nature that create an intimidating, hostile, or offensive campus, educational or working environment for another person.
  - b. Obscene or indecent behavior which includes but is not limited to indecent exposure and the display of sexual behavior that would reasonably be offensive to others.
  - c. Retaliation against anyone who files a complaint or participates in an investigation relating to this provision.
21. **Tampering with safety equipment** – Tampering with any safety equipment including but not limited to fire alarms, fire extinguishers, video surveillance cameras, and emergency exits.
22. **Technology Theft or Abuse** - Theft or other abuse of technology and resources, including but not limited to:
  - a. Unauthorized entry into a file, to use, read, or change the contents, or for any other purpose.
  - b. Unauthorized transfer of a file.
  - c. Use of another individual's identification and/or password.
  - d. Use of computing facilities and resources to interfere with the work of another student, faculty member or College Official.
  - e. Use of computing facilities and resources to send obscene or abusive messages.

- f. Use of computing facilities and resources to interfere with normal operation of the College computing system.
  - g. Use of computing facilities and resources in violation of copyright laws.
  - h. Any violation of the Network Acceptable Use Policy.
23. **Theft** - Attempted or actual theft of property of the College or property of a member of the College community or other personal or public property, on or off campus.
  24. **Tobacco** - Use of combustible tobacco products or smokeless tobacco products in College facilities and on the College premises. The only exception is one's personal vehicle.
  25. **Unauthorized Presence/Use of College Facilities** - Unauthorized entry into, presence in, or use of College facilities or equipment which has not been reserved or accessed through appropriate College officials. Unauthorized presence on campus premises during non-instructional hours or failure to properly supervise guests on College premises. Possession, duplication, or the use of keys to any College premises.
  26. **Unauthorized Use of College Property**– Unauthorized use of the name, logos, or publications of the College or a College-related agency.
  27. **Violation of College policy, rule, or regulation** – Any violation of published College policy or rule including those posted in a course syllabus. Violation of any federal, state, or local law.
  28. **Voyeurism** - Spying on people engaged in intimate behaviors, such as undressing, sexual activity, or other actions usually considered to be of a private nature. This includes the use of any device to capture audio, video or digital record or photograph of any person while on College premises or College events where there is a reasonable expectation of privacy (i.e., restrooms, locker rooms, etc.).
- B. Violation of Local, State, and Federal Laws**
1. College disciplinary proceedings may be instituted against a student charged with conduct that potentially violates both the criminal law and this Student Code (that is, if both possible violations result from the same factual situation) without regard to the pendency of civil or criminal litigation in court or criminal arrest and prosecution. Proceedings under this Student Code may be carried out prior to, simultaneously with, or following civil or criminal proceedings off campus at the discretion of the Vice President of Student Services (or a designee). Determinations made or sanctions imposed under this Student Code of Conduct shall not be subject to change because criminal charges arising out of the same facts giving rise to violation of the College's Code were dismissed, reduced, or resolved in favor of or against the criminal law defendant.
  2. When a student is charged by federal, state, or local authorities with a violation of law, the College will not request or agree to special consideration for that individual because of the status as a student. If the alleged offense is also being processed under the Student Code, the College may advise off-campus authorities of the existence of the Student Code and of how such matters are typically handled within the College community.
  3. The College will attempt to cooperate with law enforcement and other agencies in the enforcement of criminal law on campus and in the conditions imposed by criminal courts for the rehabilitation of student violators (provided that the conditions do not conflict with campus rules or sanctions). Individual students and other members of the College community, acting in their personal capacities, remain free to interact with governmental representatives as they deem appropriate.



In certain circumstances, the Vice President of Student Services (or a designee), may impose a College suspension prior to a Judicial Board hearing.

1. Interim suspension may be imposed only in the following circumstances:
  - a. to ensure the safety and well-being of members of the College community or preservation of College property; or
  - b. to ensure the student's own physical or emotional safety and well-being; or
  - c. if the student poses an ongoing threat of disruption of, or interference with, the normal operations of the College.
2. Interim suspension will take effect immediately upon the direction of the Vice President of Student Services (or a designee) and may last through the completion of the conduct process.
3. During the interim suspension, a student shall be denied access to the campus and premises (including classes) and/or all other College activities or privileges for which the student might otherwise be eligible, as the Vice President of Student Services (or a designee) may determine to be appropriate.
4. The interim suspension does not replace the regular process, which shall proceed on the normal schedule, up to and including the completion of the Judicial Board hearing, if required.
5. An interim suspension may be appealed to the Vice President of Student Services in writing within five business days of the date the interim suspension was imposed. The interim suspension shall remain in place during the pendency of the appeal. The decision of the Appellate Officer will be final.

Visitors are subject to criminal charges or civil liability for improper conduct on College property. If an individual has violated the Student Code of Conduct or the General Rules and Guidelines on college property while not enrolled as a student at the college, but then later seeks to enroll, he or she must first contact the VP of Students (or his or her designee). The same Due Process procedures listed in Article IV of the full policy, will be followed to determine an admission decision. Readers of this policy are also referred to a related Policy, 3.51, Student Policies - General.

### **Campus Unrest, Dissent, and Protest (Policy 3.44)**

Glen Oaks Community College is categorically committed to the concept of individual and group freedom - so long as freedom of thought and/or action does not infringe upon or abuse the freedoms, rights and privileges of other individuals or groups. It is within the context of this commitment that the following statement is issued.

Campus violence already threatens some colleges and universities in a way that could cripple their freedom for many years. Even so we must be mindful of the dangers in laying out inflexible guidelines about unacceptable conduct or in specifying the precise moment when a hazard to the institution is such that civil authority must be called upon.

If one central theme or thread can be extracted from the fabric of campus and student unrest, it would reveal problems occur when communication breaks down or is lacking. Students should not only be given substantial autonomy, but also participate in matters of general educational policy, especially in curricular affairs. Since increased participation contributes to effective decision making, students should serve in a variety of roles on committees. Effective student

representation will not only improve the quality of decisions, but also ensure their acceptability to the student body.

Every attempt must be made to establish effective communications so that policy questions, grievances and/or disciplinary problems can be aired by the college community. To this end, violations and/or violators of individual or group freedom will be referred to the President to hear, weigh, evaluate, and recommend as is necessary by the evidence at hand in solving the problem and attaining the objective.

Students must know that they cannot be shielded from the consequences of their behavior, especially when it violates the laws of society at large. They must recognize and respect the rights of other students as they seek rights and privileges for themselves. Threats, violence, coercive disruption of classes and events, and similar acts that tread on the rights of others are intolerable.

Mindful of the concerns of the general public as well as the state legislature the following information, entitled Act #26 of the Public Acts of 1970 of the State of Michigan, is reproduced herein.

#### ACT #26 OF THE PUBLIC ACTS OF 1970

AN ACT to provide penalties for certain conduct at public institutions of higher education.

The People of the State of Michigan enact:

Sec. 1. A person is guilty of a misdemeanor, punishable by a fine of not more than \$500.00, or by incarceration in the county jail for not more than 30 days, or both:

- (a) When the chief administrative officer of a publicly owned and operated institution of higher education, or his designee, notifies the person that he is such officer or designee and the person is in violation of the properly promulgated rules of the institution; and
- (b) When the person is in fact in violation of such rules; and
- (c) When, thereafter, such officer or designee directs the person to vacate the premises, building or other structure of the institution; and
- (d) When the person thereafter willfully remains in or on such premises, building or other structure; and
- (e) When, in so remaining therein or thereon, the person constitutes (1) a clear and substantial risk of physical harm or injury to other persons or of damage to or destruction of the property of the institution, or (2) an unreasonable prevention or disruption of the customary and lawful functions of the institution, by occupying space necessary therefore or by use of force or by threat of force.

Sec. 2. A person is guilty of a misdemeanor, punishable by a fine of not less than \$200.00 and not more than \$1,000.00 or by incarceration in the county jail for not more than 90 days, or both, who enters on the premises, building or other structure of a publicly owned and operated institution of higher education, with the intention to, and therein or thereon does in fact, constitute (a) a clear and substantial risk of physical harm or injury to other persons or of damage to or destruction of the property of the institution, or (b) an unreasonable prevention or disruption of the customary

and lawful function of the institution, by occupying space necessary therefore or by use of force or by threat of force.

Sec. 3. This act shall take effect August 1, 1970.

This act is ordered to take immediate effect.

The following act or acts could or might necessitate invoking the trespass law but not be necessarily limited to it:

Destruction of or willful damage to institutional property, grounds or facilities:

Where responsibility can be ascertained, resultant action should evolve through "due process" with local and/or state agencies. Restitution if and when practicable will be considered. Suspension and/or dismissal action may be instituted by proper authority.

Disruption of or undue distractive influences within an organized classroom situation:

Any person or persons when in the opinion of the instructor are not contributing to or are distracting from the educational atmosphere of the class or logical pursuit thereof shall be removed and/or denied access thereto with resultant notification to the Vice-President of Academics and the Vice-President of Student Services.

Barricading or causing to prevent free access to or egress from any area of the campus including but not exclusive of classrooms, office areas, corridors, stairways, library areas, student center, maintenance and service areas, and roadways:

After ample opportunity and notification by proper authority has been afforded to and no response and/or action resulted there from, physical apprehension and eviction by proper authority shall be affected. Length of time interval from notification to desist from, to notification of proper authority not to exceed three (3) minutes duration. Suspension and/or dismissal action may be instituted by proper authority.

Disruptive action prior to, during or subsequent to an address, performance, event or ceremony:

Any person who interferes with access to or egress from a performance of an address, ceremony, athletic event, or any college sanctioned activity and/or interferes with the continuity of an address, performance or event shall be considered to be preventing or disrupting the customary and lawful function of the institution. Suspension and/or dismissal action may be instituted by proper authority.

Readmission to a class or function after having been removed or suspended there from:

Any student has the absolute right to attend a class in which he is duly enrolled unless he/she has abrogated that right. Final permission for readmission rests with the instructor and/or designated responsible person involved acting in conjunction with the Vice-President handling the incident. Offenders in this regard should be handled in the same manner as a disruptive or distractive influence.

The right of student dissent or protest within the confines of a building or on the grounds of Glen Oaks Community College:

The right of peaceful dissent and protest should be and will be honored as long as it does not interfere in the rights of others to pursue an education, access to normal working stations, or bring discredit upon the institution and the customary and lawful functions of the institution.

The possession, use of, or causing to bring firearms, dangerous weapons, or explosive agents within the confines of a building or onto the grounds of Glen Oaks Community College is expressly prohibited:\*

Any person or persons who are in violation of the above shall, through due process, be subject to suspension and/or dismissal action and will necessitate immediate notification of violation and of proper legal authority of said violation.

Violations of Act #26 of the Public Acts of 1970; The Employees Trespass Law or any of the above rules and regulations of Glen Oaks Community College will result in immediate suspension of said employee and if substantiated through due process by duly constituted legal authority will be grounds for termination of said employment. Student violations will result in suspension and if substantiated, possible expulsion in the future from college classes and events.

\*See Resolution and Policy Amendment 3.32.

In the event that it is necessary to inform certain individuals they are in violation of Act #26 of 1970, the following format is to be used:

"My name is \_\_\_\_\_ and I am the designee of the President of Glen Oaks Community College and I am also the agent of the owner of the property upon which you are now standing. I hereby notify you, and each one of you individually, that all persons in this group are in violation of the properly promulgated rules of Glen Oaks Community College, specifically that \_\_\_\_\_. Any right that you have to use these premises is hereby suspended, whether you are a student or not, and acting on behalf of Glen Oaks Community College and on behalf of the owner of this property, I hereby instruct each and every one of you, whether or not you are a student, to immediately vacate and depart from this property. If you fail to do so, you will immediately be arrested and prosecuted for violating the laws of the State of Michigan relative to trespassing and to conduct upon the property of institutions of higher education."

## **Alcohol and Drug Abuse (Policy 3.40)**

### Philosophy

The Glen Oaks Community College Board of Trustees certifies and pledges that it will provide a drug-free workplace and learning environment for its employees and students. This pledge is in compliance with the Drug-Free Workplace Act of 1988, 34 CFR Part 85, Subpart F and the Drug-Free Schools and Communities Act Amendments of 1989 (Public Law 101-226).

Glen Oaks Community College recognizes that clear evidence exists that the misuse and abuse of alcohol and drugs can erode the foundation of the College's goals and objectives and can diminish the attainment of intellectual, social, physical, and moral growth and development. Glen Oaks is committed to a healthy and productive college environment by providing free literature and abuse referral services.

### Standards of Conduct

The Glen Oaks Community College Board of Trustees prohibits the possession, use, distribution, dispensing and unlawful manufacturing of illegal drugs, narcotics or controlled substances on the College campus, in student housing, or at any College-approved student activity (i.e., College-approved student travel and for overnight stays).

Recreational marijuana and marijuana prescribed for medicinal purposes is also prohibited on the College campus, in student housing, or at any College-approved student activity. GOCC receives federal funding through Title IV in the form of student financial aid (grants, loans, and work-study programs) and through federal research grants. As a condition of accepting these funds, the College is required to certify that it complies with the Drug-Free Schools and Communities Act (DFSCA) (20 U.S.C. 1145g part 86 of the Drug and Alcohol Abuse Prevention Regulations). The federal government regulates drugs through the Controlled Substances Act (CSA) (21 U.S.C. A 811) which does not recognize the difference between medical and recreational use of marijuana. Thus, to comply with the Federal Drug Free School and Communities Act and to avoid losing federal funding, Glen Oaks Community College must prohibit all marijuana use, including medical marijuana.

No alcohol or other intoxicating liquors shall be kept, used, or consumed on campus, in student housing, or at any College-approved student activity (i.e., College-approved student travel and/or overnight stays), except at approved functions.

Persons who are on the College campus and who appear to be under the influence of alcoholic beverages, narcotics, or drugs, will be removed from the College campus.

Any person taking prescription drugs or over-the counter medication is individually responsible for ensuring that while taking the drug or medication, he/ she is not a safety risk to themselves or others while on College property, at College-related events, while driving a College or privately owned vehicle while engaged in College business. It is illegal to misuse prescribed drugs contrary to the prescription or to give or sell the prescribed drug(s) to another person.

### Legal Sanctions

Glen Oaks Community College abides by all local, state, and federal laws and may ask an appropriate law enforcement agency to impose appropriate sanctions if a violation of any local, state, or federal law shall take place on the College campus or at any College function.

When there is probable cause, which is based upon credible information, Glen Oaks Community College may require that a student or employee be tested for alcohol or drugs. The failure to submit to a breathalyzer test for alcohol or a urinalysis test for drugs may result in disciplinary action. The words “probable cause” as used herein shall be defined as a reasonable basis for the formulation of a belief that an individual is using and/or abusing alcoholic beverages or illegal drugs. The words “credible information” is defined as including, but not limited to, the following “warning signs”:

- (1) Excessive absenteeism or tardiness;
- (2) Excessive illness;
- (3) Deteriorating or inconsistent work performance;
- (4) Increased carelessness;
- (5) Decrease in attention span, especially after breaks or lunch;
- (6) Frequent brushing of the teeth or use of mouthwash, breath spray, breath mints or other breath fresheners, especially before conferences with instructors or administrators;
- (7) Substantial increase in use of the rest room or water cooler;

- (8) Avoidance of instructors, administrators or other students, especially if this is a recent change in behavior;
- (9) Deteriorating or inconsistent attention to personal grooming and neatness;
- (10) Financial problems, especially if the student has not previously had such problems;
- (11) Frequent licking of the lips;
- (12) Nervousness, especially when discussing work performance or personal life;
- (13) Gastric disturbances or change in appetite;
- (14) Insomnia;
- (15) Moody behavior or "mood swings";
- (16) Unexplainable bruised and/or puffy skin, especially in the face;
- (17) Dilated pupils;
- (18) Slurred or incoherent speech;
- (19) Lack of dexterity;
- (20) Uncontrollable crying or laughing.

Glen Oaks Community College students and employees can assist in the detection of the use and/or abuse of alcohol and drugs by looking for these "warning signs". Students or employees who use and/or abuse alcoholic beverages and/or drugs while on campus, in student housing, or while attending a College-approved student activity shall be subject to sanctions that may include any of the following: verbal warning, written letter of censure, suspension or immediate dismissal (should the behavior be both improper and a potential threat to the College or the College community). A student convicted of a drug-related offense under federal or state law may also become ineligible for federal student aid under federal law.

#### Pre-Employment Drug Testing

In order to strive toward a drug-free workplace, Glen Oaks Community College will require a pre-employment urinalysis for new employees. This applies to all full-time and part-time permanent positions at Glen Oaks Community College. The urinalysis will be performed by a reputable clinical laboratory, the expense of which will be assumed by Glen Oaks Community College. If the urinalysis registers a positive result (the presence of narcotics or illegal drugs), the candidate will not be hired.

#### Employee Alcohol and Drug Use

Any employee who consumes alcoholic beverages while actively engaged in carrying out the duties and responsibilities of their employment (excluding College-sponsored "entertainment" functions which employees may attend in connection with their employment), and any employee who uses illegal drugs while in the course of employment, shall be subject to sanctions as outlined in the appropriate Collective Bargaining Agreements and/or the Glen Oaks Community College Policy Manual. Violations by faculty or staff may result in disciplinary action up to and including termination of employment. Employees who have CDL will be required to undergo mandatory random drug/alcohol testing as notified by the HR Department. If a Glen Oaks Community College employee is convicted of violating a criminal drug statute (non-alcohol related) on the College campus, or at a College function, that employee must notify Glen Oaks within five (5) days after such conviction. Within thirty (30) days after such conviction, Glen Oaks shall take one of the following actions: (1) take appropriate personnel action against the employee up to and including termination; and/or (2) require the employee to satisfactorily participate in an approved drug abuse assistance or rehabilitation program. Glen Oaks Community College shall also notify the appropriate agency of the Department of Education within ten (10) days after the conviction.

#### Alcohol and Drug Education, Prevention and Referral

Glen Oaks Community College is committed to addressing the problem of substance abuse through education, prevention, and referral. The President of the College will designate a Glen Oaks Community College employee as the Substance Abuse Counselor. The Substance Abuse Counselor will annually coordinate/organize and make available free literature to students and employees. This information will include: (1) standards of conduct, (2) a description of the legal sanctions, (3) a description of the health risks, (4) a description of drug or alcohol programs available to students and employees, and (5) a clear statement of the Glen Oaks Community College sanctions it may impose on students and employees. The Substance Abuse Counselor will provide initial counseling and limited supportive services. The primary goal of the Substance Abuse Counselor is to provide the student or the employee with a referral for treatment or rehabilitation. Once a referral is made, the Substance Abuse Counselor shall provide the appropriate follow up.

College employees or students who exhibit "warning signs" of drug/alcohol misuse or abuse in the workplace and who refer themselves for assistance will be supported, educated, and referred to appropriate agencies for treatment. Those employees or students who are diagnosed as drug or alcohol misusers or abusers shall receive the same consideration and opportunity for treatment that is extended to persons with any other type of illness. Confidentiality shall be maintained and no adverse effects to an employee or a student shall result based upon a request for treatment or a diagnosis of misuse or abuse.

If an employee has been referred to the Substance Abuse Counselor by a supervisor or if a student has been referred to the Substance Abuse Counselor by an instructor or a College administrator and if treatment is recommended and treatment is refused or terminated, the fact of such refusal or termination of treatment shall be made known to the individual who referred the employee or student to the Substance Abuse Counselor. If an employee or a student (1) refuses to accept diagnosis and treatment, or (2) fails to respond to treatment, and if the result of such refusal or failure is such that job performance, behavior on campus or learning ability is affected, that person shall be considered in violation of College policies and shall be subject to discipline.

Additional information about the physical and psychological consequences of substance abuse is available in the Glen Oaks Library and through the Glen Oaks Community College Substance Abuse Counselor in Student Services. Glen Oaks Community College also works closely with the Substance Abuse agencies in the area.

Glen Oaks Community College will review its Drug and Alcohol Prevention Program every two (2) years in an attempt to determine its effectiveness and to implement changes as needed.

## **Sex/Gender-Based Discrimination and Harassment Policy [Title IX] (Policy 3.95)**

### **Introduction**

Glen Oaks Community College ("Glen Oaks" or "the College") believes that every student and staff member, regardless of their gender, is entitled to equal educational opportunity and a safe environment in which to learn and work. This means that all members of the college community have the right to be free from all forms of sex/gender discrimination, harassment and retaliation. The term "sexual harassment" in this Policy includes sexual violence, dating and domestic violence, stalking, and any other form of discrimination based upon sex that would violate Title IX of the Civil Rights Act.

This Policy is intended to: define what qualifies as sexual discrimination, harassment and retaliation under Title IX; establish a mechanism for responding to complaints, including supportive measures that may be available to all involved parties; and outline the remedial efforts the College may take to end any sex discrimination, harassment or retaliation that has occurred, prevent its recurrence and address any continuing effects on an affected person.

## **SECTION 1: Scope and Jurisdiction of Policy**

The College’s Sex/Gender-Based Discrimination and Harassment Policy prohibits discrimination and harassment based on sex in all education programs and activities that Glen Oaks operates, as required by Title IX and consistent with the College’s own mission and values. For purposes of this Policy, the College’s “education programs and activities” include locations, events or circumstances over which Glen Oaks exercised substantial control over the person(s) accused of sexual harassment and the context in which the sexual harassment occurred; it also includes any building owned or controlled by Glen Oaks. This Policy also prohibits retaliation against a person who makes a good faith complaint of sex discrimination or harassment under this Policy. Alleged sexual harassment that occurred outside of the College’s education program or activity cannot be resolved through the grievance procedures described in this Policy but may be addressed through the College’s Code of Conduct.

All reports of sexual discrimination, harassment or retaliation will be handled by one of the College’s Title IX Coordinators:

<b>Tonya Howden</b>	Jamie Yesh	Candy Bohacz
<b>Title IX Coordinator</b>	Title IX Coordinator	Title IX Coordinator
<b>Student Services, A53</b>	Administrative Office, A36	Administrative Office, A37
<b>62249 Shimmel Rd.</b>	62249 Shimmel Rd.	62249 Shimmel Rd.
<b>Centreville, MI 49032</b>	Centreville, MI 49032	Centreville, MI 49032
<b>thowden@glenoaks.edu</b>	jyesh@glenoaks.edu	cbohacz@glenoaks.edu
<b>269-294-4230</b>	269-294-4229	269-294-4232

Complaints under this Policy may be made to any of the Title IX Coordinators. The Title IX Coordinator in the Student Services Office will take the lead role in administering this Policy but may involve the Title IX Coordinator(s) in the Administrative Office on complaints that involve employees or if the involvement of a different Title IX Coordinator is otherwise appropriate. In the event an incident involves alleged misconduct by a Title IX Coordinator, reports should be made to another Title IX Coordinator or the President of the College.

Individuals experiencing harassment or discrimination also have the right to file a formal complaint with government authorities:

Office for Civil Rights (OCR)  
400 Maryland Avenue, SW  
Washington, DC 20202-1100  
Customer Service Hotline #: (800) 421-3481  
TDD#: (877) 521-2172  
Email: [OCR@ed.gov](mailto:OCR@ed.gov)  
Web: <http://www.ed.gov/ocr>



## **SECTION 2: Definitions**

**Advisor:** A person chosen by a party or appointed by the institution to accompany the party to meetings related to the grievance process, to advise the party on that process, and to conduct cross-examination for that party at the hearing as needed. This person may be, but need not be, an attorney.

**Complainant:** The individual who is alleged to be the victim of conduct that could constitute sexual discrimination or harassment.

**Formal Complaint:** A document 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.

**Respondent:** The individual who has been reported to be the perpetrator of conduct that would constitute sexual harassment or discrimination.

**Sex Discrimination:** Unequal treatment based on sex with respect to an individual's access to or participation in the College's education programs or activities, as prohibited by Title IX.

**Sexual Harassment:** "Sexual harassment" is conduct on the basis of sex where at least one of the following occurs:

- An employee of the College makes providing an aid, benefit or service of the College conditional upon an individual's participation in unwelcome sexual conduct;
- There is unwelcome conduct on the basis of sex that a reasonable person would deem so severe, pervasive and objectively offensive that it effectively denies a person equal access to the College's education program or activity; or
- An individual is subjected to "sexual assault," as defined by the Clery Act, which is classified as a forcible or non-forcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation. That is further defined as:
  - 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.
    - Forcible Rape:
      - 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 Complainant.
    - 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.

- 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.
- 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.
- Sex Offenses, Non-forcible:
  - Incest: Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by Michigan law. Statutory Rape is Non-forcible sexual intercourse with a person who is under the statutory age of consent of Michigan.
- An individual is subjected to "dating violence," defined in 34 U.S.C. 12291(a)(10) as:
  - Violence on the basis of sex committed by a person who is in or has been in a social relationship of a romantic or intimate nature with the Complainant.
  - The existence of such a relationship shall be determined based on the Complainant'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 emotional, psychological, sexual or physical abuse or the threat of such abuse.
    - Dating violence does not include acts covered under the definition of domestic violence.
- An individual is subjected to "domestic violence," defined in 34 U.S.C. 12291(a)(8) as:
  - Violence on the basis of sex committed by a current or former spouse or intimate partner of the Complainant, by a person with whom the Complainant shares a child in common, or by a person who is cohabitating with, or has cohabitated with, the Complainant as a spouse or intimate partner, or by a person similarly situated to a spouse of the Complainant under the domestic or family violence laws of Michigan, or by any other person against an adult or youth Complainant who is protected from that person's acts under the domestic or family violence laws of Michigan.
  - To categorize an incident as Domestic Violence, the relationship between the Respondent and the Complainant must be more than just two people living together as roommates. The people cohabitating must be current or former spouses or have an intimate relationship.
- An individual is subjected to "stalking," defined in 34 U.S.C. 12291(a)(30) as:

- Engaging in a course of conduct on the basis of sex directed at a specific person that would cause a reasonable person to fear for the person's safety, or the safety of others; or suffer substantial emotional distress.
- For the purposes of this definition:
  - Course of conduct means two or more acts, including, but not limited to, acts in which the Respondent 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.
  - Reasonable person means a reasonable person under similar circumstances and with similar identities to the complainant.
  - Substantial emotional distress means significant mental suffering or anguish that may but does not necessarily require medical or other professional treatment or counseling.

**Consent:** clear, knowing and voluntary agreement. Silence, in and of itself, cannot be interpreted as consent. Consent can be given by words or actions, as long as those words or actions create mutually understandable, clear permission regarding willingness to engage in (and the conditions of) sexual activity.

- Consent to any one form of sexual activity cannot automatically imply consent to any other forms of sexual activity.
- Previous relationships or prior consent cannot imply consent to future sexual acts.
- In order to give effective consent, one must be of legal age and have the mental/physical capacity to consent. A person may be unable to consent due to consumption of drugs or alcohol.

**Gender Identity:** Gender identity is the gender of which a person identifies which may not correspond with the gender assigned at birth.

**Sexual orientation:** Sexual identity in relation to the gender to which a person is attracted.

\*This policy is applicable regardless of the sexual orientation and/or gender identity of the individual engaging in sexual activity.

**Supportive measures:** Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available and without fee or charge to the complainant or respondent. Supportive measures may be provided before or after a formal complaint has been filed or where no formal complaint has been filed. They are designed to restore or preserve equal access to the College's education program or activity without unreasonably burdening the other party and include measures designed to protect the safety of the parties or campus environment or to deter sexual harassment. Examples of supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of campus and other similar measures. These measures will be kept confidential, to the extent maintaining that confidentiality does not impair the College's ability to provide the supportive measures.

**Retaliation:** the act of intimidating, threatening, coercing or discriminating against any individual for the purpose of interfering with any right or privilege secured by Title IX, or because the individual made a report or complaint, testified, assisted or participated (or refused to participate) in any manner in an investigation, proceeding or hearing related to Title IX or this Policy. Intimidation, threats, coercion or discrimination – including making 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 of 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 – constitutes retaliation.

The exercise of rights protected under the First Amendment does not constitute retaliation. Nor is it retaliation to charge an individual with a Code of Conduct violation if the College finds that the individual made a materially false statement in bad faith in the course of a grievance proceeding under this Policy, provided that a determination regarding responsibility, standing alone, is not sufficient to conclude that any party made a materially false statement in bad faith. Retaliation will not be tolerated and may result in severe sanctions, including discipline, suspension, expulsion, termination of employment or revocation of tenure, or an additional charge.

### **SECTION 3: Reporting Sexual Harassment, Discrimination, or Retaliation**

All college employees (faculty, staff, administrators) are expected to immediately report actual or suspected harassment, discrimination, or retaliation to a Title IX Coordinator, though there are some limited exceptions. In order to make informed choices, it is important to be aware of confidentiality and mandatory reporting requirements when consulting campus resources. On campus, licensed counselors can maintain confidentiality – meaning they are not required to report actual or suspected harassment discrimination or retaliation to appropriate university officials - thereby offering options and advice without any obligation to inform an outside agency or individual unless a victim has requested information to be shared. Other resources exist for a victim to report crimes and policy violations and these resources will take action when an incident is reported to them. The following are two reporting options:

#### **Confidential Reporting Options**

If a reporting party would like the details of an incident be kept confidential, they should speak with a licensed counselor, members of the clergy and chaplains, or off-campus rape crisis resources. The college recommends contacting Domestic and Sexual Abuse Services at 1-800-828-2023 (crisis line). Those who are able to maintain confidentiality will do so except in extreme cases of immediate threat or danger or in the abuse of a minor.

If you are unsure of someone’s duties and ability to maintain your privacy, ask them before you talk to them. They will be able to inform you of their duties, and help you make decisions about who can best assist you.

Personally identifiable information will be shared in the event that the incident reveals a need to protect you or other members of the community. If personally identifiable information is shared, it will only be shared as necessary with as few people as possible, and all efforts will be made to protect your privacy.

#### **Formal reporting options**

Reporting parties are encouraged to file a formal complaint of sex/gender-based harassment, discrimination or retaliation at [www.glenoaks.edu](http://www.glenoaks.edu) by clicking on the Report a Concern tab on the home page. This report is submitted to the College's Title IX Coordinator, who will review the allegations made and determine if they fall within the scope of this Policy or would constitute some other Code of Conduct violation. Reporting parties may also contact a Title IX Coordinator (as described above), or another school administrator, with whom the reporting party feels comfortable making a complaint. Students and employees have the right to have incidents of sexual harassment, discrimination or retaliation investigated and properly resolved through a grievance process. Information will be shared as necessary with the Complainant, Respondent, and appropriate college administrators who play a role in the grievance process.

If a victim wishes to remain anonymous, does not wish for an investigation to take place, or does not want a formal resolution to be pursued, the victim may make such a request to the Title IX Coordinator, who will evaluate that request in light of the duty to ensure the safety of the campus and comply with federal law. In cases indicating pattern, predation, threat, weapons and/or violence, the College will likely be unable to honor a request that no investigation take place, but will maintain confidentiality to the extent possible. In cases where the victim requests confidentiality and the circumstances allow the College to honor that request, the College will offer supportive measures, but will not otherwise pursue formal action. A complainant/reporting party has the right, and can expect, to have reports taken seriously by the College, and when formally reported, to have those incidents investigated and properly resolved through these procedures.

## **SECTION 4: College Reporting Obligations**

### **Federal Statistical Reporting Obligations**

Certain campus officials have a duty to report sexual misconduct for federal statistical reporting purposes (Clery Act). All personally identifiable information is kept confidential, but statistical information must be passed along to campus law enforcement regarding the type of incident and its general location for publication in the annual Campus Security Report. This report helps to provide the community with a clear picture of the extent and nature of campus crime, to ensure greater community safety. Mandated federal reporters include: student/conduct affairs, campus law enforcement, local police, coaches, student activities staff, human resources staff, academic advisors, advisors to student organizations and any other official with significant responsibility for student and campus activities. The information to be shared includes the date, the location of the incident using Clery location categories and the Clery crime category. This reporting protects the identity of the victim and may be done anonymously.

### **Federal Timely Warning Reporting Obligations**

Victims of sexual misconduct should also be aware that college administrators must issue immediate timely warnings for incidents reported to them that pose a substantial threat of bodily harm or danger to any member of the campus community. The College will make every effort to ensure that a victim's name and other identifying information is not disclosed, while still providing enough information for community members to make safety decisions in light of the danger. The reporters for timely warning purposes are exactly the same as detailed in the above paragraph.

## **SECTION 5: Grievance Process for Sex Discrimination**

Any student or staff member who believes that they have been subjected to (or witnessed) sex discrimination in any program or activity of the College should report that concern at [www.glenoaks.edu](http://www.glenoaks.edu) by clicking on the Report a Concern tab on the home page. This report goes to the College's Title IX Coordinator, who will review the allegations made and determine if they fall within the scope of this Policy or would constitute some other Code of Conduct violation. Reporting parties may also contact a Title IX Coordinator (as described above) in person, by mail, by email or by using the contact information for the Title IX Coordinator described above. If the concern involves a Title IX Coordinator and you do not feel comfortable reporting to one of the other Title IX Coordinators, a report may be made to the President of the College.

Within five (5) business days of receiving a complaint, the Title IX Coordinator will determine whether any supportive measures are necessary, work on implementing those supportive measures, and initiate an investigation. The investigation, which will be conducted by the Title IX Coordinator or his/her designee, will include interviews of witnesses deemed necessary by the investigator as well as review of relevant evidence. Absent unusual circumstances (e.g., unavailability of witnesses), the investigation will be completed within 60 business days. At the conclusion of the investigation, the investigator will prepare a report that summarizes the factual evidence gathered and makes a determination of whether there is sufficient evidence to conclude—by a preponderance of evidence (i.e., “more likely than not”) - that sex discrimination occurred in one of the College's programs or activities.

If the Title IX Coordinator did not act as the investigator, the investigator will provide a copy of the Report to the Title IX Coordinator and the parties. Within five (5) business days of receiving the report, the Title IX Coordinator (if not the investigator) will adopt, modify or reject the investigator's conclusions and provide notice to the parties of that decision. The Title IX Coordinator will also determine what remedial actions (if any) may be necessary to end any sex discrimination that occurred, prevent its recurrence and redress any continuing effects of the discrimination.

Both parties will have the right to file a written appeal of the Title IX Coordinator's decision to the President of the College. An appeal must be submitted, in writing, to the Title IX Coordinator within five (5) business days after the date of the Title IX Coordinator's report or notification. The decision of the President is final.

Retaliation against a person for making a good faith complaint of sex discrimination is strictly prohibited. Any complainant who believes that he/she has been retaliated against for making a complaint of sex discrimination under this Policy should notify the Title IX Coordinator and that complaint will be handled according to the grievance procedures provided in this Section.

## **SECTION 6: Grievance Process for Sexual Harassment**

A formal complaint of sexual harassment may be filed with the Title IX Coordinator in person, by mail, by email or by using the contact information for the Title IX Coordinator described above, but the College strongly encourages submission of reports through the Report a Concern option at [www.glenoaks.edu](http://www.glenoaks.edu). The Title IX Coordinator reserves the right to file a formal complaint should the complainant decline to file a formal complaint. The Title IX Coordinators are the school officials charged with authority to institute corrective measures for violation of this Policy, but all College employees are obligated to report incidents of sexual harassment of which they become

aware, unless they have a recognized confidentiality privilege, such as serving as a licensed counselor for the College. Further, students and guests who have observed or been made aware of sexual harassment are encouraged to report such incidents.

The formal complaint should clearly and concisely describe the conduct that the complainant believes constitutes sexual harassment; the identities of the parties involved in the incident, if known; the date and location of the incident, if known; and the desired remedy sought. The formal complaint should contain the name and contact information for the complainant if available. Any supporting documentation and evidence should be referenced within the body of the formal complaint. Additionally, the complainant should submit any supporting materials as quickly as is practicable.

### ***Part I: Actions upon Receipt of a Formal Complaint***

Upon receipt of a formal complaint, the Title IX Coordinator will:

1. Initiate the investigation process by reviewing the allegations contained in the formal complaint. The formal complaint will be dismissed for lack of jurisdiction if the conduct alleged (1) would not constitute sexual harassment, as defined by Title IX regulations and described in this Policy, even if proved; (2) did not occur in the College's education program or activity; *or* (3) did not occur against a person in the United States. The Title IX Coordinator will, however, consider whether the alleged conduct may violate the College's Code of Conduct, and if it may, refer the complaint for handling under the Code of Conduct.
2. Review if any immediate steps need to be taken for the safety of any student or other individual arising from the report of sexual harassment. If emergency removal is necessary due to an immediate threat to physical health or safety, the Title IX Coordinator will provide respondent(s) with notice of the decision to remove respondent(s) from campus and the opportunity to challenge the decision immediately following the removal.
3. Provide a Notice of Allegation to the parties of:
  - a. The College's grievance process, including the informal resolution process;
  - b. The sexual harassment allegations, including the identities of the parties involved, if known; the conduct alleged to be sexual harassment; and the date and location of the incident, if known. If, during the course of the investigation, the College decides to investigate additional allegations that were not included in this initial notice, the College will provide notice of those additional allegations to the parties.
  - c. The fact that the respondent is presumed not responsible for the alleged conduct and that a determination of responsibility will be made at the conclusion of the grievance process;
  - d. The parties' right to have an advisor of their choice, who may be, but is not required to be, an attorney and who will be permitted to inspect and review evidence obtained as part of the investigation that is directly related to the allegations made in the formal complaint;
  - e. The provisions in the College's Code of Conduct that prohibits making false statements or knowingly submitting false information during the grievance process.
4. Provide supportive measures, as needed, to both the complainant and respondent.
5. Assign an investigator to the case
  - a. The investigator may be one or more individuals. If there is more than one investigator, they shall be present at all meetings. The assigned investigator(s) will have received all requisite training and will be free of bias and conflict of interest.
6. Monitor the investigation's progression and completion.

## ***Part II: Formal Investigation Process and Protections***

Within five (5) business days of the College's receipt of a formal complaint, the investigator will initiate an investigation. The investigator will ensure that the burden of proof and gathering of evidence rests on the College, not the parties, understanding that the College cannot access, consider, disclose or otherwise use a party's treatment records without that party's voluntary, written consent.

Each of the parties will have an equal opportunity to present evidence and witnesses, including fact and expert witnesses. The investigator will not restrict the ability of either party to discuss the allegations under investigation or their ability to gather and present relevant evidence.

The investigator will conduct interviews (and follow-up interviews, as needed) with the parties and relevant witnesses. Prior to any investigative interview or other meeting where a party is invited or expected to attend, the investigator will provide advance, written notice of the date, time, location, participants and purpose of the meeting, with sufficient time for the party to prepare to participate.

Absent unusual circumstances (e.g, school closure, unavailability of witnesses, delay caused by criminal investigation), the investigation will be completed within 60 business days. Any time the general timeframe for resolution outlined in this Policy will be delayed, the College will provide written notice to the parties of the delay, the cause of the delay, and the anticipated time needed as a result of the delay.

## ***Part III: Investigation Meeting Details***

1. Each meeting will be held privately and closed to the public. At no time during the investigation will the respondent and the complainant be in the same room.
2. These meetings are entirely administrative in nature and are not considered legal proceedings.
3. The parties will be allowed an advisor of their choice to be present during all administrative meetings and hearings.
  - a. The complainant and respondent must select an advisor of their choice, which, at their own expense, may include an attorney.
    - i. If either party does not have an advisor, the College will provide one at the request of the student at no cost to the involved party.
    - ii. All advisors provided by the college are employees who are trained to serve in this function. The college will not provide legal counsel for the student.
    - iii. If an involved party is a minor, a parent/guardian, as well as an advisor, may attend all meetings.
  - b. During investigative meetings, the advisor may only speak with their party in a way that does not disrupt the meeting. At no time will they be allowed to speak on behalf of the party unless deemed necessary or appropriate by the Investigator.

## ***Part IV: Investigation Summary Report***

At the conclusion of the formal investigation, the investigator will complete an investigation summary report. Prior to completion of the report, the investigator will send each party and his/her advisor (by electronic format or hard copy) a copy of the evidence obtained during the investigation that directly relates to the allegations in the formal complaint, regardless of the



source of that evidence or whether the investigator intends to rely upon it. The parties will be given at least 10 days to submit a written response, which the investigator will consider when completing the investigation report.

The investigation summary report, which will fairly summarize the evidence, will be provided to the complainant, respondent, and advisors at least 10 days prior to the live hearing. Both parties will have the opportunity to review that report and respond in writing.

At least 10 days after the investigation summary report was distributed to the parties, the investigator will submit the report (as well as the parties' responses to the report, if any) to the Hearing Chair.

### ***Part V: Informal Resolution***

As part of the College's formal grievance procedure, at any time after a formal complaint has been filed, the parties may agree to participate in an informal resolution process. Through that informal resolution process, the College would be authorized to facilitate a mediation or other informal resolution between the parties that would not involve a full investigation and adjudication. Informal resolution is *only* permitted where the College:

1. Provides a written Notice of Informal Resolution to the parties of (1) the allegations of the formal complaint, (2) the requirements of the informal process (including that a party may withdraw from the informal process at any time, but once the parties have agreed to a resolution, the parties may be precluded from resuming the formal complaint process - i.e., the full investigation and adjudication - based on the same allegations); and (3) any consequences that would result from participation in the informal resolution process, including that records may be maintained or shared;
2. Obtains both parties' voluntary, written consent to the informal resolution process;

Informal resolution may not be used to resolve complaints alleging that an employee sexually harassed a student. In cases where informal resolution is permitted, it will be strictly voluntary, and will not be required of any party as a condition of enrollment or continued enrollment; employment or continued employment or any other right.

### ***Part VI: Hearing***

For formal complaints, unless resolved through the informal resolution process, a live hearing will be conducted by a Decision-maker (or Decision-making Panel) before a determination of responsibility is made. The hearing may be conducted by a sole Decision-Maker or by a Decision-making panel, at the Title IX Coordinator's discretion. If there is a Panel, the Title IX Coordinator will select a Hearing Officer who will serve as the Chair of the Decision-making Panel. The Hearing Officer will manage the hearing and make evidentiary rulings.

At the live hearing, each party's advisor will have the opportunity to ask the party questions relevant to the allegations of the formal complaint. Questions about a complainant's sexual predisposition or prior sexual behavior are not relevant, unless those questions or evidence: (1) are offered to prove that someone other than the respondent committed the conduct alleged by complainant; or (2) concern specific incidents of complainant's prior sexual behavior with respect to respondent and are offered to prove consent. Cross examination of parties and witnesses will be conducted directly, orally and in real time, but a party or witness will not be required to *answer* any such question until the Hearing Officer has considered the question and deemed it relevant. If

a question is deemed irrelevant, the Hearing Officer will explain why. A party may not directly cross-examine another party or witness.

Although the hearing will be conducted in a live setting and in real time, at the request of a party, the parties will be located in separate rooms with technology enabling the Decision-maker(s) and parties to simultaneously observe (through sight and sound) the witness answering questions. The College may also, in its discretion, conduct the live hearing virtually, with technology enabling participants to simultaneously see and hear each other. All live hearings – whether conducted with participants in the same geographic location or virtually – will be recorded audio visually or transcribed. That recording or transcript will be available to parties for inspection and review.

At the conclusion of the hearing, the Decision Maker (or Panel) will deliberate and determine if the respondent is responsible for the alleged violation, using the preponderance of evidence (“more likely than not”) standard. In making this determination, the Decision-maker (or Panel) may consider statements made by parties and witnesses during the investigation, electronic exchanges between parties leading up to the alleged sexual harassment, and relevant statements about the alleged sexual harassment, regardless of whether the parties or witnesses submit to cross examination at the live hearing. The Decision-maker (or Panel) may also consider police reports, Sexual Assault Nurse Examiner documents, medical reports, and other documents even if those documents contain statements of a party or witness who is not cross-examined at the live hearing. The Decision-maker (or Panel) will not, however, make an inference about responsibility based solely on a party’s or witness’s absence or refusal to testify at the hearing. In other words, the Decision-maker (or Panel) will not assume that a respondent sexually harassed the complainant solely because the respondent refused to testify at the hearing; nor will the Decision-maker (or Panel) assume that the respondent did not sexually harass the complainant solely because the complainant refused to be cross-examined.

After reaching a determination of responsibility, the Decision Maker (or Panel) will simultaneously issue to both parties a written determination that:

1. Identifies the allegations potentially constituting sexual harassment under this Policy;
2. Describes the procedural steps taken by the College throughout the grievance process;
3. Provides findings of fact supporting the determination;
4. Provides conclusions regarding the application of the College’s policy to the facts;
5. States the determination as to each allegation as well as the rationale for that determination;  
and
6. Explains the College’s appeal procedures and bases for appeal.

### ***Part VII: Sanctioning***

Once the determination of responsibility is made, and if a party has been found responsible for violating this Policy, the Title IX Coordinator will implement appropriate remedies to end the harassment, prevent its recurrence and redress the effects of the harassment experienced by the complainant.

Violations of this policy may result in sanctions and corrective actions, which can include, but are not limited to:

- Verbal warning
- Written warning
- Advisory letter

- Monitoring
- Disciplinary hold on academic and/or financial records
- Performance improvement/management process
- Required counseling or therapy
- Required training or education
- Campus access restrictions
- No trespass order issued by security (with respect to campus locations)
- No contact directive (with respect to an individual)
- Loss of privileges
- Loss of oversight, teaching or supervisory responsibility
- Probation
- Demotion
- Loss of pay increase
- Transfer (employment)
- Revocation of offer (employment or admissions)
- Disciplinary suspension
- Suspension with pay
- Suspension without pay
- Exclusion
- Expulsion
- Degree revocation
- Termination of employment
- Revocation of tenure
- Termination of contract (for contractors)

The College may assign other sanctions as appropriate in each particular situation.

Sanctions and corrective actions will be imposed in accordance with relevant policies and/or procedures and other requirements set forth in the applicable Staff/Faculty Handbooks, Student Handbook, collective bargaining agreements, other policies or handbooks that may be developed over time, or contracts.

In addition, the College may take steps to remediate the effects of a violation on victims and others. Following an investigation, the College may extend interim protective measures and accommodations, and/or take other measures to eliminate any hostile environment caused by the sexual harassment or misconduct, prevent the recurrence of any sexual harassment or misconduct, and remedy the effects of the sexual harassment or misconduct on the complainant and the College community. Such measures may include, but are not limited to, the interim measures and accommodations referenced in this policy, as well as counseling, training, and other preventative measures.

### ***Part VIII: Appeal and Final Outcome***

If either party disagrees with the determination of responsibility, the party or their advisor may file an appeal within 5 business days of the date stated on the Determination Letter.

Appeals are [only] permitted for the following reasons:

1. Procedural irregularity that affected the outcome;
2. New evidence, which was not reasonably available prior to the determination being made

- and which could affect the outcome, has become available;
3. The Title IX Coordinator, investigator(s) or decision-maker(s) had a conflict of interest or bias that affected the outcome.

The appeal should be titled “Appeal” and directed to the Title IX Coordinator, who will assign the appeal to an individual or Panel (not the Investigator, Title IX Coordinator or Decision-maker/Panel) who has received requisite training and is without conflict of interest or bias (“the Appellate Officer”).

Once an appeal has been filed, each party will have the opportunity to submit a written statement in support of (or challenging) the outcome. That statement should be provided to the Title IX Coordinator within ten (10) days of the Determination Letter. The letter will then be forwarded to the Appellate Officer. The Appellate Officer will issue a written decision – simultaneously to both parties – describing the result of the appeal and rationale for the decision within ten (10) business days of the date the parties’ written statements were due.

The determination of responsibility will be considered final when: (1) neither party files a written appeal with the Title IX Coordinator within the timeline for appeal required in this Part; or (2) the individual or Panel designated to decide the appeal has issued a written decision, whichever occurs last.

## **SECTION 7: Additional Policy Provisions**

### **Attempted violations**

In most circumstances, the College will treat attempts to commit any of the violations listed in this policy as violations of the policy.

### **College’s Right to Sign a Formal Complaint**

As necessary, the Title IX Coordinator reserves the right to sign a formal complaint without a formal complaint by the person alleging that respondent violated this Policy.

### **False Reports**

Glen Oaks Community College will not tolerate intentional false reporting of incidents. It is a violation of this Policy, the Student Code of Conduct and employee handbook to make an intentionally false report of any policy violation, and it may also violate state criminal statutes and civil defamation laws.

### **Encouraging Reporting for Complainant, Respondents, and Witnesses**

The college community encourages the open, honest and accurate reporting of violations of college policies, and understands that complainants, respondents or witnesses are sometimes hesitant to report to college officials or participate in grievance processes because they fear that they themselves may be charged with policy violations, such as underage drinking, that occurred at the time of the incident. To promote open, honest and accurate reporting, it is the College’s policy *not* to impose disciplinary penalties on complainants, respondents, and witnesses for minor policy

violations related to the incident. While violations cannot be completely overlooked, the college will provide educational rather than punitive responses in such cases.

## **Right to Privacy**

This Policy will be implemented consistent with students' rights under the Family Educational Rights and Privacy Act ("FERPA"), but to the extent any requirement of FERPA would conflict with a student's constitutional rights or rights under Title IX, the College will adhere to the constitution and/or Title IX.

## **Missing Student Policy (Policy 3.90)**

It is the policy of Glen Oaks Community College to investigate any report of a missing student who is attending classes at GOCC and who resides in on-campus housing.

A student will be deemed missing when reported absent from the College and/or the student housing building without any known cause and/or for a reasonable period of time. A reasonable period of time may vary based upon student's routine and habits, punctuality, reliability, reports of suicidal thoughts, drug and alcohol use, or if the student might be in the company of individuals who could endanger the student's welfare or place the student in a life-threatening situation.

All reports of missing students must be directed to the Campus Security Officer at 269-294-4312; in these instances, the Campus Security Officer will take the lead in investigating each report and make a determination whether the student is missing in accordance with this policy. At that time, the Campus Security Officer will contact local law enforcement within 24 hours after the College receives a report that a student is missing.

All students have the option to identify an emergency contact person or persons who will be notified within 24 hours in the event a determination is made by local law enforcement that the student is missing. This contact information may be added through the Student Housing Office. It is the student's responsibility to regularly update any changes to existing contact information through the Student Housing Office. This information will be registered confidentially. Only authorized campus officials and law enforcement officers may have access to this information.

If a missing student is under 18 years of age, and not an emancipated individual, the College will notify a custodial parent or guardian of the missing student no later than 24 hours after the determination by law enforcement that the student is missing.

The Devier Student Suites are configured for apartment-style living, and there is no formal procedure or prescribed timelines for monitoring whether students are present in their assigned student suites. Student welfare and safety is paramount to the College; however, the College recognizes and makes known its limitations in obtaining accurate and timely information on the whereabouts of students.

## **Procedures**

Any report of a missing student who reside in on-campus housing, from whatever source, must immediately be directed to the Campus Security Officer. When a student is reported missing, the Campus Security Officer will:

- Initiate an investigation to determine the validity of the missing person report, including gathering information such as a description, clothing, vehicle, physical and mental state, who the student may be with, and obtaining an up-to-date photograph.
- Inform the Vice President of Student Services.
- Make a determination as to the status of the missing student.
- Notify local police or other appropriate law enforcement agencies within 24 hours after the College receives a report that the student is missing.

Upon determining the student is missing and upon notification by law enforcement, the Vice President of Student Services will:

- Notify the person(s) identified by the missing student as the emergency contact within 24 hours of making the determination that the student is missing. If the missing student is under the age of 18, and is not an emancipated individual, the Vice President will notify the student's custodial parent or guardian as contained in the records of the College within 24 hours of the determination that the student is missing.
- Initiate whatever other action is deemed appropriate under the circumstances to be in the best interest of the missing student.

In cases of a missing student, the law enforcement agency conducting the investigation will typically provide information to the media. Law enforcement personnel are best suited to provide information to the media that is designed to elicit public assistance for a missing person. Glen Oaks Community College is available to provide consultation on communication with the investigating law enforcement agencies. Any media requests should be directed to Glen Oaks Community College and the Executive Director of Communications and Marketing.

In the case a commuter student is believed to be missing, reports should be directed to the appropriate law enforcement agency. Glen Oaks Community College will work in conjunction with law enforcement as needed.

If any provisions(s) of this policy or set of bylaws conflicts with laws applicable to Glen Oaks Community College, including the Community College Act of 1966, the Freedom of Information Act, or the Open Meetings Act, as each may be amended from time to time, such laws shall control and supersede such provisions(s) to the extent required by law.

### **Sex Offender Compliance Policy (3.96)**

The Campus Sex Act Crimes Prevention Act requires sex offenders, who must register under state law, to provide notice of enrollment or employment, as well as notice of change of enrollment or employment status, at any institution of higher education to issue a statement advising the campus community as to where information concerning registered sex offenders can be obtained.

In accordance with this act, the Michigan State Police Sex Offender Registry website may be accessed at <https://mipsor.state.mi.us>

Registered sex offenders who are members of the College community, upon enrollment at the College, must notify the Vice President of Student Services that they have registered with the College. Failure to notify the College is a violation of the Student Code of Conduct and subjects those students to all available College judicial processes and sanctions.

## **Voluntary Confidential Report (Policy 6.16)**

Glen Oaks Community College encourages all faculty, staff, students, and volunteers, acting in good faith, to report suspected or actual wrongful conduct. (Policy 6.16) Such reports may be made confidentially via the Ethical Advocate program at 877-743-4127 or via the online concern reporting form located here: <https://www.glenoaks.edu/public-safety/feedback-report-a-concern/>

In cases of sexual violence, if one desires that details of the incident be kept confidential, they should speak with a private counselor, members of the clergy and chaplains, or off-campus rape crisis resources who can maintain confidentiality. The college recommends contacting Domestic and Sexual Abuse Services at 1-800-828-2023 (crisis line).

Glen Oaks Community College is committed to establishing and supporting an environment where students, employees, and guests can take advantage of the academic and social offerings in a manner that supports the health, safety, and well-being of all individuals. If members of our community observe behaviors inconsistent with this goal, it is important to immediately report concerns to an appropriate College official for a prompt and timely investigation. Concerns can be submitted using the online form located here: <https://www.glenoaks.edu/public-safety/feedback-report-a-concern/>

## **Policy Addressing On-Site Counselors**

It is the policy of licensed counselors working within GOCC Student Services, to maintain client confidentiality. The Clery Act **does not** require a counselor to breach confidentiality, but it is often beneficial to the greater campus population to compile statistics regarding criminal activity in a way that does not violate client confidentiality. As such, counseling staff will work with the Vice President of Student Services by providing a report of non-identifying information, including:

- 1) where the crime occurred;
- 2) the type of crime;
- 3) to whom the crime was reported; and
- 4) when the crime was reported.

Licensed counselors will deliver this report to the Vice President of Student Services and is responsible for doing so in a manner that protects client confidentiality. No clinical information will be disclosed, and only the items above may be shared.

## **Situations requiring more extensive reporting**

Situations do exist wherein the counselor is required to breach confidentiality, due to a situation that is beyond the protection of the Clery Act's protection of individual confidentiality, such as in the case of:

If a patient communicates to a mental health professional who is treating the patient a threat of physical violence against a reasonably identifiable third person and the recipient has the apparent intent and ability to carry out that threat in the foreseeable future, the mental health professional has a duty to take action. The duty is discharged by hospitalization, communicating to the third person and notifying local law enforcement, warn social services or the custodial parent or

guardian if the victim is a minor. Immunity from liability for disclosure. Michigan Statute 330.1946.

If a person is making homicidal threats or has direct plans of harming another person, counseling staff must collect as much information as possible about the person they intend on harming such as name, phone number, and address and the means of harm (weapon). If there is a serious and foreseeable risk, then by law, the counselor must warn the possible victim, the Vice President of Student Services, the police department, and others who are deemed necessary to provide assistance and necessarily, the counselor will communicate more detailed information than the Clery Act requires, due to the greater threshold of risk.

### **Crime Prevention and Security Awareness Programs**

Crime prevention at GOCC is based on minimizing or eliminating criminal opportunities and encouraging students and employees to be responsible for their own safety/security and the safety/security of others. The college conducts crime prevention programs upon request to educate the GOCC community on measures the community can take to reduce the chances of becoming a victim of crime. The St. Joseph County Sheriff's Department conducts periodic patrols of the campus.

If a patient communicates to a mental health professional who is treating the patient a threat of physical violence against a reasonably identifiable third person and the recipient has the apparent intent and ability to carry out that threat in the foreseeable future, the mental health professional has a duty to take action. The duty is discharged by hospitalization, communicating to the third person and notifying local law enforcement, warn social services or the custodial parent or guardian if the victim is a minor. Immunity from liability for disclosure.

### **Criminal Activity Off Campus**

Glen Oaks Community College does not currently have any officially recognized off-campus student organizations.



# Emergency Response and Evacuation Procedures

## **Tornado / Severe Thunderstorms Incident Procedure**

**Purpose:** To protect the well-being of the campus community in the event of tornados / severe thunderstorms during operating hours.

### **General Information:**

Some inclement weather events like strong winds, rainstorms or tornados will require employees and students to go to sheltered areas within the College. In these cases, employees and students should not evacuate the building, since this may cause injury. When strong winds, rain or a tornado are imminent, you have only a short amount of time to make life-or-death decisions. Advanced planning and a quick response are the keys to surviving this type of inclement weather. The college values the safety of each individual and expects that people will take the responsibility for safeguarding their own welfare.

IT Receives tornado/severe weather alerts. The procedure will be to notify the College President, Director of Buildings & Grounds, and VP of Finance and Administrative Services via any of the following: phone, emergency phone alert system, digital signage. If a “take cover warning” is issued by the National Weather Service, building occupants will immediately be notified and should move to sheltered areas at that time.

**Tornado WATCH:** Weather conditions are favorable for a tornado to develop. In the event of a tornado WATCH, you should:

- Be alert for approaching storms.
- Listen for the phone paging system and other College media, which will indicate the weather situation worsening.
- Continue with classes, exams, and College business/operations in the absence of further instructions.
- The athletic department will alert any teams out on the athletic fields.

**Tornado WARNING:** A tornado or funnel cloud has been sighted or is indicated on weather radar. In the event of a tornado WARNING, College policy requires the following:

- Instructors will stop any classes or exams that are taking place and will direct all students to the appropriate tornado safe waiting area as needed.
- A tornado WARNING will be passed on to building occupants via the Telephone Alert System, digital signage, etc.
- Building occupants will prepare to go to the tornado safe waiting area in whichever area they are in at the time of the Tornado WARNING being issued. Shelter maps are located throughout the building (general rule: a shelter area will be an interior area below the top floor of the building without any windows or exterior doors).

- Building occupants should remain in the protected area until the tornado or severe weather has passed and they have received an all clear. At that point, classes and College business/operations will resume as permitted by the impact of the severe weather.

## **Fire Incident Procedures**

### **Drills:**

Fire drills will be conducted once per semester. The Summer and Fall fire drills will be conducted during normal business hours and the Winter fire drill will be conducted after sunset to ensure adequate training has been provided.

### **Visual Sweeps:**

Certain employees will be assigned the responsibility of conducting a visual sweep of their respective area during a fire drill or fire emergency. Assignments will be by position with one position as primary sweeper for an area and back-up sweeper. They are as follows:

<b>AREA</b>	<b>PRIMARY</b>	<b>BACKUP</b>
Administration/Restrooms	VP of Finance	VP of Academics
Bookstore/Business Office	Controller	Senior Accountant
Student Services	VP of Student Services	Director of Financial Aid
Concourse	Fitness Center Staff	Maintenance Staff
Learning Commons	Director of Learning Commons	Asst Director
B/C Wing	Maintenance	
D Wing	Athletic Director	Director of Nursing
E1 Wing	Welding Instructor	Auto Instructor
E4 Wing	Website Administrator	IT Director
F Wing	Professors of Business/Math	Digital Solutions Admin
G Wing	Professors of Science	

### **Fire Evacuation Procedures:**

- 1.) Secure your area (lock fire files, close windows and doors).
- 2.) While exiting your area conduct a visual sweep for anyone still in their office. Take your personal belongings (keys, purse, etc) **and your two-way radio if you have one.**
- 3.) Do not use elevators.
- 4.) Evacuate the building at nearest exit.
- 5.) Point out the nearest exits to students and visitors. Assist those with disabilities, if possible.

- 6.) Once outside, proceed to one of the following areas (300 ft away from building)
  - a. West Side of Campus – Emergency Phone
  - b. East Side of Campus – Benches near Automotive Drive
- 7.) Wait for the “all clear” before returning to the building.
- 8.) Never assume that the alarm is only a test or a false alarm.

### **Fire Emergency:**

#### **If you discover a fire:**

Call 911 – regardless of the size of the fire.  
Activate or have another person activate the fire alarm.

#### **Maintenance/Custodial Department:**

- 1.) Shut-off main electricity/gas
- 2.) Re-direct traffic at Sauger Lake Road and Shimmel Road entrances.
- 3.) Employee re-directing traffic at Shimmel Road entrance will also direct fire truck to the location of the fire.
- 4.) Designated maintenance/custodial employee will provide emergency crew with details on the fire emergency (i.e. location of fire, type of room involved, suspicion of injuries/people trapped persons, presence of flames, suspected cause, etc.).

#### **Assisting those with a disability:**

All staff/faculty will be charged with the duty of assisting anyone who may have a disability that is in their area during a fire emergency. Evac chairs are mounted on the D-wing 4<sup>th</sup> floor and Concourse Level. Appropriate training will be provided to all faculty/staff at least annually (All college meeting).

#### **Incident command:**

The incident command base will be located as determined by the responding fire department.

#### **Communication:**

President of the College will serve as the primary contact for all media related inquiries and statements. The Executive Director of Communications and Marketing will serve as backup to the President.

Regarding communications to staff and students:

- The Website Administrator will send out a notification via text to students and staff, and e-mail to staff regarding the crisis.
- The Website Administrator will upload the emergency notification page on our website and digital signage.

Glen Oaks will partner with Community Mental Health (CMH) and/or HelpNet to provide counseling as needed. Glen Oaks Counselors will work with CMH to coordinate these services during a crisis situation, if possible and needed.

Local Emergency Management personnel will coordinate volunteers and organize the search and rescue mission for missing individuals.

## **Timely Warnings**

Depending on the particular circumstances of the crime, especially in all situations that could pose an immediate threat to the health or safety of students or employees (i.e. meningitis outbreak, approaching tornado, armed intruder, etc.), Glen Oaks will post timely warnings for any Clery Act crime, throughout the campus giving immediate attention to any precautions to be taken by the College community.

The Glen Oaks Community College Crisis Management Team shall make the initial determination as to whether a situation meets the threshold of a significant emergency or dangerous situation. This team consists of members of the Leadership Group (President, Vice President of Finance and Administrative Services, Vice President of Academics, Dean of Academics, Registrar, Executive Director of Communications and Marketing, and Business Services Director), Director of Buildings and Grounds, and HR Director. The Crisis Management Team shall meet in the Board Room, or other location if needed. The President, or designee, shall brief the team regarding details of the impending or actual critical incident.

A decision as to whether a timely notification is warranted, and appropriate actions in response to the incident, will be determined at this time based on information currently available. It is understood that not all details may be available at the time a decision needs to be made. Information to be considered in determining the need of a timely warning may include: nature of the crime, continuing danger to the campus community, and possible risk of compromising law enforcement efforts.

Timing, Content, and Dissemination Methods for a Clery Timely Warning Notice:

- 1.) Glen Oaks 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 professional judgement of responsible authorities, compromise efforts to assist a victim or contain, respond to or otherwise mitigate the emergency. The Clery Act does not define what is timely. However, the warning should be issued as soon as pertinent information is available, because the intent of a Clery timely warning is to alert the campus community of continuing threats, especially concerning safety, thereby enabling community members to protect themselves.
- 2.) Clery Act regulations do not specify what information should be included in a timely warning. However, the warning should include all information that would promote safety, because the intent of the warning is to enable members of the campus community to protect themselves. Generally, the warning will specify the type of reported crime, the time and location at which the reported crime occurred, and specific advice to the campus community regarding steps to take to avoid becoming a victim.

- 3.) Glen Oaks will communicate timely warnings by the use of some or all of the following:  
college web site, phone speaker system, e-mail, voice mail, text message alerts, posted flyers  
and/or campus monitors.

Glen Oaks Community College will test their emergency response and evacuation procedures at least on an annual basis. These tests may or may not be announced.