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University Profile

Mission Statement
We deliver action-based undergraduate and graduate education and discover new knowledge through research and innovation. We create solutions for society’s challenges through interdisciplinary education, research, and engagement to advance sustainable economic prosperity, health and safety, ethical conduct, and responsible use of resources. We attract exceptional students, faculty, and staff who understand, develop, apply, manage, and communicate science, engineering, technology, and business to attain the goal of a sustainable, just, and prosperous world. Our success is measured by accomplishments and reputation of our graduates, national and international impact of our research and scholarly activities, and investment in our University.

Vision Statement
Michigan Tech will lead as a global technological university that inspires students, advances knowledge, and innovates to create a sustainable, just, and prosperous world.

Size
Michigan Tech enrolls approximately 7,200 undergraduate and graduate students from across the nation and around the world.

University History
For 133 years, Michigan Tech faculty has explored the boundaries of knowledge while teaching students to become citizens who contribute to the sustainability of our world.

In 1885, the University was founded as the Michigan Mining School, specializing in training for mining engineers, with four faculty members and twenty-three students in the second story of the old Houghton Fire Hall.

During the period of 1887 to 1898, student and faculty numbers increased, and the School was moved to its present location. Between 1925 and 1935, the Michigan Mining School became the Michigan College of Mining and Technology.

By the time the institution became officially known as Michigan Technological University in 1964, several programs had been added to the curriculum: chemical, electrical, civil, mechanical, and geological engineering; forestry; engineering administration; and physics. Under the leadership of J. Robert Van Pelt, from 1956 to 1964, the University’s long-dormant PhD programs were revived and an aggressive research initiative began.

Between 1964 and present time, the University has grown into a leading public research university and a key educational partner within the state of Michigan, the nation, and beyond.

Why an Annual Security Report and Fire Safety Report?

Federal Legal Requirements – The Clery Act

Enacted in 1990, The Student Right to Know and the Campus Security Act (pub. L. 101-542) was designed to “...assist students in making decisions which affect their personal safety...” and “...to make sure institutions of higher education provide students, prospective students, and faculty the information they need to avoid becoming the victims of campus crime.” The Higher Education Act of 1998 and the subsequent amendment of the implementing regulations (34 C.F.R. 668.46) significantly expanded institutions’ obligations under the Act. The Act was also renamed the “Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act” (hereafter the Clery Act). The Jeanne Clery Act requires colleges and universities to:

- Publish an annual report every year by October 1st that contains three years of campus crime statistics and certain campus security policy statements.
- Disclose crime statistics for the campus, public areas immediately adjacent to or running through the campus and certain non-campus facilities. The statistics must be gathered from campus police
or security, local law enforcement, and other College officials who have “significant responsibility for student and campus activities”.

- Provide “timely warning” notices of those crimes that have occurred and pose an ongoing “threat to students and employees”
- Disclose in a public crime log “any crime that occurred on campus . . . or within the patrol jurisdiction of the campus police or the campus security department and is reported to the campus police or security department”.
- Disclose in a fire log information about any fires that have occurred in residential facilities and disclose fire safety measures.

The Michigan Tech Department of Public Safety and Police Services

The Michigan Tech Department of Public Safety and Police Services (DPSPS) exists to provide quality police and security service with respect, fairness and compassion to all who visit, study, teach, and work at Michigan Tech. DPSPS officers are fully empowered police officers in the State of Michigan with arrest powers. We are committed to the enhancement of the quality of life by providing a safe and secure campus environment conducive to learning by educating the community on safety and risk avoidance issues, by enforcing all laws of the State of Michigan and regulations of Michigan Tech University, by preventing and detecting crime, and by apprehending and prosecuting violators. This mission is accomplished by continually improving the professional operations of our department, seeking the support of and building partnerships with the entire community, and supporting the mission of the University. With public service as our foundation, we will vigorously investigate and solve problems as well as incidents, seek solutions, and foster a sense of security in our community. The overall attitude and feeling of safety on campus directly affects the atmosphere of individual growth and accomplishment. The extent to which we positively affect this endeavor is the extent to which we succeed in our mission.

We hope you will find this report informative and helpful, and that your stay at Michigan Tech will be both pleasant and safe. The statistics contained herein, which include crimes on campus and crimes in adjacent public areas, are collected by the DPSPS and are based on crimes reported directly to DPSPS and information provided by the local police departments.

If you have questions or would like further information about safety and security at Michigan Tech, please visit our website at http://www.publicsafety.mtu.edu

The telephone number for police, fire, or ambulance emergency calls on campus is 9-1-1. The telephone number for routine business, informational, and non-emergency inquiries is: (906) 487-2216.

The department is comprised of 12 command staff and police officers, 5 police dispatchers, and 4 student officers who provide building security services. The Department provides a full range of police services including patrol, traffic enforcement, traffic accident investigation and criminal investigation on a 24 hour per day/7 day per week basis. DPSPS also operates a state licensed Emergency Medical Services Unit that responds to all medical calls on campus. Additionally, we provide crime prevention services, motorist assistance, safe walk, bicycle and vehicle registration and weapon registration and storage among other services.

The DPSPS provides security at a variety of events around campus. Our officers are present at football games, hockey games, basketball games, graduation ceremonies, concerts and other special events to provide emergency services as needed.

Police Department Training

Each Michigan Tech Police Officer is a graduate of a police academy accredited by the Michigan Commission on Law Enforcement Standards. Officers also attend annual training throughout the year to continually maintain and sharpen their skills, in order to ensure that the safest environment possible is created for the students, staff, and faculty of Michigan Tech. In addition to the wide variety of high quality training classes provided to our officers, the Michigan Tech DPSPS participates in cross training with other law enforcement agencies, such as the Houghton City P.D., Hancock City P.D., Houghton County Sheriff’s Dept. and the Michigan State Police. It is our belief that cooperative training with these agencies will not only foster positive relationships, but in the unlikely event that a major incident should occur on Michigan Tech property, critical key personnel are prepared to respond.
Working Relationships with Other Law Enforcement Agencies

Michigan Tech DPSPS maintains a close working relationship with the Houghton City Police Department and other area law enforcement agencies.

Officers from DPSPS and Houghton City PD frequently respond simultaneously to incidents on and around campus, and work together on investigations that require a joint effort. A Mutual Aid Agreement between Michigan Tech and the City of Houghton allows for immediate additional law enforcement assistance in the event of an emergency situation and cooperation in the investigation of criminal incidents.

Reporting Criminal Incidents and Other Emergencies

It is critically important that all crimes occurring on campus or in Michigan Tech owned or leased off-campus buildings and property be immediately reported to the DPSPS to ensure that appropriate action is taken.

Whether it happens to you or you’re a witness, don’t let reporting a crime or an emergency be an afterthought. Immediately go to a safe place and call. Stay on the line and as accurately as possible, tell the dispatcher exactly what has happened. For each incident reported, an investigation is conducted and a file is created. Crimes can be reported at any time of day or night seven days a week:

- In person - At the Department of Public Safety & Police Services – Widmaier House, 206 MacInnes Dr.
- By calling - For emergencies whether on-campus or off-campus, dial 9-1-1.
  - For non-emergencies:
    - Public Safety & Police Services, dial 906-487-2216.
    - Hancock City Police Dept., dial 906-482-3102.
    - Houghton County Sheriff Dept., dial 906-482-0055.
    - Michigan State Police, dial 906-337-2211.
- Tip Line – You may anonymously report any concerns of unusual behavior or alarming events that you observe on campus via the following methods:
  - Telephone: 906-487-0TIP (0847)
  - On the web: www.mtu.edu/tips
  - REMEMBER – For emergencies, dial 9-1-1

For the most accurate reporting of crimes, we encourage all students, faculty, staff, and guests to promptly report criminal incidents, accidents, and other emergencies to the Department of Public Safety & Police Services. The Michigan Tech Police receive and investigate reports of all crimes that occur within our jurisdiction.

Campus Emergency Telephones

Campus emergency phones are located on poles or attached to buildings and encased in yellow boxes with a blue light overhead. Other emergency phones are a simple handset with a blue light overhead. To activate the box phones, open the door and push the button inside. To use the handsets, just pick it up to connect direct to the Police Dispatch Center, or dial 911. A sign at each phone location will give the appropriate information. In all cases you will be connected directly to a Police Dispatcher. These phones are located at the following:

- Administration Building (North Entrance)
- Central Stores (South Entrance)
- Daniell Heights (Intersection of Division St. and Woodmar Dr.)
- Daniell Heights (Service Building in Upper Daniell Heights)
- Fisher Hall (North Entrance)
- Forestry (South Entrance of Atrium)
- Library (North, east, and west entrances)
- Lot 10 (West end, across from McNair Hall)
- Lot 21 (Pathway to Seventh St. near Clark St.)
• Lot 26 (Pathway to Forestry Driveway near 7th St.)
• MacInnes Drive (Near Driveway to Portage Health Clinic)
• M & M Building (Lot 31 near lower East Entrance)
• McNair Hall (East Entrance near Lot 16)
• Rekhi Hall (West Entrance)
• Wadsworth Hall (South – Center Entrance)
• Wadsworth Hall (Northwest Side)
• Walker Arts (West Entrance)

Confidential Reporting

If you are the victim of a crime and do not want to pursue action within the university system or the criminal justice system, or if you are a witness to a crime and do not want to reveal your identity, you may make a confidential report of the incident to DPSPS. The purpose of a confidential report is to maintain the reporting individual’s confidentiality, while helping DPSPS protect the safety of the Michigan Tech community. Providing this information also helps the university maintain accurate records regarding the number of incident involving students, employees and visitors; determine if there is a pattern of crime with regard to a particular location, method or assailant; and alert the campus community to potential dangers when appropriate. Reports filed in this manner are not excluded from Michigan Tech’s annual crime statistics, and when they involve allegations of sexual harassment or sexual violence, they are made available to the University’s Title IX Coordinator. You can call DPSPS and ask that information remain confidential or use the Tip Line. Confidentiality will be protected to the greatest extent possible, but cannot be absolutely guaranteed.

Monitoring and Recording Criminal Activity

The Michigan Tech DPSPS relies on its close working relationships with local law enforcement agencies to receive information about criminal incidents that students and employees may be involved in. DPSPS regularly receives information of criminal activity occurring at off-campus locations of student organizations, including those organizations with off-campus housing facilities. The University Police Department will actively investigate any crime information it receives concerning or involving a member of the Michigan Tech campus community. If the University is notified of a situation in which a campus community member is a victim of a crime, even if the crime occurred several blocks or miles away, the department may issue an Emergency Notification or Timely Warning detailing the incident and providing tips so that community members may avoid similar incidents.

Security Considerations in the Maintenance of Campus Facilities

Michigan Tech maintains a strong commitment to campus safety and security. Exterior lighting and facilities upkeep is a critical part of that commitment. Representatives from the DPSPS conduct security surveys to identify areas throughout the campus where lighting appears inadequate or that may require additional facilities upkeep. Department of Public Safety & Police Services personnel assess the physical condition of campus facilities (including landscaping, grounds keeping, and outdoor lighting) on their regular patrols of University property. If lights are discovered to be out or dim, officers report the condition to Facilities Management and initiate a work order. University Police and representatives from Facilities Management also work together to identify inoperative locking mechanisms. All members of the campus community are encouraged to report deficient physical conditions to Facilities Management at 906-487-2303 or by calling the Department of Public Safety & Police Services directly on the non-emergency number at 906-487-2216.

The DPSPS can contact Facilities Management staff 24/7 to respond to calls for emergency maintenance service regarding unsafe facility conditions or those raising concerns for personal safety and property protection. These conditions also may include unsafe steps or handrails, unsafe roadways on campus, and unsecured equipment.

During non-business hours, unsafe conditions should be reported to the DPSPS, who will notify the on-call Facilities Management supervisor to arrange for an immediate response if necessary. A Facilities Management representative can usually respond to the site of the emergency request within 30 minutes of the report regardless of the time of day.
Security and Access

During business hours, the University (excluding certain housing facilities) will be open to students, parents, employees, contractors, guests, and invitees. During non-business hours access to all University facilities is by key, if issued, or by admittance via approved card access, or the DPSPS or Housing and Residence Life staff. In the case of periods of extended closing, the University will admit only those with approved card access or prior written approval to all facilities.

Michigan Tech strives to give on-campus residents an environment in which they are able to live comfortably and safely. In order to keep our students safe, certain entrances to residence halls are only accessible by individuals who live in that particular hall and therefore have swipe access using his/her Michigan Tech ID card. For those who need to enter the hall for other reasons such as visiting a friend or during business hours, the main entrances remain unlocked from 7:00 a.m. until 12:00 a.m. on a daily basis.

All residence hall entrances are monitored by security cameras. Additionally, residence hall staff are on duty around the clock to respond to any requests and notify Public Safety and Police Services to respond if necessary.

To assist residents, each hall is staffed by live-on professional staff members, community coordinators (CCs), and resident assistants (RAs). While the RA is the member of the Housing staff that students will have the most interaction with, all members of the Housing team are available to ensure a positive residence hall living experience.

During move-in, each student receives a key to his/her residence hall room and mailbox. All residents have keys, and it is advised that they should make use of them to safeguard themselves, their belongings, and University equipment in their possession. In the case of a lost key, the room door lock is replaced to ensure that the occupants and their belongings remain safe.

Guests are allowed to remain after-hours or overnight, but there are policies that must be followed. If the individual is staying overnight, he/she must be checked in at the reception desk of the hall they are staying in. The guest will also receive a temporary parking pass allowing their vehicle in a Michigan Tech lot. If the guest is not staying overnight, then there is no need to sign in, however, in both cases; the individual must be escorted at all times by the host.

In order to maintain security of facilities, any individual who misplaces an access card should notify Public Safety and Police Services immediately so that the access card can be deactivated. Any lost keys should likewise be reported.

Missing Persons Notification

All students who live in on-campus housing will be provided with the opportunity to identify a contact person or persons whom the Michigan Tech DPSPS will notify within 24 hours if the resident is determined by them to be missing. This information will be registered confidentially through Housing and Residential Life, and will only used in these emergency situations. Registration of missing person contact information may be accomplished by contacting Housing and Residential Life at 906-487-2682. This information will remain confidential and will not be disclosed, except to law enforcement personnel in furtherance of a missing person investigation.

If a student has been missing for 24 hours or more, students, employees or other individuals should make a report to DPSPS at 906-487-2216, the Dean of Students Office at 906-487-2212 or Housing and Residential Life at 906-487-2682. The person receiving the report will attempt to gain as much information as possible regarding the reason for concern. This information is as follows:

- What is the relationship of the concerned party to the resident?
- How long has the resident been out of contact with the concerned party?
- Is there reason to believe the resident may be in some type of distress?
- Is there a threat of imminent harm?

If less than 24 hours has elapsed, there are several steps that will be taken in an attempt to make contact with the missing resident, including:

- Contact DPSPS.
Perform a visual check of the student’s room and space.
• Attempt to make contact with the student via cell phone, e-mail, IM, etc.
• Contact known associates
• Utilize University resources. Check for recent activity on the student’s Michigan Tech ID card.

Upon receipt of the Missing Student Report, Housing and Residential Life will immediately inform the Michigan Tech DPSPS of this fact.

If a resident has been missing for more than 24 hours or there is a threat of imminent harm or the possibility of foul play and the missing resident cannot be immediately reached, then the Michigan Tech DPSPS should be contacted immediately. The DPSPS will initiate the process of investigation and contacting the missing person’s designated emergency contact. The professional staff member initially contacted about the missing resident should notify the community coordinator (CC) on-duty and HRL staff member on-call.

By law, in the event that the individual deemed to be missing is under the age of 18 and not emancipated, Michigan Tech must notify a custodial parent or guardian within 24 hours of the declaration of the resident missing as well as any contacts specified by the resident.

Additionally, other local law enforcement agencies will be notified of the student’s status as missing within 24 hours.

### Timely Warning Notices & Emergency Notifications

To help prevent crimes or serious incidents, the DPSPS, in conjunction with other departments on campus, from time to time issues alerts to ensure that students, faculty, and staff are made aware of serious crimes and other important events occurring on and near campus in a timely manner. Members of the community who know of a crime or other serious incident should report that incident as soon as possible to DPSPS so that the appropriate type of alert can be issued, if warranted. Alternatively, community members are advised to report crimes or other serious incidents to University administrators. Representatives of these offices will promptly notify and collaborate with University Police to issue an alert, if warranted.

If Department of Public Safety and Police Services receives information and confirms that there is an emergency or dangerous situation that poses an immediate threat to the health or safety of some or all members of the Michigan Tech community, DPSPS and University Marketing and Communication (UMC) will collaborate to determine the content of the message and will use some or all of the systems described below to communicate the threat to the Michigan Tech community or to the appropriate segment of the community, if the threat is limited to a particular building or segment of the population. DPSPS and UMC 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 judgment of responsible authorities, compromise efforts to assist a victim or to contain, respond to or otherwise mitigate the emergency.

**“Timely Warning Notices”** - In the event that a situation arises, either on or off campus, that, in the judgment of the Director of Public Safety and Police Services, in consultation with the President, constitutes an ongoing or continuing threat, a campus wide “timely warning” will be issued to all faculty, staff and students. Such warnings shall be provided to students and employees in a manner that is timely, that withholds as confidential the names and other identifying information of victims and that will aid in the prevention of similar occurrences.

**“Emergency Notifications”** - If a situation (serious criminal incident, disaster or catastrophe) arises which, in the judgment of the Director of Public Safety and Police Services, poses a substantial and imminent risk to the campus community, the DPSPS, will issue an Emergency Notification without delay.

### Distribution of Timely Warning Notices and Emergency Notifications

The DPSPS issues Timely Warning Notices and Emergency Notifications in a variety of formats through the Safety First Alert service. Students, faculty and staff may sign up for this free service by visiting [www.mtu.edu/safetyfirstalert/SIGNUPNOW](http://www.mtu.edu/safetyfirstalert/SIGNUPNOW). The Safety First Alert mass notification system is tested campus wide twice annually, once at the start of each semester. Timely Warning Notices and Emergency Notifications may be issued through any or all of the following, as appropriate.
Depending upon the particular circumstances of the crime, additional flyer notifications may be posted on the doors of residence halls and other campus buildings as appropriate.

If there is an immediate threat to the health or safety of students or employees occurring on campus requiring a warning notice, follow-up notices will be provided via the same avenues listed above, as appropriate.

**Emergency Preparedness**

The University’s Incident Command Team is comprised of senior administrative and management personnel and Public Safety command staff, who meet regularly to develop and practice the implementation of emergency plans, including disaster response and evacuation. This multidisciplinary approach is an important part of the University’s emergency response and business continuity plans.

This includes both tabletop and full-scale disaster exercises which involve local police, fire, and EMS agencies as well as the University’s Incident Command Team. Post-exercise feedback is then analyzed and used by the Incident Command Team in order to refine and improve the emergency response systems and procedures. Tabletop exercises are conducted annually and full-scale disaster exercises are conducted every other year.

**Sex Offender Information**

Information regarding registered sex offenders can be obtained from the DPSPS or at the Michigan Sex Offender Registry, located at www.mipsor.state.mi.us

**Daily Crime Log**

The DPSPS maintains a Daily Crime Log that records, by the date the incident was reported, all crimes and other serious incidents that occur on campus, in a non-campus University owned or controlled building or property, and on public property that is within campus or immediately adjacent to and accessible from campus.

The Daily Crime Log is available for public inspection at the DPSPS building, located at 206 MacInnes Drive. The Daily Crime Log includes the nature, date, time, and general location of each crime reported to us, as well as the disposition of the complaint, if that is known at the time the log is created. The department posts all criminal incidents in the Daily Crime Log within two business days of receiving a report of an incident. We reserve the right to exclude crime report information from the log in certain circumstances.

The names and other identifying information of victims will not be included in the Daily Crime Log.

**Crime Prevention Education and Awareness - Preventing Crime through Building Partnerships**

While crime prevention is a top priority of the Michigan Tech DPSPS, the department cannot protect everyone, everywhere at all times. Thus, we encourage and invite every member of the community to partner with us in this important effort. Together with other campus offices, the department provides programs to enhance personal safety, teach proactive crime reduction strategies, and help community members develop personal safety habits and self-esteem, which contributes to a healthy community.

The Department’s crime prevention strategy rests on a multi-layered foundation of proactive area patrol of campus, crime prevention education and training, building and area security surveys, and property registration. This approach relies on the dual concepts of eliminating or minimizing criminal opportunities, whenever possible, and encouraging community members to take responsibility for their own and other’s safety.

Throughout the year, members of the department’s Crime Prevention Unit are available to assist any individual or group in planning, presenting, and coordinating programs of interest or concern, or conducting safety and security seminars in residence halls, department offices and any other setting both on and off campus. These seminars can be
tailed to the needs of the group and arranged by calling the DPSPS at 906-487-2216 or scheduling a presentation through the DPSPS website, [http://www.publicsafety.mtu.edu](http://www.publicsafety.mtu.edu).

Examples of programs offered to promote awareness, safety and prevention:

<table>
<thead>
<tr>
<th>Program</th>
<th>Description</th>
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<tbody>
<tr>
<td>Resident Officer Program</td>
<td>Two officers live in student housing and interact daily with students in casual settings and instructional programming.</td>
</tr>
<tr>
<td>National Night Out</td>
<td>An annual community-building campaign that promotes police-community partnerships and neighborhood camaraderie to make our neighborhoods safer.</td>
</tr>
<tr>
<td>Safe Walk</td>
<td>If a student does not feel safe walking across campus, a police officer or student officer will accompany them to their destination.</td>
</tr>
<tr>
<td>Operation I.D.</td>
<td>Students may borrow an engraver from Public Safety to engrave valuable items.</td>
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<tr>
<td>Bicycle Registration</td>
<td>Bicycles must be registered with Public Safety. A sticker is then issued to attach to the bicycle to make it easier to positively identify if it is stolen.</td>
</tr>
<tr>
<td>Alcohol/Drug Awareness Presentations</td>
<td>Presentations are conducted to promote awareness of consequences of alcohol and drug use.</td>
</tr>
<tr>
<td>Lunch with the Law Program</td>
<td>Officers dine with students in the residence hall dining halls to promote open dialogue.</td>
</tr>
<tr>
<td>Personalized Safety Presentations</td>
<td>Student groups may request presentations on any safety topic of their choice.</td>
</tr>
<tr>
<td>Residential Life Monthly Meetings</td>
<td>Residential Officers meet with residence professional and student staff monthly to conduct training on various safety topics.</td>
</tr>
<tr>
<td>Staying Safe at Tech Presentation</td>
<td>Informational meetings conducted during orientation to provide a variety of safety information.</td>
</tr>
<tr>
<td>Resident Assistant Training Program</td>
<td>Residential Officers actively participate in annual training of Resident Assistants.</td>
</tr>
<tr>
<td>Active Shooter Response Training</td>
<td>On site live training for how to respond in the event of an active shooter.</td>
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</table>

**Resident Officer Program**

Working in conjunction with the Office of Housing and Residential Life, DPSPS has developed and implemented a program designed to enhance interaction with the campus residential population. Two DPSPS officers live in student housing. An essential part of their duty is to provide awareness, safety and prevention programming to student groups. Through this program, we have opened additional lines of communication to more effectively serve our campus and make it as safe as possible for all.
Michigan Tech Emergency Medical Services

Michigan Tech EMS (MTEMS) is a volunteer organization which operates under Michigan Tech’s DPSPS. MTEMS was created to assist the local medical responders and improve the emergency medical response times on campus. MTEMS is licensed by the State of Michigan. The group is composed of students, faculty and staff. All members are State of Michigan and/or nationally certified as Medical First Responders at a minimum.

MTEMS responds to calls for medical services on campus, 24 hours per day/7 days per week, and is also present at university functions such as K-Day, sporting events, Winter Carnival, etc. EMS services may be requested by dialing 9-1-1.

More information on the program is available at the following link: http://www.mtu.edu/publicsafety/services/ems/

Emergency Guide

An emergency guide offering advice for how to respond to various emergency situations is available at the DPSPS website at the following link, http://www.mtu.edu/publicsafety/police-services/emergencyguide/. We encourage everyone on campus to review this material in order to be more prepared in the event of emergency. Additionally, the emergency guide is linked to the Michigan Tech app for smart phones.

Early Intervention Team

The Early Intervention Team meets weekly and is charged to review and screen potential at-risk students, critical situations, and incidents that occur on campus. The team determines appropriate intervention strategies and outreach efforts. If you are concerned about a student, please contact the Dean of Students Office and the student’s name will be referred to the team for a confidential discussion.

Hostile Intruder Response Plan

The potential for a shooting in the workplace exists on every college campus throughout the United States. Although the possession of firearms on or around campus is rare, the availability of firearms and past national shootings dictate the need for a response plan, in case a shooting or other violent attack occurs.

Please familiarize yourself with the following steps to follow in the event of a Hostile Intruder.

- Protect yourself first. Then get help; call 911.
- Get away as fast as you can. If the intruder is armed and you are in the line of fire, do not run in a straight line. Try to keep objects such as trees, bushes, and vehicles between you and the intruder.
- If you cannot get away, hide in a place that you think the intruder will not notice.
- If you cannot get away or hide and others have been shot, you may save yourself by playing dead.
- If you are caught, you may choose to submit or fight back. If you submit, avert your eyes and obey all commands. Fighting back is very dangerous, but it could be your last option.

Special Conditions—Hostile Intruder(s) Inside a Building

- If you cannot escape safely through an exit, lock yourself and other endangered persons inside a room. Cover any windows or openings with a line of sight into the hallway. If there is a threat from outside, close, latch, and cover the windows with curtains or shades. Block the door with furniture.
- Do not sound a fire alarm. The alarm could draw people into the open, where they could be injured.
- Turn off lights and multimedia equipment and remain silent.
- You may wish to consider escaping through a window.

Special Conditions—Hostile Intruder(s) in a Residence Hall
• When a hostile person(s) is actively causing deadly harm or the imminent threat of deadly harm within the residence hall, we recommend the following procedures be implemented:
  o Lock yourself in your room.
  o If communication is available, dial 911.
  o If away from your room, join others in a room that can be locked.
  o Do not stay in the open hall.
  o Do not sound the fire alarm. A fire alarm would signal the occupants in the rooms to evacuate the building and thus place them in potential harm as they attempted to exit.
  o Barricade yourself in your room with desks, beds, or anything you can push against the door.
  o Lock your windows and close the blinds or curtains.
  o Stay away from the windows.
  o Turn off all lights and multimedia equipment.
  o Try to stay calm and be as quiet as possible.
  o If you are caught in the open, such as hallways and lounge areas, you must decide what you are going to do. This is a very crucial time and can possibly mean life or death depending on your actions.
  o You can try to hide, but make sure it is a well-hidden space, or you may be found as the intruder moves through the residence hall looking for more victims.
  o If you think you can safely make it out of the building by running, do so. If you decide to run, do not run in a straight line. Keep any objects you can between you and the hostile person(s) while in the building. Once outside, do not run in a straight line.
  o If the person(s) are causing death or serious physical injury to others and you are unable to run or hide, you may choose to play dead if other victims are around you.
  o If you are caught in an open area in the residence hall, you may choose to fight back. This is dangerous, but depending on your situation, this could be your last option.
  o If you are caught by the intruder and are not going to fight back, obey all commands and do not look the intruder in the eyes.
  o Once the police arrive, obey all commands. This may involve your being handcuffed or made to put your hands in the air. This is done for safety reasons, and once circumstances are evaluated by the police, they will give you further directions to follow.

• Preventing Mass Casualty Shootings Video – This video was produced by the University of Wisconsin-Madison Police Department. It is intended to help faculty, staff and students understand how to respond in the event of an active shooter incident on campus. The video may be viewed by logging in with your Michigan Tech ISO. [http://www.mtu.edu/publicsafety/crime/shooting/](http://www.mtu.edu/publicsafety/crime/shooting/)

### Title IX Education Amendments of 1972

Title IX Education Amendments of 1972 is a Federal civil rights law that prohibits discrimination on the basis of sex in educational programs and activities that receive Federal funds. It states:

“No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.

Michigan Tech is committed to providing a safe campus environment supporting the Title IX federal law that prohibits discrimination on the basis of sex, including: gender discrimination, pregnancy and parenting discrimination, sexual harassment, non-consensual sexual contact, non-consensual sexual intercourse, sexual assault, rape, intimate partner violence including dating/relationship violence and domestic violence, stalking, sexual coercion, and sexual exploitation.
University Title IX Coordinator Responsibilities:

Monitoring and oversight of overall implementation of Title IX Compliance at the University, including coordination of training, education, communications, and administration of complaint procedures for faculty, staff, students, and other members of the University community.

A student or employee should contact the Title IX Coordinator or Deputy Title IX Coordinator(s) in order to:

- seek information or training about rights and courses of action available to resolve reports or complaints that involve potential sex discrimination, including sexual misconduct,
- file a complaint or make a report of sex discrimination, including sexual misconduct,
- notify the University of an incident or policy or procedure that may raise potential Title IX concerns,
- get information about available resources (including confidential resources) and support services relating to sex discrimination, including sexual misconduct, and
- ask questions about the University’s policies and procedures related to sex discrimination, including sexual misconduct.

For assistance, please email titleix@mtu.edu or call (906) 487-3310.

For Students

The Title IX Coordinator and the Deputy Coordinators are responsible for Title IX assistance for matters involving students. The Coordinators provide information about policy and procedures, resources and support. They also report incidents to Public Safety and Police Services and the Office of Academic and Community Conduct.

For Athletics

If you have complaints regarding gender equity in Michigan Tech athletics and recreation, contact the Director of Athletics and Recreation, who is responsible for monitoring and oversight of this area for coaches, staff, student-athletes, and students. Incidents that involve sexual harassment/sexual violence will be referred to the University Title IX Coordinator.

For Faculty, Staff, and Visitors

If you have a complaint against a Michigan Tech faculty or staff member or visitor, you should contact Institutional Equity and Inclusion. The Title IX Coordinator is responsible for Title IX compliance for matters involving faculty and staff, including training, education, communication, and administration of the complaint procedure for all complaints against faculty, staff, and visitors, including those complaints filed by students.

Title IX Coordinators

Kirsti Arko
Title IX Coordinator
Assistant Director, Institutional Equity
Administration Bldg 306
906-487-3310
titleix@mtu.edu
Susan Sullivan
Assistant Title IX Coordinator
Assistant Director, Institutional Equity
Administration Bldg 304
906-487-3310
susulliv@mtu.edu

Suzanne Sanregret
Title IX Coordinator for Gender Equity in Athletics
Director, Athletics and Recreation
Student Development Complex
Room 239A
906-487-3070

**Deputy Title IX Coordinators**

Joseph Cooper
Deputy Title IX Coordinator
Director, Financial Aid
Administration Bldg. Room 111
906-487-2622
jicooper@mtu.edu

Susan Liebau
Deputy Title IX Coordinator
Director, Waino Wahtera Center for Student Success
Administration Bldg. Room 130
906-487-3558
slliebau@mtu.edu

**Additional Assistance**

**Emergency:** 911

**Private Reporting Resources**

These resources are those from who you can expect to have complaints/incidents to be taken seriously and to have those complaints/incidents investigated and properly resolved. This means only people who need to know will be told and information will be shared only as necessary. Those needing to know include the person(s) you are complaining about, witnesses and investigating officials from the university or outside of the university.

- Title IX Coordinator, Kirsti Arko: titleix@mtu.edu - 906-487-3310 - www.mtu.edu/title-ix
- Public Safety and Police Services: 906-487-2216 - www.mtu.edu/publicsafety
- Office of Academic and Community Conduct: 906-487-2951 - www.mtu.edu/conduct
- Tip Line: 907-487-0TIP (0847) - http://www.mtu.edu/tips/
- Report a Concern - https://www.mtu.edu/deanofstudents/students/concern/
- Local Health Care
Confidential Assistance

Details of the complaint/incident are kept confidential. These resources are not required to tell anyone your private, personally identifiable information unless there is a significant case for fear for your safety or the safety of others.

- **Michigan Tech Counseling Services**: 906-487-2216 - [http://www.mtu.edu/counseling/](http://www.mtu.edu/counseling/)
- **Michigan Tech Ombuds Office**: 906-487-2391 - [http://www.mtu.edu/ombuds/](http://www.mtu.edu/ombuds/)
- **Dial Help**: 906-482-4337 - text 906-356-3337 - [www.dialhelp.org](http://www.dialhelp.org)
- **Employee Assistance Program (EAP)**: 906-225-3145 - [www.northstareap.com](http://www.northstareap.com)

### Sexual and/or Relationship Misconduct Policy for Students of Michigan Technological University

The complete Sexual Misconduct Policy is available here: [http://www.mtu.edu/conduct/policies/student-conduct/sexual-misconduct/](http://www.mtu.edu/conduct/policies/student-conduct/sexual-misconduct/)

### Guiding Principles

Sexual and/or relationship misconduct have been identified as national problems that significantly impact college and university students. Federal and state laws place requirements upon colleges and universities to address issues of sexual and/or relationship misconduct. The University is committed to educating students, faculty, and staff about this topic; and to offering a variety of comprehensive services available on campus and in the surrounding community.

The University’s Student Code of Community Conduct expressly prohibits sexual and/or relationship misconduct. Sexual and/or relationship misconduct includes 1) sexual harassment 2) non-consensual sexual contact 3) non-consensual sexual intercourse 4) intimate partner violence 5) stalking 6) sexual exploitation. These terms are defined below under Prohibited Conduct.

Sexual and/or relationship misconduct can be carried out by University employees, fellow students, students from other schools, or third parties. When an allegation of sexual and/or relationship misconduct is brought forward, the University will take thorough, reliable, impartial, and fair steps to investigate in a prompt, effective, and equitable manner. If found to have occurred, the University will take steps to remedy the sexual misconduct, prevent its recurrence, and address its effects, regardless of whether or not the sexual misconduct is the subject of a criminal investigation.

Retaliation against a Reporting Party, Responding Party, or any individual or group of individuals involved in the complaint, investigation, and/or resolution of an allegation of a violation of University policy is strictly prohibited. Any complaint regarding retaliation should be reported to the Title IX Coordinator, Office of Academic and Community Conduct and/or Public Safety and Police Services.

This policy is supported by the Sexual and/or Relationship Misconduct Procedures for Addressing Allegations against Michigan Technological University Students.

### Prohibited Conduct

#### Sexual Harassment

Unwelcomed sexual, sex-based, and/or gender-based verbal, written, online and or physical conduct. It includes two types of sex discrimination: Quid Pro Quo and Hostile Environment Harassment.
Non-Consensual Sexual Contact
Any intentional or reckless sexual touching, however slight, with any object or body part, by a person upon another person, without consent and/or by force. Sexual contact is any intentional or reckless contact with the breasts, buttocks, groin, mouth, or genitals of another person, or intentional or reckless touching of another person with any of these body parts, making another person touch you or themselves with or on any of these body parts, or any other intentional or reckless bodily contact in a sexual manner. This includes sexual assault.

Non-Consensual Sexual Intercourse
Any sexual intercourse, however slight, with any object, by a person upon another person that is without consent and/or by force. Intercourse includes vaginal or anal penetration by a penis, object, tongue, finger or other body part; and oral copulation (mouth to genital contact or genital to mouth contact), no matter how slight the penetration or contact. This includes sexual assault.

Intimate Partner Violence
Defined as any instance of violence or abuse (verbal, physical, or psychological) that occurs between those who are in or have been in an intimate relationship with each other. This includes dating violence and domestic violence.

Stalking
Engaging in a menacing course of conduct directed at a specific person that would cause a reasonable person to: (A) Fear for their safety or the safety of others; or (B) Suffer substantial emotional distress.

Sexual Exploitation
Taking nonconsensual, unjust or abusive advantage of another in a sexual or intimate context for the responding party’s own advantage or benefit OR to benefit/advantage anyone other than the individual being exploited AND that does not constitute any other sexual and/or relationship misconduct offense addressed in the University’s policy, including without limitation: prostituting another person, engaging in, permitting or facilitating non-consensual viewing, photographing, videotaping, audio taping, or posting to the internet sexual or intimate activity (such as dressing, showering and similar activity of oneself or others), knowingly infecting another person with HIV or other sexually transmitted diseases and/or inducing incapacitation of another person with the intent to facilitate nonconsensual sexual intercourse or contact with that person.

Definitions

Consent
Clear, knowing, and voluntary words or actions that give permission for specific sexual activity. Consent is active not passive. 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 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. Consent can be withdrawn once given, as long as that withdrawal is clearly communicated. Once consent is withdrawn, sexual activity must stop reasonably immediately. In order to give consent, one must be of legal age, not mentally disabled, and/or, not physically incapacitated.

Course of conduct
Two or more acts, including but not limited to, acts in which the alleged responding party directly, indirectly, or through third parties, undertakes action, method, device, or means to commit sexual and/or relationship misconduct.

Emotional/Psychological Abuse
A persistent pattern or prolonged climate of dominating or controlling behavior, often involving some type of power imbalance. The behavior is intended to terrorize, intimidate, isolate, or exclude an intimate partner. This does not include isolating/excluding oneself from a former intimate partner.
Force
The use of physical violence and/or imposing on someone physically to gain sexual access. Force also includes threats, intimidation and coercion that overcomes free will or resistance or that produces consent.

Group violation
A violation where a student group/organization and its officers and/or membership may be held collectively and individually responsible when such violations of the Code: take place at organization-sponsored or co-sponsored events, whether sponsorship is formal or tacit; have received the consent or encouragement of the organization or of the organization’s leaders or officers; or were known or should have been known to the membership or its officers.

Hostile environment sexual harassment
When sexual harassment is severe, persistent or pervasive, and subjectively and objectively offensive, such that it unreasonably interferes with, denies, or limits someone’s ability to participate in or benefit from the institution’s education or employment programs.

Incapacitation
A state where someone cannot make rational, reasonable decisions because they lack the capacity to give knowing/informed consent. Sexual activity with someone you know to be or should know to be incapacitated constitutes a violation of this policy. Incapacitation can occur mentally or physically, from developmental disability, by alcohol or other drug use, or blackout. The question of what the responding party should have known is objectively based on what a reasonable person in the place of the responding party – sober and exercising good judgement – would have known about the condition of the reporting party. Incapacitation is a state where someone cannot make rational, reasonable decisions because they lack the capacity to give knowing consent. Incapacity may also result from mental disability, sleep, unconsciousness, involuntary physical restraint, or from taking of rape drugs.

Intimate relationship
A relationship that includes some romantic, sexual and/or domestic element.

Menacing
Conduct intended to control someone, restore a relationship at any cost, or obtain some other desired end for which an individual is willing to, or threatens to, cause harm if they don’t get what they want.

Physical violence or abuse
Intentionally or recklessly (1) causing another bodily harm; (2) attempting to cause another bodily harm; or (3) putting another in fear of imminent bodily harm.

Quid pro quo (meaning “this for that”) sexual harassment
Unwelcome sexual advances, requests for sexual favors, and/or other verbal or physical conduct of a sexual nature by a person having power or authority over another when submission to such sexual conduct is made either explicitly or implicitly a term or condition of rating or evaluating an individual’s education or employment progress, development or performance. This includes when submission to such conduct would be, or under the circumstances would reasonably be understood to be, a condition for access to receiving the benefits of any educational or employment program.

Reasonable person
A person who behaves in a way that is legally appropriate. Such person exercises average care, skill and judgement in conduct.

Retaliation
Engaging in an adverse action or threat of an adverse action against a reporting party, responding party, or any individual or group of individuals involved in the complaint, investigation, and/or resolution of an allegation of a
violation of University policy; including adverse action and/or threat of adverse action against any individual who attempts to intervene or prevent behavior prohibited by this policy. Retaliation can be committed by an individual or group of individuals, not just a reporting party or responding party. Retaliation can take many forms including threats, intimidation, pressuring, continued harassment, violence, physical, emotional or other forms of harm to others.

**Sexual coercion**
The act of using pressure, alcohol or drugs, or force to have sexual contact or sexual intercourse with someone against their will.

**Student**
Any individual who is an admitted applicant, is currently enrolled, or was enrolled at the time of the incident regardless of their age or status in regard to parental dependency. Student status is maintained during semester breaks.

**Substantial emotional distress**
Anxiety, sorrow or pain that is not mild or brief, and is so substantial or long lasting that a reasonable person would not be expected to allow its continuance.

**Verbal abuse**
Extreme/excessive use of language designed to mock, shame, embarrass or humiliate the other intimate partner. The language must be sufficiently severe, persistent or pervasive, and objectively and subjectively offensive.

<table>
<thead>
<tr>
<th>Interpretive Rules for Sexual Misconduct Charges</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. The person who is the object of sexual and/or relationship misconduct is not required to physically or otherwise resist a sexual aggressor.</td>
</tr>
<tr>
<td>2. Silence, previous sexual relationships, and/or current relationship with the alleged perpetrator (or anyone else) may not, in themselves, be taken to imply consent. Consent cannot be implied by attire, or inferred from the buying of dinner or the spending of money on a date.</td>
</tr>
<tr>
<td>3. Intentional use of alcohol/drugs by the student accused of sexual and/or relationship misconduct is not an excuse for violation of the sexual and/or relationship misconduct policy.</td>
</tr>
<tr>
<td>4. A student who deliberately drugs or attempts to persuade another to consume alcohol or drugs for the purpose of rendering that person incapacitated or sexually submissive/passive commits a violation of the sexual and/or relationship misconduct policy.</td>
</tr>
<tr>
<td>5. An “intent to rape” is not required under this policy. The requisite intent for rape is demonstrated by engaging in the act of intercourse intentionally, without the other person’s consent.</td>
</tr>
<tr>
<td>6. Consent has an expiration date. Consent lasts for a reasonable time, depending on the circumstances. Consent must be contemporaneous with the sexual activity involved.</td>
</tr>
<tr>
<td>7. Nonconsensual sexual contact/intercourse or sexual exploitation is not limited to strangers and can include acquaintances.</td>
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</tbody>
</table>

**Jurisdiction**
- The jurisdiction of the University over sexual and/or relationship misconduct incidents involving a student(s) is broad. The University will investigate and remedy, using the Procedures for Sexual and/or Relationship Misconduct, complaints of sexual and/or relationship misconduct:
  - Regardless of the location of the incident.
  - Regardless of the incident occurring during the course of a semester or during a semester break.
  - As long as the alleged responding party is a current enrolled student, or was at the time of the incident.
  - Regardless of the enrollment status of the alleged reporting party.
• If the impact of the sexual and/or relationship misconduct incident is likely to have a substantial effect on campus life or activities of the alleged student reporting party or alleged student responding party.
• If the incident poses a threat of danger to members of the University community.
• If alleged responding party is an inactive student and/or not currently enrolled, interim action(s) may be taken, i.e. place a hold on the student’s account and/or issue a campus ban.
• When allegations arise after a student has graduated regarding incidents that occurred before the student graduated, the University maintains the right to investigate and remedy such complaints. If found to be responsible, a student could face revocation of their degree and/or other sanctions.

Good Samaritan Provision: Intent Regarding Medical Emergency

Student welfare is the University’s primary concern. When students and other individuals need emergency medical help, the University encourages students to offer assistance to others in need and to seek assistance for themselves. Sometimes students may be hesitant to seek or offer assistance due to concerns that their conduct violates University rules, or that a student in a medical emergency will be charged with a rule violation. This provision is included to address that concern.

Any situation where a reasonable person would believe an individual’s physical and/or psychological health is at serious risk and immediate action must be taken to protect the individual or others is defined as a medical emergency. In cases of medical emergency, the University will use considerable discretion to avoid a finding of responsibility under the provisions of the Code.

This statement of intent is broadly defined to allow for generous interpretation and consideration of individual circumstances and the intent of those involved. It applies to the student(s) providing, as well as receiving medical assistance. Educational conditions may be imposed rather than conduct sanctions, if appropriate, based on the professional judgment of the Dean of Students or designee. This statement of intent applies only to administrative enforcement of the Code and does not provide immunity/amnesty from arrest or criminal prosecution.

Attempts and Enhancements

1. Attempts to commit prohibited conduct may be punished to the same extent as completed violations.
2. Repeated or aggravated acts of prohibited conduct may result in enhanced sanctions.
3. Repeated or intentional failure to comply with imposed sanctions may result in enhanced sanctions.
4. Conduct violations that are motivated by the offender’s bias due to race, religion, color, national origin, age, sex, sexual orientation, gender identity, height, weight, genetic information, marital status, disabled veteran status, veteran status, or disability may result in enhanced sanctions.

Interpretation

The list of prohibited conduct is neither complete nor all-inclusive. The University reserves the right to impose necessary and appropriate interim actions and the full range of sanctions in response to inappropriate student conduct which threatens the safety and security of the University community.

Process

The Sexual and/or Relationship Misconduct Procedures for Addressing Allegations against Michigan Technological University Students provide a detailed explanation of the process that will be followed for complaints filed under the Sexual and/or Relationship Misconduct Policy for Michigan Technological University Students. Under most circumstances, the investigation and final determination of a complaint will be completed within 60 days, not including semester and/or holiday breaks, from the date on which the University receives notice of an alleged incident. If not completed within that time all parties will be advised of the reason and of the expected completion date.
The possible sanctions under the Sexual and/or Relationship Misconduct Policy for Michigan Technological University Students are enumerated in the Sexual and/or Relationship Misconduct Procedures for Addressing Allegations against Michigan Technological University Students. In the final determination of an investigation of a case of sexual and/or relationship misconduct, the range of sanctions is from written warning to conduct expulsion.

**History:** Revised August 1, 2005; August 1, 2006; August 1, 2007; August 1; 2008; August 1, 2009; August 1, 2010; September 3, 2013; August 1, 2014; January 12, 2015; July 1, 2015; August 15, 2016; August 1, 2017; August 1, 2018.

### Procedure for Addressing Sexual and/or Relationship Misconduct Allegations Against Students


### Procedural Summary

All allegations of sexual and/or relationship misconduct against a student that become known to campus security authorities and/or responsible employees of the University will be subject to review and investigation. A student wishing to officially report such an incident may do so by contacting the Title IX Coordinator, the Office of Academic and Community Conduct, and/or Public Safety and Police Services. Campuses are obligated to respond to reports of sexual and/or relationship misconduct. If the review and investigation concludes, based on a preponderance of the evidence, that a student is responsible for sexual and/or relationship misconduct, appropriate sanctions and interventions will be applied. (Non-student sexual and/or relationship misconduct is governed by other Codes of conduct, policies and/or laws.) This document outlines the procedures that will be utilized at each stage of the process from initial review to final appeal. In addition, the reporting party may also file external, criminal/civil proceedings for violations of federal/state laws and/or city ordinances. Proceedings may be carried out prior to, simultaneously with, or following criminal/civil proceedings.

### Definitions

**Advisor**

Typically a faculty, staff, or student member of the University chosen by the reporting party or responding party who is able to be present during the investigative and/or hearing process for support to either the reporting party or responding party. However, the advisor may also be someone of the reporting party’s or responding party’s choosing from outside the University, including an attorney. The advisor may not participate directly in the conduct process, but may be present throughout the proceedings to offer advice, guidance, and/or support to the student (reporting party/responding party).

**Allegation Review Panel**

Consists of the Title IX Coordinator and representatives from the Office of Academic and Community Conduct, Public Safety and Police Services, and other offices as deemed necessary and appropriate under the circumstances.

**Campus Security Authorities**

University employees designated under the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistic Act of 1998 to report certain crimes including sex offenses (forcible and non-forcible). These employees (including student employees) are from the following areas: Public Safety and Police Services; Human Resources; Athletics; Student Affairs & Advancement; Intramurals; Advisors to student organizations; and/or Deans/Department Chairs/Directors.

**Conduct Board**

A hearing panel comprised of faculty and staff members of the University who have been trained annually in basic procedural due process and the Sexual and/or Relationship Misconduct Policy and Procedures.
Confidential Resources
Persons to whom information is provided based upon the promise of confidentiality. These persons are not required to tell anyone a reporting party’s personally identifiable information unless there is a significant cause for fear of the reporting party’s safety or the safety of others.

False Reporting
The reporting by a student of information known by, or which should reasonably have been known by the student to be false. False reporting will not be tolerated by the University. It is a violation of the Student Code of Community Conduct to make an intentionally false report of sexual and/or relationship misconduct, and it may also violate state criminal statutes and civil defamation laws.

Family Educational Rights and Privacy Act (FERPA)
A federal law that protects the privacy of student education records. For additional information, please review: http://www.mtu.edu/registrar/faculty-staff/ferpa/

Group Infractions
May occur when members of groups, individuals acting collusively, or members of a student organization act in concert to violate the sexual and/or relationship misconduct policy. They will be charged individually, and the group may be charged as an organization.

Impact Statement
An oral or written statement of what happened; what impacts have been created by what happened; who has been impacted and how; what action(s) should be considered to address the impacts.

Interim Action
An immediate action taken by the University without any hearing to ensure safety and well-being and/or address threats of disruption or interference with normal University operations.

Interim Measure
An accommodation (prior to and/or after any hearing) providing assistance with changes to academic schedules; on-campus housing arrangements; visa/immigration documents; on-campus employment assignments/schedules; on-campus escorts; etc.

Investigator
An individual who investigates allegations. Investigators do not function as advocates for reporting parties or responding parties, but can refer reporting parties or responding parties to advocacy and support resources.

Precedence in Multiple Charges
Followed in cases of multiple charges where more than one University student conduct policy is implicated. The Procedures for and processing of Sexual and/or Relationship Misconduct will take precedence over those governing Academic Integrity charges and Student Code of Community Conduct charges.

Preponderance of Evidence
Means a party has shown that its version of facts, causes, damages, or fault is more likely than not the correct version. The concept of “preponderance of the evidence” can be visualized as a scale representing the burden of proof, with the totality of evidence presented by each side resting on the respective trays on either side of the scale. If the scale tips ever so slightly to one side or the other, the weightier side will prevail. If the scale does not tip toward the side of the party bearing the burden of proof, that party cannot prevail.

Private Resources
Persons and/or agencies from whom an expectation can be made to have allegations taken seriously, investigated thoroughly and properly resolved. This means only those who need to know will be told, and information will be shared only as necessary. Those needing to know may include the person an allegation is being filed against, witnesses, and investigating officials. [See Also Confidential Resources]
**Reasonable Cause**
There is sufficient information to allege that a responding party has violated a policy. Evidence is sufficient if a reasonable person would believe that further inquiry into whether a violation occurred is warranted.

**Reporting Party**
The person who allegedly experiences sex/gender based discrimination, sexual harassment and/or sexual misconduct Regardless of whether they chose to report the conduct to the university or authorities. The person who reports the alleged violation may or may not be the reporting party. If not, they are considered the person to have brought forward the allegation, a witness, or a third-party reporter.

**Responding Party**
A student(s) or student organization(s) alleged to have violated the sexual and/or relationship misconduct policy. Student-employees alleged to have engaged in sexual and/or relationship misconduct in their employment capacity may be investigated by the Office of Institutional Equity and Inclusion. A student-employee may be subject to sanctions both in connection with their employment and in connection with their student status, under applicable procedures.

**Responsible Employees**
Includes any employee who has the authority to take action to redress sexual and/or relationship misconduct; who has been given the duty of reporting incidents to the Title IX Coordinator; or whom a student could reasonably believe has this authority or duty. For Title IX compliance, all Michigan Tech employees who are designated as supervisors, with the exception of the ombudsperson and mental health counselors, are considered “responsible employees.” This includes some select undergraduate student employees such as resident assistants (RAs) and orientation team leaders (OTLs). Also considered responsible employees are Public Safety and Polices Services officers and employees, student affairs staff, human resources staff, athletics and recreation staff, academic advisors, faculty, instructors, graduate teaching assistants, graduate assistants that are supervising other students, and individuals designated as Campus Security Authorities.

**Sexual and/or Relationship Misconduct**
Includes sexual harassment; non-consensual sexual intercourse; non-consensual sexual contact; intimate partner violence; stalking and sexual exploitation. These terms are further defined in the Sexual and/or Relationship Misconduct Policy for Michigan Technological University Students.

**Student Organization**
Any group of students officially recognized by the University at the time of the alleged violation.

**Initial Action and Review**
Once the Office of Academic & Community Conduct and/or the Title IX Coordinator is put on notice of any allegation of sexual and/or relationship misconduct (hereinafter, “Misconduct”) as defined in the Sexual and/or Relationship Misconduct Policy, the individual who allegedly experienced Misconduct (“reporting party”) will be offered appropriate support services and notified of applicable institutional policies. The student or group that is alleged to have engaged in Misconduct (“responding party”) will also be offered appropriate information and support services. A student has the right to services whether or not they choose to participate in the process.

The Office of Academic and Community Conduct and/or Title IX Coordinator may implement an interim action(s) as needed to protect the community and students involved, pending the culmination of any review, investigation or appeal process. Interim measures may also be taken to accommodate academic schedules; on- campus housing arrangements; visa/immigration documents; on-campus employment assignments/schedules; on-campus escorts; etc.

If the reporting party is willing to participate in the review and investigation process, the Office of Academic & Community Conduct and/or the Title IX Coordinator will proceed as described in the Investigation section below. In
all cases, the University’s response is designed to consider the reporting party’s preferences regarding the University response, and to provide deference to the reporting party’s wishes wherever possible.

If the reporting party files a criminal complaint with law enforcement, the University will comply with law enforcement requests for cooperation. Such cooperation may require the University to temporarily suspend the fact-finding aspect of an investigation while law enforcement gathers evidence. The University will promptly resume its investigation as soon as notified that law enforcement has completed the evidence gathering process.

If the reporting party requests confidentiality or asks that the allegation not be pursued, before taking any further steps the Office of Academic & Community Conduct and/or the Title IX Coordinator may forward that information, along with all available information about the incident or allegation, to the Allegation Review Panel.

Specifically, the Allegation Review Panel will evaluate 1) whether, and to what extent, Michigan Tech should further investigate an allegation of Misconduct for the protection of the campus community when the Reporting party does not wish for an investigation to be conducted, and/or when the Reporting party wishes their information to remain confidential; and 2) what other protective measures or remedies might be considered to address any effects of the alleged Misconduct in the campus community. In all cases, the Allegation Review Panel serves as an advisory body to the Title IX Coordinator. The final decision on whether and to what extent an investigation will be conducted rests solely with the Title IX Coordinator and/or designee.

The Office of Academic & Community Conduct, in discussion with the Title IX Coordinator, may modify these guidelines as necessary to achieve the goals of prompt, thorough and effective allegation resolution in a procedurally fair manner. The development of informal resolution processes and means other than disciplinary measures, that allow the Title IX Coordinator and other administrators the requisite discretion to deal with the procedural challenges created by the new broadened definition of sexual and/or relationship misconduct is strongly encouraged.

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<th>Limitations of Confidentiality</th>
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Sexual and/or relationship misconduct allegations will be handled in a confidential manner to the extent possible and consistent with the principles of due process, FERPA, the Violence Against Women Act, and the Campus Security Act.

The Office of Academic & Community Conduct and/or the Title IX Coordinator may not be able to fully address allegations received from anonymous sources unless sufficient information is furnished to enable a meaningful and fair investigation to be conducted.

**Complete Confidentiality**

If a reporting party desires details of the sexual and/or relationship misconduct incident to be kept confidential, the reporting party should first speak with a confidential resource, who can and will maintain confidentiality and explain the details of confidentiality rules. On-campus counselors are available free of charge and can be seen on an emergency basis by contacting Counseling Services (906-487-2538). The Ombudsperson (906-487-2391) is also an on-campus confidential resource. Off-campus confidential resources are available at Dial Help (906-482-HELP) or Barbara Kettle Gundlach Shelter (888-337-5623). In addition, students may speak with off-campus clergy/chaplains, who will also keep reports made to them confidential. Confidential resources maintain confidentiality unless there is a significant concern for the reporting party’s safety and/or the safety of others.

**Duty to Investigate**

Students are highly recommended to speak to a responsible employee and/or a campus security authority at the University for purposes of seeking information or reporting incidents. The Office of Academic & Community Conduct and/or the Title IX Coordinator recognize that many students desire confidentiality and many students might not want an investigation and/or attempt by University officials to resolve the sexual and/or relationship
misconduct incident. However, depending on the facts and circumstances, it may be legally necessary for University officials to follow up on allegations of sexual and/or relationship misconduct.

**Federal Reporting Statistical Requirements**
The Department of Public Safety and Police Services must fulfill federal crime reporting requirements. All personally identifiable information is kept confidential, but statistical information must be passed along to Public Safety and Police Services regarding the type of incident and its general location (on or off campus, in the surrounding area, but no addresses are given), for publication in the Annual Security and Fire Safety 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.

**Federal Timely Warning Requirements**
University officials must issue timely warnings for incidents reported to them that continue to pose a substantial threat of bodily harm or danger to members of the campus community. The University 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.

**Open Department of Public Safety and Police Services Logs**
When incidents are reported to law enforcement officials, federal law requires that the police note incidents in a police log that is made public within two business days of the report of an incident. No names or other information that could reveal the identity of the student who may be the victim of sexual and/or relationship misconduct will be made public. Arrest records, however, are not confidential and are not protected by FERPA. Any adult student who is arrested can expect that records relating to an arrest and subsequent court proceedings will be made public at some point.

**Confidentiality of Medical Services**
If a student seeks medical attention, medical providers are required to alert law enforcement of potential sex crimes. If police are called to the hospital, the student has the right to not talk to them. The decision to prosecute an alleged assailant rests with the local prosecuting attorney. This decision can be made without the consent of the person who was assaulted.

**Support Guidelines for Both Reporting Party and Responding Party**
The reporting party and the responding party will be treated with respect by University officials throughout the entire process. Each reserves and has the right to be present for all testimony given and evidence presented before the hearing officer/conduct board. Neither is required to be present as a prerequisite to proceed.

The reporting party and the responding party will be informed by University officials of options to notify proper law enforcement authorities, including on-campus and local police, and the option to be assisted by University officials in notifying such authorities, if the reporting party so chooses. This also includes the right not to report, if the reporting party chooses.

The reporting party and the responding party each may request a University “No Contact Order” against each other or against any other student who has engaged in or threatens to engage in any threatening, harassing or other improper behavior. The “No Contact Order” could remain in effect until the investigation is completed.

The reporting party and the responding party each may request a change in academic and living situations. If such changes are requested and are reasonably available, the Office of Academic & Community Conduct and/or the Title IX Coordinator will support the request. Neither a criminal conviction nor an investigation need be completed before a no contact order, a change in academic or living conditions or other appropriate interim measures be put in place.

Neither the reporting party nor the responding party will have the option of having any allegation of sexual violence mediated.

The reporting party and the responding party will each be able to review all documentary evidence available regarding the allegation, and be informed of all witnesses participating in the hearing unless a witness has been
The reporting party and the responding party may each challenge any member of the conduct board, and request that the conduct board member be removed on the basis of demonstrated bias.

The reporting party and the responding party may each have an advisor of their choosing (including but not required to be an attorney) to accompany and assist them. The advisor may not participate directly in the University’s Procedures, but may be present throughout the proceedings to offer advice, guidance, and/or support to the reporting party or responding party.

Academic and Community Conduct personnel may upon request put a privacy screen in place, or other separation of the parties, if there are joint meetings of the reporting party and the responding party before the hearing.

Formal rules of evidence shall not be applicable in conduct hearings but principles of relevance, credibility and acceptance of information which reasonable persons would accept as having probative value in the conduct of their affairs can be considered in any hearing on responsibility, sanctions, and/or interventions. Irrelevant prior sexual history will not be considered in any investigation or other procedures.

The reporting party and responding party may make an impact statement, written or oral, during any point in the process and have the statement considered in determining potential outcomes.

The reporting party and the responding party will be informed simultaneously and in writing within seven (7) business days, of the University’s decision, of the outcome of the University’s Procedures, including the findings regarding all alleged misconduct, the rationale for the decision, any imposed sanction(s) and educational condition(s), and procedures for appeal. The reporting party and responding party will receive identical reports.

The reporting party and the responding party may each appeal the hearing decision in accordance with the standards for appeal established in the University’s Procedures.

The reporting party and the responding party will be informed simultaneously and in writing within seven (7) business days of its filing of any appeal filed, of any changes in the outcome based on appeal and of when the outcome is final upon expiration of the appeals period. The reporting party and responding party will receive identical reports.

Additional Support Guidelines for the Reporting Party

It is the goal of the Office of Academic & Community Conduct and/or the Title IX Coordinator to ensure that individuals alleging sexual and/or relationship misconduct have access to needed resources, services, and information. The reporting party will be given clear, detailed and complete notice of whether the alleged conduct, if it occurred, would be a violation of the Code, and will be fully informed of the nature, rules, and procedure of the sexual and/or relationship misconduct process, including possible sanctions.

The reporting party will be provided with information regarding available counseling, mental health or student services for reporters of sexual and/or relationship misconduct, both on campus and in the community.

University officials will not discourage the reporting party from reporting, or if reported from pursuing all options available to the reporting party for an alleged sexual and/or relationship misconduct offense. The reporting party may cooperate in an investigation under the University’s Procedures, seek criminal charges with campus or local law enforcement, seek civil action with a civil trial (totally independent of the University), choose multiple options, or choose not to take any action.

The reporting party will receive a fundamentally fair hearing, as defined in these procedures. The reporting party may refuse to answer some or all questions to avoid self-implication. This silence may not be used against the reporting party or be the basis for an adverse inference with respect to the party remaining silent.

The reporting party may question witnesses at any formal hearing. The reporting party may not question the responding party directly, but the reporting party’s questions will be submitted to the hearing officer and/or panel,
and the hearing officer and/or panel will ask questions of the responding party in the presence of the party submitting the question.

**Additional Support Guidelines for the Responding Party**

It is the goal of the Office of Academic & Community Conduct and/or the Title IX Coordinator to ensure that students responding to charges of sexual and/or relationship misconduct have access to needed resources, services and information. The responding party will be given clear, detailed, and complete notice of the alleged violation(s), fully informed of the nature, rules, and procedures of the sexual and/or relationship misconduct process, including possible sanctions, and given an opportunity to respond, by accepting or denying responsibility, or standing mute. Each response will entitle the responding party to all further services, hearing, rights and protections provided by the Code for that response.

The Office of Academic & Community Conduct and/or the Title IX Coordinator strives to offer a reasonable parity of resources, services and information, to the extent possible, to all parties to the incident, including, but not limited to:

- The responding party will be provided with information regarding available counseling, mental health or student services for responding parties of sexual and/or relationship misconduct, both on campus and in the community.
- The responding party will receive a fundamentally fair hearing, as defined in these procedures.
- The responding party may refuse to answer some or all questions to avoid self-implication. This silence may not be used against the responding party or be the basis for an adverse inference with respect to the party remaining silent.
- The responding party may question witnesses at any formal hearing. The responding party may not question the reporting party directly. Questions to the reporting party by the responding party will be submitted to the hearing officer and/or panel, and they will ask the questions of the reporting party in the presence of both parties.

**University Process**

The University will respond to violations of sexual and/or relationship misconduct through a variety of pathways, informally and/or formally, with the goal of educating all parties involved. Resolutions, as well as appeal processes, are administrative functions internal to the University and not judicial proceedings.

The Office of Academic and Community Conduct, in consultation with the Title IX Coordinator, will determine the most effective method of reviewing the concerns raised by the reporting party while also protecting the rights of other parties. In some cases, this will involve a thorough fact-finding investigation being conducted. In other cases, a different or less formal response to the allegation may be warranted. Although the Office of Academic and Community Conduct, in consultation with the Title IX Coordinator, may modify these guidelines, it will still respond to the allegation in a prompt, thorough and effective manner that is procedurally fair. At any stage of the process, based on review of available information, the Office of Academic and Community Conduct, in consultation with the Title IX Coordinator, may terminate any further response to an allegation. The Reporting party and Responding party will be informed simultaneously and in writing within seven (7) business days of the decision to terminate. The decision to terminate will also be in writing to the University President.

**An Outline of the Process**


   a. As appropriate, interim measures and/or interim actions may be imposed at any stage of the process from receipt of an allegation of misconduct through and after any final conduct decision.

   b. Reporting Party initially determines either informal pathway or formal pathway to address allegation.

II. Informal Pathway

   a. Conduct Intervention - A University official has a meeting with the responding party to explain the conduct process, review the allegation of sexual and/or relationship misconduct, allow the responding party to respond to the allegation, discuss University expectations and potential outcomes for violations of sexual
and/or relationship misconduct, and discuss appropriate steps to correct conduct and avoid further violations.

III. Formal Pathway

a. Interim Actions - Official requests/actions to ensure the safety and well-being of all members of the University community; to ensure the responding party’s own physical or emotional safety and well-being; or if the responding party poses a threat of disruption of or interference with, the normal operations of the University.

b. Administrative Option
i. Official written notice of alleged policy violations given to Reporting Party and Responding Party.
   1. Responding Party accepts the findings and designated sanctions and educational conditions, Reporting Party may appeal the outcome and request formal action.
   2. Responding Party rejects the findings and requests formal action.
   3. Responding Party accepts the findings but rejects the sanctions and educational conditions and requests formal action.
   4. If Responding Party waives their right to formal action, Reporting Party may appeal the outcome and request formal action.

c. Formal Action
i. Official written notice of alleged policy violations given to Reporting Party and Responding Party.
   1. Responding Party’s Initial Conference
      a. Responding Party fails to appear at initial conference or request alternative time.
         i. Responding Party waives right to formal action and sanctions/educational conditions are imposed. Responding Party may appeal severity of sanction. Reporting Party retains right to appeal outcome and request a formal hearing
      b. Responding Party attends Initial Conference
         i. Accept responsibility and sanctions/educational conditions.
         ii. Accept responsibility but contest sanctions/educational conditions
         iii. Deny responsibility and/or request formal action (Hearing)
         iv. Request postponement due to mitigating circumstances
   2. Reporting Party
      a. If Responding Party waives their right to formal action, Reporting Party may appeal the outcome and request formal action.

• Investigation

If after reviewing the allegations, the Title IX Coordinator deems reasonable cause exists for an investigation to be conducted, the Office of Academic and Community Conduct and/or the Title IX Coordinator will use the following guidelines to ensure that allegations of Misconduct are handled promptly and effectively in a manner that is procedurally fair to all parties. The investigation may be conducted by Public Safety and Police Services, outside law enforcement, Housing and Residential Life, a Title IX Investigator, and/or the Title IX Coordinator. In most cases, a Title IX Investigator will be utilized. The investigation may include meeting separately with the reporting party, responding party, pertinent witnesses, and reviewing and analyzing relevant documents.
• **Preliminary Report and Comment**

After the investigation is concluded, a preliminary report will be prepared, as circumstances warrant. To the extent permitted by FERPA (and HIPPA if applicable), the Reporting party and Responding party will each be given an opportunity to individually review the preliminary report of the information gathered during the investigation and will be given seven (7) business days to submit comments on the preliminary report to the Title IX Coordinator.

Following receipt of any comments submitted, or after the seven (7) business day comment period has elapsed, the Office of Academic and Community Conduct, in consultation with the Title IX Coordinator, will make a determination regarding the merits of the allegations based upon reasonable cause.

• **Final Report**

The final written report will contain (1) a summary of the reporting party’s relevant allegations; (2) a summary of the responding party’s relevant statements in response to the allegations; (3) a description of the relevant information provided by witnesses or obtained from documents, (4) the analysis and findings.

After the investigation has been concluded and has been approved by the Title IX Coordinator, the final report will be made available for review by the reporting party and the responding party in the Office of the Title IX Coordinator. If the final report concludes reasonable cause exists that a violation of the sexual and/or relationship misconduct policy may have occurred, appropriate pathway(s) will be followed, as described below.

• **Informal Pathway**

**Conduct Intervention** - After receiving a report, a University official may decide to schedule a meeting with the responding party to discuss the alleged violation(s). At the meeting, the official will: (1) explain the purpose of the conduct intervention meeting; (2) review the incident report and any impacts/harms to individuals and/or community as a whole; (3) listen to the student’s explanation of what occurred and why; (4) discuss community behavioral expectations and conflict resolution techniques; (5) discuss the consequences of the student conduct process; and (6) assist the student in developing an action plan to: repair the impacts/harms to individuals and or community; avoid recurring behavioral issues; make any referrals as deemed appropriate; complete any educational conditions; and reintegrate themselves back in to the community.

No sanctions will be imposed other than a verbal warning during the conduct intervention, and there is no right to an appeal. The reporting party will be notified of the verbal warning being imposed upon the responding party. The official has the authority to change the handling of the incident at the conduct intervention level to the administrative option or formal action, based on the information revealed in the conduct intervention meeting or if the responding party fails to appear for the conduct intervention meeting. If a change is made, the reporting party and responding party will receive simultaneously and in writing within seven (7) business days the appropriate notice and opportunity to respond.

• **Formal Pathway**

**Interim Action** – Reasonable cause needs to be present for the University to take interim action prior to any further action or hearing with any responding party to ensure the safety and well-being of all members of the University community; to ensure the responding party’s own physical or emotional safety and well-being; or if the responding party poses a threat of disruption of or interference with, the normal operations of the University. If a responding party fails to comply with the requirements of the interim action, the University may immediately take any lawful action to obtain compliance.

Reporting party and/or responding party can request an interim action review to be conducted at any time after interim action is imposed. The reporting party and/or responding must submit in writing the request for review. During the review process, the reporting party and/or responding party will be given an opportunity to demonstrate in writing why they feel cause no longer exists
for the interim action to be in effect. This may include providing additional information not available at the time the interim action was imposed. A separate University official will conduct the review.

“Interim action” includes, without limitation: 1) No verbal/non-verbal/third-party contact with another person(s). 2) Disciplinary hold on the student account that prevents registering for academic courses and/or making any type of academic requests (i.e. transcripts). In order to have the hold removed the student will need to comply with official’s request. 3) Mandatory behavioral agreement that reinforces conduct expectations, with any further violations of the Code resulting in formal action. 4) Restriction on student’s presence in the residence halls, on University property and/or at University events. 5) A requirement of an individualized psychological assessment through Counseling Services or at another facility and/or a medical assessment. The assessment(s) may be used to determine the appropriateness of withdrawing, sustaining, or altering the interim action. 6) Immediate suspension from the University.

Administrative Option - The official may send a written notice of the alleged policy violation(s), findings based on a preponderance of the evidence, applicable sanctions and educational conditions to the responding party and the reporting party, with the option for the student to (a) accept the findings and the designated sanctions and educational conditions, (b) request formal action or (c) reject the findings in part or entirely and request formal action. If the student requests formal action, then an initial conference will be scheduled, and the case may proceed with further formal action. If the responding party waives their right to formal action, reporting party may appeal the outcome and request formal action.

The written notice will be sent by a University official simultaneously and within seven (7) business days to the University email address assigned to the reporting party and responding party response must be returned via email to the official within seven (7) business days of the official’s emailing of the notice. If the response is not returned within the designated time period, it shall be presumed the reporting party and responding party waives their right to formal action and the sanctions and educational conditions outlined in the email notice will be imposed. The reporting party and responding party will receive identical reports.

Formal Action - The official will send to the reporting party and responding party identical notice of the alleged violation(s), the range of sanctions related to the violation(s) and the date, time and location for an initial conference for the responding party. If the responding party fails to appear at the initial conference, the official may consider all information true and accurate, if it so appears, and take appropriate administrative action.

At the initial conference, the responding party will meet with an official. The purpose of the initial conference is to provide the responding party with additional information about the reported incident and explain the procedures that will be followed to determine if they are responsible or not responsible for the violation(s). At that time, the responding party will respond to the violation by electing one of the following courses of action

- To accept responsibility for violating one or more University rules. The case may then be immediately reviewed by the official, who will take appropriate action. If the reporting party or responding party wishes to demonstrate mitigating circumstances that will impact the sanction(s) and educational condition(s) to be imposed by producing relevant witnesses or information, a postponement of action may be requested for a reasonable time. An identical decision notice will be sent to the reporting party and responding party simultaneously and in writing within seven (7) business days, and will include any applicable sanction and condition(s). The notice will include any applicable sanction and condition(s). The official may choose to refer the case to a meeting with the University Conduct Board for the determination of appropriate sanction and/or educational condition(s).
• To deny responsibility for the violation(s), in which case, the official shall determine the next appropriate course of action from the following: a) Hold an immediate formal hearing with the official or if either student so requests, postpone the hearing for a reasonable time in order to allow either student to prepare a response and/or to arrange to appear. b) Refer for a formal hearing to another official. c) Refer for a formal hearing before the University Conduct Board. If the board cannot convene, Office of Academic and Community Conduct will arrange a formal hearing by an official. d) Adjourn the conference in order to obtain additional information, and then complete the hearing at a later time after all additional information has been gathered. e) Dismiss the charges.

• To stand mute on the charge. The case will then be referred for a formal hearing before the University Conduct Board. If the board cannot convene, Office of Academic and Community Conduct will arrange a formal hearing by an official.

**Hearing Guidelines for Participants**

The Office of Academic and Community Conduct would like to emphasize that our hearing is not a criminal trial. Formal rules of evidence shall not be applicable in conduct hearings but principles of relevance, credibility and acceptance of information which reasonable persons would accept as having probative value in the conduct of their affairs can be considered in any hearing on responsibility, sanctions, and/or interventions. The standard used to determine if a responding party is responsible is called preponderance of evidence; this differs from criminal court procedures because the hearing officer or committee may simply rule that it is more probable than not that a University regulation has been violated.

The purpose of a hearing is to obtain the information necessary to make a decision in a responding party’s case. Additional witnesses or documents are sometimes helpful; however, character witnesses are not allowed.

Hearings are closed to the public. Privacy will be preserved to the fullest extent possible, as allowed by law. At the discretion of the official, an additional official (procedural officer) may be present for the purpose of assisting in managing the hearing, but the assistant shall not otherwise participate in the decision making process.

At the formal hearings, the conduct board will consist of a three-person panel made up of professional staff and faculty. All conduct board members receive annual training. They also receive training on issues related to sexual and/or relationship misconduct and how to conduct a hearing process that is fair, protects safety, and promotes accountability. Members of the University Conduct Board may be current or former licensed attorneys. These individuals serve on the University Conduct Board in their capacity as a student/faculty staff member of the University, not as an attorney. These individuals do not represent or advise the University on the matters before them as an attorney.

Where a sanction of suspension or expulsion can be imposed, hearings will be recorded. Deliberations will not be recorded. The recording will be the property of the University and maintained according to University records policy.

The procedural officer shall exercise control over the proceedings to avoid needless consumption of time and to achieve orderly completion of the hearing. Any person who disrupts a hearing may be excluded by the procedural officer.

During the hearing, the reporting party and the responding party may present an explanation of the facts and circumstances relating to the incident, present relevant witnesses who can speak to the facts and/or written information, ask questions, and reserve the right to not respond to questions. Questions by and to either a reporting party or responding party must be submitted in writing to the procedural officer to ask of the other party and cannot be asked directly by a party to a party. The procedural officer may determine that witnesses, information and/or questions are not relevant to the charge(s) and/or case.

The reporting party and responding party may have an advisor of their choice to accompany and/or assist them at any point throughout the proceedings. The advisor may not participate directly in the conduct process, but may be present throughout the proceedings to offer advice, guidance, and/or support to the student.
No disciplinary action shall be taken unless it is established by a preponderance of the information available to the Conduct Board that the responding party is responsible for the violation(s). Formal rules of evidence shall not be applicable in conduct hearings. Information, which reasonable persons would accept as having probative value in the conduct of their affairs, can be considered.

Identical written notice of the conduct decision will be sent to the reporting party and responding party simultaneously within seven (7) business days of the hearing. Written notice will also be sent to the University President within seven (7) business days of the hearing. This time may be extended if necessary in the reasonable judgment of the official and/or chair.

Any conduct decision may be appealed by either the reporting party, the responding party, or by the University President, and must follow the established procedures as outlined in Appeal Procedures.

**Range of Sanctions**

**Written Warning**
A statement that further violations of University rules will result in sanctions that are more serious.

**Conduct Probation**
A status, which generally will not exceed 18 months unless in the discretion of the decision maker the status should exceed 18 months. Students who violate any regulation while on conduct probation are likely to receive enhanced sanctions for those subsequent violations. Conduct probation means a student is not in good social/conduct standing, and therefore may be ineligible to participate in co- and/or extra-curricular activities, student employment, scholarships, etc. Once a student has completed at least 1/3 of their total probationary period, they may apply to the Probation Early Release Certification (PERC) program to be reinstated to good conduct standing. Applicants will be required to successfully complete additional educational conditions prior to being released from conduct probation. Please contact the Office of Academic and Community Conduct for more information on the PERC program.

**Conduct Suspension**
The termination of a person’s status as a student for a definite or indefinite period of time with possibility of reinstatement. The student must submit a petition for reinstatement and have it approved before being allowed to return. If allowed to return, a determination will be made whether or not the student will be placed on conduct probation for a specified period of time.

**Conduct Expulsion**
The termination of a person’s status as a student without possibility of reinstatement.

**Educational Conditions**

Conduct decisions, in addition to a sanction, may include certain an educational condition(s) such as: writing assignments, educational/experiential workshops, counseling, fees, community service, restorative practices, loss of privileges, educational projects and/or assessments. The University has complete discretion to require or to not require educational conditions on a case-by-case basis.

Students with critical financial situations may petition to have University fees related to education conditions reduced or waived. The student must submit their petition in writing for review. During the review process, the student will be given an opportunity to demonstrate a critical financial situation exists precluding them from being able to pay the fee for the educational condition, and a reduction or waiver is necessary.

**Appeal Procedures**

Both the reporting party and the responding party, as well as the University President, may appeal decisions made by an official and/or hearing board. Instructions for initiating an appeal will be provided in every conduct decision letter. Appeals must be in writing and submitted to the Office of Academic and Community Conduct within seven (7) business days of an official’s transmittal of the decision by email, certified mail, or personal delivery. Prior to
submitting an appeal, both the responding party and the reporting party may request to have access to all written documentation and/or recording of the original hearing under the supervision of the Office of Academic and Community Conduct. The imposition of sanctions may be deferred while an appeal is pending unless, at the discretion of the Dean of Students or designee, the Interim Action provisions are invoked or for other good cause.

After receiving a request for an appeal, the Office of Academic and Community Conduct will conduct an initial review within seven (7) business days to determine if the appeal request is timely and meets the limited grounds. The basis for an appeal is limited to questions of fact, questions of procedure and severity of sanction as defined below.

**Question of Fact**

Both reporting party and responding party may appeal on “questions of fact” by introducing new information that would significantly affect the outcome of the case. Information introduced that was not known or could not be reasonably known at the time of the hearing by the responding party shall be considered new information. Evidence that was known or reasonably should have been known but withheld by the reporting party and/or the responding party shall not constitute a question of fact and will not be considered upon appeal.

**Question of Procedure**

Both reporting party and responding party may appeal on “question of procedure”. Appeals will be considered on the basis of “questions of procedure” by demonstrating that the procedural guidelines established in this document were breached, and that such departure from established procedure significantly affected the outcome of the case.

**Severity of Sanction**

Both reporting party and responding party, as well as the University President, may appeal the “severity of sanction” that has been imposed by presenting a statement that explains why they believe the sanction should be reconsidered. The appeal must outline why the student believes the sanction imposed was not within the good faith discretion of the University, and therefore should result in a stated lesser or greater sanction.

If the appeal is not timely or on its face fails to address the limited grounds permitted for appeal, the original finding and sanction will stand and the decision is final. Identical notice of this defect in filing the appeal will be sent simultaneously and in writing within seven (7) business days of receipt of the appeal to the reporting party and the responding party. If the appeal meets the above two criteria for acceptance, the appeal will be decided by the Dean of Students or designee within seven (7) business days of receiving the request. However, in appeals of decisions of the Conduct Board imposing sanctions of suspension or expulsion, an Appellate Board will be appointed by the Dean of Students to review the appeal and render a decision. The Appellate Board will consist of a three-person panel made up of professional staff and faculty.

The Dean of Students or designee, or Appellate Board will review the record and render a decision on the appeal. The Dean of Students or designee, or Appellate Board, may (a) remand the case to the original hearing officer or hearing committee; (b) change (increase or decrease) the findings (including the number of offenses the responding party is found responsible for) or sanctions, and/or (c) dismiss the original charges. In cases involving more than one charge, an appeal decision may include more than one of the options in (a) through (c). Identical appellate decisions will be sent simultaneously and in writing within seven (7) business days of the review to the reporting party and the responding party. The appellate decision will also be sent to the University President. The appellate decision action is final and is not subject to further appeal.

Appeals are not intended to be full re-hearings of the allegation. In most cases, appeals are confined to a review of the written documentation or record of the original hearing, and pertinent documentation regarding the grounds for appeal. The party(s) reviewing the appeal may contact the appropriate individuals involved to answer questions and/or provide further clarifications. If appropriate, an extension of the timelines may be provided up to an additional seven (7) business days. Identical notice of an extension will be sent simultaneously and in writing within seven (7) business days to the reporting party and the responding party.
Procedures for Multiple Violations

In cases of multiple charges where more than one University policy is implicated, the procedures governing Sexual and/or Relationship Misconduct violations will take precedence.

Records

Records of all conduct actions by officials and boards are considered educational records under FERPA. For additional information, see http://www.mtu.edu/registrar/faculty-staff/ferpa/. Records of conduct actions shall be maintained by the Office of Academic and Community Conduct in accordance with the Student Affairs document retention policy. Records of incidents reportable under the Campus Security Act will be retained for seven (7) years from the date of the incident; records of incidents resulting in suspension (when the student does not return to the University) or expulsion will be retained indefinitely; and all other records will be retained for two (2) years following graduation or official withdrawal from the University. With the exception of the sanction of Expulsion, and Special Failing Grades (P*, U* and E* under the Academic Integrity Policy), disciplinary sanctions do not appear on University transcripts. In the case of pending actions where an academic grade cannot be assigned, a grade of “M” will be entered into the student’s academic record, which is not calculated into the student’s GPA.

Revocation of Degree

The University reserves the right to revoke an awarded degree for fraud in receipt of the degree, or for serious conduct violations committed by a student prior to the student’s graduation which the University was not aware of at the time of graduation.

Title IX - Protective Measures and Preserving Evidence

If you are the victim of sexual misconduct, gender-based violence, or the crimes of rape, acquaintance rape, sexual assault, sexual harassment, stalking, dating violence, or domestic violence, some or all of these safety suggestions may guide you after an incident has occurred.

- Go to a safe place and speak with someone you trust. Tell this person what happened. If there is any immediate danger, call 911.
- Consider securing immediate professional support (e.g., counseling, victim advocacy) to assist you in the crisis. If you are on campus during regular business hours, you may go to Counseling Services (906-487-2538) located on the 3rd floor of the Administration Building. If you are off campus, you may go to Dial Help (906-482-4357 or 906-356-3337) located at 609 Shelden Ave., Houghton. These are both confidential resources. After regular business hours or on weekends, a Michigan Tech Counselor is available by calling 906-487-2216. Dial Help is available 24/7.
- For your safety and well-being, immediate medical attention is encouraged. Further, being examined as soon as possible, ideally within 120 hours, is important in the case of rape or sexual assault. Local health care can be provided by LifePoint Health (UP Health System - Portage), located in Hancock, MI at 500 Campus Drive (906-483-1000).
- Even after the immediate crisis has passed, and if you have not done so, consider seeking support from Counseling Services, and/or Dial Help.
- Contact the Title IX Coordinator, the Office of Academic and Community Conduct, or Public Safety and Police Services to report the incident and/or to seek assistance with concerns, such as no-contact orders or other protective measures. They will also assist in any needed advocacy for students who wish to obtain protective or restraining orders from local authorities.
- Michigan Tech is able to offer reasonable academic supports, changes to living arrangements, transportation resources or modifications, escorts, no contact orders, counseling services access, and other supports and resources as needed by a victim. Michigan Tech is able to offer information about legal assistance, visa/immigration assistance, and student financial aid considerations for victims.
The Importance of Preserving Evidence

For your safety and well-being, immediate medical attention is encouraged. Further, being examined as soon as possible, ideally within 120 hours, is important in the case of rape or sexual assault.

- To preserve evidence, it is recommended that you do not bathe, shower, douche, eat, drink, smoke, brush your teeth, urinate, defecate, or change clothes before receiving medical attention. Even if you have already taken any of these actions, you are still encouraged to have prompt medical care, and evidence may still be recoverable.
- Typically, if police are involved or will be involved, they will obtain evidence from the scene, and it is best to leave things undisturbed until their arrival. They will gather bedding, linens or unlaundered clothing, and any other pertinent articles that may be used for evidence. It is best to allow police to secure items in evidence containers, but if you are involved in transmission of items of evidence, such as to the hospital, secure them in a clean paper bag or clean sheet to avoid contamination.
- If you have physical injuries, photograph or have them photographed, with a date stamp on the photo.
- Record the names of any witnesses and their contact information. This information may be helpful as proof of a crime, to obtain an order of protection, or to offer proof of a campus policy violation.
- Try to memorize details (e.g., physical description names, license plate number, car description, etc.), or even better, write notes to remind you of details, if you have the time and ability to do so.
- If you obtain external orders of protection (e.g., restraining orders, injunctions, protection from abuse), please notify the local police department if off-campus or if on-campus, notify Public Safety and Police Services and/or the Title IX Coordinator so that those orders called a no contact order can be observed on campus.

Bystander Intervention and Risk Reduction

In an effort to reduce the risk of sexual and/or relationship misconduct among its students, Michigan Tech utilizes a range of campaigns, strategies, and initiatives to promote awareness, education, risk reduction, and prevention programming.

Bystander engagement is highly encouraged through safe and positive intervention techniques and by empowering third-party intervention and prevention such as calling for help, identifying allies, and/or creating distractions.

Steps You Can Take to Prevent Sexual Assault/Violence

- Everyone has a role to play in preventing sexual assault/violence. There are many different ways that you can step in or make a difference if you see someone at risk. This approach to preventing sexual assault/violence is referred to as “bystander intervention.”

How can I play a role in preventing sexual assault/violence?

- The key to keeping your friends safe is learning how to intervene in a way that fits the situation and your comfort level. Having this knowledge on hand can give you the confidence to step in when something isn’t right. Stepping in can make all the difference, but it should never put your own safety at risk.

A good friend knows how to CARE:

- Create a distraction
- Ask directly
- Refer to an authority
- Enlist others

Create a distraction.

Do what you can to interrupt the situation. A distraction can give the person at risk a chance to get to a safe place.

- Cut off the conversation with a diversion like, "Let’s get pizza, I’m starving," or "This party is lame. Let’s try somewhere else."
• Bring out fresh food or drinks and offer them to everyone at the party, including the people you are concerned about.
• Start an activity that draws other people in, like a game, a debate, or a dance party

**Ask directly.**
• Talk directly to the person who might be in trouble.
• Ask questions like “Who did you come here with?” or “Would you like me to stay with you?”

**Refer to an authority.**
• Sometimes the safest way to intervene is to refer to a neutral party with the authority to change the situation, like an RA or security guard.
• Talk to a security guard, bartender, or another employee about your concerns. It’s in their best interest to ensure that their patrons are safe, and they will usually be willing to step in.
• Don’t hesitate to call 911 if you are concerned for someone else’s safety.

**Enlist others.**
It can be intimidating to approach a situation alone. Enlist another person to support you.
• Ask someone to come with you to approach the person at risk. When it comes to expressing concern, sometimes there is power in numbers.
• Ask someone to intervene in your place. For example, you could ask someone who knows the person at risk to escort them to the bathroom.
• Enlist the friend of the person you’re concerned about “Your friend looks like they’ve had a lot to drink. Can you check on them?”

**Your actions matter.**
Whether or not you were able to change the outcome, by stepping in you are helping to change the way people think about their role in preventing sexual assault/violence. If you suspect that someone you know has been sexually assaulted, there are steps you can take to support that person.
• Help Someone You Care About
• How to Respond to a Survivor

To speak with someone who is trained to help, call the National Sexual Assault Hotline at 800-656-HOPE (4673) or chat online at online.rainn.org.

Source: Rape Abuse & Incest National Network (RAINN)

**Risk Reduction**
Risk reduction tips can often take a victim-blaming tone, even unintentionally. With no intention to victim-blame, and with recognition that only those who commit sexual violence are responsible for those actions, these suggestions may nevertheless help you to reduce your risk experiencing a non-consensual sexual act. Here are suggestions to avoid committing a non-consensual sexual act are also offered:
• If you have limits, make them known as early as possible.
• Tell a sexual aggressor “NO” clearly and firmly.
• Try to remove yourself from the physical presence of a sexual aggressor.
• Find someone nearby and ask for help.
• Take affirmative responsibility for your alcohol intake/drug use and acknowledge that alcohol/drugs lower your sexual inhibitions and may make you vulnerable to someone who views a drunk or high person as a sexual opportunity.
• Take care of your friends and ask that they take care of you. A real friend will challenge you if you are about to make a mistake. Respect them when they do.

If you find yourself in the position of being the initiator of sexual behavior, you owe sexual respect to your potential partner. These suggestions may help you to reduce your risk for being accused of sexual misconduct:

• Clearly communicate your intentions to your sexual partner and give them a chance to clearly relate their intentions to you.
• Understand and respect personal boundaries.
• DON’T MAKE ASSUMPTIONS about consent; about someone’s sexual availability; about whether they are attracted to you; about how far you can go or about whether they are physically and/or mentally able to consent. If there are any questions or ambiguity then you DO NOT have consent.
• Mixed messages from your partner are a clear indication that you should stop, defuse any sexual tension and communicate better. You may be misreading them. They may not have figured out how far they want to go with you yet. You must respect the timeline for sexual behaviors with which they are comfortable.
• Don’t take advantage of someone’s drunkenness or drugged state, even if they did it to themselves.
• Realize that your potential partner could be intimidated by you, or fearful. You may have a power advantage simply because of your gender or size. Don’t abuse that power.
• Understand that consent to some form of sexual behavior does not automatically imply consent to any other forms of sexual behavior.
• Silence and passivity cannot be interpreted as an indication of consent. Read your potential partner carefully, paying attention to verbal and non-verbal communication and body language.

In a Social Situation

While you can never completely protect yourself from sexual assault/violence, there are some things you can do to help reduce your risk of being assaulted in social situations.

• When you go to a social gathering, go with a group of friends. Arrive together, check in with each other throughout the evening, and leave together. Knowing where you are and who is around you may help you to find a way out of a bad situation.
• Trust your instincts. If you feel unsafe in any situation, go with your gut. If you see something suspicious, contact law enforcement immediately.
• Don’t leave your drink unattended while talking, dancing, using the restroom, or making a phone call. If you’ve left your drink alone, just get a new one.
• Don’t accept drinks from people you don’t know or trust. If you choose to accept a drink, go with the person to the bar to order it, watch it being poured, and carry it yourself. At parties, don’t drink from the punch bowls or other large, common open containers.
• Watch out for your friends, and vice versa. If a friend seems out of it, is way too intoxicated for the amount of alcohol they’ve had, or is acting out of character, get him or her to a safe place immediately.

Source: Rape Abuse & Incest National Network (RAINN)

No victim is responsible for being raped or sexually assaulted; the perpetrator is the one responsible. No action or inaction by a crime victim makes that person responsible for being victimized. Nonetheless this safety information is offered to reduce the likelihood of experiencing a crime, improve opportunities to receive prompt assistance and understand available resources, and increase everyone’s ability to be a better bystander.

Appendix A: Options and Frequently Asked Questions

Students have a number of options to consider when they have been involved in sexual and/or relationship misconduct incident. A student can choose any and all of the options listed here. The options are noted as follows:
2. Academic and Community Conduct,
4. Option for civil suit.

**Options for Medical Attention**

What physical medical attention should I consider after a sexual assault? [https://www.rainn.org/articles/receiving-medical-attention](https://www.rainn.org/articles/receiving-medical-attention)

What is a RAPE Kit? What happens during the medical exam? [https://www.rainn.org/get-information/sexual-assault-recovery/rape-kit](https://www.rainn.org/get-information/sexual-assault-recovery/rape-kit)

Where can I go to get this medical exam? UP Health System - Portage Hospital - Emergency Room 500 Campus Drive, Hancock, MI 49930  [https://www.portagehealth.org/our-services/emergency-services](https://www.portagehealth.org/our-services/emergency-services)

How do I get to the hospital? A Public Safety and Police Services officer can take you to the hospital. Or, you can get a ride from a friend, call a taxi, or go alone in your vehicle. You can have a friend/family member/stay with you through the exam. Counselors or local rape crisis advocates can be called to assist you.

How much does it cost? How long will it take? [http://www.michigan.gov/mdch/0,4612,7-132-54783_54853_54855-347195--00.html](http://www.michigan.gov/mdch/0,4612,7-132-54783_54853_54855-347195--00.html) The exam will take two to three hours.

Do I have to go to the hospital? You are not required to seek medical attention. However, even if you don’t want to prosecute now, collecting the evidence is important in case you change your mind later. Medical attention is also important because some injuries may not be immediately apparent or realized.

Is the medical exam confidential? You must sign a release for the medical exam to be completed. Once signed, the hospital is required to notify the police, but it is up to you if you want to talk to the police when they arrive.

What are Date Rape drugs? Are there ways to tell if I have been drugged? [http://womenshealth.gov/publications/our-publications/fact-sheet/date-rape-drugs.html](http://womenshealth.gov/publications/our-publications/fact-sheet/date-rape-drugs.html)


**Options for reporting**

- **Student Code of Community Conduct**

  Q: What are campus student conduct charges?

  A: The University prohibits sexual and/or relationship misconduct in its Code of Community Conduct and sexual and/or relationship misconduct Policy. Initiating Code of Community Conduct violation procedures allows the student to have the University render a disciplinary decision on whether the accused student has violated one or more of the regulations identified under the sexual and/or relationship misconduct policy.

  Q: How do I report a complaint to the campus student conduct system?

  A: A student conduct complaint can be made to the Office of Academic and Community Conduct or to the Title IX Coordinator by a person who was the target of the sexual and/or relationship misconduct, a witness of the possible misconduct, or a community member who may have knowledge of the sexual and/or relationship misconduct. Charges can be initiated by the Office of Academic and Community conduct from reports submitted to Department of Public Safety and Police Services, Residence Life, Title IX Coordinator, Counseling Services, faculty, coaches, and any administrators who refers the case to the Office of Academic and Community Conduct.

  Q: Who can initiate a campus complaint for disciplinary action and against whom?
A: Campus charges can be initiated against a student by another student or by a non-student against a student arising out of sexual and/or relationship misconduct that occurs on or off-campus, during and between academic terms, including summer breaks, as long as the student being accused is presently enrolled. Charges may be filed against a student who graduated if the sexual and/or relationship misconduct occurred prior to graduation. Charges may be filed by graduated students against current students.

Q: What if my complaint is against a member of the faculty, staff, or administration?
A: You can report a complaint to the Title IX coordinator and/or Department of Public Safety and Police Services.

Q: Is the campus student conduct process confidential?
A: If campus charges are filed, complete confidentiality cannot be maintained. An investigator will usually be asked to investigate, including contacting and interviewing potential witnesses. If the case goes to a hearing, Hearing officers involved in hearing the case will know, as will members of an appeal panel. All of these people will keep confidentiality to the best of their ability and duties. The University must report non-personal identifying information to the director of Department of Public Safety and Police Services in order to meet annual federal campus crime statistic reporting requirements. Within two days of a report, basic details of an incident are available to the public in the campus police log. No names are given, and facts that could lead to the identity of the student who was the target of the sexual and/or relationship misconduct are not disclosed. Campus conduct hearings are not open to the public. Arrest records, however, are not confidential.

Q: What will happen if I pursue campus charges?
A: Campus cases are heard and resolved much more quickly than criminal charges or civil suits, often going from the filing of charges to resolution in six weeks or less. Temporary suspensions and/or campus "No Contact" orders of accused students to protect you and other students are possible in the interim. Campus sanctions for sexual and relationship misconduct range from warnings to expulsion.

Q: Is this like filing criminal charges?
A: No. Campus cases may be easier to prove than criminal charges, because the standard of proof (the amount of evidence required) is lower. This is called a preponderance, meaning more likely than not, rather than beyond a reasonable doubt. Filing campus charges does not prevent you from also filing criminal charges and/or civil suits. Campus charges cannot result in imprisonment. Witnesses may be called at the campus hearing, for both you and the accused student. You can also refuse to be a witness. In certain cases, the University may pursue charges without your assistance or cooperation, when it is necessary to resolve a case in order to protect the community from a student who poses a threat to others.

“No Contact” Conditions

Q: What is a campus “No Contact” condition?
A: A campus “No Contact” condition is a warning to students to keep a certain distance from, or a prohibition from contact with, each other. "No Contact" conditions are available to students when necessary to protect them. The campus "No Contact" condition applies to both the student who complaints and the student the complaint is lodged against. Failure to comply with a campus “No Contact” condition can result in disciplinary charges and possible dismissal.

Q: How do I get a campus "No Contact" condition?
A: They can be issued by the Office of Academic and Community Conduct staff when needed. You can contact a staff member to request a campus “No Contact” condition. You can also contact the Title IX coordinator.

Q: What happens if a student violates a campus "No Contact" condition?
A: The University would initiate Code of Community Conduct violation charges against the student for the violation, with appropriate punishment resulting if a violation is found.

### Criminal Prosecution Option

**Q: How do I initiate criminal charges?**

A: You can choose to pursue a full legal investigation. Once evidence has been collected by law enforcement supporting the allegation that a crime has been committed you will have the right to file criminal charges with the prosecuting attorney's office. If you decide to file criminal charges, the results of the investigation will be released to the prosecuting attorney. If the incident occurred on-campus, the campus Department of Public Safety and Police Services would conduct the investigation. You may also contact the Houghton County Prosecuting Attorney to initiate charges. If the incident occurred off-campus, you must contact the police in the jurisdiction where the incident occurred. If you need help determining the proper police agency, contact the campus Department of Public Safety and Police Services for assistance in determining the proper police agency.

**Q: Can criminal charges be filed even if I don't want them to be?**

A: Yes, in certain circumstances, a prosecuting attorney could prosecute a case that you do not want to be prosecuted. You are not a party to the prosecution. A sex crime is a crime against the state: prosecution is done in the name of the state, not the student.

**Q: Does it matter when I file criminal charges?**

A: Prosecutions are most successful in cases when you report the assault to authorities as quickly as possible. Michigan has a seven (7) year statute of limitations on reporting and prosecuting rape. Normally, criminal charges cannot be filed more than seven (7) years after the incident occurred.

**Q: If I prosecute, how long will it take?**

A: Investigations can sometimes take weeks or months to complete. Criminal prosecutions can take years to get from the filing of charges to the end of the final appeal. This is not meant to discourage, but to give a realistic perspective of the criminal justice system.

**Q: Are prosecutions confidential?**

A: Criminal rape prosecutions in Michigan are closed to the public when the student makes this request at the preliminary hearing. The name of the student is protected from release, but people involved in the prosecution would know about it, as would witnesses. Otherwise, the proceedings can be open to the public.

**Q: If the prosecution is successful, what will happen?**

A: Nationally, sentences for rape average 12 years, with 7-8 years served. However, other (unwanted touching, penetration) sexual assault convictions result in shorter sentences than do rape convictions. Criminal convictions for sexual assault can result in fines, jail time, community service, probation, and other punishments.

**Q: How hard is it to win the case?**

A: Criminal rape convictions must be proved beyond a reasonable doubt, a very high standard. Many rapists charged plead to a lesser charge and thus do not end in a sexual assault conviction of rape. Criminal trials are decided by juries, so every case is different and the outcome is hard to predict.

**Q: How much does it cost to prosecute?**

A: Criminal prosecution is free if the prosecuting attorney decides to take your case.

**Q: If I choose to prosecute, do I have to be there?**
A: Normally, students provide testimony as witnesses and provide the main evidence against the defendant. However, you need not always participate in the trial to get a conviction, and this is something you should discuss further with the prosecuting attorney.

Q: Will this prosecution put me on trial?
A: The defendant's attorneys may try to make it look like it was your fault, and may try to call your character into question. However, irrelevant evidence of a student's past sexual history is generally inadmissible in court.

Q: If the incident happened on campus, can I still prosecute?
A: Yes, Michigan courts have jurisdiction over cases that occur on campus.

Q: If I prosecute, do I still have other options?
A: Filing criminal charges does not prevent you from also filing campus charges and/or civil suits.

• Civil Suit Option

Q: How is this different than a prosecution?
A: You can initiate a civil suit against a perpetrator to seek monetary damages and other civil remedies (not imprisonment).

Q: Is this option exclusive of other options?
A: No, filing a civil suit does not prevent the filing of campus charges and/or criminal charges

Q: How do I exercise this option?
A: You can initiate a civil suit by contacting an attorney. Attorneys can be found in the phone book, or by contacting Legal Services of Northern Michigan at 482-3908 (Houghton Office). http://www.lsnm.org/ 

Q: How much does a civil suit cost?
A: Filing a civil suit is usually free. The attorney typically gets paid if he or she wins; you may have to pay for some expenses if you lose.

Q: How long do I have to exercise this option?
A: Civil suits can be filed up to two years after the date of the incident.

Q: Is there an advantage to this option?
A: Winning a civil suit is often easier than winning a criminal trial.

Q: Is there a disadvantage to this option?
A: Yes, suing a student can be complicated, because they don't often have the money to pay a judgment against them.

Q: How long will a civil suit take?
A: Resolving a civil suit can take up to several years.

Q: Will a civil suit be confidential?
A: No, civil suits are not confidential and may be open to the public.

• Civil Restraining Order/Personal Protective Order

Q: What is this option?
A: A restraining/protective order is a legal order issued by a magistrate or judge, ordering someone to physically stay away from you and/or avoid all contact with you. Restraining orders do not physically
prevent anything, it just gives police power to enforce and arrest when an order is violated. They often have time expirations. Restraining orders can be no-contact orders or distance-based (a restricted distance of 100 yards at all times).

**Q: Where do I get one?**

**A:** You can obtain it from a civil magistrate or judge in the locality where the person to be restrained is located.

**Q: How do I get one?**

**A:** The judge will hold a hearing, and you will give testimony to show cause for the need for protection. You can seek assistance from police, Title IX coordinator or Dial-Help

### Advocacy Options

**Q: Who can I contact as an advocate of a sexual misconduct complaints handled in the court system?**

**A:** S.A.R.T. is a free service, with trained professionals in advocacy, forensic medical exams and sensitive law enforcement interviews. S.A.R.T. can be activated by calling 911, Dial Help (482-HELP), the local hospital emergency room or any law enforcement agency. SART is available for an individual regardless if they report to the police/court systems. Advocates will go to court with you for support.

### Counseling/Healing/Living Options

**Q: What are my on-campus options?**

**A:** There are licensed counselors on campus at Counseling Services. Their phone number is 906 487-2538. Meetings are confidential and free of charge. Counselors are available on a 24-hour emergency basis by contacting Department of Public Safety and Police Services (campus police) at 906 487-2216.

**Q: What if this incident affects my academic performance?**

**A:** Parties in sexual and/or relationship misconduct cases may see that their academic performance is affected by the stress associated with the incident. Title IX coordinator can verify to instructors and academic support persons that highly unusual circumstances exist and they will suggest appropriate accommodations such as extended deadlines on course work and make-up exams. You may also choose to contact your instructor directly.

**Q: What if I am uncomfortable with returning to live in my residence hall room as a result of this incident of sexual and relationship misconduct?**

**A:** You can request to relocate to another room on campus or request that we relocate the accused student to another location on campus (if reasonable and space is available). A campus “No Contact” condition can also restrict cafeteria use (time and /or place) and movement of either party through the residence halls.

**Q: What are my off-campus options?**

**A:** Off-campus options include contacting Dial Help, Inc. (906 482-HELP), the 24-hour, nationwide RAINN Hotline (1-800-656-HOPE), clergy, private therapists (counselors, psychologists, psychiatrists, social workers, etc.), family and friends, and Internet resources such as on-line support groups.

### Illustrative Examples

There are illustrative examples provided here to assist members of the University community in exploring how issues of sexual misconduct are defined by this policy.

- **Samitha and Lucas** meet at a party. They spend the evening dancing and getting to know each other. Lucas convinces Samitha to come up to his room. From 11:00pm until 3:00am, Lucas uses every line he can think of to convince Samitha to have sex with him, but she adamantly refuses. Finally, it seems to Lucas that her resolve is weakening when he tells her he won’t consider it sexual relations. He convinces her to give him a
“hand job” (hand to genital contact). Samitha would never have done it but for Lucas’s incessant advances. He feels that he successfully seduced her and that she wanted to do it all along, but was playing shy and hard to get. Why else would she have come up to his room alone after the party? If she really didn’t want it, she could have left. Lucas could be responsible for violating the University’s Sexual and/or Relationship Misconduct policy. Lucas coerced Samitha into performing unwanted sexual touching upon him. Where sexual activity is coerced, it is forced. Consent is not present when forced. Sex without consent is sexual and/or relationship misconduct.

- **Kate and Josh** met at a movie. They started to date on and off. One night, Kate and Josh went out drinking. After the bars closed, they went to Kate’s dorm room. Kate was very drunk and engaged in sex with Josh despite his protests. Josh was not as drunk as Kate. Kate argues that even if she might have had non-consensual sex with Josh, it’s not her fault because of how drunk she was. She believes she was so drunk she didn’t even know she was having sex with him, let alone that it was something he didn’t want. Is Kate responsible for violating the sexual and/or relationship misconduct policy? Intoxication is no excuse for violating the sexual and/or relationship misconduct policy. If it were, drunken people could be excused for drunk driving, because they were so drunk they didn’t realize they were driving. Further, sexual assault is not an intent-based infraction. Whether or not Kate intended to rape Josh is irrelevant. The fact that she had sex with him without his consent is sufficient to show misconduct.

- **Jamaal is a junior. Talia is a sophomore.** Jamaal comes to Talia’s residence hall room with some mutual friends to watch a movie. Jamaal and Talia, who have never met before, are attracted to each other. After the movie, everyone leaves and Jamaal and Talia are alone. They hit it off, and are soon becoming more intimate. They start to make out. Jamaal verbally expresses his desire to have sex with Talia. Talia, who was abused by a baby-sitter when she was five, and has not had any sexual relations since, is shocked at how quickly things are progressing. As Jamaal takes her by the wrist over to the bed, lays her down, undresses her, and begins to have intercourse with her, Talia has a severe flashback to her childhood trauma. She wants to tell Jamaal to stop, but cannot. Talia is stiff and unresponsive during the intercourse. Jamaal could be held responsible in this scenario for violating the policy on sexual and/or relationship misconduct. It is the duty of the sexual initiator, Jamaal, to make sure that he has mutually understandable consent to engage in sex. Though consent need not be verbal, it is the clearest form of consent. Here, Jamaal had no verbal or nonverbal mutually understandable indication from Talia that she consented to sexual intercourse. Of course, wherever possible, students should attempt to be as clear as possible as to whether or not sexual contact is desired, but students must be aware that for psychological reasons, or because of incapacitation, your partner may not be in a position to provide you with clear consent.

- **Tyler is a junior. Keiko is a senior.** Tyler comes to Keiko’s residence hall room with some mutual friends to watch a movie. Tyler and Keiko, who have never met before, are attracted to each other. After the movie, everyone leaves and Tyler and Keiko are alone. They hit it off, and are soon becoming more intimate. They start to make out. Tyler verbally expresses his desire to have sex with Keiko. Keiko isn’t ready to do it with Tyler, since they just met. But, she likes him and doesn’t want to scare him off either. She decides to satisfy him orally, hoping they can get to know one another better later before engaging in intercourse. Perceiving the oral sex as foreplay, Tyler stops Keiko, lays her back on the bed, takes off her clothes, and engages in intercourse with her. Keiko is unresponsive during the intercourse. Again, this behavior by Tyler could violate the sexual and/or relationship misconduct policy. Engaging in one form of sexual activity does not necessarily imply consent to another. Clearly, Keiko consented by her actions to oral sex with Tyler. But, Tyler had no mutually understandable indication from Keiko that she consented to sexual intercourse. Some verbal or clear overt action would be necessary to show Tyler that Keiko wanted to have more than oral sex with him.

- **Diego is a junior. Ciera is a sophomore.** Ciera comes to Ciera’s room with some mutual friends to watch a movie. Diego and Ciera, who have never met before, are attracted to each other. After the movie, everyone leaves and Diego and Ciera are alone. They hit it off, and are soon becoming more intimate. They start to make out. Diego verbally expresses his desire to have sex with Ciera. Ciera responds by removing all of her clothing and lying down on the bed. No further words are exchanged.
between them. Diego and Ciera have sexual intercourse, during which Ciera is rigid and unresponsive. Diego is aware of this, but does not stop or check to see if everything is okay. This scenario tests the strictness of the definition. The definition requires consent to be communication that is mutually understandable. The definition requires a meeting of the minds of the participants on an agreement to do the same thing in the same way at the same time. While reasonable people might consider Ciera’s body language as sufficient to constitute consent to them, the standard is not that subjective. The question is not how you might view her actions, but whether or not Ciera and Diego communicated a true meeting of the minds to each other. For example, Ciera could have been hot, and decided to take her clothes off to cool off. More realistically, she might be willing to consent to some form of sexual activity, but not necessarily intercourse. Thus, Diego’s actions represent an assumption on his part if Ciera claims that she meant something other than permission for sexual intercourse by her actions. This does not relieve Ciera of responsibility for communicating her intentions to Diego, but it does not place her at fault for not doing so. The responsibility is on the initiator of the sexual activity to make sure she/he has consent to the desired sexual activity. Finally, the definition says consent must be actively given. Active means that Ciera does something to Diego or herself.

- **Mike and Jenny** have been dating since high school. Mike is now 19 and a student at Michigan Tech. Jenny is 16 and is still a student in high school out of state. Jenny and Mike stay in touch by emailing, texting, and video chatting online. They both post messages and pictures to each other's Facebook and snapchat accounts. Jenny’s little brother Billy walked by Jenny’s room and saw a snapchat message from Mike on Jenny’s phone. Billy saw partially nude pictures of his sister, and he told his parents. Jenny’s parents contacted their local police and prosecuted Mike for sexual exploitation of a minor because Mike had partially nude pictures of Jenny, who is still a minor. Did Mike violate the Michigan Tech sexual and relationship misconduct policy? Mike most likely has committed sexual exploitation, which is prohibited by the Michigan Tech’s sexual and/or relationship misconduct policy. Jenny is a minor and cannot give consent to posting sexually explicit photographs on the internet. Mike may also still face prosecution in Jenny’s local jurisdiction for sexual exploitation and/or statutory rape as well, depending on the laws of the local jurisdiction.

- **Erin and Leif met online.** Erin is a student at Michigan Tech, and Leif lives in another state. They have been talking on the phone and using video chat. They have had sexually explicit chat sessions online. They have been “sexting” by exchanging sexually explicit text messages with each other. Leif agrees to drive up to visit Erin for the weekend. He stays in a hotel room off campus. When they meet in person for the first time, Erin realizes she is not really attracted to Leif but she does not want to hurt his feelings. She goes with Leif on walks, to dinner, and to a party. Erin and Leif both drink a lot at the party, and Erin wakes up the next day in Leif’s hotel room. She knows that they had sex. Leif gives Erin a ride back to her residence hall room and tries to make plans for that day. Erin declines and says she has to study for a test. Did a violation of the sexual and/or relationship misconduct policy occur? This is a difficult case of word against word. Erin did not show by words or actions that her feelings for Leif had changed. Erin has the right to change her mind regarding sexual activity with Leif, but she must communicate this to Leif. Leif did not realize that Erin was no longer interested in a sexual relationship. However, Leif is not entitled to sex just because he drove a long distance, rented a hotel room, and paid for dinner. Erin may be confused about her feelings, about not being assertive enough, about being taken advantage of while she had been drinking. She can receive confidential support and assistance on campus at Counseling Services or off campus through Dial Help. As she does not know Leif very well, and she does not know if protection was used, she may want to seek medical assistance to check for sexually transmitted diseases.

- **Ashish and Samitha** are both enrolled in online courses at Michigan Tech. After exchanging emails and chatting online, they decide to meet in person to work on a class project. Samitha offers to let Ashish stay with her at her apartment. After the weekend, Ashish returns home. Samitha and Ashish continue to work on the class project. Ashish learns from a friend that there are nude pictures on a website that look a lot like him. Ashish goes to the website and realizes that the pictures were taken while he was sleeping at Samitha’s house. He confronts her and demands that she remove the pictures. She says she does not control the
website and it is out of her control. Has Samitha violated the Michigan Tech’s sexual and/or relationship misconduct policy? Posting nude photographs without the consent of the person could be a violation of the policy. Even if Samitha took the pictures down, she still could have violated the policy. Samitha would most likely receive sanctions from Michigan Tech, and she may face local prosecution if Ashish chooses to pursue the charges locally.

- **Steve** - During the summer break between his junior and senior year at Michigan Tech, Steve takes time off from school to travel and visit friends and family. While on the break from school, Steve is charged with statutory rape in another state. A trial is held and he is found guilty. The court puts Steve on probation, and he is allowed to return to finish school. Has Steve violated Michigan Tech policy? Michigan Tech students are expected to not violate Michigan Tech policies during the entire time that they are students at Michigan Tech. The policy applies on weekends, during holiday breaks within the semester, and during breaks that occur between semesters. As long as the student is enrolled, the policy applies. The policy applies wherever the student may travel, within the United States and abroad. Steve could expect charges from Michigan Tech including ‘Community Order’ for example.

- **Debbie and Dan** - are married students who live in the Michigan Tech apartment complex. Dan is a graduate student at Michigan Tech and Debbie is enrolled in undergraduate courses. Over the weekend, a domestic violence incident occurs and the Michigan Tech police are called to intervene. Debbie does not want to drop out of school, but she is concerned for her safety if she stays at Michigan Tech. She requests a "no contact" order from Academic and Student Conduct Services. Dan is outraged and refuses to comply. He says that the school has no right to interfere in his marriage. Has Dan violated the sexual and/or relationship misconduct policy? Must Dan abide by the no contact order? Dan may have violated the sexual and/or relationship misconduct policy and he must also abide by the no contact order. Marriage is not permission to behave in an abusive manner. Even a married person and anyone involved in an intimate relationship has the right to decline sexual advances from their spouse or partner. Even married individuals can request a no contact order. Domestic violence will not be tolerated on the Michigan Tech campus or in Michigan Tech housing.

Special acknowledgement to Brett Sokolow, Esq., Executive Director, Association of Title IX Administrators, for his consultation and support in the initial development of this policy and supporting materials.

**History:** September 2013, September 2014, September 2015, July 2017.

**Educational Programs Related to Sexual Misconduct**

In an effort to reduce the risk of sexual misconduct as well as the crimes of rape, sexual assault, sexual harassment, stalking, dating violence, and domestic violence occurring among students and employees, Michigan Tech utilizes a range of campaigns, strategies, and initiatives to promote awareness, education, risk reduction, and prevention programming.

Programs and other campaigns offered throughout the year include strong messages regarding not just awareness, but also primary prevention, bystander intervention, and discussions concerning institutional policies on sexual and/or relationship misconduct and sex/gender discrimination. Programs also offer information on risk reduction that strives to empower victims, how to recognize warning signals and how to avoid potential attacks, and do so without victim-blaming approaches.

In addition, the University Title IX Awareness Committee is an advisory group and task force comprised of campus and community partners designed to guide sexual violence education in compliance with federal and state regulations for our University community.

An overview of this education and programming is included here.
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<td>Deans, Chairs, Directors Mailing: IEI Booklet, Title IX poster, Speak Up card</td>
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<td>Michigan Coalition to End Domestic and Sexual Violence Title IX Forum</td>
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<td>Employees</td>
<td>Conducting Campus Sexual Assault Investigations</td>
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<td>Dr. Rebecca Campbell &quot;Neurobiology of Trauma&quot;</td>
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<td>Campus Emergency and Safety Guidelines</td>
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<td>Speak UP Title IX resources and information Campus Electronic Display slide</td>
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<td>Term</td>
<td>Audience</td>
<td>Event Description</td>
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<td>Students</td>
<td>Student Health 101 e-magazine articles</td>
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<td>Winter Carnival Safety Messaging - Hands to yourself and Consent (video, email and posters)</td>
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Notification to Students Regarding University Alcohol and Other Drug Policy

Introduction
At Michigan Technological University, concern for the health, safety, and welfare of the campus community is paramount. The University recognizes that adult students will make personal choices about their use of alcohol and other substances, but those choices must not disrupt the University community, have a negative impact on other members of the surrounding community, or violate any local, state, federal law or ordinance, or University Code of Conduct.

The abuse of alcohol and other drugs by students and student organizations is contrary to the University’s values and mission, and can diminish the intellectual, social, physical and moral development of its students. The risks of substance abuse and misuse include poor academic performance, poor social interactions, unwanted and inappropriate sexual activity, and negative impact on future career prospects. Michigan Tech is committed to providing educational activities and information concerning the legal and physiological aspects of alcohol and drug use and abuse. In addition, the University provides wellness programs to support a healthy lifestyle and highly values responsible bystander behavior and timely reporting.

Please refer to Michigan Technological University’s Student Code of Community Conduct for additional information.

University Policies
All students are expected to read and be familiar with the following University policies related to alcohol and controlled substances:

Board of Control Policy 12.4 – Alcoholic Beverages
http://www.admin.mtu.edu/admin/policy/student/7001.htm

University Policy – Abuse of Alcohol and Other Drugs By Students and Student Organizations (Pending)
Student Code of Community Conduct
http://www.mtu.edu/conduct/policies/pdfs/studentcodeofcommunityconduct.pdf

Alcohol use in University Housing
Occupants of residence halls and University apartments may possess and use alcohol in approved rooms if such persons are of legal drinking age. For a complete list of provisions and more information, see the Housing and Residential Life Living Guides at http://www.mtu.edu/conduct/policies/student-conduct/.

Alcohol use at Registered Student Organization Events
The possession, sale, use, or consumption of alcoholic beverages, while on University or organizational premises, during an organizational event, in any situation sponsored or endorsed by any Registered Student Organization, or in any event an observer would associate with the organization, must be in compliance with any and all applicable policies and laws of the state, county, city, and University. (Organizational premises include but are not limited to any property or premises owned by, leased to, or in the permanent or temporary control of or management by a registered student organization.)

RSOs that intend to have alcohol served on-campus or at any University-sponsored event must submit a risk management plan to Student Activities 30 days prior to the event. This plan is subject to review and approval by Student Activities, Dining Services, the Facility Manager, Risk Management, and Public Safety and Police Services. All RSOs sponsoring or co-sponsoring the event must abide by the provisions of this policy.

Alcoholic beverages may not be purchased with organizational funds, University general fund monies, or any Student Activity Fee funding, nor may purchases for members or guests be undertaken or coordinated by any member in the name of, or on behalf of, the organization.
No RSO shall sponsor or co-sponsor any activity or function that permits unrestricted and/or public access to alcohol beverages. Common sources of alcoholic beverages (over one gallon), as well as any type of keg containing an alcoholic beverage, are not permitted on organizational premises or during an organizational event.

Any type of drinking game, challenge, competition, performance, or contest that involves or utilizes alcohol, on organization premises or during an organizational event is strictly prohibited.

No RSO may co-sponsor an event with an alcohol distributor or tavern where alcohol is given away, sold, or provided to those present. (A tavern is defined as an establishment generating more than half of its annual gross sales from alcohol.) This includes any event held in, at, or on the property of a tavern for the purposes of fundraising. An RSO may rent or use a room or area in a tavern as defined above for an event held within the provisions of this policy.

- Alcohol may not be provided, sold, available, or possessed by any person in the same room or immediate area that the RSO is renting or using.
- RSOs may not profit financially in any way from the event.
- RSOs may not facilitate or assist in the sale of alcohol or the operation of the tavern in any way. This includes but is not limited to bartending, verifying identification of members/guests, and/or having members act as security for the facility.

Because the University recognizes that the use of alcohol at recruitment functions goes against the best interest of the recruiting organization and the potential new members, alcohol cannot be used in or during recruitment functions by any RSO, nor can it be present at any pre or post organizational parties or events regardless of whether they are “official” functions.

The possession, sale, or use of any illegal drugs or controlled substances while on organizational premises or during an organization event is strictly prohibited.

**Disciplinary Action**

Students who violate state, federal or local laws concerning drugs or alcohol while on University property or at University-sponsored events, and/or those who violate University regulations regarding the prohibition of drugs or alcohol or the time, place, and manner in which alcohol is used or advertised, are subject to disciplinary action and possible criminal prosecution.

Students or student groups are subject to disciplinary action as outlined in the Student Code of Community Conduct, [http://www.mtu.edu/conduct/policies/student-conduct/](http://www.mtu.edu/conduct/policies/student-conduct/)

Any student employee convicted of a criminal drug offense or any alcohol-related driving or possession offense - that occurred in the workplace or while on University business must notify their immediate supervisor within five (5) business days of the conviction.

Following notification of a student employee’s conviction, the supervisor shall notify the Office of Academic and Community Conduct. If the student employee is paid through a federal contract or grant, the student employee’s supervisor should also inform the Office of Research and Supported Programs. In each case, the respective offices shall apply appropriate sanctions and conditions according to University policies and procedures.

Students are required to inform the Financial Aid Office if convicted of a drug offense while receiving financial aid.

Students may be subject to prosecution by civil authorities. No student will be denied due process.
Parental Notification
The 1998 Reauthorization of the Higher Education Act permits colleges and universities to inform parents when their student violates University regulations and/or local, state, or federal laws with respect to alcohol and drugs. Please see Michigan Tech’s Parental Notification Policy: http://www.mtu.edu/conduct/policies/student-conduct/parent/.

Prevention and Assistance
Michigan Tech is committed both to prevention of alcohol and drug abuse, and assistance to students and employees who need help with substance abuse issues. Accordingly, in addition to the discipline procedures mentioned earlier, the University will also offer support, rehabilitation, and/or counseling services to any student or employee who makes a request. Prevention and Assistance Resources include:

  Department of Public Safety and Police Services Emergency? Dial 911
  206 Maclnnes Drive (Widmaier House) (906)487-2216
  http://www.mtu.edu/publicsafety/
  Anonymous, online tip form: www.mtu.edu/tips Anonymous phone tip line: 487-0TIP (487-0847)

  Counseling Services
  (906)487-2538
  http://www.mtu.edu/counseling/

  Office of Academic and Community Conduct
  (906)487-2951
  http://www.mtu.edu/conduct/

  Student Activities
  (906)487-1963
  http://www.mtu.edu/student-activities/

  Dean of Students Office
  (906)487-2212
  http://www.mtu.edu/deanofstudents/

  Housing and Residential Life
  (906)487-2682
  http://www.mtu.edu/housing/

  Dial Help
  Helpline: (906)482-HELP (4357)
  24/7 Victim Services (866)661-5589 Text Us: (906)35-NEEDS (63337)
  www.dialhelp.org

  Portage Health University Center
  600 Maclnnes Drive
  Houghton, MI 49931
  (906)483-1860
  https://www.portagehealth.org/our-locations/university-center

  Office of Institutional Equity
  308 Administration Building
Summary of State and Federal Laws

- Laws Relating to Use of Alcohol
  All federal, state, and local laws governing alcohol use apply to all activities at Michigan Tech. These summaries are an educational tool and other provisions not included may also apply.
  - **Legal Age for Possession and Consumption of Alcohol**—it is illegal for a person under 21 years of age to purchase, consume, or possess alcoholic beverages.
  - **Transporting Alcoholic Beverages**—it is a misdemeanor for a person under 21 years of age to knowingly transport alcoholic beverages in a motor vehicle.
  - **Fraudulent Identification**—A person under 21 years of age who furnishes fraudulent identification, or who uses fraudulent identification to purchase alcoholic beverages is guilty of a misdemeanor.
  - **Regulation of Sale**—Under Michigan Law, the sale, trade, or giving away of alcoholic beverages, including alcoholic beverages for personal use, requires a license or other prior written authorization.
  - **Open Container Laws**—It is illegal to transport or possess any alcoholic beverages in a container that is open, uncapped, or upon which the seal is broken within a motor vehicle on the highways in the state of Michigan.
  - **City Ordinances**—The Cities of Houghton and Hancock prohibit the consumption of alcoholic beverages on any public streets or sidewalks, in parks, or in any other public places.
  - **Liability**—In the state of Michigan, a person who is injured by a visibly intoxicated person, who has been furnished alcohol unlawfully, has the right of action.
  - **Drinking and Driving**—Michigan has a “zero-tolerance” law permitting no blood alcohol for drivers less than 21 years of age.
  - **Alcohol and Sexual Assault**—Engaging in sexual activity with a person who is unable to consent is considered sexual assault and is punishable under Michigan law.
  - **Disorderly Conduct**—In the state of Michigan, a person who is intoxicated in a public place and who is a danger to themselves or others is defined as a disorderly person.

- Laws Regarding Controlled Substances
  Under Michigan and federal law, it is unlawful for any person to manufacture, deliver, possess, use, or inhale any chemical or controlled substance, unless authorized.

  Controlled substances are determined by the federal government. Certain drugs are categorized according to Schedules, which depend on the drug’s known or potential medical value, its potential for physical or psychological dependence, and its risk, if any, to public health.

  The penalty for the illegal possession, use, sale, or delivery of controlled substances depends on the quantity of the drug, and to which Schedule it belongs, Schedule I drugs carrying the most severe penalty, and Schedule V drugs carrying the least severe penalty. If the sale or transport of drugs crosses interstate lines, federal law and
penalties will apply. Federal drug trafficking penalties can be found at:
https://www.iecc.edu/files_user/CONS/Files/Federal_Trafficking_Penalties.pdf

Crime Statistics

The DPSPS prepares this report to comply with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act. This report is prepared in cooperation with the Houghton City Police Department and other law enforcement agencies surrounding the Michigan Tech campus and outlying areas and the Office of Student Affairs, and Housing and Residential Life.

Each year, an e-mail notification is made to all enrolled students, faculty and staff that provides the Web site address to access this report. Copies of this report also may be obtained at the DPSPS at 206 MacInnes Drive. All prospective students and employees are informed in application packets of the report's existence and the Web site address where it can be found.

Campus Security Authorities

Campus crime, arrest and referral statistics include those reported to DPSPS, designated campus officials, known as Campus Security Authorities (CSA), and other law enforcement agencies. At Michigan Tech, CSAs include Public Safety and Police Services staff; Human Resources Department staff; Athletic Department staff, coaches and student employees; Housing and Residential Life staff and student employees; Student Affairs staff and student employees; Intramural Department staff and student employees; advisors to student organizations; and Deans, Department Chairs and Directors.

Campus “Professional Counselors” such as Counseling Services, when acting as such, are not considered to be a CSA and are not required to report crimes for inclusion into the Annual Security Report. However, as a matter of policy, they are encouraged to inform persons being counseled of the procedures to report crimes on a voluntary basis for inclusion into the annual crime statistics. A professional counselor is defined as an employee whose official responsibilities include providing psychological counseling to members of the University community and who is functioning within the scope of his or her license or certification or under the supervision of a professional counselor.

Crime Definitions

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

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

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

**Bias Crime** - A criminal offense committed against a person or property which is motivated, in whole or in part, by the offender’s bias against a race, religion, disability, sexual orientation, gender, gender identity, ethnicity or national origin; also known as Hate Crime.

Note: Even if the offender was mistaken in his/her perception that the victim was a member of the group he or she was acting against, the offense is still a bias crime because the offender was motivated by bias against the group.

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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. (Drunkenness and driving under the influence are not included in this definition.)

**Motor Vehicle Theft** - The theft of a motor vehicle.

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

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

**Negligent Manslaughter** - The killing of another person through negligence.

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

**On-Campus Property** – The property that Michigan Tech owns or manages within the City of Houghton and the Ford Center in Baraga County.

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

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

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

**Rape** - The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim. This definition includes any gender of victim or perpetrator.

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

**Sexual Assault With An Object** - To use 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.

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

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

1. Fear for his or her safety or the safety of others; or
2. Suffer substantial emotional distress

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

**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.
Michigan Criminal Law section 750.520b: Criminal sexual conduct in the first degree; circumstances; felony;

(a) A person is guilty of criminal sexual conduct in the first degree if he or she engages in sexual penetration with another person and if any of the following circumstances exists:

(b) That other person is at least 13 but less than 16 years of age and any of the following:

(i) The actor is a member of the same household as the victim.

(ii) The actor is related to the victim by blood or affinity to the fourth degree.

(iii) The actor is in a position of authority over the victim and used this authority to coerce the victim to submit.

(iv) The actor is a teacher, substitute teacher, or administrator of the public school, nonpublic school, school district, or intermediate school district in which that other person is enrolled.

(v) The actor is an employee or a contractual service provider of the public school, nonpublic school, school district, or intermediate school district in which that other person is enrolled, or a volunteer who is not a student in any public school or nonpublic school, or is an employee of this state or of a local unit of government of this state or of the United States assigned to provide any service to that public school, nonpublic school, school district, or intermediate school district, and the actor uses his or her employee, contractual, or volunteer status to gain access to, or to establish a relationship with, that other person.

(c) Sexual penetration occurs under circumstances involving the commission of any other felony.

(d) The actor is aided or abetted by 1 or more other persons and either of the following circumstances exists:

(i) The actor knows or has reason to know that the victim is mentally incapable, mentally incapacitated, or physically helpless.

(ii) The actor uses force or coercion to accomplish the sexual penetration. Force or coercion includes, but is not limited to, any of the circumstances listed in subdivision (f).

(e) The actor is armed with a weapon or any article used or fashioned in a manner to lead the victim to reasonably believe it to be a weapon.

(f) The actor causes personal injury to the victim and force or coercion is used to accomplish sexual penetration. Force or coercion includes, but is not limited to, any of the following circumstances:
(i) When the actor overcomes the victim through the actual application of physical force or physical violence.

(ii) When the actor coerces the victim to submit by threatening to use force or violence on the victim, and the victim believes that the actor has the present ability to execute these threats.

(iii) When the actor coerces the victim to submit by threatening to retaliate in the future against the victim, or any other person, and the victim believes that the actor has the ability to execute this threat. As used in this subdivision, “to retaliate” includes threats of physical punishment, kidnapping, or extortion.

(iv) When the actor engages in the medical treatment or examination of the victim in a manner or for purposes that are medically recognized as unethical or unacceptable.

(v) When the actor, through concealment or by the element of surprise, is able to overcome the victim.

(g) The actor causes personal injury to the victim, and the actor knows or has reason to know that the victim is mentally incapable, mentally incapacitated, or physically helpless.

(h) That other person is mentally incapable, mentally disabled, mentally incapacitated, or physically helpless, and any of the following:

   (i) The actor is related to the victim by blood or affinity to the fourth degree.

   (ii) The actor is in a position of authority over the victim and used this authority to coerce the victim to submit.

(2) Criminal sexual conduct in the first degree is a felony punishable as follows:

   (a) Except as provided in subdivisions (b) and (c), by imprisonment for life or for any term of years.

   (b) For a violation that is committed by an individual 17 years of age or older against an individual less than 13 years of age by imprisonment for life or any term of years, but not less than 25 years.

   (c) For a violation that is committed by an individual 18 years of age or older against an individual less than 13 years of age, by imprisonment for life without the possibility of parole if the person was previously convicted of a violation of this section or section 520c, 520d, 520e, or 520g committed against an individual less than 13 years of age or a violation of law of the United States, another state or political subdivision substantially corresponding to a violation of this section or section 520c, 520d, 520e, or 520g committed against an individual less than 13 years of age.

   (d) In addition to any other penalty imposed under subdivision (a) or (b), the court shall sentence the defendant to lifetime electronic monitoring under section 520n.

(3) The court may order a term of imprisonment imposed under this section to be served consecutively to any term of imprisonment imposed for any other criminal offense arising from the same transaction.

**Michigan Criminal Law section 750.520c: Criminal sexual conduct in the second degree; felony.**

(1) A person is guilty of criminal sexual conduct in the second degree if the person engages in sexual contact with another person and if any of the following circumstances exists:

   (a) That other person is under 13 years of age.

   (b) That other person is at least 13 but less than 16 years of age and any of the following:
(i) The actor is a member of the same household as the victim.

(ii) The actor is related by blood or affinity to the fourth degree to the victim.

(iii) The actor is in a position of authority over the victim and the actor used this authority to coerce the victim to submit.

(iv) The actor is a teacher, substitute teacher, or administrator of the public school, nonpublic school, school district, or intermediate school district in which that other person is enrolled.

(v) The actor is an employee or a contractual service provider of the public school, nonpublic school, school district, or intermediate school district in which that other person is enrolled, or is a volunteer who is not a student in any public school or nonpublic school, or is an employee of this state or of a local unit of government of this state or of the United States assigned to provide any service to that public school, nonpublic school, school district, or intermediate school district, and the actor uses his or her employee, contractual, or volunteer status to gain access to, or to establish a relationship with, that other person.

(vi) The actor is an employee, contractual service provider, or volunteer of a child care organization, or a person licensed to operate a foster family home or a foster family group home in which that other person is a resident and the sexual contact occurs during the period of that other person’s residency. As used in this subdivision, “child care organization”, “foster family home”, and “foster family group home” mean those terms as defined in section 1 of 1973 PA 116, MCL 722.111.

(c) Sexual contact occurs under circumstances involving the commission of any other felony.

(d) The actor is aided or abetted by 1 or more other persons and either of the following circumstances exists:

(i) The actor knows or has reason to know that the victim is mentally incapable, mentally incapacitated, or physically helpless.

(ii) The actor uses force or coercion to accomplish the sexual contact. Force or coercion includes, but is not limited to, any of the circumstances listed in section 520b(1)(f).

(e) The actor is armed with a weapon, or any article used or fashioned in a manner to lead a person to reasonably believe it to be a weapon.

(f) The actor causes personal injury to the victim and force or coercion is used to accomplish the sexual contact. Force or coercion includes, but is not limited to, any of the circumstances listed in section 520b(1)(f).

(g) The actor causes personal injury to the victim and the actor knows or has reason to know that the victim is mentally incapable, mentally incapacitated, or physically helpless.

(h) That other person is mentally incapable, mentally disabled, mentally incapacitated, or physically helpless, and any of the following:

(i) The actor is related to the victim by blood or affinity to the fourth degree.

(ii) The actor is in a position of authority over the victim and used this authority to coerce the victim to submit.

(i) That other person is under the jurisdiction of the department of corrections and the actor is an employee or a contractual employee of, or a volunteer with, the department of corrections who knows that the other person is under the jurisdiction of the department of corrections.
(j) That other person is under the jurisdiction of the department of corrections and the actor is an employee or a contractual employee of, or a volunteer with, a private vendor that operates a youth correctional facility under section 20g of the corrections code of 1953, 1953 PA 232, MCL 791.220g, who knows that the other person is under the jurisdiction of the department of corrections.

(k) That other person is a prisoner or probationer under the jurisdiction of a county for purposes of imprisonment or a work program or other probationary program and the actor is an employee or a contractual employee of or a volunteer with the county or the department of corrections who knows that the other person is under the county’s jurisdiction.

(l) The actor knows or has reason to know that a court has detained the victim in a facility while the victim is awaiting a trial or hearing, or committed the victim to a facility as a result of the victim having been found responsible for committing an act that would be a crime if committed by an adult, and the actor is an employee or contractual employee of, or a volunteer with, the facility in which the victim is detained or to which the victim was committed.

(2) Criminal sexual conduct in the second degree is a felony punishable as follows:

(a) By imprisonment for not more than 15 years.

(b) In addition to the penalty specified in subdivision (a), the court shall sentence the defendant to lifetime electronic monitoring under section 520n if the violation involved sexual contact committed by an individual 17 years of age or older against an individual less than 13 years of age.

Michigan Criminal Law section 750.520d: Criminal sexual conduct in the third degree; felony.

(1) A person is guilty of criminal sexual conduct in the third degree if the person engages in sexual penetration with another person and if any of the following circumstances exist:

(a) That other person is at least 13 years of age and under 16 years of age.

(b) Force or coercion is used to accomplish the sexual penetration. Force or coercion includes but is not limited to any of the circumstances listed in section 520b(1)(f)(i) to (v).

(c) The actor knows or has reason to know that the victim is mentally incapable, mentally incapacitated, or physically helpless.

(d) That other person is related to the actor by blood or affinity to the third degree and the sexual penetration occurs under circumstances not otherwise prohibited by this chapter. It is an affirmative defense to a prosecution under this subdivision that the other person was in a position of authority over the defendant and used this authority to coerce the defendant to violate this subdivision. The defendant has the burden of proving this defense by a preponderance of the evidence. This subdivision does not apply if both persons are lawfully married to each other at the time of the alleged violation.

(e) That other person is at least 16 years of age but less than 18 years of age and a student at a public school or nonpublic school, and either of the following applies:

(i) The actor is a teacher, substitute teacher, or administrator of that public school, nonpublic school, school district, or intermediate school district. This subparagraph does not apply if the other person is emancipated or if both persons are lawfully married to each other at the time of the alleged violation.

(ii) The actor is an employee or a contractual service provider of the public school, nonpublic school, school district, or intermediate school district in which that other person is enrolled, or is a volunteer who is not a student in any public school or nonpublic school, or is an employee of this
(f) That other person is at least 16 years old but less than 26 years of age and is receiving special education services, and either of the following applies:

(i) The actor is a teacher, substitute teacher, administrator, employee, or contractual service provider of the public school, nonpublic school, school district, or intermediate school district from which that other person receives the special education services. This subparagraph does not apply if both persons are lawfully married to each other at the time of the alleged violation.

(ii) The actor is a volunteer who is not a student in any public school or nonpublic school, or is an employee of this state or of a local unit of government of this state or of the United States assigned to provide any service to that public school, nonpublic school, school district, or intermediate school district, and the actor uses his or her employee, contractual, or volunteer status to gain access to, or to establish a relationship with, that other person.

(g) The actor is an employee, contractual service provider, or volunteer of a child care organization, or a person licensed to operate a foster family home or a foster family group home, in which that other person is a resident, that other person is at least 16 years of age, and the sexual penetration occurs during that other person's residency. As used in this subdivision, "child care organization", "foster family home", and "foster family group home" mean those terms as defined in section 1 of 1973 PA 116, MCL 722.111.

(2) Criminal sexual conduct in the third degree is a felony punishable by imprisonment for not more than 15 years.

Michigan Criminal Law section 750.520e: Criminal sexual conduct in the fourth degree; misdemeanor.

(1) A person is guilty of criminal sexual conduct in the fourth degree if he or she engages in sexual contact with another person and if any of the following circumstances exist:

(a) That other person is at least 13 years of age but less than 16 years of age, and the actor is 5 or more years older than that other person.

(b) Force or coercion is used to accomplish the sexual contact. Force or coercion includes, but is not limited to, any of the following circumstances:

(i) When the actor overcomes the victim through the actual application of physical force or physical violence.

(ii) When the actor coerces the victim to submit by threatening to use force or violence on the victim, and the victim believes that the actor has the present ability to execute that threat.

(iii) When the actor coerces the victim to submit by threatening to retaliate in the future against the victim, or any other person, and the victim believes that the actor has the ability to execute that threat. As used in this subparagraph, "to retaliate" includes threats of physical punishment, kidnapping, or extortion.

(iv) When the actor engages in the medical treatment or examination of the victim in a manner or for purposes which are medically recognized as unethical or unacceptable.

(v) When the actor achieves the sexual contact through concealment or by the element of surprise.

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(c) The actor knows or has reason to know that the victim is mentally incapable, mentally incapacitated, or physically helpless.

(d) That other person is related to the actor by blood or affinity to the third degree and the sexual contact occurs under circumstances not otherwise prohibited by this chapter. It is an affirmative defense to a prosecution under this subdivision that the other person was in a position of authority over the defendant and used this authority to coerce the defendant to violate this subdivision. The defendant has the burden of proving this defense by a preponderance of the evidence. This subdivision does not apply if both persons are lawfully married to each other at the time of the alleged violation.

(e) The actor is a mental health professional and the sexual contact occurs during or within 2 years after the period in which the victim is his or her client or patient and not his or her spouse. The consent of the victim is not a defense to a prosecution under this subdivision. A prosecution under this subsection shall not be used as evidence that the victim is mentally incompetent.

(f) That other person is at least 16 years of age but less than 18 years of age and a student at a public school or nonpublic school, and either of the following applies:

   (i) The actor is a teacher, substitute teacher, or administrator of that public school, nonpublic school, school district, or intermediate school district. This subparagraph does not apply if the other person is emancipated or if both persons are lawfully married to each other at the time of the alleged violation.

   (ii) The actor is an employee or a contractual service provider of the public school, nonpublic school, school district, or intermediate school district in which that other person is enrolled, or is a volunteer who is not a student in any public school or nonpublic school, or is an employee of this state or of a local unit of government of this state or of the United States assigned to provide any service to that public school, nonpublic school, school district, or intermediate school district, and the actor uses his or her employee, contractual, or volunteer status to gain access to, or to establish a relationship with, that other person.

(g) That other person is at least 16 years old but less than 26 years of age and is receiving special education services, and either of the following applies:

   (i) The actor is a teacher, substitute teacher, administrator, employee, or contractual service provider of the public school, nonpublic school, school district, or intermediate school district from which that other person receives the special education services. This subparagraph does not apply if both persons are lawfully married to each other at the time of the alleged violation.

   (ii) The actor is a volunteer who is not a student in any public school or nonpublic school, or is an employee of this state or of a local unit of government of this state or of the United States assigned to provide any service to that public school, nonpublic school, school district, or intermediate school district, and the actor uses his or her employee, contractual, or volunteer status to gain access to, or to establish a relationship with, that other person.

(h) The actor is an employee, contractual service provider, or volunteer of a child care organization, or a person licensed to operate a foster family home or a foster family group home, in which that other person is a resident, that other person is at least 16 years of age, and the sexual contact occurs during that other person's residency. As used in this subdivision, "child care organization", "foster family home", and "foster family group home" mean those terms as defined in section 1 of 1973 PA 116, MCL 722.111.

(2) Criminal sexual conduct in the fourth degree is a misdemeanor punishable by imprisonment for not more than 2 years or a fine of not more than $500.00, or both.
Domestic Violence: The term “domestic violence” means

1) Felony or misdemeanor crimes of violence committed—

   (i) By a current or former spouse or intimate partner of the victim;

   (ii) By a person with whom the victim shares a child in common;

   (iii) By a person who is cohabiting with or has cohabitated with the victim as a spouse or intimate partner;

   (iv) By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or

   (v) By any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

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

Michigan Criminal Law section 750.81: Assault or assault and battery.

(1) Except as otherwise provided in this section, a person who assaults or assaults and batteries an individual, if no other punishment is prescribed by law, is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than $500.00, or both.

(2) Except as provided in subsection (3) or (4), an individual who assaults or assaults and batteries his or her spouse or former spouse, an individual with whom he or she has or has had a dating relationship, an individual with whom he or she has had a child in common, or a resident or former resident of his or her household, is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than $500.00, or both.

(3) An individual who commits an assault or an assault and battery in violation of subsection (2), and who has previously been convicted of assaulting or assaulting and battering his or her spouse or former spouse, an individual with whom he or she has or has had a dating relationship, an individual with whom he or she has had a child in common, or a resident or former resident of his or her household, under any of the following, may be punished by imprisonment for not more than 1 year or a fine of not more than $1,000.00, or both:

   (a) This section or an ordinance of a political subdivision of this state substantially corresponding to this section.

   (b) Section 81a, 82, 83, 84, or 86.

   (c) A law of another state or an ordinance of a political subdivision of another state substantially corresponding to this section or section 81a, 82, 83, 84, or 86.

(4) An individual who commits an assault or an assault and battery in violation of subsection (2), and who has 2 or more previous convictions for assaulting or assaulting and battering his or her spouse or former spouse, an individual with whom he or she has or has had a dating relationship, an individual with whom he or she has had a child in common, or a resident or former resident of his or her household, under any of the following, is guilty of a felony punishable by imprisonment for not more than 5 years or a fine of not more than $5,000.00, or both:

   (a) This section or an ordinance of a political subdivision of this state substantially corresponding to this section.

   (b) Section 81a, 82, 83, 84, or 86.
(c) A law of another state or an ordinance of a political subdivision of another state substantially corresponding to this section or section 81a, 82, 83, 84, or 86.

(5) This section does not apply to an individual using necessary reasonable physical force in compliance with section 1312 of the revised school code, 1976 PA 451, MCL 380.1312.

(6) As used in this section, "dating relationship" means frequent, intimate associations primarily characterized by the expectation of affectional involvement. This term does not include a casual relationship or an ordinary fraternization between 2 individuals in a business or social context.

**Dating Violence:** The term “dating violence” means violence committed by a person

1) who is or has been in a social relationship of a romantic or intimate nature with the victim and

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

For the purposes of this definition-

(i) Dating Violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.

(ii) Dating violence does not include acts covered under the definition of domestic violence.

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

**Michigan Criminal Law section 750.81: Assault or assault and battery.**

(1) Except as otherwise provided in this section, a person who assaults or assaults and batters an individual, if no other punishment is prescribed by law, is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than $500.00, or both.

(2) Except as provided in subsection (3) or (4), an individual who assaults or assaults and batters his or her spouse or former spouse, an individual with whom he or she has or has had a dating relationship, an individual with whom he or she has had a child in common, or a resident or former resident of his or her household, is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than $500.00, or both.

(3) An individual who commits an assault or an assault and battery in violation of subsection (2), and who has previously been convicted of assaulting or assailing and battering his or her spouse or former spouse, an individual with whom he or she has or has had a dating relationship, an individual with whom he or she has had a child in common, or a resident or former resident of his or her household, under any of the following, may be punished by imprisonment for not more than 1 year or a fine of not more than $1,000.00, or both:

   (a) This section or an ordinance of a political subdivision of this state substantially corresponding to this section.

   (b) Section 81a, 82, 83, 84, or 86.

   (c) A law of another state or an ordinance of a political subdivision of another state substantially corresponding to this section or section 81a, 82, 83, 84, or 86.

(4) An individual who commits an assault or an assault and battery in violation of subsection (2), and who has 2 or more previous convictions for assaulting or assailing and battering his or her spouse or former spouse, an individual with whom he or she has or has had a dating relationship, an individual with whom he or she has had a
child in common, or a resident or former resident of his or her household, under any of the following, is guilty of a felony punishable by imprisonment for not more than 5 years or a fine of not more than $5,000.00, or both:

(a) This section or an ordinance of a political subdivision of this state substantially corresponding to this section.

(b) Section 81a, 82, 83, 84, or 86.

(c) A law of another state or an ordinance of a political subdivision of another state substantially corresponding to this section or section 81a, 82, 83, 84, or 86.

(5) This section does not apply to an individual using necessary reasonable physical force in compliance with section 1312 of the revised school code, 1976 PA 451, MCL 380.1312.

(6) As used in this section, "dating relationship" means frequent, intimate associations primarily characterized by the expectation of affectional involvement. This term does not include a casual relationship or an ordinary fraternization between 2 individuals in a business or social context.

**Stalking: The term “stalking” means**

1) Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for their safety of others or suffer substantial emotional distress.

2) Course of conduct means two or more acts including, but not limited to:

   (i) Acts which the stalker directly, indirectly, or through third parties, by any action, method, device, or means follows, monitors, observes, surveils, threatens, or communicates to or about, a person, or interferes with a person’s property.

   (ii) Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

   (iii) Reasonable persons means a reasonable person under similar circumstances and with similar identities to the victim.

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

**Michigan Criminal Law section 750.411h: Stalking.**

(1) As used in this section:

   (a) “Course of conduct” means a pattern of conduct composed of a series of 2 or more separate noncontinuous acts evidencing a continuity of purpose.

   (b) “Emotional distress” means significant mental suffering or distress that may, but does not necessarily, require medical or other professional treatment or counseling.

   (c) “Harassment” means conduct directed toward a victim that includes, but is not limited to, repeated or continuing unconsented contact that would cause a reasonable individual to suffer emotional distress and that actually causes the victim to suffer emotional distress. Harassment does not include constitutionally protected activity or conduct that serves a legitimate purpose.

   (d) “Stalking” means a willful course of conduct involving repeated or continuing harassment of another individual that would cause a reasonable person to feel terrorized, frightened, intimidated, threatened,
harassed, or molested and that actually causes the victim to feel terrorized, frightened, intimidated, threatened, harassed, or molested.

(e) “Unconsented contact” means any contact with another individual that is initiated or continued without that individual’s consent or in disregard of that individual’s expressed desire that the contact be avoided or discontinued. Unconsented contact includes, but is not limited to, any of the following:

(i) Following or appearing within the sight of that individual.
(ii) Approaching or confronting that individual in a public place or on private property.
(iii) Appearing at that individual’s workplace or residence.
(iv) Entering onto or remaining on property owned, leased, or occupied by that individual.
(v) Contacting that individual by telephone.
(vi) Sending mail or electronic communications to that individual.
(vii) Placing an object on, or delivering an object to, property owned, leased, or occupied by that individual.

(f) “Victim” means an individual who is the target of a willful course of conduct involving repeated or continuing harassment.

(2) An individual who engages in stalking is guilty of a crime as follows:

(a) Except as provided in subdivision (b), a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than $1,000.00, or both.

(b) If the victim was less than 18 years of age at any time during the individual’s course of conduct and the individual is 5 or more years older than the victim, a felony punishable by imprisonment for not more than 5 years or a fine of not more than $10,000.00, or both.

(3) The court may place an individual convicted of violating this section on probation for a term of not more than 5 years. If a term of probation is ordered, the court may, in addition to any other lawful condition of probation, order the defendant to do any of the following:

(a) Refrain from stalking any individual during the term of probation.
(b) Refrain from having any contact with the victim of the offense.
(c) Be evaluated to determine the need for psychiatric, psychological, or social counseling and if, determined appropriate by the court, to receive psychiatric, psychological, or social counseling at his/her own expense.

(4) In a prosecution for a violation of this section, evidence that the defendant continued to engage in a course of conduct involving repeated unconsented contact with the victim after having been requested by the victim to discontinue the same or a different form of unconsented contact, and to refrain from any further unconsented contact with the victim, gives rise to a rebuttable presumption that the continuation of the course of conduct caused the victim to feel terrorized, frightened, intimidated, threatened, harassed, or molested.

(5) A criminal penalty provided for under this section may be imposed in addition to any penalty that may be imposed for any other criminal offense arising from the same conduct or for any contempt of court arising from the same conduct.
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There were no hate crime reported for 2015, 2016 or 2017 at the Houghton Campus location.

Crimes reported in the “Residential Facilities” category are included in the “On-Campus” category.

The statistics in the Annual Security Report were prepared by the Michigan Technological University Department of Public Safety and Police Services with additional information from the Office of Student Affairs, Title IX and local law enforcement agencies. Reports from disciplinary cases are cross referenced with records in the Department of Public Safety and Police Services to prevent double-counting.

### Three Year Crime Statistics – Ford Center Campus

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68
There were no hate crime reports for 2015, 2016 or 2017 at the Ford Center Campus location.

Crimes reported in the “Residential Facilities” category are included in the “On-Campus” category.

The statistics in the Annual Security Report were prepared by the Michigan Technological University Department of Public Safety and Police Services with additional information from the Office of Student Affairs and local law enforcement agencies. Reports from disciplinary cases are cross referenced with records in the Department of Public Safety and Police Services to prevent double-counting.
In accordance with the Higher Education Opportunities Act of 2008, Michigan Tech is providing mandatory fire safety information as part of this Annual Report. All reports of fires and fire alarms are maintained in a fire log at the Michigan Tech DPSPS. Data collected includes the nature of the fire, date and time of occurrence and the general location of the fire.

Fire safety details are explained below. At the current time, future improvements in fire safety are not necessary.

**Fire Safety Systems**

Michigan Tech’s Houghton Campus is home to three residence halls (Wadsworth Hall, McNair Hall and Douglass Houghton Hall), Hillside Place - a new residential apartment building which opened its doors in August 2010, and the Daniell Heights Apartments. Residential facilities at the Ford Center consist of four houses and two dormitories.

- **Residence Halls** - Each of the residence halls is equipped with a fire safety and suppression system. These systems each allow members of the housing facilities staff as well as fire safety personnel to access important information which is critical to combating any fire emergencies that may arise.

  The first part of the system is the enunciator panel which is located at the main entrance to the buildings. This panel is the control center for the system and will also alert emergency personnel to the locations in the building where a fire alarm may be sounding.

  Each room in the living area, as well as kitchenettes and other public areas feature both smoke alarms and sprinklers. When a smoke alarm is activated in a resident’s room or the kitchenette, only that particular location will sound. In public areas, alarm activation will sound the general building alarm.

  All alarms are monitored and received at the DPSPS 24 hours a day, seven days a week. When an alarm is received, is responsible for dispatching police and fire to the location to assess the situation.

  Another feature to the fire system is the sprinklers which are located in all rooms and kitchenettes. In the event that a sprinkler is triggered, only the room triggered is affected. However, if three sprinklers have all been triggered, the entire building alarm will sound. Each of these sprinklers yields 30 gallons of water per minute and the sprinkler system can be isolated for control by floor.

  Common areas and certain rooms in the halls are equipped with strobe lights to alert the hearing impaired to an emergency situation. The final component to this system is the fire alarm pulls which are located throughout the halls. If pulled, these activate the entire building fire alarm, and send immediate notification to the DPSPS.

- **Hillside Place** – The fire safety system for the newly constructed apartment building is similar to the system in each of the residence halls as described above. Additionally, the stairway landings on each floor are designated as “Areas of Refuge”. These areas are equipped with a panic button. When a panic button is activated, it is received at the DPSPS. Personnel are then dispatched to the building to check the alarm panel near the main entrance. This panel indicates which panic button was activated and allows the responder to have voice contact with the individual who activated the button.

- **Daniell Heights Apartments** – The Daniell Heights Apartments are equipped with local fire alarms. Each apartment is equipped with smoke detectors and fire blankets are located in each kitchen. Additionally, fire extinguishers are located in the common areas on each floor of each apartment building.

- **Ford Center Houses** – Each of the houses is equipped with smoke detectors and fire extinguishers.

- **Ford Center Dormitories** – Each dorm is equipped with smoke detectors and fire extinguishers.
Portable Electrical Appliances, Smoking and Open Flames

To minimize the potential for fires in the residential community, it is the policy of Michigan Technological University to prohibit the use of the following items in any University owned or operated residence hall indoors:

- any open flame device or object, including
  - candles
  - candle warmers
  - incense and related accessories
  - hot plates
  - slow cookers
  - deep fryers
  - electric skillets
  - electric woks
  - griddles
  - sandwich makers/grills and other similar type of products
  - toaster ovens for cooking/warming purposes
  - portable space heaters
  - barbecue grills
  - hibachis
  - smokers, (gas, electric, charcoal) and related accessories, including lighter fluids and lighters and other similar type products for cooking/warming purposes
  - flammable/combustible liquids
  - fireworks, firecrackers, rockets, flares, sparklers and other devices
  - halogen lamps
  - ceiling/wall tapestries
  - live Holiday trees or non-fire retardant artificial Holiday trees

The “cooking” and “warming” options exclude cooking and warming done in areas designed and built for such purposes.

Michigan Tech campus is a smoke free campus.

Fire Drills and Evacuation Procedure

For the 2017 calendar year, the Department of Housing and Residential Life held a total of 10 scheduled fire drills for Hillside Place, 16 for Wadsworth Hall, 10 drills for McNair Hall, and 10 drills for Douglass Houghton Hall. Typically, drills are conducted once per month. The reason for this discrepancy in number is based upon the fact that Michigan Tech runs more fire drills during the summer months due to programs for youth under the age of 18 being housed in Wadsworth Hall. McNair Hall and Douglass Houghton Hall are closed in the summer.

Fire drills are not conducted at the Daniell Heights apartments. Pursuant to Michigan law governing post-secondary educational facilities, fire drills are required only in dormitories. Fire drills are not conducted at Ford Center student housing.

Throughout the academic year, the Department of Housing and Residential Life schedules fire drills monthly. The purpose of this is to ensure that the procedure for evacuation remains fresh in the minds of students in the event that an evacuation truly becomes necessary. When evacuating the building in a fire situation, the procedure is as follows:

- Turn on ceiling light and open draperies.
- Close windows.
- Touch inside of door to test for heat.
  - If warm, DO NOT open.
  - If you are trapped in your room by fire, keep your door and window closed tightly and stand in full view in the window until help arrives.
- If not warm, exit room.
- Brace yourself against the door and crack it slightly open to check the incoming air at the top of the door with your hand.
- Exit immediately. Wear shoes; take your coat, room key, and Michigan Tech ID. Close and lock the door and walk away from the building by your assigned route. Do not talk. Listen for directions. Do NOT use elevators as an emergency exit. Stay low to the ground.
When you leave the building, move to your assigned meeting area which will be at least 100 feet away from
the building.
Do not return to your room or re-enter the building. Wait for instructions. You may re-enter the building
when the alarm is silenced OR after the all clear has been given by the fire department.

Fire Safety Education/Training

In order to promote safety in the event of emergency, each room in the residence halls is equipped with “A Guide to
Emergency Procedures”, a document outlining the processes that a student should take in case of numerous
emergencies. Also, each hall holds a fire drill prior to the first week of classes. The procedure the students are to
follow is discussed with them at their first “House meeting” with their resident assistant (RA). The monthly fire
drills ensure that students, student staff, and professional staff are prepared to deal with a fire emergency if the need
arises.

When drills occur, students are to follow the procedure list given above. In the case of Residence Life student staff,
there are additional duties once these student/employees have left the building. The exact procedures are dependent
upon the individual’s role within Residence Life, Housing, and Dining Services. These procedures are listed below.

Resident Assistant (RA)

- Follow the resident evacuation procedure for your room. Put on vest and take staff badge, Tech ID,
  fire roster, and flashlight (if at night).
- Leave the building by your assigned route. Close all fire doors and room doors on your way out.
- Program Coordinators (PCs) should head to the front of their buildings and assist with directing traffic
  and ensuring students can safely cross Highway 41.
- RAs should complete the Fire Drill Roster Procedure during the first fire drill of each semester and at all
  other unscheduled fire alarms.
  - Each RA is provided with a Fire Drill Roster and clipboard. Each clipboard has a copy of the
    house roster and rosters of other houses in the area.
  - Upon arriving at the fire alarm evacuation location, the RA will take attendance of all house
    members.
  - The RA will quickly try to determine the location of each resident not at the evacuation
    locations by asking roommates and friends.
  - The RA will highlight all residents on the roster that are accounted for.
  - The RA will check nearby evacuation locations to make sure the surrounding houses have
    been accounted for. If it has not, the RA will repeat steps c-e for this house.
  - Within five minutes of when the alarm sounded, the highlighted list will be submitted to the
    appropriate community coordinator (CC).
  - Following the drill, new rosters will be available in the RA mailboxes in order to update the
    clipboards.
  - Check in with your CC at the designated location and provide them with your roster. Follow
    any instructions they may give you.
  - Go to your house’s assigned meeting area and wait for further instructions. Keep all residents
    at least 100 feet away from the building.
  - DO NOT re-enter the building yourself or allow someone else to re-enter the building unless
    the alarm has been silenced.

Community Coordinator (CC)

- Your residence hall student roster, house meeting location listing, vest and radio should be in your
  possession if possible.
- Exit immediately.
- Go to your designated meeting location.
- Each RA will check in with their CC once their house is clear.
- If the CC is not available at the time of the evacuation, the first RA to arrive on the scene will take over
  these responsibilities.
- The reception desk employee will check in with the CC at the meeting location once the desk is closed.
If the evacuation is during office hours, the designated staff person will check in with the CC and inform them that all staff persons are evacuated.

All staff and students must be at least 100 feet away from the buildings.

Once all areas have been evacuated and accounted for, the professional staff or the DPSPS will communicate with the management Assistant (MA) and inform that everyone is out so that the alarms may be silenced.

If an actual emergency exists, follow the direction given.

If an extended evacuation is needed, the student life professional staff on location will request transportation and you will be instructed to evacuate residents to a designated extended evacuation location.

**Operations Assistant (OA)**

- When the DPSPS (DPSPS) hears the Fire Enunciator Panel, their dispatcher will contact the OA on their cell phone.
- The OA will go to the building Enunciator Panel to receive more specific information, and share this information with the DPSPS officer on the scene and the fire department.
- The OA will perform the “Reset” duties ONLY after the hall has been evacuated and approval from the fire department, DPSPS officer, or live-on professional staff has been given.
- The OA will then complete the fire report and distribute.

**Residence Hall & Dining Staff**

- Evacuate to the designated meeting location.
- The designated staff person should prepare for notice of completed evacuation.
- The dining hall manager in charge will account for all employees and off-campus or non-hall student employees and inform the designated staff person that evacuation is completed to the designated meeting location.
- The custodial staff and any off-campus or non-hall student custodial employees will inform the designated staff person that they have evacuated. (The Housing Facilities manager and the maintenance staff will be assisting with the fire equipment inside the building).
- Any students who are residents of the hall and are working for dining or custodial services during the time of the evacuation must report to their designated house meeting location.
- Professional live-on Student Life staff members (and all family members) will take their radio and vest then evacuate to a central building location to assist with evacuation or follow other directions as given.
- All staff and students must be at least 100 feet away from buildings.
- When all employees have been accounted for, the designated staff person will inform the CC.
- Wait until the alarm is silenced to return to the building OR when the fire chief has okayed return into the building. If an actual emergency exists, wait for instructions.

**Contact Information**

In order to report a fire in progress, dial 911. In the case of a fire alarm, DPSPS will keep an updated log of all incidents. Contact the Director of Housing and Residential Life as well as the Director of Housing Facilities to inform of any alarms that may occur.

**Fire Statistics for Calendar Year 2017**

<table>
<thead>
<tr>
<th>Residence Halls</th>
<th>Number of Fires</th>
<th>Number of Injuries</th>
<th>Number of Deaths</th>
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</table>
(1) On 10-17-2017 @ 11:20 p.m., grease on a stove burner ignited. Fire was extinguished with a fire blanket and fire extinguisher.

(2) On 10-17-2017 @ 11:37 p.m., grease on a stove top ignited. Fire was extinguished with a fire blanket.

(3) On 10-29-2017 @ 5:30 p.m., grease inside a pot on a stove top ignited. Fire was extinguished with a fire extinguisher.

(4) On 12-8-2017 @ 12:51 a.m., grease on a stove burner ignited. Fire was extinguished with a fire blanket.

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<th>Year</th>
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<table>
<thead>
<tr>
<th>Ford Center Housing Fire Statistics – Calendar Year 2017</th>
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### Houghton Campus Housing Fire Statistics – Calendar Year 2015

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