



# 2015 CAMPUS SAFETY AND SECURITY REPORT

Department of Public Safety 

Kalamazoo**VALLEY**<sup>™</sup>  
community college





# TEXAS TOWNSHIP CAMPUS

# KALAMAZOO VALLEY COMMUNITY COLLEGE TEXAS TOWNSHIP CAMPUS

## **Campus Security and Crime Awareness - 2014 Report for KVCC**

As required by the Crime Awareness and Campus Security Act of 1990, and updates included in the 1992 amendments to the Higher Education Act, this report details College security procedures and practices and statistics concerning specific types of crimes. This information is being published for the benefit of all current employees and students. Applicants for employment may obtain a copy of this report from the Human Resources Office-room 3230. Prospective students may obtain a copy of this report from the Public Safety Office-room 5120, Admissions Office-room 4550, Counseling Office-room 9301, Student Service Center, and Arcadia Commons Campus Information Desk.

## **Preparing the Annual Security Report**

The college Public Safety Department prepares this annual Crime Statistics report to comply with the Clery disclosure of campus security policy and crime statistics act. The report is prepared by the Director of Public Safety and his staff. The report is prepared in cooperation with area law enforcement as well as the KVCC employees in the following positions, President, Campus Safety Department, Executive V.P of Academics, V.P. for Information Technology & Admin. Services, Director of Admissions, Registration and Records, Director of Financial Aid, Associate V.P. of Student Success, Director of Facilities, Director of the Police Academy, Director of Nursing, Director of Dental Hygiene, Dean of Liberal Arts, Dean of Health & Public Services, Dean of Math & Science, Dean of Business and Industrial Trades, Assistant Dean Arcadia Commons, Director of Athletics & Student Relations Coordinator, Registrar, Academic Advisor Counselor, Admission Advisor, Financial Aid Advisor, V.P. of Human Resources and Athletic Coaches. The information is collected and made available to all students and employees of the College.

As an introduction to this report, Board Policy on campus security and crime awareness is cited: "Kalamazoo Valley Community College will make all reasonable efforts to maintain a campus environment which is safe and lawful.

To that end, the President of Kalamazoo Valley Community College shall establish, promulgate and enforce policies which are designed to promote the awareness of campus security policies, the prevention of crimes on campus and provide for the prompt reporting and response to criminal actions or other emergencies occurring on campus.

The policies shall be in compliance with applicable state and federal law, including but not limited to the Federal Crime Awareness and Campus Security Act of 1990,



and updates included in the 1992 amendments to the Higher Education Act, and shall be annually published and distributed to all current students and employees by email or hard copy, and to any applicant for enrollment or employment upon request.”

## **How to Report a Crime**

Kalamazoo Valley Community College’s Public Safety Office is located in room 5120 on the Texas Township Campus. The phone number for the Public Safety Office is 269.488.4575. Public Safety personnel are on duty 24 hours a day, seven days a week at the Texas Township Campus. Criminal actions or emergencies occurring on campus should be reported to Public Safety. Reports will be reviewed by the Director of Public Safety and shared with the Kalamazoo County Sheriff’s Department if appropriate. All crimes should be reported to Public Safety in an accurate and timely manner.

If you are the victim of a crime and do not want to pursue action within the criminal justice system, you may want to consider making a confidential report. With your permission the Public Safety Department can still file a report on the details of the incident without revealing your identity. The purpose of a confidential report is to comply with your wish to keep the matter confidential while taking steps to ensure the future safety of yourself and others.



In case of an emergency KVCC Public Safety may be contacted using the Blue “Emergency Phones” which are located outside at all campuses. They may also be contacted using the Red “Emergency Phones” which are located on the interior of all campuses.

## **Security and Access to Campus**

All public areas of the Texas Township Campus are accessible to students, employees and the general public during the College’s normal hours of operation. Campus buildings are locked at the conclusion of normal operating hours. Campus buildings and grounds are patrolled routinely throughout each 24 hour period. Public Safety personnel have the authority to enforce traffic and parking ordinances, as well as State Laws, on the Texas Township Campus

KVCC Public Safety is made up of both Police Officers and Security Officers. The campus Police Officers have complete authority under State law to investigate all crimes, traffic offences, non-criminal matters and to make arrests when appropriate. Public Safety has a written memorandum of understanding with the State Police who will assist with the investigation of any major crime that occurs on campus property. We also have a good relationship with the Kalamazoo County Sheriff’s Department and the Kalamazoo Department of Public Safety, whom are both willing to assist. A combination of Police Officers and Security Offices provide a 24 hour patrol.

KVCC strives to keep the college properties clean and well lit. The placement of cameras assist in monitoring the safety of students while on campus. Kalamazoo Valley does not own or operate any type of housing facilities.





Throughout the year, articles appear in the student newspaper and communications are sent to employees advising students and staff of the services provided by the Public Safety Office, e.g., campus escort services. Common sense tips relating to personal safety and the security of personal belongings are communicated. Some programs are in place which address individual security, security of others, and prevention of crimes including sexual assaults.

The Crime Awareness and Campus Security Act of 1990 requires the College to report statistics concerning the occurrence on campus of the following criminal offenses reported to campus security authorities or local police agencies for each calendar year as required by the Cleary Act of 1998.

This report addresses only the Texas Township Campus.

### **Off-site Monitoring of Groups**

Monitoring of off-site organizations for Criminal Activity: The College's general activities held off campus are monitored by faculty or staff during that particular event. The College has no dormitories, fraternities, sororities, or any type of housing.

# KALAMAZOO VALLEY COMMUNITY COLLEGE

## PUBLIC SAFETY DEPARTMENT CRIME REPORT

Criminal Offenses - TTC	2012	2013	2014
<b>On-Campus</b>			
Murder/Non-Negligent Manslaughter	0	0	0
Negligent Manslaughter	0	0	0
Sexual Offenses - Forcible	0	0	0
Sexual Offenses - Non-Forcible	0	0	0
Robbery	0	0	0
Aggravated Assault	0	0	0
Burglary	0	0	0
Motor Vehicle Theft	0	0	1
Arson	0	0	0
Hate Crimes	0	0	0
Domestic Violence	-	1	0
Dating Violence	-	-	0
Stalking	-	-	0
<b>Non-Campus Buildings</b>			
Murder/Non-Negligent Manslaughter	0	0	0
Negligent Manslaughter	0	0	0
Sexual Offenses - Forcible	0	0	0
Sexual Offenses - Non-Forcible	0	0	0
Robbery	0	0	0
Aggravated Assault	0	0	0
Burglary	0	0	0
Motor Vehicle Theft	0	0	0
Arson	0	0	0
Hate Crimes	0	0	0
Domestic Violence	-	-	0
Dating Violence	-	-	0
Stalking	-	-	0
<b>Public Property</b>			
Murder/Non-Negligent Manslaughter	0	0	0
Negligent Manslaughter	0	0	0
Sexual Offenses - Forcible	0	0	0
Sexual Offenses - Non-Forcible	0	0	0
Robbery	0	0	0
Aggravated Assault	0	0	0
Burglary	0	0	0
Motor Vehicle Theft	1	0	0
Arson	0	0	0
Hate Crimes	0	0	0
Domestic Violence	-	-	0
Dating Violence	-	-	0
Stalking	-	-	0



Arrests - TTC	2012	2013	2014
<b>Arrests - Main Campus</b>			
Illegal Weapons Possession	0	0	0
Drug Abuse Violations	5	1	0
Liquor Law Violations	0	0	0
<b>Arrests - Non-Campus Buildings</b>			
Illegal Weapons Possession	0	0	0
Drug Abuse Violations	0	0	0
Liquor Law Violations	0	0	0
<b>Public Property</b>			
Illegal Weapons Possession	0	0	0
Drug Abuse Violations	0	0	0
Liquor Law Violations	1	0	0

Disciplinary Actions - TTC	2012	2013	2014
<b>On-Campus</b>			
Illegal Weapons Possession	0	1	0
Drug Abuse Violations	1	0	0
Liquor Law Violations	0	0	0
<b>Non-Campus Buildings</b>			
Illegal Weapons Possession	0	0	0
Drug Abuse Violations	0	0	0
Liquor Law Violations	0	0	0
<b>Public Property</b>			
Illegal Weapons Possession	0	0	0
Drug Abuse Violations	0	0	0
Liquor Law Violations	0	0	0

**Campus** - Includes all academic, administrative and athletic buildings on the main campus and all outdoor common areas on KVCC property.

**Non-Campus** - Includes all KVCC buildings not on the main campus.

**Public Property** - Streets and association sidewalks through and around campus.

In Accordance with the Drug Free Schools and Communities Act of 1989, Public Law 101-126, Kalamazoo Valley Community College prohibits the unlawful manufacture, distribution, dispensing, possession or use of illicit drugs and alcohol on school premises or as part of any of its activities



## **Timely Warning**

In the event that certain crimes or emergency situations occur that are considered to pose an ongoing or continuous threat to the college community, the Cleary Act requires the college to notify the college community in a timely manner. This determination will be made when reports come to the attention of the Director of KVCC Public Safety or the Director's designee. The college will take into account, in the professional judgment of responsible authorities, if notification will compromise efforts to assist victims or to contain, respond to, or otherwise mitigate the emergency. The college will make a timely notice to the college community by utilizing options such as the college newspaper, radio stations, Facebook, fliers distributed to the college community, electronic mail, KVCC website, mass notification text, etc. Anyone with information warranting a timely warning should share this information with the KVCC Public Safety Department either by phone, 269.488.4911, or in person on the Texas Township Campus room 5120.

## **Daily Crime Log**

The Public Safety Department maintains a daily crime log of any criminal activity taking place on the campus. This log can be viewed by going to the Public Safety portion of the KVCC web site or by coming to the Public Safety office to view a paper copy of the report.

# FIRE DRILL AND EVACUATION PROCEDURES

During the academic school year, Kalamazoo Valley Community College is required to hold fire drills in order to comply with city and state safety requirements. To assist students in evacuating classrooms and directing them to safety, faculty is asked to take a few minutes during class periods to review the following:

1. Review the Fire Drill Procedures, location of exits and students' responsibilities in case of emergencies.
2. Identify exits and handicap evacuation area routes that are near your classroom.
3. After checking the door frame for heat, close windows before exiting the room and close the doors upon leaving the room.
4. Exit and take your class clear of the building and wait until the "ALL CLEAR" is given by KVCC Public Safety. **DO NOT STAND ON PEDESTRIAN WALKWAYS OR BLOCK EXITS.**
5. Missing or injured students or employees should be reported immediately to Kalamazoo Valley Community College Public Safety in the Texas Township Campus room 5120, 269.488.4575 and 269.488.4911.

## TORNADO EVACUATION PROCEDURES

In the case of a tornado incident, the goal of the Kalamazoo Valley Community College employees is to minimize physical injury and increase the possibility of survival. By familiarizing ourselves and our students with the Tornado Evacuation Procedures, we can meet this goal.

Moving persons from higher floors to lower, windowless area of the campus enhances our chances for survival. Students, faculty and staff should immediately report to designated shelter areas, avoiding the use of elevators. Designated shelter areas are marked with yellow signage.

Avoid windows, parking ramps, catwalks or pedestrian walkways.

A **TORNADO WARNING** is when a tornado is actually spotted in the area or the National Weather Service declares a **TORNADO WARNING**.

A **TORNADO WATCH** is when conditions may result in a tornado.

### DESIGNATED ALTERNATIVE SHELTERS

Small, interior and windowless rooms such as restrooms or corridor areas may be used.

## **Notification and Warning**

1. Notification of a tornado warning is received by the Public Safety Officer on-duty via an emergency weather pager. The pager receives continuous weather updates from the National Weather Service located in Grand Rapids.
2. When a tornado watch is issued, or when severe or threatening weather conditions exist, Public Safety will dispatch a weather alert to area leaders through KVCC's internal paging system, as appropriate. Personnel sighting of a funnel cloud should immediately report it to the Kalamazoo County Sheriff's Department by calling 269.383.8700 or 911.
3. The Emergency Warning Team should also be notified at 269.488.4911 for activation of the onsite warning system.
4. The onsite warning signal for a tornado consists of tones and severe weather messaging.

## **General Response**

1. When a tornado watch is issued, the Public Safety Department will alert essential personnel to monitor weather conditions.
2. If a tornado warning is issued, personnel should seek protective shelter in the areas designated in the Tornado Shelter map.
3. Area Leaders will check their work areas (if possible) before seeking shelter to ensure that all persons have received the warning notice and have gone to the shelter.
4. Area Leaders will make a reasonable effort to account for their personnel at the tornado shelter and will report this information, if possible, to Public Safety.
5. When the tornado warning is canceled or downgraded, Public Safety will determine if continued weather monitoring is advisable and take the appropriate steps as necessary.
6. Following the "ALL CLEAR" signal, college staff should report the names of injured persons to KVCC Public Safety in room 5120 of the TTC campus or by calling 269.488.4575.

## SEX OFFENDER REGISTRY AND ACCESS TO RELATED INFORMATION

Upon release from prison, individuals convicted of sex crimes in the State of Michigan, are required by state law to register their home address with their area law enforcement agency. In addition, if registered sex offenders are enrolled at, or employed at a post secondary institution, the offenders must also provide this information to the state through their local law enforcement agency. The State of Michigan maintains the information regarding convicted sex offenders at <http://www.mipsor.state.mi.us/>. In order to use this website, you must enter either a zip code, or name and approximate age of an individual. The Michigan Public Sex Offender Registry is also available on the United States Department of Justice Sex Offender Public Registry. The Department of Justice sex offender website at this printing contains information on offenders from 22 states. Multi-state information can be located at <http://www.nsopr.gov/>.

\*Policy is under review  
pending final approval.

## **Sexual Misconduct Policy**

### **I. Policy Statement**

#### **A. Sexual Misconduct:**

Members of the college community, guests and visitors have the right to be free from all forms of gender and sex-based discrimination, examples of which include acts of sexual assault, sexual harassment, domestic violence, dating violence, sexual exploitation and stalking. All members of the campus community are expected to conduct themselves in a manner that does not infringe upon the rights of others. This policy prohibits any sexual activity that does not have the clear consent of all parties involved.

KVCC will provide appropriate programming to promote the awareness of sexual misconduct for all employees and incoming students. This program will include information regarding safe and positive options for bystander intervention and information on risk reduction.

#### **B. Duty to Report:**

Staff and faculty must report allegations of sexual misconduct or other violations of this policy to the Title IX Coordinator, or designees and/or Campus Public Safety as soon as possible and normally within three workdays. All complaints of sexual misconduct, investigation documents and documents relative to the resolution of the complaint will be maintained in a confidential file in the appropriate office. These documents will be confidential to the extent allowed under state and federal law.

#### **C. Retaliation:**

Reprisals or retaliation towards any person for alleging sexual misconduct or for filing a sexual misconduct complaint or other charge under this policy is illegal and a violation of KVCC policy. Any person who retaliates against a complainant will be subject to disciplinary action up to and including, termination of employment for employees, and expulsion for students. Any student or employee who believes that he or she has been retaliated against in violation of this policy should immediately report such incidents by following the steps in the "Procedures" section of this policy.

#### **D. False Statements:**

Knowingly making false allegations of sexual misconduct or providing evidence with the knowledge that it is false is also a violation of this policy and will subject a person to disciplinary action up to and including termination or expulsion.



#### E. Confidentiality:

Before a victim reveals any information to an employee of KVCC, the employee should ensure that the victim understands the employee's reporting obligations and, if the victim wants to maintain confidentiality, direct the victim to a "confidential employee" or other confidential resource. Professional, licensed counselors who provide mental health counseling to members of the school community (including those who act in that role under the supervision of a licensed counselor) are not required to report any information about an incident to the Title IX Coordinator without a victim's permission. A victim who speaks to these "confidential employees" must understand that, if they want to maintain confidentiality, the College will be unable to conduct an investigation into the particular incident or pursue disciplinary action against the alleged perpetrator.

If the victim requests that a "non-confidential" employee maintain confidentiality, the employee should tell the victim that the College will consider the request, but cannot guarantee that the College will be able to honor it. In reporting the details of the incident to the Title IX Coordinator, the employee will also inform the Coordinator of the victim's request for confidentiality.

Employees shall not pressure a victim to request confidentiality, but will honor and support the victim's wishes, including the victim's wish to have the College fully investigate an incident. By the same token, employees shall not pressure a victim to make a full report if the victim is not ready to do so. Those persons responsible for consulting about, investigating and resolving complaints of sexual misconduct will make reasonable efforts to protect the privacy of both the complainant and the respondent. For the purposes of Clery Crime Reporting, employees identified as Campus Security Authorities may maintain the confidentiality of the victim even though they must report the incident occurred to Campus Public Safety.

## II. **Reason for Policy**

Sexual Misconduct, including dating violence, domestic violence, sexual exploitation, sexual assault, stalking and sexual harassment, violates the law, undermines the integrity of the College, traumatizes individuals, creates tension in the workplace and academic environment and causes friction between employees and/or students.

KVCC is committed to maintaining a positive learning and working environment for students, faculty and staff. All forms of sexual misconduct detract from a positive environment and are absolutely prohibited. Such conduct unreasonably interferes with an individual's work or educational performance and/or can create an intimidating, hostile or offensive work or learning environment.

KVCC attempts to maintain a professional and ethical educational environment. It is essential that those who are in positions of authority not abuse the power with which they are entrusted.

### III. **Entities Affected by This Policy**

Persons covered by this policy include all employees including faculty, students, Board of Trustees, applicants for employment, volunteers and persons participating in or attending College-sponsored programs and travel.

### IV. **Who Should Read This Policy**

Kalamazoo Valley Community College Employees, including faculty, Board of Trustees, and students.

### V. **Related Documents**

#### A. College Documents:

1. Student Handbook
2. Annual Security Report
3. Employee Handbook

#### B. Other Documents:

1. The Elliott-Larsen Civil Rights Act
2. Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681(a) (2006)
3. Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d (2000)
4. Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e (2000)
5. The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act

### VI. **Contacts**

A. Policy Owner: Title IX Coordinator:  
Michael Collins

B. Student Relations Coordinator:  
Russ Panico

C. Director of Human Resources:  
Amy Louallen

D. Director of Public Safety:  
Rick Ives

### VII. **Definitions**

A. **Sexual Misconduct:** Sexual misconduct includes but is not limited to sexual violence including sexual harassment, dating violence, domestic violence, stalking, sexual assault, and sexual exploitation.

B. **Sexual Harassment:** Sexual harassment is defined as any unsolicited, offensive behavior that uses sexuality to disadvantage another, unwelcome

sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

1. Submission to sexual harassment is made either explicitly or implicitly a term or condition of employment or academic admission or advancement, or;
  2. Submission to or rejection of sexual harassment is used as the basis (or threatened to be used as the basis) for employment actions or academic decisions or evaluations, or;
  3. Such conduct has the purpose or effect of unreasonably interfering with an individual's work or educational performance or creating an intimidating, hostile or offensive work or learning environment.
  4. Examples of sexual harassment include:
    - a. Threats or insinuations which lead the victim to reasonably believe that granting or denying sexual favors will affect his/her reputation, education, employment, advancement, or standing within the College
    - b. Sexual advances, sexual propositions, or sexual demands which are not agreeable to the recipient and/or sexually explicit emails or text messages
    - c. Unwelcome and persistent sexually explicit statements or stories which are not legitimately related to employment duties, course content, research, or other College programs or activities
    - d. Repeatedly using sexually degrading words or sounds to describe a person
  5. Recurring comments or questions about an individual's sexual prowess, sexual deficiencies, sexual orientation or sexual behavior. Unsolicited, offensive behavior may involve harassment of women by men, harassment of men by women, and harassment between persons of the same sex.
- C. **Dating Violence:** Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.
1. Violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
  2. The existence of a social relationship of a romantic or intimate nature with the victim is determined based on;
    - a. The reporting party's statement;
    - b. The length of the relationship;

- c. The type of relationship; and
- d. The frequency of interaction between the persons involved in the relationship.

D. **Domestic Violence:** A felony or misdemeanor crime of violence committed by any of the following individuals:

- 1. A current or former spouse or intimate partner of the victim; or
- 2. A person with whom the victim shares a child in common; or
- 3. A person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner; or
- 4. A person similarly situated to a spouse of the victim under the domestic or family laws of the jurisdiction in which the crime of violence occurred; or
- 5. Any other person against an adult or youth victim who is protected under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

E. **Sexual Assault (Any Non-Consensual Sexual Contact including Rape)**

1. Non-Consensual Sexual Contact is:

- a. any intentional sexual touching
- b. however slight
- c. with any object
- d. by a man or a woman upon a man or a woman
- e. that is without consent and/or by force

2. Sexual Contact includes:

Intentional contact with the breasts, buttock, groin, or genitals, or touching another with any of these body parts, or making another touch you or themselves with or on any of these body parts; any intentional bodily contact in a sexual manner, though not involving contact with/of/by breasts, buttocks, groin, genitals, mouth or other orifice.

3. Non-Consensual Sexual Intercourse is:

- a. any sexual intercourse
- b. however slight
- c. with any object
- d. by a man or woman upon a man or a woman
- e. that is without consent and/or by force

4. Intercourse includes:

Vaginal penetration by a penis, object, tongue or finger; anal penetration by a penis, object, tongue, or finger; and oral copulation (mouth to genital contact or genital to mouth contact), no matter how slight the penetration or contact.

**F. Sexual Exploitation**

1. Sexual Exploitation occurs when a student takes non-consensual or abusive sexual advantage of another for his/her own advantage or benefit, or to benefit or advantage anyone other than the one being exploited, and that behavior does not otherwise constitute one of other sexual misconduct offenses. Examples of sexual exploitation include, but are not limited to:
  - a. Invasion of sexual privacy;
  - b. Prostituting another student;
  - c. Non-consensual video or audio-taping of sexual activity;
  - d. Going beyond the boundaries of consent (such as letting your friends hide in the closet to watch you having consensual sex);
  - e. Engaging in voyeurism;
  - f. Knowingly transmitting an STI or HIV to another student;
  - g. Exposing one's genitals in non-consensual circumstances; inducing another to expose their genitals;
  - h. Sexually-based stalking and/or bullying may also be forms of sexual exploitation
2. For reference to the pertinent state statutes on sex offenses, please see. Procedures, section C.

**G. Consent:** The State of Michigan does not have one single definition of consent; however the following applies to consent in a criminal case in Michigan and is the definition of consent for purposes of this policy: Consent is a clear, freely given, verbalized "yes" to sexual activity. The absence of "no" is not consent. Silence, in and of itself, cannot be interpreted as consent. Furthermore, a verbalized "yes" which has been coerced, does not constitute a freely given "yes". Individuals who consent to sex must be able to understand what they are doing. A person may not be able to give consent if: they are under the age of 16, if they are legally mentally incapable, mentally incapacitated or physically helpless. This may include impairment due to drug or alcohol use. Consent can be given by words or actions, as long as those words or actions create mutually understandable clear permission regarding willingness to engage in (and the conditions of) sexual activity.

1. Consent to any one form of sexual activity does not

automatically imply consent to any other forms of sexual activity.

2. Previous relationships or prior consent does not imply consent to future sexual acts.
- H. **Stalking:** Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for their safety or the safety of others or suffer substantial emotional distress. KVCC considers acts of cyber stalking, recording or transmitting sexual images, and voyeurism to be a violation of this policy.
1. A course of conduct is two or more acts, including but not limited to:
    - a. Acts in which the 'stalker' directly, indirectly, or through third parties by any action, method, device or means
    - b. Follows, monitors, observes, surveils, threatens, or communicates to or about a person or interferes with a person's property.
  2. Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily require medical or other professional treatment or counseling.
- I. **Employee:** Anyone employed by KVCC as faculty or staff, full or part time.
- J. **Supervisor & College Official:** Anyone who oversees directs or evaluates the work of others, including but not limited to, managers, Board of Trustee Members, volunteers, administrators, independent contractor, coaches, directors, deans, department heads, program directors, counselors, advisors, coordinators, persons who manage student workers as well as faculty members in their role as instructors, and as participants in decisions affecting the careers of other faculty members.
- K. **Students:** The term "student" includes persons who have been issued a student number at Kalamazoo Valley Community College and are:
1. currently enrolled, or
  2. admitted and show intent to enroll, or
  3. withdrawn from a specific course or the College after allegedly violating the Student Code
- L. **Response:** In cases where it is determined that sexual misconduct occurred KVCC will take appropriate disciplinary action with or without concurrence from the complainant.
- M. **Retaliation:** To intimidate, threaten or coerce, or otherwise discriminate against any individual for exercising their right to file a complaint of sexual



misconduct or to participate in an investigation. Retaliatory conduct is illegal and constitutes a violation of this policy, and will be grounds for disciplinary action up to and including termination or expulsion. Any student or employee who believes that he or she has been harassed or retaliated against in violation of this policy should immediately report such incidents by following the procedures indicated below.

## **VIII. Procedures**

### **A. Education and Prevention Programs:**

1. KVCC engages in comprehensive, intentional, and integrated programming, initiatives, strategies, and campaigns intended to end dating violence, domestic violence, sexual assault, sexual exploitations and stalking that: Are culturally relevant, inclusive of diverse communities and identities, sustainable, responsive to community needs, and informed by research, or assessed for value, effectiveness, or outcome;
2. Consider environmental risk and protective factors as they occur on the individual, relationship, institutional, community and societal levels.
3. KVCC prevention and awareness programs for all students and employees, including student employees, incoming students and new employees, will be developed and delivered by Student Services and Human Resources that:
  - a. Identifies domestic violence, dating violence, sexual assault and stalking as prohibited conduct.
  - b. Defines what behavior constitutes domestic violence, dating violence, sexual assault and stalking using definitions provided by the Department of Education as well as state law.
  - c. Defines what behavior and actions constitute consent to sexual activity in the State of Michigan, and the definition KVCC uses.
  - d. Provides a description for bystander intervention which means safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault, or stalking. Bystander intervention includes recognizing situations of potential harm, understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking action to intervene.
  - e. Information on risk reduction, including effects drug and alcohol often play in sexual violence incidents. Risk reduction means options designed to decrease perpetration and bystander inaction and to increase empowerment for victims in order to promote safety and to help individuals and communities address conditions that facilitate violence.

- f. Reporting obligations, options, and rights to report including how to report sexual violence to campus police or local law enforcement and the ability to pursue criminal justice proceedings simultaneously with a Title IX investigation.
  - g. How to identify/prevent sexual violence including same-sex violence
  - h. Methods for responding to victims in a nonjudgmental way.
  - i. Impact of trauma on victims.
  - j. KVCC's investigation procedures used to process sexual misconduct complaints.
  - k. Consequences of violating KVCC Policy, Student Code and State Law related to sexual misconduct.
4. Procedures in the event of an incident of sexual misconduct: An individual who has been the victim of sexual harassment, domestic violence, dating violence, sexual assault, sexual exploitation, stalking, or other sexual misconduct, is encouraged to report the incident promptly to the Title IX Coordinator, the Student Relations Coordinator or Public Safety by calling or coming in to the office to report in person. Although KVCC strongly encourages all members of its community to report violations of this policy to law enforcement, it is the victim's choice whether or not to make such a report and victims have the right to decline involvement with the police. Reports of all domestic violence, dating violence, sexual assault and stalking made to Public Safety will automatically be referred to the Title IX Coordinator for investigation regardless of the complainant's desire to pursue criminal charges. As the Title IX Coordinator is a Campus Security Authority, they will report that the incident occurred for the purposes of Clery Crime Reporting. The College will proceed with an investigation without the victim if there is a danger to the campus or the community.
  5. In the event of sexual assault, medical forensic investigations are performed at the YWCA on a 24-hour on call basis for both females and males. To arrange for an examination contact the YWCA Nurse Examiner Program within 96 hours of an incident. If one does not have access to the YWCA Nurse Examiner Program, proceed to a local hospital emergency room. Victims should avoid showering or bathing prior to receiving an examination as valuable evidence could be lost.
  6. As time passes, evidence may dissipate or become lost or unavailable, thereby making investigation, possible prosecution, disciplinary proceedings, or obtaining personal protection orders related to the incident more difficult. If a victim chooses not to make a complaint regarding an incident, he or she should consider speaking with Public Safety or local law enforcement to preserve evidence in the event that the victim changes her/his mind at a later date. The law also allows the complainant to file a report while withholding the complainant's name from the report. It is also important to preserve evidence by saving text messages, instant messages,

social networking pages, other communications and keeping pictures, logs or copies of other documents that would be pertinent in an investigation.

7. KVCC will provide referrals to persons who have been victims of sexual misconduct regarding resources on campus which are available at no cost to students, as well as referrals to resources off campus. If a victim is accessing community and non-KVCC services, payment for these services will be subject to state/local laws, insurance requirements, etc. , KVCC will apply appropriate disciplinary procedures to those who violate this policy. The procedures set forth below are intended to afford a prompt response to charges of sexual assault, domestic or dating violence, and stalking, to maintain confidentiality and fairness consistent with applicable legal requirements, and to impose appropriate sanctions on violators of this policy.
8. KVCC representatives will be sensitive to those who report all forms of sexual misconduct. Employees taking a complaint must inform victims about their right to file criminal charges as well as provide details as to the availability of resources. Victims need to be provided information regarding counseling, healthcare, mental health services, victim advocacy, and additional remedies to prevent contact between a complainant and accused party. Such remedies could include making changes to academic, transportation, and/or working conditions, if reasonably available. KVCC will provide the student or employee a written explanation of their rights and options regardless of whether the offense occurred off campus or on campus.
9. If a report of sexual misconduct is reported to a KVCC representative, below are the procedures that will be followed:
  - a. In the case of Stalking, Domestic Violence or Dating Violence:
    - i. Assess immediate safety needs of complainant
    - ii. Assist complainant with contacting campus public safety or local police if complainant requests AND provide contact information for local police departments.
    - iii. Provide instructions on how to apply for Protective Order if the complainant wishes to pursue this option.
    - iv. Provide information to complainant on how to preserve evidence
    - v. Assess need to implement interim or long-term protective measures to protect the complainant, if appropriate.
    - vi. Provide a No Contact or No Trespass directive to accused party if deemed appropriate.
    - vii. Provide written information regarding community resources.

b. For sexual assault and sexual exploitation KVCC will:

- i. Depending on when reported (immediate vs delayed report), provide complainant with access to medical care
  - ii. Assess immediate safety needs of complainant
  - iii. Assist complainant with contacting Public Safety or local police if complainant requests AND provide contact information for local police department
  - iv. Provide written information regarding community resources including referrals to on and off campus mental health providers
  - v. Assess need to implement interim or long-term protective measures, such as change in class schedule, "No Contact" directive between both parties.
  - vi. Provide a No Contact or No Trespass directive to accused party if deemed appropriate.
  - vii. Provide written instructions on how to apply for Protective Order
  - viii. Provide a copy of the Sexual Misconduct Policy to complainant and inform the complainant regarding timeframes for inquiry, investigation and resolution
  - ix. Inform the complainant of the outcome of the investigation, whether or not the accused will be administratively charged and what the outcome of the meeting is
  - x. Enforce the anti-retaliation policy and take immediate and separate action against parties that retaliate against a person for complaining of sex-based discrimination or for assisting in the investigation
- c. Protective measures for the student filing the complaint may range from No Contact Orders, to classroom adjustments/arrangements, to interim suspensions of the alleged perpetrator if necessary. KVCC representatives will strive to maintain confidentiality regarding protective measures provided to the victim.
- d. KVCC does not publish the name of crime victims nor house identifiable information regarding victims in the campus police departments Daily Crime Log or online.

B. Sexual Misconduct Investigation Process:

1. Reporting a Complaint

Reports concerning sexual harassment, sex/gender discrimination, sexual assault/misconduct or violations of the Sexual Misconduct Policy should be filed with the Title IX Coordinator or his/her designee. The Title IX Coordinator may, in his or her discretion, dismiss a grievance if he/she determines the person filing the complaint is not entitled to use this process. The Title IX Coordinator may modify these procedures at any time as

deemed appropriate for compliance with federal, state, local law or applicable guidance. The campus community will be notified of any changes.

## 2. Administrative Action

The College recognizes its obligation to address incidents of sexual misconduct on campus when it becomes aware of its existence even if no complaints are filed; therefore, the College reserves the right to take appropriate action unilaterally under this procedure, including but not limited to issuing no-contact orders, modification of course-schedules, etc.

With respect to students, the Student Relations Coordinator or other appropriate persons in authority may take immediate administrative or disciplinary action deemed necessary for the welfare or safety of the College community.

## 3. Withdrawal of Complaint

The complainant may withdraw the complaint at any point during the investigation; however, the Title IX Coordinator may determine in his or her discretion that the issues raised warrant further investigation despite the complainant's desire to withdraw the complaint if there is a danger to the parties or to the community.

## 4. Confidentiality

**Privacy of Proceedings and Records:** Although College officials will maintain an individual's privacy to the best of their ability, individuals should know that College officials (outside the context of licensed counselors and health professionals hired in their private capacity) may not be able to maintain legal confidentiality of the complainant, but will maintain his or her privacy as noted herein. The College's ability to investigate may be limited if a complainant insists his or her name not be disclosed to the alleged perpetrator. The College must weigh such requests for privacy against its duty to provide a safe and nondiscriminatory environment. Investigators and those involved with the investigation are individually charged to preserve privacy with respect to any matter investigated or heard. A breach of the duty to preserve privacy is considered a serious offense and may subject the offender to appropriate disciplinary action. Parties and witnesses are also admonished to maintain privacy with regard to these proceedings, and if they are College employees, failure to maintain said privacy may result in appropriate disciplinary action. Furthermore, federal law prohibits retaliation against those who file complaints, and the College will take responsive action if such retaliation occurs, up to and including termination and/or expulsion.

## 5. Investigations

Reports of student misconduct will be managed and investigated by a Title IX Coordinator, the Student Relations Coordinator or designee. Complaints involving employees will be investigated by the Vice President of Human Resources or designee. All investigations will be conducted professionally, expeditiously, and confidentially (to the extent possible). The process may take up to 60 business days to complete from start to finish, though many cases will be resolved in less time.

KVCC will provide the complainant and accused with equitable opportunities throughout the investigation and resolution process, including the opportunity to be accompanied by the advisor of their choice. The witnesses and parties are to participate directly in the process, not the advisors.

KVCC may establish further restrictions regarding the extent to which the advisor may participate in the proceedings.

Upon receipt of a complaint, the Title IX Coordinator will confirm with the complainant the receipt of the complaint, and will assign the Student Relations Coordinator, Vice President of Human Resources, or a designee to conduct the investigation. Generally, the Student Relations Coordinator, Vice President of Human Resources, or a designee interviews the complainant and any relevant witnesses identified by the complainant. Once sufficient information is gathered, the Student Relations Coordinator, Vice President of Human Resources, or a designee will then notify the charged individual of the allegations. With permission from the complainant, the Student Relations Coordinator, Vice President of Human Resources, or a designee shall advise the charged individual of the name of the complainant. Where a complainant does not wish to be identified, the extent of the investigation may be limited; however, the investigation will continue to the extent possible while maintaining the confidentiality of the complainant. The Student Relations Coordinator, Vice President of Human Resources, or a designee will interview the charged individual and any witnesses deemed relevant.

Additional evidence may be sought from any relevant party or witness, including but not limited to, email communications, social media postings, text messages, phone records, etc. Parties are expected to cooperate and provide this information. Failure to cooperate with an investigation may result in separate disciplinary proceedings. Parties should be aware that as members of the College community, their access to College resources has very limited privacy rights, and the College may obtain information through the College's resources and informational technology system with or without the individual's cooperation. The investigation and findings



generally should be completed within 60 business days of receipt of the complaint, preferably sooner as practical.

Once the Student Relations Coordinator, Vice President of Human Resources, or a designee has gathered the information, he/she shall render a determination on responsibility and refer the matter to the appropriate administrative official.

## 6. Finding

After the investigation, the Student Relations Coordinator, Vice President of Human Resources, or a designee shall render a finding based on the relevant evidence utilizing a preponderance of the evidence standard, i.e. the facts complained of are more likely true than not.

Upon completion of the investigation, the Student Relations Coordinator, Vice President of Human Resources, or a designee is authorized to take the following actions:

- a. Dismissal of the claim - The Student Relations Coordinator, Vice President of Human Resources, or a designee finds that no violation occurred and dismisses the complaint, giving written notice of said dismissal to each party involved.
- b. Determination of Responsibility - The Student Relations Coordinator, Vice President of Human Resources, or a designee makes a finding of responsibility for any of the allegations and notifies the parties and appropriate administrative officers of the finding and may recommend actions to be taken.

Both parties shall receive notification, in writing, which will include:

- i. The result of any investigation that arose from an allegation of violation.
- ii. (For students) Additional procedural rights as set forth in the KVCC Student handbook.
- iii. (For Employees) If evidence supports a finding of misconduct, the College will take appropriate corrective or disciplinary action up to and including termination of employment.
- iv. If evidence supports a finding of responsibility, the written report of the action taken shall then be placed in the personnel record of the employee or student file. Sanctions of suspension, expulsion, or revocation or withholding of a degree will become a permanent part of a student's record. Cases that result in all other sanctions will be maintained for seven (7) years.
- v. Appeal or hearing procedures are found in the Student handbook.

- c. Potential student sanctions will be applied based upon the facts and circumstances of the case. Sanctions include:
  - i. Verbal warning
  - ii. Written warning
  - iii. Probation
  - iv. Permanent removal from a course
  - v. Restitution
  - vi. Suspension
  - vii. Permanent Dismissal
  - viii. Other Sanctions – Other sanctions may be imposed instead of, or in addition to, specific sanctions listed in this section. These may include, but are not limited to: recommendations for counseling, establishment of mandatory behavior conditions/contract-signing stating agreed-upon behavior expectations for continued enrollment or reenrollment; loss of access to college computers and/or network; a specific project designed to assist the student in better understanding the overall impact of his or her behavioral infraction; a contract of terms for restitution of damages/stolen property before enrollment is continued and/or records are released. Suspension without pay from his or her on campus job; prohibit participation in extracurricular activities or interscholastic or leadership positions, or community service.
  - ix. Revocation of Admission and/or Degree – Admission to KVCC, or a degree awarded from KVCC may be revoked for fraud, misrepresentation, or other violation of KVCC standards in obtaining the degree, or for other serious violations committed by a student prior to graduation.
  - x. Denial of Degree – KVCC may withhold awarding a degree otherwise earned until the completion of the process set forth in this policy including the completion of all sanctions imposed, if any.
- d. For employee appeals, refer to the employee handbook and contracts.
- e. For hearing procedures for students, refer to the Student handbook.

### C. Violations of Law

An employee or student may be accountable for sexual misconduct under applicable local, state, and/or federal law, as well as under KVCC policy. A criminal investigation may be conducted concurrently with the Title IX investigation. Disciplinary action by KVCC may proceed while criminal proceedings are pending and will not be subject to challenge on the grounds that criminal charges involving the same incident have been dismissed or reduced.

Michigan Criminal Law statutes governing sexual misconduct are listed as follows:

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 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 is 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.

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

1. 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:
  - a. That other person is under 13 years of age.  
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 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 penetration occurs during the period of that other person's residency. As used in this subparagraph, "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.

- b. Sexual penetration occurs under circumstances involving the commission of any other felony.
- c. 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).
- d. 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.
- e. 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.
- f. 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.
- g. 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
- vi. 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.
  - vii. 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 meeting, 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 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.
- 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.
  - 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 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.

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 non- continuous 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 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 or 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 unwanted contact with the victim after having been requested by the victim to discontinue the same or a different form of unwanted contact, and to refrain from any further unwanted 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.

**IX. Effective Date:**

Currently under revision

**X. Policy History:**

Sexual misconduct is a form of harassment that has previously been addressed within KVCC's Harassment Policy. This separate Sexual Misconduct Policy was developed to

provide greater clarity to the campus community regarding what constitutes sexual misconduct and reporting responsibilities. This policy further explains appropriate procedures for resolution of complaints consistent with Title IX and was implemented to reflect changes to the Clery Act made by the Violence Against Women Reauthorization Act of 2013 (VAWA).

**XI. Next Review/Revision Date:**

January 1, 2017



## Alcohol and Controlled Substances

A full copy of the alcohol and substance abuse policy is posted on the KVCC web site under Public Safety.

Students are expressly prohibited from using, buying, selling, delivering, or possessing alcoholic beverages or any controlled substance, as such items are defined by law on College property or at any College function on or off the campus.

Any student possessing or using alcoholic beverages on college property, or at a college function on or off of the campus, may be subject to the enforcement of any violation of state law as well as possible sanctions from the college. Violations by any non-student may be subject to enforcement of any violations of state law as well as they may be ask to leave the property.

## Prohibited Substances Guidelines

Kalamazoo Valley Community College is issuing this set of guidelines pursuant to the standards set forth in the Drug-Free Schools and Communities Act Amendments of 1989, Public Law 101-226.

Kalamazoo Valley Community College prohibits the unlawful possession, use, distribution, dispensing, or manufacture of illicit drugs or other substances and alcoholic beverages, as such terms are defined by law, on college property and at any College function or activity on or off the campus.

## Penalties

The Controlled Substances Act, Title II of the Comprehensive Drug Abuse Prevention and Control Act of 1970, is a federal law regulating the manufacture and distribution of narcotics, stimulants, depressants, and hallucinogens. Penalties for unlawful manufacturing, distribution, and dispensing of controlled substances are found in the Controlled Substances Act as amended by Congress.

Under local, state or federal law, any person or persons arrested for unlawful possession or distribution of any quantity of a prohibited substance, including but not limited to, those listed below can be sentenced, in most cases, to not less than five years nor more than life in prison, depending upon the quantity and if death or serious injury resulted from consumption of said drug. Stiff fines may also be imposed.

Methamphetamine  
Heroin  
Cocaine

Fentanyl  
Fentanyl Analogue  
Marijuana

Cocaine Base  
PCP  
LSD

Hashish  
Hashish Oil

## Alcohol and Drug Abuse Education Programs

Kalamazoo Valley Community College recognizes that almost any human problem can be successfully treated provided it is identified in its early stages and referral is made to an appropriate modality of care. This applies to the problems of drug abuse and alcoholism. If a student or employee has substance abuse problems, or knows someone that does, he or she may find help by contacting one of the following agencies. All such contact and services provided will be preserved in the highest degree of confidence. Employees of Kalamazoo Valley Community College may contact Occupational Health Centers of America for assistance in resolving drug or alcohol related problems. Further information on the alcohol and substance abuse policy can be found at a link at the Public Safety web site.

The college has developed a list of programs and organizations where students can be referred to for assistance with drug and alcohol abuse problems.

### Call 211 for general assistance

**Alano Club of Kalamazoo** 933 South Burdick, Kalamazoo, 269-343-2711

A.A. Al-non and related meetings daily

**\*Barry County Substance Abuse Services** 915 Green St, Hastings

269-948-8041. (A, D, DSAA, 3, 4, 6)

**Campus Substance Abuse Services** 1160 Kanley Chapel or 1921 W. Michigan,

Kalamazoo, 269-387-2496. (A, D, 3)

**Chemical Dependency Resources** North Ave, Battle Creek

269-968-2811. Outpatient Treatment Services

**\*Community Health Center of Branch County** 1123 W. Chicago Road, Coldwater,

(517) 279-9759. Substance Treatment and Referral Service. (A, D, DSAA, 3, 4, 6)

**Elizabeth UpJohn Healing Center** 2615 Stadium Dr., Kalamazoo 343-1651

(A, D, 1, 4)

**Gilmore Community Healing Center** 1910 Shafer Rd., Kalamazoo 382-9832,

382-9822 (A, D, 1, 4)

**\*Gryphon Place** 3245 S Drake, Kalamazoo, 381-4357 (A, D, 4, 5)

**Health Psychology and Medicine, PC** 3503 Greenleaf Blvd., Kalamazoo,

269-375-0624. (A, D, 3)

**\*Kalamazoo Child Guidance Clinic** 2615 Stadium Drive, Kalamazoo,

269-343-1651. (A, D, 3, 4,)

**\*Kalamazoo Psychology PC** 122 W. South Street, Kalamazoo, 269-349-4219

(A, D, DSAA, 3, 4, 6)

**Mid American Consultants, Inc.** 8036 Moorsbridge Road, #2, Kalamazoo,

269-327-1438. (A, D, 3,4,6)

**Pine Rest Christian Hospital, OPD-Kalamazoo** 1530 Nichols Road, Kalamazoo,  
269-343-6700. (A, D, 3, 4)  
**\*Senior Services, Inc.** 345 N. Burdick, Kalamazoo, 269-382-0515 (A, D, 3, 4)  
**University Substance Abuse Services Western Michigan University,** Sindecuse  
Health Center, rm 3235, Kalamazoo, 269-387-3257 (A, D, 3, 4)  
**University Substance Abuse Clinic** 5000 Oakland Drive, Kalamazoo WMU  
387-8230 (A, D, 3)  
**Westside Family Medical Health Clinic, PC** 4025 West Main, Ste. 101, Kalamazoo,  
269-381-2626 (A, D, 3)

A-Alcohol Services; D-Other Drug Services; DSAA-Designed Screening, Assessment  
Agencies; 1-Inpatient Care; 2-Residential Care; 3-Outpatient; 4-Prevention/  
Education; 5-Problem Assistance; 6-Screening, Assessment, Referral and Follow-up;  
9-Methadone Clinic; \*State Funded



# ARCADIA COMMONS CAMPUS

# KALAMAZOO VALLEY COMMUNITY COLLEGE ARCADIA COMMONS CAMPUS

## **Campus Security and Crime Awareness - 2014 Report for KVCC**

As required by the Crime Awareness and Campus Security Act of 1990, and updates included in the 1992 amendments to the Higher Education Act, this report details College security procedures and practices and statistics concerning specific types of crimes. This information is being published for the benefit of all current employees and students. Applicants for employment may obtain a copy of this report from the Public Safety Office-room 5120, Human Resources Office-room 3230. Prospective students may obtain a copy of this report from the Admissions Office-room 4550, Counseling Office-room 9301, Student Service Center, and Arcadia Commons Campus Information Desk.

### **Preparing the Annual Security Report**

The college Public Safety Department prepares this annual Crime Statistics report to comply with the Clery disclosure of campus security policy and crime statistics act. The report is prepared by the Director of Public Safety and his staff. The report is prepared in cooperation with area law enforcement as well as the KVCC employees in the following positions, President, Campus Safety Department, Executive V.P of Academics, V.P. for Information Technology & Admin. Services, Director of Admissions, Registration and Records, Director of Financial Aid, Associate V.P. of Student Success, Director of Facilities, Director of the Police Academy, Director of Nursing, Director of Dental Hygiene, Dean of Liberal Arts, Dean of Health & Public Services, Dean of Math & Science, Dean of Business and Industrial Trades, Assistant Dean Arcadia Commons, Director of Athletics & Student Relations Coordinator, Registrar, Academic Advisor Counselor, Admission Advisor, Financial Aid Advisor, V.P. of Human Resources and Athletic Coaches. The information is collected and made available to all students and employees of the College.

As an introduction to this report, Board Policy on campus security and crime awareness is cited: "Kalamazoo Valley Community College will make all reasonable efforts to maintain a campus environment which is safe and lawful. To that end, the President of Kalamazoo Valley Community College shall establish, promulgate and enforce policies which are designed to promote the awareness of campus security policies, the prevention of crimes on campus and provide for the prompt reporting and response to criminal actions or other emergencies occurring on campus. The policies shall be in compliance with applicable state and federal law, including but not limited to the Federal Crime Awareness and Campus Security Act of 1990, and updates included in the 1992 amendments to the Higher Education Act, and shall be annually published and distributed to all current students and employees by email or hard copy and to any applicant for enrollment or employment upon request."



## How to Report a Crime

Kalamazoo Valley Community College Arcadia Commons Campus Public Safety Office is located in Anna Whitten Hall, room 015. The phone number for the Arcadia Commons Campus is 269.373.7939 or 269.488.4575. A public safety officer is on duty during regular hours of operation, 7:00 AM to 10:00 PM, Monday through Friday, 9:00 AM to 5:00 PM, on Saturday, 12:00 noon to 5:00 PM on Sunday. Criminal actions or emergencies occurring on campus should be reported to Public Safety. Reports will be reviewed by the Director of Public Safety and shared with the Kalamazoo Public Safety Department if appropriate. All crimes should be reported to Public Safety in an accurate and timely manner.

If you are the victim of a crime and do not want to pursue action within the criminal justice system, you may want to consider making a confidential report. With your permission the Public Safety Department can still file a report on the details of the incident without revealing your identity. The purpose of a confidential report is to comply with your wish to keep the matter confidential while taking steps to ensure the future safety of yourself and others.



In case of an emergency KVCC Public Safety may be contacted using the Blue “Emergency Phones” which are located outside at all campuses. They may also be contacted using the Red “Emergency Phones” which are located on the interior of all campuses.

## **Security and Access to Campus**

All public areas of the Arcadia Commons Campus are accessible to students, employees and the general public during the College’s normal hours of operation. Campus buildings are locked at the conclusion of normal operating hours. Campus buildings and grounds are patrolled during regular operation hours and monitored electronically when the building is closed. Public Safety personnel have the authority to enforce traffic and parking ordinances, as well as State Laws, on the Arcadia Commons Campus.

KVCC Public Safety is made up of both Police Officers and Security Officers. The campus Police Officers have complete authority under State law to investigate all crimes, traffic offences, non-criminal matters to and make arrests when appropriate. Public Safety has a written memorandum of understanding with the State Police who will assist with the investigation of any major crime that occurs on campus property. We also have a good relationship with the Kalamazoo County Sheriff’s Department and the Kalamazoo Department of Public Safety, whom are both willing to assist. A combination of Police Officers and Security Offices provide a 24 hour patrol.

Kalamazoo Valley Community College strives to keep the college properties clean and well lit. The placement of cameras assist in monitoring the safety of students while on campus. KVCC does not own or operate any type of housing facilities.

Throughout the year, articles appear in the student newspaper and communications are sent to employees advising students and staff of the services provided by the Public Safety Office, e.g., campus escort services. Common sense tips relating to personal safety and the security of personal belongings are communicated. Some programs are in place which address individual security, security of others, and prevention of crimes including sexual assaults.

The Crime Awareness and Campus Security Act of 1990 requires the College to report statistics concerning the occurrence on campus of the following criminal offenses reported to campus security authorities or local police agencies for each calendar year as required by the Cleary Act of 1998.

This report addresses only the Arcadia Commons Campus.

### **Off-site Monitoring of Groups**

Monitoring of off-site organizations for Criminal Activity: The College's general activities held off campus are monitored by faculty or staff during that particular event. The College has no dormitories, fraternities, sororities, or any type of housing.



# KALAMAZOO VALLEY COMMUNITY COLLEGE

## PUBLIC SAFETY DEPARTMENT CRIME REPORT

Criminal Offenses - ACC	2012	2013	2014
<b>On-Campus</b>			
Murder/Non-Negligent Manslaughter	0	0	0
Negligent Manslaughter	0	0	0
Sexual Offenses - Forcible	0	0	0
Sexual Offenses - Non-Forcible	0	0	0
Robbery	0	1	0
Aggravated Assault	0	0	0
Burglary	0	0	0
Motor Vehicle Theft	0	0	0
Arson	0	0	0
Hate Crimes	0	0	0
Domestic Violence	-	1	0
Dating Violence	-	-	0
Stalking	-	-	0
<b>Non-Campus Buildings</b>			
Murder/Non-Negligent Manslaughter	0	0	0
Negligent Manslaughter	0	0	0
Sexual Offenses - Forcible	0	0	0
Sexual Offenses - Non-Forcible	0	0	0
Robbery	0	0	0
Aggravated Assault	0	0	0
Burglary	0	0	0
Motor Vehicle Theft	0	0	0
Arson	0	0	0
Hate Crimes	0	0	0
Domestic Violence	-	-	0
Dating Violence	-	-	0
Stalking	-	-	0
<b>Public Property</b>			
Murder/Non-Negligent Manslaughter	0	0	0
Negligent Manslaughter	0	0	0
Sexual Offenses - Forcible	0	0	0
Sexual Offenses - Non-Forcible	0	0	0
Robbery	0	0	2
Aggravated Assault	0	0	0
Burglary	0	0	0
Motor Vehicle Theft	0	0	0
Arson	0	0	0
Hate Crimes	0	0	0
Domestic Violence	-	-	0
Dating Violence	-	-	0
Stalking	-	-	0

Arrests - ACC	2012	2013	2014
<b>Arrests - Main Campus</b>			
Illegal Weapons Possession	0	0	1
Drug Abuse Violations	0	0	0
Liquor Law Violations	0	0	0
<b>Arrests - Non-Campus Buildings</b>			
Illegal Weapons Possession	0	0	0
Drug Abuse Violations	0	0	0
Liquor Law Violations	0	0	0
<b>Public Property</b>			
Illegal Weapons Possession	0	0	0
Drug Abuse Violations	1	0	0
Liquor Law Violations	0	0	0

Disciplinary Actions - ACC	2011	2012	2013
<b>On-Campus</b>			
Illegal Weapons Possession	0	0	0
Drug Abuse Violations	0	0	0
Liquor Law Violations	0	0	0
<b>Non-Campus Buildings</b>			
Illegal Weapons Possession	0	0	0
Drug Abuse Violations	0	0	0
Liquor Law Violations	0	0	0
<b>Public Property</b>			
Illegal Weapons Possession	0	0	0
Drug Abuse Violations	0	0	0
Liquor Law Violations	0	0	0

**Campus** - Includes all academic, administrative and athletic buildings on the main campus and all outdoor common areas on KVCC property.  
**Non-Campus** - Includes all KVCC buildings not on the main campus.  
**Public Property** - Streets and association sidewalks through and around campus.

In Accordance with the Drug Free Schools and Communities Act of 1989, Public Law 101-126, Kalamazoo Valley Community College prohibits the unlawful manufacture, distribution, dispensing, possession or use of illicit drugs and alcohol on school premises or as part of any of its activities

## Timely Warning

In the event that certain crimes or emergency situations occur that are considered to pose an ongoing or continuous threat to the college community, the Clery Act requires the college to notify the college community in a timely manner. This determination will be made when reports come to the attention of the Director of KVCC Public Safety or the Director's designee. The college will take into account, in the professional judgment of responsible authorities, if notification will compromise efforts to assist victims or to contain, respond to, or otherwise mitigate the emergency. The college will make a timely notice to the college community by utilizing options such as the college newspaper, radio stations, Facebook, fliers distributed to the college community, electronic mail, KVCC website, mass notification text, etc. Anyone with information warranting a timely warning should share this information with the KVCC Public Safety Department either by phone at 269.373.7854 or in person at Anna Whitten Hall Room 015. Reports may also be made by phone at 269.488.4575 and 269.488.4911, or in person on the Texas Township Campus room 5120.

## Daily Crime Log

The Public Safety Department maintains a daily crime log of any criminal activity taking place on the campus. This log can be viewed by going to the Public Safety portion of the KVCC web site or by coming to the Public Safety and viewing a paper copy.

## FIRE DRILL AND EVACUATION PROCEDURES

During the academic school year, KVCC is required to hold fire drills in order to comply with city and state safety requirements. To assist students in evacuating classrooms and directing them to safety, faculty is asked to take a few minutes during class periods to review the following:

1. Review the Fire Drill Procedures, location of exits and students' responsibilities in case of emergencies.
2. Identify exits and handicap evacuation area routes that are near your classroom.
3. After checking the door frame for heat, close windows before exiting the room and close the doors upon leaving the room.
4. Exit and take your class clear of the building and wait until the "ALL CLEAR" is given by KVCC Public Safety. **DO NOT STAND ON PEDESTRIAN WALKWAYS OR**

## **BLOCK EXITS.**

5. Missing or injured students or employees should be reported immediately to KVCC Public Safety at 269-373-7854 or in person at **Anna Whitten Hall** Room 015. Or at Texas Township Campus room 5120, 269.488.4575 or 269.488.4911.

## **TORNADO EVACUATION PROCEDURES**

In the case of a tornado incident, the goal of the Kalamazoo Valley Community College employees is to minimize physical injury and increase the possibility of survival. By familiarizing ourselves and our students with the Tornado Evacuation Procedures, we can meet this goal.

Moving persons from higher floors to lower, windowless area of the campus enhances our chances for survival. Students, faculty and staff should immediately report to designated shelter areas, avoiding the use of elevators. Designated shelter areas are marked with yellow signage.

Avoid windows, parking ramps, catwalks or pedestrian walkways.

A **TORNADO WARNING** is when a tornado is actually spotted in the area or the National Weather Service declares a **TORNADO WARNING**.

A **TORNADO WATCH** is when conditions may result in a tornado.

### **DESIGNATED ALTERNATIVE SHELTERS –**

Small, interior and windowless rooms such as restrooms or corridor areas may be used.



## Notification and Warning

1. Notification of a tornado warning is received by the Public Safety Officer on-duty via an emergency weather pager. The pager receives continuous weather updates from the National Weather Service located in Grand Rapids.
2. When a tornado watch is issued, or when severe or threatening weather conditions exist, the Site Emergency Coordinator will dispatch a weather alert to area leaders through KVCC's internal paging system, as appropriate. Personnel sighting of a funnel cloud should immediately report it to the Kalamazoo Public Safety Department by calling 269.337.8720 or 911.
3. The Emergency Warning Team should also be notified at 269.488.4911 for activation of the onsite warning system.
4. The onsite warning signal for a tornado consists of tones and severe weather messaging.

## General Response

1. When a tornado watch is issued, the Public Safety Department will alert essential personnel to monitor weather conditions
2. If a tornado warning is issued, personnel should seek protective shelter in the areas designated in the Tornado Shelter map.
3. Area Leaders will check their work areas (if possible) before seeking shelter to ensure that all persons have received the warning notice and have gone to the shelter.
4. Area Leaders will make a reasonable effort to account for their personnel at the tornado shelter and will report this information, if possible, to Public Safety.
5. When the tornado warning is canceled or downgraded, Public Safety will determine if continued weather monitoring is advisable and take the appropriate steps as necessary.
6. Following the "ALL CLEAR" signal, college staff should report the names of injured persons to KVCC Public Safety at 269.373.7854 or in person at **Anna Whitten Hall** Room 015. in room 5120 of the TTC campus or by calling 269.488.4911.



## SEX OFFENDER REGISTRY AND ACCESS TO RELATED INFORMATION

Upon release from prison, individuals convicted of sex crimes in the State of Michigan, are required by state law to register their home address with their area law enforcement agency. In addition, if registered sex offenders are enrolled at, or employed at a post secondary institution, the offenders must also provide this information to the state through their local law enforcement agency. The State of Michigan maintains the information regarding convicted sex offenders at <http://www.mipsor.state.mi.us/>. In order to use this website, you must enter either a zip code, or name and approximate age of an individual. The Michigan Public Sex Offender Registry is also available on the United States Department of Justice Sex Offender Public Registry. The Department of Justice sex offender website at this printing contains information on offenders from 22 states. Multi-state information can be located at <http://www.nsopr.gov/>.

\*Policy is under review  
pending final approval.

## **Sexual Misconduct Policy**

### **I. Policy Statement**

#### **A. Sexual Misconduct:**

Members of the college community, guests and visitors have the right to be free from all forms of gender and sex-based discrimination, examples of which include acts of sexual assault, sexual harassment, domestic violence, dating violence, sexual exploitation and stalking. All members of the campus community are expected to conduct themselves in a manner that does not infringe upon the rights of others. This policy prohibits any sexual activity that does not have the clear consent of all parties involved.

KVCC will provide appropriate programming to promote the awareness of sexual misconduct for all employees and incoming students. This program will include information regarding safe and positive options for bystander intervention and information on risk reduction.

#### **B. Duty to Report:**

Staff and faculty must report allegations of sexual misconduct or other violations of this policy to the Title IX Coordinator, or designees and/or Campus Public Safety as soon as possible and normally within three workdays. All complaints of sexual misconduct, investigation documents and documents relative to the resolution of the complaint will be maintained in a confidential file in the appropriate office. These documents will be confidential to the extent allowed under state and federal law.

#### **C. Retaliation:**

Reprisals or retaliation towards any person for alleging sexual misconduct or for filing a sexual misconduct complaint or other charge under this policy is illegal and a violation of KVCC policy. Any person who retaliates against a complainant will be subject to disciplinary action up to and including, termination of employment for employees, and expulsion for students. Any student or employee who believes that he or she has been retaliated against in violation of this policy should immediately report such incidents by following the steps in the "Procedures" section of this policy.

#### **D. False Statements:**

Knowingly making false allegations of sexual misconduct or providing evidence with the knowledge that it is false is also a violation of this policy and will subject a person to disciplinary action up to and including termination or expulsion.

#### E. Confidentiality:

Before a victim reveals any information to an employee of KVCC, the employee should ensure that the victim understands the employee's reporting obligations and, if the victim wants to maintain confidentiality, direct the victim to a "confidential employee" or other confidential resource. Professional, licensed counselors who provide mental health counseling to members of the school community (including those who act in that role under the supervision of a licensed counselor) are not required to report any information about an incident to the Title IX Coordinator without a victim's permission. A victim who speaks to these "confidential employees" must understand that, if they want to maintain confidentiality, the College will be unable to conduct an investigation into the particular incident or pursue disciplinary action against the alleged perpetrator.

If the victim requests that a "non-confidential" employee maintain confidentiality, the employee should tell the victim that the College will consider the request, but cannot guarantee that the College will be able to honor it. In reporting the details of the incident to the Title IX Coordinator, the employee will also inform the Coordinator of the victim's request for confidentiality.

Employees shall not pressure a victim to request confidentiality, but will honor and support the victim's wishes, including the victim's wish to have the College fully investigate an incident. By the same token, employees shall not pressure a victim to make a full report if the victim is not ready to do so. Those persons responsible for consulting about, investigating and resolving complaints of sexual misconduct will make reasonable efforts to protect the privacy of both the complainant and the respondent. For the purposes of Clery Crime Reporting, employees identified as Campus Security Authorities may maintain the confidentiality of the victim even though they must report the incident occurred to Campus Public Safety.

## II. **Reason for Policy**

Sexual Misconduct, including dating violence, domestic violence, sexual exploitation, sexual assault, stalking and sexual harassment, violates the law, undermines the integrity of the College, traumatizes individuals, creates tension in the workplace and academic environment and causes friction between employees and/or students.

KVCC is committed to maintaining a positive learning and working environment for students, faculty and staff. All forms of sexual misconduct detract from a positive environment and are absolutely prohibited. Such conduct unreasonably interferes with an individual's work or educational performance and/or can create an intimidating, hostile or offensive work or learning environment.

KVCC attempts to maintain a professional and ethical educational environment. It is essential that those who are in positions of authority not abuse the power with which they are entrusted.



### III. **Entities Affected by This Policy**

Persons covered by this policy include all employees including faculty, students, Board of Trustees, applicants for employment, volunteers and persons participating in or attending College-sponsored programs and travel.

### IV. **Who Should Read This Policy**

Kalamazoo Valley Community College Employees, including faculty, Board of Trustees, and students.

### V. **Related Documents**

#### A. College Documents:

1. Student Handbook
2. Annual Security Report
3. Employee Handbook

#### B. Other Documents:

1. The Elliott-Larsen Civil Rights Act
2. Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681(a) (2006)
3. Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d (2000)
4. Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e (2000)
5. The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act

### VI. **Contacts**

A. Policy Owner: Title IX Coordinator:  
Michael Collins

B. Student Relations Coordinator:  
Russ Panico

C. Director of Human Resources:  
Amy Louallen

D. Director of Public Safety:  
Rick Ives

### VII. **Definitions**

A. **Sexual Misconduct:** Sexual misconduct includes but is not limited to sexual violence including sexual harassment, dating violence, domestic violence, stalking, sexual assault, and sexual exploitation.

B. **Sexual Harassment:** Sexual harassment is defined as any unsolicited, offensive behavior that uses sexuality to disadvantage another, unwelcome

sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

1. Submission to sexual harassment is made either explicitly or implicitly a term or condition of employment or academic admission or advancement, or;
  2. Submission to or rejection of sexual harassment is used as the basis (or threatened to be used as the basis) for employment actions or academic decisions or evaluations, or;
  3. Such conduct has the purpose or effect of unreasonably interfering with an individual's work or educational performance or creating an intimidating, hostile or offensive work or learning environment.
  4. Examples of sexual harassment include:
    - a. Threats or insinuations which lead the victim to reasonably believe that granting or denying sexual favors will affect his/her reputation, education, employment, advancement, or standing within the College
    - b. Sexual advances, sexual propositions, or sexual demands which are not agreeable to the recipient and/or sexually explicit emails or text messages
    - c. Unwelcome and persistent sexually explicit statements or stories which are not legitimately related to employment duties, course content, research, or other College programs or activities
    - d. Repeatedly using sexually degrading words or sounds to describe a person
  5. Recurring comments or questions about an individual's sexual prowess, sexual deficiencies, sexual orientation or sexual behavior. Unsolicited, offensive behavior may involve harassment of women by men, harassment of men by women, and harassment between persons of the same sex.
- C. **Dating Violence:** Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.
1. Violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
  2. The existence of a social relationship of a romantic or intimate nature with the victim is determined based on;
    - a. The reporting party's statement;
    - b. The length of the relationship;

- c. The type of relationship; and
- d. The frequency of interaction between the persons involved in the relationship.

D. **Domestic Violence:** A felony or misdemeanor crime of violence committed by any of the following individuals:

- 1. A current or former spouse or intimate partner of the victim; or
- 2. A person with whom the victim shares a child in common; or
- 3. A person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner; or
- 4. A person similarly situated to a spouse of the victim under the domestic or family laws of the jurisdiction in which the crime of violence occurred; or
- 5. Any other person against an adult or youth victim who is protected under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

E. **Sexual Assault (Any Non-Consensual Sexual Contact including Rape)**

1. Non-Consensual Sexual Contact is:

- a. any intentional sexual touching
- b. however slight
- c. with any object
- d. by a man or a woman upon a man or a woman
- e. that is without consent and/or by force

2. Sexual Contact includes:

Intentional contact with the breasts, buttock, groin, or genitals, or touching another with any of these body parts, or making another touch you or themselves with or on any of these body parts; any intentional bodily contact in a sexual manner, though not involving contact with/of/by breasts, buttocks, groin, genitals, mouth or other orifice.

3. Non-Consensual Sexual Intercourse is:

- a. any sexual intercourse
- b. however slight
- c. with any object
- d. by a man or woman upon a man or a woman
- e. that is without consent and/or by force

4. Intercourse includes:

Vaginal penetration by a penis, object, tongue or finger; anal penetration by a penis, object, tongue, or finger; and oral copulation (mouth to genital contact or genital to mouth contact), no matter how slight the penetration or contact.

**F. Sexual Exploitation**

1. Sexual Exploitation occurs when a student takes non-consensual or abusive sexual advantage of another for his/her own advantage or benefit, or to benefit or advantage anyone other than the one being exploited, and that behavior does not otherwise constitute one of other sexual misconduct offenses. Examples of sexual exploitation include, but are not limited to:
  - a. Invasion of sexual privacy;
  - b. Prostituting another student;
  - c. Non-consensual video or audio-taping of sexual activity;
  - d. Going beyond the boundaries of consent (such as letting your friends hide in the closet to watch you having consensual sex);
  - e. Engaging in voyeurism;
  - f. Knowingly transmitting an STI or HIV to another student;
  - g. Exposing one's genitals in non-consensual circumstances; inducing another to expose their genitals;
  - h. Sexually-based stalking and/or bullying may also be forms of sexual exploitation
2. For reference to the pertinent state statutes on sex offenses, please see. Procedures, section C.

**G. Consent:** The State of Michigan does not have one single definition of consent; however the following applies to consent in a criminal case in Michigan and is the definition of consent for purposes of this policy: Consent is a clear, freely given, verbalized "yes" to sexual activity. The absence of "no" is not consent. Silence, in and of itself, cannot be interpreted as consent. Furthermore, a verbalized "yes" which has been coerced, does not constitute a freely given "yes". Individuals who consent to sex must be able to understand what they are doing. A person may not be able to give consent if: they are under the age of 16, if they are legally mentally incapable, mentally incapacitated or physically helpless. This may include impairment due to drug or alcohol use. Consent can be given by words or actions, as long as those words or actions create mutually understandable clear permission regarding willingness to engage in (and the conditions of) sexual activity.

1. Consent to any one form of sexual activity does not

automatically imply consent to any other forms of sexual activity.

2. Previous relationships or prior consent does not imply consent to future sexual acts.
- H. **Stalking:** Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for their safety or the safety of others or suffer substantial emotional distress. KVCC considers acts of cyber stalking, recording or transmitting sexual images, and voyeurism to be a violation of this policy.
1. A course of conduct is two or more acts, including but not limited to:
    - a. Acts in which the 'stalker' directly, indirectly, or through third parties by any action, method, device or means
    - b. Follows, monitors, observes, surveils, threatens, or communicates to or about a person or interferes with a person's property.
  2. Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily require medical or other professional treatment or counseling.
- I. **Employee:** Anyone employed by KVCC as faculty or staff, full or part time.
- J. **Supervisor & College Official:** Anyone who oversees directs or evaluates the work of others, including but not limited to, managers, Board of Trustee Members, volunteers, administrators, independent contractor, coaches, directors, deans, department heads, program directors, counselors, advisors, coordinators, persons who manage student workers as well as faculty members in their role as instructors, and as participants in decisions affecting the careers of other faculty members.
- K. **Students:** The term "student" includes persons who have been issued a student number at Kalamazoo Valley Community College and are:
1. currently enrolled, or
  2. admitted and show intent to enroll, or
  3. withdrawn from a specific course or the College after allegedly violating the Student Code
- L. **Response:** In cases where it is determined that sexual misconduct occurred KVCC will take appropriate disciplinary action with or without concurrence from the complainant.
- M. **Retaliation:** To intimidate, threaten or coerce, or otherwise discriminate against any individual for exercising their right to file a complaint of sexual

misconduct or to participate in an investigation. Retaliatory conduct is illegal and constitutes a violation of this policy, and will be grounds for disciplinary action up to and including termination or expulsion. Any student or employee who believes that he or she has been harassed or retaliated against in violation of this policy should immediately report such incidents by following the procedures indicated below.

## **VIII. Procedures**

### **A. Education and Prevention Programs:**

1. KVCC engages in comprehensive, intentional, and integrated programming, initiatives, strategies, and campaigns intended to end dating violence, domestic violence, sexual assault, sexual exploitations and stalking that:  
Are culturally relevant, inclusive of diverse communities and identities, sustainable, responsive to community needs, and informed by research, or assessed for value, effectiveness, or outcome;
2. Consider environmental risk and protective factors as they occur on the individual, relationship, institutional, community and societal levels.
3. KVCC prevention and awareness programs for all students and employees, including student employees, incoming students and new employees, will be developed and delivered by Student Services and Human Resources that:
  - a. Identifies domestic violence, dating violence, sexual assault and stalking as prohibited conduct.
  - b. Defines what behavior constitutes domestic violence, dating violence, sexual assault and stalking using definitions provided by the Department of Education as well as state law.
  - c. Defines what behavior and actions constitute consent to sexual activity in the State of Michigan, and the definition KVCC uses.
  - d. Provides a description for bystander intervention which means safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault, or stalking. Bystander intervention includes recognizing situations of potential harm, understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking action to intervene.
  - e. Information on risk reduction, including effects drug and alcohol often play in sexual violence incidents. Risk reduction means options designed to decrease perpetration and bystander inaction and to increase empowerment for victims in order to promote safety and to help individuals and communities address conditions that facilitate violence.

- f. Reporting obligations, options, and rights to report including how to report sexual violence to campus police or local law enforcement and the ability to pursue criminal justice proceedings simultaneously with a Title IX investigation.
  - g. How to identify/prevent sexual violence including same-sex violence
  - h. Methods for responding to victims in a nonjudgmental way.
  - i. Impact of trauma on victims.
  - j. KVCC's investigation procedures used to process sexual misconduct complaints.
  - k. Consequences of violating KVCC Policy, Student Code and State Law related to sexual misconduct.
4. Procedures in the event of an incident of sexual misconduct: An individual who has been the victim of sexual harassment, domestic violence, dating violence, sexual assault, sexual exploitation, stalking, or other sexual misconduct, is encouraged to report the incident promptly to the Title IX Coordinator, the Student Relations Coordinator or Public Safety by calling or coming in to the office to report in person. Although KVCC strongly encourages all members of its community to report violations of this policy to law enforcement, it is the victim's choice whether or not to make such a report and victims have the right to decline involvement with the police. Reports of all domestic violence, dating violence, sexual assault and stalking made to Public Safety will automatically be referred to the Title IX Coordinator for investigation regardless of the complainant's desire to pursue criminal charges. As the Title IX Coordinator is a Campus Security Authority, they will report that the incident occurred for the purposes of Clery Crime Reporting. The College will proceed with an investigation without the victim if there is a danger to the campus or the community.
5. In the event of sexual assault, medical forensic investigations are performed at the YWCA on a 24-hour on call basis for both females and males. To arrange for an examination contact the YWCA Nurse Examiner Program within 96 hours of an incident. If one does not have access to the YWCA Nurse Examiner Program, proceed to a local hospital emergency room. Victims should avoid showering or bathing prior to receiving an examination as valuable evidence could be lost.
6. As time passes, evidence may dissipate or become lost or unavailable, thereby making investigation, possible prosecution, disciplinary proceedings, or obtaining personal protection orders related to the incident more difficult. If a victim chooses not to make a complaint regarding an incident, he or she should consider speaking with Public Safety or local law enforcement to preserve evidence in the event that the victim changes her/his mind at a later date. The law also allows the complainant to file a report while withholding the complainant's name from the report. It is also important to preserve evidence by saving text messages, instant messages,

social networking pages, other communications and keeping pictures, logs or copies of other documents that would be pertinent in an investigation.

7. KVCC will provide referrals to persons who have been victims of sexual misconduct regarding resources on campus which are available at no cost to students, as well as referrals to resources off campus. If a victim is accessing community and non-KVCC services, payment for these services will be subject to state/local laws, insurance requirements, etc. , KVCC will apply appropriate disciplinary procedures to those who violate this policy. The procedures set forth below are intended to afford a prompt response to charges of sexual assault, domestic or dating violence, and stalking, to maintain confidentiality and fairness consistent with applicable legal requirements, and to impose appropriate sanctions on violators of this policy.
8. KVCC representatives will be sensitive to those who report all forms of sexual misconduct. Employees taking a complaint must inform victims about their right to file criminal charges as well as provide details as to the availability of resources. Victims need to be provided information regarding counseling, healthcare, mental health services, victim advocacy, and additional remedies to prevent contact between a complainant and accused party. Such remedies could include making changes to academic, transportation, and/or working conditions, if reasonably available. KVCC will provide the student or employee a written explanation of their rights and options regardless of whether the offense occurred off campus or on campus.
9. If a report of sexual misconduct is reported to a KVCC representative, below are the procedures that will be followed:
  - a. In the case of Stalking, Domestic Violence or Dating Violence:
    - i. Assess immediate safety needs of complainant
    - ii. Assist complainant with contacting campus public safety or local police if complainant requests AND provide contact information for local police departments.
    - iii. Provide instructions on how to apply for Protective Order if the complainant wishes to pursue this option.
    - iv. Provide information to complainant on how to preserve evidence
    - v. Assess need to implement interim or long-term protective measures to protect the complainant, if appropriate.
    - vi. Provide a No Contact or No Trespass directive to accused party if deemed appropriate.
    - vii. Provide written information regarding community resources.



b. For sexual assault and sexual exploitation KVCC will:

- i. Depending on when reported (immediate vs delayed report), provide complainant with access to medical care
  - ii. Assess immediate safety needs of complainant
  - iii. Assist complainant with contacting Public Safety or local police if complainant requests AND provide contact information for local police department
  - iv. Provide written information regarding community resources including referrals to on and off campus mental health providers
  - v. Assess need to implement interim or long-term protective measures, such as change in class schedule, "No Contact" directive between both parties.
  - vi. Provide a No Contact or No Trespass directive to accused party if deemed appropriate.
  - vii. Provide written instructions on how to apply for Protective Order
  - viii. Provide a copy of the Sexual Misconduct Policy to complainant and inform the complainant regarding timeframes for inquiry, investigation and resolution
  - ix. Inform the complainant of the outcome of the investigation, whether or not the accused will be administratively charged and what the outcome of the meeting is
  - x. Enforce the anti-retaliation policy and take immediate and separate action against parties that retaliate against a person for complaining of sex-based discrimination or for assisting in the investigation
- c. Protective measures for the student filing the complaint may range from No Contact Orders, to classroom adjustments/arrangements, to interim suspensions of the alleged perpetrator if necessary. KVCC representatives will strive to maintain confidentiality regarding protective measures provided to the victim.
- d. KVCC does not publish the name of crime victims nor house identifiable information regarding victims in the campus police departments Daily Crime Log or online.

B. Sexual Misconduct Investigation Process:

1. Reporting a Complaint

Reports concerning sexual harassment, sex/gender discrimination, sexual assault/misconduct or violations of the Sexual Misconduct Policy should be filed with the Title IX Coordinator or his/her designee. The Title IX Coordinator may, in his or her discretion, dismiss a grievance if he/she determines the person filing the complaint is not entitled to use this process. The Title IX Coordinator may modify these procedures at any time as

deemed appropriate for compliance with federal, state, local law or applicable guidance. The campus community will be notified of any changes.

## 2. Administrative Action

The College recognizes its obligation to address incidents of sexual misconduct on campus when it becomes aware of its existence even if no complaints are filed; therefore, the College reserves the right to take appropriate action unilaterally under this procedure, including but not limited to issuing no-contact orders, modification of course-schedules, etc.

With respect to students, the Student Relations Coordinator or other appropriate persons in authority may take immediate administrative or disciplinary action deemed necessary for the welfare or safety of the College community.

## 3. Withdrawal of Complaint

The complainant may withdraw the complaint at any point during the investigation; however, the Title IX Coordinator may determine in his or her discretion that the issues raised warrant further investigation despite the complainant's desire to withdraw the complaint if there is a danger to the parties or to the community.

## 4. Confidentiality

**Privacy of Proceedings and Records:** Although College officials will maintain an individual's privacy to the best of their ability, individuals should know that College officials (outside the context of licensed counselors and health professionals hired in their private capacity) may not be able to maintain legal confidentiality of the complainant, but will maintain his or her privacy as noted herein. The College's ability to investigate may be limited if a complainant insists his or her name not be disclosed to the alleged perpetrator. The College must weigh such requests for privacy against its duty to provide a safe and nondiscriminatory environment. Investigators and those involved with the investigation are individually charged to preserve privacy with respect to any matter investigated or heard. A breach of the duty to preserve privacy is considered a serious offense and may subject the offender to appropriate disciplinary action. Parties and witnesses are also admonished to maintain privacy with regard to these proceedings, and if they are College employees, failure to maintain said privacy may result in appropriate disciplinary action. Furthermore, federal law prohibits retaliation against those who file complaints, and the College will take responsive action if such retaliation occurs, up to and including termination and/or expulsion.

## 5. Investigations

Reports of student misconduct will be managed and investigated by a Title IX Coordinator, the Student Relations Coordinator or designee. Complaints involving employees will be investigated by the Vice President of Human Resources or designee. All investigations will be conducted professionally, expeditiously, and confidentially (to the extent possible). The process may take up to 60 business days to complete from start to finish, though many cases will be resolved in less time.

KVCC will provide the complainant and accused with equitable opportunities throughout the investigation and resolution process, including the opportunity to be accompanied by the advisor of their choice. The witnesses and parties are to participate directly in the process, not the advisors.

KVCC may establish further restrictions regarding the extent to which the advisor may participate in the proceedings.

Upon receipt of a complaint, the Title IX Coordinator will confirm with the complainant the receipt of the complaint, and will assign the Student Relations Coordinator, Vice President of Human Resources, or a designee to conduct the investigation. Generally, the Student Relations Coordinator, Vice President of Human Resources, or a designee interviews the complainant and any relevant witnesses identified by the complainant. Once sufficient information is gathered, the Student Relations Coordinator, Vice President of Human Resources, or a designee will then notify the charged individual of the allegations. With permission from the complainant, the Student Relations Coordinator, Vice President of Human Resources, or a designee shall advise the charged individual of the name of the complainant. Where a complainant does not wish to be identified, the extent of the investigation may be limited; however, the investigation will continue to the extent possible while maintaining the confidentiality of the complainant. The Student Relations Coordinator, Vice President of Human Resources, or a designee will interview the charged individual and any witnesses deemed relevant.

Additional evidence may be sought from any relevant party or witness, including but not limited to, email communications, social media postings, text messages, phone records, etc. Parties are expected to cooperate and provide this information. Failure to cooperate with an investigation may result in separate disciplinary proceedings. Parties should be aware that as members of the College community, their access to College resources has very limited privacy rights, and the College may obtain information through the College's resources and informational technology system with or without the individual's cooperation. The investigation and findings

generally should be completed within 60 business days of receipt of the complaint, preferably sooner as practical.

Once the Student Relations Coordinator, Vice President of Human Resources, or a designee has gathered the information, he/she shall render a determination on responsibility and refer the matter to the appropriate administrative official.

## 6. Finding

After the investigation, the Student Relations Coordinator, Vice President of Human Resources, or a designee shall render a finding based on the relevant evidence utilizing a preponderance of the evidence standard, i.e. the facts complained of are more likely true than not.

Upon completion of the investigation, the Student Relations Coordinator, Vice President of Human Resources, or a designee is authorized to take the following actions:

- a. Dismissal of the claim - The Student Relations Coordinator, Vice President of Human Resources, or a designee finds that no violation occurred and dismisses the complaint, giving written notice of said dismissal to each party involved.
- b. Determination of Responsibility - The Student Relations Coordinator, Vice President of Human Resources, or a designee makes a finding of responsibility for any of the allegations and notifies the parties and appropriate administrative officers of the finding and may recommend actions to be taken.

Both parties shall receive notification, in writing, which will include:

- i. The result of any investigation that arose from an allegation of violation.
- ii. (For students) Additional procedural rights as set forth in the KVCC Student handbook.
- iii. (For Employees) If evidence supports a finding of misconduct, the College will take appropriate corrective or disciplinary action up to and including termination of employment.
- iv. If evidence supports a finding of responsibility, the written report of the action taken shall then be placed in the personnel record of the employee or student file. Sanctions of suspension, expulsion, or revocation or withholding of a degree will become a permanent part of a student's record. Cases that result in all other sanctions will be maintained for seven (7) years.
- v. Appeal or hearing procedures are found in the Student handbook.

- c. Potential student sanctions will be applied based upon the facts and circumstances of the case. Sanctions include:
  - i. Verbal warning
  - ii. Written warning
  - iii. Probation
  - iv. Permanent removal from a course
  - v. Restitution
  - vi. Suspension
  - vii. Permanent Dismissal
  - viii. Other Sanctions – Other sanctions may be imposed instead of, or in addition to, specific sanctions listed in this section. These may include, but are not limited to: recommendations for counseling, establishment of mandatory behavior conditions/contract-signing stating agreed-upon behavior expectations for continued enrollment or reenrollment; loss of access to college computers and/or network; a specific project designed to assist the student in better understanding the overall impact of his or her behavioral infraction; a contract of terms for restitution of damages/stolen property before enrollment is continued and/or records are released. Suspension without pay from his or her on campus job; prohibit participation in extracurricular activities or interscholastic or leadership positions, or community service.
  - ix. Revocation of Admission and/or Degree – Admission to KVCC, or a degree awarded from KVCC may be revoked for fraud, misrepresentation, or other violation of KVCC standards in obtaining the degree, or for other serious violations committed by a student prior to graduation.
  - x. Denial of Degree – KVCC may withhold awarding a degree otherwise earned until the completion of the process set forth in this policy including the completion of all sanctions imposed, if any.
- d. For employee appeals, refer to the employee handbook and contracts.
- e. For hearing procedures for students, refer to the Student handbook.

### C. Violations of Law

An employee or student may be accountable for sexual misconduct under applicable local, state, and/or federal law, as well as under KVCC policy. A criminal investigation may be conducted concurrently with the Title IX investigation. Disciplinary action by KVCC may proceed while criminal proceedings are pending and will not be subject to challenge on the grounds that criminal charges involving the same incident have been dismissed or reduced.

Michigan Criminal Law statutes governing sexual misconduct are listed as follows:

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 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 is 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.

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

1. 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:
  - a. That other person is under 13 years of age.  
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 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 penetration occurs during the period of that other person's residency. As used in this subparagraph, "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.

- b. Sexual penetration occurs under circumstances involving the commission of any other felony.
- c. 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).
- d. 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.
- e. 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.
- f. 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.
- g. 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
- vi. 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.
  - vii. 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 meeting, 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 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.
- 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.
  - 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 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.

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 non- continuous 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 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 or 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 unwanted contact with the victim after having been requested by the victim to discontinue the same or a different form of unwanted contact, and to refrain from any further unwanted 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.

**IX. Effective Date:**

Currently under revision

**X. Policy History:**

Sexual misconduct is a form of harassment that has previously been addressed within KVCC's Harassment Policy. This separate Sexual Misconduct Policy was developed to



provide greater clarity to the campus community regarding what constitutes sexual misconduct and reporting responsibilities. This policy further explains appropriate procedures for resolution of complaints consistent with Title IX and was implemented to reflect changes to the Clery Act made by the Violence Against Women Reauthorization Act of 2013 (VAWA).

**XI. Next Review/Revision Date:**

January 1, 2017



## ALCOHOL AND CONTROLLED SUBSTANCES

A copy of the full alcohol and controlled substance policy is posted on the KVCC web site under Public Safety.

Students are expressly prohibited from using, buying, selling, delivering, or possessing alcoholic beverages or any controlled substance, as such items are defined by law on College property or at any College function on or off the campus.

Any student possessing or using alcoholic beverages on college property, or at a college function on or off of the campus, may be subject to the enforcement of any violation of state law as well as possible sanctions from the college. Violations by any non-student may be subject to enforcement of any violations of state law as well as they may be ask to leave the property.

### **Prohibited Substances Guidelines**

Kalamazoo Valley Community College is issuing this set of guidelines pursuant to the standards set forth in the Drug-Free Schools and Communities Act Amendments of 1989, Public Law 101-226.

Kalamazoo Valley Community College prohibits the unlawful possession, use, distribution, dispensing, or manufacture of illicit drugs or other substances and alcoholic beverages, as such terms are defined by law, on college property and at any College function or activity on or off the campus.

**Penalties**

The Controlled Substances Act, Title II of the Comprehensive Drug Abuse Prevention and Control Act of 1970, is a federal law regulating the manufacture and distribution of narcotics, stimulants, depressants, and hallucinogens. Penalties for unlawful manufacturing, distribution, and dispensing of controlled substances are found in the Controlled Substances Act as amended by Congress.

Under local, state or federal law, any person or persons arrested for unlawful possession or distribution of any quantity of a prohibited substance, including but not limited to, those listed below can be sentenced, in most cases, to not less than five years nor more than life in prison, depending upon the quantity and if death or serious injury resulted from consumption of said drug. Stiff fines may also be imposed.

Methamphetamine	Fentanyl
Heroin	Fentanyl Analogue
Cocaine	Marijuana
Cocaine Base	Hashish
PCP	Hashish Oil
LSD	

**Alcohol and Drug Abuse Education Program**

Kalamazoo Valley Community College recognizes that almost any human problem can be successfully treated provided it is identified in its early stages and referral is made to an appropriate modality of care. This applies to the problems of drug abuse and alcoholism. If a student or employee has substance abuse problems, or knows someone that does, he or she may find help by contacting one of the following agencies. All such contact and services provided will be preserved in the highest degree of confidence. Employees of Kalamazoo Valley Community College may contact Occupational Health Centers of America for assistance in resolving drug or alcohol related problems.

The college has developed a list of programs and organizations where students can be referred to for assistance with drug and alcohol abuse problems.

## **Call 211 for general assistance**

**Alano Club of Kalamazoo** 933 South Burdick St., Kalamazoo, 269-343-2711

A.A. Al-non and related meetings daily

**\*Barry County Substance Abuse Services** 915 Green St, Hastings

269-948-8041. (A, D, DSAA, 3, 4, 6)

**Campus Substance Abuse Services** 1160 Kanley Chapel or 1921 W. Michigan Ave., Kalamazoo, 269-387-2496. (A, D, 3)

**Chemical Dependency Resources** North Ave, Battle Creek

269-968-2811. Outpatient Treatment Services

**\*Community Health Center of Branch County** 1123 W. Chicago Road, Coldwater, (517) 279-9759. Substance Treatment and Referral Service. (A, D, DSAA, 3, 4, 6)

**Elizabeth UpJohn Healing Center** 2615 Stadium Drive, Kalamazoo 269.343.1651 (A, D, 1, 4)

**Gilmore Community Healing Center** 1910 Shafer Rd Kalamazoo 269.382.9832, 382-9822 (A, D, 1, 4)

**\*Gryphon Place** 3245 S Drake., Kalamazoo, 381-4357 (A, D, 4, 5)

**Health Psychology and Medicine, PC** 3503 Greenleaf Blvd., Kalamazoo, 269-375-0624. (A, D, 3)

**\*Kalamazoo Child Guidance Clinic** 2615 Stadium Drive, Kalamazoo, 269-343-1651. (A, D, 3, 4,)

**\*Kalamazoo Psychology PC** 122 W. South Street, Kalamazoo, 269-349-4219 (A, D, DSAA, 3, 4, 6)

**Mid American Consultants, Inc.** 8036 Moorsbridge Road, #2, Kalamazoo, 269-327-1438. (A, D, 3,4,6)

**Pine Rest Christian Hospital, OPD-Kalamazoo** 1530 Nichols Road, Kalamazoo, 269-343-6700. (A, D, 3, 4)

**\*Senior Services, Inc.** 345 N. Burdick, Kalamazoo, 269-382-0515 (A, D, 3, 4)

**University Substance Abuse Services Western Michigan University**, Sindecuse Health Center, rm 3235, Kalamazoo, 269.387.3257 (A, D, 3, 4)

**University Substance Abuse Clinic** 5000 Oakland Drive, Kalamazoo WMU 387-8230 (A, D, 3)

**Westside Family Medical Health Clinic, PC** 4025 West Main, Ste. 101, Kalamazoo, 269.381.2626 (A, D, 3)

A-Alcohol Services; D-Other Drug Services; DSAA-Designed Screening, Assessment Agencies; 1-Inpatient Care; 2-Residential Care; 3-Outpatient; 4-Prevention/Education; 5-Problem Assistance; 6-Screening, Assessment, Referral and Follow-up; 9-Methadone Clinic; \*State Funded

Tear this off and keep with you

**On-Campus Emergencies**

**Texas Township Campus**  
**269.488.4911**

**Arcadia Commons Campus**  
**269.488.4575**

**Off-Campus Emergencies**

**9-1-1**

Department of Public Safety   
**Kalamazoo VALLEY**™  
community college